

ADMINISTRATIVE REPORT

TO: Advisory Planning Commission
FROM: B. Newell, Chief Administrative Officer
DATE: June 14, 2016
RE: Review of Zoning Bylaw Regulations - Modular and Mobile Homes



Purpose:

The purpose of this report is to review options regarding possible amendments to the Electoral Area Zoning Bylaws that pertain to the placement of modular and mobile homes.

Zoning Issue:

The Regional District has historically attempted to exclude mobile homes from being placed in certain zones by either:

- not listing “manufactured home” as a permitted use in the zone;
- requiring minimum building widths of 5.0 metres for “single detached dwellings”; or
- requiring a minimum width-to-length ratio (i.e. 1:4 or 1:5) for “single detached dwellings”.

Of concern, these regulations have not been applied consistently across Electoral Areas or zones (see Attachment No. 3), they may not be enforceable (i.e. ratio requirement might not achieve the desired outcome), and the definition of “manufactured home” is not consistent across Electoral Areas.

Background:

According to *British Columbia Planning Law and Practice*, the exclusion of mobile homes from residential zones originated in the post-war years when mobile homes more closely resembled contemporary motorhomes in their size and level of amenity. Many communities determined the installation of these types of “manufactured homes” in residential neighbourhoods to be undesirable and, hence, sought to exclude them.

Within the Regional District, the first zoning bylaws adopted in the early 1970s generally listed “mobile homes” as being permitted in a wider range of zones than is currently the case. This started to change following the review of these original zoning bylaws in the 1990s to the point where “manufactured homes” are now only permitted in the RSM1 and RSM2 Zones.

More recently, Penticton, Summerland, Oliver and Keremeos have updated their zoning bylaws in order to differentiate between mobile and modular homes

The *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* also allows for “one manufactured home, up to 9 m in width, for use by a member of the owner’s immediate family” as a “non-farm use” (meaning the use can be regulated, or prohibited by a local government).

Finally, the Regional District has recently been challenged by legal counsel retained by two separate property owners seeking to place modular homes on properties not currently zoned for “manufactured homes”.

Analysis:

Administration is concerned that the Regional District's zoning bylaws have not kept pace with changes occurring in the manufactured home industry or with the zoning regulations implemented by member municipalities as they pertain to modular homes.

As a result, the Regional District currently prohibits the placement of modular homes in all zones other than the manufactured home parks zones (i.e. RSM1 and RSM2).

This is seen to raise a broader policy issue for the Board and whether it wishes to continue to exclude modular and mobile homes from a majority of zones as either a principal or accessory dwelling unit type.

Administration considers there to be merit in re-visiting this policy issue and expanding the range of zones that modular homes are permitted in, while also exploring the possibility of allowing mobile homes to be placed in a greater range of zones.

Modular Homes as "Single Detached Dwellings"

The principal concern with the current definition of a "manufactured home" is that it is not consistent across Electoral Areas and captures both the CSA Z240 (mobile) and CSA A277 (modular) types of dwelling units (see Attachment No. 1 for examples of Z240 and A277 dwellings).

As a result, modular homes are only permitted within "manufactured home parks", which is proving problematic as an increasing number of development applications propose the placement of modular homes in other zones (i.e. 2015 PNE Prize Home in the RS1 Zone in Naramata).

In response, Administration is proposing that the definition of "manufactured home" be amended in order to separate "mobile homes" from "modular homes" (see Attachment No. 2), and that "modular homes" be permitted in all zones where "single detached dwellings" are currently permitted.

"Mobile Homes" as accessory dwelling units in Rural Zones

At the moment, a number of the Electoral Area Zoning Bylaws include misleading references to "mobile homes" being a permitted form of "accessory dwelling" in certain zones and Administration considers that these references should be corrected *if* the Board is of the opinion that "manufactured homes" should continue to be excluded as "accessory dwellings" in all zones.

Similar to the discussion above, Administration considers there to be merit in re-visiting the policy of prohibiting mobile homes as a form of accessory dwelling unit in the Resource Area (RA), Large Holdings (LH) and Agriculture (AG) zones.

