



STAFF REPORT

Board of Aldermen

AN ORDINANCE AMENDING CHAPTER 94-60 OF THE BRANSON MUNICIPAL CODE PERTAINING TO THE TABLE OF PERMITTED USES AND MANUFACTURED AND MODULAR HOUSING.

FIRST READING: FEBRUARY 27, 2024

FINAL READING: MARCH 12, 2024

Initiated By: Planning and Development

Approved By:

Financial Impact: No Impact/Not Applicable

Community Plan 2030: LU-5:Development Codes & Regulations

UPDATE:

During the December 5, 2023 Planning Commission meeting staff presented one staff report containing two code amendment proposals pertaining to the Table of Uses. The two proposed amendments addressed both tattoo parlors within the NC (neighborhood commercial) zoning district and special use permit requirements for manufactured/modular housing. The Commission recommended approval for the amendment pertaining to tattoo parlors as recommended by staff, thus allowing tattoo parlors within the NC zoning district. The Commission amended staff's recommendation for manufactured/modular housing to require a special use permit for both manufactured and modular housing within the AG, LDR, MDR, and HDR zoning districts.

During the January 9, 2024 Board of Alderman meeting staff presented, as recommended by Planning Commission, the proposed code amendments as it pertained to the Table of Uses for tattoo parlors and manufactured/modular housing. After discussion, the Board recommended the item be postponed indefinitely advising staff to separate the code amendment requests, provide additional clarity and research on the subject matter, and go back through the Planning Commission and Board of Aldermen for consideration.

During the February 6, 2024 Planning Commission meeting staff presented two staff reports addressing the aforementioned amendments. The Planning Commission recommended approval for the amendment pertaining to manufactured and modular housing, amending staff's recommendation, to prohibit manufactured housing in LDR, MDR, and HDR zoning districts and modify it in the AG zoning district from a permitted use to requiring a special use; and to allow the modular housing as a permitted use in the AG, LDR, MDR, and HDR zoning districts.

BACKGROUND:

General research on these residential structure types indicates most of the confusion stems from the fact that people use the terms “modular home” and “manufactured home” interchangeably. It further becomes confusing when we talk about mobile homes or trailers. However, the IBC (International Building Code) and the IRC (International Building Code) are quite clear in determining the difference between these housing types. This determination occurs during the City’s building permit plan review for the residential structures. If the home is designed based on HUD Title 6 requirements it would be considered a manufactured home. On the contrary, if the home is designed meeting the IRC requirements it’s considered a typical “stick built” home that may or may not be built on-site or off-site.

The housing industry, as it relates to mobile homes and manufactured homes, had significant milestones dating back to the 1970’s when specific Federal Laws were crafted to make distinctions for these structures.

- 1974 – Mobile homes and manufactured homes were distinguished from one another when the National Mobile Home Construction and Safety Act was approved. This is considered the HUD Title 6 construction standards.
 - This set forth construction code standards for manufactured homes drastically changing building codes.
- 1980—The Housing Act of 1980 mandated the term “manufactured” be used in place of “mobile” referencing manufactured homes built after 1976.
- 2011—Missouri Senate Bill No. 630 established procedures for converting manufactured homes into real property (affixation), or from real property back to personal property (severance). In order to be considered real property for conveyance purposes, the act requires a manufactured home to be permanently affixed to a permanent foundation and requires an affidavit to the affixation to be recorded with the recorder of deeds.

The table below compares and contrasts the characteristics of the housing types based on Federal guidelines and International Building Code.

Modular Characteristics	Manufactured (Mobile home) Characteristics
Conforms to the IBC/IRC standards	Conforms to HUD Title 6 standards—an appendix to the IRC
True stick built structure	Has steel beam, chassis, axel, mobile
Permanent Foundation	NO permanent foundation, unless converting to real property
Higher Roof Pitch	Lower Roof Pitch
No Title—Real Property	Has Title—considered personal property, unless converting to real property
Built off-site, delivered in sections	Built off site, delivered in panels

FACTS:

A Municipal Code Amendment has been initiated by the Planning and Development Department for modifications to Chapter 94 – Zoning, Article IV, Section 94-60.1. Specifically, the proposed amendment, staff believes to be an error in code, pertaining to modular and manufactured housing designations.

- Article IV, Section 94-60.1 – Table of Uses - Amend the Table of Uses to require a special use permit for manufactured housing and allow to have modular housing as a permitted use.

MANUFACTURED AND MODULAR STRUCTURES

Within the code of ordinances, staff believes there is an error regarding the allowed use for manufactured and modular structures. Currently, the code of ordinances requires a Special Use Permit for modular housing and manufactured housing is a permitted use by right. Staff is proposing to reverse the permissions by designating modular housing as a use by right and requesting a special use permit for manufactured housing.

Section 94-5 of the Branson Municipal Code offers the following definitions:

Manufactured home means any home factory-built in the United States to the HUD Title 6.

