THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: October 25, 2022

Subject: UDO Wording Amendment - Non-Conformities-Replacement of Manufactured Homes

Staff Resource(s): Sasha Vrtunski, AICP, Affordable Housing Officer
Ben Woody, Development Services Director

Action Requested: Adoption of an ordinance amending the Unified Development Ordinance (UDO) to allow replacement of manufactured homes where they previously existed, updates to manufactured housing definitions, and the Table of Uses.

Background:

- Current UDO language prevents the replacement of lawfully established manufactured homes, whether in a manufactured home park/community, in the manufactured home overlay, or in other locations when the manufactured home has been removed and the space has been vacant for more than 180 days.
- In almost every instance, these spaces have an address and utility services for another home but are prevented from having a replacement home by current zoning regulations.
- Manufactured housing can represent some of the most affordable housing options available and provide variety to the community's existing housing stock.
- This ordinance change will not expand manufactured housing parks and should not have a negative impact on the character and quality of neighborhoods.

Proposal

- Adopt a wording amendment to:
    1. Allow replacement of manufactured homes within a lawfully established manufactured home park as long as the park is not expanded and to remove the specific time period for replacement. This is for all parks whether or not they are in an overlay area.
    2. Extend the period of time for replacement of manufactured homes on single lots within a qualified overlay district from 180 days to 365 days when not part of an existing manufactured home park.
    3. Remove language regarding age of home, a factor which cannot be regulated by municipalities (NCGS 160D-910), from the non-conformity sections that pertain to manufactured homes.
    4. Revise the definition of manufactured home to comply with NCGS
    5. Add manufactured home and manufactured home park to the Table of Uses.

Consistency with the Comprehensive Plan and Other Plans:

Living Asheville Comprehensive Plan (2018)

- The proposed wording amendment supports a number of goals in the Living Asheville Comprehensive Plan, including:
    - Encourage Responsible Growth - by prioritizing greater densities of development overall, throughout the city as appropriate (p. 131).
    - Increase and Diversify the Housing Supply - by increasing the supply of housing, including affordable housing (pp. 179 & 183).
    - Promote the Development and Availability of Affordable and Workforce Housing (p. 182) - by maximizing the opportunities for the development and maintenance of affordable housing.

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):

- The Affordable Housing Advisory Committee reviewed this item on September 1, 2022 and voted 11-0 in support of the change to the UDO.
- Staff presented to the Neighborhood Advisory Committee on September 26, 2022. One committee member spoke in favor of the amendment.
- The Neighborhood Advisory Committee had no concerns about the amendment and indicated to staff that they supported it moving forward.
- The Planning & Zoning Commission reviewed the amendment at their October 5, 2022 meeting and voted 6-1 in support of the amendments.

Pro(s):

- This wording amendment will allow manufactured home parks to remain conforming even if homes within the park are removed and will permit replacement of homes within the park regardless of the length of time a home has been removed and space vacant.
- The amendment will also extend the period of time that a manufactured home can be replaced within a manufactured home overlay.
- These changes will stop or reduce the loss of manufactured home spaces that has occurred since the adoption of the UDO in 1997.
- The wording amendment will *not allow* for the expansion of manufactured housing parks beyond their previous number of lots unless it is allowed by ordinance.

Con(s):

- None noted

Fiscal Impact:

- None noted

Staff Recommendation:

- Staff recommends approval of this rezoning request based on the reasons stated above.

Suggested Motion:

- Motion to approve the proposed wording amendments to Articles II, VIII, and XVII of the UDO and find that the proposed amendments are reasonable, are in the public interest, are consistent with the City's comprehensive plan and meet the development needs of the community in that the amendments will, 1) Eliminate the attrition of manufactured homes in parks due to time limits; 2) Allow manufactured home park owners to take advantage of existing infrastructure; and 3) Promotes the availability of affordable and workforce housing by maximizing the opportunities for the location and maintenance of affordable housing units.

