

ZONING ORDINANCE TEXT AMENDMENT (TA-21-01)

Manufactured Homes

February 16, 2021 Board of Supervisors Meeting – SET PUBLIC HEARING

STAFF REPORT – Department of Planning

The purpose of this staff report is to provide information to the Planning Commission and Board of Supervisors to assist them in reviewing this proposed ordinance amendment. It may be useful to members of the general public interested in this proposed amendment.

Description:

Proposed text amendment to amend Zoning Ordinance §3-C-2-s, Manufactured Homes (Mobile Homes), and Article 9 (Definitions). The purpose is to delete the minimum width requirement of 19 feet for manufactured homes and to revise the definition of “manufactured home” to comply with Code of Virginia §36-85.3, §36-85.11, and §15.2-2290.

Requested Action:

Schedule the proposed text amendment for Public Hearing at the Board’s March 16, 2021 meeting.

Background:

The current supplementary regulations for manufactured homes as set forth in Zoning Ordinance §3-C-2-s include a minimum width requirement of 19 feet for all manufactured homes. In July 2020, a property owner was issued a Notice of Violation for bringing a manufactured home onto their property without zoning approval. The property owner filed a zoning permit application in August to address the Notice of Violation. Staff denied this zoning permit application on the grounds that the manufactured home did not comply with the 19-foot minimum width requirement as the structure is 14 feet wide. The property owner took no further action to comply with the Notice of Violation.

In discussing further enforcement action with the County Attorney and the Commonwealth’s Attorney, it was determined that the 19-foot minimum width requirement in the Zoning Ordinance does not comply with Code of Virginia requirements. Code of Virginia §36-85.3 defines “manufactured home” as follows:

"Manufactured home" means a structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

Of particular note is the phrase “is eight body feet or more in width.” Code of Virginia §36-85.11 goes on to state:

"...structures meeting the definition of "manufactured home" set forth in § 36-85.3 shall be defined in local zoning ordinances as "manufactured homes." The term "manufactured home" shall be defined in local zoning ordinances solely as it is defined in § 36-85.3.

Code of Virginia §36-85.11 requires all local zoning ordinances to use the State code definition for “manufactured home” found in §36-85.3 which includes the minimum width requirement of 8 feet. The current definition of “Manufactured Homes (Mobile Homes)” does not contain language that matches the Code of Virginia definition.

Furthermore, Code of Virginia §15.2-2290 requires manufactured homes to be allowed in all zoning districts where agriculture is allowed by right subject to the same development standards that apply to site-built single-family dwellings:

Localities adopting and enforcing zoning ordinances under the provisions of this article shall provide that, in all agricultural zoning districts or districts having similar classifications regardless of name or designation where agricultural, horticultural, or forest uses such as but not limited to those described in § 58.1-3230 are the dominant use, the placement of manufactured houses that are on a permanent foundation and on individual lots shall be permitted, subject to development standards that are equivalent to those applicable to site-built single family dwellings within the same or equivalent zoning district.

The Zoning Ordinance currently applies the 19-foot minimum width requirement only to manufactured homes. There is no minimum width requirement for single-family dwellings.

In order to bring the Zoning Ordinance into compliance with Code of Virginia requirements, the County Attorney has recommended replacing the current definition of “Manufactured home (also known as MOBILE HOME)” with language that tracks the Code of Virginia definition, and that the 19-foot minimum width requirement be deleted from the applicable supplementary regulation found in §3-C-2-s.

Proposed Text Amendment:

The proposed text amendment would replace the current definition of “Manufactured home (also known as MOBILE HOME) found in Zoning Ordinance Article 9 with wording that tracks with the Code of Virginia definition of “manufactured home” as set forth in §36-85.3. The words “(also known as MOBILE HOME)” in the definition term would also be deleted. This would bring the Ordinance into compliance with Code of Virginia §36-85.11.

Regarding the “Manufactured Homes (Mobile Homes)” supplementary regulation found in Zoning Ordinance §3-C-2-s, the phrase “19 or more feet in width” would be deleted and replaced with the word “installed.” The words “(Mobile Homes)” in the supplementary regulation title would also be deleted. These changes would bring §3-C-2-s into compliance with Code of Virginia §15.2-2290.

The proposed Ordinance amendment text is included at the end of this Staff Report.

Planning Commission Recommendation:

The Planning Commission voted 10-0-1 (Bass absent) to initiate consideration of this text amendment and to schedule Public Hearing at their meeting on January 8, 2021.

Following a duly advertised Public Hearing on February 5, 2021, the Commission voted 10-0-1 (Malone absent) to recommend adoption of the proposed text amendment as presented by Staff. No comments were received at the Commission’s Public Hearing.

Staff Recommendation:

Staff recommends that the Board of Supervisors schedule Public Hearing for the March 16, 2021 Meeting. Regarding the Ordinance Update Project Policies for considering interim amendments to the current Zoning Ordinance, this text amendment would address a “critical procedural concern” as described in the Policies.

History:

- January 8, 2021.** **Commission voted 10-0-1 (Bass absent) to initiate consideration of this text amendment and to schedule Public Hearing for the February 5, 2021 Business Meeting.**

- February 5, 2021.** **Commission voted 10-0-1 (Malone absent) to recommend adoption as presented by Staff.**

- February 16, 2021.** **Placed on the Board of Supervisors’ meeting agenda to consider scheduling Public Hearing.**

Ordinance Amendment Text (changes shown in bold italics with strikethroughs where necessary):

3-C-2-s Manufactured Homes ~~(Mobile Homes):~~

Manufactured homes, permitted in the AOC and FOC zoning districts only, shall be ~~19 or more feet in width~~, ***installed*** on a permanent foundation with transportation tongue and axles removed, and subject to all other zoning standards applicable to conventional, site-built single family dwellings within the AOC and FOC districts. Skirting requirements and other applicable manufactured housing regulations of the Virginia Uniform Statewide Building Code shall be met.

Article 9 – Definitions

~~Manufactured home (also known as MOBILE HOME): A portable dwelling unit, built on a permanent chassis, transportable in one or more sections, and designed to be used as a dwelling, with or without a permanent foundation. "Mobile home" shall include a "manufactured home" as defined in Section 1200.2 of the 1987 edition of the Industrialized Building and Manufactured Home Safety Regulations of the Virginia Uniform Statewide Building Code. A manufactured~~

home (mobile home) is not a modular home. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured home:

A structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.