

**CITY COUNCIL—BOROUGH ASSEMBLY
JOINT WORK SESSION AGENDA**

**Tuesday, June 30, 2015
Kodiak Public Library Multi-Purpose Room
7:30 p.m.
(City Chairing)**

Joint work sessions are informal meetings of the City Council and Borough Assembly where elected officials discuss issues that affect both City and Borough governments and residents. Although additional items not listed on the joint work session agenda are sometimes discussed when introduced by elected officials, staff, or members of the public, no formal action is taken at joint work sessions and items that require formal action are placed on a regular City Council and/or Borough Assembly meeting agenda. Public comments at work sessions are NOT considered part of the official record. Public comments intended for the “official record” should be made at a regular City Council or Borough Assembly meeting.

1. Public Comments (limited to 3 minutes each)
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and Appointment Process127

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Kodiak Island Borough

Community Development Department

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Date: June 4, 2015
To: Borough Mayor and Assembly
Planning and Zoning Commission
Cc: Borough Manager
From: Robert H. Pederson, AICP - Director *RHP*
RE: Mobile Home Park Issues & Regulatory Options

This memo and the accompanying materials are intended to provide information on land use regulations pertaining to mobile home parks in light of the announced closing of Jackson's Mobile Home Park. Regulatory options to address possible relocation of mobile homes and other options are also discussed. Please note that this effort is very much a work in progress. Additional information will be distributed in future.

Staff has identified a number of options to address the possibility of mobile homes being moved from Jackson's, including:

- Relocation of mobile homes to existing vacant lots
- Relocation of mobile homes to other mobile home parks
- Expansion of existing mobile home parks or construction of a new MHP
- Other options for code amendments to address affordable or workforce housing
- Temporary storage of mobile homes

Relocation of a mobile home to existing vacant lots

Mobile homes are considered a single-family residence and may be placed on any vacant lot that permits single-family residences as a permitted use. All residential zoning districts permit single-family homes. Required permits are zoning compliance, building, electrical, and plumbing permits.

Note: The City of Kodiak Code (KCC 14.20.030) prohibits the placement of mobile homes on individual lots.

KCC 14.20.030

"14.20.030 Location; prohibited; exceptions; temporary visitor permit. (a) The parking or otherwise locating of mobile homes for any purpose other than storage anywhere within the city limits, outside an existing mobile home park, is prohibited."

As of the May 2015 certified assessment roll, there are ± 338 vacant lots with residential zoning from Monashka Bay to Bells Flats:

Urban area (Borough)	161
Urban area (City)	136
Bells Flats	<u>41</u>
Total	338

These are raw numbers intended to show potential only. Many lots may not be buildable and owners may not be willing to sell or rent space to a mobile home. And as noted above, the City code prohibits mobile homes on individual lots. Conversely, other parcels have potential for subdivision to create additional lots.

Relocation of a mobile home to an existing mobile home park

The biggest impediment to relocating units to other existing mobile home parks is the status of those parks (except Rasmussen's) as "grandfathered" (i.e., legal nonconforming) land uses. In general terms, Title 17 prohibits the expansion of nonconforming uses. There appears to be space available in several existing parks for additional units if the code were changed to permit this.

Staff has drafted an amendment to the requirements of Chapter 17.140 KIBC (Nonconforming Land Uses and Structures) that would address this issue and permit units to be relocated under certain conditions. This code amendment will be presented at the June 10th P&Z work session and June 11th Assembly work session. A P&Z public hearing could be held later in June or early July (assuming a special meeting) or at the July 15 regular P&Z meeting, with transmittal to the Assembly immediately following a P&Z recommendation.

This information is found at Tab #5.

Expansion of existing mobile home parks or construction of a new MHP

Two existing mobile home parks appear to have adjoining land that may be available for expansion.

Cove MHP

There is a vacant 0.12 acre parcel adjacent to Cove MHP under common ownership and zoned B-Business. There may be room to place 2 mobile homes on this parcel. Utilities would have to be extended. See Tab #3 for a map of this parcel.

Rasmussen's MHP

There are 2 vacant parcels adjacent to Rasmussen's MHP zoned B-Business.

The first is a vacant 0.614 acre parcel under common ownership. There may be room to place 7 up to mobile homes on this parcel. Utilities are available. See Tab #3 for a map of this parcel.

The second is a 2.46 acre parcel currently used for outdoor storage. This parcel is owned by the Michael and Peggy Rasmussen Living Trust. If developed as an

extension of Rasmussen's MHP, there may be room to place 20-25 mobile homes on this parcel. Sewer is available on site and water lines are at or near the property boundary. See Tab #3 for a map of this parcel.

Under current code (Chapter 17.115 KIBC), mobile home parks in Business zoning require a conditional use permit approved by P&Z. Assuming submittal of a complete application by the end of June, the P&Z public hearing for a CUP would fall on August 19th.

New Mobile Home Parks

Mobile home parks are currently allowed in only 2 zoning districts; R-3 as a permitted use and Business as a conditional use. There are vacant parcels zoned B-Business in the Kodiak Urban Area (See attached map). It is unknown if any owners of these parcels are interested in establishing a new mobile home park. A code amendment would be required to permit MHPs in other zoning districts.

Other options for code amendments to address affordable or workforce housing

In all likelihood, not all mobile homes in Jackson's will be able to be relocated. Other regulatory tools to address housing options include mobile home park subdivisions or zoning districts, accessory dwelling units (ADUs), and planned unit developments (PUDs).

Mobile Home Park Subdivisions & Mobile Home Zoning Districts

In a mobile home park subdivision, the mobile home spaces are individually owned lots. This type of development can be found in many locations. An American Planning Association Planning Advisory Service publication on mobile home subdivisions is included at Tab #6.

Zoning districts exclusively for mobile homes are also used in many jurisdictions. These districts typically set a maximum density in accordance with the local comprehensive plan. The mobile home parks may be owned in common, held in a condominium form of ownership, or developed as a mobile home park subdivision.

Accessory Dwelling Units

Current code does not permit accessory dwelling units. The recent code update project included regulations for accessory dwelling units and listed them as a permitted use in all residential zoning districts. ADU regulations are often intended as one option to provide additional workforce or affordable housing within communities. The draft code provisions and other information are found at Tab #8.

Planned Unit Developments

PUDs are another land use tool that addresses residential development from a different perspective than traditional zoning regulations. The recent code update also included a section for PUDs. Although PUDs are not typically associated

with mobile homes, such a development opportunity may be possible.
Information for PUDs is found at Tab #9.

Temporary storage of mobile homes

Current code allows outdoor storage in 4 zoning districts:

- B-Business
- RB-Retail Business
- I-Industrial
- LI-Light Industrial

The attached map shows all parcels in these zoning districts. Screening approved by P&Z may be required for outdoor storage. It is unknown whether owners of these parcels are interested in creating storage areas for mobile homes .

Various discussions have also identified vacant Borough or City owned land as possible locations to store mobile homes. Most vacant land in urban area that is owned by the Borough is zoned PL-Public Land, R-2 Two-family Residential, or NU-Natural Use. Outdoor storage is not a permitted use in those zoning districts.

Conclusion

Staff believes there are immediate and longer term solutions to existing regulatory restrictions for mobile home parks.

Short term (immediate) code amendments that may provide opportunities for relocation of displaced mobile homes or provide affordable housing include:

- Revise Chapter 17.140 KIBC to allow existing nonconforming mobile homes parks to use vacant spaces or add new spaces with the park.
- Revise Title 17 to add provisions for Accessory Dwelling Units to provide opportunities for workforce and affordable housing.
- Revise Title 17 to permit outdoor storage (temporary?) of mobile homes in PL or R-2 zoning.

Longer term regulatory options include:

- Revise Chapter 17.115 KIBC to amend the requirements for new or expanded mobile home parks.
- Revise Chapter 17.165 KIBC for recreational vehicle parks.
- Revise Title 17 to include provisions for mobile home park subdivisions.
- Revise Title 17 to include provisions for planned unit developments

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OPINION MEMORANDUM

TO: Bob Pederson
Community Development Director

Bud Cassidy
Borough Manager

Nova Javier
Borough Clerk

FROM: Joseph N. Levesque *JNL*
Borough Attorney

DATE: June 4, 2015

RE: Interpretation and Application of AS 34.03.225(a)(4)

I. Issue Presented

You have asked for a legal opinion as to whether AS 34.03.225(a)(4) authorizes the Kodiak Island Borough ("Borough") to: (1) require that the owner of a mobile home park give longer than 270 days' notice before any tenants may be evicted, when the owner wishes to convert the property's land use; and, (2) establish a mobile home relocation fund. If such authority exists, you have asked for an explanation as to the manner in which the Borough must do so, and whether such requirements may be made retroactive.

II. Short Answer

The short answer to your inquiry is as follows: AS 34.03.225(a)(4) does appear to authorize the Borough to by ordinance require mobile home park owners to give tenants more than 270 days' notice when they are evicted in order to convert the mobile home park to a new land use, and to establish a special fund to assist those who are displaced.

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However, if a mobile home park owner has already satisfied its notice obligations under AS 34.03.225(a)(4), it is very likely that any subsequently enacted notice requirements, even if intended to be retroactively applicable, would be impermissible.

III. Legal Analysis

The Borough has presented a multi-level inquiry that requires analysis of not only applicable Alaska Statutes, but also the Kodiak Island Borough Code ("KIBC") and the relevant Alaska case law. That analysis supports the conclusion that, while the Borough is likely permitted to impose notice periods greater than the 270 days prescribed by AS 34.03.225(a)(4), and to create a special fund to assist displaced mobile home park tenants with their relocation expenses, it may not impose those newly created obligations on a retroactive basis.

1. The Borough May By Ordinance Properly Implement the Extended Notice Periods and Relocation Funds Authorized by AS 34.03.225(a)(4).

AS 34.03.225 provides only limited circumstances in which mobile home park owners may evict tenants. One such permitted circumstance exists "if the owner desires to make a change in the use of the land comprising the mobile home park."¹ However, the statute further provides that, "all dwellers or tenants so affected by a change in land use shall be given at least 270 days' notice, or longer if a longer notice period is provided in a valid lease or required by a municipality[.]" and that, "a dweller or tenant so affected by a change in land use shall be given a quit date not earlier than May 1 and not later than October 15...."²

In addition, the statute expressly provides that, "a municipality may establish a mobile home relocation fund and require that a dweller or tenant so affected by a change in land use be given a longer notice period or compensated from the fund for the cost of disconnecting, relocating, and reestablishing the dweller's or tenant's mobile home."³ Although the statute itself does not provide any specific guidance as to which of its local subdivisions are permitted to adopt these additional protections, it nonetheless seems apparent that the Borough does possess authority to do so.

First, the statute does not include any language reserving this grant of authority to only some forms of the State's local subdivisions; instead, it simply delegates the authority "municipalit[ies]...." Because each of the State's local political subdivisions—regardless

¹ AS 34.03.225(a)(4). *See also Sharpe v. Trail*, 902 P. 2d 304, 305 (Alaska 1995).

² *Id.*

³ *Id.*

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of classification—is technically a municipality, it seems to follow logically that by choosing to incorporate that term, the legislature intended for the authority to adopt the additional protections for tenants of local mobile home parks described in AS 34.03.225(a)(4) to attach to all of Alaska’s municipalities.

Second, this conclusion appears to be supported by the legislative history. For example, the original version of Senate Bill 6, which was eventually amended by the House and enacted by the Legislature, did not include the language authorizing municipalities to adopt the longer notice periods as currently provided in the statute.⁴ In a meeting of the House Judiciary Standing Committee, when discussing the amended version of the bill that was eventually enacted and included the current language set forth in AS 34.03.225(a)(4), it was explained that the addition of the language would grant “municipalities...the ability to alter the [notice] period.”⁵ Further, when addressing the Committee, Senator Ellis explained that the language would permit “any local government that would like to set up its own relocation fund...to do so through local ordinance.”⁶

Third, the Kodiak Island Borough is a second-class borough, and as such, is a “‘general law’ municipality, meaning that it only has those powers conferred by statute....”⁷ The express language of AS 34.03.225(a)(4), when coupled with the evidence contained in the legislative record, appears to indicate that it actively confers to the Borough the power to by ordinance impose longer notice periods for those tenants evicted from mobile home parks, and to establish relocation funds.

2. The Borough Probably Cannot Make a Newly Adopted Notice Requirement Retroactively Applicable to a Mobile Home Park Owner Who Has Already Given Notice that Complies With AS 34.03.225(a)(4).

Although Alaska’s local governments may make some newly adopted ordinances retroactive, the imposition of a longer notice period upon the owner of a mobile home park who has already given proper notice to tenants under AS 34.03.225(a)(4) could potentially constitute an impermissible infringement of the owner’s vested property rights. In those circumstances, the Borough’s attempt to enforce any such ordinance on a retroactive basis might make the Borough vulnerable to a variety of legal challenges.

⁴ See SB0006A, Introduced 1/8/01. However, even the original version of the bill authorized municipalities to establish relocation funds for mobile home park owners evicted due to the owner’s desire to convert the property to another use.

⁵ February 13, 2002 Minutes, House Judiciary Committee, 22nd Legislature, at 1449.

⁶ *Id.*, at 1880. Although the legislative history does not reveal whether lawmakers intended for municipalities to exercise the local option by means of ordinance, the fact that the grant of authority was coupled with another local protection measure

⁷ *ACT, INC. v. Kenai Peninsula Borough*, 273 P. 3d 1128, 1131 n.1 (Alaska 2012).

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Although the Alaska Supreme Court appears to have not yet addressed the validity of municipal ordinances that have been applied retroactively,⁸ it has addressed the circumstances in which statutes may be given proper retroactive effect. The decision that appears to be most analogous to the Borough's inquiry was rendered in *Rush v. State*, in which the Court held that the retroactive application of a statute affecting the sale of specific properties "would have an impermissible retroactive effect on property rights."⁹

In *Rush*, the Court first explained that "[n]o statute is retrospective unless expressly declared therein..."¹⁰ If a statute does not include such a declaration, Alaska's courts will then determine whether the application of a new statute would have an impermissible retroactive effect.¹¹ As the Court stated:

"[A] statute will be considered retroactive insofar as it 'gives to pre-enactment conduct a different legal effect from that which it would have had without passage of the statute.'" A statute creates this "different legal effect" if it "would impair rights a party had when he acted, increase a party's liability for past conduct, or impose new duties with respect to transactions already completed."¹²

The Court concluded that, because the application of a new version of a statute would deny a party the full benefits of a property interest that had already vested, "and thus diminish...a right that [the interest holder] gained" under the former version, that application would be impermissibly retroactive.¹³

Like the holder of the property interest in *Rush*, if the owner of a mobile home park has already given its tenants notice to quit that complies with the requirements of AS 34.03.225(a)(4), its right to evict those tenants may very likely have already vested. To the extent that the property owner may be entitled to change the property's use if certain conditions are met, if those conditions were met prior to the imposition of a longer notice period such that the right to that entitlement has already vested, the Borough's interference with the exercise of that right due to the property owner's noncompliance with subsequently enacted notice requirements may also result in impermissible

⁸ In *Tweedy v. Mat-Su Borough*, 332 P.3d 12 (Alaska 2014), the appellant argued that a zoning ordinance had been given impermissible retroactive effect; however, the Alaska Supreme Court decided that point on appeal without discussing with particularity whether, and when, municipal ordinances may be applied retroactively.

⁹ 98 P.3d 551, 552 (Alaska 2004).

¹⁰ *Id.*, at 553 (quoting AS 01.10.090).

¹¹ *Id.*, at 555.

¹² *Id.* (citations omitted).

¹³ *Id.*

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retroactive effects on property rights.

Finally,¹⁴ there is also some possibility that the retroactive application of any newly enacted notice requirements could in some circumstances be challenged as an unconstitutional taking,¹⁵ or, depending upon the circumstances, the unconstitutional impairment of the right to contract,¹⁶ or if noncompliance could potentially result in the imposition of some criminal penalty, an impermissible *ex post facto law*.¹⁷

Consequently, if the Borough were to enact an ordinance requiring that the owners of mobile home parks provide a notice period to tenants greater than the 270 days current required by AS 34.03.225(a)(4), it should avoid making that ordinance retroactively applicable to owners who have already given the notice required by the statute, or who otherwise may have vested property rights that could be potentially affected through that retroactive application.

IV. Conclusion

It seems clear that AS 34.03.225(a)(4) grants the Borough authority to by ordinance adopt a longer notice period requirement for owners of mobile home parks within the Borough who seek to evict tenants in order to put the property to a different use, and establish a fund to assist those tenants with the costs of relocation. However, depending upon the circumstances, such property owners may have vested rights that may be impermissibly diminished by any attempt to make any new requirements retroactively applicable. In order to avoid potential legal liability, the Borough should avoid making such requirements retroactively applicable.

