



TOWN OF MOUNT GILEAD PLANNING BOARD AGENDA

110 West Allenton Street, Mount Gilead, North Carolina, 27306
March 15, 2023

The Mount Gilead Planning Board will meet Wednesday, March 15, 2023 at 5:30 p.m. at Mount Gilead Town Hall, 110 West Allenton Street, Mount Gilead, North Carolina.

CALL TO ORDER

ITEM I. ADOPTION OF AGENDA

ITEM II. OLD BUSINESS

ITEM III. NEW BUSINESS.

A. Consider a proposed Zoning Ordinance amendment establishing a manufactured

home overlay district for the Town of Mt. Gilead

(Action)

ITEM IV. ADJOURNMENT

NONCONFORMITIES:

3.6 Nonconformities Associated with Manufactured Homes.

(A) Manufactured Home Parks:

- (1) Nonconforming manufactured home parks may not be expanded or increase in size which shall include adding spaces to the park. Expansion shall include adding additional manufacturing home spaces, additional manufacturing housing units, additional land area, or additional support structures/amenities. Expansion shall not include any modification or expansion to utility systems to address public health or safety issues including notices of violation or correction issued by appropriate State agencies.¹
- (2) Expansion shall require bringing the park into compliance with this Ordinance, including rezoning the property to the Manufactured Home Overlay (MHO) District as defined in Section 4.1 (B) of this Ordinance.

(B) Replacement of One Manufactured Home with Another Manufactured Home in an Established Manufactured Housing Park. Such replacement shall be permitted provided that:

- (1) New dimensional nonconformities are not created in accordance with Section 9.50 of this Ordinance,
- (2) The replacement manufactured home is constructed to the United States Department of Housing and Urban Development (HUD) standards,
- (3) The replacement home is placed in the same location as the original home, and
- (4) Such replacement occurs within 365 days of the removal of the original manufactured home. In all other situations, replacement shall be prohibited.

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(C) Replacement of One Manufactured Home with Another Manufactured Home in Areas Other Than a Lawfully Established Manufactured Housing Park or Area Covered by a Manufactured Home Overlay. Such replacement shall be permitted provided that:

- (1) New dimensional nonconformities are not created,
- (2) The replacement manufactured home is constructed to the United States Department of Housing and Urban Development (HUD) standards,
- (3) The replacement home is placed in the same general location as the original home,

¹ The Town does not want to inadvertently create a situation where a park owner cannot expand/fix a utility system to address a failing septic system or water system thereby creating a public health hazard for parking residents or surrounding residents. Further, if a park owner is placed under a notice of correction by a State agency to address a public health hazard dealing with utility issues, the Town does not want to inadvertently be seen as an impediment.

² The Town needs to establish a reasonable time limit with respect to 'when' the replacement can occur.

- (4) The replacement home conforms to the development standards listed in Section 9.48 of this Ordinance, and
- (5) Such replacement occurs within 365 days of the last day of occupancy of the original manufactured home. In instances where a replacement home exceeds the external dimensions of the original home, the external dimensions of the replacement home shall not be considered a non-conformity provided the home does not encroach into any required minimum yard other than such area of encroachment existing under the original home. In all other situations, replacement shall be prohibited.³

ARTICLE 4. ZONING DISTRICTS.

4.1 ZONING DISTRICTS ESTABLISHED.

(A) Types of Zoning Districts. All areas within the zoning jurisdiction of the Town of Mount Gilead are hereby divided into zoning districts within which the use of land and water areas; the location, height, bulk, appearance, and use of structures; the provision of parking and loading areas; and the provision of buffers and screening areas are regulated as herein provided. Zoning districts within the Town of Mount Gilead fall within one of the following categories.

(1) General Use Zoning Districts. Each general use district category serves a different purpose and imposes its own set of requirements and restrictions on the use of land in addition to the general requirements and restrictions imposed on all land or uses within the zoning jurisdiction. A general use district may be layered with an overlay district, which is a special type of general use district.

(2) Conditional Zoning Districts.

(a) Most conditional districts are established as parallel or counterpart districts to a general use district. In such cases, references in the zoning ordinance to the general use district shall be construed to also include the counterpart conditional district. In addition, there are several districts which exist only as conditional districts and do not have counterpart general use districts.

(b) Each conditional district with a counterpart general use district is intended to accomplish the purposes of the counterpart district through the development of identified uses at a specific location in accordance with this article. All regulations and uses which apply to a general use district also apply to the counterpart conditional district, and no use shall be allowed in the conditional district that is not allowed in its counterpart general use district.

