

TOWN OF WINDSOR

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Greg Willis
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Patty Fleming



Established 1902

Town Manager
Michael R. Stallings, Jr.

Town Clerk
Terry Whitehead

Town Attorney
Wallace W. Brittle, Jr.

July 2, 2014

Memorandum

To: Michael R. Stallings, Jr., Town Manager
Honorable Mayor and Council

From: Dennis W. Carney, Planning and Zoning Administrator

Subject: Planning Commission Recommendations on Time Restraints on Manufactured Homes

The issue of the ten-year time restraints on manufactured homes that was brought to Town Council's attention at the May 13, 2014 Town Council meeting, and subsequently directed to the Planning Commission has now been reviewed by that body. The Planning Commission reviewed the issue with lengthy discussions at their May and June meetings. In June they received direction from the Mr. Wallace Brittle, Town Attorney via e-mail that in his opinion Town Council had the legal right to place such a 10 year prohibition on manufactured homes in Mobile Home Parks. However, since Manufactured Homes (those built since 1976) are built according to the HUD Building Code, their construction cannot be used as a justification for such a rule due to federal and state laws, another justification would have to be given if litigation ever was brought forward against the regulation. Pure aesthetic reasons are not normally tenable.

Town Council is reminded that the current Ordinance section at issue reads as follows;

Section 160-45 " ... *No mobile home shall be allowed to locate in the Town of Windsor if its date of manufacture is greater than 10 years from the date of the application for a zoning permit.*"

The Planning Commission unanimously voted at their June 25, 2014 to recommend to Town Council that the age of the structure not be used as a valid justification for the location of manufactured homes into the Town. They further stated that if there are other permissible reasons that they could be applied and placed in the Ordinance. However, they could not recommend any other criteria to judge such manufactured homes that were not subjective or based on aesthetic reasons.

Within the same motion, they recommended that if Town Council was in agreement that the offending section be removed and that the term "manufactured home" replace the

term “mobile home” in the various current sections of the Land Development Ordinance dealing with the R-1MHP District (Section 160-45ff). This would remove even the remote possibility of older mobile homes (pre-1976) being brought into the Town and bring us into complete accord with State and Federal law.

Finally, as part of their recommendation, because this request was brought to light by Mrs. Martha Newsome of the Windsor Manor Mobile Home Park, that the process of amending the Ordinance could be expedited by a joint Planning Commission/Town Council public hearing at the August 12, 2014 Town Council meeting to correct the problem based on the Planning Commission’s recommendation. If Town Council is in agreement, Staff will proceed to make the corrections and prepare the advertisements.