

AN ORDINANCE AMENDING VILLAGE ZONING CODE ORDINANCE 30-1974 BY MODIFYING CHAPTER 153.250 – MODULAR HOMES, MAUFACTURED HOMES, AND MOBILE HOMES

WHEREAS, the Planning Commission of the Village of Brewster has reviewed a proposed modification of the Village Zoning Code in Chapter 153.250 – Modular Homes, Manufacture Homes, and Mobile Homes, and

WHEREAS, after completing their review and deliberations, the Planning Commission of the Village of Brewster recommends that it is in the best interest of the Village that Brewster Village Council enact the proposed modifications to the provisions of Chapter 153.250 – Modular Homes, Manufacture Homes, and Mobile Homes, and

WHEREAS, Brewster Village Council desires to follow the Village Planning Commission recommendation and adopt an amendment to the Village Zoning Code of the Village of Brewster for Chapter 153.250 – Modular Homes, Manufacture Homes, and Mobile Homes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BREWSTER, THAT:

SECTION 1: Brewster Village Council shall amend the Village Zoning Code adopted by Ordinance 30-1974, which has been amended from time to time, by adopting revisions to Chapter 153.250 as provided and recommended by the Village Planning Commission.

Chapter 153.250 shall be as follows:

A. MODULAR HOMES

“**Modular home**” is a prefabricated building or house that consists of multiple sections called modules, which differ from mobile homes and manufactured homes in that they do not have axles or a frame and do not have a title. A modular home is factory-built to state code. Modular homes will not have the red Certification Label but will have a label attached to the home stating the code to which it was built. A modular home is constructed of pre-made parts and unit modules that are assembled together on site. Wall panels, trusses, and other pre-fabricated house parts are typically transported to their site by means of flat-bed trucks and must permanently be anchored to the outer perimeter of a frost free minimum eight-inch (8") width permanent concrete foundation set on a concrete footer at a minimum depth of thirty-six (36) inches.

Modular homes are permitted in R-1, R-2, R-3, and R-4 Residential Districts and must conform to the Height, Lot Area and Floor Area Minimum and all other Requirements of those residential districts. Modular Homes are also permitted in I-2 Districts for use in temporary construction yards and facilities.

B. MOBILE AND MANUFACTURED HOMES

(a) **Mobile home**, also known as a Trailer, means a single-family dwelling, having been fabricated and designed for transportation on streets and highways on its own wheels or on flatbeds or other trailers from its point of origin, which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking for assembly operations, location on jacks or permanent foundations, connection to utilities and the like. A Mobile home is a structure that has a title. A mobile home is defined, but is not limited to, any structure that is defined as a “manufactured home” under the provisions of the Manufactured Housing Construction and Safety Standards of 1974, and any amendments or supplements thereof.

From Ohio Revised Code Section 4501.01

"Mobile home" means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or, when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code or as an industrialized unit as defined in division (C)(3) of section 3781.06 of the Revised Code.

Except as provided in subsections C and D, no mobile home, trailer or similar portable residential structure shall be permitted to be located in the Municipality except as in a mobile home community as described in Section 153.120 R-5 District – Mobile Home Park Residential District

(b) “Manufactured home”

Manufactured homes are built to the U.S. Department of Housing and Urban Development HUD Title 6 construction standards (commonly known as ‘the HUD-code’). The HUD-code took effect June 15, 1976. A HUD-coded home will display documentation called the Certification Label and the Data Plate. The red Certification Label (sometimes called the HUD Label) can be located on the tail end of each transportable section of the home. The Data Plate will be located inside of the home. Regulation states that the Data Plate be affixed inside the home on or near the main electrical breaker box, or other readily visible/accessible location. These documents are extremely important; as per the HUD Title 6 regulation removal is illegal. Removal could hinder the buying, selling, financing, or insuring of a manufactured home; they are not replaceable. A Manufactured home is a structure that has a title.

Manufactured homes must be permanently attached to a black steel frame, which acts as a support for the floor system. Once the home arrives to the property, the wheels and axles are removed. Other names for these homes are - mobile homes, singlewides, double-wides, triple-wides, trailers and HUD homes. A manufactured home is built on a permanent chassis to ensure transportability. However, typically a manufactured home is not moved from its initial installed site.

