

Item # 17

**City of Carson City
Agenda Report**

Date Submitted: March 23, 2010

Agenda Date Requested: April 1, 2010

Time Requested: 10 minutes

To: Mayor and Board of Supervisors

From: Public Works-Planning Division

Subject Title: Action to introduce, on first reading, Bill No.____, an ordinance amending the Carson City Municipal Code Title 18, Zoning, Chapter 18.04, Use Districts, Section 18.04.081, Manufactured Or Mobile Homes Authorized, to allow manufactured homes or mobile homes that are more than 15 years old to be placed within mobile home parks under certain circumstances, and other matters properly related thereto. (ZCA-10-010) (Lee Plemel)

Summary: The code currently prohibits any manufactured home or mobile home that is more than 15 years old from being brought into Carson City for placement on an individual lot or within a mobile home park. The proposed ordinance would establish criteria under which units more than 15 years old may be placed in mobile home parks.

Type of Action Requested:

☐ Resolution

☒ Ordinance-First Reading

☐ Formal Action/Motion

☐ Other (Specify)

Does This Action Require A Business Impact Statement: ☐ Yes ☒ No

Planning Commission Action: Recommended approval on February 24, 2010 by a vote of 6 Ayes, 0 Nays, and 1 Absent.

Recommended Board Action: I move to introduce, on first reading, Bill No.____, an ordinance amending the Carson City Municipal Code Title 18, Zoning, Chapter 18.04, Use Districts, Section 18.04.081, Manufactured Or Mobile Homes Authorized, to allow manufactured homes or mobile homes that are more than 15 years old to be placed within mobile home parks under certain circumstances, and other matters properly related thereto.

Explanation for Recommended Board Action: The Board of Supervisors, pursuant to Carson City Municipal Code, is required to take final action on all code amendments. See the attached staff report for more explanation.

Applicable Statute, Code, Policy, Rule or Regulation: 18.02.075 Zoning Code Amendments

Fiscal Impact: N/A

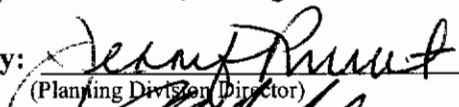
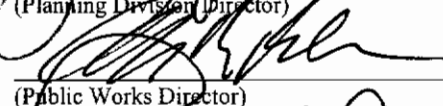
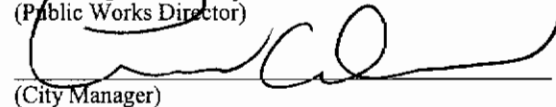
Explanation of Impact: N/A

Funding Source: N/A

Alternatives: 1) Refer back to staff and Planning Commission for further review
2) Do not introduce the ordinance

Supporting Material: 1) Ordinance
2) Planning Commission Case Record
3) Planning Commission Staff Report

Prepared By: Janice Brod, Management Assistant V

Reviewed By: 
(Planning Division Director)

(Public Works Director)

(City Manager)

(District Attorney's Office)

Date: 3.22.2010

Date: 3.23.10

Date: 3/23/10

Date: 3.23.10

Board Action Taken:

Motion: _____	1) _____	Aye/Nay
	2) _____	_____

(Vote Recorded By)

BILL NO.

ORDINANCE NO. 2010-____

AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, CHAPTER 18.04, USE DISTRICTS, SECTION 18.04.081, MANUFACTURED OR MOBILE HOMES AUTHORIZED, TO ALLOW MANUFACTURED HOMES OR MOBILE HOMES THAT ARE MORE THAN 15 YEARS OLD TO BE PLACED WITHIN MOBILE HOME PARKS UNDER CERTAIN CIRCUMSTANCES, AND OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF SUPERVISORS OF CARSON CITY DOES ORDAIN:

SECTION I:

That the Carson City Municipal Code Title 18, Zoning, Chapter 18.04, Use Districts, Section 18.04.081, Manufactured or Mobile Homes Authorized, is hereby amended, in part, by providing an exception to the restriction against a manufactured home or mobile home that is more than 15 years old in mobile home parks under certain circumstances, as follows:

18.04.081 Manufactured or Mobile Homes Authorized. Placement of manufactured homes or mobile homes within mobile home zoning districts or mobile home parks.

