

# REQUEST FOR BOARD ACTION

## HENDERSON COUNTY BOARD OF COMMISSIONERS

**Meeting Date:** August 12, 2008

**Subject:** Land Development Code New Text Amendments from issues/concerns voiced during public hearing on 3-27-08

**Attachments:**

1. Land Development Code New Text Amendments from 3-27-08 Public Hearing
2. SR 1.5. Dwelling, Manufactured/Mobile Home (multi-section/singlewide)
3. Power Point Presentation

### SUMMARY OF REQUEST:

On March 27, 2008, the Board held a public hearing on amendments to the Henderson County 2020 Comprehensive Plan and Chapter 200A, Land Development Code (LDC). During the hearing, several citizens requested that the Board of Commissioners address two new issues pertaining to the Land Development Code. The Board of Commissioners directed staff to consider these requests and develop recommendations on the issues. These issues include:

1. The text of the R-40 (Estate Residential) zoning district was included in the LDC. The old zoning ordinance did not include the provision for conservation subdivisions. At the request of the Board, the text for the R-40 district was left intact. A request was made during the 3-27-08 hearing to allow the conservation subdivision option in the R-40 zoning district.
2. The issue of the existing manufactured homes standards and the exclusion of manufactured homes from certain zoning districts were discussed during the hearing. Several requests were made to allow manufactured homes in the R1 and R2 zoning districts with additional standards and requirements.

Staff has proposed the attached text amendments to the Land Development Code to address the above two issues (See Attachment 1).

The Henderson County Technical Review Committee (TRC) voted 7-0 to recommend that the Board of Commissioners approve text amendment 1 to allow the conservation subdivision option in the R-40 zoning district. The TRC voted 5-2 to recommend that the Board of Commissioners approve text amendment 2 to allow multi-sectioned manufactured homes in the R1, R2, R-40, WR, and LC zoning districts with changes to SR1.5, 4-b-2 as discussed. Those opposed to the motion stated that the older multi-sectioned manufactured homes were not built to the same quality and appearance standards as today's newer manufactured homes. Staff supports the TRC's recommended change to SR 1.5, 4-b-2.

The Henderson County Planning Board first considered the proposed LDC text amendments at its meeting on June 19, 2008 at which time the Board voted 6-0 to send the Board of Commissioner a favorable recommendation on text amendment 1 to allow conservation subdivisions in the R-40 zoning district. The Planning Board tabled its discussion of text amendment 2 until its July 17, 2008 meeting at which time the Board voted 6-0 to send the Board of Commissioners a recommendation to deny text amendment 2 to allow multi-section manufactured homes in the R1, R2, R-40, SW, and LC zoning districts.

Before taking action on the proposed text amendments, the Board of Commissioners must hold a public hearing. If the Board is inclined, Staff proposes that the hearing be scheduled for Wednesday, September 17, 2008, at 11:00 A.M., or schedule a special called meeting on or after that date.

**BOARD ACTION REQUESTED:**

Planning Staff recommends that the Board of Commissioners schedule a public hearing on proposed text amendments to the Land Development Code that would allow the conservation subdivision option in the R-40 zoning district, and allow multi-section manufactured homes in all zoning districts that allow single-family dwelling units for Wednesday, September 17, 2008, at 11:00 A.M., or schedule a special called meeting on or after that date.

**Suggested Motion:** I move that the Board schedule a public hearing for the proposed text amendments from issues and concerns voiced during the 3-27-08 public hearing for Wednesday, September 17, 2008, at 11:00 A.M., or schedule a special called meeting on or after that date.

# New Proposed Text Amendments to Chapter 200A, Land Development Code

**LDC Text Amendment 1:**

**Issue:** The text of the R-40 (Estate Residential) zoning district was included in the Land Development Code. The old zoning ordinance did not include the provision for conservation subdivisions. At the request of the Board of Commissioners, the text for the R-40 district was left intact. A request was made during the March 27, 2008 public hearing to allow the conservation subdivision option in the R-40 zoning district.

**Recommended Solution:** Include the conservation subdivision option in the R-40 zoning district subject to the same restrictions and requirements as all other residential zoning districts.

