

TOWN OF WINDSOR

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Town Manager
Michael R. Stallings, Jr.

Town Clerk
Terry Whitehead

Town Attorney
Wallace W. Brittle, Jr.

Established 1902

October 6, 2014

Memorandum

**To: Mr. Michael R. Stallings, Jr. Town Manager
Hon. Carita J. Richardson, Mayor
Town Council**

From: Dennis W. Carney, Planning and Zoning Administrator

Subject: Amendments to the Land Development Ordinance on Manufactured Home Parks

Issue: The proposal is to amend the Land Development Ordinance to permit manufactured homes up to 15 years from the date of the given Zoning Permit Application to enter a Manufactured Home Park in the Town. The present Ordinance permits such homes if they are 10 years. The second portion of the amendments is to replace the term "mobile" with "manufactured" throughout the Ordinance in the R-1-RMP District.

Facts: In May, Martha Newsome representing Windsor Manor Mobile Home Park brought the 10 year issue to the Town's attention. It was her belief that the 10 year rule was too restrictive and that the State Building Code and the standards used by her Park were sufficient. Furthermore, some very good homes that were over 10 years old were being prevented from coming into Windsor. Over the next several months, the Planning Commission and Staff reviewed the topic in great detail. Mr. Brittle, the Town Attorney reviewed State law and has assured the Town that setting an age limit is defensible. A meeting was held between Town officials and representatives of 3 of the 4 Parks in Town. They came to a compromise position of recommending it be raised to 15 years to accommodate the better construction in recent years but still insure quality and some degree of fiscal integrity. The Planning Commission again reviewed the subject based on the compromise and set the public hearing accordingly. They also added the proposal to amend the Ordinance to replace "mobile" with "manufactured" throughout the R-1-RMP District. This is to bring the definition into accord with Virginia and Federal law. The amendments are attached for review.

Planning Commission Recommendation: The Planning Commission after a duly advertised public hearing in August, voted unanimously to recommend to Town Council that the amendments be approved as submitted.

Staff Recommendation: Staff recommends that Town Council consider approval of the Planning Commission's recommendation.

§ 160-45. R-1MHP (Manufactured Mobile Home and Manufactured Mobile Home Park regulations).

A. Limiting the number of manufactured mobile homes on a lot.

(1) No manufactured mobile home shall be located on a lot, tract, court, park, or camp or parcel of land within the Town of Windsor, unless such manufactured mobile home is placed on a permanent foundation, as determined by the Uniform Statewide Building Code, Editor's Note: See 13 VAC 5-61-10 et seq. or as approved by the Building Official of the County of Isle of Wight. Skirting shall be required for all manufactured mobile homes within the Town of Windsor. **No manufactured mobile home shall be allowed to locate in a manufactured mobile home park in the Town of Windsor if its date of manufacture is greater than 10 15 years from the date of the application for a zoning permit.**

(2) No more than one manufactured mobile home is allowed on any lot, tract, or parcel of land within the Town limits, unless said manufactured mobile home is located in an approved manufactured mobile home park.

B. Location of manufactured mobile homes on a lot.

(1) A manufactured mobile home located on a lot, tract or parcel of land within the Town of Windsor shall be located in accordance with Article VII of this chapter. Additionally, such placement shall be parallel to the nearest street or curb line.

(2) No manufactured mobile home shall be located nearer than 20 feet to another manufactured home, dwelling, house or other structure intended for residential or business occupancy. There shall be provided an area not less than 7,500 square feet of level ground, inclusive of the ground underneath such manufactured mobile home, located on any lot, tract, or parcel of land.

C. Water supply and sewage disposal system.

(1) Each manufactured mobile home shall be provided with a permanent water system and permanent wastewater system. These systems shall be connected to the Town of Windsor public water and the Isle of Wight County wastewater systems, respectively. Both systems must be approved by the Town of Windsor prior to connection to the public systems. No occupancy will be allowed prior to connection to the public water and wastewater system. Wastewater system laterals shall be at least four inches in diameter.

(2) Any manufactured mobile home for human habitation that is not provided with a permanent water system and/or permanent wastewater system is prohibited from being located in the Town of Windsor.

(3) The cost of water and wastewater disposal systems, including, but not limited to, hookup, labor, parts, and materials, water and wastewater lines coming from the Town of Windsor's and County of Isle of Wight's systems, respectively, and those meters deemed appropriate by the Town of Windsor, shall be at the sole expense of the owner of said manufactured mobile home court, park, or camp.

D. Exceptions. The Town Council may, at its discretion, in cases of extreme hardship and upon proper cause being demonstrated, grant a waiver to the financial fees imposed by § 160-45C (3). Any other waiver or variance of Article VII must be handled through the Board of Zoning Appeals as provided for in this chapter.

E. Permit prerequisites. All manufactured mobile homes must have a valid zoning permit issued by the Town of Windsor prior to the installation, location and/or replacement of manufactured mobile home. A zoning permit shall only be issued to the owner of said manufactured mobile home.

F. Location of a manufactured mobile home court.

(1) A manufactured mobile home court, park or camp in the Town of Windsor must be located on a suitable parcel of land with approved drainage and public road access. A site plan indicating the location of the individual home sites, storm drainage, parking and vehicular access, fire hydrants, and any other reasonable site development requirements deemed necessary by the Town of Windsor shall be submitted as part of the zoning permit application, and its review shall be part of the zoning permit approval process.