From Ohio Revised Code Section 3781.06:

"Manufactured home" means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

Except as provided in subsection D, no manufactured home shall be permitted to be located in the Municipality except as in a mobile home community as described in Section 153.120 R-5 District – Mobile Home Park Residential District

(c) Installation of Mobile or Manufactured Homes

A Mobile or Manufactured Home shall be permitted in the Village if and only if the following conditions are met:

- (1) Is located in an R-5 Mobile Home Park Residential District that is compliance with the applicable Chapters of the Ohio Administrative Code, the Ohio Revised Code or any other State guideline or agency regulation and requirements;
- (2) All axles, wheels, towing hitches and removable towing apparatus incidental to its conveyance are removed;
- (3) A mobile or manufactured home shall be installed at the site in accordance with the standards set in the applicable Chapters of the Ohio Administrative Code, the Ohio Revised Code or any other State guideline **or** agency regulation and requirements;
- (4) Detailed development plans and drawings illustrating the building construction, the foundation construction, and the placement and location of the proposed construction shall be submitted to and approved by the Village Zoning Inspector prior to the placement of any mobile or manufactured home, accessory structure, garage or other related building. The Village Zoning Inspector shall work with any applicable State agency in the creation of a Mobile Home Park and for the installation of any mobile or manufactured home in an established or new mobile home park;
- (5) A mobile or manufactured home is located and installed in accordance to the code standards of the United States Department of Housing and Urban Development, and to the extent not preempted by that code, the manufactured home must be installed according to the local standards for foundations, permanent utility connections and setback and minimum square footage requirements;
- (6) All mobile and manufactured home shall meet the following standards.
 - (a) The home shall have no less than 900 square feet of floor area.
 - (b) The home shall have no less than 20 feet of exterior width.
 - (c) The roof shall be pitched with a minimum vertical rise of two and one-half inches for each 12 inches of horizontal run.
 - (d) The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single-family construction.
 - (e) The home shall have a non-reflective roof material which is or simulates asphalt or wood shingles or tile.
- (7) No connection of village utilities will be made unless the electric, power and heating installations are in strict conformity with the provisions of the village regulations, state statutes, the rules and regulations issued by the Industrial Commission of Ohio under the authority of the state statutes, and in conformity with the approved methods of construction for safety to life and property;
- (8) Such utility connections will conform with approved methods prescribed by village regulations and the review and approval of the appropriate utility superintendent;
- (9) Nothing in this section shall be deemed to supersede any valid restrictive covenant of record.

C. “Temporary Construction Yards and Facilities” means a yard or facility the purpose of which is to provide the facilities, buildings, warehouses, training facilities and other necessary adjuncts to the provision of construction work necessary for a temporary construction project that is not located on the parcel, or the immediate vicinity, of the parcel where the temporary construction yards or facilities are located. In all village zoning districts, a mobile home or trailer may be used as a temporary office or building incidental to construction or development of the premises on which the mobile home or trailer is located, but only during the time of construction or the development is actively underway.

D. In an I-2 zoned district, mobile homes, modular homes and manufactured homes shall be allowed and to be permitted to be used for any lawful construction related purpose including, but not limited to, offices, warehouses, employee use facilities (other than lodging), training, or safety related uses for a period of up to twenty-four months, with the right to extend the use for additional six-month periods upon notice to the Village Administrator while the construction project(s) continue.

SECTION 2: The above replaces any previous version of this directive and supersedes any current directive which may be in conflict with this directive.

SECTION 3: This ordinance shall be in full force and effect at the earliest date provided by law.

Mayor Michael E. Schwab

ATTEST:

Village Clerk-Treasurer K. Kris King

CERTIFICATE

I, K. Kris King, hereby certify that the above is a true copy of an ordinance passed at a regular meeting of the Brewster Village Council held on January 7, 2019

Clerk K. Kris King

I, K. Kris King, Clerk of the Council of the Village of Brewster, State of Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by Council as follows: Office of Brewster Utilities, Belloni’s IGA, Brewster Federal Credit Union, Post Office and Brewster Laundromat.

Clerk K. Kris King