**ORDINANCE #72 AMENDMENT D**

**In accordance with the Texas Occupancy Code #1201.008, this Ordinance #72 D is an amendment to all previous ordinances relating to “mobile” and manufactured homes in the Town of Bayside, Texas. This ordinance prohibits manufactured housing in the Town of Bayside. The exception to this ordinance will include existing manufactured homes and lots having had a manufactured home with the regulations provided in the Tex.OCC.Code 1201.008 as outlined and herein.**

**Occ. Code Section 1201.008**Regulation by Municipality

**(a)**

A municipality may prohibit the installation of a manufactured home for use as a dwelling in the municipality. The prohibition must be prospective and may not apply to a manufactured home previously legally permitted by and used as a dwelling in the municipality. If a mobile home is replaced by a HUD-code manufactured home in the municipality, the municipality shall grant a permit for use of the manufactured home as a dwelling in the municipality.

**b) Permission and denial on a replacement manufactured home:**

On application, the municipality shall permit the installation of a HUD-code manufactured home denial not later than the 45th day after the date the application is received for use as a dwelling in any area determined appropriate by the municipality, including a subdivision, planned unit development, single lot, and rental community or park. An application to install a new HUD-code manufactured home for use as a dwelling is granted unless the municipality in writing denies the application and states the for the denial not later than the 45th day after the date the application is received.

**(c)**

Subsections (a) and (b) do not affect the validity of an otherwise valid deed restriction.

**(d)**

Except as approved by the department, a local governmental unit may not require a permit, a fee, a bond, or insurance for the transportation and installation of manufactured housing by a licensed retailer or installer. This subsection does not prohibit the collection of actual costs incurred by a local governmental unit that result from the transportation of a manufactured home.

**(e)**

Notwithstanding any zoning or other law, in the event that a manufactured home occupies a lot in a municipality, the owner of the manufactured home may remove the manufactured home from its location and place another manufactured home on the same property, provided that the replacement is a newer manufactured home and is at least as large in living space\* as the prior manufactured home.

\*The replacement manufactured home must meet the current square footage requirements.

**(f)**

An owner’s ability to replace the home as a result of a fire or natural disaster cannot be restricted. Other than in the case of a fire or natural disaster, a general-rule or home-rule municipality by an ordinance or charter may limit the ability of the owner to replace his home to a single replacement.

The town of Bayside exercises the one-time limit rule, described in item (F).

The Town of Bayside requires all replacement manufactured homes follow the requirements and restrictions as outlined in the existing zoning ordinances and as required by the State of Texas, be in compliance with HUD and windstorm standards.

The Town of Bayside will allow for a replacement manufactured home on an empty lot if said lot was previously approved for and had a manufactured home on the lot. If said lot has been sold and is vacant this item DOES NOT APPLY. Once a property has left ownership of the previously approved owner, this, the current manufactured home ordinance applies.