1. In those areas which have been designated in Title 18 as allowing mobile or manufactured homes to be utilized as a residence, said mobile or manufactured homes are authorized when installed in conformity with provisions of Nevada Revised Statutes, the regulations adopted by the Manufactured Housing Division of the Department of Commerce and the provisions of this Title.
2. Any mobile or manufactured home installed in Carson City must be constructed or manufactured not more than ~~{fifteen-}~~{15{}} years prior to the date of the application for the mobile or manufactured home lot development permit or a replacement mobile home permit for mobile home parks. This requirement does not pertain to **the following:**

a. Any [any] mobile or manufactured home, which is legally authorized for habitation in Carson City prior to [the adoption of this section] January 6, 2005, provided the continuing use complies with Titles 15 and 18 of the Carson City Municipal Code[-] or;

b. Any mobile home or manufactured home in a mobile home park that complies with the following standards:

- (1) The mobile or manufactured home shall be equipped with commercially manufactured skirting, which shall be professionally installed with a top and bottom railing;**
- (2) The exterior of the mobile or manufactured home shall be in good repair without dents or flaking or peeling paint;**

- (3) All windows on the mobile or manufactured home shall be intact with no cracked, missing or broken panels;
- (4) The roof of the mobile or manufactured home shall be in good repair with no apparent leaks or missing roofing material;
- (5) Any planned or existing add-ons to the mobile or manufactured home must appear to be factory made, must match the mobile home or manufactured home and must be in compliance with the Carson City Building Code; and
- (6) The continuing use complies with Titles 15 and 18 of the Carson City Municipal Code.

SECTION II:

No other provisions of Title 18 of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on _____, 2010.
PROPOSED BY Supervisor _____
PASSED _____, 2010

VOTE:

AYES:

NAYS:

ABSENT:

ROBERT L. CROWELL, Mayor

ATTEST:

ALAN GLOVER, Clerk-Recorder

This ordinance shall be in force and effect from and after the ____ day of the month of _____ of the year 2010.

CARSON CITY PLANNING COMMISSION

CASE RECORD

MEETING DATE: February 24, 2010

AGENDA ITEM NO.: H-2

APPLICANT(s) NAME: N/A
PROPERTY OWNER(s): N/A

FILE NO. ZCA-10-010

ASSESSOR PARCEL NO(s): N/A
ADDRESS: N/A

APPLICANT'S REQUEST: Action to make a recommendation to the Board of Supervisors regarding a Zoning Code Amendment, an ordinance amending the Carson City Municipal Code Title 18, Zoning, Chapter 18.04, Use Districts, Section 18.04.081, Manufactured Or Mobile Homes Authorized, to allow manufactured homes or mobile homes that are more than 15 years old to be placed within mobile home parks under certain circumstances.

COMMISSIONERS PRESENT: ☒ KIMBROUGH ☒ MULLET ☒ STOCKTON
 ☒ DHAMI ☐ REYNOLDS ☒ VANCE ☒ WENDELL

STAFF REPORT PRESENTED BY: Lee Plemel ☒ REPORT ATTACHED
STAFF RECOMMENDATION: ☒ APPROVAL
APPLICANT REPRESENTED BY: N/A

 X PERSONS SPOKE IN FAVOR OF THE PROPOSAL

DISCUSSION, NOTES, COMMENTS FOR THE RECORD:

Commissioners:

Bill Vance: Standards could cause problems because they are subjective. Smaller new units are available.

Roger Stockton: Concern with enforcement of subjective standards. Minimal criteria, especially with State manufactured housing. Would like to see these issues addressed.

Craig Mullet: Are we taking a step backwards? We chose the 15 year for a reason-wiring issues-is this for safety?

Public Comment:

Mary Fischer-owner of Cottonwood Mobile Home Park since 1961 (55+ senior park): In support of ordinance. Quality of the unit is more important than age. Quality of the upkeep is needed. Spaces are determined by mature cottonwood trees. We have specific standards in our park. Recommended change to 2b(1) "factory" to "commercially" manufactured skirting; delete color matching requirement for skirting. Availability at a reasonable price is important for affordable housing options. Mobile home parks are regulated by NRS 118b, which regulates mobile home park operators; it is a highly regulated business. Mobile home parks are considered low income housing. 15 years is arbitrary.

Jan Baldwin-mobile home park owner and mobile home dealer for 35 years: Mobile homes are affordable housing. I have standards for my park. Regulation of skirting color would be difficult because of materials. New regulations should apply to mobile homes on individual lots as well as mobile home parks.

Jim Thorpe-in Carson City since 1935-Hillside mobile home park owner (55+ park)

May Thorpe-married 63 years to Jim Thorpe: Have had a vacant space for three years. They received a setback variance but it expired because a unit was not placed there in time.

Al Fischer: See if Fire Department can help clean up existing mobile home parks.

