



TOWN OF MOUNT GILEAD PLANNING BOARD MEETING MINUTES

110 West Allenton Street, Mount Gilead, North Carolina, 27306
May 24, 2023

The Mount Gilead Planning Board met Wednesday, May 24, 2023 at 5:30 p.m. at Mount Gilead Town Hall, 110 West Allenton Street, Mount Gilead, North Carolina. Present were members Devon Little, Mitchel Lucas, Jessica Ingram, Jim Sharpe, Town Manager Dylan Haman, and Secretary Mollie Lee. Michael Harvey with N-Focus came to help explain what needed to be done now to take the next step. Citizens Richard Leak, Larry Leake, Jonathan Robinson, Maranda Robinson, Philip Jones, and Max Joyce were also present.

Chairman Devon Little called the meeting to order as amended with adding Philip Jones to the Agenda at 5:30 p.m.

ITEM I. ADOPTION OF AGENDA

ITEM II. PUBLIC COMMENT-

Richard Leak – Richard Leak had a problem with how the residents of Forest Hill Village Road found out about the rezoning. They never knew that they were not zoned for manufactured homes due to almost everyone on that road living in a manufactured home. Michael Harvey goes into explaining how we got to where we are now. Michael also states that all homes that are there now even if they are not in compliance with the R-15M will be grandfathered in. If the house was to catch on fire and or something happen to the house then you would have to make sure the new home is in compliance with the R-15M. Jim Sharpe explains that The Planning Board is just there to gather information to make a recommendation to the Town Board for them to approve. What the Planning Board votes on tonight is not set in stone. Jim Sharpe also explains that you need to be at the Town Board Meeting when they have the public hearing to make sure that you are heard before the Board makes their decision.

Max Joyce- Max has lived in Mount Gilead for 56 years. He has also served on the Planning Board for about 24 years. He explains that the citizens of the town started demanding the town to do something about the mobile homes that were popping up around town. The Town created the Planning Board at this time. Sending the Board into a training program and after wards they went and wrote the ordinances word by word. Then another Town Manager came in and threw all the ordinances out. So they had to recreate the Planning Board and had to rewrite the ordinances. Max goes to explains that you cannot break a rule for one person because if you do it once you will have to do it for all.

Jonathan Richardson/ Maranda Richardson- Maranda Richardson and her husband Jonathan asked that under the current zoning as is, if his house was to catch on fire would he be able to put in a manufactured home. Michael Harvey states that you wouldn't be able to under the current zoning. With the R-15M that he would be able to put in a

manufactured home, but it would have to follow all the requirements that are stated in the Zoning Ordinance.

ITEM III. OLD BUSINESS- None

ITEM IV. NEW BUSINESS-


A. Philip Jones has a lot that is zoned for Industrial, but he is wanting to get that land rezoned too Residential. This lot is located on Hydro Road. Town Manager Dylan Haman states that the majority of this road is considered residential. Lynn Smith made a motion to make a recommendation to the Board of Commissioners to rezone the property to R-15 due to the property not being appropriate for industrial use that is in compliance with our Comprehensive Plan. With a second from Mitchel Lucas. Motion Carried Unanimously.

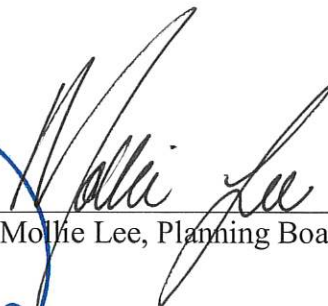
B. As of right now the Town is not in compliance with the state by excluding manufacture homes. With bringing in R-15M will fix that by allowing manufactured homes as well as single family homes. Mitchel Lucas made a motion to make a recommendation to amend the zoning ordinance to create the zoning district R-15M. Lynn Smith seconded the motion. The motion carried unanimously. Mitchel Lucas made a motion to recommend to the Board that the parcels of Forest Hill Village Road be zoned R-15M with a prior neighborhood meeting to be held before the meeting of the public hearing. Lynn Smith seconded the motion. Motion carried unanimously.