³ The Town cannot require a single property owner to rezone their property to this new overlay district. That would be impractical. Having said that, staff is proposing to establish a reasonable time limit with respect to 'when' the replacement can occur. If the manufactured home is not replaced within 365 days from removal (i.e., one year), it cannot be replaced. The property owner can only redevelop the property in accordance with applicable standards.

(c) Additional conditions which may be placed upon the development by the petitioner as part of the rezoning process shall be binding upon property within a conditional district in perpetuity or until the property is rezoned by the Town Board. Such conditions may include increased buffers, architectural features, access, parking, hours of operation, or any other feature of the development that is integral to meeting the spirit and intent of this ordinance or that serves to mitigate the impacts of the development on adjacent property or the community at large. Such conditions must be enforceable by the Town, presented by the petitioner during the hearing as part of the re-zoning petition, and agreed to by the Town Board during the re-zoning process.

(d) This is a voluntary procedure which is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative or speculative proposals which may not be undertaken for some time.

(3) Overlay Districts. Overlay districts are established to provide for certain additional requirements, to permit uses not otherwise permitted in the underlying district, to prohibit uses allowed in the underlying district, or to establish special development requirements for uses permitted. Thus, where overlay districts exist and there is a conflict between the requirements and/or uses specified between the overlay and the underlying district, the standards of the overlay district shall prevail. Otherwise, the standards of the underlying district shall also be in effect for any area additionally zoned for an overlay district. A zoning map change either establishing or changing any overlay district shall be subject to the same procedures and requirements as any other zoning map change. In certain areas, two or more overlay districts may apply.

4.3 OVERLAY DISTRICTS.

(B) Manufactured Home Overlay (MHO) ⁴

(1) **Intent.** The Manufactured Home Overlay (MHO) District is established to protect the standard of living and neighborhood conditions while providing opportunities for affordable housing options consistent with the provisions of North Carolina General Statute 160D-909.

Established standards enable the use of innovative manufactured homes with a higher aesthetic standard that will invigorate these communities. The overlay could be expanded to apply to permanent installations of innovative manufactured housing in subdivisions or parks in accordance with State law.

(2) **Nonconforming Manufactured Home Parks:** In addition to the standards of Section 3.6 (B) of this Ordinance, it is the policy of the Town of Mount Gilead that non-conforming manufactured home parks would be amortized over a period of time to allow the owner/operator to meet reasonable financial payback expectations in

⁴ There are concerns related to allowing manufactured housing as a permitted use in existing general use zoning districts. Staff is recommending the creation of an overlay district to permit the location of a manufactured home with the Town. An interested developer would have to rezone property through the legislative process giving local elected officials and residents more opportunity to offer constructive comment on the validity of the proposal.

accordance with accepted practices in North Carolina. This amortization policy is established in Section 3.6 (D) of this Ordinance.

Existing parks could be limited to less fundamental standards and specifications, while new parks are required to meet a higher standard.

(3) **Applicability.** The MHO district shall be permitted as follows:

- a. Within the R-A or R-15 general use zoning district permitting manufactured homes on individual lots as follows:
 - i. Neighborhoods or subdivisions with 20 or more individual, contiguous, parcels.⁵ Individual parcels are not eligible to be rezoned to the MHO District.
- b. Manufactured Home Parks approved as part of a Conditional Rezoning application process in accordance with the provisions of this Ordinance.

(4) **Development standards.**

- a. Development of individual manufactured homes within the R-A or R-15 districts encumbered by the MHO District shall abide by the provisions of Section 9.48 of this Ordinance.
- b. Development of a Manufactured Home Park shall abide by the provisions of Section 9.50 of this Ordinance.

(5) **Permitted Uses.**

- a. Permitted uses within the district shall be consistent with Section(s) 4.5 *Table of Permitted Uses* 5.3 *One Principal Building Per Lot* of the Ordinance.⁶

(6) **Temporary Use of Manufactured Housing.** Nothing within this section shall be construed as regulating or restricting the temporary use of manufactured housing as defined within this Ordinance or regulated in accordance with the provisions of Section 9.49 of the Ordinance.

⁵ There needs to be an assessment on what an acceptable threshold will be allowing for the rezoning of property to the overlay district. The Town does not want to allow individual parcels to be rezoning to the MHO Overlay. The intent is to allow neighborhoods/subdivisions to rezone to allow for systematic and orderly development to occur. What the overall number of lots will be is up for discussion.