MOTION WAS MADE TO RECOMMEND APPROVAL WITH THE FINDINGS AND CONDITIONS OF THE STAFF REPORT AS MODIFIED (18.04.081.2.b(1))

MOVED: Vance SECOND: Wendell PASSED: 6/AYE 0/NO 0/ABSTAIN 1/ABSENT

SCHEDULED FOR THE BOARD OF SUPERVISORS

DATE: March 18, 2010

STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF FEBRUARY 24, 2010

FILE NO: ZCA-10-010

AGENDA ITEM: H-2

STAFF AUTHOR: Lee Plemel, Planning Director

APPLICANT: Carson City Planning Division

SUBJECT: Action to make a recommendation to the Board of Supervisors regarding an ordinance amending the Carson City Municipal Code Title 18, Zoning, Chapter 18.04, Use Districts, Section 18.04.081, Manufactured Or Mobile Homes Authorized, to allow manufactured homes or mobile homes that are more than 15 years old to be placed within mobile home parks under certain circumstances.

RECOMMENDED MOTION: I move to recommend to the Board of Supervisors approval of ZCA-10-010, an ordinance amending the Carson City Municipal Code Title 18, Zoning, Chapter 18.04, Use Districts, Section 18.04.081, Manufactured Or Mobile Homes Authorized, to allow manufactured homes or mobile homes that are more than 15 years old to be placed within mobile home parks under certain circumstances, based on the findings contained in the staff report.

BACKGROUND:

Carson City adopted an ordinance in January 2005 prohibiting manufactured homes or mobile homes from being placed anywhere within the City if they are brought in from outside the City limits. This ordinance was adopted in response to other local jurisdictions—Lyon County in particular—that had adopted similar ordinances to prevent Carson City from becoming the “dumping ground” for older units. The purpose of the ordinance was also to maintain property values in the community. The ordinance was initiated at the request of Supervisor Shelly Aldean.

To date, no mobile homes or manufactured homes more than 15 years old have been brought into Carson City since the adoption of the ordinance in 2005.

In 2009 the owners of the Cottonwood Mobile Home Park on Arrowhead Drive, the Fischers, approached Supervisor Aldean, other Supervisors and Planning Division staff regarding the difficulties in finding manufactured homes less than 15 years old and small enough to fit into the same mobile home park spaces that were vacated by older units. They believe the appearance and safety of mobile homes is a factor primarily of continued upkeep and maintenance, not the age of the unit at the time of placement. They also believe that buying another mobile home to move from another location already within Carson City—which is allowed by the current code—only passes the problem onto another mobile home park owner.

Staff met with Supervisor Aldean and the Fischers to discuss ways to address the Fischer's concerns while maintaining the general intent of the original ordinance. Supervisor Aldean and staff checked with the District Attorney's office and confirmed that aesthetics could be addressed through zoning with the placement of a mobile home or manufactured home. However, it should be noted that NRS is clear in limiting the City's authority to inspect the structure through building permit requirements. This authority is expressly granted only to the State Manufactured Housing Division. With this in mind, staff worked with Supervisor Aldean to draft the attached ordinance, which only grants an exception to the 15-year-old limit for placement of units within mobile home parks.

"Mobile homes" and "manufactured homes" are defined differently in State law (NRS) and the Carson City Municipal Code. However, for the purposes of this discussion, the terms may henceforth be used interchangeably since the zoning regulations apply the same to both—for the purposes of zoning, there is no distinction between the two.

DISCUSSION:

As noted above, NRS allows the City to consider aesthetics in the review of the placement of mobile homes. However, staff believes that any such standards should be objective and not subject to personal opinion, to the fullest extent possible. With the above noted considerations, the following revised standards are drafted for your consideration and recommendation to the Board of Supervisors:

18.04.081 Manufactured or Mobile Homes Authorized. *Placement of manufactured homes or mobile homes within mobile home zoning districts or mobile home parks.*

