

CITY OF HOBBS

ORDINANCE NO. 980

AN ORDINANCE AMENDING TITLE 15, BUILDINGS AND CONSTRUCTION, OF THE HOBBS MUNICIPAL CODE REGARDING MANUFACTURED HOMES AND THE LOCATION AND DESIGN OF MOBILE HOME PARKS AND RECREATIONAL VEHICLE PARKS AND ESTABLISHING RESIDENTIAL HOUSING STANDARDS.

WHEREAS, pursuant to New Mexico Statutes, a municipality may, for the purpose of promoting health, safety, morals or the general welfare, regulate and restrict within its jurisdiction the location of residential structures including manufactured housing, mobile homes, and buildings and other structures; and

WHEREAS, the City of Hobbs has received numerous complaints during the past several months regarding the many illegally placed used mobile homes, travel trailers and recreational vehicles being brought into the City limits and parked illegally on individual lots, on property containing other housing units, and those units parked illegally in the public streets, without proper permitting, safe connections to utilities and in violation of City regulations for skirting, fire codes, and other requirements; and

WHEREAS, single-wide mobile homes indiscriminately placed outside of approved mobile home parks and mobile home subdivisions are inconsistent with neighborhood character; and

WHEREAS, new regulations are needed in order to promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; prevent blighted conditions; facilitate adequate provision for transportation, water, sewerage, schools, parks and other public requirements; and control and abate the unsightly use of buildings or land.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, as follows:

SECTION 1 AMENDMENT TO THE HOBBS MUNICIPAL CODE.

The Hobbs Municipal Code is hereby amended as follows:

A. Section 15.04.040 (D) regarding carport setbacks on manufactured homes is hereby repealed.

B. Section 15.05.010 regarding Definitions is hereby amended to read as follows:

15.05.010 Definitions.

For the purposes of this title the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Banner” means any temporary sign of a lightweight fabric or similar material on which a sign is painted or printed and is mounted to a pole or building.

“Billboard” means a sign which directs attention to a business, activity, commodity, service, entertainment or communication which is not conducted, sold or offered at the premises on which the sign is located, or which does not pertain to the premises upon which the sign is located.

“Building code” means the International Building Code promulgated by the International Code Council, New Mexico Building Code and any other code adopted by this jurisdiction.

“Building inspector/building official” means the officer or other designated authority charged with administration and enforcement of this code.

“Building mounted sign” means a sign entirely supported by or through a building including a canopy sign, marquee sign, projecting sign, roof sign and wall sign.

“Combination sign” means any sign incorporating any combination of the features of pole, projecting and roof signs.

“Community service sign” means any sign which solicits support for or advertises a nonprofit community use, public use or social institution.

“Construction sign” means a sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors and similar individuals or firms having a role or interest with respect to the structure or project.

“Curb line” means the line at the face of the curb nearest to the street or roadway. In the absence of a curb line, the curb line shall be established by the City Engineer.

“Directional sign” means a sign limited to directional messages, principally for pedestrians or vehicular traffic excluding signs erected by governmental entities.

“Display surface” means the area made available by the sign structure for the purpose of displaying the advertising message.

“Electric sign” means any sign containing electrical wiring, excluding signs illuminated by an exterior light source.

“Fire Marshal” means the officer or designated authority charged with administration and enforcement of the International Fire Code.

“Freestanding sign” means any sign not affixed to a building or structure, supported by a structure that are placed on or anchored in the ground and that are independent from any building or other structures.

“Ground sign” means a sign, including its supporting structure, six feet or less in height measured from the curb, which is placed upon, or supported by the ground independent of a principal building.

“Height of sign” means the vertical distance from the top of the curb to the highest point of the sign.

“Illegal sign” means any sign not meeting the requirements of this title.

“Illuminated sign” means any sign which is directly lighted by any on-premises electrical light source, internal or external, except light sources specifically and clearly operated for the purpose of lighting the general area in which the sign is located rather than upon the sign itself.

“Lease” means any agreement whether oral or written by which one party gives to another party the right to erect or maintain an outdoor advertising device on the property of the party owning or controlling the property.

“Marquee” means a permanent roofed structure attached to and supported by the building and projecting over public property.

“Multi-business sign” means a sign that promotes a plaza, mall or similar use with multiple tenants’ advertisements.

“Nonconforming sign” means a sign which violates one or more provisions of this title any other requirement contained in, or adopted by reference within, the Hobbs Municipal Code.

“Official signs and notices” means signs and notices erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in Federal, State or local law for the purposes of carrying out an official duty or responsibility.

“Off-premise sign” means a sign, the content of which does not refer to a business or merchant doing business on the premises where the sign is displayed.

“On-premises sign” means a sign which advertises or directs attention to a business, product, service or activity which is available on the premises where the sign is located.

“Permanent sign” means a sign which is designated and intended to be anchored to the ground, building or other structure for the duration of the use of the premises.

“Pole signs” means a sign, including its supporting structure and flags not otherwise exempted, which is mounted on one or more free-standing poles or other support independent of a building and having its lowest edge ten (10) feet or more above the elevation of the top of curb of the nearest roadway or if no curb the City Engineer will establish the elevation.

“Political sign” means a temporary sign pertaining to any national, State or local election or cause which is displayed for a limited period of time.

“Portable signs” means a sign that is designed to be transported and attached temporarily to the ground, a structure or another sign.

“Projecting sign” means a sign other than a wall sign, which projects from and is supported by a wall of a building or structure.

“Projection” means a distance by which a sign extends over public property or beyond the building line.

“Public utility signs” means warning sign, informational sign, notice or markers which are customarily erected and maintained by publicly or privately owned public utilities, as essential to their operations but is not advertising a product.

“Real estate sign” means a sign intended to be displayed for a limited period of time which advertises the financing, development, sale, transfer, lease, exchange or rent of real property or properties and with a maximum of sixteen (16) square feet for residential property and forty (40) square feet for commercial property.

“Roof sign” means a sign erected upon or above a roof or parapet of a building or structure.

“Sign” means any sign which is used or intended to be used to attract attention to the subject matter for advertising purposes with a minimum of four square feet or greater, other than painting on the surface of a building or temporary use.

“Sign copy” means the letters, numbers, symbols or geometric shapes, either in permanent or changeable form, on a sign face.

“Sign structure” means any structure which supports or is capable of supporting any sign defined in this title.

“Temporary sign” means any sign made of any material intended to be displayed for a limited period of time.

“IBC Standards” means the International Building Code Standards, promulgated by the International Code Council as adopted by this jurisdiction.

“Wall sign” means any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of the wall. (Ord. 922 § 3 (part), 2004)

C. Section 15.16.050 regarding moving of mobile homes and manufactured homes, is hereby amended to read as follows:

15.16.050 Time of moving and compliance with State regulations.

No building or structure shall be moved within the City limits on holidays, between thirty (30) minutes after sunset and thirty (30) minutes before sunrise on the next day, or between sunset on Saturday and sunrise on Monday unless a special permit is issued by the building official. However, no manufactured home or mobile home shall be moved within the City limits on weekends or holidays unless a special Saturday delivery permit application has been approved in advance by the Building Official. All laws, rules and regulations of the State shall be complied with and made a part of this chapter. (Ord. 922 § 3 (part), 2004: Ord. 885 (part), 2001: prior code § 7-14(D))

D. **Section 15.24 in its entirety, Regarding MANUFACTURED HOMES, is hereby amended to read as follows:**

SECTION 2 GENERAL PROVISIONS.

A. The purpose of this Ordinance is to guide the orderly growth and development of Hobbs in accordance with the City of Hobbs Comprehensive Plan in order to protect health, safety and general welfare of current and future inhabitants of the City of Hobbs, New Mexico, and, in particular, to protect their interests from adverse impacts of land use including to protect the City’s residential areas from the haphazard, disorganized and indiscriminate location throughout the City of mobile homes as defined in NMSA 3-21A-2(B).

B. This Ordinance is adopted pursuant to the authority granted by the Constitution and laws of the State of New Mexico, including but not limited to, that contained in NMSA 3-21A et. seq. as amended and pursuant to the Manufactured Housing Requirements adopted by the New Mexico Manufactured Housing Division Title 14, Chapter 12, Part 2, the Manufactured Housing Act pursuant to 60-14-1 through 60-14-

20 NMSA and the HUD 3280 Manufactured Housing Construction and Safety Standards and the HUD 3282 Procedural Enforcement Regulations.