(2) All manufactured mobile home courts, parks, or camps must be located in an R-1MHP Zone as designated by this chapter and as shown on the Town of Windsor Zoning Map. Any request to develop a parcel of land as a manufactured mobile home court, park, or camp, not currently zoned R-1MHP, must have that parcel rezoned as provided for in the applicable articles of this chapter, and the Town of Windsor Zoning Map must be amended to show the site as having an R-1MHP Zone.

(3) All manufactured mobile homes located in a court, park, or camp within the Town of Windsor shall be placed on a manufactured mobile-home site or lot so as not to extend within 20 feet of the court, park, or camp's property line. A manufactured mobile home site or lot shall not be less than 50 feet in width. There shall be at least two parking spaces for each site or lot. Each site or lot shall be at least 7,500 square feet in size.

(4) A centralized and enclosed area shall be provided in all manufactured mobile home courts, parks or camps for the collection and transfer of solid waste. Proper containers and enclosures must be provided so as to reduce the potential for vermin and small children coming in contact with the solid waste.

(5) Access to each manufactured mobile home site or lot within a manufactured mobile home court, park or camp within the Town of Windsor shall be by an unobstructed right-of-way no less than 20 feet in width. These rights-of-way must be graded properly to allow for storm-water drainage, and the surface of the road must be kept in good repair, free from potholes, and ruts. Failure of the owner of said court, park or camp to keep the right-of-way unobstructed and in good repair shall constitute a violation of this chapter and hence subject to the enforcement articles of this chapter, including the suspension of the license for the operation of said court, park or camp. Reissuance of a suspended license shall conform to the license requirements as set forth by this chapter.

G. Number of manufactured mobile homes per site or lot within a court. Not more than one manufactured mobile home shall be located on any manufactured mobile home site or lot within a manufactured mobile home court, park or camp within the Town of Windsor.

H. Editor's Note: Former Subsection H, Water supply and sewage disposal system, which immediately followed this subsection, was deleted 7-13-2004. See now Subsection C. Inspection of manufactured mobile home courts.

(1) The Zoning Administrator shall inspect each manufactured mobile home court, park or camp within the Town of Windsor at least twice per calendar year. The results of these inspections shall become part of the public record, and a full report shall be made to the Town Council after each inspection.

(2) The purpose of these inspections is to insure that unsafe and/or unsanitary conditions do not develop.

I. Manufactured mobile home court license requirements.

(1) It shall be unlawful for any person to operate or conduct any manufactured mobile-home court, park or camp within the corporate limits of the Town of Windsor without first obtaining a license for the operation of said court, park or camp from the Town Council.

(2) The Town Council may require the applicant for a manufactured mobile home court, park or camp license to produce information in addition to that which is required by this chapter. Failure to produce such information as required by the Town Council shall be sufficient cause for the Town Council to deny said license application. Reapplication may be made no more than two times per calendar year.

(3) Any new lots in a preexisting manufactured mobile home court, park or camp must have a zoning permit and comply with the terms and conditions of this chapter.

NOTICE OF PUBLIC HEARING

Notice is hereby given pursuant to Section 15.2-2204 of the Code of Virginia, 1950 as amended that the Town Council of the Town of Windsor will hold public hearings on Tuesday October 14, 2014 at 7:00 p.m. in the Town Hall Council Chamber on the matters and requests described below. The public is invited to attend the public hearing and give their views on the following matters:

LAND DEVELOPMENT ORDINANCE TEXT AMENDMENTS- Amend Article VII § 160-45 R-1-MHP of the Town of Windsor Land Development Ordinance to delete the term “mobile” and add the term “manufactured” within the entire section; and; amends the restriction in § 160-45(A)(1) that prevents manufactured homes that are greater in age than 10 years to a restriction on manufactured homes in a manufactured home park that is greater than 15 years from the date of the request for an application for a zoning permit. This restriction is clarified that it does not apply to individual manufactured homes on agriculturally zoned property.

LAND DEVELOPMENT ORDINANCE TEXT AMENDMENTS- The following Amendments regarding temporary and permanent signs in the Signs section of the Land Development Ordinance are proposed for amendment; amend Article III, § 160-7 to add the phrase “with professionally made letters”; amend § 160-44(D) Temporary Signs in the “Signs” chapter to permit on one sign permit up to five 60 day periods for temporary sign displays with a period of 15 days in which temporary sign(s) must be removed; Add a new section §160-44(5) on Temporary signs permitting two free-standing vertical banners, two free-standing vertical banners or one horizontal banner or sign for every 75 feet of street frontage in order to define the maximum number of temporary signs permitted for a business. Add in §160-44 (E) (2) a new section k. permitting sandwich boards as a permanent sign provided they are placed inside the business when the business is closed. In §160-44 (H) (1) add language stating “signs...” shall be installed in a professional manner to insure public safety and...” in order to lead to more safe signage.

The Zoning Text amendments are available for public scrutiny in the Town of Windsor Town Hall, Monday through Friday, or by contacting Mr. Dennis Carney, Planning and Zoning Administrator at (757) 242-4288 between the hours of 9:00 a.m. and 5:00 p.m.

Dennis W. Carney
Planning and Zoning Administrator