I remain available to discuss this matter with you at any time. Please do not hesitate to contact me with any questions you may have.

¹⁴ It should be noted that a comprehensive examination of each potential claim is beyond the scope of this Memorandum; thus, it focuses on two potential claims directly related to government action.

¹⁵ See, e.g., *Pfeifer v. STATE, DEPT. OF HEALTH*, 260 P.3d 1072, 1079-82 (Alaska 2011); *Hageland Aviation Services, Inc. v. Harms*, 210 P.3d 444 (Alaska 2009).

¹⁶ See *Hageland*, 210 P.3d at 451-52.

¹⁷ See, e.g., *Pfeifer*, 260 P.3d at 1072-73.

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HISTORICAL INFORMATION ON MOBILE HOME PARKS

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Tuesday, March 25, 2003

MOBILE HOME PARKS ISSUES & SELECTED READINGS

To the reader,

These materials have been assembled in an effort to place in one handy reference manual a number of historical documents, property inventories, check lists, and papers related to mobile home parks and mobile home units.

Mobile home parks and mobile home units have been a constant source of debate within the local community for a good number of years. Two jurisdictions, the City of Kodiak, and the City of Port Lions, have acted legislatively to ban the placement of stand-alone mobile home units within their corporate boundaries. Although the constitutionality of such bans is questionable, no challenge has yet been mounted and so the bans remain on the books.

The record seems to confirm that mobile home parks originally appeared on the scene in response to a critical housing shortage following the 1964 earthquake. Only one mobile home park has been developed since the late 60's, and it was developed in compliance with the 1984 development standard, not the current standard. The one constant theme appearing throughout the historical record generated at the borough level is best illustrated with a quote from an *Intent* section of an enabling ordinance.

“Mobile Home Parks were developed and maintained to provide a safe, sanitary, affordable housing option for Kodiak Island Borough residents.”

Safe, sanitary, and affordable are terms, which if nothing else, are subjective and therefore constant points of debate.

The record of code revisions, political commentary, and third-party observations underscores the subjectiveness of these terms. The park owner, the unit owner, the community observer, and the bureaucrat(s) with the responsibility for interpreting and applying a polyglot of building and zoning codes, all have different perspectives and imperatives. A ceaseless debate between the interested parties has resulted.

Although the ferocity of the debate waxes and wanes, the debate over the place that mobile home parks, and individual units should occupy in the local economy has never entirely disappeared. The most recent policy review and revision of the Mobile Home code(s) was undertaken in 1993. The impetus was a perceived lack of efficacy of the existing code to adequately address existing nonconformities – parks & individual units. The need for clarification of policy, and consistency of interpretative application of the Nonconforming Uses chapter of the zoning code was evident.

The central focus of that debate was the advisability of implementing an amortization schedule in order to affect a more rational and predicable conversion, & or, disappearance of non-conforming mobile home parks and units. A lengthy debate was engaged in, and included the solicitation of an attorney's opinion, which confirmed that such an amortization clause would most likely be upheld as legal. The discussion then turned to a reasonable time frame for implementation. Two dates, June 30th, 1998 and June 30th, 2000, were proposed. Eventually, the idea of an amortization schedule was dismissed in favor of a more "benevolent" approach. The end result was a "tweaking" of both the Non-conforming Uses and the Mobile Home Parks chapters of Title 17 Zoning.

The evidence, as indicated by the most recent cases relating to mobile home parks and individual units, is that the latest fix is still found to be lacking with respect to interpretive consistency, in administrative facility, and public acceptance.



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Memorandum

Date: March 19th, 2003

To: Kodiak Island Borough Planning & Zoning Commission

Cc: Mr. Duane Dvorak, Director,
KIB Community Development Department

From: Martin Lydick, Associate Planner Code Enforcement

RE: Administrative Determination Relating to Mobilehome Improvements in Mobilehome Parks

Several recent cases involving the reconstruction &/or expansion of mobilehome units, and framed additions, located in mobilehome parks have highlighted what the Community Development Department Staff feels is quickly becoming a crisis. The hybridized nature of the structures requires significant staff time for the purpose of analyzing pertinent code sections and the writing of cogent, defensible opinions in order to either grant or deny zoning compliance permits.

“Hybridized nature” refers to the structural characteristics of the finished structure, or building. They are neither exclusively mobilehomes, which are regulated under Kodiak Island Borough Code 17.26 – Mobile Home Parks, or frame-built structures regulated under Kodiak Island Borough Code 15 – Buildings and Construction. The result is that we have been allowing dwelling units to be erected &/or expanded, outside of codified regulations, which represent significant life, safety, and health concerns.

It has been the experience of staff that two other title sections of the Kodiak Island Borough Code also come into play when reviewing such applications for zoning compliance. First and foremost is Kodiak Island Borough Code 17.36 – Existing

Nonconforming Uses and Structures, and to a lesser extent, Kodiak Island Borough Code 16 – Subdivisions.¹

The task of resolving conflicting and overlapping requirements of each of four code titles as they relate to the zoning compliance permitting of mobilehomes/structures, located in mobile home parks, is herculean and beyond any reasonable measure of efficiency. This is especially true in light of the very minimal valuation generated for the public tax base represented by the majority of these units.

Discussion among the staff of the Community Development Department has resulted in the following recommendation for future application with regards these types of properties.

The applicable zoning district for mobile home parks is Kodiak Island Borough Code 17.26 – Mobile Home Parks². Kodiak Island Borough Code 17.26 shall *control*, regardless of the underlying zoning district, i.e., residential or other, and, regardless of status, i.e., Conforming or Nonconforming.

Clarification of existing Kodiak Island Borough Code 17.26 standards shall be incorporated as follows:

No modification of the base unit that involves a penetration of the original “envelope” shall be allowed. A penetration of the original envelope, i.e., expanding/relocating windows, doors, etc., tends to weaken the structural integrity of the unit, and renders null and void the manufacturers’ certification.³

Within 17.26.070 – Space coverage, the reference to “addition thereto” shall be interpreted as meaning those portions of the mobile home structure, originally included with the base unit, as supplied by the manufacturer, and utilized as “tip-out” or “slide-out” rooms.

Additionally, within 17.26.070, “addition thereto” may include an open, unroofed deck, as long as the minimum separation distances of 17.26.100 are maintained and no adverse impact to minimally required parking occurs.

¹ A more detailed discussion of the Kodiak Island Borough Code title sections with implications for this subject matter is contained in the following section, DISCUSSION.

² More properly known as an “Overlay Zone”. The distinction is illustrated in the discussion section following.

³ 17.26.005 Definitions – Mobile Home: 24CFR 3282.13 and complies with the construction SF and ARDs set forth in 24CFR Part 3280.

For the purpose of equity between mobile home dwellers and dwellers of conventional frame-built structures, within 17.26.070, “addition thereto” may include a minimally constructed enclosed entry less than fifty (50) square feet in size⁴, as long as the minimum separation distances of 17.26.100 are maintained and no adverse impact to minimally required parking occurs.

Existing nonconforming structures, i.e., grandfathered “add-ons”, may continue within the standards of Kodiak Island Borough Code 17.36.040 – Nonconforming Structures. However, future reviews of these types of structures must strictly conform to the standards, as written, with particular attention to paragraph “B – Ordinary repairs” of that section.⁵

⁴ 50 square feet is the minimum size requirement for a bedroom per CFR 24_3280.109 Room Requirements (a).

⁵ “Ordinary repairs, including the repair or replacement of walls doors, windows, roof, fixtures wiring, and plumbing may be made to nonconforming structures.” *This does not include foundations, support piers, sub-floor systems, or floors.*

DISCUSSION

A zoning district is defined by The New Illustrated Book of Development Definitions⁶ as: “A specifically delineated area or district in a municipality within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings”. These general districts are known as *underlying districts*, as opposed to *overlay zones* defined as: “A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone.”⁷

The Kodiak Island Borough Code contains three effective overlay zones. The first is Kodiak Island Borough Code 17.42.010 Additional setback requirements. “Whenever a parcel of property adjoins Mill Bay Road between Center Avenue and Rezanof Drive East or Mission Road between Center Avenue and Benny Benson Drive, any structure placed on the parcel shall be setback a minimum of forty (40) feet from the centerline of the platted right-of-way or from the centerline of any access easement.” This is a control along certain designated *corridors* of traffic and may be visualized as a *linear zone*.

The second is Kodiak Island Borough Code 17.57.020 – Off-street parking – Core area exemption. “The requirements of this chapter for the provision of off-street parking and loading areas, with the exception of subsection 17.57.080(I) of this chapter, shall not apply within the designated core area of downtown Kodiak. The purpose of this exemption is to establish off-street parking regulations that are consistent with the provisions of the Central Commercial Designation of the UR-19 Urban Renewal Plan. The exemption area is bounded by Rezanof Drive West, Center Avenue, Marine Way East, and Marine Way West and is defined as blocks 4 through 13 of New Kodiak Subdivision.” This is more representative of the more traditional zoning district that encompasses a *compact, contiguous geographic locale*.

The third is Kodiak Island Borough Code 17.26 – Mobile Home Parks. A complete recitation of 17.26 is contained in the Addendum to this paper. For the immediate purpose however, we will refer to 17.26.005. – Definitions “B”, which states: “Mobile home park means a tract of land upon which ten (10) or more

⁶ Moskowitz and Lindbloom, Center for Urban Policy Research, 1993.

⁷ Ibid.

mobile home spaces are located, established, or maintained for occupancy by *mobile homes* (italics added).

Kodiak Island Borough Code 17.26.005 Definitions, Paragraph (A), defines "Mobile home", and the language clearly contemplates a living unit manufactured as a systematic assembly of complimentary components within a controlled environment. By incorporation, the *precise* definition of a mobilehome is found in 24CFR Part 3280 (design specifications) and 24CFR 3282 (manufacturer certification). The most salient points for the purposes of our discussion are found in Section 3280.902 Definitions. Paragraph (A) "*Chassis* means the entire transportation system comprising the following subsystems: drawbar and coupling mechanism, frame, running gear assembly, and lights". (B) *Drawbar* and *coupling mechanism* means the rigid assembly.... (C) *Frame* means the fabricated rigid substructure.... (D) *Running gear assembly* means the subsystem consisting of suspension springs, axles, bearings, wheels, hubs, tires, and brakes with their related hardware.... (E) *Lights* means those safety lights and associated wiring.... Equally important is the requirement found in 24CFR 3282.13 Voluntary Certification. The essence of this section is that the manufacturer *must* attach a "Data Plate" listing the manufacturing specification(s) of the unit, recorded serial number of the unit, attest to its' veracity, and that this data plate must be visible and attached to the unit in such a manner so as to remain attached for the projected life of the unit.

This overlay zone may be visualized as a *floating zone*, that is, the standards apply wherever the *use* is found, and is not specific to any geographic location.

Per Kodiak Island Borough Code 17.26.101 – Districts where permitted, new mobile home parks may only be established as a *permitted* use within the R-3 Multiple Family Residential Zoning District, and as a *conditional* use within the B – Business Zoning District. Currently there are a total of twelve (12) properties in the urban area operating as mobile home parks and subject to the standards of KIBC 17.26. Only one of the twelve meets the standards and may be referred to as a "conforming" mobile home park. The other eleven properties fall within the category of "nonconforming" as they fail to meet one or more of the standards contained in KIBC 17.26.

A mobilehome park attains the status of conforming by virtue of complying with the zoning district requirements and the development standards as written in Kodiak Island Borough Code 17.26-Mobilehome Parks. Other than the appropriate zoning district, a conforming mobilehome park (or a mobilehome park *moving towards* conformity) must have on file with the department an approved park (site) plan which includes the exterior boundaries of the subject property, its' dimensions, and the area of the lot. The importance of a properly prepared site plan cannot be overlooked; it provides the basis of determining the possibility of any particular location's ability to comply with the development standards listed in Kodiak Island Borough Code 17.26.030 thru 17.26.100.

The development standards mandate minimum area (square-footage) allocations and minimum separation distances between structures. Of primary importance is the requirement that a minimum of three thousand (3,000) square feet be allocated to each individual mobilehome space (Kodiak Island Borough Code 17.26.005 – Definitions, paragraph C). Within this 3,000 square foot space, an area of 324 square feet (the equivalent of two parking spaces) must be designated and available as dedicated parking. Each mobilehome space is further restricted by an allowable space coverage limited to fifty (50%) percent. This means that the combined area of each mobilehome space devoted to mobilehome unit, addition thereto (i.e., slide-out or tip-out room, artic entry, or open deck), and accessory building use may not exceed 1,500 square feet.

The remaining development standards deal with the aggregated parcel. Prominent among these standards are the area requirements allocated for on-site storage and play areas. Areas dedicated to on-site storage and play may not be part of any mobilehome space, they must be separately identifiable locations. Grounds set aside for play areas must be provided for at the ratio of 200 square feet per mobilehome space. On-site storage of 250 square feet must be provided for every four mobilehome spaces (62.5 square feet per space). It is significant to note that the mandatory provision of areas dedicated to storage and play are only required as part of mobilehome park and recreational vehicle park developments, although they may be conditionally required at the discretion of the Planning and Zoning Commission in other developments.

When combined with code compliant lot-line set backs (10'), exterior public street set backs (25'), interior park street set backs (10'), and minimum structural separation distances (various), the development standards applied to mobilehome parks are arguably the most stringent in lack of flexibility, and the most costly in terms of land required per dwelling unit found in any urban residential zoning district in the Kodiak Island Borough. Recognizing the exceedingly high bar set for a conforming mobilehome park by the Kodiak Island Borough Code, it would be improvident of staff not to review with a very critical eye any request for zoning compliance within a mobilehome park, especially one of non-conforming status.

Of the eleven properties identified as non-conforming mobilehome parks, there are two which exhibit many of the elements of mobilehome parks, particularly density and management, but are such a mixed bag of living unit descriptions that they can only be termed special use properties. The units within these eleven properties, and their owner's desire to expand, enlarge, or rebuild, are responsible for the impending crisis and the focus of this paper.⁸

Many of the mobile homes within these nonconforming mobile home parks (parks) are of an advanced age and exhibit considerable disrepair and in increasing numbers – dilapidation. Many of these units have various sizes of frame-built room additions connected to them that serve as expanded living areas, bedrooms, or are devoted to storage. The fact that many of these “structures” are close to the end of their useful lives is evidenced by the increasing requests to rebuild, expand, or enlarge the mobile home unit and the frame-built add-ons.

In the past, for a myriad of reasons⁹, a relaxed attitude towards these nonconformities, land and structures, has been the norm, from an agency perspective, from the park owners, and from the perspective of the individual unit owners. This relaxed attitude has become so ingrained that today very few of the park owners, and fewer still of the unit owners, even bother to contact the Community Development Department in order to obtain a zoning compliance permit prior to commencing major rehabilitations or expansions.

⁸ Addendum _ Property Inventory.

⁹ Addendum _ Requiring Upgrade to Code or Condemnation and Demolition of Older Dwelling Units Determined To Be Dangerous As Life-Safety or Fire Risks, paper by R. Scholze, 3/10/92.

The inevitable result of this practice is to extend into perpetuity these nonconformities in direct violation of KIBC 17.36 Existing Nonconforming Uses and Structures, 020 – Intent, which states, “It is the intent of this chapter to permit these nonconformities to continue until they are eliminated...”. The phrase “until they are eliminated” does not imply the deliberate removal of nonconforming structures by a date certain. No amortization period was adopted as part of the code language. But, it does anticipate that at some point of time in the future they will simply disappear due to the owner’s inability to maintain key structural components comprised of foundations, support piers, sub-floor systems, or floors. These items are conspicuous in their absence from 17.36.040.B, which allows repair or replacement of walls, doors, windows, roof, fixtures, wiring, and plumbing.

If properly interpreted and applied, 17.36.040 appears to provide adequate guidance with respect to allowable repairs to framed additions. However, if applied to the base mobile home unit, the result is an entirely different animal. Extensive repairs and or replacements of components result in a finished dwelling unit, which is not mobile, and does not meet the required manufacturers’ certification standards. The resulting dwelling unit is a building¹⁰ / structure with a useful life expectancy of between 20 and 30 years. By allowing such rehabilitations to be undertaken, we invite owners to make substantial, and perhaps unwise, housing investment decisions.