**§200A-37. Estate Residential District (R-40)**

**B. Dimensional Requirements.** Each use allowed in this district shall at a minimum conform to the following requirements. In some cases a specific use may be required to meet the Supplemental Requirements as set forth in §200A-63 (Supplemental Requirements). The Conservation Subdivision option shall ~~not~~ be available in the R-40 District. **Minimum lot sizes shall not apply when using the Conservation Subdivision option and an average density of 1 unit per 40,000 square feet shall be applied.**

**LDC Text Amendment 2:**

**Issue:** During the March 27, 2008 public hearing, the issue of the existing manufactured home standards and the exclusion of manufactured homes from certain zoning districts were discussed. Several requests were made to allow manufactured homes in the R1 and R2 zoning districts with additional standards and requirements. Currently, manufactured homes (singlewide, multi-section, and mobile homes) are allowed in the R2MH, R3, and R4 zoning districts with standards as outlined in SR 1.5.

**Recommended Solution:** Change the permitted use table and the zoning district regulations to allow multi-section manufactured homes in the R1, R2, R40, WR and LC zoning districts. In addition, change the supplemental requirements for manufactured homes (SR 1.5) to require masonry underpinning on multi-sectioned units.

USE TYPE	GENERAL USE DISTRICT											
	P=Permitted; S=Special Use Permit											
	R1	R2	R2MH	R3	R4	OI	MU	LC	CC	RC	I	SR
<b>1. RESIDENTIAL USES</b>												
<i>Dwelling, Manufactured Home (multi-section)</i>	P	P	P	P	P			P				1.5
<i>Dwelling, Manufactured Home (singlewide)</i>			P	P	P							1.5
<i>Dwelling, Mobile Home</i>			P	P	P							1.5

**§200A-37. Estate Residential District (R-40)**

**B. Permitted Uses.** Within the R-40 District, the following uses are permitted:

- (0) *Dwelling, single-family and manufactured homes (multi-section)*, excluding *manufactured homes (singlewide) and mobile homes* (See SR 1.8 (*Dwelling, Single Family Detached and SR 1.5 Dwelling, Manufactured/Mobile Home (multi-section/singlewide)*))).

**§200A-38. Waterfront Residential District (WR)**

**C. Permitted Uses.** Within the WR District, the following uses are permitted:

- (0) *Dwelling, single-family and manufactured homes (multi-section)*, excluding *manufactured homes (singlewide) and mobile homes* (See SR 1.8 (*Dwelling, Single Family Detached and SR 1.5 Dwelling, Manufactured/Mobile Home (multi-section/singlewide)*))).

**SR 1.5. Dwelling, Manufactured/Mobile Home (multi-section/singlewide)**

(1) All doublewide and multi-sectioned *manufactured homes* shall:

- . Have a foundation, underpinning, deck/porch, and permanent steps in accordance with the following. Foundations shall be brick, concrete block or other masonry foundation. Underpinning shall be:
  - 1. ~~(When placed on rental lots) provided along the entire perimeter of the home, enclosed from the ground to the bottom of the structure;~~
  - 2. ~~Comprised of a material manufactured for this purpose in accordance with standards set by the state regulations for manufactured/mobile homes.~~ Commonly recognized **masonry building** materials suitable for use as underpinning shall include ~~but not be limited to~~ the following: brick, concrete block **with stucco**; or natural or synthetic stone masonry. ~~or Vinyl siding or metal underpinning shall not be allowed.~~ Assemblies, products and materials manufactured expressly for the purpose of underpinning shall be installed in accordance with the manufacturers' specifications; and
  - 0. Continuous and unpierced except for ventilation as required by the state regulations for *manufactured/mobile homes*;

**TRC Recommended Change:**

**SR 1.5. Dwelling, Manufactured/Mobile Home (multi-section/singlewide)**

- (1) Any singlewide *manufactured home* which: (1) was manufactured after 1976 (*HUD* approved), (2) has been located in Henderson County prior to the initial adoption of this Chapter (September 19, 2007) and (3) do not meet the appearance criteria provided in this SR 1.5 (*Dwelling, Manufactured /Mobile Home* ) may be moved provided said *manufactured home* is:

- . Installed to meet the criteria of Section (5) (subsections e, f, and g only), and
- . Moved to either of the following locations:
  - 0. A space in an existing (as of September 19, 2007) *manufactured home park*; or
  - 1. A *lot* in ~~a~~ the **R2MH, R3, or R4** zoning district which permits the placement of new **singlewide** *manufactured homes*.