⁶ What does this mean? If I live on a parcel of property zoned R-15 that is also encumbered by the Manufactured Home Overlay (MHO) District, I do not lose the right to develop a stick-built residence on the property. I can either locate a manufactured residence (consistent with the MHO District standards) or a stick-built residence in accordance with the R-15 district....

TABLE OF PERMITTED USES:

Uses	R-A	R-15	R-8	R-6	O-I	CB	GB	NB	I	LD-CD	MHO	Additional Conditions
X = Permit from Zoning Administrator S = SUP from Board of Commissioners X/C = Permit from Zoning Administrator; use must meet additional conditions "-" = not permitted U = Uses determined by underlying zoning district												
Pharmacy	-	-	-	-	X	X	X	X	-	-		

Residential Uses												
Accessory Dwelling Unit, Attached	-	X	X	X	-	-	-	-	-	-		
Accessory Dwelling Unit, Detached	X/C	X/C	S	S	-	-	-	-	-	-		9.3
Boarding or Rooming House for up to 3 boarders	X/C	X/C	-	-	-	-	X/C	-	-	-		9.14
Boarding or Rooming House for 4-to 6 boarders	X/C	X/C	-	-	-	-	X/C	-	-	-		9.14
Cluster Subdivisions	X/C	X/C	-	-	-	-	-	-	-	-		9.23
Manufactured Home, Class A		-	-	⁷	-	-	-	-	-	-	X	9.48
Manufactured Home, Temporary	X/C	X/C	X/C	X/C	-	-	-	-	-	-		9.49
Manufactured Home Park	-	-	-		-	-	-	-	-	-	C	9.50
⁸	-	-	-	-	-	-	-	-	-	-		
Residential Building, Condominium	S	S	S	S	-	-	-	-	-	X		9.71
Residential Building, Duplex	-	-	-	S	-	-	-	-	-	-		9.72
Residential Building, Multi-family	-	-	-	S	-	S	-	-	-	-		9.73
Residential Building, Single-family	X	X	X	X	X	-	-	-	-	X		
Residential Building, Townhouse	S	S	S	S	-	S	-	-	-	X		9.74
Temporary Health Care Structure ⁹	X	X	X	X								9.89

ARTICLE 5 GENERAL REGULATIONS

5.3 ONE PRINCIPAL BUILDING PER LOT; EXCEPTIONS.

- (A) Only one (1) principal building and its customary accessory building(s) may be erected on any lot, except that multiple buildings may be erected on a single lot as permitted by use and district regulations.
- (B) A parcels location within the Manufactured Home Overlay (MHO) District does not permit the location of both a manufactured home and a residential building on a parcel

⁷ Manufactured homes were eliminated by the Town as a permitted use from this district as part of a previous zoning amendment. Staff has deleted the reference in this amendment but not shown as a change.

⁸ There is no reason to permit this as a land use. If an individual wants to subdivide property, it will be subdivided in accordance with the Town's subdivision ordinance. Development of those parcels with manufactured homes require the property to be within the R-A and R-15 general use zoning district and rezoning to the Manufactured Home Overlay (MHO) District based on the proposed new zoning construct.

⁹ State law was amended to allow for the use of temporary health care structures. While not connected to manufactured housing, it is appropriate to amend the Town zoning ordinance to include an appropriate reference at this time.

simultaneously. A parcel encumbered by the MHO District shall be permitted either a manufactured home or a residential building as a principal use of property in accordance with the provisions of this Ordinance. ¹⁰