C. This Ordinance shall become effective from and after the date of its approval and adoption as provided by law.

D. Relationship To Comprehensive Plan. It is the intention of the City that these regulations are adopted in conformance with and to implement the Hobbs Comprehensive Plan. Consistent with Section 3-21-5, NMSA 1978, these regulations are designed to: lessen congestion; secure safety from fire, flood waters, panic, and other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; and control and abate the unsightly use of buildings or land. Also, it is the intention of the City in adopting these regulations, to give reasonable consideration, among other things, to conserving the value of buildings and land throughout its jurisdiction.

E. Relationship to Other City Regulations and Private Deed Restrictions.

1. If any provision of these regulations imposes a higher standard than that required by any other City regulation not contained in these planning regulations, the provisions of this Ordinance control. If any provision of any City regulation not contained in these planning regulations imposes a higher standard that regulation controls.

2. Relationship to Private Restrictions. The provisions of this Ordinance are not intended to abrogate any deed restriction, covenant, easement or any other private agreement or restriction on the use of land; provided however that where the provisions of this Ordinance are more restrictive or impose higher standards than a private restriction, the requirements of this Ordinance shall control. Private restrictions shall not be enforced by the City.

F. Effect on Existing Permits. This Ordinance is not intended to abrogate or annul any permits issued before the effective date of the provisions of this Ordinance.

G. General rules and regulations.

1. The issuance of a manufactured home building permit does not release the applicant from conditions of any applicable subdivision restrictive covenants or deed restrictions or Manufactured Housing Division regulations.

2. Manufactured homes are prohibited for commercial use unless the unit is brought into compliance for commercial use. A building permit is required before final approval and a certificate of occupancy is granted.

3. No manufactured home shall be a nuisance to public safety by creating fire hazards or any hazard to life. If found to be hazardous to life as stated, the City may take action to remove, relocate, clean or clear the property as stated in Chapter 8.24.

4. No manufactured home, recreational vehicle, travel trailer or similar use, shall be used as an addition to a regular dwelling unit.

5. No two singlewide manufactured homes are to be used as a multiunit unless the mobile home is designed and made to comply with manufactured housing division regulations.

6. Grandfather clause.

a) If a residence is condemned or burned in an area where no manufactured housing is allowed, a multi-section manufactured housing unit will be allowed for placement providing all other City and State requirements are satisfied, including private deed restrictions.

b) An existing mobile home park having a minimum of four spaces shall be allowed to remain in place providing that the requirements of this Ordinance are met; the mobile home park was fully operational at the time of adoption of this Ordinance; and the mobile home park is operated continuously without a 12 month break in operation following the effective date of this Ordinance.

SECTION 3 DEFINITIONS RELATING TO MOBILE HOMES AND MANUFACTURED HOMES.

Mobile Home – Single Wide (Trailer) - As used in the Manufactured Housing and Zoning Act [3-21A-1 NMSA 1978]: "mobile home means a movable or portable housing structure larger than forty feet in body length, eight feet in width or eleven feet in overall height, designed for and occupied by no more than one family for living and sleeping purposes that is not constructed to the standards of the United States Department of Housing and Urban Development, the National Manufactured Housing Construction and Safety Standards Act of 1974, and the Housing and Urban Development Zone Code 2 or International Building Code, as amended to the date of the unit's construction or built to the standards of any municipal building code.

Manufactured Housing - As used in the Manufactured Housing and Zoning Act [3-21A-1 NMSA 1978]: "multi-section manufactured home" means a manufactured home or modular home that is a single-family dwelling with a heated area of at least thirty-six by twenty-four feet and at least eight hundred sixty-four square feet and constructed in a factory to the standards of the United States Department of Housing and Urban Development, the National Manufactured Housing Construction and Safety Standards Act of 1974, and the Housing and Urban Development Zone Code 2 or the International Building Code, as amended to the date of the unit's construction, and installed consistent with the New Mexico Manufactured Housing Act and with the rules made pursuant thereto relating to permanent foundations.

Manufactured Home - Means a movable or portable housing structure over thirty-two feet in length and over eight feet in width constructed to be towed on its own chassis and designed to be installed with or without a permanent foundation for human occupancy as a residence and which may include one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity or may be two or more units separately tow-able but designed to be joined into one integral unit, as well as a single unit. "Manufactured home" does not include recreational vehicles or modular or pre-manufactured homes, built to Uniform Building Code standards, designed to be permanently affixed to real property. "Manufactured home" includes any

movable or portable housing structure over twelve feet in width and forty feet in length which is used for nonresidential purposes.

Modular Housing or Modular Structures – Residential Housing and other structures which are regulated pursuant to the State of New Mexico Administrative Code Title 14, Housing and Construction, Chapter 12 Manufactured Housing, Part 3 Modular Structures.

NMAC or NMAC Rules – shall mean the State of New Mexico Administrative Code Title 14, Housing and Construction, Chapter 12 Manufactured Housing or subsections thereof.

Recreational Vehicle or Travel Trailer - Recreational vehicle means a vehicle which is: (1) built on a single chassis; (2) four hundred (400) square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable by a light duty truck; (4) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.

Mobile Home Park - shall have the meaning provided in Section 47-10-2 NMSA, 1978, as amended: a parcel of land used for the continuous accommodation of twelve (12) or more occupied mobile homes and operated for the pecuniary benefit of the owner of the parcel of land, his agents, lessees or assignees. "Mobile home park" does not include mobile home subdivisions or manufactured home subdivisions.

Mobile Home Subdivision - a subdivision on a parcel of land a minimum of 1.0 acres and designed and developed for long term residential use and intended for sale or use where the principal residential structures are either mobile homes or manufactured housing.

Recreational Vehicle Park - Recreational vehicle park or travel trailer park means a plot or parcel of land designed and developed specifically for the short-term, temporary occupancy of travel trailers, motor homes, pick-up campers, converted buses, tent-trailers or similar devices used for temporary portable housing.

Comprehensive Plan and Major Thoroughfare Plan - The term "Comprehensive Plan" shall mean the most recently adopted Comprehensive Plan for the City of Hobbs, including text, tables, maps and subsequent amendments and the adopted "Major Thoroughfare Plan" and the adopted "Hobbs Urban Growth Map".

Non-Conforming Mobile Home, Mobile Home Park, and Recreational Vehicle Park – Nonconforming means a lawfully occupying mobile home or mobile home park, or recreational vehicle park existing within the City limits of Hobbs at the time the provisions of this Ordinance became effective and which does not conform to the regulations of the planning district map in which it is located.

Residential Housing Standards – These standards relate to exterior appearance and are intended 1) to improve the overall image and visual quality of the city in order to promote better neighborhoods and economic development; 2) to improve the quality of development, increasing its value and promoting its marketability; and 3) to improve the curb appeal of private residential development through the use of higher quality exterior

materials and building design features. The primary emphasis is to improve the appearance of manufactured housing on individual lots within the City. However, due to the complexities of state regulations, all detached housing units, including site build and modular housing units must be addressed by these standards.

Attached Housing Unit – A housing unit or residential structure that is attached to another residential structure, such as a unit in a duplex or four-plex or an attached townhome or condominium with a common wall to another housing unit.

Detached Housing Unit – A housing unit or residential structure, including any attached carport or garage that is designed, constructed and/or located as a separate residential housing structure with complete separation from any other adjacent residential structure. A mobile home, manufactured home, whether single wide or multi-section, is defined as a detached housing unit, and as such is not designed to connect with a common wall to another housing unit.

Planning District 1. Mobile Home Park Planning District (MHP).

The Mobile Home Park district is established to provide for locations, usually under a single ownership, in which multiple detached “mobile home” units may be placed with appropriate development standards to ensure adequate spacing, access and open space. The district is especially intended for existing older-model units that are not classified under the U.S. Department of Housing and Urban Development (HUD) standards as “manufactured homes” and/or may not comply with current minimum size standards or construction codes. “Manufactured home” units may also be placed within an MHP district but, under state law, must also be accommodated within other residential areas where “mobile home” units may be restricted. No new Mobile Home Parks may be established unless all requirements of this Ordinance and the Municipal Code and applicable state law are met. The minimum area required for a MHP district is two (2.0) acres.

Planning District 2. Mobile Home Subdivision Planning District (MHS).