The *intent* of Kodiak Island Borough Code 17.36.020 is not limited to non-conforming structures; it is anticipated that non-conforming *land uses* also be eliminated over time. The language of Kodiak Island Borough Code 17.36.050 - Nonconforming Uses of Structures and Land, paragraph “A” reads:

A legal use of a structure, land, or of a structure and land in combination, existing at the effective date of adoption or amendment of the ordinances codified in this title, *may be continued so long as it remains otherwise legal.*

¹⁰ 17.06.070 Building. “Building” means any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

As older units in non-conforming mobilehome parks are retired or disappear over time, park owners are naturally inclined to want to maintain the revenue generating capability of their land investment. Their revenues are directly dependent on the number of mobilehome spaces available to let in the park. However, the words *otherwise legal*, means that any new mobilehome installation must meet, at the very least, the standards for space size, parking availability, and structure separation, and, this necessarily entails the submission of a current and accurate park plan – even though this plan may only be conceptual in nature and only accurately reflect the possibility of a particular mobilehome space in question to meet the standards.

The only mobility associated with these “new” structures is generally the tenant/owner. The permanent nature of these structures allow the real property owners to establish de facto subdivisions without under-going the subdivision review process as appears to be required in Kodiak Island Borough Code Title 16.¹¹

The nature of these new structures, i.e., framed and permanently affixed to the ground, means that they meet the definition of a building per Kodiak Island Borough Code 17.06.070, which reads:

"Building" means any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

A mobilehome space rental may be considered to be a lease, and from the attorney’s opinion we have: “If the lease is for the purpose of building development, then a subdivision plat must be submitted and approved prior to the lease”. This consideration is doubly important when we consider the substantial investment these structures represent for the tenant and the fact that as a mobilehome park, tenancy of the space is truly only maintained “at will” of the real property owner.

¹¹ Attorney’s opinion dated July 28th, 1989.

These de facto subdivisions, operating under the guise of nonconforming mobilehome parks, are deficient with respect to lot line setbacks, building density, off-street parking requirements, and utility design and delivery. Significant questions of life-safety issues are presented with such developments. Substandard roadway design compromises the ability of emergency personnel and equipment to react promptly and with safety. Questionable water delivery systems may adversely impact fire suppression efforts. Timely egress of tenants during emergencies is also compromised when large volumes of vehicles must funnel through choke points created by substandard traffic ways and poorly sited mobilehomes.

Enc.

EXISTING MOBILE HOME PARKS – BACKGROUND INFORMATION

Location Map

List of MHPs and owners

MHP inventory (2004)

Clarks MHP

Cove MHP

Warner's MHP

Mill Bay MHP

Harding MHP

Powell's MHP

Glass Ball Beach MHP

Spruce Cape MHP

Rasmussen's MHP

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MHP Locations

Zone_Type		Usage	last_name	Legal_Description	Land_Units
BUS	(9)	MHP	MILL BAY ENTERPRISES, LLC	USS 3218 TR W REZANOF MHP	121968
R2	(2)	MHP	KODIAK VENTURES, INC.	USS 3100 LT 2 SPRUCE CAPE MHP	45302
R2	(7)	MHP	MAHONEY	USS 3100 LT 1 GLASS BEACH MHP	54450
R1	(6)	MHP	BILLINGS	USS 3099 LT 3 POWELLS MHP	34718
R1	(5)	MHP	JONES	USS 3099 LT 1 HARDING MHP	34271
BUS	(4)	MHP	KODIAK VENTURES, INC.	USS 3098 LT 14A-3B MILL BAY MHP	46611
BUS	(3)	MHP	WARNER	USS 3098 LT 13 WARNER MHP	60548
R3	(1)	MHP	CLARK	USS 2739 E PTN/3066AB BK 5 CLARKS	28670
R3	(10)	MHP	JACKSON	JACKSON MOBILE HOME TRACT	521413.2
R3	(2)	MHP	UYAK NATIVES, INC	USS 2739/3066AB PTN BK 6 LT 1A COVE MHP	63452

MH PARK PROPERTY INVENTORYW/ CHANGES OF SEPTEMBER 9, 2004

Within the Kodiak Island Borough there are ten (10) properties that are operating as mobilehome park(s) proper, and, there is 1 property, which exhibits many of the elements of a mobilehome park, particularly density and management, but is such a mixed bag of living unit descriptions that it can only be termed a special use property.

Property Inventory

Legal Description	Zoning District	Land Area (sqft)	# Spaces	Status
USS 2739 E. Prtn <i>aka Clark's</i> (1)	R-3 Multiple Family Residential Zoning District	28,670	9	Conforming land use; nonconforming 17.26
USS 3066A/B Blk 6 Lt 1 <i>aka Cove</i> (2)	R-3 Multiple Family Residential Zoning District	64,033	19	Conforming land use; nonconforming 17.26
USS 3098 Lt 13 <i>aka Warner's</i> (3)	B - Business Zoning District	60,548	14	Nonconforming land use; nonconforming 17.26
USS 3098 Lt 14A-3B <i>aka Arndt's</i> (4)	B - Business Zoning District	46,611	8	Nonconforming land use; nonconforming 17.26
USS 3099 Lt 1 <i>aka Powell's</i> (5)	R-1 Single Family Residential Zoning District	34,271	8	Nonconforming land use; nonconforming 17.26
USS 3099 Lt 3 <i>aka Billing's</i> (6)	R-1 Single Family Residential Zoning District	34,718	14	Nonconforming land use; nonconforming 17.26
USS 3100 Lt 1 <i>aka Glass Ball Beach (Fields)</i> (7)	R-2 Two Family Residential Zoning District	54,450	10	Nonconforming land use; nonconforming 17.26
USS 3100 Lt 2 <i>aka Rigby's</i> (8)	R-2 Two Family Residential Zoning District	45,302	9	Nonconforming land use; nonconforming 17.26

MHP PROPERTY SUMMARY

Legal Description	Zoning District	Land Area (sqft)	# Spaces	Status
USS 3218 Tr V &	B - Business Zoning District	89,298	20	Conforming
USS 3218 Tr W <i>aka Rasmussen's</i> (9)	B - Business Zoning District	121,968	26	Conforming
USS 3099 Lt 25-C, 27, & 28 USS 3233 Lt 6,5,4,3,2, & 1 <i>aka Jackson's</i> (10)	R-3 Multiple Family Residential Zoning District	1,914,702	101	Conforming land use; nonconforming 17.26
			242	
<i>Recent zoning compliance has been issued for an additional 7 spaces to be added to JMHP</i>		<i>& when expansion is completed there will be a total of</i>	249	
**	**	**	**	**
USS 3100 Lt 4⁺	R-2 Two Family Residential Zoning District	54,450	4	Nonconforming land use; nonconforming 17.26
Allman Addition Block 3 Lot(s) 47, 48, 19, 20, 21, 22, & 23 Allman & LaLande Subdivision Lot(s) 13 & 14	R-1 Single Family Residential Zoning District Rural Residential One Zoning District	54,644 46,253	Indeterminate	Nonconforming land use; nonconforming 17.26

¹ (~~Text~~ represents edits of 09/09/04)



Clark Mobile Home Park



Kodiak Island Borough GIS
<http://www.kodiakak.us/gis> (907) 486-9337

Community Development Department
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- Access Roads
- Unconstructed Right of Ways

CLARK'S MHP SITE PLAN (1)

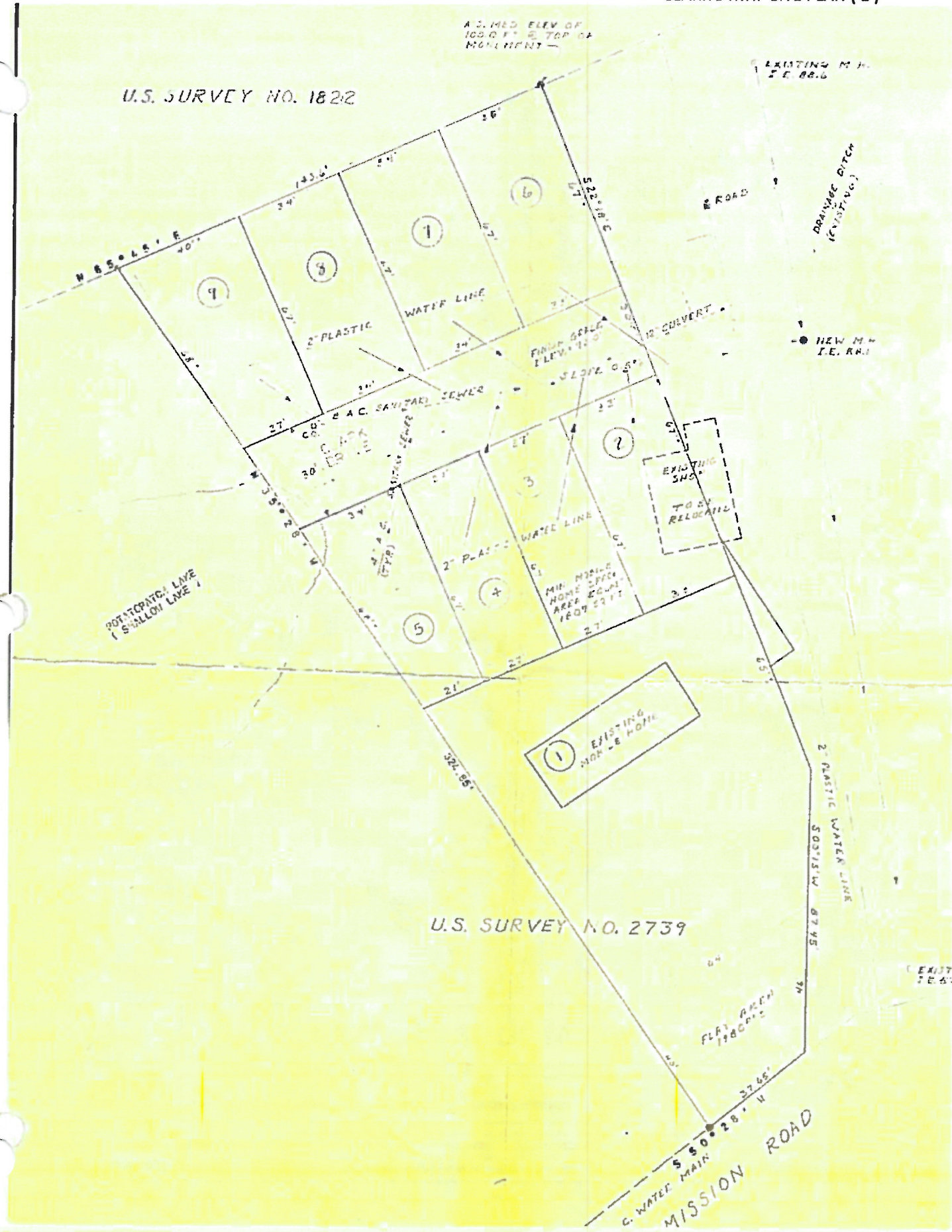
A 2. MED ELEV OF
100.0 FT @ TOP OF
MONUMENT

U.S. SURVEY NO. 1822

POTENTIAL LAKE
(SHALLOW LAKE)

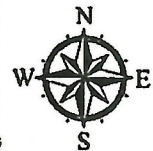
U.S. SURVEY NO. 2739

MISSION ROAD
C. WATER MAIN
S 50° 28' W
37.65'





Cove Mobile Home Park

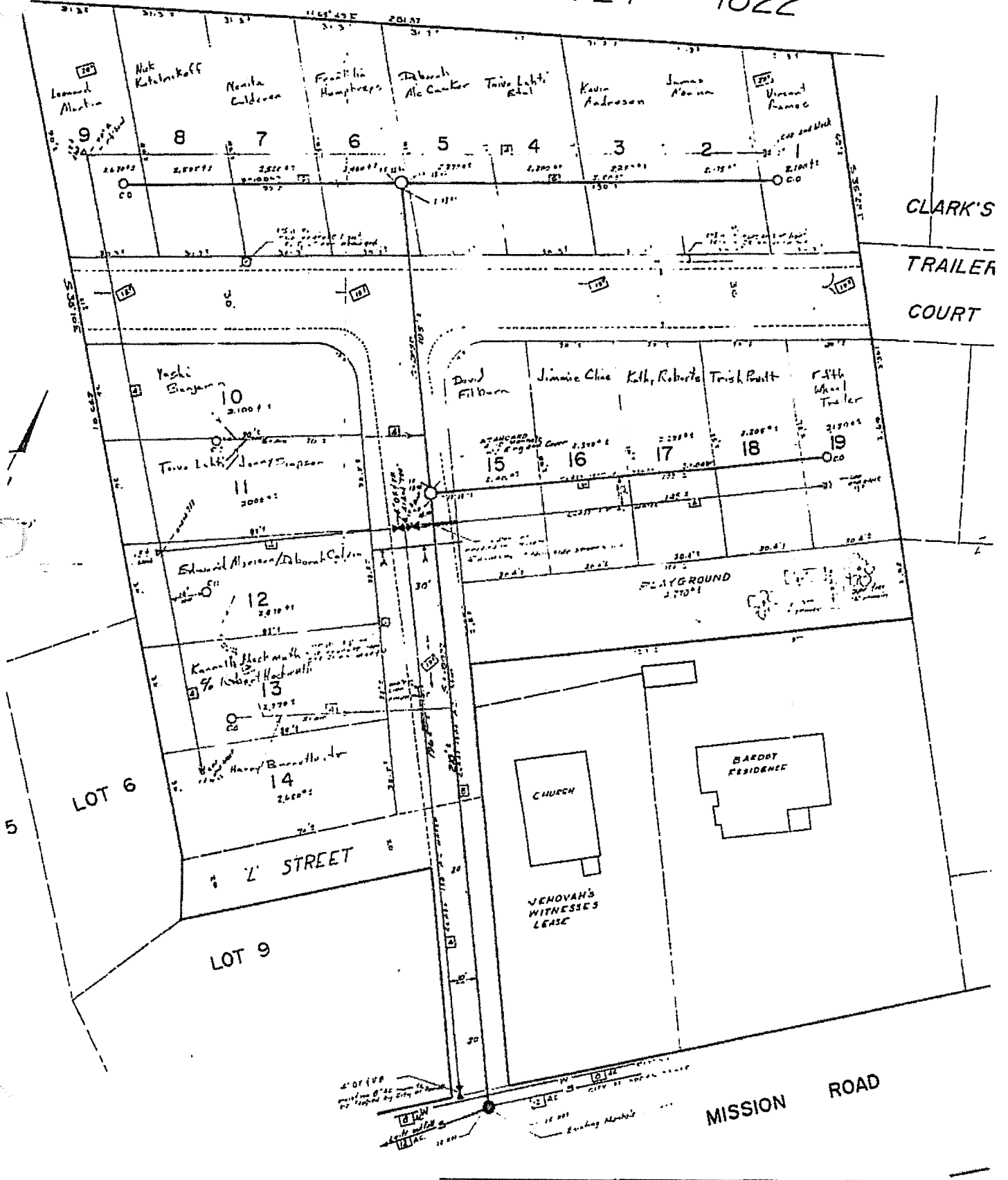


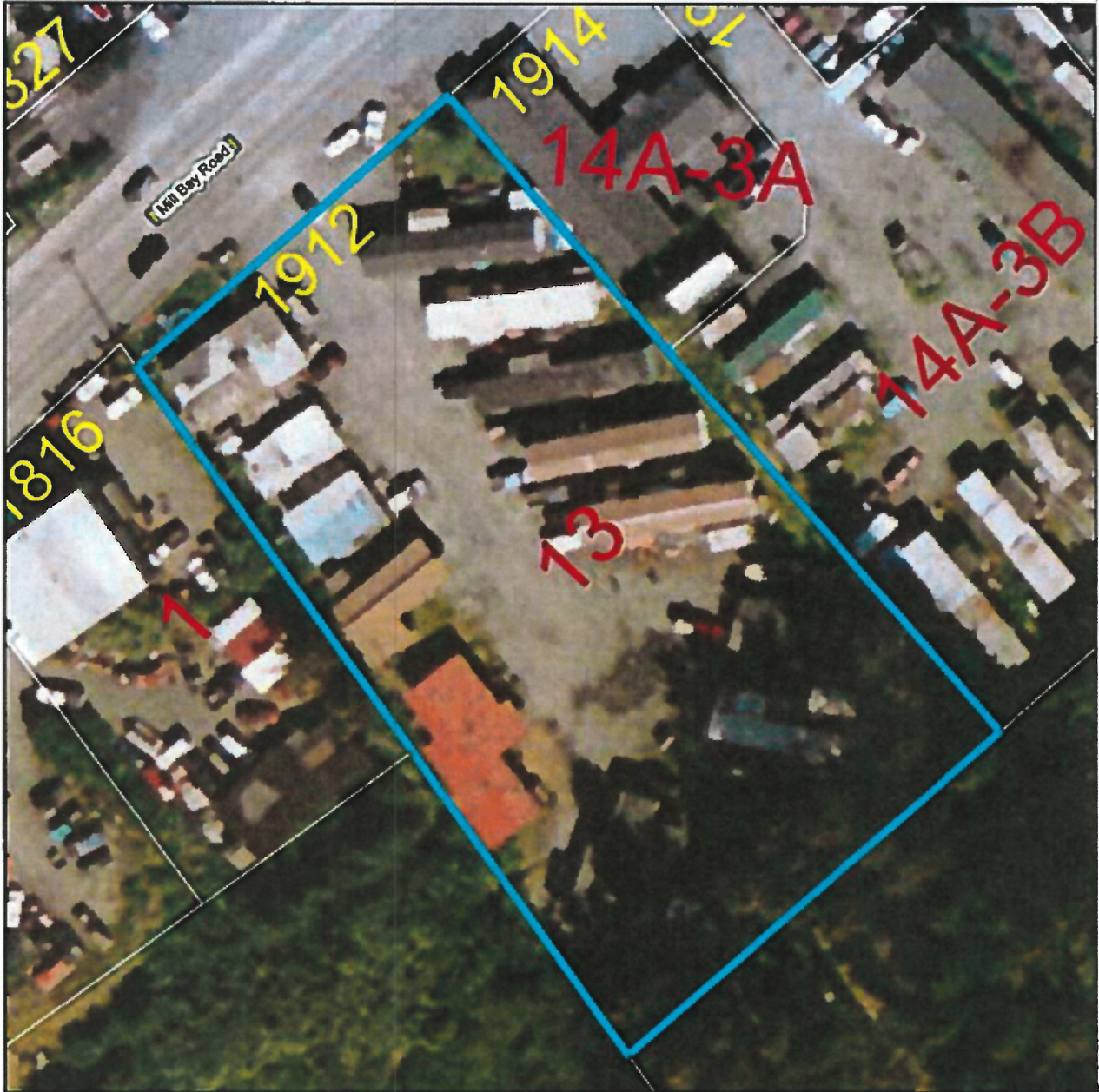
Kodiak Island Borough GIS
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- Unconstructed Right of ways
- Access Roads
- Unconstructed Right of Ways