C. Town Manager Dylan Haman explains to the Planning Board that Tammy Privett is wanting to move her business of doing hair into her home. There will be minimal clients. She hasn't made any formal action yet but asked Michael to give his input on it. Michael Harvey said that there are many ways to approach this. This is known as home occupation. Home occupation is supposed to be low in traffic with limitations with the amount of traffic of day. With Salons a lot of impact is made to septic systems. This relates to treatments for hair going into the sewer system. Michael Harvey wanted to know what the Planning Board thinks of becoming more accommodating in permitting home occupations in certain residential districts. If you end up making regulations like considering how many people can be seen a day staff would have to monitor that. Town Manager Dylan Haman states that we have no language right now to deal with this today. This is all to get a feeling for this topic. Michael Harvey said that he could get a report so that we could study this for our next meeting. Lynn Smith made a motion that we get examples/report on this topic first before we vote on this. Jessica Ingram seconded the motion. Motion carried unanimously.

ITEM V. ADJOURNMENT

With no further business Devon Little made a motion to adjourn the meeting. Jessica Ingram seconded. Motion carried unanimously. The meeting adjourned at 7:00p.m.


Devon Little, Chairman


Mollie Lee, Planning Board Secretary

TOWN OF
OFFICIAL
SEAL
MOUNT GILEAD



TOWN OF MOUNT GILEAD PLANNING BOARD AGENDA

110 West Allenton Street, Mount Gilead, North Carolina, 27306
May 24, 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. PUBLIC COMMENT

ITEM III. OLD BUSINESS

ITEM IV. NEW BUSINESS.

A. Discuss the R-15M general use zoning district information to make a formal recommendation for the Board of Commissioners. (Action)

B. Considering personal services in residential homes.

ITEM V. ADJOURNMENT

§ 160D-910. Manufactured homes.

(a) The General Assembly finds that manufactured housing offers affordable housing opportunities for low- and moderate-income residents of this State who could not otherwise afford to own their own home. The General Assembly further finds that some local governments have adopted zoning regulations that severely restrict the placement of manufactured homes. It is the intent of the General Assembly in enacting this section that local governments reexamine their land-use practices to assure compliance with applicable statutes and case law and consider allocating more residential land area for manufactured homes based upon local housing needs.

(b) For purposes of this section, the term "manufactured home" is defined as provided in G.S. 143-145(7).

(c) A local government may not adopt or enforce zoning regulations or other provisions that have the effect of excluding manufactured homes from the entire zoning jurisdiction or that exclude manufactured homes based on the age of the home.

(d) A local government may adopt and enforce appearance and dimensional criteria for manufactured homes. Such criteria shall be designed to protect property values, to preserve the character and integrity of the community or individual neighborhoods within the community, and to promote the health, safety, and welfare of area residents. The criteria shall be adopted by ordinance.

(e) In accordance with the local government's comprehensive plan and based on local housing needs, a local government may designate a manufactured home overlay district within a residential district. Such overlay district may not consist of an individual lot or scattered lots but shall consist of a defined area within which additional requirements or standards are placed upon manufactured homes.

(f) Nothing in this section shall be construed to preempt or supersede valid restrictive covenants running with the land. The terms "mobile home" and "trailer" in any valid restrictive covenants running with the land shall include the term "manufactured home" as defined in this section.

(g) A local government may require by ordinance that manufactured homes be installed in accordance with the Set-Up and Installation Standards adopted by the Commissioner of Insurance; provided, however, a local government shall not require a masonry curtain wall or masonry skirting for manufactured homes located on land leased to the homeowner. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d); 2021-117, s. 6(a).)

PLANNING BOARD RECOMMENDATION:

PART 1 - NONCONFORMITIES:

3.6 ADDITIONAL REQUIREMENTS FOR MANUFACTURED HOME PARKS Nonconformities Associated with Manufactured Homes.

(A) Manufactured Home Parks:

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(1) Nonconforming manufactured home parks may not be expanded or increased 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

Expansion shall only be permitted with the park being brought into compliance with applicable standards, and issuance of all required permits required under, this Ordinance.

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(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.

