

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. 2747

CREATING SECTIONS 4-1-2 B. AND C., SINGLE FAMILY RESIDENTIAL ZONES AND AMENDING CHAPTER 12, DEFINITIONS AND LIMITATIONS AND SECTION 4-3-4, USE/ZONE MATRIX OF THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE

Recitals.

The Federal Manufactured Home Construction and Safety Standards Act (FMHCSSA) or the "Act", 42 U.S.C.S. § 5401, *et. seq.*, defines a "manufactured home" as:

"A structure transportable in one or more sections which in the traveling mode is eight body feet or more in width and forty body feet or more in length or when erected on site is three hundred twenty or more square feet and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that such term shall include any structure which meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under this title."

Section 4-3-4 of the Zoning and Development Code provides that "manufactured single family homes" or homes which meet "Uniform Building Code or equivalent engineering performance standards" are permitted wherever single family residential units are permitted by the Code. For purposes of the Code a "mobile home" is defined to mean and shall include any manufactured structure which does not bear a federal certification as established and provided for by the FMHCSSA.

Section 5403(d) of the Act expressly prohibits the establishment or continuation of any standard regarding construction or performance applicable to a manufactured home which is not identical to the federal manufactured home construction and safety standards. Therefore, Section 4-3-4 of the Code conflicts with the Act and must be amended to conform with the Act. Such amendment shall be accomplished by the amendment of note 2 as herein provided.

Section 4-1-2 B. is proposed to require that all primary structures, including manufactured housing, as allowed by the Code, shall be placed on a permanent foundation. This section shall be applicable to all homes constructed or placed on owner occupied lots. It is not and shall not be applicable to homes placed or sited in mobile home parks as that term is defined in the Zoning and Development Code. Application of the ordinance to homes placed in mobile home parks may impermissibly interfere with the Mobile Home Park Act as enacted by the Colorado General Assembly and as codified at 38-12-200.1 CRS *et. seq.* Placement of mobile homes on permanent foundations in mobile home parks converts the mobile home to realty and as such contravenes legitimate investment backed expectations and the opportunity for pecuniary benefits to be derived from rental of mobile home spaces or lots.

The Grand Junction Planning Commission at its May 3, 1994 hearing recommended approval of

the text amendment.

The City Council has duly considered the matter and the recommendation of the Planning Commission and finds that the amendments to the Zoning and Development Code are appropriate in order to correct and update regulations regarding manufactured housing.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

1. Section 4-3-4 of the Grand Junction Zoning and Development Code is amended as follows:

Explanation (2) is amended to read:

"A manufactured single family home meeting manufactured home construction and safety standard certifications (42 U.S.C.S. § 5401 *et. seq.*) is allowed wherever single family residential units are allowed by this Code. The owner/developer shall provide proof of certification to the Community Development Department prior to placement of any manufactured home on any lot or parcel of land. Applicable building and zoning codes or regulations shall be met."

2. New Sections 4-1-2 B. and C. are adopted and shall read as follows:

Principle structures shall be erected on a permanent foundation. Every manufactured or mobile home with the exception of mobile or manufactured homes placed in mobile home parks, shall be placed or erected on a foundation which shall comply with the following minimum specifications and requirements of the National Conference of States on Building Codes and Standards, Inc. A225.1 Manufactured Home Installations 1987 (ANSI A225.1-1987) or as amended. Neither the Director of Public Works, as the Chief Building Official for the City, nor his designee nor any employee, officer or agent of the City, shall be liable for any direct, consequential or other damages to any person or property by the preparation, adoption and enforcement of minimum foundation specifications.

1. The foundation for a manufactured home shall comply with the alternatives identified in Table 2-2, Alternative Manufactured Home Foundation Systems (Single or Multisection Homes), in ANSI A225.1-1987 or as amended for Concrete Slab or Continuous Foot Foundations and the referenced Figures C-5, C-6, C-9, C-10, C-16 and accompanying section details. The alternate Piers-Ground Anchor Foundation, Concrete or Concrete Block Load Bearing Perimeter, Pile/Post or Permanent Wood Foundations shall not be allowed.
2. The requirement for all residential structures to be placed on a permanent foundation shall apply to all homes constructed or placed after the effective date of this ordinance. Any nonconforming conventional, manufactured or mobile home use may be continued subject to the provisions of section 4-9 of this Code.
3. The foundation system alternatives identified in ANSI A225.1-1987, approved April 26,

1989 or as amended, for manufactured residential units may be modified to allow the following:

- a. On permanent wood foundation systems, the footer may be a depth of 6" and a width of 12" as opposed to the 10" depth and 18" depth illustrated in the standard.
 - b. The anchorage system may include any other system approved by the Chief Building Official for the City.
4. Where local, State or Federal standards conflict with these minimum standards for manufactured home foundations, the most restrictive of any regulation shall apply.
- C. Mobile Home Parks developed after the effective date of this ordinance shall be allowed only in the Planned Mobile Home (PMH) zone district.
3. Chapter 12, Definitions and Limitations is amended to revise and/or add the following definitions:

MANUFACTURED HOUSING

A manufactured structure designed for residential occupancy that conforms to all applicable Federal construction and safety standards certifications (42 U.S.C.S. § 5401 *et. seq.*). Construction and safety certification shall be affixed in the original and permanent condition and shall not be removed.

MOBILE HOME

A mobile home is any manufactured structure designed for residential occupancy which does not conform to all applicable Federal construction and safety standards. Construction and safety certification shall be affixed in the original and permanent condition and shall not be removed.

MOBILE HOME / MANUFACTURED HOME PARK

A parcel of land used for the continuous accommodation of five or more occupied mobile homes and operated for the pecuniary benefit of the owner of the parcel of land, his agents, lessees, or assignees. Mobile home park does not include mobile home subdivisions or property zoned for mobile home subdivisions.

Introduced this 18th day of May, 1994.

Passed and adopted this 1st day of June, 1994.

ATTEST:

/s/ Stephanie Nye
City Clerk

/s/ R.T. Mantlo
President of City Council