U. S. SURVEY 1822





Warner's Mobile Home Park

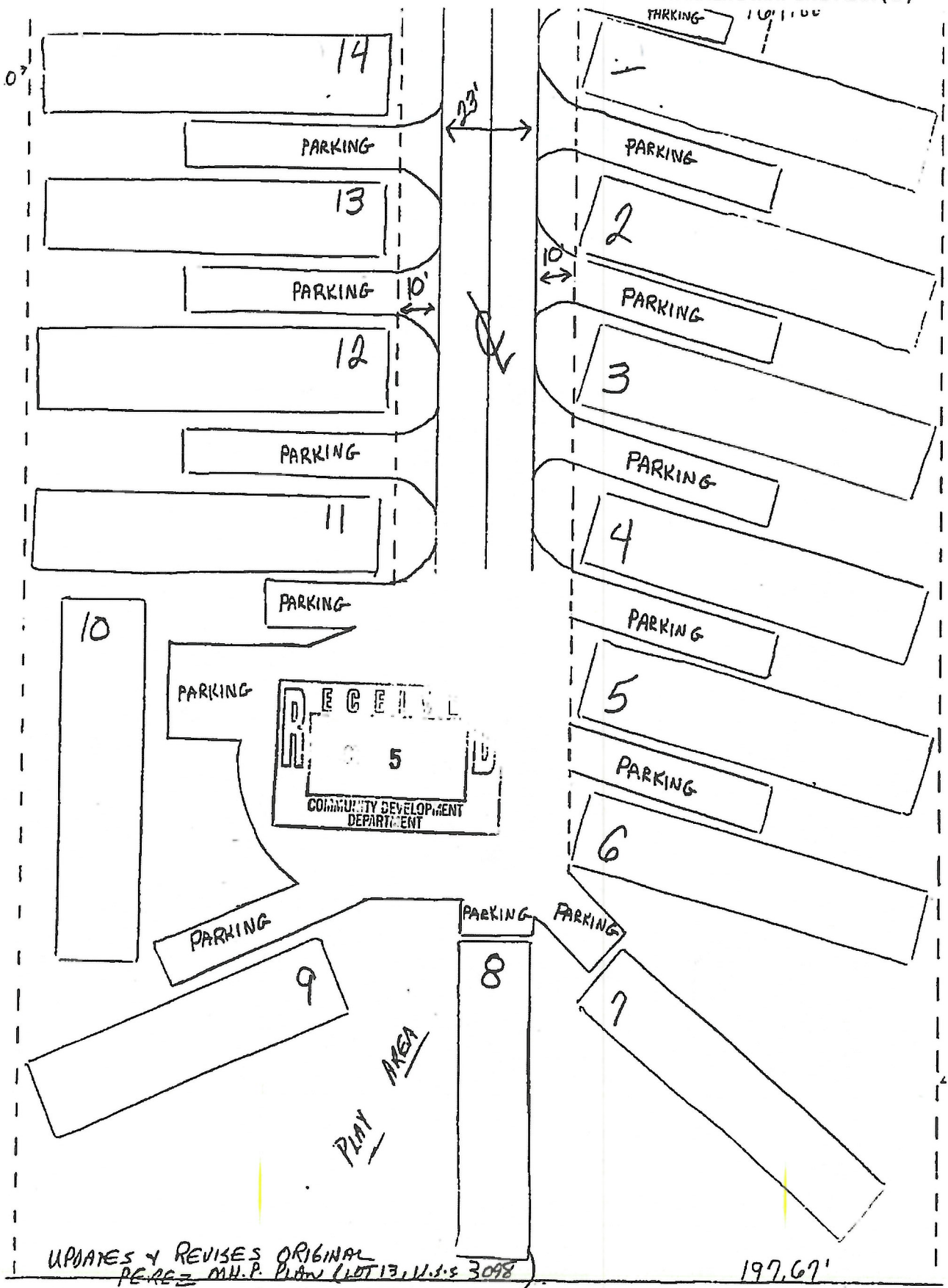


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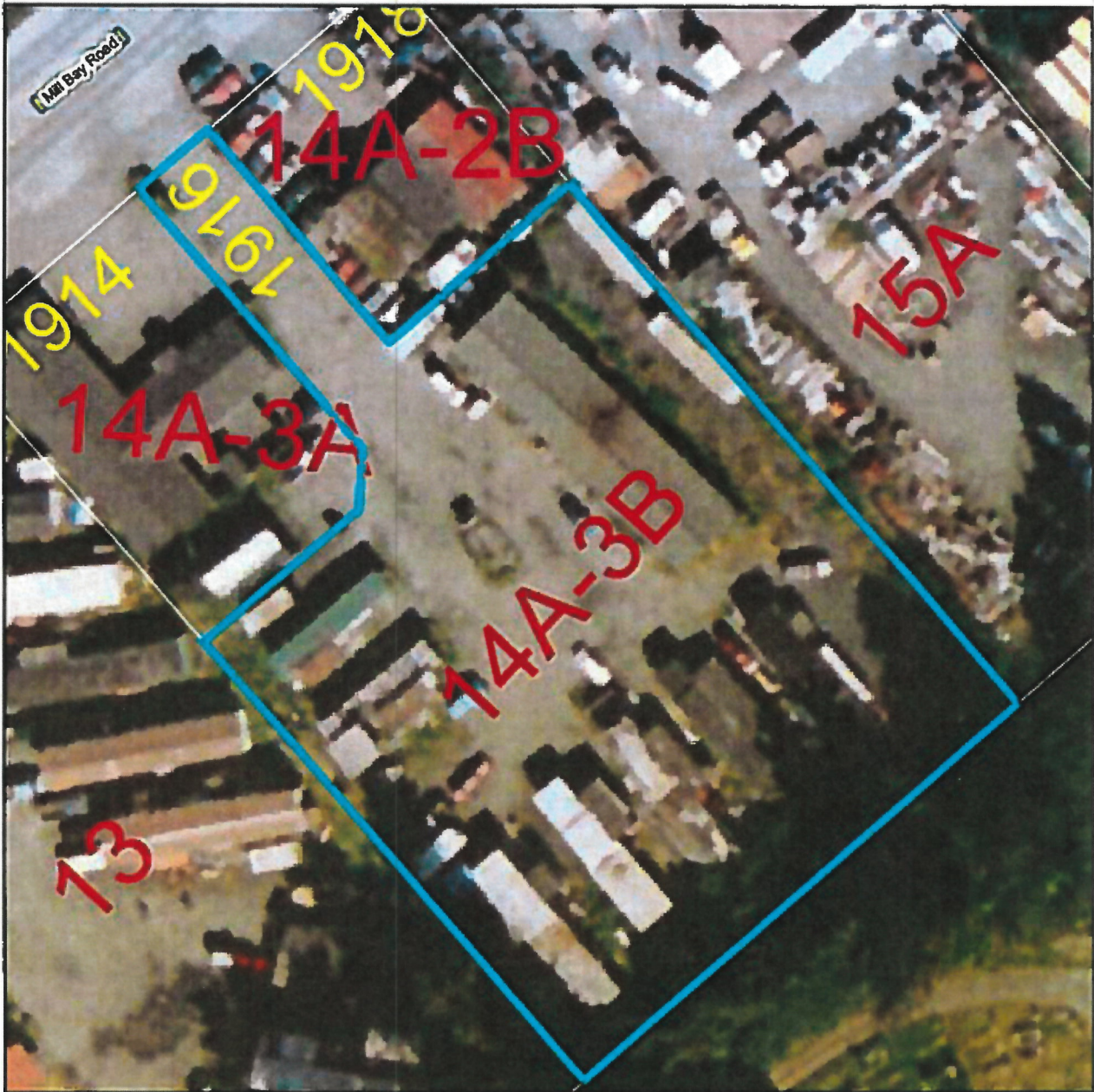
- Unconstructed Right of Ways
- Access Roads
- Unconstructed Right of Ways

WARNER'S MHP SITE PLAN (3)

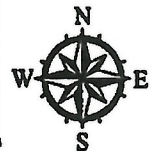


UPDATES & REVISES ORIGINAL
PERCEZ MHP PLAN (LOT 13, U.S.S 3098)

197.67'



Mill Bay Mobile Home Park

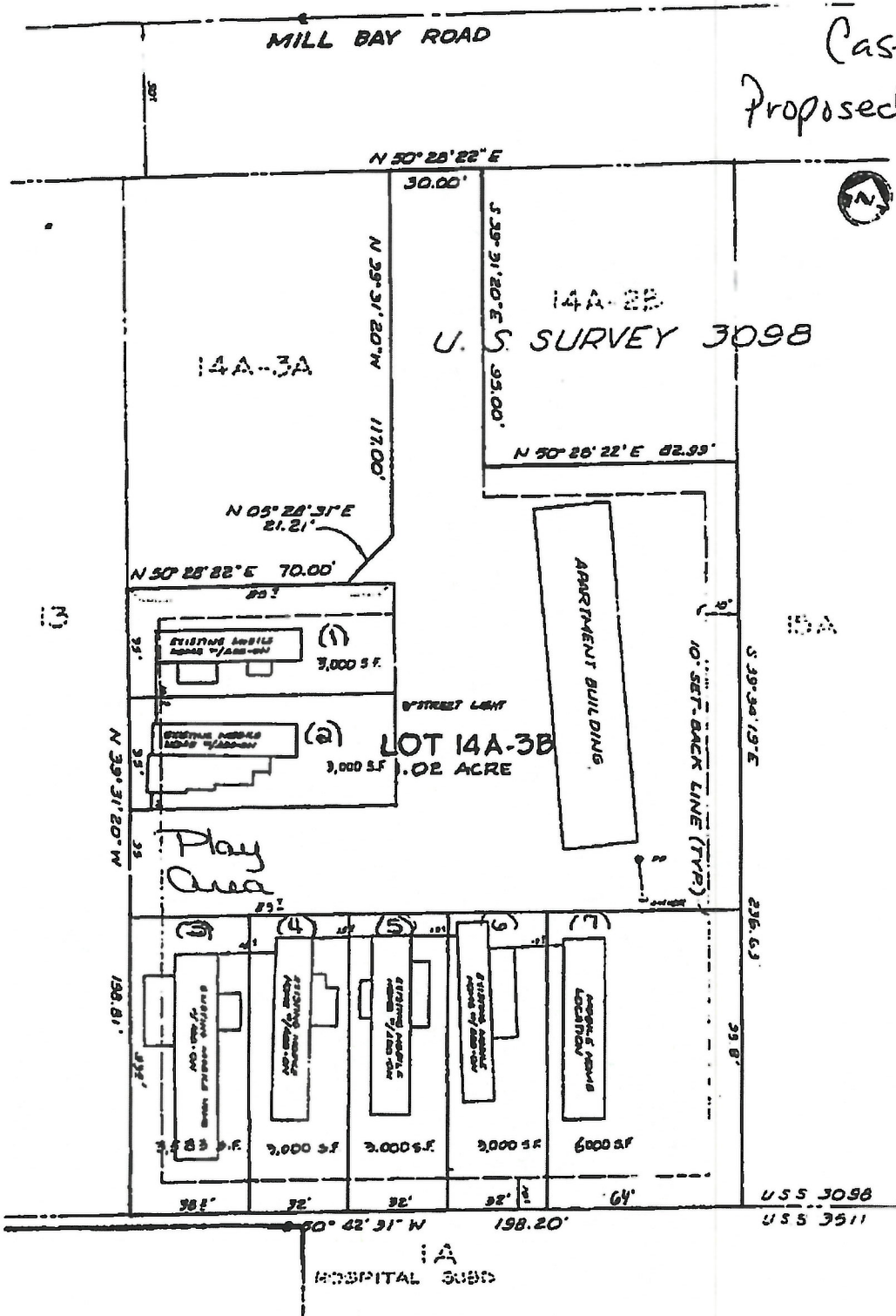


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Community Development Department
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-  Unconstructed Right of Ways
-  Access Roads
-  Unconstructed Right of Ways

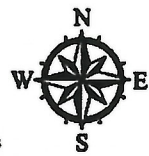
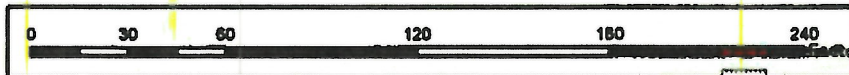
Case 03-021
Proposed Park Layout



MOBILE HOME SPACE PLAN
LOT 14A-3B, U.S. SURVEY 3098



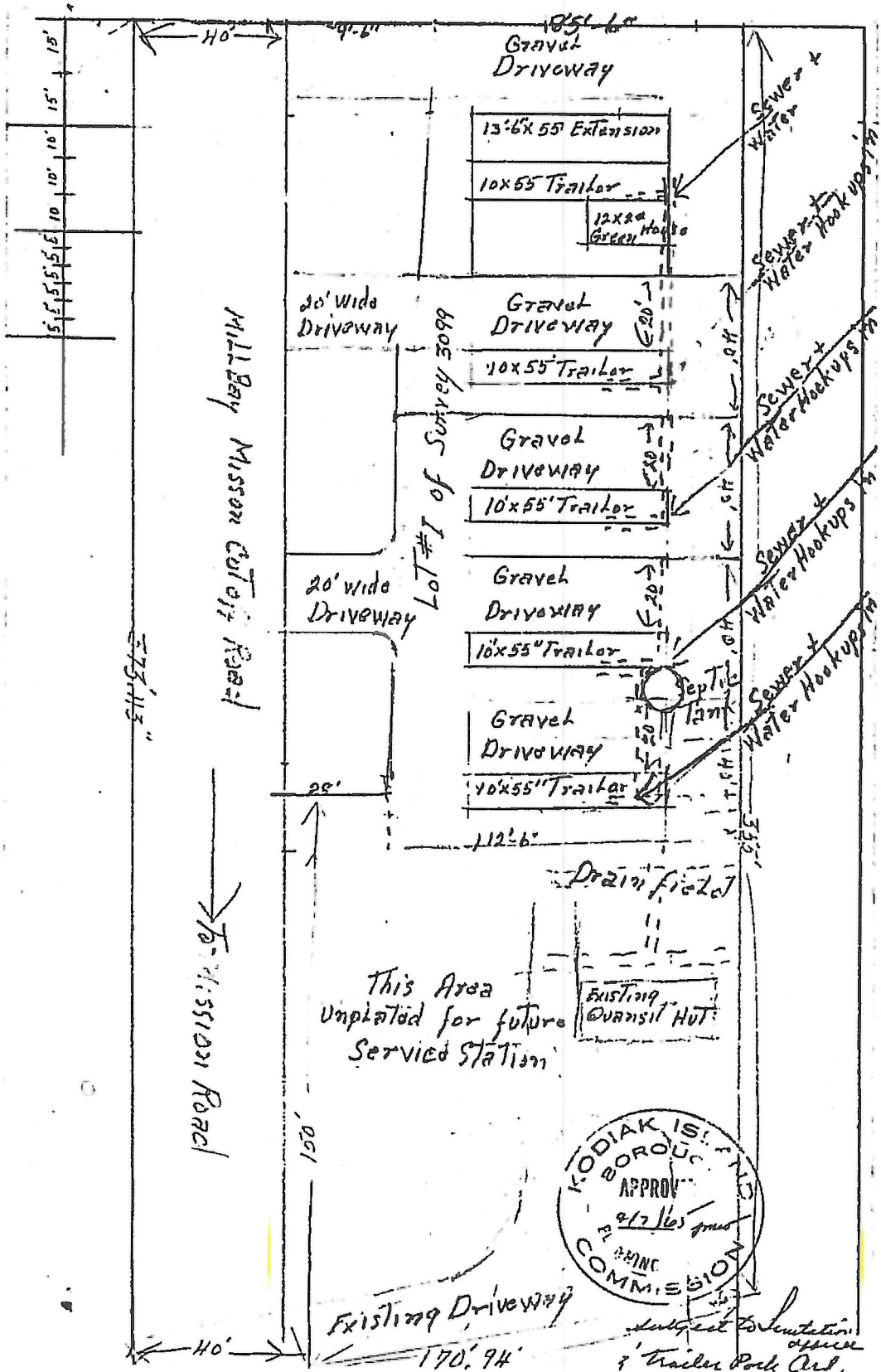
Harding Mobile Home Park



Kodiak Island Borough GIS
<http://www.kodiakak.us/gis> (907) 486-9337

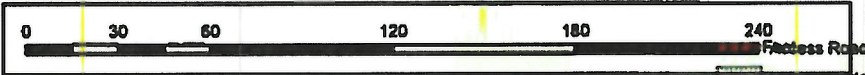
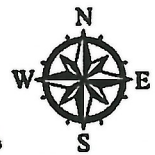
Community Development Department
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only and is not intended for any legal representations.