ARTICLE 9 ADDITIONAL CONDITIONS FOR CERTAIN USES

9.48 Manufactured Home, Class A On Individual Lot in MHO District.

- (A) The Manufactured Home shall conform to the construction standards of the United States Department of Housing and Urban Development (HUD) and bear the HUD tag and/or data plate.¹¹
- (B) The Manufactured Home shall have the towing apparatus, wheels, axles, and transporting lights removed.¹²
- (C) The manufactured dwelling (home) shall be set-up in accordance with the standards established by the North Carolina Department of Insurance for permanent installations.
- (D) A continuous masonry foundation shall be installed under the perimeter, un-pierced except for required ventilation, access, and utility purposes.
 - (1) Examples of commonly recognized building materials suitable for use as underpinning include, but not be limited to: brick masonry, concrete block masonry; or natural or synthetic stone masonry.
 - (2) Assemblies, products, and materials manufactured expressly for the purpose of underpinning shall be installed in accordance with the manufacturer's specifications
- (E) A permanent front porch of at least thirty-two (32) square feet in area shall be constructed within eight (8) inches of the finished floor elevation and be fully underpinned with masonry, equal to the permanent foundation in subsection (D) above, to completely conceal the area beneath the porch and the Manufactured Home. All secondary entrances and exits to the Manufactured Home shall also have concrete or masonry steps to the finished grade.
- (F) All homes shall be oriented to ensure that the longer side is parallel, or as close as possible to the centerline of the public roadway, except on corner lots..

9.49 Manufactured Home, Temporary.

- (A) Temporary manufactured homes shall only be permitted for reasons of personal hardship defined as:

¹⁰ While staff believes existing language is self-explanatory, the amendment is designed to ensure there is no argument that someone is entitled to both a residential structure AND a manufactured home simultaneously due to a parcels location in the Manufactured Home Overlay (MHO) District.

¹¹ The Ordinance needs language requiring the unit maintain the dealer plat/tag for reference purposes.

¹² This helps to ensure the unit will meet applicable setbacks and will be easier to

- (1) A short-term medical emergency within the immediate family.¹³
- (2) Cases of fire or destruction of a primary residence requiring temporary relocation.
- (3) Temporary housing during the construction or reconstruction of a permanent residential structure.

(B) Duration:

- (1) Homes shall be permitted for a period not to exceed 24 months.
- (2) Temporary housing used during construction or reconstruction of a permanent residential structure shall be removed within 90 days after the Certificate of Compliance (CoC) is issued by the Montgomery County Inspections Department for the permanent residence.

(C) All homes shall be placed on the lot in harmony with existing site-built structures.

(D) All homes shall have their entire perimeter enclosed from the ground to the bottom of the structure with material manufactured for this purpose in accordance with standards set by the State of North Carolina regulations for manufactured/mobile homes. Examples of commonly recognized building materials suitable for use as underpinning shall include, but not be limited to, the following list: brick masonry, concrete block masonry; natural or synthetic stone masonry; vinyl; or painted wood or metal to match dwelling. Assemblies, products, and materials manufactured expressly for the purpose of underpinning shall be installed in accordance with the manufacturer's specifications.^{14, 15}

9.50 Manufactured Home Parks.

(A) General Site Requirements.

- (1) Manufactured Home Overlay (MHO) District: The MHO District shall only be permitted within the R-6 general use zoning district. Manufactured home parks shall only be permitted subject to the submittal, review, and approval of a Conditional Zoning application for a rezoning to MHO District proposing development of a home park with the required site plan meeting submittal requirements of this Ordinance and the provisions of subsection (E) of this section.
- (2) Area. The area of the manufactured home park shall be a minimum of five (5) acres in area and have a minimum of six (6) manufactured home spaces available at first occupancy.

¹³ Is it the Town's intent to allow a manufactured home to be moved onto a parcel of property with an existing residence to house a sick relative thereby having two (2) residence simultaneously?

¹⁴ If temporary in nature, does it make sense to have the structure masonry underpinned with all support infrastructure removed, when the unit is leaving in 24 months?

¹⁵ Staff is proposing an amendment to the Table of Permitted Uses and Section 9.89 of the Ordinance to incorporate Temporary Health Care Structures, as defined by the State of North Carolina, that might help address the Town's interests.

- (3) Density. Each individual manufactured home shall be within a manufactured home space¹⁶ at least 5,000 square feet in area, have a width of at least 50 feet, and a depth of at least 100 feet.
 - (4) Utilities. The manufactured home park and all occupied units located in it must be connected to the municipal water and sewerage systems or other systems approved by the Montgomery County Health Department and/or the NC Department of Environment, Health and Natural Resources, Division of Environmental Management.
 - (5) Access and Parking. Paved, privately maintained, roadways must be provided for access to individual units and other facilities located within the park. Required parking spaces are required to be paved.
 - (6) Other Permitted Uses. Service buildings, recreation buildings and other areas or structures providing laundry, sanitation, and managerial facilities are permitted subject to approval of the Board of Commissioners. Such facilities shall serve only the park in which it is located. No such facility shall have direct access to a public street but shall be served by the privately maintained paved roadway.¹⁷
 - (7) Storage buildings for individual manufactured home spaces and intended for the exclusive use of occupants shall be permitted. Such accessory structures shall meet required setbacks from adjacent structures.¹⁸
 - i. Only one accessory structure, erected and maintained by the owner operator of the manufactured home park, shall be erected within a manufactured home space.
 - ii. The accessory structure shall be no larger than 200 sq.ft. in area.¹⁹
 - (8) Buffers. A densely planted vegetative buffer in accordance with the requirements of Article 8 shall be provided along all property lines of the park.²⁰
- (B) Manufactured Home Space Requirements. Manufactured home units shall be located only in spaces which meet the following requirements:

