



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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To: Planning Commission  
From: Department of Community Development  
Date: January 17, 2023 (2<sup>nd</sup> Regular Planning Commission Meeting January 2023)  
Re: Zoning Ordinance Amendments – Various Amendments to the R-7 District Regulations

## **Summary:**

Zoning Ordinance Amendment	10-3-57.3 and 10-3-57.6 (c) of the R-7, Medium Density Mixed Residential Planned Community District regulations
Purpose	To increase the by right number of allowed dwelling units within a multiple-family building from 16 to 64; To add manufactured homes as a use permitted by right, provided that the manufactured homes are (1) attached to a permanent foundation, (ii) titled as real estate, and (iii) limited to one manufactured home per lot. To increase the maximum percentage of multiple-family units allowed in an R-7 development from 30 percent to 50 percent.
Applicant	Harrisonburg Redevelopment & Housing Authority
Staff Recommendation	Approval
Planning Commission Public Hearing	January 17, 2023
City Council Public Hearing	Anticipated February 14, 2023

The Zoning Ordinance amendment is associated with a separate rezoning application for the development known as the Bluestone Town Center. The information contained in this report is only related to the Zoning Ordinance amendments. All information regarding the rezoning for Bluestone Town Center is addressed in a separate staff report.

## **Background:**

### *What is an R-7 Development?*

The R-7 zoning district is intended to provide opportunities for the development of planned residential communities offering a mix of single-family detached units, single-family attached units, and in certain circumstances, multi-family units. R-7 communities are developed under an approved master plan that incorporates regulatory text for the communities. Aside from particular provisions of the Zoning Ordinance (ZO) that must be met, the approved master plan is the “zoning” by which the development must abide. The R-7 zoning district requires a minimum of two contiguous acres at the time of application, a minimum of 15 percent open/green space, and at least two types of residential housing types, where no one type can exceed 70 percent of all residential units. Maximum density is limited to 15 units per acre.

### *What are Manufactured Homes?*

Among other things, the proposed amendments include allowing manufactured homes in the R-7 district. Per the U.S. Department of Housing and Urban Development's (HUD) website,<sup>1</sup> "the Office of Manufactured Housing Programs (OMHP) administers the National Manufactured Housing Construction and Safety Standards Act of 1974 (the Act) which authorizes HUD to establish federal standards for the design and construction of manufactured homes to assure quality, durability, safety, and affordability." HUD describes that "[a] manufactured home (formerly known as a mobile home) is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section. Manufactured homes are built in the controlled environment of a manufacturing plant and are transported in one or more sections on a permanent chassis."<sup>2</sup> (Note: The term Mobile home is often used to describe a factory-built home prior to June 15, 1976.)

Manufactured homes should not be confused with modular homes. HUD explains that "[m]odular homes are constructed to the same state, local or regional building codes as site-built homes. Other types of systems-built homes include panelized wall systems, log homes, structural insulated panels, and insulating concrete forms."<sup>3</sup>

Currently, the City's ZO defines "manufactured home" as:

A structure subject to federal regulation, which is transportable in one (1) or more sections; is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or is three hundred twenty (320) or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

The above existing definition is included in the ZO because the ZO has two existing zoning districts that allow manufactured homes. One is the MH-1, Manufactured Home Park District, while the other is the MH-2, Manufactured Home Subdivision District. There are currently no properties in the City zoned MH-1 or MH-2 and, currently, no other zoning districts allow manufactured homes. Thus, to the best of staff's knowledge, this means that all existing manufactured homes within the City are nonconforming.

### **Key Issues:**

The applicant is requesting to amend the following sections of the Zoning Ordinance (ZO) within the R-7, Medium Density Mixed Residential Planned Community District:

- Section 10-3-57.3. – Uses permitted by right. The amendment to this section includes two modifications. The first would amend subsection (c) by increasing the number of allowed dwelling units within a multiple-family building from 16 to 64. The second modification would add a new subsection by adding manufactured homes as a use permitted by right, provided that the manufactured homes are attached to a permanent foundation, titled as real estate, and limited to one manufactured home per lot.

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<sup>1</sup> [https://www.hud.gov/program\\_offices/housing/rmra/mhs/mhshome](https://www.hud.gov/program_offices/housing/rmra/mhs/mhshome)

<sup>2</sup> [https://www.hud.gov/program\\_offices/housing/rmra/mhs/faqs](https://www.hud.gov/program_offices/housing/rmra/mhs/faqs)

<sup>3</sup> [https://www.hud.gov/program\\_offices/housing/rmra/mhs/faqs](https://www.hud.gov/program_offices/housing/rmra/mhs/faqs)

- Section 10-3-57.6 (c). The amendment to this section would increase the maximum percentage of multiple-family units allowed in an R-7 development from 30 percent to 50 percent.