The Residential - Mobile Home district is established to allow for areas in which a “mobile home,” as defined in this Ordinance, may be placed on an individual lot outside of a defined Mobile Home Park (as provided for in the MHP district), provided it meets all other applicable requirements of this Ordinance and the Municipal Code. Depending on the area, this could result in a series of lots containing only mobile homes or situations in which mobile homes might be interspersed with site-built housing and/or “manufactured homes,” as defined in this Ordinance. This district is provided in recognition of the ongoing need for this form of lower-cost housing in Hobbs, and also given the extent of relatively small, narrow lots in some areas of Hobbs, which has led to vacant and underutilized land in some cases. The minimum area required for a MHS district is one (1.0) acres.

Planning District 3. Recreational Vehicle Park Planning District (RVP).

The Recreational Vehicle Park district is intended for temporary, short-term occupancy of travel trailers, motor homes, pick-up campers, converted buses, tent-trailers or similar devices used for temporary portable housing. Recreational vehicle park districts shall have a minimum area of one (1.0) acre.

SECTION 4 PERMITTED LOCATIONS FOR MOBILE HOMES, MANUFACTURED HOUSING, RECREATIONAL VEHICLES and TRAVEL TRAILERS WITHIN THE CITY OF HOBBS.

A. Permitted Locations.

1. Single wide mobile homes are permitted to be located in mobile home parks and on individual lots in mobile home subdivisions.

2. Travel trailers and recreational vehicles are permitted to be located in mobile home parks and recreational vehicle parks.

3. Manufactured housing as defined herein is permitted to be located in mobile home parks, and on individual lots in mobile home subdivisions and on individual lots or parcels in any other residential subdivision within the City of Hobbs where manufactured housing is not restricted by private deed restrictions or through recorded restrictive or protective covenants, which may restrict the location of manufactured housing. The term "Manufactured Homes" specifically refers to a home built entirely in a protected environment under a federal code set by the US Department Of Housing and Urban Development (HUD). The term "Mobile Homes" describes factory-built Homes produced prior to the June 1976 HUD Code enactment.

4. Manufactured homes as defined herein are permitted to be located on individual lots or parcels in any other residential subdivision within the City of Hobbs where manufactured homes are not restricted by private deed restrictions or through recorded restrictive or protective covenants, which may restrict the location of manufactured housing, subject to the Residential Housing Standards as noted in Section 7H of this Ordinance.

B. Nonconforming Mobile Homes.

1. Following the effective date of adoption of this Ordinance, new locations of single wide mobile homes are not permitted to be located on individual lots or parcels, except as permitted by this Ordinance in mobile home parks, mobile home subdivision.

2. Existing Mobile Homes. A Mobile Home which does not meet the requirements of this Ordinance but lawfully existed within the City of Hobbs upon adoption of this Ordinance shall be allowed to continue and be maintained on the same land site provided it continues to meet all other applicable requirements of the Municipal Code. If requested, the City will prepare a letter verifying the nonconforming status of a mobile home.

C. Replacement of Nonconforming Existing Mobile Homes.

Replacement of a Mobile Home or single wide manufactured home existing prior to the adoption of this Ordinance, but which is not located in a Mobile Home Park (MHP) or Mobile Home Subdivision planning district on the same land site, is permitted only by approval of a Home Replacement Permit, and shall meet all rules, requirements and procedures in Section 8F of this Ordinance. A Home Replacement Permit must be approved by the City, pursuant to Section 8F herein.

D. Relocation of Nonconforming Mobile Homes.

A Mobile Home lawfully existing prior to the effective date of the provisions of this Ordinance may only be moved from its current location to a land site within either a Mobile Home Park (MHP) or a Mobile Home Subdivision (MHS). Any such unit proposed for relocation must be determined to be a "habitable" structure pursuant to the NMAC Section 14.12.2.22 and must be a safe and suitable dwelling unit for human habitation, and the unit must satisfy all other applicable requirements of this Ordinance and the Municipal Code.

E. An unlawful mobile home shall be relocated within one hundred eighty (180) days of the adoption of this Ordinance. An unlawful mobile home exists if any of the following apply: the unit is unsafe; has no City or State permit; violates City setbacks contained in the Major Thoroughfare Plan; shares the same lot with another principal structure; does not have appropriate skirting or insulation; or for any other violation of the Municipal code.

F. Nonconforming Recreational Vehicles and Travel Trailers.

1. A Recreational Vehicle or travel trailer existing prior to the effective date of the provisions of this Ordinance may only be moved from its current location to a land site within either a Recreational Vehicle Park (RVP) or a Mobile Home Park (MHP) planning district. All nonconforming recreational vehicles and travel trailers are not permitted to be located on individual lots or parcels, following the adoption of this Ordinance.

2. Continuation of Nonconforming Recreational Vehicles and Travel Trailers. A Recreational Vehicle or Travel Trailer lawfully existing and occupied within the city prior to the effective date of the provisions of this Ordinance, but which is not located in either a Recreational Vehicle Park (RVP) or Mobile Home Park (MHP) planning district, shall be allowed to continue and be maintained on the same land site for a period not to exceed ninety (90) days following the effective date of adoption of this Ordinance, provided it continues to meet all other applicable requirements of the Municipal Code. All recreational vehicles and travel trailers shall be removed from individual lots or parcels by the owner within ninety (90) days following the date of adoption of the Ordinance.

3. Except that as approved by the City Planner or designee, arrangements for one (1) temporary RV or travel trailer may be approved in construction yards, or as a temporary industrial project, or other temporary arrangement; or for one (1) permanent RV or travel trailer location to be located in an outdoor industrial yard to be used as quarters for a night watchman.

G. Modular Housing or Modular Structures. As defined herein, modular housing and modular structures are not affected by this Ordinance.

H. Location of an occupied mobile home, manufactured housing unit, recreational vehicle or travel trailer on a lot with another housing unit or any occupied building or structure is not permitted. Unoccupied recreational vehicles may be parked on a lot

containing another principal structure as long as the unit is not parked in the required front, rear and sides setbacks, and as permitted by deed restrictions or restrictive covenants. Parking of recreational vehicles in the right-of-way of a public street or alley is not permitted.

I. All mobile home and recreational vehicle locations shall be consistent with City Floodplain Management Ordinance provisions.

SECTION 5 PERMITTED LOCATIONS FOR MOBILE HOME PARK PLANNING DISTRICTS, RECREATIONAL VEHICLE PLANNING DISTRICTS and MOBILE HOME SUBDIVISION PLANNING DISTRICTS.

A. Planning District Map For Mobile Home Parks (MHP), Recreational Vehicle Parks (RVP) and Mobile Home Subdivision Planning District (MHS).

Planning District Map. The locations and boundaries of the various planning districts established by this Ordinance are shown on the Planning District Map which accompanies this Ordinance. This Map and all notations, references and other information on it, and all amendments to it, shall be as much a part of this Ordinance as if fully set forth and described herein. Only the Hobbs Planning Board and/or the City Commission may amend the Hobbs Planning District Map according to the procedures herein this Ordinance.

B. Review Criteria and Interpretation of District Boundaries. The Planning Division is responsible for custody of the official Hobbs Planning District Map and will promptly make any changes approved by the Planning Board. Boundaries shall follow platted lot lines, street and alley right-of-way boundaries, etc. The same shall apply for section lines, survey or other property lines, and municipal boundaries. Actions of the Planning Board establishing or amending a planning district boundary will take precedence over any conflicting information shown on the Map. The Planning Division shall interpret the planning district boundaries if there is any uncertainty regarding official planning district boundaries.

C. Planning Districts. Planning Districts included on the Planning District Map include the following:

- Mobile Home Park Planning District (MHP);
- Mobile Home Residential Subdivision Planning District (MHS).
- Recreational Vehicle Park Planning District (RVP).

SECTION 6 SPECIAL USE PERMIT APPROVAL PROCEDURES FOR PLANNING DISTRICT MAP AMENDMENT.

A. Special Use Permit Approval Process For Approval of Map Amendment of the Official Planning District Map (New Planning Districts) For Mobile Home Parks, Recreational Vehicle Parks and/or Mobile Home Subdivision - Application Procedure.

An application for an amendment to the official Planning District map may be initiated by a property owner filing a complete application with the Planning Division in a form established by the City. The application shall include the following information:
Name, address and telephone number of applicant and owner;
Legal description of the property that is the subject of the proposed amendment; A statement of the reasons why the amendment is being requested; and
Other information or documentation necessary to process the application, as required by the Planning Division. The property owner must sign the application for the planning district boundary change. Compliance with such information is necessary to place the application on the Planning Board agenda. The City Planning Division or Planning Board may require an applicant for map amendments to submit such technical studies as may be necessary to enable the proper evaluation of the application. Required studies may include, but are not limited to, traffic studies, engineering studies, noise studies or neighborhood and/or economic impact reports.