Manufactured structure means and includes any portable structure, vehicle, trailer, mobile home, modular structure, framework, container, platform or device, vehicular in design, which may be drawn, towed or transported from one location to another without basic change in structure or design, whether on wheels or not, and whether designed or used as living or sleeping quarters or not. The term "manufactured structure" includes any structure above-described used for a commercial or residential purpose.

Mobile home means a dwelling structure built on a steel chassis and fitted with wheels that is intended to be hauled to a usually permanent site.

Modular housing means a factory-fabricated, transportable building designed to be used, or to be incorporated with, similar units at the building site into a modular structure. The term is intended to apply to major assemblies and does not include prefabricated sub elements such as panels, roof trusses, plumbing trees, or similar sub-elements. As shown below in the detailed analysis, the municipal code has several use and structure standards that apply to manufactured homes versus modular housing. This was an indication to staff that the intent of the code was to require a special use permit to ensure all standards are met for manufactured homes prior to allowing them within a residential district.

DETAILED ANALYSIS:

Section 94-61(b)

(3) *Manufactured homes.*

- a. New manufactured homes may be placed on any individual lot within a residential zoning district with the following restrictions and regulations:
 - (i) Manufactured homes shall not be placed or occupied on an individual lot without a building permit issued under these regulations.
 - (ii) Each manufactured home placed on an individual lot shall:
 - 1. Be occupied only as a single-family dwelling or business unit.
 - 2. Be placed in conformance with all zoning and setback requirements established for the district in which located.
 - 3. Accessory structures shall be placed in conformance with the setback and dimensional requirements established for the district in which located. The exterior covering and roofing material of the accessory structure must be the same as that of the dwelling unit.
 - 4. Have a minimum width of not less than 24 foundation feet as measured at all points perpendicular to the length of the manufactured home which shall be not less than 42 foundation feet. This standard is intended to restrict units to the type which are brought to the site in parts, typically two halves and at least 1,008 square feet minimum.
 - 5. Roof must be a gable, hip or shed roof of at least three in 12 or greater, and covered with material that is residential in appearance including, but not limited to, approved wood, asphalt composition or fiberglass shingles, but excluding corrugated aluminum, corrugated fiberglass or metal roofs; except for permitted deck areas, all roof structures shall provide an eave projection of no less than six inches and no greater than 30 inches.
 - 6. Have the main entry door facing the street on which the manufactured home is located. A sidewalk shall be installed from the street, driveway or sidewalk adjoining neighboring lots to the front door. The unit must be oriented on the lot so that its long axis is parallel with the street. A perpendicular or diagonal placement may be permitted if there is a building addition or substantial landscaping so the narrow dimension of the unit, as so modified and facing the street, is no less than 50 percent of the unit's long dimension.
 - 7. Have exterior surface and window treatments that are architecturally compatible with those of neighboring properties, excluding smooth, ribbed or corrugated metal or plastic panels.
 - 8. Meet applicable off-street parking requirements.
 - 9. Be placed on a parcel according to approved, pre-submitted building permit, and have a manufacturer's installation manual and an illustration of the finished appearance of the unit.
 - 10. Units shall be attached to a continuous permanent foundation, which manner of placement shall be as stated on the building permit, and meet all manufacturer's specifications for support.
 - 11. The exterior foundation material shall consist of continuous concrete or masonry suitable for the outer portion of a finished residence.
 - 12. Have the tongue and running gear, including axles, removed.
 - 13. Maintain a minimum of 18 inches of crawl space under the entire manufactured home.
 - 14. Have permanent steps set at all exits.

15. Be served by a water supply and sewage disposal system meeting the established city requirements.
 16. Underground public utilities shall be required.
- b. Pre-owned manufactured homes. Pre-owned manufactured homes may not be moved onto an individual lot within the city.

Other regulations within Branson Municipal Code regarding manufactured homes are found in Sec. 38-76- Manufactured Homes:

- (a) All manufactured homes to be placed within all unnumbered and numbered A zones and AE zones, on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- (b) Require manufactured homes that are placed or substantially improved within unnumbered or numbered A zones and AE zones, on the community's FIRM on sites:
 - (1) Outside of manufactured home park or subdivision;
 - (2) In a new manufactured home park or subdivision;
 - (3) In an expansion to and existing manufactured home park or subdivision; or
 - (4) In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial-damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (c) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A zones and AE zones, on the community's FIRM, that are not subject to the provisions of this chapter, be elevated so that either:
 - (1) The lowest floor of the manufactured home is at one foot above the base flood level; or
 - (2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

Staff Recommendation:

Staff recommends approval of the proposed code amendment.

Planning Commission Recommendation:

The code amendment for manufactured and modular housing was recommended for approval, as amended by the Planning Commission, on February 6, 2024 by Resolution No. MC24-02 (Exhibit 5), with a unanimous vote.

BACKUP DOCUMENTATION:

Staff Report Exhibit 1- Table of Uses- Current Version
Staff Report Exhibit 2- Table of Uses- Redline Version
Staff Report Exhibit 3- Zoning Map

Staff Report Exhibit 4- Legal Notification- Newspaper
Staff Report Exhibit 5 – Resolution No. MC24-02