City Council Communication

Department: Community Development CASE #ZT-22-006 Applicant: City of Council Bluffs 209 Pearl Street Council Bluffs, IA 51503	Ordinance No. _____	City Council 1st Consideration: 8/22/22 2nd Consideration: 9/12/22 3rd Consideration: 9/26/22 Planning Commission: 8/9/2022

Subject/Title

Request: Public hearing on the request of the City of Council Bluffs to amend the definitions stated in Sections 15.03.230, *Dwelling, Single-Family Detached*, 15.03.457, *Manufactured Home*, and 15.03.486, *Modular Home*, of the Council Bluffs Municipal Code (Zoning Ordinance).

Background

The Community Development Department is requesting to amend Chapter 15.03, *Zoning Definitions*, of the Council Bluffs Municipal Code (Zoning Ordinance) as follows:

1. Amend Section 15.03.230 by updating the definition of 'dwelling, single-family detached':
    a. ***Single-family detached dwelling****: A building containing only one dwelling unit, as defined in CBMC Chapter 17.01 "Housing Definitions," that is not attached to any other dwelling unit. A single-family detached dwelling can either be built on-site, a manufactured home, as defined in CMBC Section 15.03.457, or a modular home, as defined in CMBC Section 15.03.486. Mobile homes, recreational vehicles, housing mounted on self-propelled or drawn vehicles, tents, or other forms of temporary housing or portable housing shall not be included in this definition. All single-family detached dwellings shall include at least one kitchen and one bathroom*;
2. Amend Section 15.03.457 by updating the definition of 'manufactured home':
    a. ***Manufactured home****: A factory-built structure containing one dwelling unit, as defined in CBMC Chapter 17.01 "Housing Definitions," that is manufactured or constructed under the authority of 42 U.S.C. Section 5403 and is required by federal law to display a seal from the U.S. Department of Housing and Urban Development. A manufactured home must have been constructed on or after June 15, 1976. A manufactured home shall be considered the same as any site-built single-family detached dwelling.*
3. Amend Section 15.03.486 by updating the definition of 'modular home':
    a. ***Modular home****: A factory-built structure containing one dwelling unit, as defined in CBMC Chapter 17.01 "Housing Definitions," that is manufactured or constructed to comply with the Iowa State Building Code for Modular Factory-Built Structures, and must display the seal issued by the State Building Code Commissioner. A modular home shall be considered the same as any site-built single-family detached dwelling*.

A recent public inquiry to set a manufactured home on an undeveloped parcel of land zoned R-2/Two-Family Residential District has prompted the proposed text amendments. The City of Council Bluffs recently updated the definition of 'dwelling, single-family detached' to eliminate the minimum width and area requirements for detached single-family homes (see Ordinance No. 6481). This update, which was intended to facilitate infill residential development, has had made it unclear whether manufactured and modular homes are allowed outside of the R-1M/Single-Family Manufactured Housing District. In the past, the City has allowed manufactured and modular homes in single-family areas as a 'dwelling, single-family detached' provided the minimum width and

requirements were met. Without any minimum size requirements, such interpretation is no longer possible. The purpose of this request is to provide clarity relative to manufactured and modular homes in single-family residential areas, and eliminate any nonconformities created due to the recent update to the definition of 'dwelling, single-family detached.'

All City Departments and local utilities were notified of the proposed text amendments. No adverse comments have been received.

Discussion

1. The proposed text amendments are intended to provide clarity relative to manufactured and modular homes in single-family residential areas. As stated above, manufactured and modular homes have historically been allowed in single-family residential areas based on the previous definition of 'dwelling, single-family detached.' Prohibiting manufactured and modular homes in these areas was not the intended purpose of the recent text amendment. The Community Development Department supports allowing manufactured and modular homes in single-family residential areas as an affordable housing option for potential homeowners as house prices continue to increase.
2. All manufactured and modular homes in single-family residential areas shall be subject to the building code requirements applicable to detached single-family dwellings. This would require all manufactured and modular homes to be set on a permanent masonry foundation in the same manner as any other detached single-family dwelling.
3. A mobile home would not be allowed in single-family residential areas if the proposed text amendments are approved as it is not considered a manufactured or modular home. As per Section 15.03.470, *Mobile Home*, of the Council Bluffs Municipal Code (Zoning Ordinance), a mobile home is "any vehicle without motive power… to be used as a place for human habitation by one or more persons… [and] was not built to mandatory building code, contains no state or federal seals, and was built before June 15, 1976." As opposed to mobile homes, manufactured and modular homes must comply with all applicable local building code requirements, and must display a seal from the respective authority (i.e. a seal issued from the U.S. Department of Housing and Urban Development on manufactured homes, and a seal issued from the State of Iowa Building Code Commissioner on modular homes).
4. Proposed Section 15.03.230, *Dwelling, Single Family Detached*, would clarify that a single-family detached dwelling can either be built on-site, a manufactured home, or a modular home.
5. Proposed Section 15.03.457, *Manufactured Home*, would update the existing definition to state that a manufactured home shall be considered the same as any site-built single-family detached dwelling. The new definition would also clarify that a 'manufactured home' contains one dwelling unit.
6. Proposed Section 15.03.486, *Modular Home*, would similarly update the existing definition to state that a modular home shall be considered the same as any site-built single-family detached dwelling. The new definition would also clarify that a 'modular home' contains one dwelling unit.

Recommendation

The Community Development Department recommends approval of the request to amend the definitions stated in Sections 15.03.230, *Dwelling, Single-Family Detached*, 15.03.457, *Manufactured Home*, and 15.03.486, *Modular Home*, of the Council Bluffs Municipal Code (Zoning Ordinance), as shown in Attachment 'A.'

Public Hearing

Staff speakers for the request:

1. Brandon Siracuse, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503
2. Christopher Gibbons, Planning and Code Compliance Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:
1. John Jerkovich, 535 W Broadway, Suite 100, Council Bluffs, IA 51503

Speakers against: None

Planning Commission Recommendation

The City Planning Commission recommended approval to amend the definitions stated in Sections 15.03.230, *Dwelling, Single-Family Detached*, 15.03.457, *Manufactured Home*, and 15.03.486, *Modular Home*, of the Council Bluffs Municipal Code (Zoning Ordinance), as shown in Attachment 'A'.

VOTE: AYE – Bass, Halm, Knauss, Hutcheson, Opperman, Rater, Rew, Scott, Stroebele, and VanHouten. NAY - None ABSTAIN - None ABSENT – Danielsen. VACANT – None. Motion: Carried.

Attachments

Attachment A: Proposed Chapter 15.03, *Zoning Definitions*, of the Council Bluffs Municipal Code (Zoning Ordinance)

Prepared by: Moises Monrroy, Planner, and Haley Weber, Planner, Community Development Department