B. Planning Board Review, Public Hearing and Decision Making Process.

The Planning Board shall, after due notice herein, conduct a public hearing on the proposed map amendment. At the public hearing the Planning Board shall consider the application, the relevant supporting materials, and all comments and written materials submitted by the public at the public hearing.

The Planning Board may give consideration to the following criteria, to the extent pertinent to the application. In addition, other factors may be considered which may be relevant to the application.

Conformance of the proposed map amendment with the City's land use policies contained in the adopted Comprehensive Plan.

The character of the neighborhood.

The adjacent residential areas, nearby properties, and the extent to which the proposed new residential development of a MHP or RVP would be compatible.

The extent to which the proposed use would affect the capacity or safety of that portion of the street network, other public facilities or utilities, or existing parking problems in the vicinity of the property.

The extent to which approval of the application would diminish the character of the neighborhood.

The possibility that an error was made when the existing planning district map was created.

C. If approved, the Planning Board must find that the map amendment must foster implementation of the City's adopted Comprehensive Plan; or the area of the proposed change is different from surrounding land because it could function as a transition between adjacent neighborhood areas.

D. After the public hearing, the Planning Board shall adopt and transmit a final decision report to the applicant. The concurring vote of a simple majority of all current members of the Planning Board (four of six members) is necessary to approve any map amendment. The decision report for applications denied by the Planning Board shall state the reasons why the Planning Board denied the application. The decision of the Planning Board is final unless the applicant files an official written appeal to the City

Commission. A re-application for a map change request on the same property may not be considered within two (2) years of the date of final action on the prior application.

E. Conditional Stipulations Permitted. In the exercise of its powers to review and approve map amendments, variance and other provisions of this Ordinance, the Planning Board is authorized to make a conditional approval of a map amendment or a variance, and to place any reasonable conditions on an application in the standard course of approving the map amendment or variance.

F. Public Notice of Proposed Actions. Public notice of hearings held before the Planning Board, unless otherwise required by law, shall be given as provided in this section.

1. Published General Notice. On or before the fifteenth (15th) day before the date of any public hearing involving the establishment or amendment of any district boundary, consideration of a special use permit, or a proposed variance from any planning regulation, the Planning Division shall publish in the local newspaper of general circulation in the City of Hobbs a public notice stating the date, time and place of the public hearing at which all parties in interest and citizens shall have an opportunity to be heard. The notice shall include a short description of the proposed action, the subject property and how additional information can be obtained.

2. Mailed Notices. Whenever a planning district map amendment special use permit is proposed for an area, the Planning Division shall mail notice of the public hearing by certified mail, return receipt requested, to the owners, as shown by the records of the county treasurer, of lots of land within the area proposed to be changed by a map amendment special use permit and to all other owners within the greater of two hundred (200) feet of the subject area, or one hundred (100) feet, excluding public right-of-way, of the subject area. The mailing shall be posted on or before the fifteenth (15th) day before the date of the public hearing.

3. Notice of Proposed Variances. Whenever a variance from the regulations herein are proposed on a property, the Planning Division shall follow the same legal notice and mail notice procedures as noted above for a map amendment public hearing.

4. Posting of Notice Signs. Public notice of required public hearings on property owner applications for a planning district map amendment special use permit application shall also be provided by way of a sign posted at least ten (10) days before the date of the public hearing on the property that is the subject of the application. One (1) sign shall be posted by the Planning Division for each five hundred (500) feet of frontage along a public street, with a maximum of three (3) signs required per frontage. Signs shall be located so that each sign is clearly visible from the street, or visible from the nearest public street.

5. The City may charge a reasonable fee to cover the cost of the required mailing.

SECTION 7 DESIGN STANDARDS.

A. Mobile Home Parks (MHP) Design Standards.

1. Mobile home space – Minimum Area: Square footage: 3,150 sq. ft.
Width: thirty-five (35) feet
Corner space width: forty-five (45) feet
Depth: Ninety (90) feet
Setbacks and spacing (minimum including awnings, canopies, decks and any other structures attached to, adjacent to or touching a mobile home).
Dwelling unit front setback: twenty-one feet
Dwelling unit side setback: five (5) feet
Dwelling unit rear setback: ten (10) feet
Corner lot side setback: fifteen (15) feet.
MHP boundary to any internal dwelling unit: ten feet, except adjacent to public right-of-way.
MHP boundary to any internal dwelling unit: 25 feet adjacent to public right-of-way.
Dwelling unit to any building including accessory building: ten feet
Thirty Five (35) feet setback is required from any property line of an abutting residential use existing prior to the MHP. However, this setback may be reduced five (5') feet for each additional one (1') foot of height to the exterior wall height, but the setback shall not be less than ten (10') feet to the existing residential area boundary.
Ten (10) feet setback is required to any other unit.
Minimum size is 2.0 acres and used for the continuous accommodation of 12 or more occupied mobile homes.
Only one (1) dwelling unit per mobile home park space.
All mobile home park site plans shall have a landscape plan meeting City Landscaping Standards.
2. Standards for screening, buffering, walls, etc.
 - a. All MHP shall have opaque perimeter walls and/or fences at least six (6') feet in height (measured at ground level on the exterior of the MHP) completely installed prior to the issuance of a certificate of occupancy for the MHP or each phase of the Park development. Walls, fences, and hedges shall conform to the City Building Code and Landscaping Ordinance. A clear-sight triangle of 20 feet in both directions on the mobile home space from the corner of the internal streets is required. A clear-sight triangle of at least 25 feet is required at all MHP entrances and exits.
 - b. All fences shall be located on or inside the property line or property boundary. The wall or fence shall be constructed on all boundaries of the MHP and/or RVP except for street frontages. On street frontages, the fence shall be setback a minimum of ten (10') feet. Wood fences shall require regular maintenance and a wood fence shall be replaced as necessary to maintain the buffer.
3. Utility placement shall be according to the Utility Services Policy.
4. Federal, state and local accessibility requirements shall be met.

5. Streets and access standards.

- a. All MHP shall have direct motor vehicle access from a public street, preferably a collector or higher designated street.
- b. Each mobile home space shall have direct access to an internal street. Direct access from an interior mobile home lot to exterior public streets shall be prohibited.
- c. All streets, excluding sidewalks, within a MHP shall meet standards of the City Engineer and be surfaced with 2" HMAC over an acceptable base course for private and public streets pursuant to the Major Thoroughfare Plan with the following minimum widths required as shown on the following table:

<u>MHP and RVP Streets</u>	<u>Parallel Parking</u>	<u>Paving Width (Feet)</u>
Internal Street, one way	No	21
Internal Street, one way	One side	27
Internal Street, one way	Both sides	35
Internal Street, two way	No	27
Internal Street, two way	One side	30
Internal Street, two way	Both sides	35

- d. No street within a mobile home park shall have a dead end, except for cul-de-sac streets, which shall have a minimum turning radius of 48 feet, or an alternate turn-around area as approved by the City Engineer.
- e. There shall be a network of sidewalks connecting common and/or public areas and on-site MHP service facilities with internal streets.
- f. Walkways (concrete, asphalt or unpaved surface) are encouraged where pedestrian traffic may be significant in the MHP or RVP.
- g. The MHP, including mobile home sites and streets shall be designed to insure proper drainage. A drainage plan including elevations and drainage calculations shall be approved by the City Engineer. Curbing and gutters are optional unless required by the City Engineer as deemed necessary for drainage.
- h. Street lighting shall be provided to illuminate all private and public access ways and walkways for the safe movement of vehicles and pedestrians at night. All outdoor lighting shall comply with the Municipal Code and the New Mexico Night Sky Statute.
- i. Two parking spaces per dwelling unit shall be located on each mobile home space, in compliance with the Major Thoroughfare Plan. Except that the City will consider alternative proposals for cluster lots with common parking areas and lots, separate assigned covered parking spaces or assigned enclosed group garage buildings as long as the parking requirements from the Major Thoroughfare Plan are addressed.
- j. No internal street intersections shall be less than 125 feet from MHP entrances/exits or other internal street intersections. Each intersection, internal and external, shall be designed as close to 90 degrees as possible.