Manufactured home spaces in nonconforming manufactured home parks which are vacated (that is, the manufactured home is removed) shall be permitted to have new manufactured homes set up in the vacated spaces.²

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(C) Replacement of One Manufactured Home with Another Manufactured Home in Areas Other Than a Lawfully Established Manufactured Housing Park. 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.

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.

- (3) The replacement home is placed in the same general location as the original home.
- (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

~~Manufactured homes that move into a vacant space within a nonconforming manufactured home park as permitted in section (B) above shall meet all of the additional conditions for manufactured homes within a manufactured home park outlined in Section 9.50.~~

(D) 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.

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³ The Town cannot require a single property owner to rezone their property to the newly recommended general zoning district (R-15M) just to replace an existing manufactured home. 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 (i.e., consistent with the zoning designation of the property). If after one year, the only way a manufactured home could be replaced on the property would be for the property owner to petition to have the parcel rezoned to R-15M.

PART 2 - TABLE OF PERMITTED USES:

| Uses | | | | | | | | | | | | |
|---|-----|------|--------------|-----|-----|-----|----|----|----|---|-------|-----------------------|
| X = Permit from Zoning Administrator | R-A | R-15 | <u>R-15M</u> | R-8 | R-6 | O-I | CB | GB | NB | I | LD-CD | Additional Conditions |
| 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 | | | | | | | | | | | | |

| Agricultural Uses | X | - | | | | | | | | | | |
|--|---|-----|-----|---|---|---|---|---|---|---|---|------|
| Agricultural Industry | X | X | = | - | - | - | - | - | - | X | - | |
| Agriculture, bona-fide farms, including processing or sale of products grown on the same zoning lot, excluding agricultural industry | X | - | = | - | - | - | - | - | - | X | - | 9.96 |
| Agriculture implement sale, repair, rental or storage | S | - | = | - | - | - | - | X | - | X | - | |
| Animal Feeder/Breeder Operations | X | - | = | - | - | - | - | - | - | S | - | 9.8 |
| Forestry Nursery | X | X | X | - | - | - | - | - | - | X | - | |
| Forestry Operations | X | X/C | X/C | X | X | X | - | - | - | X | - | |
| Plant Nurseries & Greenhouses | | | | - | - | - | - | X | - | X | - | 9.64 |

| Uses | | | | | | | | | | | | |
|--|-----|------|-------|-----|-----|-----|----|----|----|---|-------|-----------------------|
| 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 | R-A | R-15 | R-15M | R-8 | R-6 | O-I | CB | GB | NB | I | LD-CD | Additional Conditions |

