

2017

AN ORDINANCE AMENDING THE ROBBINS UNIFIED DEVELOPMENT ORDINANCE WITH REGARD TO MANUFACTURED HOUSING

WHEREAS, N.C. Gen. Stat. § 160A-383.1(c) provides that, “A [municipality] may not adopt or enforce zoning regulations or other provisions which have the effect of excluding manufactured homes from the entire zoning jurisdiction”;

WHEREAS, the Robbins Board of Commissions is concerned about the visual appearance of the Town and about property values within the Town;

WHEREAS, in 2015 the North Carolina General Assembly approved S.L. 2016-86, which prohibits municipalities from regulating the exterior appearance of most one- and two-family dwellings. This restriction does not apply to ordinances regulating the exterior appearance of manufactured housing;

WHEREAS, G.S. § 160A-383.1(d) authorizes municipalities to adopt and enforce appearance and dimensional criteria for manufactured homes, provided that such criteria shall be designed to protect property values, to preserve the character and integrity of the community, and to promote the health, safety and welfare of area residents;

WHEREAS, the Board of Commissioners finds that the appearance and dimensional criteria established by this ordinance will meet all of these requirements; and

WHEREAS, the Board of Commissioners believes that this ordinance continues to allow manufactured housing within the Town of Robbins while seeking to address the concerns described herein.

NOW THEREFORE, BE IT ORDAINED, BY THE BOARD OF COMMISSIONERS OF THE TOWN OF ROBBINS THE FOLLOWING:

Section 1. For the purposes of the Robbins Unified Development Ordinance, the terms “manufactured home” and “mobile home” are synonymous. Any reference to a “mobile home” in the Unified Development Ordinance shall be deemed to refer to a “manufactured home.”

Section 2. Robbins Unified Development Ordinance § 152.100, “Definitions,” is hereby repealed, and the definitions contained therein are relocated to Unified Development Ordinance § 152.002. The term “family” in § 152.002 is repealed. Additionally, the term “manufactured home” in § 152.100 is replaced with an updated definition, and the terms “mobile home”; “mobile home, class A”; and “mobile home, class B” contained in § 152.100 are repealed. These changes are set forth in the attached Appendix A.

Section 3. Robbins Unified Development Ordinance Section 152.063, “Extension or Enlargement of Nonconforming Situations,” subsection (E) is revised to read as follows:

(E) Notwithstanding subsection (a), any structure used for single-family residential purposes and maintained as a non-conforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new non-conformities or

increase the extent of existing conformities with respect to such matters as setback and parking requirements. This ~~subsection paragraph~~ is subject to the limitations stated in section 152.066. (abandonment and discontinuance of nonconforming situations). This subsection does not apply to a manufactured home, either as a standalone home outside of a manufactured home park or as a home within a manufactured home park.

Section 4. Robbins Unified Development Ordinance Section 152.064, "Repair, Maintenance and Reconstruction," is revised to read as follows:

§ 152.064 REPAIR, MAINTENANCE, AND RECONSTRUCTION

(A) Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovation, i.e. work estimated to cost more than 50% of the appraised valuation of the structure to be renovated, may be done only in accordance with a zoning permit issued pursuant to this section.

(B) If a structure located on a lot where a nonconforming situation exists is damaged to an extent that the costs of repair or replacement would exceed 50% of the appraised valuation of the damaged structure, then the damaged structure may be repaired or replaced only in accordance with all applicable requirements of this section ~~with a zoning permit issued pursuant to this section~~. This ~~subsection~~ division (B) does not apply to structures other than manufactured homes used for single-family residential purposes, which structures may be reconstructed pursuant to a zoning permit just as they may be enlarged or replaced as provided in Subsection 152.063(e). This subsection applies to manufactured homes located within a manufactured home park. Subsection (C) applies to standalone manufactured homes not located in a manufactured home park.

(C) A standalone manufactured home located outside of a manufactured home park shall not be repaired or replaced if the cost to repair or replace the structure would exceed 50% of the appraised value of the damaged structure.

(D)(E) For purposes of subsections (A), (B), and (C) ~~divisions (A) and (B)~~ above:

(1) The ***COST OF RENOVATIONS OR REPAIR OR REPLACEMENT*** shall mean the fair market value of the materials and service necessary to accomplish the renovation, repair or replacement;

(2) The ***COST OF RENOVATION OR REPAIR OR REPLACEMENT*** shall mean the total cost of all the intended work and no person may seek to avoid the intent of subsections (A), (B), and (C) ~~divisions (A) and (B)~~ above by doing the work incrementally; and

(3) The ***APPRAISED VALUATION*** shall mean either the appraised valuation for property tax purposes, updated as necessary by the increase in the consumer price index since the date of the last valuation, or the valuation determined by a professionally recognized property appraiser licensed in the State of North Carolina.

(E)(D) The Administrator shall issue a permit authorized by this section if he or she finds that, in completing the renovation, repair, or replacement work:

(1) No violation of § 152.063 will occur;

(2) The permittee will comply to the extent reasonably possible with all provisions of this chapter applicable to the existing use (except that the permittee shall not lose his or right to continue a nonconforming use). As set forth in subsection (C) above, the right to continue a using a nonconforming standalone manufactured home located outside of a manufactured home park shall be lost if the cost to repair or replace the structure would exceed 50% of the appraised value; and

(3) Compliance with a requirement of this chapter is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting the requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible.