6. Signs. Signs shall conform to the city's sign code.

7. Refuse. Each MHP shall provide adequate refuse collection facilities, constructed and maintained in accordance with all health regulations, to be properly screened, and designed to bar animals from access to refuse. Refuse shall be removed from collection sites at least twice a week.

8. Storage. The site plan may include the design for storage units and/or an area for vehicle parking/storage, or RV storage, as provided by the MHP owner or tenant. Each storage unit shall be anchored permanently to the ground, either on each mobile home site, or grouped into a mini-storage building arrangement. All storage units shall be setback a minimum ten (10') feet from any dwelling unit.

9. Expansion or alteration. Any existing MHP desiring to expand its area or alter its approved site plan shall do so in accordance with the provisions of this Ordinance.

10. Permitted uses in a MHP include Residential mobile homes with complete hookup to utilities. Manufactured homes or site built homes are permitted. Accessory buildings, swimming pools and recreation areas and buildings; Convenience establishments of a commercial nature, including laundries, stores, beauty shops and barbershops, may be permitted in mobile home parks subject to the following restrictions: Each such commercial establishment must meet City parking requirements; Shall be located, designed and intended to serve frequent trade or service needs primarily for residents of the park; and shall present no visible evidence of their commercial character outside the park.

B. Recreational Vehicle Park (RVP) Design Standards.

This section applies to recreational vehicles as defined in Ordinance 15.05 of the Municipal Code.

1. Overnight stays of a temporary nature are permitted in a motorized or non-motorized vehicle. The vehicle shall be specifically designed or modified for overnight accommodation.

2. Designated spaces within the park to accommodate individual recreational vehicles shall have minimum dimensions of thirty-five (35') feet width and sixty feet (60'). Pull-through spaces shall be at a sixty (60) -degree angle, if possible. Spaces along the perimeter may be at a ninety (90)-degree angle.

3. Pads for parking recreational vehicles shall be placed such that the side yard will be on the right side of the recreational vehicle, so that the vehicle's entry door opens to the yard.

4. Recreational vehicles within the park shall observe the following minimum setback requirements at all times:

a) Thirty Five (35) feet setback is required from any property line of an abutting residential use existing prior to the RVP. However, this setback may be reduced five (5') feet for each additional one (1') foot of height to the exterior wall height, but the setback shall not be less than ten (10') feet to the existing residential area.

b) Seven (7) feet from edge of parking pad to side boundary of designated recreational vehicle space;

c) Seven (7) feet from any interior street or sidewalk.

d) Ten (10) feet separation or distance is required between any RV unit to any other RV unit.

5. Utility services, sanitation, fire protection and street lighting shall be provided subject to City review and approval procedures. A drainage plan for the park shall be submitted for review and approval by the City Engineer.

6. Adequate internal sidewalks shall be provided for access to any community buildings or facilities used by park patrons, such as a pavilion, convenience store, laundry, showers, swimming pool, or restrooms.

7. Recreational vehicle parks shall comply with all requirements of the Municipal Code pertaining to recreational vehicles and fire protection standards for recreational vehicle parks.

8. All applicable rules and design standards for street and other development requirements shall be applicable for Recreational Vehicle Parks. Except that paving requirements are to pave the entrance streets for a minimum distance of one hundred (100) linear feet and all customer service parking areas and at office locations.

C. Lot of Record for MHP or RVP. The Planning Division will determine if the property contained within the Site Plan is an appropriate Lot of Record. If necessary, a Summary Subdivision or Lot Replat may be required to create the appropriate Lot of Record to correspond to the same area of the Site Plan.

D. Mobile Home Subdivisions. Mobile Home Subdivision (MHS) design shall comply with all sections of the City Subdivision Regulation. MHS shall include a fifty (50) feet setback from any property line of an abutting residential use existing prior to the MHS. The minimum lot size in a mobile home subdivision shall be 4,000 square feet and the minimum lot dimensions shall be thirty-five (35) feet by one hundred (100) feet. Fifty (50) feet setback is required from any property line of an abutting residential use existing prior to the MHS. Corner lot side setback must be a minimum of fifteen (15) feet.

E. Non-Conforming Mobile Home Park (MHP) and Nonconforming Recreational Vehicle Park (RVP).

1. Design Standards Waiver for Non-Conforming Mobile Home Park (MHP) and Nonconforming Recreational Vehicle Park (RVP). Following the effective date of adoption of this Ordinance, any existing mobile home park (MHP) or Recreational Vehicle Park (RVP) deemed to be non-conforming to the design standards herein, a waiver and abatement of the provisions of this Ordinance are granted to those existing facilities for a period of five (5) years following the effective date of adoption of this Ordinance.

2. However, all new mobile locations and recreational vehicle placements in existing nonconforming MHP or RVP must be consistent with the provisions herein, including the size of spaces and setbacks.

F. Minimum Lot Width For All City Residential Lots and Minimum Mobile Home Park Space Width and Minimum Recreational Vehicle Park Space Width.

1. The minimum lot width for all City residential lots containing detached housing units of all types shall be thirty-five (35) feet). The minimum space width in Mobile Home Parks and Recreational Vehicle Parks shall be thirty-five (35) feet).

2. The minimum lot width for all City residential lots containing attached housing units of all types shall be twenty-five (25) feet).

G. Setback requirements For Manufactured Homes on Individual Lots.

1. Front yard and Corner lot street-side yard setback requirements for placement of all manufactured homes shall comply with the adopted Major Thoroughfare Plan Section of the City Comprehensive Plan.

2. Non-street Side Yard Setback. The minimum width of each side yard shall be five feet from property line.

3. Rear Yard Setback. The minimum depth of rear yard shall be five feet from property line.

4. No manufactured home shall be located less than ten (10) feet from any other structure, including porches, patios or additions to the unit unless is an addition to the basic unit.

H. Residential Housing Standards.

1. General Purpose. Regulations in this Section have been established in accord with the Comprehensive Plan for the purpose of promoting the health, safety, morals, and the general welfare of the city. These regulations therefore are intended 1) to improve the overall image and visual quality of the city in order to promote better neighborhoods and economic development; 2) to improve the quality of development, increasing its value and promoting its marketability; and 3) to improve the curb appeal of private residential development through the use of higher quality exterior materials and building design features. The goals of the Residential Housing Standards process in general are to allow residents a newer and more modern exterior appearance with a better built, more energy efficient and safer home. The primary emphasis is to improve the appearance of manufactured housing on individual lots within the City. However, due to the complexities of state regulations, all detached housing units, including site build and modular housing units must be addressed by these standards.

b. Residential Housing Standards are applicable to all modular and site built homes built in Hobbs. All such modular and site built homes also must meet International Residential Code Standards, as enforced by the City Building Official.

c. For factory build homes, only manufactured homes meeting HUD and State of New Mexico standards will be approved. No structure of a temporary character, trailer, mobile home, camper, recreational vehicle, tent, or other temporary structure shall be used on any lot any time as a replacement home either temporarily or permanently. A Mobile Home as defined herein is a movable or portable housing structure larger than forty feet in body length, eight feet in width or eleven feet in overall height, designed for and occupied by no more than one family for living and sleeping purposes that is (*not*) constructed to the standards of the United States Department of Housing and Urban Development, the National Manufactured Housing Construction and Safety Standards

Act of 1974 and the Housing and Urban Development Zone Code 2 or Uniform Building Code.

d. For a factory build manufactured housing home, the bottom of the factory build home, "The Enclosure" must be professionally installed and must be constructed of material that matches the home and/or is similar and enhances the beauty. A trim piece is required at the bottom of home and top of enclosure. No vinyl enclosure will be permitted. If the home is set above ground, a perimeter curb shall be required to install the enclosure. No temporary steps shall be allowed. Each dwelling, if set above ground, shall have a professional built step with a minimum 5'X5' landing and railings. Each dwelling, if set in ground, shall have a concrete step structure with a minimum 3'X4' landing. Factory build homes must have tongue, axles, and wheels removed, and are enclosed at the time of set up.

e. Skirting Standards. Skirting standards for factory build homes require paint of a matching or complimentary color, and materials compatible with the structure. Bales of hay, rusty, wrinkled metal, dirt, tires, etc are expressly forbidden. Peeling paint is not permitted. The use of galvanized metal, plastic or fiberglass panels, or plywood or other composite wood product not designed for skirting a mobile home, is prohibited. Skirting or underpinning materials should be of materials designed and manufactured for use as manufactured housing skirting, such as vinyl matching the color of the manufactured home.

