

ACTION REQUEST FORM

DATE: September 24, 2008
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, FAICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on Zoning Text Amendment proposed by City-County Inspections staff.

SUMMARY OF INFORMATION:

Zoning Text Amendment proposed by City-County Inspections staff to amend various sections of the UDO relating to Manufactured Homes (UDO-190).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: NOT REQUIRED

STAFF REPORT

DOCKET # UDO-190

STAFF: [Chris Murphy](#)

REQUEST

This UDO text amendment is proposed by City-County Inspections staff to amend and clarify several sections of the *Unified Development Ordinances* dealing with manufactured homes.

BACKGROUND

Under current UDO requirements, it is hard to differentiate between Class B, Class C and Class D Manufactured Homes. Class D Manufactured Homes, by current definition, are those homes constructed prior to September 1, 1971. Class C Manufactured Homes, by current definition, are those homes constructed after September 1, 1971 but before June 14, 1976. Class B Manufactured Homes, by current definition, are those homes that meet or exceed the United States Department of Housing and Urban Development (HUD) code requirements and further, have gable roofs with a roof pitch of three and one-half feet (3.5') of vertical rise for every twelve feet (12') of horizontal run. The 1971 dates are tied to compliance with the North Carolina Mobile Home Standard A119.1. The issue with utilizing the 1971 date is that we must rely on the Vehicle Identification Number (VIN) from the title and find the VIN on the unit to determine if a unit is a Class C or a Class D – something that is nearly impossible to do since the VIN was located on the tongue used to haul the manufactured home to the site, which is often removed or is too rusted to read the VIN. Other VIN numbers were stamped on the mechanical units or panel boxes, often which have been replaced. Further, the title does not contain any information related to when the manufactured home was constructed – the manufactured home could have even been re-titled. All of these factors make it difficult to determine the age of the manufactured homes, resulting in errors when they are initially permitted and subsequently replaced.

ANALYSIS

The proposed changes to the UDO provide greater clarity and ease of use when accepting applications for new and replacement Manufactured Home Special Use Permits and permitting and inspecting the placement of the manufactured homes on site. HUD labeling of Manufactured Homes began after June 14, 1976 with the inclusion of the serial numbers in several different locations on the unit. The HUD Certification Label, shown in Attachment A, is permanently affixed to side of the Manufactured Home. Additionally, the HUD serial number is stamped in three inch (3") high letters on the foremost cross member (steel beam) of each section of the Manufactured Home (Attachment B) as well as being located on a Data Plate within the interior of the home (Attachment C). Staff can easily verify the 1976 and newer Manufactured Homes by the 1976 HUD serial number in one of the aforementioned locations, thus ensuring greater compliance with the UDO requirements. As a result, staff recommends eliminating Manufactured Home, Class C from the Table of Permitted Uses (Table B.2.6) for all zoning jurisdictions for both the City and County. Under the proposal, however, units meeting the definition of "Manufactured Home, Class C" could still be placed as Farm Tenant Housing on a bona fide farm with a Special Use Permit issued by the Zoning Board of Adjustment.

Adopting the proposed text amendment will not have any immediate impact on any Manufactured Homes that are already nonconforming structures or that may become nonconforming structures through the adoption of the proposed language. The nonconforming Manufactured Homes will be allowed to remain, subject to continued Zoning Board of Adjustment renewal, until such time as they are replaced. When and if they are replaced, the revised language would necessitate that the replacement unit be either a Class A or Class B manufactured home. An analysis of existing Special Use Permits for Manufactured Homes reveals that the proposed text amendment would create forty-five (45) new nonconforming Manufactured Homes within the City of Winston-Salem's jurisdiction and three hundred and twenty-three (323) new nonconforming Manufactured Homes within Forsyth County's jurisdiction. Again, these nonconforming Manufactured Homes would be allowed to remain, subject to continued renewals through the respective Zoning Boards of Adjustment, but could only be replaced with new or used Manufactured Homes conforming to the requirements of the UDO.

RECOMMENDATION

APPROVAL

Chris Murphy presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Wesley Curtis moved approval of the zoning text amendment.