Attachment(s):

- Ordinance
- P&Z Recommendation

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO ESTABLISH REVISED STANDARDS FOR REPLACEMENT OF MANUFACTURED HOMES

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) specifies development standards and review processes for manufactured housing and nonconformities; and

WHEREAS, the Comprehensive Plan promotes responsible growth; and

WHEREAS, this amendment aligns with the City Council goals to update the Unified Development Ordinances in order to reflect recommendations in the Comprehensive Plan and other adopted goals and plans; and

WHEREAS, manufactured housing is an important component of affordable housing in our community; and

WHEREAS, this Ordinance is determined to be reasonable, in the public interest, and is consistent with the Comprehensive Plan in the following ways:

1. Encourages responsible growth by prioritizing greater densities of development overall, throughout the city as appropriate.
2. Increases and diversifies the housing supply by reducing the attrition of manufactured homes in manufactured home parks.
3. Promotes the availability of affordable and workforce housing by maximizing the opportunities for the location and maintenance of affordable housing.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. **Amend Section 7-2-5. Definitions by replacing the following definitions with revised versions of the same definitions that read:**

Dwellings, Manufactured Home (see Manufactured home).

~~*Manufactured home* means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities and which does not meet the standards established by the North Carolina Residential Building Code. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. The term "manufactured home" does not include a "recreational vehicle".~~

Manufactured home means a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Act. For manufactured homes built before June 15, 1976, "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width. "Manufactured home" also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width. -The term "manufactured home" does not include a "recreational vehicle" or transportable structure that meets the standards set forth by HUD.

b. Amend Section 7-8-1(d) the Table of Permitted Uses.

Add the following use categories to the Permitted Use Table to clarify

	MH-Overlay	MHC-Overlay
Manufactured Home, Multi-section	**X**	**X**
Manufactured Home, Single section		**X**
Manufactured Home Community (Park)		**X**

c. Amend Sec. 7-17-5. Replacement of manufactured homes to read as follows:

Dimensional or use nonconformities associated with manufactured homes shall be addressed in the following manner.

(a) *Replacement of one manufactured home with another manufactured home in a lawfully established manufactured housing park.* ~~*or area covered by a manufactured housing zoning overlay.* Such replacement shall be permitted without regard to dimensional nonconformity provided that the replacement manufactured home is no older and no smaller than the existing manufactured home, the replacement home is placed in the same location as the original home, and such replacement occurs within 180 days of the removal of the original manufactured home. In all other situations, replacement shall be prohibited.~~

An existing manufactured home located in a lawfully established manufactured housing park in operation at the time of adoption of these regulations may be replaced with another manufactured home provided the number of manufactured home units within the park may not be increased beyond the number available before replacement and the replacement manufactured home must not create nonconforming yards, separation distances, or increase existing nonconforming yards, separation distances or setbacks.

Manufactured home parks existing at the time of the adoption of this ordinance shall not be allowed to expand or increase in any manner unless such expansion meets fully the requirements set forth in this ordinance.

(b) *Replacement of one manufactured home with another manufactured home in areas covered by a manufactured housing zoning overlay*. Such replacement shall be permitted provided that new dimensional nonconformities are not created, the replacement manufactured home is ~~no older and~~ no smaller than the existing manufactured home, the replacement home is placed in the same location as the original home, and such replacement occurs within ~~180~~ **365** days of the last day of occupancy of the original manufactured home. In all other situations, replacement shall be prohibited.

(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 housing zoning overlay.* Such replacement shall be permitted provided that new dimensional nonconformities are not created, the replacement manufactured home is ~~no older and~~ no smaller than the existing manufactured home, the replacement home is placed in the same location as the original home, and such replacement occurs within 180 days of the last day of occupancy of the original manufactured home. In all other situations, replacement shall be prohibited.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase

thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this 25th day of October, 2022.

_____ _____

City Clerk Mayor

Approved as to form:

_____

City Attorney