f. The minimum lot width for a detached residential home or structure shall be thirty-five (35') feet at the building setback line. Only one house shall be constructed per lot. However, other outbuildings incidental to residential use may also be constructed on the same lot. The lot of record must be a single tract or lot and not a combination of separate parcels.

g. No structure unfinished as to exterior shall be permitted to remain on any lot for a period exceeding six (6) months from the date of commencement of its construction. The roof of the main structure and any garage shall be constructed with a composition shingle roof or other material of better quality. A garage is not required, however any garage built is recommended to be built similar to the home. It should match or be of similar material and enhance the beauty of the property.

h. The exterior of the principal living structure shall be stucco, stone, masonry, masonry-veneer, brick, stone-veneer, brick-veneer, hardboard or wood siding construction. Exterior appearance shall be attractive and compatible with other homes in the same neighborhood. Alternative exterior materials will be reviewed and considered by the City through the variance process.

i. No boarded up windows are to be permitted in a replacement home. The structure must be covered with paint materials of a complimentary color inset into the window frame, and not merely tacked over the opening. The roof must be in good condition without leaks so as not to create damp, moldy, and unsafe conditions.

j. Additionally, buffers or buffering materials should be of masonry or planted construction, to reduce unsightly buffering effects.

k. General Concerns. If upgrading from one unit to a hopefully newer model, all yard setbacks must be adhered to as specified in the Major Thoroughfare Plan. If any variance is required for setbacks or any design or appearance code, the administrative variance and variance provisions in this Section shall be followed. Also, the City will enforce the lot of record requirements from above, which may require a replat to combine smaller lots being made into a larger building site.

SECTION 8 CITY PERMITS REQUIRED; INSPECTIONS and PERMIT APPROVAL PROCEDURES.

A. City Permit Required For All Mobile Homes. Building Official. Each mobile home to be located in a Mobile Home Park or a Mobile Home Subdivision shall require a mobile home placement permit to be issued by the City Building Official or his designee. The applicant must submit a site plan showing the location of the proposed mobile home installation including the location of the driveway, all structures connected to the mobile home such as porches, carports, etc., all other structures on the site, on-site parking spaces as required by the Major Thoroughfare Plan, location of utility service lines and any other on site facilities. All mobile homes shall meet minimum requirements of installation codes of the State of New Mexico and these standards of the City of Hobbs.

B. City Manufactured Housing Placement Permits – Application.

Permits are required for the placement of a manufactured home and an application shall be made on a form provided by the City. The applicant shall submit the following:

1. Two sets of drawings including, a plot plan showing the exact location of the unit on the property and the legal description, and a color photograph or illustration;

2. The year, model and size of unit and a copy of the State of New Mexico Permit shall be provided with the permit application. No units manufactured prior to 1976 will be allowed within the City limits unless proven to comply with HUD or IRC standards;

3. Additions, carports, garages, storage buildings, or other construction in a mobile home subdivision shall be constructed in accordance with all provisions of all State and City codes;

4. Setback requirements for all Carports installed with a manufactured home shall comply with the adopted Major Thoroughfare Plan Section of the City Comprehensive Plan. No sidewalls on carports shall be allowed within twenty one (21) feet of the front street right-of-way boundary.

C. Placement and installation.

1. The installation of a manufactured home shall follow all manufacturer's recommendations, the Manufactured Housing Division regulations, and City codes.

2. The installation of gas, plumbing, mechanical and electrical shall comply with the requirements, and be permitted by the manufactured housing division, along with being inspected by the Manufactured Housing Division of the State of New Mexico.

3. Subsequent to placement of a manufactured home on any lot, an inspection shall be conducted before placement of the unit. The following inspections are required: (1) Setbacks; (2) tie-down; (3) final inspection. Manufactured home installed in flood zone shall comply with Section 15.36.170(D).

4. No manufactured home intended for residential use shall be placed on a lot already containing a single-family dwelling, multiple-family dwelling, commercial or public building or structure, or a manufactured home.

5. Manufactured homes shall be fitted with an underpinning or skirting as addressed in the Residential Housing Standards section herein. The underpinning shall form a continuous wall that extends around the perimeter of the unit with a minimum twenty-four (24) inches by twenty-four (24) inches access panel. Existing manufactured homes shall comply with skirting and all Residential Housing Standards within one hundred eighty (180) days, all others at final inspection.

D. Specific City permit requirements are as follows:

1. The application for the City permit for the mobile home shall be made prior to transporting the mobile home in the MHP space. Both the owner of the mobile home and the transport or moving company must be co-applicants on the permit; however, the transport company will normally obtain the permit.

2. The permit will be issued for only a ten (10) day permit period, and then will expire and a new permit must be obtained. The property owner (home owner) shall submit a site plan of the mobile home space with the permit application. As part of the application, the property owner must stake the four corners of the exact location where the mobile home is to be sited.

3. City Moving Permits for Manufactured Housing.

a. Mobile homes shall not be moved into new locations during the weekend period, except as noted in Section B3 (b) below. The weekend period is hereby defined as from 5:00 PM Mountain Time on Friday afternoon until Monday morning at 7:00 AM Mountain Time. Mobile home also shall not be located during the evening and night times from 5:00 PM Mountain Time until 7:00 AM Mountain Time in the morning.

b. The City will allow a Saturday delivery of a mobile home if a prior permit application and appointment is made with the Building Official prior to Thursday at 12:00 Noon during the same week that the Saturday delivery is requested. The Building Official must approve the permit application with the Saturday delivery request prior to Friday at 12:00 Noon in order for the Saturday delivery to be approved. Inspection of the placement of the mobile home will then be made by the Inspections Department.

c. The Permit shall be placed in a conspicuous place at the job location.

4. All site-built structures, e.g., carport, are also required to have a City building permit.

E. State Inspections Required. State of New Mexico Manufactured Housing Division Inspectors are required to inspect all newly placed mobile homes and manufactured housing units. All State Installation inspections include mechanical/electrical/blocking/sewer connections/skirting/ventilation/water and all other components pursuant to the NMAC Rules located in 14.12.2. The State of New Mexico permit process assures the consumer that the Manufactured Home is a safe place to live. The City Building Official will ensure proper coordination with the State of New Mexico on permits and permitting issues.

F. Home Replacement Permit.

1. Home Replacement Permits are issued by the Inspections Division and a Home Replacement Permit shall be required to replace any existing residential structure with a newer residential structure.

2. Replacement of a Mobile Home or Manufactured Home existing prior to the adoption of this Ordinance, but which is not located in a Mobile Home Park (MHP) or Mobile Home Subdivision planning district on the same land site with an approved Manufactured Home must meet all rules and requirements and be consistent with all procedures in Section 8F of this Ordinance

3. Replacement of any other type of residential structure or home existing within the City of Hobbs prior to the adoption of this Ordinance on the same land site with another site built and/or modular housing unit must meet all rules and requirements and be consistent with all procedures in Section 8F of this Ordinance.

SECTION 9 ADMINISTRATIVE PROCEDURES.

A. Variances.

1. Variances are authorized deviations from the property development standards in this Ordinance. A variance may be appropriate when strict enforcement would represent a unique, undue and unnecessary hardship on a particular property.

2. A complete application for a variance shall be submitted by a property owner, or an agent acting on behalf of the property owner, to the Planning Division, on a form prescribed by the City, along with a nonrefundable fee, which may be established from time to time by the City Commission. Under no circumstances shall a variance be proposed or considered that would authorize a use of property for a MHP or RVP that is not otherwise permitted in the applicable planning district.

B. Planning Division Action on Minor Variations. The Planning Division shall have the authority to find that a variance application involves a minor variation, which

shall include any proposed variation from a property development standard in this Ordinance that would be a deviation of a minor nature from such adopted standard. In any such case, the Planning Division may grant an administrative approval that does not require any further review or action by the Planning Board. Any such approval must meet the conditions for considering variances herein. If the Planning Division determines that an application does not meet these conditions and does not merit approval, then the matter may be referred to the Planning Board for review and action if requested by the applicant. The record of Planning Division review and approval of minor variations shall be available for public inspection, upon reasonable request, during normal business hours.

C. Planning Board Public Hearings on Variances. For all variance applications not deemed minor by the Planning Division, the Planning Board, after due notice, shall hold a public hearing on an application for a variance. At the public hearing, the Planning Board shall consider the application, the report of the Planning Division, the relevant supporting materials and the public testimony given at the public hearing. After the close of the public hearing, the Planning Board shall vote to approve, approve with conditions, or disapprove the application for a variance.

