

Section 3-19 Manufactured Housing Amended 6-11-2012

(1) *Permitted locations:* Except as otherwise provided in this section 3-19, It shall be unlawful for any person to occupy or maintain, for living purposes, any manufactured home or industrialized modular home in the limits of the city, except as follows:

- (a) In AR-1, A-5, R-1, R-2 and R-3 Zoning Districts, provided that the requirements set forth in this section 3-19 have been met and upon approval by the city council; and
- (b) In a duly licensed and approved manufactured home or industrialized modular home park located within a R-4 Zoning District.
- (c) No Mobile Homes, as defined in Article II of his Zoning Ordinance, may be placed within the City.

(2) *Manufactured Housing Placement:* Any person who intends to place a manufactured home, or modular building complying with the standards set forth in this Section 3-19(2) within the limits of the city and outside of a regularly licensed park may make an application for same to the Zoning Administrator, who shall review said application and refer it to the mayor and city council for final determination. Single Family Dwellings consisting of manufactured homes or modular or industrialized buildings as defined in Article III of this Zoning Ordinance shall not be permitted in residential districts zoned AR-1, A-5, R-1, R-2 or R-3 except when placement of said dwelling complies with the requirements and limitations set forth in this Section 3-19 as applying generally to residential use in such zoning classifications, including but not limited to minimum lots, yard and building spacing, square footage requirements, percentage of lot coverage, off-street parking requirements and approved foundations as described herein, and which additionally meet the following compatibility standards:

- (a) The dwelling compares favorably to site built and other housing in the immediate general area within the same zoning or residential district or area. Approval to place the manufactured home, or modular building shall be granted by the Zoning Administrator upon application and determination that the dwelling is substantially similar in size, siding material, roof material, foundation and general aesthetic appearance to:
 - (i) Site-built or other forms of housing which may be permitted in the same general area under this Zoning Ordinance, or
 - (ii) Existing development, or
 - (iii) Proposed development in the same zoning classification or area, or as envisioned in any Comprehensive Plan of the City of Pembroke then in effect.
- (b) In making a determination of compatibility, the Zoning Administrator or designee shall further consider:
 - (1) The possible negative effect of the structure on the property values of other properties in the immediate area, and
 - (2) The possible effect the structure could have on the surrounding area in the event of inclement weather or high winds;
- (c) All towing devices, wheels, axles and hitches must be removed.

~~(d) At each exit door there must be a landing that is a minimum of 36 inches by 36 inches. The structure has a minimum width in excess of 16 feet.~~

(d) At the designated front door, there must be a porch or deck measuring at least 80 square feet, with a minimum width of eight (8) feet. At each alternate exit door there must be a landing that is a minimum of 36 inches by 36 inches. The structure has manufactured home must have a minimum width in excess of 16 feet.

(e) The roof shall have a minimum of 2:12 roof pitch and shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass or metal tiles, slate, built up gravel materials, or other materials approved by the Zoning Administrator.

(f) The exterior siding materials shall consist of wood, masonry, concrete, stucco, masonite, metal or vinyl lap or other materials of like appearance.

~~(g) The structure shall be attached to a permanent foundation, to include foundation walls. With the exception of placement of structures in parks as specified in 3-19.1 below, skirting of structures is not sufficient to comply with the requirements of this section.~~

(g) The structure shall be attached to a permanent foundation, to include foundation walls. The foundation walls shall be brick. With the exception of placement of structures in parks as specified in 3-19.1 below, skirting of structures is not sufficient to comply with the requirements of this section.

(h) The structure is constructed according to the standards established by the Standard Building Code adopted by the city and in effect at the time of erection or placement of the dwelling. A manufactured home unit must bear the label or seal of compliance with the Federal Manufactured Home Construction and Safety Standards issued by the Department of Housing and Urban Development. Any mobile home or manufactured home unit manufactured before June 15, 1976, shall not be allowed within the city. Any manufactured home unit manufactured after June 15, 1976, not bearing such seal or label shall be reported to the state administrative agency having jurisdiction and shall not be granted a certificate of occupancy. Any modular or industrialized home must bear any labels, stamps or seals of compliance required by the Department of Community Affairs or the City of Pembroke.

(i) Other than as provided in 3-19.1 below, manufactured homes or modular buildings shall be placed only on land owned by and titled in the name of a principal occupant of the structure. If by placement of the manufactured home or modular building the owner qualifies for the homestead exemption, then the home shall be assessed as real property for ad valorem taxes.

(j) Other than as provided in 3-19.1 below, the owner shall, prior to placement of a structure, submit to the Zoning Administrator or designee an application containing the following:

(i) Applicant's name and address and his or her representative, and the interest of every person represented in the application.