| Commercial Uses | | | | | | | | | | | | | |
|--|---|---|----|---|---|-----|-----|-----|-----|-----|---|------|--|
| Commercial Uses | | | | | | | | | | | | | |
| Adult Establishments | - | - | .. | - | - | - | - | X/C | - | - | - | 9.4 | |
| Amusements, Commercial, Indoor | - | - | .. | - | - | - | - | X | S | - | - | 9.6 | |
| Amusements, Commercial, Outdoor | S | - | .. | - | - | - | - | - | - | S | - | 9.7 | |
| Automatic Teller Machine | - | - | .. | - | - | X | X | X | X | X | X | | |
| Banking and Financial Services | - | - | .. | - | - | X | X | X | X | X | - | | |
| Bed and Breakfast Establishments | S | S | .. | S | S | X/C | X/C | X/C | X/C | X/C | X | 9.13 | Formatted: Centered, Space Before: 3 pt, After: 3 pt |
| Boat Sales, Service, and Leasing | - | - | .. | - | - | - | - | - | - | - | X | | Formatted: Centered, Space Before: 3 pt, After: 3 pt |
| Boat Storage Facilities, Indoors | - | - | .. | - | - | - | - | X | - | - | X | | Formatted: Centered, Space Before: 3 pt, After: 3 pt |
| Boat Storage Facilities, Outdoors | - | - | .. | - | - | - | - | - | - | - | X | | Formatted: Centered, Space Before: 3 pt, After: 3 pt |
| Broadcast Studios (radio and television) | - | - | .. | - | - | - | - | X | - | X | - | | Formatted: Centered, Space Before: 3 pt, After: 3 pt |
| Building Materials Supply | - | - | .. | - | - | - | - | X | - | X | - | | Formatted: Centered, Space Before: 3 pt, After: 3 pt |
| Car Wash, automatic | - | - | .. | - | - | - | - | X | - | X | - | | Formatted: Centered, Space Before: 3 pt, After: 3 pt |
| Car Wash, full service | - | - | .. | - | - | - | - | X | - | X | - | | Formatted: Centered, Space Before: 3 pt, After: 3 pt |
| Car Wash, industrial | - | - | .. | - | - | - | - | - | - | X | - | | Formatted: Centered, Space Before: 3 pt, After: 3 pt |
| Car Wash, self-service | - | - | .. | - | - | - | - | X | - | X | - | | Formatted: Centered, Space Before: 3 pt, After: 3 pt |
| Club, Private | - | - | .. | - | - | - | X/C | X/C | - | - | - | 9.22 | Formatted: Centered, Space Before: 3 pt, After: 3 pt |
| Construction Vehicle Sales, Repair, Leasing, Maintenance, or Storage | - | - | .. | - | - | - | - | - | - | X | - | | Formatted: Centered, Space Before: 3 pt, After: 3 pt |
| Convenience Store | - | - | .. | - | - | - | - | X | X | - | X | | Formatted: Centered, Space Before: 3 pt, After: 3 pt |
| Dry Cleaning and Laundry Services | - | - | .. | - | - | - | X | X | X | - | - | | Formatted: Centered, Space Before: 3 pt, After: 3 pt |
| Farmers Market | X | - | .. | - | - | - | X | X | X | X | - | | Formatted: Centered, Space Before: 3 pt, After: 3 pt |
| Feed and Seed Stores | X | - | .. | - | - | - | X | X | - | X | - | | Formatted: Centered, Space Before: 3 pt, After: 3 pt |
| Flea Markets, Indoor | - | - | .. | - | - | - | X | X | - | X | - | | Formatted: Centered, Space Before: 3 pt, After: 3 pt |
| Flea Markets, Outdoor | S | - | .. | - | - | - | - | - | - | - | - | 9.32 | Formatted: Centered, Space Before: 3 pt, After: 3 pt |
| Gasoline Station, large | - | - | .. | - | - | - | - | X | - | X | - | | Formatted: Centered, Space Before: 3 pt, After: 3 pt |
| Gasoline Station, neighborhood | - | - | .. | - | - | - | - | X | X | X | X | | Formatted: Centered, Space Before: 3 pt, After: 3 pt |
| General Retail | - | - | .. | - | - | - | X | X | X | X | - | | Formatted: Centered, Space Before: 3 pt, After: 3 pt |
| Heavy Machinery Sales, Repair, Leasing, | - | - | .. | - | - | - | - | X | - | X | - | | Formatted: Centered, Space Before: 3 pt, After: 3 pt |