- Unconstructed Right of Ways
- Access Roads
- Unconstructed Right of Ways





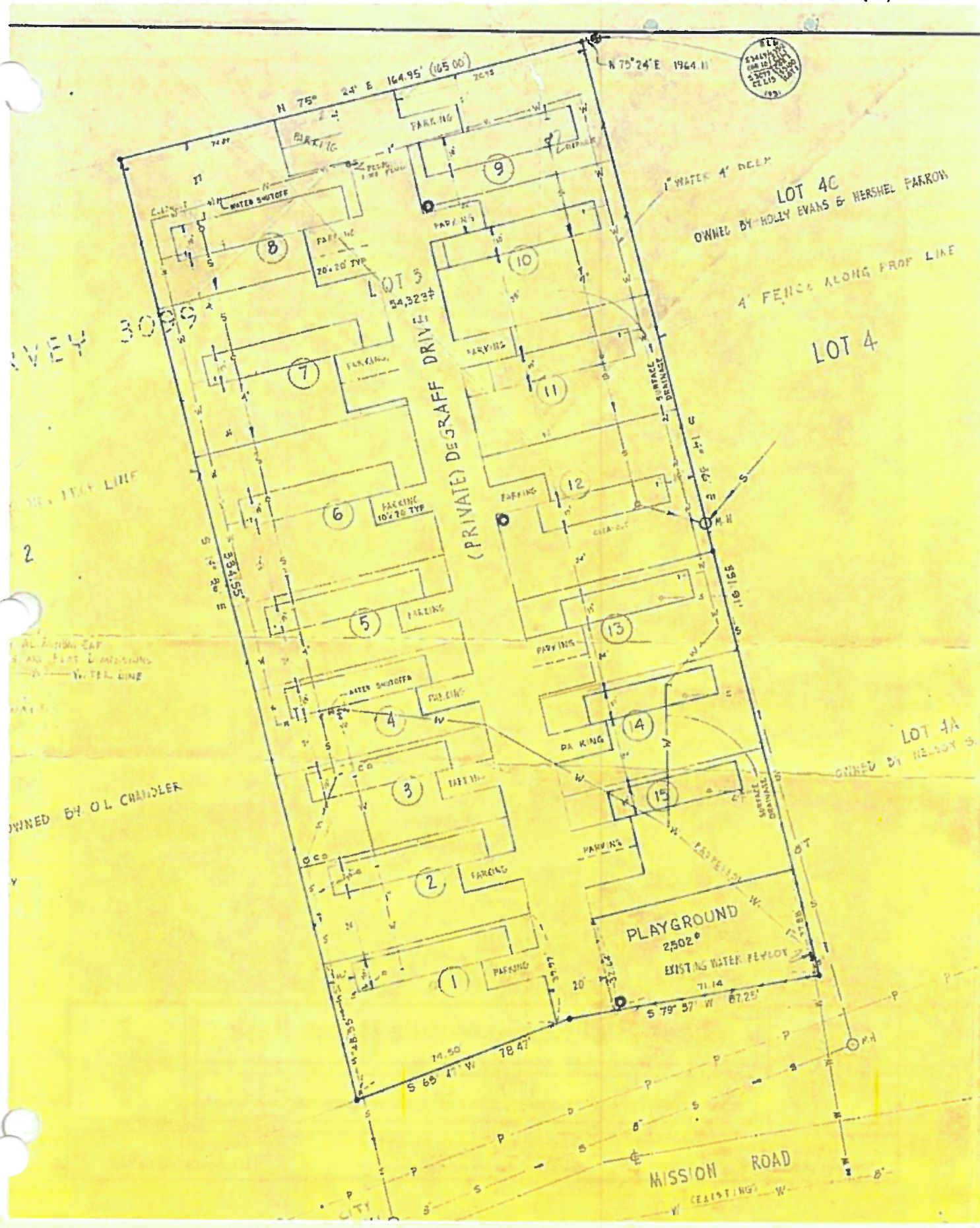
Powell's Mobile Home Park



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- Faceless Roads
- Unconstructed Right of Ways
- Access Roads
- Unconstructed Right of Ways



VEY 3099

LINE

2

AL... CAP
AND...
WATER LINE

OWNED BY OL CHANDLER

LOT 4C
OWNED BY HOLLY EVANS & HERSEL FARRON

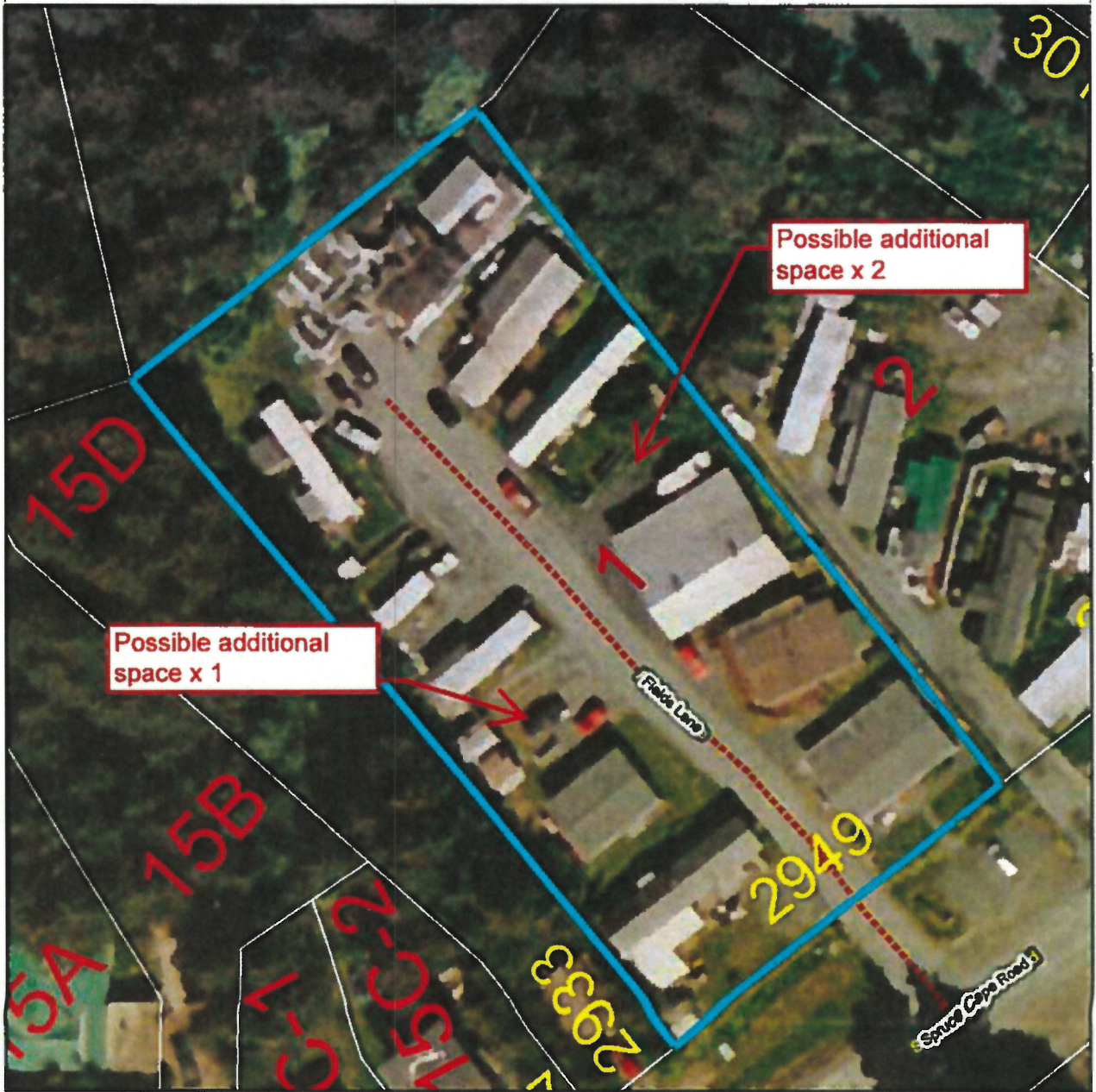
4' FENCE ALONG PROP LINE

LOT 4

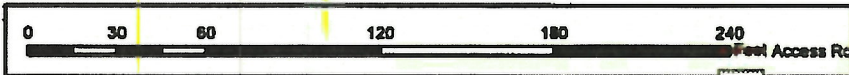
(PRIVATE) DEGRAFF DRIVE

LOT 4A
OWNED BY HELMUT S.

MISSION ROAD
(EXISTING)



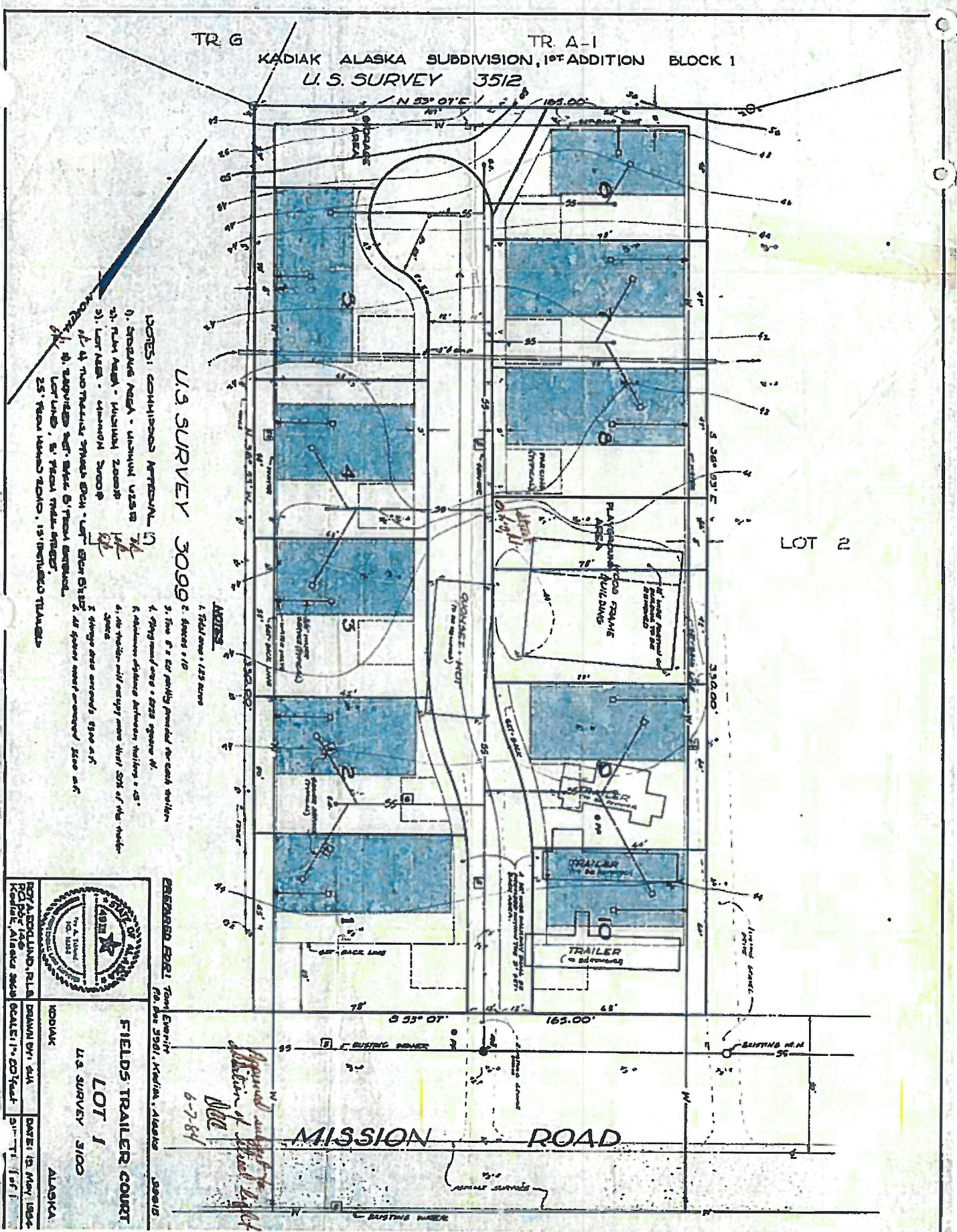
Glass Ball Beach Mobile Home Park



- Feet Access Roads
- Unconstructed Right of Ways
- Access Roads
- Unconstructed Right of Ways

Kodiak Island Borough GIS
<http://www.kodiak.ak.us/gis> (907) 486-9337

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- NOTES:**
1. SHADING AREA - UNUSUAL USES
 2. LOT AREA - 41,000 SQ FT
 3. LOT AREA - 41,000 SQ FT
 4. THE TRAILER SHALL BE ON LOT 1
 5. THE TRAILER SHALL BE ON LOT 1
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 25. THE TRAILER SHALL BE ON LOT 1

U.S. SURVEY 3099

NOTES:

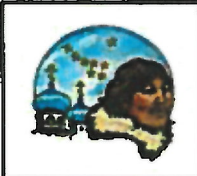
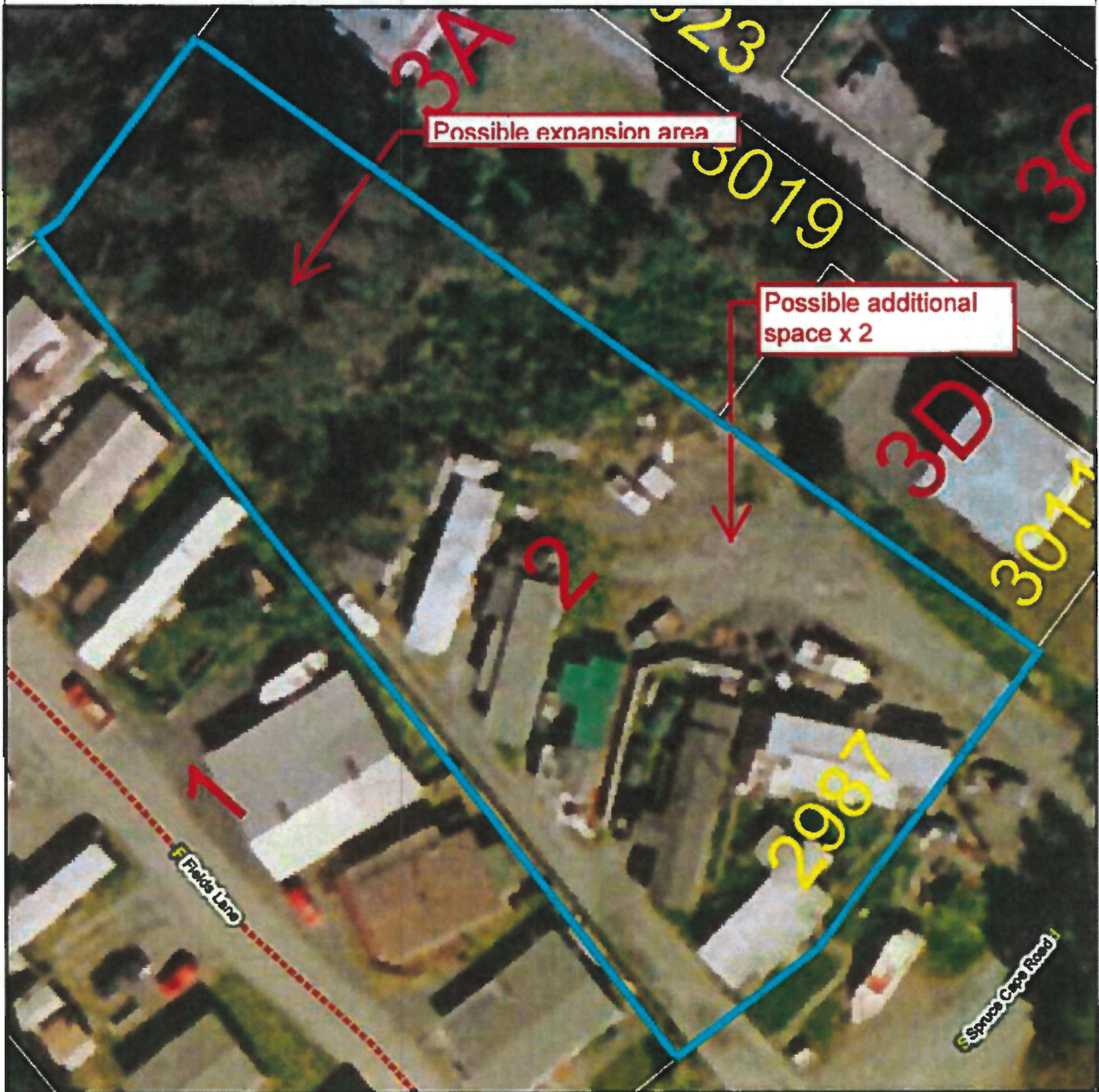
1. TRAILER SHALL BE ON LOT 1
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24. THE TRAILER SHALL BE ON LOT 1
25. THE TRAILER SHALL BE ON LOT 1

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LAND

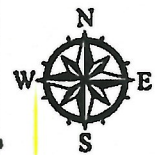
FIELD'S TRAILER COURT
LOT 1
U.S. SURVEY 3100

ADVISOR: KADIAK
DESIGNED BY: DAN
DRAWN BY: DAN
CHECKED BY: J. COYNE
DATE: 15 May 1984
SCALE: 1" = 50' (Full)
DATE: 15 May 1984
SCALE: 1" = 50' (Full)

*Approved and sealed by the State of Alaska
 Division of Land
 Date 6-7-84*



Spruce Cape Mobile Home Park



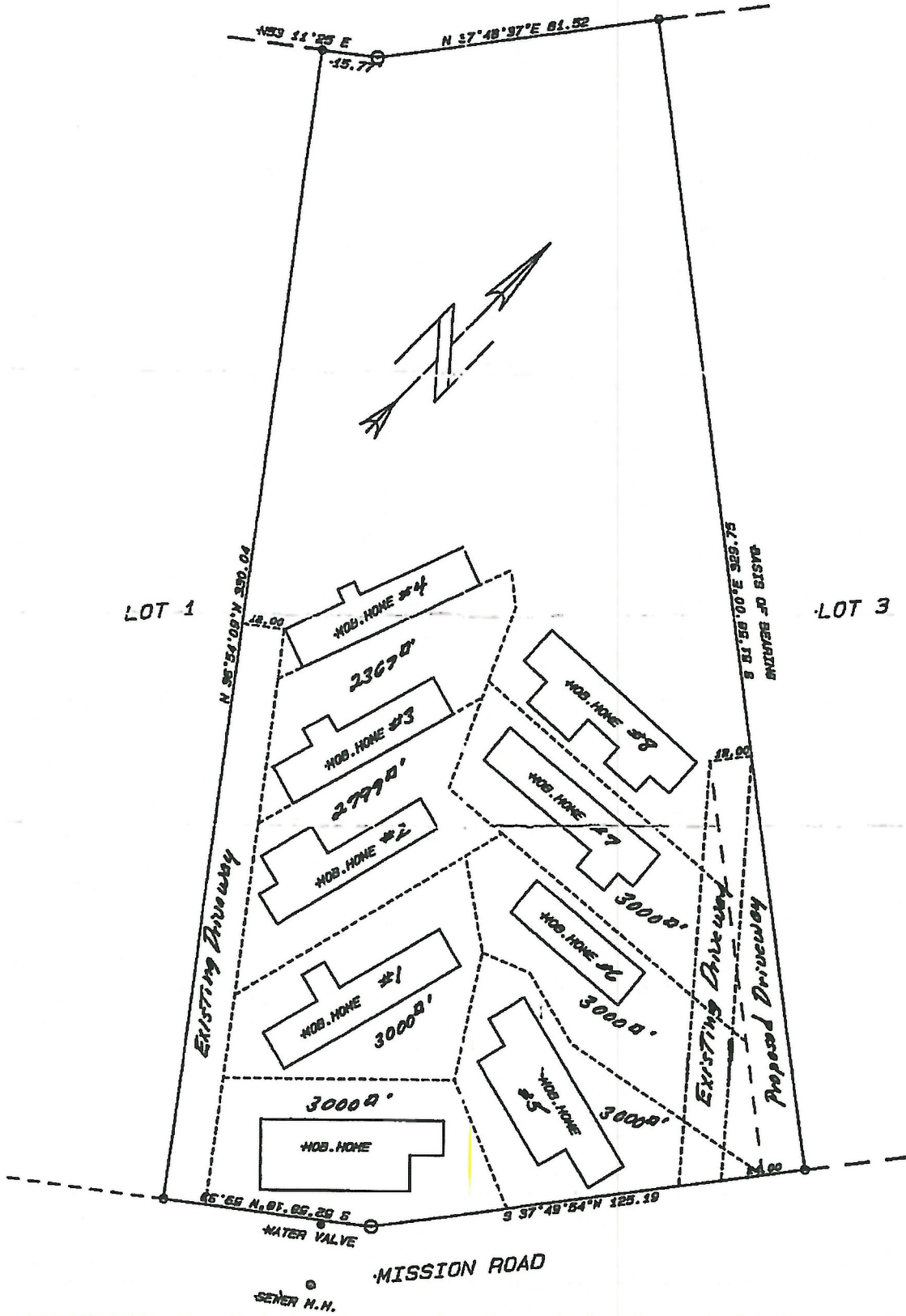
Access Roads
Unconstructed right of ways

Kodiak Island Borough GIS
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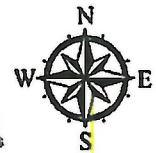
Access Roads
Unconstructed Right of Ways

US3 3512





Rasmussen's Mobile Home Park

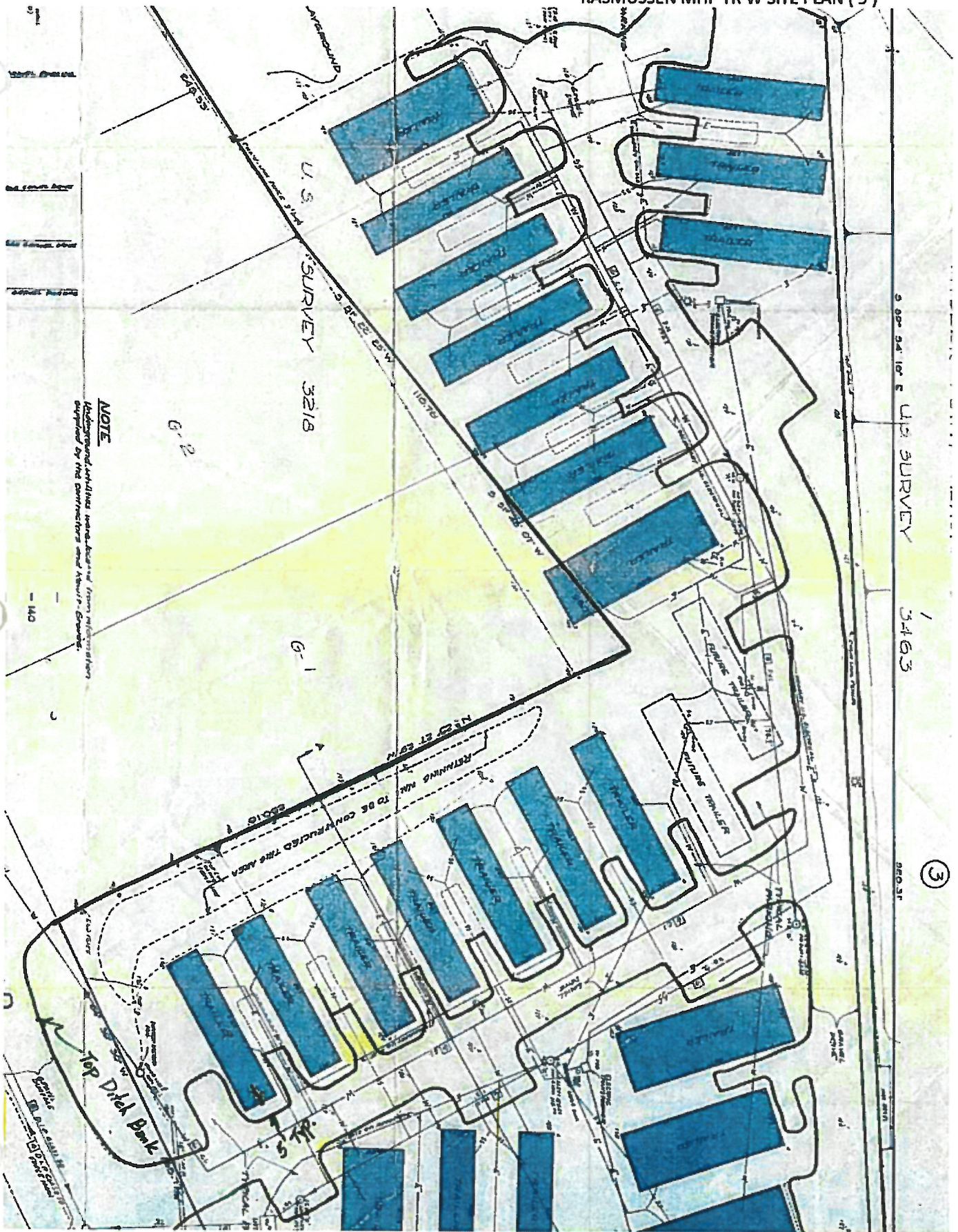


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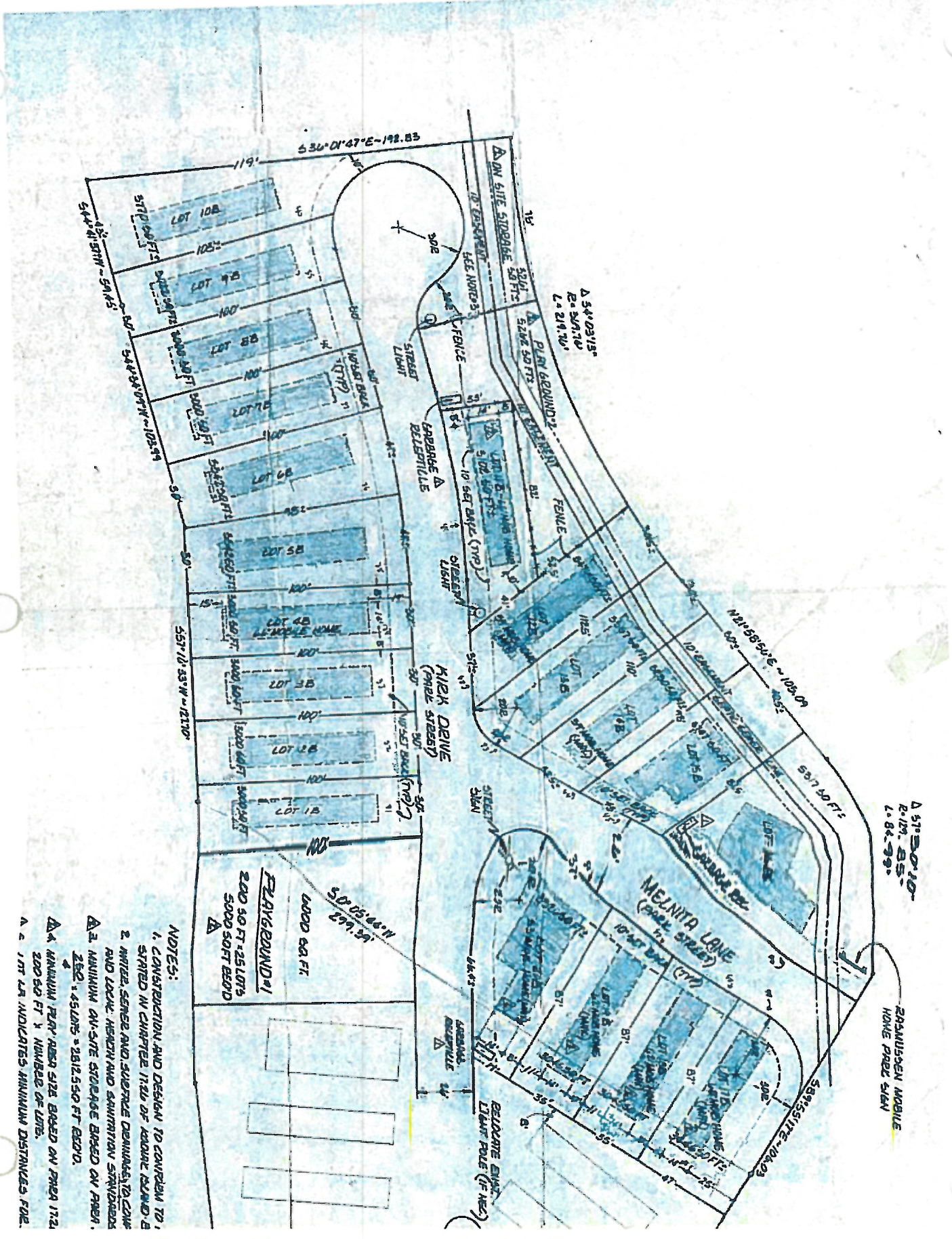
- Unconstructed Right of Ways
- Access Roads
- Unconstructed Right of Ways

RASMUSSEN MHP TR W SITE PLAN (9)



NOTE
 All dimensions and bearings are from the information
 supplied by the contractors and surveyors.

(3)



- NOTES:
1. CONSTRUCTION AND DESIGN TO CONFORM TO, SITED IN CHAPTER 1720 OF LOCAL ORDINANCE.
 2. WATER, SEWER AND SURFACE DRAINAGE TO COMPLY WITH LOCAL HEALTH AND SANITATION STANDARDS.
 3. MINIMUM ON-SITE STORAGE BASED ON PERM. 252.45 LOTS = 2812.550 FT BEYOND.
 4. MINIMUM PERM PERM SIZE BASED ON PERM 172.200 50 FT X NUMBER OF LOTS.
 5. DIMENSIONS INDICATES MINIMUM DISTANCES FOR.