Administration understands the aesthetic concerns about allowing mobile homes in Low Density Residential (RS) zones, but feels these are less pressing in the RA, LH and AG Zones where minimum parcel sizes are generally going to be greater than 4.0 ha in area and the placement of a mobile home is unlikely to adversely affect a neighbouring use.

"Mobile Homes" as principal dwelling units in Rural Zones

The APC may also wish to consider the merits of allowing "mobile homes" as a permitted form of principal dwelling unit in the Resource Area (RA), Large Holdings (LH) and Agriculture (AG) zones.

It is noted that the Electoral Area “H” Zoning Bylaw currently allows for “manufactured homes” (being both mobiles and modulares) in the RA, LH, SH and AG Zones.

Width-to-Length Ratio

Further to the table provided at Attachment No. 3, the Regional District has not applied a consistent length-to-width ratio across zones or Electoral Areas, with examples including:

- 4.0 metres width, as originally designed and constructed, and a width-to-length ratio of 1:4 or less;
- 5.0 metres width, as originally designed and constructed, and a width-to-length ratio of 1:4 or less;
- 5.0 metres width, as originally designed and constructed, or 100 m², whichever is greater; or
- 98.0 m², for first storey of a single detached dwelling as originally designed and constructed.

Administration is also concerned that the 1:4 width-to-length ratio — thought to have been introduced to preclude the placement of manufactured homes in certain zones — has actually been incorrectly drafted and, as a result, requires that the width of a dwelling unit not exceed 25% of the length; which represents the typical dimension of a single wide manufactured home.

In response, Administration is proposing that a uniform regulation be introduced:

Minimum Building Width:

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.
- b) Accessory Dwelling Unit: [TBD]

The range of zones that this would be applied to would be dependent upon the policy directions set by the Board in relation to the questions raised above regarding “manufactured homes” as permitted principal and accessory dwelling units.

Summary

The APC is asked to consider the following questions when making a recommendation to the Board regarding the proposed changes to the Electoral Area Zoning Bylaws:

- .1 should modular homes be permitted as a form of “single detached dwelling” in all zones;
- .2 should modular homes be permitted as an allowable form of “accessory dwelling” in all zones;
- .3 should mobile homes be permitted as an allowable form of principal dwelling unit in the RA, LH and AG zones;
- .4 should mobile homes be permitted as an allowable form of “accessory dwelling” in the RA, LH and AG zones; and
- .5 should consistent building width requirement for principal dwelling units be introduced in SH and RS Zones?

Options:

1. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved.
2. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved with the following conditions:
 - i) *TBD*
3. THAT the APC recommends to the RDOS Board of Directors that the subject development application be denied.

Respectfully submitted:



C. Garrish, Planning Supervisor

Endorsed by:

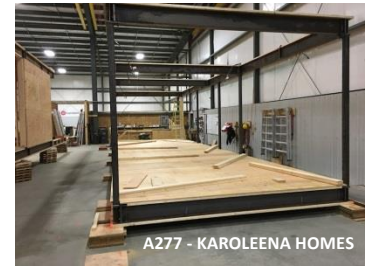


D. Butler, Development Services Manager

- Attachments: No. 1 – Examples A277 (Modular) and Z240 (Mobile)
No. 2 – Proposed Definition Changes
No. 3 – Electoral Area Zones regulating “width-to-length ratio”

Attachment No. 1 – Examples A277 (Modular) and Z240 (Mobile)

Examples of A277 Modular Homes:



Examples of Z240 Mobile Homes:



Attachment No. 2 – Proposed Definition Changes

CURRENT	PROPOSED
<p>“manufactured home” means a single detached dwelling unit built in an enclosed factory environment in one or more sections, intended to be occupied in a place other than of its manufacture and conforming to the CSA Z240 or CSA A277 certified standard. The term “manufactured home” does not include a “recreational vehicle”; (Area “C”)</p>	<p>“mobile home” means a home normally built in an enclosed factory environment in one or more sections, intended to be occupied in a place other than that of its manufacture and certified as being constructed to the Canadian Standards Association Z240 Mobile Home Series Standard, but does not include travel trailers, recreational vehicles, park model recreational vehicles or campers;</p>
<p>“manufactured home” means a single or multiple section single detached dwelling unit (Canadian Standards Association (CSA) Z-240 certified single-wide or (CSA) A277 certified double-wide manufactured home) for residential occupancy designed to be transportable on its own chassis and is ready for occupancy upon arrival at its site except for incidental improvements such as placement on a hard surfaced pad, addition of steps, skirting around the base, and connection to utilities. Note: “manufactured home” and “mobile home” are sometimes used synonymously; (Area “D-1”)</p>	<p>“modular home” means a home normally built in an enclosed factory environment in one or more sections, intended to be occupied in a place other than that of its manufacture and certified as being constructed to the Canadian Standards Association A277 Standard, but does not include travel trailers, recreational vehicles, park model recreational vehicles or campers;</p>
<p>“mobile home”(or modular home) means a Canadian Standards Association certified single-wide or double-wide mobile home or double-wide modular home; (Area “D-2”)</p>	<p>“single detached dwelling” means a detached building used for residential use of one family and consisting of one dwelling unit and a secondary suite if permitted in the applicable zone. May include a “modular home” but does not include a “mobile home”.</p>
<p>“single-wide mobile home” means a single detached factory built manufactured dwelling unit, certified by the Canadian Standards Association, which is designed to be moved and has a minimum floor area of 70 m² and a minimum width as originally manufactured of not less than 3.6 metres and a maximum width of 5.0 metres for the entire length of the dwelling unit; (Area “D-2”)</p>	
<p>“manufactured home” means a Canadian Standards Association Z-240 approved single wide and double wide manufactured home; (Area “F”)</p>	
<p>“manufactured home” means a building built in an enclosed factory environment in one or more sections, intended to be occupied as a dwelling unity in a place other than of its manufacture and conforming to the CSA Z240 or CSA A277 certified standard. The term "manufactured home" does not include a “recreational vehicle” (Area “H”)</p>	

Attachment No. 3 – Electoral Area Zones regulating “width-to-length ratio”

	Area 'A'	Area 'C'	Area 'D-1'	Area 'D-2'	Area 'E'	Area 'F'	Area 'H'
Resource Area (RA)	×	×	×	×	×	×	×
Watershed Resource Area (WRA)	-	-	-	-	-	-	×
Agriculture One (AG1)	×	×	×	×	×	×	-
Agriculture Two (AG2)	×	×	-	-	-	-	-
Agriculture Three (AG3)	-	-	×	×	-	×	×
Large Holdings (LH)	×	×	×	×	×	×	×
Large Holdings Two (LH2)	-	-	-	-	-	-	×
Small Holdings One (SH1)	-	-	-	×	✓	-	-
Small Holdings Two (SH2)	×	×	✓	-	✓	×	×
Small Holdings Three (SH3)	×	×	✓	×	×	×	×
Small Holdings Four (SH4)	✓	✓	-	-	×	×	×
Small Holdings Five (SH5)	-	-	-	×	×	×	×
Residential Single Family One (RS1)	✓	✓	✓	×	✓	×	×
Residential Single Family Two (RS2)	-	×	✓	×	-	×	×
Residential Two Family Duplex (RS3)	✓	×	✓	×	✓	-	-
Residential Apex Alpine (RS4)	-	-	×	-	-	-	-
Residential Manufactured Home Park (RSM1)	-	◆	◆	◆	-	-	◆
Residential Manufactured Home Subdivision (RSM2)	-	◆	-	-	-	-	-
Residential Multiple Family (RM1)	✓	×	×	×	✓	×	-
Integrated Housing (RM2)	-	×	-	×	-	×	-
Residential Multiple Unit Three (RM3)	-	-	✓	-	-	-	-
Mixed Use Apex Alpine (RMU)	-	-	✓	-	-	-	-

× No Regulation
 ✓ Regulation
 ◆ Manufactured Homes Permitted
 - Zone not in Bylaw