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|---|-----|-----|-----|-----|-----|---|-----|-----|---|-----|---|---|------|--|--|
| Maintenance or Storage | | | | | | | | | | | | | | | |
| Home Occupations | X/C | X/C | X/C | X/C | X/C | X | X | X | X | X | X | - | 9.40 | Formatted: Centered, Space Before: 3 pt, After: 3 pt | |
| Hotel | - | - | - | - | - | - | X | X | - | X | X | - | 9.41 | Formatted: Centered, Space Before: 3 pt, After: 3 pt | |
| Junkyard | - | - | - | - | - | - | - | - | - | S | - | - | 9.42 | Formatted: Centered, Space Before: 3 pt, After: 3 pt | |
| Kennel | S | - | - | - | - | - | - | X/C | - | X/C | - | - | 9.43 | Formatted: Centered, Space Before: 3 pt, After: 3 pt | |
| Motel | - | - | - | - | - | - | X | X | - | X | X | - | 9.44 | Formatted: Centered, Space Before: 3 pt, After: 3 pt | |
| Motor Vehicle Paint or Body Shop | - | - | - | - | - | - | - | S | - | X/C | - | - | 9.55 | Formatted: Centered, Space Before: 3 pt, After: 3 pt | |
| Motor Vehicle Repair and Maintenance | - | - | - | - | - | - | - | X/C | - | X/C | - | - | 9.56 | Formatted: Centered, Space Before: 3 pt, After: 3 pt | |
| Motor Vehicle Sales, Rental and Leasing | - | - | - | - | - | - | - | X/C | - | X/C | - | - | 9.57 | Formatted: Centered, Space Before: 3 pt, After: 3 pt | |
| Motor Vehicle Storage Yard | X/C | - | - | - | - | - | - | - | - | - | - | - | 9.58 | Formatted: Centered, Space Before: 3 pt, After: 3 pt | |
| Nursery, Lawn and Garden Supply Store, Retail | - | - | - | - | - | - | X/C | X/C | - | - | - | - | 9.60 | Formatted: Centered, Space Before: 3 pt, After: 3 pt | |
| Outdoor Display and Sales of Merchandise | - | - | - | - | - | - | - | - | - | S | - | - | 9.61 | Formatted: Centered, Space Before: 3 pt, After: 3 pt | |
| Outdoor Storage | - | - | - | - | - | - | - | - | - | S | - | - | 9.62 | Formatted: Centered, Space Before: 3 pt, After: 3 pt | |
| Parking Lot as the Principal Use | - | - | - | - | - | - | X | X | - | X | X | - | 9.63 | Formatted: Centered, Space Before: 3 pt, After: 3 pt | |
| Pawn Shop | - | - | - | - | - | - | X | X | X | - | - | - | 9.64 | Formatted: Centered, Space Before: 3 pt, After: 3 pt | |
| Raceways and Drag Strips | - | - | - | - | - | - | - | - | - | - | - | - | 9.65 | Formatted: Centered, Space Before: 3 pt, After: 3 pt | |
| Restaurant, with Drive-through Service | - | - | - | - | - | - | - | X | S | - | - | - | 9.75 | Formatted: Centered, Space Before: 3 pt, After: 3 pt | |
| Restaurant, without Drive-through Service | - | - | - | - | - | - | X | X | S | X | X | - | 9.76 | Formatted: Centered, Space Before: 3 pt, After: 3 pt | |
| Retail, Nonstore | - | - | - | - | - | - | X | X | X | X | - | - | 9.77 | Formatted: Centered, Space Before: 3 pt, After: 3 pt | |
| Retail Store, Large | - | - | - | - | - | - | - | S | - | - | - | - | 9.77 | Formatted: Centered, Space Before: 3 pt, After: 3 pt | |
| Retail Store, Small and Medium | - | - | - | - | - | - | X | X | X | X | X | - | 9.78 | Formatted: Centered, Space Before: 3 pt, After: 3 pt | |
| Riding Stables | X/C | - | - | - | - | - | - | - | - | - | - | - | 9.78 | Formatted: Centered, Space Before: 3 pt, After: 3 pt | |
| Shooting Range (Indoor) | X/C | - | - | - | - | - | - | X/C | - | - | - | - | 9.80 | Formatted: Centered, Space Before: 3 pt, After: 3 pt | |
| Shooting Range (Outdoor) | S | - | - | - | - | - | - | - | - | - | - | - | 9.81 | Formatted: Centered, Space Before: 3 pt, After: 3 pt | |
| Shopping Center, Large (>15,000 s.f.) | - | - | - | - | - | - | - | S | - | - | - | - | 9.82 | Formatted: Centered, Space Before: 3 pt, After: 3 pt | |
| Shopping Center, Small (<15,000 s.f.) | - | - | - | - | - | - | - | S | - | - | - | - | 9.83 | Formatted: Centered, Space Before: 3 pt, After: 3 pt | |
| Studios (art, dance, music, or photographic) | X/C | - | - | - | - | X | X | X | - | X | - | - | 9.86 | Formatted: Centered, Space Before: 3 pt, After: 3 pt | |
| Theater, Indoor | - | - | - | - | - | - | - | X | - | X | - | - | 9.87 | Formatted: Centered, Space Before: 3 pt, After: 3 pt | |
| Veterinary Services | X/C | - | - | - | - | - | - | X/C | - | X/C | - | - | 9.92 | Formatted: Centered, Space Before: 3 pt, After: 3 pt | |
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Industrial Land Uses – there are no amendments proposed. No ‘industrial land uses’ are permitted for development within the proposed R-15M general use zoning district.