¹⁶ The term 'plot' can be construed as an individual parcel of property. The intent is not to subdivide property within a manufactured housing park. The intent is to create a manufactured home stall/space to house an individual unit and all normal customary accessory units associated with same. Further, the use of the term 'plot' contradicts language in subsection (B) herein.

¹⁷ How does the town feel about a deck or covered porch on a manufactured home? Such structures must be independent of the manufactured home and would have to meet applicable 'clearance' standards as defined herein.

¹⁸ The Town does not want to prohibit storage sheds in manufactured housing parks. Having said that, the Town does not want a proliferation of multiple structures. Each manufactured housing space should be permitted one storage unit no greater than 200 sq.ft. in area. As this unit is going to be made available from tenant to tenant, it makes sense the owner of the park maintains the structure.

¹⁹ Does the Town want to allow a carport?

²⁰ Staff is not able to ascertain 'what' the required buffer is as a manufactured home park is not expressly listed. A manufactured home park is not classified as a multi-family development and is not expressly listed in the table contained in Section 8.5 (B). Staff suggests a manufactured housing park be required to observe at a minimum a 20 ft. perimeter buffer if we are to use existing standards as a guide to what ought to be required.

- (1) Access. Each space shall have access to an interior roadway with a paved width of at least 20 feet. No space shall have direct access to a public street.
- (2) Clearance. Each space shall be designed so that at least 30 feet of clearance will be maintained between units and other structures within the park. This includes decks, porches, and all other similar structures. ²¹
- (3) Setbacks. Manufactured home units shall be located so that a 20 foot setback is maintained from the edge of pavement of the private interior roadway. ²²
- (4) Utilities. Each space shall have hook-up facilities for water, sewer, electricity, and telephone services. All occupied manufactured home units shall have and use approved sanitary facilities within the manufactured home unit.
- (5) Parking. At least two (2) paved parking space shall be located on or adjacent to each manufactured home plot.

(C) Additional Requirements.

- (1) Recreational Areas. When a manufactured home park contains at least twenty lots, a recreation area will be developed and maintained that shall include not less than eight percent (8%) of the total park area. The minimum size of any recreation area shall be 2,500 square feet. Lakes, ponds, rivers, streams, swamps, and marsh lands shall not be considered as meeting, in part or in whole, the recreation area requirements of this section.
- (2) Tie Down and Anchoring Requirements. Manufactured homes shall be securely anchored to the ground by means of a tie-down system. When the manufactured home is factory equipped with a tie-down system designed by a registered architect or engineer, then the owner is to use the manufacturer's set of instructions as the standard of proper tie-down procedures. If no such set of instructions is available or if the system has not been designed by a licensed architect or engineer, then the Building Inspector is to enforce standards listed in the "State of North Carolina Regulations for Mobile Homes" booklet published by the North Carolina Department of Insurance.
- (3) Storage Buildings. Each manufactured home lot may be equipped with a storage building not to exceed ten feet by ten feet (10' x 10') provided that all such buildings are located adjacent to the rear lot line.
- (4) Storage of Possessions. Storage of possessions and equipment in the area beneath a manufactured home shall be prohibited.
- (5) Underpinning. A continuous masonry foundation shall be installed under the perimeter, un-pierced except for required ventilation, access, and utility purposes²³

²¹ Is 30 ft. separation too much?

²² Staff would recommend the setback, and measurement from, be changed. This will allow for greater separation of the units from the roadway and ensure adequate spacing for emergency vehicles within the parks. Further, it will ensure there is sufficient parking area off the private road for vehicles.

²³ This is the same standard currently required for manufactured housing on individual lots.

(D) Responsibilities and Duties of Park Operators.