SECOND: Lynne Mitchell

VOTE:

FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arthur King, Clarence Lambe,
Lynne Mitchell, Brenda Smith

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning

UDO-190
AN ORDINANCE PROPOSED BY CITY-COUNTY INSPECTIONS STAFF
AMENDING AND CLARIFYING VARIOUS PROVISIONS
OF THE *UNIFIED DEVELOPMENT ORDINANCES*
DEALING WITH MANUFACTURED HOMES

Be it ordained by the City Council of the City of Winston-Salem, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter A, Article II - Definitions is hereby amended as follows:

MANUFACTURED HOME, CLASS B. Any manufactured home constructed to meet or exceed United States Department of Housing and Urban Development ~~code requirements for manufactured homes standards~~ (all manufactured homes built on or since June 15, 1976), that does not meet the definition of a Manufactured Home, Class A, and which has a gable roof having a pitch with a minimum vertical rise of ~~three and one-half (3.5)~~ two and one-half (2.5) feet for each twelve (12) feet of horizontal run.

MANUFACTURED HOME, CLASS C. A manufactured home constructed to meet or exceed North Carolina Mobile Home Standard A119.1 or which has received a limited certificate of compliance from the North Carolina Department of Insurance. These are normally manufactured homes constructed ~~after~~ on or between August 31, 1971 and June 15, 1976.

Section 2. Chapter B, Article II - Zoning Districts, *Official Zoning Maps*, and Uses is hereby amended as follows:

2-4 PERMITTED USES

2-4.1 TABLE B.2.6

Table B.2.6 displays the principal uses allowed in each zoning district and references use conditions. Table B.2.6 should be read in conjunction with the definitions of principal uses and other terms in Section A.2. Land, buildings, and structures shall only be used in accordance with the districts shown on the *Official Zoning Maps*, and subject to all requirements and conditions specified in this Ordinance.

Table B.2.6 is amended by deleting the use “Manufactured Home, Class C” for both the City of Winston-Salem (W) and Forsyth County (F) under the Residential Uses heading in all applicable zoning districts; and

Table B.2.6 is amended by changing the Condition number from 47 to 47.1 for the use “Manufactured Home, Class C” for both the City of Winston-Salem (W) and Forsyth County (F) under the Residential Uses heading.

Section 3. Chapter B, Article II - Zoning Districts, *Official Zoning Maps*, and Uses is hereby amended as follows:

2-5 USE CONDITIONS

2-5.46 MANUFACTURED HOME, CLASS A

Each Class A manufactured home shall meet the following criteria in all districts in which it is permitted, except the MH District:

- (A) **Orientation**
The longest axis shall be oriented parallel or within a ten (10) degree deflection of being parallel to the lot frontage, unless other orientation is permitted by the Board of Adjustment following a public hearing.
- (B) **Foundation**
The manufactured home shall be set up in accordance with the standards established by the North Carolina Department of Insurance. In addition, a continuous, permanent, masonry foundation or masonry curtain wall constructed in accordance with the standards of the State Residential Building Code, unpierced except for required ventilation and access, shall be installed under the perimeter. No continuous, masonry foundation or masonry curtain wall shall be required if the Manufactured Home, Class A is installed as a detached accessory dwelling on the same lot with a principle dwelling in accordance with Section B.2-6.4(C).
- (C) **Entrances**
Stairs, porches, entrance platforms, ramps, and other means of entrance and exit shall be installed or constructed in accordance with the standards set by the State Building Code, attached firmly to the primary structure. Stairs meeting the NC Building Code shall be used in conjunction with a porch or entrance platform with a minimum of twenty-four (24) square feet.
- (D) **Occupancy**
No manufactured home shall be used as a storage building. No manufactured home in a residential zoning district shall be permitted to remain unoccupied for more than sixty (60) days.
- (E) **Temporary Use**
A Class A manufactured home is allowed as a temporary use in conformance with Section B.2-7.2(H).

2-5.47 MANUFACTURED HOME, CLASS B ~~OR CLASS C~~

- (A) **Set Up**
Each Class B ~~or Class C~~ manufactured home shall be set up in accordance with the standards established by the North Carolina Department of Insurance.
- (B) **Skirting**
Each Class B ~~or Class C~~ manufactured home shall have skirting installed in accordance with the following requirements:

- (1) **Material.** Skirting shall be of noncombustible material or material that will not support combustion. Skirting material shall be durable and suitable for exterior exposures.
 - (2) **Wood Framing.** Any wood framing used to support the skirting shall be of approved moisture resistant treated wood.
 - (3) **Venting.** The skirting shall be vented in accordance with State requirements.
 - (4) **Installation.** Skirting manufactured specifically for this purpose shall be installed in accordance with the manufacturer's specifications.
 - (5) **Maintenance.** Skirting shall be properly maintained.
- (C) **Previously Approved Class B ~~or~~ C Manufactured Home**
 Any Class B ~~or~~ C manufactured home permitted through the Board of Adjustment prior to the effective date of this Ordinance, but which is no longer permitted under Table B.2.6, may request a renewal of the permit from the Board of Adjustment according to Section B.6-1.4(A). Notwithstanding the Nonconforming Situations provisions of Article B.5, such manufactured homes shall only be replaced with a Class A or Class B manufactured homes or another use permitted in the underlying zoning district per Table B.2.6.
- (D) **Occupancy**
 No manufactured home shall be used as a storage building. No manufactured home in a residential zoning district shall be permitted to remain unoccupied for more than sixty (60) days.
- (E) **Temporary Use**
A Class B manufactured home is allowed as a temporary use in conformance with Section B.2-7.2(H).