| Uses | | | | | | | | | | | | |
|--|-----|------|-------|-----|-----|-----|----|----|----|---|-------|-----------------------|
| 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 | R-A | R-15 | R-15N | R-8 | R-6 | O-I | CB | GB | NB | I | LD-CD | Additional Conditions |
| Government and Institutional Uses | | | | | | | | | | | | |
| Child Care Institution | X/C | - | - | - | - | - | - | - | - | - | - | 9.19 |
| Church or Religious Institution | X | X | X | X | X | X | X | X | X | X | X | |
| Civic, Fraternal, Cultural, and Community Facilities not otherwise listed | S | - | - | - | - | - | X | X | - | X | - | 9.20 |
| Club or Lodge, private non-profit | S | - | - | - | - | - | X | X | - | X | - | 9.22 |
| College or University | X | - | - | - | - | - | - | - | - | - | - | |
| Community Center | X/C | - | - | - | - | X | X | X | - | X | - | 9.24 |
| Congregate Care Facility | S | S | S | S | S | S | - | - | - | - | - | 9.25 |
| Correctional Institution | S | - | - | - | - | - | - | - | - | X | - | 9.26 |
| Daycare, Center | S | S | S | - | - | S | - | - | - | - | - | 9.27 |
| Daycare, Large Home | S | S | S | - | - | S | - | - | - | - | - | 9.28 |
| Daycare, Small Home | S | S | S | S | S | - | - | - | - | - | - | 9.28 |
| Emergency Shelters | - | - | - | - | - | - | - | - | - | - | - | |
| Funeral Home | S | - | - | - | - | X | X | X | - | X | - | 9.34 |
| Government Offices, Courthouses, and Similar Governmental Facilities not otherwise listed | X | X | X | X | X | X | X | X | X | X | X | |
| Group Care Facility | S | - | - | - | - | S | - | - | - | - | - | 9.35 |
| Group Home A | X/C | X/C | X/C | X/C | X/C | X/C | - | - | - | - | - | 9.36 |
| Group Home B | X/C | X/C | X/C | - | - | - | - | - | - | - | - | 9.36 |
| Habilitation Facility – A | - | - | - | - | - | X | - | X | - | - | - | 9.37 |
| Habilitation Facility – B | - | - | - | - | - | X | - | X | - | - | - | 9.37 |
| Library, Public | - | - | - | - | - | X | X | X | - | - | - | |
| Museum or Art Gallery | S | S | S | - | - | X | X | X | - | - | - | 9.59 |
| Nursing Care Institution | S | S | S | - | - | S | - | - | - | - | - | 9.25 |
| Post Office | - | - | - | - | - | X | X | X | - | X | - | |
| Progressive Care Facility | S | S | S | - | - | S | - | - | - | - | - | 9.66 |
| Public Safety Stations including police, fire, and rescue services | X | X | X | X | X | X | X | X | X | X | X | |
| Public Works Facility | - | - | - | - | - | - | - | X | - | X | - | |
| Schools, Elementary and Secondary, including school stadiums | X | X | X | X | X | X | X | X | X | X | X | |

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|--|---|---|---|---|---|---|---|---|---|---|---|------|
| Schools, Vocational or Professional | - | - | - | - | - | - | X | X | - | X | - | |
| Telecommunication Towers | S | - | - | - | - | - | - | - | - | - | - | 9.88 |
| Utilities, Above Ground (includes Utility Substations) | S | S | S | S | S | X | X | X | X | X | X | 9.91 |
| Utilities Service Area | - | X | X | X | X | X | - | - | - | - | - | |
| Utilities Substation | - | - | - | - | - | - | - | X | - | X | - | |
| Yard Waste Composting | S | - | - | - | - | - | - | - | - | - | - | 9.95 |