- (1) **Manufactured Home Park Maintenance.** Manufactured home park operators shall be required to provide adequate supervision to maintain the park in compliance with the requirements of this Ordinance. Further, the manufactured home park operators shall keep all park owned facilities, improvements, equipment, and all common areas in good repair and maintained in such a manner as to prevent the accumulation or storage of materials which would constitute a fire hazard or would cause insect or rodent breeding and harborage.
- (2) **Permit Required.** Prior to the placement or replacement of any manufactured home located within a manufactured home park, the park operator shall obtain a zoning permit from the Zoning Administrator.
- (3) **Placement and Anchoring.** Operators shall be required to supervise the placement of all manufactured homes to guarantee that they are properly anchored and attached to utilities.
- (4) **Assist County Tax Supervision.** Operators shall be required to comply with GS 105-316(a)(1), which requires that as of January 1 of each year each operator of a park renting lots for six (6) or more manufactured homes furnish to the County Tax Supervisor the name of the owner and a description of each manufactured home located in the park.
- (5) **Solid Waste Disposal.** The park operator will operate or provide for the operation of a solid waste disposal system, including providing park tenants with appropriate containers.

(E) Submittal Requirements:

- (1) Prior to the construction of a new manufactured home park or the expansion of an existing manufactured home park, the developer shall make application to the Zoning Administrator for rezoning to the Manufactured Home Overlay (MHO) District in accordance with the provisions of this Ordinance.
- (2) Plans for the manufactured housing park shall be drawn at a scale of 50 feet to one (1) inch or larger and shall include the following:
 - a. The name of the park, the names and addresses of the owner or owners, and the designer or surveyor;
 - b. Date, scale, and approximate North arrow;
 - c. Boundaries of the tract shown with- bearings and distances;
 - d. Site plan showing streets, traffic circulation, driveways, recreation areas, parking spaces, service buildings, water courses, easements, manufactured home lots, lot numbers, all structures to be located on the park site, and total acreage of the park;
 - e. Vicinity map showing the location of the park and the surrounding land usage;
 - f. Names of adjoining property owners;

- g. The existing and proposed utility system for surface water drainage, street lights, water supply, and solid waste and sewage disposal facilities;
- h. Certification of approval of water supply system plans by the appropriate state and county officials;
- i. Certification of approval of sewerage collection systems by the appropriate state, county and/or city officials;
- j. Certification of approval of solid waste storage, collection, and disposal plans by the County Health Department;
- k. Land contours with vertical intervals of not less than two (2) feet for all manufactured home parks with 25 manufactured home spaces or more; and
- l. Certification of lot approved by Soil and Water Conservation District, including suitability for septic tank systems, if used.

ARTICLE 9 ADDITIONAL CONDITIONS FOR CERTAIN USES

9.89 Temporary Uses:

(A) Temporary Health Care Structures²⁴

- (1) Temporary Health Care Structures shall be permitted in all residential general use zoning districts subject to the provisions of NC General Statute 160D-915.
- (2) A zoning compliance permit, per the requirements of this Ordinance, shall be required to erect a Temporary Health Care Structure.

(B) Seasonal Uses and Structures, including Seasonal Markets.

The establishment of temporary sales lots for farmers' markets, Christmas trees, and other seasonal agricultural products, plus related goods, is permitted for up to a maximum of three (3) months upon the issuance of a temporary use permit by the Zoning Administrator. The following conditions shall apply to all non-Town operated facilities:

- (1) The storage of goods in or sale of goods from trailer(s) on the site shall be prohibited.
- (2) The use may only be located on a vacant lot or on a lot occupied by a nonresidential use.

²⁴ State law defines a temporary health care structure as: *A transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and G.S. 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.* Per State law this is a recognized customary accessory land use in a residential general use zoning district.

- (3) Off-street parking may be provided behind or to the side of the established use, but not forward of the required front setback.
- (4) On-site parking may be provided on a dust-free, pervious surface area and need not comply with additional paving requirements.

TO: Mount Gilead Town Council
Ray Allen – Interim Town Manager

FROM: Michael D. Harvey AICP, CFM, CZO
Planner

DATE: February 27, 2023

SUBJECT: **REVIEW** of Proposed Zoning Ordinance Amendment Establishing a
Manufactured Home Overlay District for the Town of Mount Gilead

The following represents a proposal to amend the Town of Mount Gilead Zoning Ordinance to establish an Overlay District allowing for the location/development of manufactured housing within the planning jurisdiction of the town.