2-5.47.1 MANUFACTURED HOME, CLASS C

- (A) **Set Up**
Each Class C manufactured home shall be set up in accordance with the standards established by the North Carolina Department of Insurance.
- (B) **Skirting**
Each Class C manufactured home shall have skirting installed in accordance with the following requirements:
- (1) **Material.** Skirting shall be of noncombustible material or material that will not support combustion. Skirting material shall be durable and suitable for exterior exposures.
 - (2) **Wood Framing.** Any wood framing used to support the skirting shall be of approved moisture resistant treated wood.
 - (3) **Venting.** The skirting shall be vented in accordance with State requirements.

(4) Installation. Skirting manufactured specifically for this purpose shall be installed in accordance with the manufacturer's specifications.

(5) Maintenance. Skirting shall be properly maintained.

(C) Previously Approved Class C Manufactured Home

Any Class C manufactured home permitted through the Board of Adjustment prior to the effective date of this Ordinance, but which is no longer permitted under Table B.2.6, may request a renewal permit from the Board of Adjustment according to Section B.6-1.4(A) to remain. Notwithstanding the Nonconforming Situations provisions of Article B.5, such manufactured homes, if removed, shall only be replaced with a Class A or Class B manufactured home or another use permitted in the underlying zoning district per Table B.2.6.

(D) Occupancy

No manufactured home shall be used as a storage building. No manufactured home in a residential zoning district shall be permitted to remain unoccupied for more than sixty (60) days.

(E) Temporary Use

A Class C manufactured home is allowed as a temporary use in conformance with Section B.2-7.2(H).

(F) Farm Tenant Housing (F)

A Class C manufactured home is allowed for use as farm tenant housing on bona fide farms subject to the issuance of a Special Use Permit from the Zoning Board of Adjustment.

2-5.48 MANUFACTURED HOME, CLASS D

(A) Temporary Use

A Class D manufactured home is allowed as a temporary use in conformance with Section B.2-7.2(H).

(B) Existing Manufactured Home

Notwithstanding the Nonconforming Situations provisions of Article B.5, Class D manufactured homes lawfully existing at the time of adoption of this Ordinance may remain, but if removed, may only be replaced with a ~~Class A, B or C~~ Class A or Class B manufactured home or another use permitted ~~in that zoning district~~ in the underlying zoning district per Table B.2.6. .

(C) Occupancy

No manufactured home shall be used as a storage building. No manufactured home in a residential zoning district shall be permitted to remain unoccupied for more than sixty (60) days.

2-5.49 MANUFACTURED HOUSING DEVELOPMENT

(A) Site Size and Dimensional Requirements

- (1) **Minimum Size.** The minimum size of a zoning lot to be used as a manufactured housing development shall be four (4) acres for initial development.
- (2) **Minimum Width.** The minimum width of a zoning lot to be used as a new manufactured housing development shall be two hundred fifty (250) feet. The site width shall be measured at the manufactured home space closest to the front lot line of the development.
- (3) **Lot Size.** Each manufactured home space shall have a minimum area of four thousand (4,000) square feet with a minimum width of forty (40) feet for singlewide homes and a minimum area of five thousand (5,000) square feet with a minimum width of fifty (50) feet for multisectional units.
- (4) **Setbacks.** Each manufactured home space shall meet the following setback requirements.
 - (a) Front Yard. The minimum front yard shall be twenty (20) feet.
 - (b) Rear Yard. The minimum rear yard shall be ten (10) feet.
 - (c) Side Yard. The minimum side yard shall be five (5) feet, with a combined width of both side yards of fifteen (15) feet.

(B) Minimum Number of Spaces

A manufactured home development shall contain no fewer than ten (10) manufactured home spaces for initial development.

(C) Density

The maximum density of a manufactured housing development shall not exceed five (5) spaces per gross acre; with the exception that the maximum density may be increased to five and one-half (5.5) manufactured home spaces per gross acre when at least twelve percent (12%) of the gross site area is in common recreation area.