Professional and Medical Office Land Uses – there are no amendments proposed. No ‘professional and medical office land uses’ are permitted for development within the proposed R-15M general use zoning district.

| Uses | | | | | | | | | | | | |
|--|-----|------|--------|-----|-----|-----|----|----|----|---|--------|-----------------------|
| | R-A | R-15 | R-15 M | R-8 | R-6 | O-1 | CB | GB | NB | I | L/D-CD | 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 | | | | | | | | | | | | |

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| Recreational Uses | | | | | | | | | | | | |
|--|-----|------|--------|-----|-----|-----|----|----|----|---|--------|-----------------------|
| | R-A | R-15 | R-15 M | R-8 | R-6 | O-1 | CB | GB | NB | I | L/D-CD | Additional Conditions |
| Arenas | - | - | - | - | - | - | - | S | - | - | - | 9.9 |
| Assembly Halls, coliseums, armories, ballrooms, reception halls and exhibition buildings | - | - | - | - | - | - | - | S | - | - | - | 9.11 |
| Park and Open Space Areas including Athletic Fields | X | X | X | X | X | X | X | X | - | - | X | |
| Planned Recreational Resort | S | - | - | - | - | - | - | - | - | - | X | 9.63 |
| Recreational Facilities, Public | X | X | X | X | X | X | X | X | - | - | X | |
| Recreation Services, Indoor | X | X | X | X | X | X | - | X | - | - | - | |
| Recreation Services, Outdoor | S | S | S | - | - | - | - | - | - | - | X | 9.68 |
| Recreational Vehicle Park and Campground | S | - | - | - | - | - | - | - | - | - | X | 9.69 |

| Uses | | | | | | | | | | | | |
|--|-----|------|-------|-----|--------------|-----|----|-----|----|---|-------|-----------------------|
| 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 | R-A | R-15 | R-15M | R-8 | R-6 | O-I | CB | GB | NB | I | LD-CD | Additional Conditions |
| 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 | X/C | - | X/C | - | ⁴ | - | - | - | - | - | - | 9.48 |
| Manufactured Home, Temporary | X/C | X/C | X/C | X/C | X/C | - | - | - | - | - | - | 9.49 |
| Manufactured Home Park | - | - | S | - | S | - | - | - | - | - | - | 9.50 |
| Manufactured Home Subdivision⁵ | - | - | - | - | - | - | - | - | - | - | - | - |
| 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 | - | - | - | - | X | - |
| Residential Building, Townhouse | S | S | - | S | S | - | S | - | - | - | X | 9.74 |
| Temporary Health Care Structure ⁶ | X | X | X | X | X | - | - | - | - | - | - | 9.89 |

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Service Land Uses – there are no amendments proposed. No ‘service land uses’ are permitted for development within the proposed R-15M general use zoning district.

| Uses | | | | | | | | | | | | |
|--|-----|------|-------|-----|-----|-----|-----|-----|-----|-----|-------|-----------------------|
| 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 | R-A | R-15 | R-15M | R-8 | R-6 | O-I | CB | GB | NB | I | LD-CD | Additional Conditions |
| Miscellaneous Uses | | | | | | | | | | | | |
| Accessory Communication Antennae | X/C | X/C | X/C | X/C | X/C | X/C | X/C | X/C | X/C | X/C | X/C | 9.2 |

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⁴ 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.

⁵ 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.

⁶ 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.

| | | | | | | | | | | | | |
|--|-----|-----|-----|---|---|---|-----|-----|-----|-----|---|------|
| Airports | S | - | = | - | - | - | - | - | - | - | - | 9.5 |
| Docks, Commercial | - | - | = | - | - | - | - | - | - | - | X | |
| Docks, Semi-Commercial and Private | - | - | = | - | - | - | - | - | - | - | X | |
| Fairgrounds | S | - | = | - | - | - | - | - | - | - | - | 9.30 |
| Hazardous Waste Management Facility | - | - | = | - | - | - | - | - | - | - | - | |
| Heliport | X/C | - | = | - | - | - | - | - | - | X/C | - | 9.39 |
| Outdoor Advertising Signs | - | - | = | - | - | - | - | - | - | - | - | |
| Recycling Center | - | - | = | - | - | - | - | - | - | - | - | |
| Recycling, Drop-Off Site | S | - | = | - | - | - | S | S | - | - | - | 9.70 |
| Temporary Seasonal Uses and Structures, including seasonal markets | X/C | X/C | X/C | - | - | - | X/C | X/C | X/C | - | - | 9.89 |