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MOBILE HOME PARKS (MHPs)

KIB Zoning History

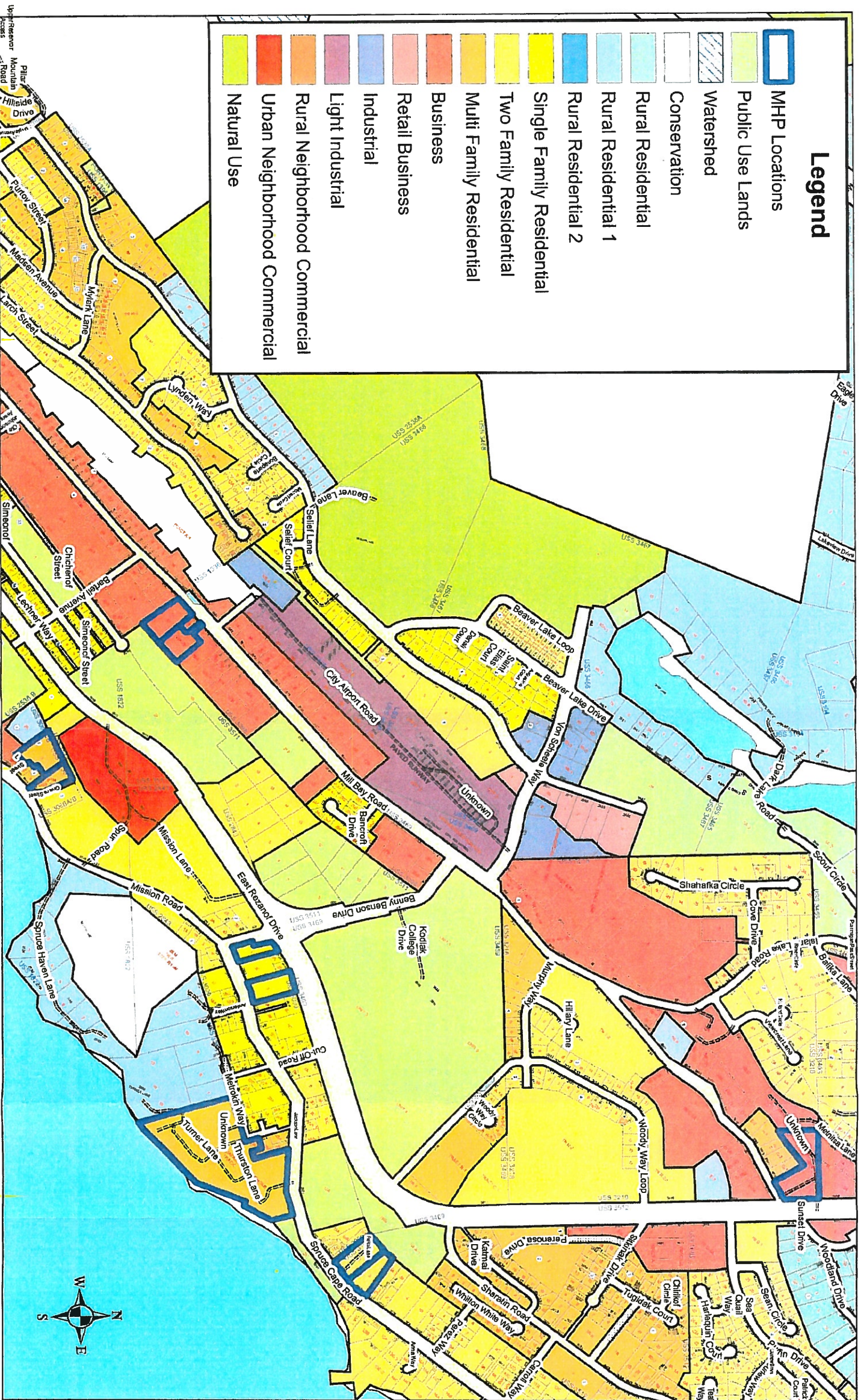
MHPs are listed as a permitted use in the R-3 Multi-family Residential Zoning District and as a conditional use in the B – Business zoning district.

Current and past zoning regulations for MHPs are attached. Revisions to the mobile home park chapter of the code were also included in the recent code update project.

This packet includes the following:

1. Current zoning regulations for mobile home parks (Chapter 17.115 KIBC)
2. MHP code revision history matrix
3. Former zoning regulations for mobile home parks (1993 to 2006) (Chapter 17.26 KIBC)
4. Former zoning regulations for mobile home parks (1984 to 1993) (Chapter 17.26 KIBC)
5. Draft zoning regulations for mobile home parks included in the code update process (proposed Chapter 17.170 KIBC)
6. The 12/09/14 supplemental staff report on #5 to P&Z
7. Public comments received related to MHPs (still assembling these)

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Chapter 17.115
MOBILE HOME PARKS

Sections:

17.115.010	Definitions.
17.115.020	Applicability of this chapter.
17.115.030	Districts where permitted.
17.115.040	Plan review.
17.115.050	Park streets.
17.115.060	Parking.
17.115.070	Walks.
17.115.080	Street names.
17.115.090	Mobile home spaces.
17.115.100	Play areas.
17.115.110	On-site storage.
17.115.120	<i>Repealed.</i>
17.115.130	Screening.
17.115.140	<i>Repealed.</i>
17.115.150	Parking of mobile homes.
17.115.160	Mobile homes on individual lots.
17.115.170	—
17.115.250	<i>Repealed.</i>

17.115.010 Definitions.

For the purpose of this title the following definitions apply:

“Mobile home” means a single-story structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width and 40 body feet or more in length, or, when erected on-site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure will be based on the structure’s exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but does not include bay windows.

“Mobile home park” means a tract of land upon which seven or more mobile home spaces are located, established, or maintained for occupancy by mobile homes. [Ord. FY06-03 §3, 2005; repealed and reenacted by Ord. 93-63 §1, 1993; Ord. 84-37-O §1, 1984. Formerly §17.26.005].

17.115.020 Applicability of this chapter.

Except as provided in Chapter 17.140 KIBC, all mobile home parks within the borough shall be constructed, operated, and maintained in accordance with the standards set forth in this chapter. Complete responsibility for standards established by this chapter and for construction within a mobile home park shall rest with the owner of such park. When a mobile home park site plan is approved, the provisions of this chapter will apply in lieu of the provisions of the underlying zoning district. [Ord. FY06-03 §4, 2005. Formerly §17.26.008].

17.115.030 Districts where permitted.

Mobile home parks shall be permitted only in the R3 multifamily residential district, and as a conditional use in the B business district. [Ord. FY06-03 §5, 2005; repealed and reenacted by Ord. 93-63 §1, 1993; Ord. 84-37-O §1, 1984. Formerly §17.26.010].

17.115.040 Plan review.

A. Every application for zoning compliance for a mobile home or a mobile home park shall include a site plan of the proposed mobile home park or expansion of an existing mobile home park except in instances where the building footprint and/or building placement is not altered. The site plan shall include:

1. The exterior boundaries of the subject property, its dimensions, and the area of the lot; and
2. All the items required by this chapter.

B. Plans for drainage, solid waste disposal, lighting, sewer, water, and roads for a mobile home park shall be prepared by a registered engineer and reviewed and approved by the engineering and facilities department prior to construction of the mobile home park.

C. An as-built survey may be required to accompany zoning compliance permit applications. When required, the as-built survey will show the mobile home space boundaries, space size, parking area, proposed mobile home footprint, as well as separation distances and parking areas on all adjoining mobile home park spaces. [Ord. FY06-03 §6, 2005; repealed and reenacted by Ord. 93-63 §1, 1993; Ord. 92-17 §4, 1992; Ord. 84-37 §1, 1984. Formerly §17.26.020].

17.115.050 Park streets.

A. All park streets shall be at least gravel, well drained, maintained, and open to traffic at all times.

B. Two-Way Traffic. Each driving lane shall meet the minimum requirements for the design and construction of local roads within a subdivision as provided in KIBC Title 16.

C. One-Way Traffic. The driving lane shall be at least 12 feet wide.

D. Dead-end streets shall have a turnaround or cul-de-sac approved by the engineering and facilities department.

E. No dead-end street shall exceed 500 feet in length. [Ord. FY06-03 §7, 2005; repealed and reenacted by Ord. 93-63 §1, 1993; Ord. 84-37-O §1, 1984. Formerly §17.26.030].

17.115.060 Parking.

There shall be at least two residential parking spaces included in each mobile home space, with minimum dimensions of nine feet by 18 feet in size. Alternatively, the total amount of required parking for all mobile home spaces may be within a common parking area inside the mobile home park, subject to approval of the parking plan before the planning and zoning commission as a nonpublic hearing agenda item. All common parking areas shall be designed and approved as specified in KIBC 17.175.080. [Ord. FY06-03 §8, 2005; repealed and reenacted by Ord. 93-63 §1, 1993; Ord. 84-37-O §1, 1984. Formerly §17.26.040].

17.115.070 Walks.

Provisions shall be made for at least a 30-inch-wide, well-drained and made of at a minimum the material as the park street, within the park for foot traffic to and from all mobile home spaces. Walkways shall not be included within the mobile home space. [Ord. FY06-03 §9, 2005; repealed and reenacted by Ord. 93-63 §1, 1993; Ord. 84-37-O §1, 1984. Formerly §17.26.050].

17.115.080 Street names.

Posting of street names and space numbers/addresses is the responsibility of the mobile home park owner. Street names and space numbers shall be assigned by the mobile home park owner and submitted to the community development department for review and approval subject to applicable street naming requirements. The established street names and space numbers/addresses shall be made available to other public agencies (e.g., fire department, law enforcement agencies, post office) by the community development department. [Ord. FY06-03 §10, 2005; repealed and reenacted by Ord. 93-63 §1, 1993; Ord. 84-37-O §1, 1984. Formerly §17.26.060].

17.115.090 Mobile home spaces.

A. "Mobile home space" means a plot of ground at least 30 feet in width and of sufficient length to meet all separation distances specified in this section and located within a mobile home park intended for the accommodation of a mobile home.

B. No mobile home space shall contain more than one mobile home or doublewide mobile home. No other dwelling units shall occupy a mobile home space.

C. No combination of mobile home, addition thereto, or accessory building shall occupy more than 50 percent of the mobile home space.

D. Each mobile home space within the park shall have direct access to a park street. The park street system shall have a connection to a public street with a right-of-way of not less than 50 feet.

E. No portion of a mobile home will be within 25 feet of any public street not within the mobile home park, nor shall it be within 10 feet of any park street.

F. No portion of a mobile home, excluding the tongue, shall be closer than 10 feet side to side, eight feet end to side, or six feet end to end horizontally from any other mobile home or community building unless the exposed composite walls and roof of either structure are without openings and constructed of materials that will provide a one-hour fire resistance rating or the structures are separated by a one-hour fire-rated barrier.

G. An accessory building or a structure constructed of combustible materials shall be located no closer than five feet from any other accessory building or structure within or adjacent to the mobile home space, and no closer than six feet from any mobile home.

H. No addition or combination of additions shall increase the area of the mobile home as originally manufactured by more than 100 percent. [Ord. FY06-03 §11, 2005; repealed and reenacted by Ord. 93-63 §1, 1993; Ord. 84-37-O §1, 1984. Formerly §17.26.070].

17.115.100 Play areas.

Play areas shall be centrally located and accessible to each mobile home space in the park. A separate play area of 200 square feet, not included in a mobile home space, restricted to use as a play area, shall be provided per mobile home space within the park. [Repealed and reenacted by Ord. 93-63 §1, 1993; Ord. 84-37-O §1, 1984. Formerly §17.26.080].

17.115.110 On-site storage.

Storage for boats, recreational vehicles, etc., must be provided at a ratio of 250 square feet for every four mobile home spaces in a common location. [Repealed and reenacted by Ord. 93-63 §1, 1993; Ord. 84-37-O §1, 1984. Formerly §17.26.090].

17.115.120 Minimum distances.

Repealed by Ord. FY06-03. [Repealed and reenacted by Ord. 93-63 §1, 1993; Ord. 84-37-O §1, 1984. Formerly §17.26.100].

17.115.130 Screening.

The commission may require that a fence, wall or hedge be established and maintained between the mobile home park and any other lot if there is a written complaint found by the planning and zoning commission to warrant such screening. [Ord. FY06-03 §13, 2005; repealed and reenacted by Ord. 93-63 §1, 1993; Ord. 84-37-O §1, 1984. Formerly §17.26.110].

17.115.140 Foundation.

Repealed by Ord. 93-63. [Ord. 84-37-O §1, 1984. Formerly §17.26.115].

17.115.150 Parking of mobile homes.

A mobile home shall not remain more than 72 hours in a park unless it is parked in a mobile home space or in a designated on-site storage area referenced in KIBC 17.115.110. [Ord. FY06-03 §14, 2005; repealed and reenacted by Ord. 93-63 §1, 1993; Ord. 84-37-O §1, 1984. Formerly §17.26.120].

17.115.160 Mobile homes on individual lots.

A. No more than one mobile home shall be allowed on an individual lot, unless the mobile home is parked in a mobile home park. A single mobile home on an individual lot shall be subject to any ordinances which pertain to single-family residences.

B. Individual mobile homes shall be subject to the minimum lot size and setback requirements of the particular zoning district in which they are to be located; and

C. All mobile homes must be inspected and receive a certificate of occupancy from the building official prior to occupancy, except in those municipalities where the building code has not been adopted. [Ord. FY06-03 §15, 2005; repealed and reenacted by Ord. 93-63 §1, 1993; Ord. 84-37-O §1, 1984. Formerly §17.26.130].

17.115.170 On-site storage.

Repealed by Ord. 93-63. [Ord. 84-37-O §1, 1984. Formerly §17.26.135].

17.115.180 Minimum distances.

Repealed by Ord. 93-63. [Ord. 84-37-O §1, 1984. Formerly §17.26.140].

17.115.190 Garbage disposal and receptacles.

Repealed by Ord. 93-63. [Ord. 84-37-O §1, 1984. Formerly §17.26.150].

17.115.200 Fences.

Repealed by Ord. 93-63. [Ord. 84-37-O §1, 1984. Formerly §17.26.160].

17.115.210 Parking of mobile homes.

Repealed by Ord. 93-63. [Ord. 84-37-O §1, 1984. Formerly §17.26.170].

17.115.220 Fire protection.

Repealed by Ord. 93-63. [Ord. 84-37-O §1, 1984. Formerly §17.26.180].

17.115.230 Mobile homes on individual lots.

Repealed by Ord. 93-63. [Ord. 84-37-O §1, 1984. Formerly §17.26.190].

17.115.240 Exceptions.

Repealed by Ord. 93-63. [Ord. 84-37-O §1, 1984. Formerly §17.26.200].

17.115.250 Mobile home permit fees.

Repealed by Ord. 93-63. [Ord. 84-37-O §1, 1984. Formerly §17.26.210].

Mobile Home Park Code Matrix

Citation	Ord. No. 65-2 April 1 st , 1965	Kodiak Island Borough Code 16.40	Kodiak Island Borough Code 17.26 (84-37-0)	Kodiak Island Borough Code 17.26 (93-63-0)
Permitted Districts	Residential Unclassified (As a Conditional Use)	Any district; only w/ approval of Commission	"R-2" & "R-3"; other districts w/ approval of Commission	"R-3"; "B" as Conditional Use
MH Park	See Ord. No. 64-5 pg 21 8/6/64	Not defined	Not defined	Tract of land w/ 10 or more mobile homes
MHP Density	Not more than 12 units per gross acre (~ 3,630sqft / unit)	Not more than 12 units per gross acre (= 3,630sqft / unit)	At least 10 units	
Yards	20' in depth from any public street	20' in depth from any public street	25' in depth from any public street	
Streets	Yes	Yes	Yes	Yes
Parking	1 per space – plus 1 per every 3 spaces	2 "cars" per space	"2" per space, ea 8' x 20"	"2" residential spaces (9' x 18")
Walks	30" width	(No change)	(No change)	(No change)
Street names	Yes	Yes	Yes	Yes
Lighting	Yes	Yes	Yes	Yes
Play Areas	Restricted, separate area (2,500sqft min)	Restricted, separate area on the basis of 200sqft per space	(No change)	(No change)
On-site storage	Not mandated *See Endnote			
Fences / Screening	Fence, wall, or hedge at commission's discretion	(No change)	Restricted, separate area on the basis of 250sqft for every "4" spaces (No change)	Restricted, separate area on the basis of 250sqft for every "4" spaces (No change)
Mobile Home	See Ord. No. 64-5 pg 21 8/6/64	Not defined	"structure ...8'w x 32'	Adopted CFR (s)
MH Space	2,000sqft / not less than 30' in width	1,800 sqft / not less than 27' in width	Not less than 3,000sqft	Not less than 3,000sqft
Space coverage	Max of 37.5% of space area	Max of 50% of space area	Max of 50% of space area	Max of 50% of space area

MOBILE HOME PARK CODE REVISION HISTORY

Mobile Home Park Code Matrix

<u>Citation</u>	Ord. No. 65-2 April 1 st , 1965	Kodiak Island Borough Code 16.40	Kodiak Island Borough Code 17.26 (84-37-0)	Kodiak Island Borough Code 17.26 (93-63-0)
Minimum Distances				
Any other MH	15'	15'	15'	15'
Acc building	10'	10"	6'	6"
Property line	10'	5'	8'	10'
Public street	20'	20'	25'	25'
Park street	5'		10'	10'

Ordinance 65 - 2 - (S): Addition to Mobile Homes: "Permanent structures located within any trailer space shall be used for storage purposes only, shall have a maximum area of twenty-five (25) square feet, shall be detached from any trailer, shall be located on the rear half of the trailer space, and shall be subject to all of the applicable provisions of the Kodiak Island Borough Building Code."