(D) Utilities

- (1) **Location.** All utilities within a manufactured home development shall be located underground.
- (2) **Water.** Connection to a public water system and installation of fire hydrants meeting the standards of the appropriate jurisdiction are required.
- (3) **Sewer.** Connection to a public sewer system or installation of an approved package treatment plant is required.

(E) Bufferyards

A type II bufferyard of a minimum width of thirty (30) feet shall be established along each exterior property line, except where adjacent to a private street or public right-of-way not internal to the development. Along external private streets or public rights-of-way, a type II bufferyard of a minimum of fifty (50) feet shall be established.

(F) Access

(1) External Access. No manufactured home space shall have direct vehicular access to a public or private street outside the development.

(2) Internal Access. Each manufactured home space shall have direct vehicular access to an internal private access easement and street.

(G) Common Recreation Area

A minimum of four thousand (4,000) square feet or one hundred (100) square feet per manufactured home, whichever is greater, of common recreation area shall be provided in accordance with the standards of Section B.3-6.

(H) Manufactured Home Spaces

(1) Construction. Each manufactured home space shall be constructed in compliance with the North Carolina Manufactured Home Code.

(2) Patio or Deck Area. A patio or deck area, constructed of concrete, brick, flagstone, wood, or other hard surface material and being a minimum of one hundred forty-four (144) square feet in area, shall be constructed within each space.

(3) Walkway. A hard surface walkway, being a minimum of two (2) feet wide, leading from the major entrance of the manufactured home to its parking spaces or to the street shall be constructed.

(4) Solid Waste. Each space shall have a minimum of one solid waste container with a tight fitting cover and a capacity of not less than thirty-two (32) gallons, or dumpsters of adequate capacity may be substituted. If dumpsters are provided, each such container shall be located on a concrete slab and screened on three (3) sides by an opaque fence at least eight (8) feet in height.

(I) Manufactured Homes

(1) Class C or D. Class C or D manufactured homes shall not be permitted in new ~~manufactured housing developments or expansions of or~~ existing manufactured housing developments. Existing Class C or D manufactured homes located in a manufactured housing development in operation at the time of adoption of this Ordinance are allowed to remain, but if removed, shall be replaced with a Class A, or B, or C manufactured home.

(2) Setup. Each manufactured home shall meet the setup requirements of the North Carolina Manufactured Home Code.

- (3) **Skirting.** Each manufactured home shall have skirting installed in accordance with the following requirements:
- (a) Skirting shall be of noncombustible material or material that will not support combustion. Skirting material shall be durable and suitable for exterior exposures;
 - (b) Any wood framing used to support the skirting shall be of approved moisture resistant treated wood;
 - (c) The skirting shall be vented in accordance with State requirements;
 - (d) Skirting manufactured specifically for this purpose shall be installed in accordance with the manufacturer's specifications;
 - (e) Skirting shall be installed no later than sixty (60) days after the set up of the home; and,
 - (f) Skirting shall be properly maintained.
- (4) **Additions.** Prefabricated structures built by a manufacturer of manufactured home extensions meeting United States Department of Housing and Urban Development standards and any other additions meeting the State Residential Building Code may be added to any manufactured home provided that setbacks within the space can be met and a building permit is obtained.
- (5) **Vacant Manufactured Homes.** No storage of unoccupied and/or damaged manufactured homes is permitted.

(J) Accessory Structures and Uses

Accessory structures and uses permitted in manufactured housing developments shall meet standards in Sections B.2-6 and B.3-1.2(F) and (G).

(K) Site Plans

- (1) **Site Plan Review by Planning Board.** Prior to approval of a zoning permit by the Director of Inspections for the construction of a new or expansion of an existing manufactured housing development, a site plan shall be reviewed by the Planning Board. Said site plan shall meet the site plan requirements found in Section B.7.
- (2) **Conditions.** In approving the site plans for manufactured housing developments, the Planning Board shall determine that adequate provision is made for the following:
- (a) Vehicular traffic to and from the development, and traffic internal to the development, including adequate access for emergency vehicle and personnel, postal service, delivery service, and other public and private services and individuals who would require access to the premises.

- (b) Pedestrian traffic to and from the proposed manufactured home sites, common facilities, and parking areas on the premises.
- (c) Adequate types of common recreation areas, including any needed screening or landscaping.

(3) **Final Development Plan.** Prior to the issuance of a certificate of occupancy, a final development plan indicating each manufactured home space and prepared in conformance with the *Subdivision Regulations* shall be approved by the Planning staff and recorded in the office of the Register of Deeds. In addition, the corners of all manufactured home spaces shall be clearly marked on the ground with iron stakes.