D. Conditions for Considering Variances. To approve an application for a variance, the Planning Board shall make an affirmative finding that each of the following criteria, without exception, is met:
Special circumstances must exist that are peculiar to the land and the special circumstances are not self-imposed or the result of the actions of the applicant.
Literal interpretation and strict enforcement of the terms and provisions of this Ordinance would cause an unnecessary and undue hardship. Granting the variance is the minimum action that will make possible reasonable use of the land or structure and which would carry out the spirit of this Ordinance and would result in substantial justice.
Such variance will not alter the essential character of the district in which the property or structure is located or the property for which the variance is sought. Granting the variance will not adversely affect the health, safety or welfare of the public.

E. The Planning Board may impose such conditions on a variance as are necessary to accomplish the purposes of this Ordinance, to prevent or minimize adverse impacts upon the public and neighborhoods and to ensure compatibility. All conditions imposed upon any variance shall be expressly set forth in writing with the granting of such variance.

F. Home Replacement Permit Requirements and Standards.

1. Application Procedures. Application for a Home Replacement Permit shall be made to the Inspections Division. In addition to the application documents required for a City Building Permit under Section 7A above, the applicant must submit additional information on the replacement home proposed. The structure must be defined clearly in terms of appearance, exterior materials and trim, etc. If a Manufactured Home is proposed to be replaced with a Manufactured Home, then the color and appearance of skirting materials must be specified. A color photo or drawing of the replacement home should be provided with the permit application.

2. Review Procedures. Review of Home Replacement Permits will be conducted by the Inspections Division and the Planning Division of the City.

3. Home Replacement Design and Performance Standards.

a. General Purpose. Regulations in this Section have been established in accord with the Comprehensive Plan for the purpose of promoting the health, safety, morals, and the general welfare of the city. These regulations therefore are intended 1) to improve the overall image and visual quality of the city in order to promote better neighborhoods and economic development; 2) to improve the quality of development, increasing its value and promoting its marketability; and 3) to improve the curb appeal of private residential development through the use of higher quality exterior materials and building design features. The goals of the Replacement Home Permitting process in general is to allow residents a newer and more modern exterior appearance with a better built, more energy efficient and safer home.

b. All modular and site built replacement homes must meet International Residential Code Standards.

c. For factory build replacement homes, only manufactured homes meeting HUD and State of New Mexico standards will be approved. No structure of a temporary character, trailer, mobile home, camper, recreational vehicle, tent, or other temporary structure shall be used on any lot any time as a replacement home either temporarily or permanently. A Mobile Home as defined herein is a movable or portable housing structure larger than forty feet in body length, eight feet in width or eleven feet in overall height, designed for and occupied by no more than one family for living and sleeping purposes that is (*not*) constructed to the standards of the United States Department of Housing and Urban Development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or Uniform Building Code.

d. For a factory build manufactured housing replacement home, the bottom of the factory build home, "The Enclosure" must be professionally installed and must be constructed of material that matches the home and/or is similar and enhances the beauty. A trim piece is required at the bottom of home and top of enclosure. No vinyl enclosure will be permitted. If the home is set above ground, a perimeter curb shall be required to install the enclosure. No temporary steps shall be allowed. Each dwelling, if set above ground, shall have a professional built step with a minimum 5'X5' landing and railings. Each dwelling, if set in ground, shall have a concrete step structure with a minimum 3'X4' landing. Factory build homes must have tongue, axles, and wheels removed, and are enclosed at the time of set up.

e. Skirting Standards. Skirting standards for factory build replacement homes require paint of a matching or complimentary color, and materials compatible with the structure. Bales of hay, rusty, wrinkled metal, dirt, tires, etc are expressly forbidden. Peeling paint is not permitted. The use of galvanized metal, plastic or fiberglass panels, or plywood or other composite wood product not designed for skirting a mobile home, is prohibited. Skirting or underpinning materials should be of materials designed and manufactured for use as manufactured housing skirting, such as vinyl matching the color of the manufactured home.

f. The minimum lot width for a detached replacement home shall be thirty-five (35') feet at the building setback line. Only one house shall be constructed per lot. However, other outbuildings incidental to residential use may also be constructed on the same lot. The lot of record must be a single tract or lot and not a combination of separate parcels.

g. No structure unfinished as to exterior shall be permitted to remain on any lot for a period exceeding six (6) months from the date of commencement of its construction. The roof of the main structure and any garage shall be constructed with a composition shingle roof or other material of better quality. A garage is not required, however any garage built is recommended to be built similar to the home. It should match or be of similar material and enhance the beauty of the property.

h. The exterior of the principal living structure shall be stucco, stone, masonry, masonry-veneer, brick, stone-veneer, brick-veneer, hardboard or wood siding construction. Exterior appearance shall be attractive and compatible with other homes in the same neighborhood. Alternative exterior materials will be reviewed and considered by the City through the variance process.

i. No boarded up windows are to be permitted in a replacement home. The structure must be covered with paint materials of a complimentary color inset into the window frame, and not merely tacked over the opening. The roof must be in good condition without leaks so as not to create damp, moldy, and unsafe conditions.

j. Additionally, buffers or buffering materials should be of masonry or planted construction, to reduce unsightly buffering effects.

4. Time Requirements. The Replacement Home shall be allowed to be placed on the lot within one hundred eighty (180) days of the date of removal of the existing home.

5. General Concerns. Regarding concerns about upgrading from one unit to a hopefully newer model, all yard setbacks must be adhered to as specified in the Major Thoroughfare Plan. Also, the City will enforce the lot of record requirements from above, which may require a replat to combine smaller lots being made into a larger building site. If any variance is required for setbacks or any design or appearance code, the administrative variance and variance provisions in this Section shall be followed.

SECTION 10 SITE PLAN REVIEW.

A. General Provisions and Applicability.

Prior to new construction for any new mobile home park or recreational vehicle park or modification or expansion of any existing such facility, the developer/owner shall submit to the City of Hobbs a site plan conforming to the format outlined below. Additionally, a site plan submittal or revision is required whenever there is any substantial change affecting parking requirements, fire protection or fire lane configuration, or a change in driveway location or a change in grading or drainage on the site. The Site Plan becomes the developer's application for a City Building Permit.

B. Submission Requirements.

1. Drawings and Information Required. Required site plans shall be prepared on a standard sheet size not to exceed 24" x 36" at a scale of 1"=100' with a minimum font size of 10 point. Site plans shall also be submitted in electronic format. Required site plans shall be prepared by a registered engineer, in accordance with City regulations and policies.

2. General Information Required. North arrow; site acreage; scale (written and graphic); names of engineer, developer, property owner; legal survey of the site and lot boundary; adjacent property lines, residential areas and structures; names of adjacent property owners; and existing easements on and adjacent to the site.

3. Site Information Required.
Location, dimensions of all proposed mobile home or RV sites and all new or existing buildings, if any;
Setback and separation distances between sites;
Proposed location of screening required by this or other ordinances of the City;
Proposed location of signs, fences, and other on-site structures.
Location all streets and sidewalks serving the Site Plan area including right-of-ways, easements, intersections within 200 feet
Location of all Parking and Loading Areas, including Number and dimension of spaces;
Dimension of aisles, driveways, maneuvering areas and curb return radii;
Location of all existing and proposed fire lanes and hydrants; and
Proposed lighting plan.
Location of all landscaping, buffering and screening as required by Municipal Code and this Ordinance.
Geo-technical and Grading Report on soils, subsurface and drainage that demonstrates conformity with the City's drainage goals, objectives and standards, including direction of water flow, Quantity of on and off-site water generation; Topographic contours sufficient to evaluate drainage on and off site;
Proposed spot elevations; Existing and proposed flow lines; and points of concentrated water discharge.
A preliminary drainage plan of the area showing the size and location of each existing and proposed drainage way and/or retention or detention area.
On-site water and sewer utility facilities.
On-site utility facilities for electric power, telecommunications, natural gas and cable TV.

C. Site Plan Review and Submittal.

1. Site plans for all mobile home parks and recreational vehicle parks shall be submitted to the Planning Division. The Planning Division will determine if all of the real property within the proposed Site Plan is contained in an existing MHP or RVP Planning District. If the site plan is contained in the appropriate planning district, then the review of the Site Plan will begin. If the property within the site plan is not in the appropriate planning district, an application must first be made to the Planning Board to change the Planning District Map to include the appropriate property, pursuant to the provisions of this Ordinance. The Planning Division will also determine if the Site Plan submittal is complete with all required submittal documents.

