

ORDINANCE NO. 6517

AN ORDINANCE TO AMEND CHAPTER 15.03, ZONING DEFINITIONS OF THE MUNICIPAL CODE (ZONING ORDINANCE) OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 15.03.230 "DWELLING, SINGLE-FAMILY DETACHED"; SECTION 15.03.457 "MANUFACTURED HOME" AND 15.03.486 "MODULAR HOME".

**BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

SECTION 1. That Chapter 15.03 Zoning Definitions of the Municipal Code (Zoning Ordinance) of the 2020 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by amending Section 15.03.230, "Dwelling, Single-Family Detached"; Section 15.03.457, "Manufactured Home" and Section 15.03.486, "Modular Home" to read as follows:

15.03.230 Dwelling, Single-Family Detached

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.

15.03.457 Manufactured Home

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.

15.03.486 Modular Home

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.


SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.


PASSED
AND
APPROVED

September 12, 2022.



MATTHEW J. WALSH Mayor

Attest:



ALLISON HEAD Deputy City Clerk

First Consideration: 8-22-22
Second Consideration: 9-12-22
Public Hearing: 9-12-22
Third Consideration: Waived

Proof Of Publication

State of Iowa

Pottawattamie County

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request of the Community Development Department to amend Chapter 15.03, Zoning Definitions, of the Council Bluffs Municipal Code (Zoning Ordinance) by amending Section 15.03.230 "Dwelling, Single-Family Detached"; Section 15.03.457 "Manufactured Home"; and Section 15.03.486 "Modular Home".

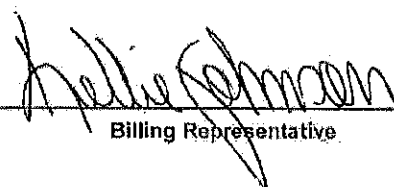
You are further notified that the public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 12th day of September, 2022 in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

Jodi Quakenbush, City Clerk
2022 (9) 4-1 Sunday

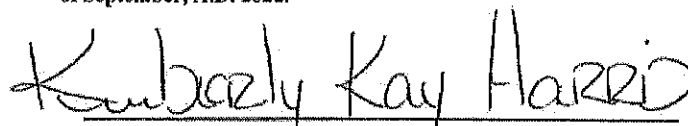
I, (the undersigned) on my oath do solemnly that I am an authorized representative of CBN Daily Nonpareil, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 04th day of September, 2022.


Billing Representative

Sworn to and subscribed before me this 4th day
of September, A.D. 2022.


Notary Public

State of Virginia
County of Hanover
My Commission expires _____

Kimberly Kay Harris
NOTARY PUBLIC
Commonwealth of Virginia
Reg. No. 356753
Commission Exp. Jan. 31, 2025

CITY OF COUNCIL BLUFFS
209 PEARL ST.
COUNCIL BLUFFS, IA 51503

Publication Cost: \$17.04
Customer Number: 1003258
Order Number: 0000325650

E-mail

jquakenbush@councilbluffs-ia.gov

Proof Of Publication

State of Iowa

Pottawattamie County

I, (the undersigned) on my oath do solemnly that I am an authorized representative of CBN Daily Nonpareil, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

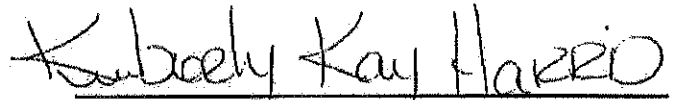
The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 20th day of September, 2022.



Billing Representative

Sworn to and subscribed before me this 20th day of September, A.D. 2022.



Notary Public

State of Virginia
County of Hanover
My Commission expires _____

Kimberly Kay Harris
NOTARY PUBLIC
Commonwealth of Virginia
Reg. No. 356753
Commission Exp. Jan. 31, 2025

CITY OF COUNCIL BLUFFS
209 PEARL ST.
COUNCIL BLUFFS, IA 51503

Publication Cost: \$52.26
Customer Number: 1003258
Order Number: 0000329659

E-mail

jquakenbush@councilbluffs-ia.gov

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15.03.230 Dwelling, Single-Family Detached
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 CBMC Section 15.03.457, or a modular home, as defined in CBMC 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.

15.03.457 Manufactured Home
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.

15.03.486 Modular Home
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.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED AND APPROVED

September 12, 2022.
MATTHEW J. WALSH, Mayor
Attest: ALLISON HEAD, Deputy City Clerk
2022 (9) 20- 1 Tuesday

Council Communication

Department: City Clerk
Case/Project No.: ZT-22-006
Submitted by: Moises Monroy, Planner, and
Haley Weber, Planner, Community Development
Department

Ordinance 6517
ITEM 5.C.

Council Action: 9/12/2022

Description
Ordinance to amend Chapter 15.03, Zoning Definitions of the Municipal Code (Zoning Ordinance) by amending Section 15.03.230 "Dwelling, Single-Family Detached"; Section 15.03.457 "Manufactured Home" and 15.03.486 "Modular Home". ZT-22-006

Background/Discussion
See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	8/12/2022
Attachment A: Proposed Chapter 15.03, Zoning Definitions	Code Section	8/12/2022
Public Hearing Notice	Notice	8/12/2022
Ordinance 6517	Ordinance	8/16/2022

City Council Communication

Department: Community Development CASE #ZT-22-006 Applicant: City of Council Bluffs 209 Pearl Street Council Bluffs, IA 51503	Ordinance No. _____	<u>City Council</u> 1 st Consideration: 8/22/22 2 nd Consideration: 9/12/22 3 rd Consideration: 9/26/22 Planning Commission: 8/9/2022
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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 – Daniels. VACANT – None. Motion: Carried.

Attachments

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

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

Attachment 'A'

Chapter 15.03 – ZONING DEFINITIONS

15.03.230 Dwelling, Single-Family Detached

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.

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