1. *In those areas which have been designated in Title 18 as allowing mobile or manufactured homes to be utilized as a residence, said mobile or manufactured homes are authorized when installed in conformity with provisions of Nevada Revised Statutes, the regulations adopted by the Manufactured Housing Division of the Department of Commerce and the provisions of this Title.*
2. *Any mobile or manufactured home installed in Carson City must be constructed or manufactured not more than ~~fifteen~~ (15) years prior to the date of the application for the mobile or manufactured home lot development permit or a replacement mobile home permit for mobile home parks. This requirement does not pertain to the following:*
 - a. Any ~~any~~ mobile or manufactured home, which is legally authorized for habitation in Carson City prior to ~~[the adoption of this section]~~ January 6, 2005, provided the continuing use complies with Titles 15 and 18 of the Carson City Municipal Code[-] or;*
 - b. Any mobile home in a mobile home park that is rehabilitated in accordance with the following standards:*
 - (1) All units shall be equipped with commercially manufactured skirting, which shall be professionally installed with a top and bottom railing and which shall match the color of the mobile home or manufactured home;*
 - (2) The exterior of all units shall be in good repair without dents, flaking or peeling paint;*
 - (3) All windows shall be intact with no cracked, missing or broken panels;*
 - (4) The roof shall be in good repair with no apparent leaks or missing roofing material;*

(5) Any planned or existing add-ons must appear to be factory made, must match the mobile home or manufactured home and must be in compliance with the Carson City Building Code.

It should be noted that the above standards only allow for the placement of units older than 15 years within mobile home parks, not on individual lots. In discussing the issue with the Carson City Assessor, his primary concern was allowing older units on individual lots where they are placed and assessed as real property, impacting the assessed tax base. Since this is not the case with the proposed ordinance, the Assessor has no concerns with allowing older mobile homes in mobile home parks.

Similarly, the Fire Chief agreed that lack of maintenance and other illegal construction within the units is the primary cause of increased fire hazards in mobile homes. The State Manufactured Housing Division is responsible for ensuring that the units are safe at the time they are placed.

While the current ordinance has been effective in preventing older units from being brought into the City, the quality and appearance of a mobile home is, arguably, more impacted by the upkeep and maintenance of the unit than strictly by the age of the unit. The proposed ordinance would allow older units to come into mobile home parks, but they would have to be brought up to standards in order to be placed.

PUBLIC NOTIFICATION REQUIREMENTS: Public notices were published in the newspaper for the Zoning Code Amendment in accordance with the provisions of NRS and CCMC 18.02.045. Additionally, a courtesy notice was sent to all mobile home park owners within Carson City since this ordinance impacts only mobile home parks. As of February 16, 2009, one letter (attached) was received from Parc De Maison mobile home park ownership in opposition of the proposed ordinance. No other written comments have been received from the general public. No City departments had any written comments or concerns regarding this amendment. Any comments that are received after this report is completed will be submitted prior to or at the Planning Commission meeting, depending on their submittal date to the Planning Division.

LEGAL REQUIREMENTS: CCMC 18.02.050 (Review); 18.02.075 (Zoning Map Amendments and Zoning Code Amendments).

FINDINGS: Staff recommends the following findings for approval pursuant to the Carson City Municipal Code Section 18.02.075(5), Zoning Map Amendments and Zoning Code Amendments.

1. The proposed amendment is in substantial compliance with the goals, policies and action programs of the Master Plan.

Rationale: The proposed Zoning Code Amendment is in substantial compliance with the goals, policies and action programs of the Master Plan by maintaining a mix of housing types in the city (Goals 2.2a and 9.1a) and promoting affordable housing options (Goal 9.2).

2. The proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity.

Rationale: This Zoning Code Amendment will allow for the placement of mobile homes in mobile home parks that are compatible with and, typically, similar in age to other existing mobile homes already in the mobile home parks. Mobile home parks have been identified specifically for this use through their prior zoning approvals.

3. ***The proposed amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare.***

Rationale: The proposed amendments will have no impact on existing or planned public services or facilities, as it does not increase the density of any mobile home park.

Respectfully Submitted,
PLANNING DIVISION

A handwritten signature in black ink, appearing to read 'Lee Plemel', with a stylized flourish at the end.

Lee Plemel, AICP
Planning Director

Morgan Price
Parc De Maison (A Gated Manufactured Community)
2220 Cognac Street
Carson City, NV 89701
882 4445

February 15, 2010



To:
Carson City Planning Commission/Board of Supervisors:

RE: Zoning Code Amendment File No ZCA-10-010

Dear Staff:

The Price Family owns and operates Parc De Maison at 1700 Colorado Street. We have owned Manufactured Communities for many years and in different states. Parc De Maison was first built in 1987 and has had a pride of Resident Owned Structures since day one. This Zoning Amendment brings several items of interest that I would like address.

The criteria at hand does not state anything about the roof structure (pitch). I can tell you that in our community of mandating conformity, many older structures (nearly flat pitched roof lines) would make our community an eyesore and not conform at all to the existing community. I can only hope that in your Municipal code Title(s) 15 and 18, that this is addressed.-

It is stated that the regulation has caused difficulty for some mobile home parks in replacing older units with newer units because newer units are generally larger and do not always fit in the vacant spaces. It is and has been a very viable practice in this business to as time moves on and MHP's reach their tenure, that updating and providing the necessary improvements forth to see that the communities are still viable in today's market.