2. Site plan review will be coordinated by the Planning Division with input from Planning, Engineering, Inspections, Utilities, Public Safety and other departments concerned with the development process.

3. Based upon its review, the staff may approve, conditionally approve, request modifications or deny approval of the site plan based on evaluation of the site plan details with respect to criteria in this subsection.

4. Staff will complete a preliminary review of the site plan and issue written preliminary review comments within ten (10) calendar days following filing of a site plan which meets all submission requirements in this ordinance. Following the preliminary review, the staff will review revised submittals and will issue a final review decision in writing within ten (10) days following filing of the revised site plan. The staff decision on a site plan is final unless appealed to the Planning Board as provided by this section.

5. Site Plan Review Criteria. In approving or denying a site plan under this article, the following criteria shall be considered:

The extent to which the site plan fulfills the goals, objectives and standards in the City's Comprehensive Plan, Major Thoroughfare Plan, and other City policies and ordinances.

Appropriate size of sites and spaces, required setbacks, distance limitations, and other density and dimensional requirements.

Safety from fire hazards and measures of fire control; Protection from flooding and water damage; and Noise and lighting glare effects on adjacent neighbors.

Adequacy of streets to accommodate the traffic generation of the proposed development; and adequacy of off-street parking and loading facilities for the uses specified.

Landscaping and screening provisions which meet requirements of the Municipal Code and this ordinance.

Impact of the proposed development on the site and surrounding properties and neighborhoods.

Safety of the motoring and pedestrian public using the facility and areas surrounding the site.

Such other measures as might secure and protect the public health, safety, morals and general welfare.

6. Effect of Site Plan Approval.

a) If development of a property with an approved site plan has not commenced within two (2) years from the date of final approval of the site plan, the site plan shall be deemed to have expired, and a review and re-approval of the approved site plan by the staff shall be required before a building permit may be issued.

b) Extensions of the approval of the site plan may be granted for a six (6) month period, if there has been no related change in the City's development requirements since the last approval; there has been no significant change in the area surrounding the site since the last approval; and there is no change in the site plan as originally approved. There is no limit to the number of extensions a property owner may request.

c) Amendments. All amendments to all applications and approvals shall be processed in the same manner as the original application. However, the applicant shall submit a summary of all elements that are proposed to be changed along with the revised plans and application.

7. Minor Deviations During Actual Development. The Planning Division may authorize minor deviations from the property development standards of this Ordinance that appear necessary in light of technical or engineering considerations first discovered during actual development and that are not reasonably anticipated during the initial approval process, as long as they comply with the spirit and intent of this Ordinance. Minor deviations shall not include increases in the intensity of use or the introduction of uses not previously approved.

D. Site Work.

1. Sections 60A through 60E of the State of New Mexico Administrative Code Title 14, Housing and Construction, Chapter 12 Manufactured Housing, apply to person(s) performing the work to install homes on a site. Sections 60B through 60D thereof apply to the general requirements for sites. (Refer to [14.12.2.60 NMAC - Rp, 14 NMAC 12.2.53, 9-14-00] for reference.)

2. The person or persons performing the work to install a manufactured home, new, used, pre-owned or resold, shall review the intended installation site and determine that the site is suitable for the home and that the installation will comply with all local and state requirements prior to the installation. All manufactured home sites designed for either a non-permanent foundation or for a permanent foundation will comply with the following minimum standards:

(a) Sites shall have acceptable soils to withstand the stresses and load bearing elements of the manufactured home to be placed upon the site.

(b) New units shall comply with the soils criteria delineated by the manufacturer in the manufacturer's installation manual.

3. Sites shall be prepared in such a manner as to comply with all locally adopted zoning, planning and floodplain requirements. This standard applies to new and used, pre-owned or resold homes.

4. Permanent foundation sites shall be prepared in such a manner that positive drainage of surface water is maintained and directed away from the manufactured home and adjacent improvements. The perimeter completely around the manufactured home shall be sloped to provide positive drainage away from the home and prevent moisture accumulation under the home, unless the manufacturer's installation instructions or the local requirements for slope and drainage applies. Slope shall be 1% to the property line or for 20 feet.

5. Every manufactured home prior to installation shall have a site plan review approved by the City and shall illustrate the placement of the home on the site, the location of property lines, the zoning classification of the site, the location, type and specifications of the septic system, water utility, electrical utility and service, and the gas utility source and size, if utilized. (Refer to [14.12.2.60 NMAC - Rp, 14 NMAC 12.2.53, 9-14-00] for reference.)

E. Local Planning and Zoning Jurisdictions Or Units Installed In Floodplain Or Mudslide Areas.

1. All installations of manufactured homes must comply with these Regulations [14.12.2 NMAC] and all locally adopted zoning and planning requirements.

2. Every dealer prior to delivery of a manufactured home sold shall have acknowledged by the consumer a document advising the consumer to check with the local governing body in the locality of the site where the home will be installed to determine installation requirements in flood zone areas. (Refer to [14.12.2.59 NMAC - Rp, 14 NMAC 12.2.52, 9-14-00] for reference.)

SECTION 11 APPEALS.

A. Appeal of Staff Decision. An appeal to the Planning Board of the staff's decision may be made if filed by the applicant in writing not more than fifteen (15) days after the date the applicant is officially notified of the staff decision. The applicant's appeal shall state all reasons for dissatisfaction with the action of the staff. The Planning Board may, by majority vote, approve, conditionally approve, or deny the site plan approval. The recommendation of the Planning Board is final unless the applicant requests in writing, within fifteen (15) days of the Planning Board action, a final review by the City Commission.

B. Appeal of Planning Board Actions. If an application to change the planning district classification of property is recommended for denial by the Planning Board, the applicant may appeal this decision to the City Commission. Such appeals must be filed within fifteen (15) days following the date of the Planning Board action.

C. City Commission Review. The staff will schedule a hearing on the appeal before the City Commission, forward the staff recommendation and the action of the Planning Board to the Commission, and notify the applicant of the hearing date. The City Commission may, by majority vote, approve, conditionally approve, or deny the site plan. The action of the City Commission is final.

SECTION 12 ENFORCEMENT AND IMPLEMENTATION.

The City of Hobbs shall have the authority to enforce the requirements and standards of this Ordinance pursuant to Section 3-21-10, NMSA 1978.

A. The City of Hobbs intends to vigorously enforce this Ordinance. If any single wide mobile home, recreational vehicle or travel trailer is placed, located, or maintained, or is used any way in violation of this Ordinance, the City shall forthwith disconnect City

utilities and other utilities from the offending dwelling unit and also disconnect utilities to any structure providing utilities to the offending unit. A minimum fine of \$250 per day shall be levied for each violation of the sections of this Ordinance. The City of Hobbs may institute any appropriate action or proceedings to:

1. prevent such unlawful placement, location, erection, conversion, maintenance or use;
2. restrain, correct or abate the violation;
3. prevent the occupancy of such mobile home, structure or land; or
4. prevent any illegal act, conduct, business or use in or about such premises.

B. Revocation of Certificate of Occupancy if Violations Occur – The City Building Official is empowered to revoke any manufactured housing placement permit (similar to Certificate of Occupancy) if repeated violations of this Ordinance occur at any dwelling unit or mobile home or recreational park.

C. Abandoned or Unsafe Mobile Homes – Removal By City. The City is empowered through condemnation powers to remove and abate any abandoned or unsafe mobile homes, recreational vehicles or manufactured housing.

D. Annexation Waiver – Following the effective date of any annexation of new territory into the City limits of Hobbs, a waiver and abatement of the provisions of this Ordinance is granted to any existing mobile home, existing mobile home park and/or existing recreational vehicle park located within the annexation area for a period of five (5) years following the effective date of annexation. This waiver applies to only to new annexations after the effective date of this Ordinance.

E. Any person who violates any provision of this chapter shall be found guilty of a misdemeanor, and upon conviction in the Municipal Court of the City of Hobbs shall be punished by a fine of not less than two hundred fifty dollars (\$250.00) or more than five hundred dollars (\$500.00) for a first or subsequent offense and by imprisonment for not more than ninety (90) days, or both, for a second or subsequent offense.

PASSED, APPROVED AND ADOPTED this 17th day of March, 2008.

CITY OF HOBBS, NEW MEXICO

By 
GARY DON REAGAN, Mayor

ATTEST:

By 
JAN FLETCHER, City Clerk