(L) **Existing Manufactured Housing Developments**

(1) **Schedule for Improvements.** Manufactured housing developments lawfully existing as of December 31, 1994, shall be required to meet the following standards of this section by January 1, 2001:

(a) Bufferyards. Section B.2-5.49(E), with the exceptions:

- (i) No bufferyards shall be required where existing structures or manufactured homes interfere with installation of the bufferyard to the extent that there is less than a ten (10) foot area to plant a type II bufferyard; or,
- (ii) No bufferyards shall be required where all existing structures or manufactured homes are more than one hundred (100) feet from any public right-of-way or any adjoining property line; or,
- (iii) No bufferyards shall be required where existing utilities or septic fields interfere with installation of the bufferyard.

(b) Solid Waste. Section B.2-5.49(H)(4) with the following exceptions regarding the screening of dumpsters:

- (i) No screening shall be required if the dumpster is located at least two hundred (200) feet off any public right-of-way or is screened from view of any public right-of-way by existing structures or manufactured homes or natural topographic feature; and,
- (ii) No screening shall be required if the dumpster is located at least fifty (50) feet from any adjoining property line or is screened from view of any adjoining property line by existing structures or manufactured homes or natural topographic feature.

(c) Skirting. Section B.2-5.49(I)(3).

(d) Utilities. Section B.2-5.49(D), with the following exceptions:

- (i) No undergrounding of utilities shall be required;

- (ii) No connection to public water and/or sewer shall be required if public water and/or sewer lines are located more than two (200) feet from the manufactured housing development, or if there is no public health or safety problems with the existing water or sewer systems on the property as determined by the Forsyth County Department of Public Health.
- (e) Streets. Streets shall have a minimum of four (4) inches of gravel and be well maintained.

- (2) **Expansion of Nonconforming Manufactured Housing Developments.** No expansion of a nonconforming manufactured housing development shall be permitted unless all units in the development, both pre-existing and additional, have vertical skirting or a similar structural enclosure around the entire base of the unit between the outer walls and the ground or paved surface, and are anchored to the ground in accordance with the regulations set forth by the State of North Carolina for manufactured and modular housing units.

Section 4. Chapter B, Article II - Zoning Districts, *Official Zoning Maps*, and Uses is hereby amended as follows:

2-6 ACCESSORY USES

2-6.4 USES WHICH MAY ONLY BE ACCESSORY TO PRINCIPAL USES

(C) Dwelling, Accessory (Detached)

- (1) **Occupancy Requirements.** A special use permit for the detached accessory dwelling must be approved by the Board of Adjustment in accordance with the requirements of Section B.6-1.4. In addition, the applicant must submit a statement verifying that the occupancy requirements of this section are being met. The permit shall automatically terminate with the termination of occupancy by such persons. The principal dwelling unit or the detached accessory unit shall be occupied by the following categories of persons.
 - (a) Relative. (F) Any relative under the civil law of the first, second, or third degree of consanguinity to the head of the household owning or occupying the principal dwelling on the lot, or to the spouse (whether living or deceased) of the head of the household;

Relative. (W) Any relative under the civil law of the first, second, or third degree of kinship to the head of the household owning or occupying the principal dwelling on the lot, or to the spouse (whether living or deceased) of the head of the household;
 - (b) Adopted Person. A son or daughter by legal adoption, or the adoptive parents of the head of the household or such person's spouse, whether spouse is living or deceased;
 - (c) Other Dependent. A dependent of the head of the household or of such person's spouse as defined by the North Carolina Department of Revenue; or,

(d) Servant. A servant employed on the premises and the servant's family, but only if such servant receives more than one-half of his/her annual gross income in return for services rendered on the premises.

- (2) **Dimensional Requirements.** Any detached accessory dwelling shall comply with all dimensional requirements applicable to accessory structures in Sections B.3-1.2(F) and (G).
- (3) **Building Requirements.** Any detached accessory dwelling shall comply with all building, plumbing, electrical, and other applicable codes, other than a manufactured housing unit.
- (4) **Manufactured Home.** A Class A or B manufactured home may be used as a detached accessory dwelling; ~~a Class C manufactured home may be used as a detached accessory dwelling in those zoning districts where a Class C manufactured home is permitted as a principal use according to Table B.2.6.~~
- (5) **Number of Accessory Dwellings.** No more than one accessory dwelling, whether attached or detached, shall be permitted on the same lot.

Section 5. This Ordinance shall become effective upon adoption.