PART 3 – AMENDMENTS TO ARTICLE 9 ADDITIONAL CONDITIONS FOR CERTAIN USES

9.48 Manufactured Home, Class A On Individual Lot.

- (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.⁷
- (B) The Manufactured Home shall have the towing apparatus, wheels, axles, and transporting lights removed.⁸
- (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~~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.

⁷ The Ordinance needs language requiring the unit maintain the dealer plaet/tag for reference purposes.

⁸ This helps to ensure the unit will meet applicable setbacks and will be easier to

~~(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, unless otherwise approved by the Zoning Administrator.~~

~~(B) A permanent porch shall be placed on the front of each home which measures at least six (6) feet in width and a minimum of 24 square feet in area.~~

~~(C) 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.~~

9.49 Manufactured Home, Temporary.

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

(1) A short-term medical emergency within the immediate family. ⁹

(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.

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(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~~products, and materials manufactured expressly for the purpose of underpinning shall be installed in accordance with the manufacturer's specifications. ^{10,11}

9.50 Manufactured Home Parks.

(A) General Site Requirements.

⁹ 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?

¹⁰ 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?

¹¹ 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.

- (1) Shall only be permitted within the R-15M general use zoning district.
- (2) Manufactured home parks shall only be permitted subject to the submittal, review, and approval of a Special Use Permit proposing development of a home park with the required site plan meeting submittal requirements of this Ordinance and this section.
- (2) Area. The area of the manufactured home park shall be a minimum of ~~two (2) acres and shall not exceed~~ five (5) acres in area, and the park shall and have a minimum of six (6) manufactured home spaces available at first occupancy.
- (32) Density. Each individual manufactured home shall be ~~on a plot~~within a manufactured home space¹² at least 5,000 square feet in area, have a width of at least 50 feet, and a depth of at least 100 feet.
- (43) 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.
- (54) 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.
- (65) 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.¹³
- (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.¹⁴
- 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.¹⁵

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¹² 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.

¹³ 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.

¹⁴ 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.

¹⁵ Does the Town want to allow a carport?

(86) Buffers. A densely planted vegetative buffer in accordance with the requirements of Article 8 shall be provided along all property lines of the park.¹⁶

(B) Manufactured Home Space Requirements. Manufactured home units shall be located only in spaces which meet the following requirements:

- (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.¹⁷
- (3) Setbacks. Manufactured home units shall be located so that a ~~15-20~~ foot setback is maintained from the ~~centerline~~ edge of pavement of the private interior roadway.¹⁸
- (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 ~~one (1)~~ 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 ~~shall~~ 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.

¹⁶ 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.

¹⁷ Is 30 ft. separation too much?

¹⁸ 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.

- (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. ~~Each manufactured home shall be underpinned with materials and in a manner approved by the Montgomery County Inspections Department. A continuous masonry foundation shall be installed under the perimeter, un-pierced except for required ventilation, access, and utility purposes~~¹⁹

(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) ~~Procedure for Securing Approval of Manufactured Home Parks. Manufactured Home Park Initial Permit Application Procedure~~ 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 a permit to construct or expand such a park.
- (2) ~~The park plan~~ 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:

¹⁹ This is the same standard currently required for manufactured housing on individual lots.

- 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 Structures²⁰

(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.

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²⁰ 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.

(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:

- (1A) The storage of goods in or sale of goods from trailer(s) on the site shall be prohibited.
- (2B) The use may only be located on a vacant lot or on a lot occupied by a nonresidential use.
- (3C) Off-street parking may be provided behind or to the side of the established use, but not forward of the required front setback.
- (4D) On-site parking may be provided on a dust-free, pervious surface area and need not comply with additional paving requirements.