BACKGROUND: Recently, the Town has been working with a local property owner who has been trying to locate a manufactured residence on her property within the R-15 general use zoning district. A Zoning Compliance Permit had been issued by a previously staff person purportedly approving the location of a manufactured residence. Unfortunately, manufactured housing is not permitted for development within the R-15 general use zoning district. The current staff were forced to deny the request and rescind the permit as it was inconsistent with current land use regulations.

The applicant was, understandably, frustrated and requested assistance from both staff and the Town Board to address the matter.

At its February 7, 2023 regular meeting, the Town Board of Commissioners directed staff to investigate possible solutions to this problem including the development of an overlay district that might permit the location of manufactured housing in the town.

PROPOSAL: Attached to this memorandum is the final draft of a proposed text amendment to the Mount Gilead Zoning Ordinance that would create a Manufactured Home Overlay District (hereafter ‘the District’). The overall purpose and intent of the District is two-fold:

1. Protect the standard of living of existing neighborhoods while at the same time provide opportunities for affordable housing options consistent with the provisions of North Carolina General Statute 160D-909, and
2. Establish standards allowing for the development of manufactured housing parks within the community.

WHAT THIS AMENDMENT DOES: The proposed amendment creates an overlay district that would allow for the possible location/development of manufactured housing in key areas through the community where local leaders believe it is most suitable and viable. Such units would have to comply with applicable dimensional requirements (i.e., minimum lot size, setbacks, etc.) for the district in which it is located) as any other structure.

WHAT THIS AMENDMENT DOES NOT DO:

- Pre-zone areas allowing for the location/development of manufactured housing. Individual property owners interested in developing manufactured housing units will have to apply for a Zoning Map amendment and comply with applicable standards to rezone parcel(s) to accommodate to the overlay district. This request will be reviewed by the Board of Commissioners as a Legislative Hearing duly advertised in accordance with local and State law.
- Prohibit development of single-family residential (i.e., on-site, or modular) structures in the same neighborhood adjacent to a manufactured dwelling unit. Establishment of an overlay district in an area would merely provide an option for property owners to move a manufactured home onto a property in compliance with applicable development standards.

SUMMARY OF PROPOSED REGULATIONS: What follows is a summary of proposed regulations:

- A. Amendment to Section 4.3 of the Ordinance to create the district (i.e., the Manufactured Home Overlay or MHO) including the overall purpose and intent statement.

STAFF COMMENT: At present, staff is recommending the overlay district be limited to the R-A or R-15 general use zoning district with respect to the permitting of individual manufactured homes on individual lots and that the overlay only apply to neighborhoods or subdivisions with 20 or more individual, contiguous, parcels. Staff does not recommend individual parcels be eligible to be rezoned to the MHO District.

- B. Manufactured Home Parks would only be allowed through the Conditional Zoning approval process (i.e., a Zoning Map amendment process acted upon by the Board of Commissioners after the holding of a Legislative Hearing advertised in accordance with local and State regulations).
- C. As written, the Ordinance includes language allowing for the temporary use of manufactured housing during construction of a new residence (i.e., under a duly issued zoning compliance permit) or during a declared emergency (i.e., a declared disaster such as a flood) for emergency housing.
- D. Fixes language in Section 9.48 related to permanent underpinning for manufactured housing as suggested by the Town Attorney.
- E. Amends existing language in Section 9.50, standards for manufactured housing parks, to update standards to reflect changes to the permitting requirements. The staff has also eliminated existing contradictions and inconsistencies with existing standards.
- F. Staff have incorporated references to temporary health care structures consistent with State law in Section 9.89 of the Zoning Ordinance.

STAFF COMMENT: State law defines a temporary health care structure as: *A transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and G.S. 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.*

Per State law this is a recognized customary accessory land use in a residential general use zoning district.

G. Nonconformities: Staff has revised Section 3.6 to address existing language to address changes in regulations associated with 'how' manufactured housing will be permitted as well as address existing inconsistencies with existing language.

What staff envisions is that we identify areas where there are existing manufactured homes within the community and review the possible extension of the overlay district in those areas. At present we are studying the properties off Washington Park Road, Forest Hill Village Road, and Julius Chambers Avenue as possible candidates.

With the Board's permission, staff would recommend holding neighborhood information meetings with local property owners to review and discuss the pros and cons of the overlay district prior to any review of possible Zoning Map amendment(s) to any area taken before the Planning Board or Board of Commissioners. This would occur once the text amendment creating the overlay district is adopted.