(ii) A statement of circumstances in the proposed district and the abutting district in which the structure is to be placed;

- (iii) A plat or sketch plan showing the configuration of the land on which the structure is to be placed and the location of placement, including measurements of distances of the structure from the property lines;
- (iv) Specifications or pre-design plans which contain a complete description of the structure to include square footage, siding material, roof material and pitch, foundation and other evidence of the general aesthetic appearance required by the Zoning Administrator or designee and necessary to make a determination of compliance and compatibility as required by this ordinance.
- (v) Documents certifying that the structure is in compliance with the Standard Building Code and any other codes, regulations or manufacturing standards as required by this Zoning Ordinance.
- (vi) Evidence of title in the land on which the structure is to be placed.

(k) It shall be a violation of this ordinance to occupy any structure without first obtaining a Certificate of Occupancy from the Zoning Code Administrator or his designee, who shall before issuing a Certificate of Occupancy determine that the structure is in compliance with the terms of this ordinance and all other zoning requirements and city ordinances. In the event the Zoning Code Administrator or his designee is unable to determine whether the applicant meets the criteria established by this ordinance, the Zoning Code Administrator may refer the matter to the city council for a final determination of applicability.

(l) The city council may approve a variance or deviation from one or more of the development or architectural standards provided herein on the basis of finding that the material to be utilized or the architectural style proposed for the dwelling will be compatible and harmonious with existing structures in the vicinity. In such case the applicant must apply for the variance and carry the burden of proof to establish that the home is compatible with surrounding homes. The criteria should include such factors as exterior materials, square footage, foundation type and other factors as deemed necessary for compliance and compatibility as required by this Zoning Ordinance. The city council shall further consider the possible negative effect of the structure on the property values of other properties in the immediate area and the possible effect the structure could have on the surrounding area in the event of inclement weather or high winds.

(m) No provision in this ordinance shall preempt or preclude any protective or restrictive covenants which may be attached to any property within the City of Pembroke or which may be hereafter declared affecting any property within the City of Pembroke.

(n) A Certificate of Occupancy may be issued to an Applicant who has met all the requirements of this Section 3-19(2) and who has obtained the approval of the City Council and Mayor, provided that any other requirements for the issuance of a Certificate of Occupancy have also been met.

(3) *Noncomplying Dwellings:* Manufactured homes or modular buildings which do not conform to the standards established in Section 3-19(2) above shall not be permitted within the limits of the city, except in a duly licensed and approved park for manufactured homes or modular buildings. Parks for manufactured homes, mobile homes or modular homes shall be allowable only in R-4 Districts. Any person, firm or corporation desiring to place a manufactured home, or modular building not complying with the standards of Section 3-19(2) above within the limits of the city and

outside of a regularly licensed park may make an application for same to the Zoning Administrator, who shall refer said application to the mayor and city council for determination on the following basis: If in the opinion of the mayor and city council, it should become necessary as a temporary emergency or hardship or for security or protection, such permit may be granted on a limited basis for a period not exceeding one year from the date of permit. If before the anniversary date of the permit, the emergency or other reasons for the structure shall no longer exist, then said permit shall be automatically canceled and said structure removed by the owner. If said structure is not removed, it will be removed by the city at the owner's expense. Such permit, if granted, shall be a privilege and not a right and shall be issued strictly at the determination of the city council who shall prescribe the terms, location, duration of the permit, the utility connections for electricity and gas and the sanitary system for water and sewage, and such decision shall be final. A Certificate of Occupancy may be issued after such permit has been obtained and any other requirements for issuance of a Certificate of Occupancy have been met.

(4) *Temporary Non Residential Use:* Manufactured Housing Units or Modular buildings for non-residential use may be permitted in any zoning district on a temporary basis during construction of a principal building or a road.

(5) *No parking of unpermitted units:* Except for manufactured housing units offered for sale on manufactured housing sales lots, the parking of a manufactured home or trailer outside of a permitted area in any district for 49 hours or more shall be prohibited. Utility trailers properly registered and tagged for use on the highways of this state are excluded from this provision.

(6) *Camping and Recreational Equipment:* Any owner of camping and recreational equipment, including but not limited to travel trailers, pick-up coaches, motorized homes and boat trailers may park or store such equipment on private residential property subject to the following conditions:

(a) Such parked or stored camping and recreational equipment shall never be occupied or used for living, sleeping or housekeeping purposes for more than fourteen (14) days.

(b) If the camping or recreational equipment is parked or stored outside of a building, it shall be parked or stored, if possible, behind the front building line of the lot.

(c) Notwithstanding the provisions of sub-section 2 above, camping and recreation equipment may be parked anywhere on the premises while actually being loaded or unloaded.