Single wide Mobiles are still being made. Three months ago I replaced a mobile in our community from a local merchant, I was pleasantly surprised at the different width's that were being offered (new). I will tell you that it is across the board that recent times do obviously show that homes in general are bigger these days than in the past, that is the sign of the times, and the Owners of the few parks who are asking for this relief, has banked their investment to the fullest, and not addressed appropriately time lines on updating.

By allowing older units into our community would bring down the price values in MHP's, it is obvious and should not even otherwise be considered. It will bring into play a situation that a few minority parks are now experiencing. They have not acknowledged the importance of periodically updating their communities, which is that they (Park Owners) are making a decision to buy the older structures themselves to keep the

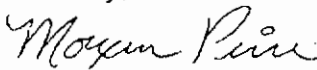
monthly income open and renting the homes on site, thus making them non owner occupied units. Once you get into subletting you have lost the original intention of Owner occupied Manufactured Communities, in which the other Residents originally signed. I'm positive that you would agree that neighbors, who have an interest in their structures, provide a greater pride than Sublette's.

Manufactured Communities were meant perfectly on what PDM strives for. We offer a situational spot for many elders who cannot keep up with their larger single family home with land, but still want the independence of ownership before having to inquire about assisted or communal living. Our (All Age) park also provides to families who wish to own their economical structure rather than be in a rental (apartment) community.

I put this regulation burden on the few minority Park Owners who have turned their head for many years and banked their investment. I truly feel sorry for the residents, though it will be them that will burden the fall of structure prices as well as the owner occupied pride, if this regulation is changed. I have a list of many parks for sale, all of which having the attached price of in the Millions. We should not bear too much weight on those who now are crying, and have not supported updating their communities in our town for many years.

I support no change in the regulation!

Sincerely,



Morgan Price
PDM

RECEIVED

February 22, 2010

FEB 22 2010

CARSON CITY
PLANNING DIVISION

Carson City Planning Division
2621 Northgate Lane, Suite 62
Carson City, NV 89706

To Carson City Planning Division:

RE: Zoning Code Amendment to 18.04.081

Thank you for proposing to change the existing ordinance to now allow manufactured homes older than 15 years into Carson City mobile home parks. Being a Carson City park owner, I find that it is increasingly difficult to find homes that are newer than fifteen years old at decent prices. Homes built in the 90's are still well built, look good and are in line with city ordinances and also provide an excellent residence for those choosing to live inside a mobile home community. By changing this statute, things will certainly be easier for those of us looking to fill vacant spaces in our parks.

After reviewing your proposed wording, I have found a few sections that I do not particularly agree with. For starters, section B.1 says that "All units shall be equipped with factory manufactured skirting, which shall be professionally installed with a top and bottom railing". What exactly do you mean by "manufactured skirting"? Does the skirting need to be manufactured by the same company that built the home? If so, this section should be re-worded to say "All units shall be equipped with skirting, suitable for mobile home / manufactured home use and professionally installed with a top and bottom railing".

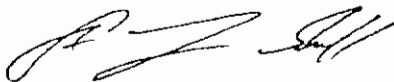
Further, section B.2 states "The material of the skirting shall exactly match the material of the mobile home or manufactured home". Throughout mobile home parks you will find several different types of skirting on mobile homes, some vinyl, some aluminum, some wood, etc. and on some occasions the skirting does match the material exactly, but not always. Some homes may have hardboard siding on them, and if the skirting needed to match the home exactly, the owner would need to use hardboard skirting. We are finding that hardboard skirting tends to disintegrate and deteriorate over time more rapidly than aluminum and vinyl skirting, thus making the mobile home unpleasant looking.

There are many different skirting options available to the owner of the mobile home, and in order for it to look good, it does not need to exactly match the material of the mobile home. Companies now are producing insulated vinyl skirting, which lasts longer than most of the other options on the market today, and is far superior in insulative qualities than most any other skirting option.

Why would we require an owner to install an inferior product on their mobile home? This section needs to be removed in order to accommodate the use of a greater variety of materials, with regards to skirting. I propose that B.2 be completely removed from the proposed statute change.

Again, I commend you on your leadership and insight for proposing the changes to this statute.

Thank you,



Steven Schnell
For Larry Schnell
Owner Lone Mountain MHC
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