Within the applicant's submitted letter, they describe how the City defines multiple-family units. The letter does not describe the exact definition of multiple family units, thus to clarify, the ZO defines "dwelling, multiple family" as: "A building comprised of at least three (3) dwellings, not separated by a property line, where each unit is designed for one (1) family or occupancy as described by the specific zoning district."

With regard to the modifications associated with increasing the number of multi-family dwellings permitted in a building from 16 to 64 and to also increase the percentage of multi-family buildings permitted in an R-7 development from 30 to 50 percent, staff is recommending to approve. Among other things, staff considered Section 10-3-57.2, which is the R-7's "Purpose of the district" statement. The first two sentences within this section state:

This district is intended to provide opportunities for the development of planned residential communities offering a mix of single-family detached and attached dwellings and open spaces, together with certain governmental, educational, religious, recreational and support uses. Under special circumstances, limited multiple-family dwellings may also be included.

Staff believes that the proposed modifications do not change the purpose of the R-7 district. Given that the R-7 district requires the applicant to work closely with the City to create an enforceable master plan, where the master plan text and layout includes the zoning regulations to which the development must abide, and because all R-7 developments are handled on a case-by-case basis, any proposed R-7 development should be evaluated on its own merits. The flexibility of the R-7 district provides for opportunities for R-7 developments all across the City. Depending upon the details of the master plan and the location of the development, there could be opportunities to have more than 16 units within any multi-family building and staff is comfortable with amending the ZO to allow up to 64 units within such buildings. Furthermore, it is reasonable to allow developers to propose an R-7 development to have up to 50 percent of the development be multi-family units because it provides for more flexibility and due to the nature of each request being reviewed on its own merits.

Staff is also recommending in favor of the proposed modification to allow manufactured homes in the R-7 district. The proposed new use to be listed among the other allowed by right uses within Section 10-3-57.3 would be follows:

Manufactured homes, provided that the Manufactured homes are (i) attached to a permanent foundation, (ii) titled as real estate, and (iii) limited to one Manufactured home per lot.

Along with the specifics of the use as written above, remember that R-7 developments are permitted only with an approved master plan. Thus, and depending upon what the master plan "zoning" would allow, the City has a great deal of authority in how and where manufactured homes would be permitted.

Know that manufactured homes can be either personal property (such as a vehicle) or real property. A manufactured home considered personal property is often installed on a temporary foundation and can be moved to another location if the homeowner decides to do so later. A manufactured home classified as real property is permanently attached to land like a conventional site-built home. The proposed addition of manufactured homes to the R-7 district would only allow manufactured homes that are

attached to a permanent foundation, titled as real estate, and limited to one home per lot, like site-built single-family detached dwellings.

With the completion of the City’s Comprehensive Housing Assessment and Market Study, it is generally understood that more affordable housing options are needed in the City. Among other initiatives and tools, staff believes that providing manufactured homes can contribute to creating opportunities for affordable housing in the City. While staff would need to further research and discuss whether manufactured homes should be allowed by right in other residential zoning districts, at this time, given the proposed criteria for allowing this housing type and the fact that an approved master plan is required, staff can support allowing manufactured homes in the R-7 district.

**Alternatives:**

- (a) Recommend approval of the Zoning Ordinance amendments;
- (b) Recommend approval of portions of the proposed Zoning Ordinance amendments; or
- (c) Recommend denial of the Zoning Ordinance amendments.

**Community Engagement:**

As required, the request was published in the local newspaper twice advertising for Planning Commission’s public hearing. The advertisement was published as shown below:

***Zoning Ordinance Amendments – Various Amendments to the R-7 District Regulations***

Public hearing to consider a request from the Harrisonburg Redevelopment and Housing Authority (HRHA) to amend the R-7, Medium Density Mixed Residential Planned Community District regulations. The proposed amendments include modifying Section 10-3-57.3. – Uses permitted by right to increase the by right number of allowed dwelling units within a multiple-family building from 16 to 64; and to add manufactured homes as a use permitted by right, provided that the manufactured homes are (1) attached to a permanent foundation, (ii) titled as real estate, and (iii) limited to one manufactured home per lot. Also proposed is an amendment to Section 10-3-57.6 (c) to increase the maximum percentage of multiple-family units allowed in an R-7 development from 30 percent to 50 percent. Other amendments to the R-7 district regulations may be considered.

In addition, a notice was provided on the City’s website at <https://www.harrisonburgva.gov/public-hearings>.

**Recommendation:**

Staff recommends alternative (a) approval of the Zoning Ordinance amendments.

**Attachments:**

- Site maps
- Application and supporting documents

**Review:**

N/A