## Excerpt from Land Development Code

## SR. 1.5. Dwelling, Manufactured/Mobile Home (multi-section/singlewide)

- (1) All doublewide and multi-sectioned *manufactured homes* shall:
- a. Have a length not exceeding four (4) times the *building* width;
  - b. A main roof pitch with a minimum rise of four (4) feet for each twelve (12) feet of horizontal run. The roof shall be finished with a type of shingle that is commonly used in standard residential construction;
  - c. Have exterior siding which consists predominantly of vinyl or aluminum lap siding whose reflectivity does not exceed that of flat white paint; or wood or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
  - d. Be placed on the *lot* in harmony with the existing site-built *structures*. Where no neighboring *structures* are available for comparison, it shall be sited with the front running parallel to the *road* providing access to the site. On corner *lots* the side with the greatest *road frontage* shall be considered the front. On cul-de-sacs the home shall be sited with the front of the home being parallel to the *road* access;
  - e. The towing tongue shall be removed upon final placement of the unit; and
  - f. Have a foundation, underpinning, deck/porch, and permanent steps in accordance with the following. Foundations shall be brick, concrete block or other masonry foundation. Underpinning shall be:
    1. (When placed on rental *lots*) provided along the entire perimeter of the home, enclosed from the ground to the bottom of the *structure*;
    2. Comprised of a material manufactured for this purpose in accordance with standards set by the state regulations for *manufactured/mobile homes*. Commonly recognized *building* materials suitable for *use* as underpinning shall include but not be limited to the following: brick, concrete block; natural or synthetic stone masonry; or vinyl siding. Assemblies, products and materials manufactured expressly for the purpose of underpinning shall be installed in accordance with the manufacturers' specifications; and
    3. Continuous and unpierced except for ventilation as required by the state regulations for *manufactured/mobile homes*;
- Decks or porches shall be:
1. Provided steps;
  2. Located in front of the home;
  3. A minimum of 36 square feet and, where larger than 36 square feet, it must meet Volume VII of the state residential building code;
  4. Supported by a foundation constructed of materials compatible with the underpinning on the outer perimeter of the foundation; and
  5. Installed and constructed in accordance with the standards set by the state regulations for *manufactured/mobile homes* or, when applicable, Volume VII of the state residential building code.
- Steps shall be installed and constructed in accordance with the standards set by the state regulations for *manufactured/mobile homes* or, when applicable, Volume VII of the state residential building code.

Land Development Code New  
Text Amendments (TX-2008-03)  
from issues/concerns voiced  
during public hearing on 3-27-08

Board of Commissioner Meeting  
August 12, 2008

LDC Text Amendment 1,  
Allow the Conservation  
Subdivision Option in the R-40  
Zoning District

## Proposed Text Amendment 1:

- **Issue:** Requests were made that BOC allow the conservation subdivision option in the R-40 zoning district.
- **Solution:** Allow the conservation subdivision option in the R-40 zoning district subject to the same restrictions & requirements as all other residential zoning districts.

## LDC Text Amendment 2, Manufactured Home Provisions/Regulations



## Proposed Text Amendment 2:

- **Issue:** Concerns raised during 3-27-08 public hearing. Requests were made that BOC allow manufactured homes in the R1 & R2 zoning districts with additional standards. BOC directed staff to review the issue.
- **Solution:** Allow multi-section manufactured homes in the R1, R2, LC, R-40, and WR zoning districts & require these homes to have masonry underpinning. Vinyl siding or metal underpinning shall not be allowed.

## What are the differences?

- Mobile Home: Factory built home prior to 1976.
- Manufactured Home: Factory built home after 1976 that meet HUD standards.
- Modular Home: Factory built home that meets NC State Building Code Standards.
- Stick/Site Built Home: A home constructed/built on site that meets NC State Building Code Standards.

## Where are they allowed?

- Modular Home: Allowed in any zoning district that allows a single-family dwelling unit.
- Manufactured Home: Allowed in the R2MH, R3, & R4 zoning districts with standards.

Are There Differences Between  
Modular & Manufactured Homes?





Set Public Hearing  
and/or  
Direction to Staff.