Section 5. Robbins Unified Development Ordinance Section 152.080, "Residential," is revised to read as follows:

§ 152.080 RESIDENTIAL.

(A) The following residential districts are hereby established: R-20, R-10, R-8. Each district is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts. Other objectives of some of this districts are explained in the remainder of this section.

(B) The RA-40 and RA-20 districts are designed to accommodate agricultural and residential uses normally associated with:

(1) Agricultural uses normally associated with large tracts of uninhabited land near the fringe of urban areas; and

(2) Single-family residential developments in areas not served by town or county water and sewer facilities and that are not yet appropriate for development at higher densities. ~~Mobile homes as defined in § 152.100 below are permitted in this district.~~

(C) The R-20 and R-10 Districts are designed primarily to accommodate single-family detached residential uses, excluding ~~mobile homes or~~ manufactured homes, at medium densities in areas served by town water and sewer facilities. Two-family and multi-family residences are allowed in the R-10 district.

(D) The R-8 District is designed to accommodate single-family detached, two-family and multi-family dwelling units, except for manufactured homes as well as some types of mobile homes used as single-family residences.

Section 6. Robbins Unified Development Ordinance § 152.109, “Table of Permissible Uses,” is amended to prohibit the following uses as standalone uses:

- Use # 1.112, “manufactured homes”;
- Use # 1.113, “mobile home”;
- Use # 1.114, “mobile home, Class A”; and
- Use # 1.115, “mobile home, Class B.”

References to Use # 1.113, 1.114, and 1.115 are removed from the Table of Permissible Uses, and the revised Table appears as follows:

<i>Table of Permissible Uses</i>													
<i>Zoning Districts</i>	<i>RA-40</i>	<i>RA-20</i>	<i>R-20</i>	<i>R-10</i>	<i>R-8</i>	<i>CBD</i>	<i>TBD</i>	<i>O-1</i>	<i>NBD</i>	<i>H-1</i>	<i>L-1</i>	<i>WP</i>	<i>LD</i>
1.112	Manu- factured homes	P	P			S							
1.113	Mobile home	P	P										
1.114	Mobile home, Class A	P	P										
1.115	Mobile home, Class B	P	P										

New manufactured homes will continue to be allowed within manufactured home parks, and existing manufactured homes will continue to be permitted as lawful nonconforming uses.

Section 7. Robbins Unified Development Ordinance § 152.352, “Definitions,” is hereby repealed, and the definitions contained therein are relocated to Unified Development Ordinance § 152.002. Additionally, the terms “manufactured home,” “mobile home,” and “street” contained in § 152.352 are repealed. These changes are set forth in the attached Appendix A.

Section 8. Robbins Unified Development Ordinance is amended to add a new subsection 152.355(F) which reads as follows:

(F) Design Standards

The following minimum appearance and design standards shall apply to all newly placed manufactured homes:

- (1) The minimum width of a home shall be twenty-two (22) feet of heated living space;

(2) The pitch of the roof of the home shall have a minimum vertical rise of three (3) feet for each twelve (12) feet of horizontal run;

(3) The roof shall finished with a type of shingle that is commonly used in standard residential construction of site-built homes;

(4) The exterior siding shall consist of wood, hardboard or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction of site-built homes;

(5) The home shall have installed under the home a continuous, permanent masonry foundation, unpierced except for required ventilation and access;

(6) The tongue, axles, transporting lights and removable towing apparatus shall be removed after placement on the lot and before occupancy; and

(7) The home shall be placed so that the apparent entrance or front of the home faces or parallels the principal street frontage, except where the lot size exceeds one acre.

(8) The home shall have either

(a) A roof consisting of at least two (2) directions (i.e., an L-shaped roof) or

(b) The home shall incorporate at least three (3) of the following features:

(i) A break in the roof,

(ii) At least two (2) dormers,

(iii) Variable roof elevations,

(iv) A covered porch that fronts at least 1/3 of the structure's length, or

(v) A chimney.

Section 9. Robbins Unified Development Ordinance Section 152.357, "Existing Manufactured Home Rental Communities," is revised to read as follows:

Manufactured home rental communities existing at the time of adoption of this chapter shall not be allowed to expand or increase unless such expansion meets the requirements set forth in this chapter. Additionally, existing ~~mobile homes or manufactured homes as defined in the definition section of this chapter~~, when removed from their existing location, shall not be allowed to be replaced unless the minimum lot size requirement (10,000 square feet) is observed or the overall density of the net land area (useable area excluding road right-of-way, floodplain, utility easements, etc.) is 10,000 square feet per dwelling unit. Existing manufactured homes removed from existing manufactured home parks may only be replaced by manufactured homes meeting all of the standards of Section 152.355.

Section 10. All provisions of any town ordinance or resolution in conflict with this ordinance are repealed.

Section 11. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this ____ day of _____, 2017.

Ayes: _____

Noes: _____

Absent or Excused: _____

Lonnie B. English, Mayor

ATTEST:

Julianna Sundet, Town Clerk