Introduced by: Manager: Gifford
Requested by: Community Development
Drafted by: Community Development
Introduced: 10/08/2005
Public Hearing: 10/20/2005
Amended: 10/20/2005
Adopted: 10/20/2005

**KODIAK ISLAND BOROUGH
ORDINANCE NO. FY 2006-03**

**AN ORDINANCE OF THE KODIAK ISLAND BOROUGH
AMENDING KODIAK ISLAND BOROUGH CODE OF ORDINANCES
TITLE 15 BUILDINGS AND CONSTRUCTION CHAPTER 15.20 MOBILE HOMES
SECTION 15.20.010 DEFINITIONS AND
TITLE 17 ZONING CHAPTER 17.26 MOBILE HOME PARKS**

WHEREAS, the Kodiak Island Borough Assembly requested that the Planning and Zoning Commission review KIBC 17.26, the mobile home park code; and

WHEREAS, the Planning and Zoning Commission spent more than one year reviewing the code, gathering information on the condition of local mobile home parks, and holding public work sessions to discuss possible code changes; and

WHEREAS, the Commission has recommended certain amendments to KIBC Title 15 and Title 17 regarding the standards for the development and operation of mobile home parks and to address many of the issues raised regarding the health, safety, and welfare of mobile home park residents; and

WHEREAS, the Kodiak Island Borough Assembly has the authority to adopt and amend ordinances as provided in Alaska Statutes Title 29 and other applicable Borough codes;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT:

Section 1: This ordinance is of a general and permanent nature and shall become a part of the Kodiak Island Borough Code of Ordinances.

Section 2: Title 15 *Buildings and Construction* Chapter 15.20 *Mobile Homes* Section 15.20.010 *Definitions* is hereby amended as follows:

15.20.010 Definitions.

A. "Mobile home" means a structure transportable in one (1) or more sections, which is eight (8) body feet or more in width and is ~~thirty-two (32)~~ forty (40) body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.

B. "Mobile home park" means any area, or premises, where space for ~~ten (10)~~ seven (7) or more mobile homes are rented, held for rent, or for which free occupancy is permitted to users for the purpose of securing their trade and meets all the requirements of Chapter 17.26 of this code.

C. "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use which either has its own motive power or is mounted on or drawn by another vehicle. Examples are travel trailers, camping trailers, truck campers, and motor homes.

Section 3: Title 17 *Zoning* Chapter 17.26 *Mobile Home Parks* Section 17.26.005 *Definitions* is hereby amended as follows:

17.26.005 Definitions. For the purpose of this title the following definitions apply:

A. "Mobile home" means a single-story structure, transportable in one (1) or more sections, which in the traveling mode is eight (8) body feet or more in width or and forty (40) body feet or more in length, or, when erected on-site is three hundred twenty (320) or more square feet and which is built on a permanent chassis

and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on-site. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but does not include bay windows. ~~This term includes all structures which meet the requirements except the size requirements and with respect to which the manufacturer voluntarily files a certification, pursuant to 24CFR 3282.43 and complies with the construction SF and ARDs set forth in 24CFR Part 3280.~~

B. "Mobile home park" means a tract of land upon which ~~ten (10)~~ seven (7) or more mobile home spaces are located, established, or maintained for occupancy by mobile homes.

~~C. "Mobile home space" means a plot of ground at least three thousand (3,000) square feet in size within a mobile home park intended for the accommodation of a mobile home.~~

Section 4: Title 17 *Zoning 4 Chapter 17.26 Mobile Home Parks Section 17.26.008 Definitions* is hereby added as follows:

17.26.10 Applicability of this chapter

A. Except as provided in section 17.36 of this title, all mobile home parks within the borough shall be constructed, operated, and maintained in accordance with the standards set forth in this chapter. Complete responsibility for standards established by this chapter and for construction within a mobile home park shall rest with the owner of such park. When a mobile home park site plan is approved, the provisions of chapter 17.26 of this title will apply in lieu of the provisions of the underlying zoning district.

Section 5: Title 17 *Zoning 4 Chapter 17.26 Mobile Home Parks Section 17.26.010 Districts where permitted* is hereby amended as follows:

17.26.010 Districts where permitted.

A. Mobile home parks shall be permitted only in the R3--Multifamily Residential District; and ~~B. As a conditional use in the B--Business District.~~

Section 6: Title 17 *Zoning 4 Chapter 17.26 Mobile Home Parks Section 17.26.020 Plan review* is hereby amended as follows:

17.26.020 Plan review.

A. An ~~Every~~ application for zoning compliance for a mobile home or a mobile home park shall include a site plan of the proposed mobile home park or expansion of an existing mobile home park except in instances where the building footprint and/or building placement is not altered. The site plan shall include:

1. The exterior boundaries of the subject property, its dimensions, and the area of the lot; and
2. All the items required by chapter 17.26 of this code title.

B. Plans for drainage, solid waste disposal, lighting, sewer, water, and roads for a mobile home park shall be prepared by a registered engineer and reviewed and approved by the engineering and facilities department prior to construction of the mobile home park.

C. An as-built survey may be required to accompany zoning compliance permit applications. When required, the as-built survey will show the mobile home space boundaries, space size, parking area, proposed mobile home footprint, as well as separation distances and parking areas on all adjoining mobile home park spaces.

Section 7: Title 17 *Zoning 4 Chapter 17.26 Mobile Home Parks Section 17.26.030 Park streets* is hereby amended as follows:

17.26.030 Park streets.

A. All park streets shall be at least gravel, well-drained, maintained, and open to traffic at all times and shall be the following widths:

AB. Two-way traffic. Each driving lane shall meet the minimum requirements for the design and construction of local roads within a subdivision as provided in Title 16 of this code;

BC. One-way traffic. The driving lane shall be at least twelve (12) feet wide;

CD. Dead-end streets shall have a turn-around or cul-de-sac approved by the engineering and facilities department; and

DE. No dead-end street shall exceed five hundred (500) feet in length.

Section 8: Title 17 Zoning 4 Chapter 17.26 Mobile Home Parks Section 17.26.040 Parking is hereby amended as follows:

17.26.040 Parking. There shall be at least two (2) residential parking spaces included in each mobile home space, with minimum dimensions of nine (9) feet by eighteen (18) feet in size. Alternatively, the total amount of required parking for all mobile home spaces may be within a common parking area inside the mobile home park; subject to approval of the parking plan before the planning and zoning commission as a non-public hearing agenda item. All common parking areas shall be designed and approved as specified in section 17.57.080 of this chapter.

Section 9: Title 17 Zoning 4 Chapter 17.26 Mobile Home Parks Section 17.26.050 Walks is hereby amended as follows:

17.26.050 Walks. Provisions shall be made for at least a thirty (30) inch wide, well-drained gravel-walks and made of at a minimum the material as the park street within the park for foot traffic to and from all mobile home spaces. Walkways shall not be included within the mobile home space.

Section 10: Title 17 Zoning 4 Chapter 17.26 Mobile Home Parks Section 17.26.060 Street names is hereby amended as follows:

17.26.060 Street names. Posting of street names and space numbers/addresses are the responsibility of the owner of the mobile home park owner. Street names and space numbers shall be assigned by the mobile home park owner and submitted to the community development department for review and approval subject to applicable street naming requirements. The established street names and space numbers/addresses shall be made available to the borough and other public agencies (e.g., fire department, law enforcement agencies, post office) by the community development department. Each mobile home space within the park shall have direct access to a park street. The park street system shall have a connection to a public street with a right-of-way of not less than fifty (50) feet in width.

Section 11: Title 17 Zoning 4 Chapter 17.26 Mobile Home Parks Section 17.26.070 Mobile home spaces is hereby amended as follows:

17.26.70 Space coverage Mobile home spaces.

A. "Mobile home space" means a plot of ground at least thirty (30) feet in width and of sufficient length to meet all separation distances specified in this section and located within a mobile home park intended for the accommodation of a mobile home.

B. No mobile home space shall contain more than one (1) mobile home or doublewide mobile home. No other dwelling unit shall occupy a mobile home space.

C. No combination of mobile home, addition thereto, or accessory building, shall occupy more than fifty (50) percent of the mobile home space.

D. Each mobile home space within the park shall have direct access to a park street. The park street system shall have a connection to a public street with a right-of-way of not less than fifty (50) feet.

E. No portion of a mobile home will be within twenty-five (25) feet of any public street not within the mobile home park, nor shall it be within ten (10) feet of any park street.

F. No portion of a mobile home, excluding the tongue, shall be closer than ten (10) feet side to side, eight (8) feet end to side, or six (6) feet end to end horizontally from any other mobile home or community building unless the exposed composite walls and roof of either structure are without openings and constructed of materials that will provide a one (1) hour fire resistance rating or the structures are separated by a one (1) hour fire-rated barrier.

G. An accessory building or a structure constructed of combustible materials shall be located no closer than five (5) feet from any other accessory building or structure within or adjacent to the mobile home space, and no closer than six (6) feet from any mobile home.

H. No addition or combination of additions shall increase the area of the mobile home as originally manufactured by more than one hundred (100) percent.

Section 12: Title 17 Zoning 4 Chapter 17.26 Mobile Home Parks Section 17.26.100 Minimum distances is hereby repealed:

~~17.26.100 Minimum distances. Exclusive of trailer hitches, which shall not project beyond the mobile home space, the minimum distance between a mobile home and adjacent boundaries or improvements is as follows:~~

- ~~A. Any accessory building: six (6) feet;~~
- ~~B. Any other mobile home (including add-ons): fifteen (15) feet;~~
- ~~C. Any exterior property line: ten (10) feet;~~
- ~~D. Any public street not within the mobile home park: twenty five (25) feet; or~~
- ~~E. Any park street: ten (10) feet.~~

Section 13: Title 17 Zoning 4 Chapter 17.26 Mobile Home Parks Section 17.26.110 Screening is hereby amended as follows:

17.26.110 Screening. The commission may require that a fence, wall, or hedge be established and maintained between the mobile home park and any other lot if there is enough public comment a written complaint found by the planning and zoning commission to warrant such screening.

Section 14: Title 17 Zoning 4 Chapter 17.26 Mobile Home Parks Section 17.26.120 Parking of mobile homes is hereby amended as follows:

17.26.120 Parking of mobile homes. A mobile home shall not remain more than seventy-two (72) hours in a park unless it is parked in a mobile home space or in a designated on-site storage area referenced in chapter 17.26.090 of this title.

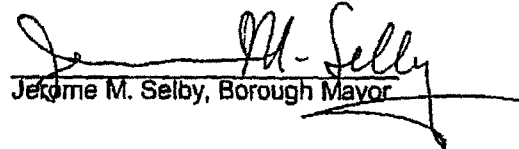
Section 15: Title 17 Zoning 4 Chapter 17.26 Mobile Home Parks Section 17.26.130 Mobile homes on individual lots is hereby amended as follows:

17.26.130 Mobile homes on individual lots.

- A. No more than one (1) mobile home shall be allowed on an individual lot, unless the mobile home is located parked in a mobile home park. A single mobile home on an individual lot shall be subject to any ordinances which pertain to single-family residences: ~~Any mobile home within the corporate limits of a city shall also be subject to local ordinance;~~
- B. Individual mobile homes shall be subject to the minimum lot size and setback requirements of the particular zoning district in which they are to be located; and
- C. All mobile homes must be inspected and receive a certificate of occupancy from the building official prior to occupancy, except in those municipalities where the building code has not been adopted.

ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THIS TWENTIETH DAY OF OCTOBER 2005

KODIAK ISLAND BOROUGH


Jerome M. Selby, Borough Mayor

ATTEST:


Judith A. Nielsen, GMC, Borough Clerk

7 9 7 1 3 5 1 4

KODIAK ISLAND BOROUGH
ORDINANCE NO. 84-37-0

AN ORDINANCE OF THE KODIAK ISLAND BOROUGH ASSEMBLY DELETING
CHAPTER 16.40, MOBILE HOME PARKS, AND RE-ENACTING AS CHAPTER 17.26, MOBILE
HOME PARKS.

Section 1. Kodiak Island Borough Code 16.40 is repealed and re-enacted as
Chapter 26 in Title 17 as follows:

TITLE 17
ZONING

Chapter:

17.26 Mobile Home Parks

CHAPTER 17.26
MOBILE HOME PARKS

Sections:

17.26.005	Definitions
17.26.010	General Provisions
17.26.020	Permit Procedure
17.26.030	Density
17.26.040	Yards
17.26.050	Driveways
17.26.060	Parking
17.26.070	Walks
17.26.080	Lighting
17.26.090	Street Names
17.26.100	Signs
17.26.110	Water, Sewer, and Surface Drainage
17.26.115	Foundation
17.26.120	Space Coverage
17.26.130	Play Areas
17.26.135	On-Site Storage
17.26.140	Minimum Distances
17.26.150	Garbage Disposal and Receptacles
17.26.160	Fences
17.26.170	Parking of Mobile Homes
17.26.180	Fire Protection
17.26.190	Private Lots
17.26.200	Exceptions
17.26.210	Mobile Home Permit Fees

17.26.005 Definitions. A. "Mobile home" means a structure, transportable
in one or more sections, which is 8 body feet or more in width and is 32 body
feet or more in length, and which is built on a permanent chassis, and de-
signed to be used as a dwelling with a permanent foundation when connected to
the required utilities and includes the plumbing, heating, air-conditioning,
and electrical systems contained therein.

17.26.010 General Provisions. Mobile home parks, because of their public
convenience and necessity and their affect upon the neighborhood, shall be
permitted only in R-2 and R-3 districts or upon approval of the Planning and
Zoning Commission, with right of appeal to the assembly.

17.26.020 Permit Procedure. A. Plans and a plat of a proposed mobile home
park or expansion of existing parks showing layout, sewer, water and street

plans will be reviewed and approved for R-2 and R-3 districts by the Community Development Department.

B. For other zoning districts, the commission shall utilize an exception procedure to approve mobile home parks. If approved, Section (A) of 17.26.020 will apply. If the commission denies the application, it dies at that point unless appealed to the assembly. If passed by the assembly, the Community Development Department shall issue zoning compliance and the Engineering Department shall issue a construction permit.

C. Upon completion of the construction or any portions thereof, an inspection will be made by the Borough building inspector at which time the completed and if approved spaces may be occupied.

D. Fees for construction permits shall be set by the Assembly resolution.

17.26.030 Density. A mobile home park shall contain at least 10 mobile home spaces. No mobile home space shall be less than 3000 square feet. Mobile home parks, if approved, in other districts shall meet the minimum space size for R-2 and R-3 districts. The commission may require greater space sizes in these other districts.

17.26.040 Yards. Adjacent to any street other than the streets within the park, there shall be a space or yard twenty-five feet in depth measured from the street right-of-way.

17.26.050 Park Streets. All park streets shall be at least gravel, well-drained, maintained, and open to traffic at all times and shall be the following widths:

A. Two-Way Traffic. Each driving lane shall meet the minimum requirements for local roads in the Borough code.

B. One-Way Traffic Permitted. The lane shall be at least twelve feet wide.

C. Dead-end streets shall have a turnaround or cul-de-sac approved by the Engineering Department.

D. No dead-end street shall exceed 500 feet in length.

17.26.060 Parking. There shall be at least two parking spaces (8' x 20') included on each mobile home space.

17.26.070 Walks. Provisions shall be made for at least thirty inch wide, well-drained, gravel walks where used as sidewalks for foot traffic.

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17.26.080 Lighting. There shall be adequate night-lighting of park streets and walks subject to the approval of the Engineering Department.

17.26.090 Street Names. Street names and space numbers, subject to approval by the Planning and Zoning Commission, are the responsibility of the owner in the confines of the mobile home park. Each mobile home space within the park shall have direct access to a park street. The park street system shall have a connection to a public street with a right-of-way of not less than 50 feet in width.

17.26.100 Signs. Signs are to be of a least three inch high letters with the name of trailer park at the main entrance to the park.

17.26.110 Water, Sewer, and Surface Drainage. Water, sewer and surface drainage are to comply with State and local health and sanitation standards.

17.26.115 Foundation. Mobile home and accessory building foundations shall be of sufficient strength to support the loads imposed by the mobile home, based on National Fire Protection Association Bulletin 501 B (1977). Foundations, tie-downs, or other supports shall be provided to withstand the specified horizontal, up-lift, and overturning wind forces on a mobile home and any attached or supported structures based on National Fire Protection Association Bulletin 501 B (1977).

17.26.120 Space Coverage. No combination of mobile home, addition thereto, or accessory building, shall occupy more than fifty percent of the mobile home space.

17.26.130 Play Areas. The play areas shall be located so that no space is farther from the play area than two-thirds the distance between the two most distant points on the park boundary. A separate play area of two hundred square feet, not included in a mobile home space, restricted to that use shall be provided per mobile home space within the park.

17.26.135. On-site Storage. Storage for boats, R-V's, acc. must be provided, one space of 250 square feet (including provisions for ingress and egress) for every four mobile homes, in a common location.

17.26.140 Minimum Distances. Exclusive of trailer hitches which shall not project beyond the mobile home space, the minimum distance between a mobile home and

- A. Any accessory building: six feet;
- B. Any other building or mobile home: fifteen feet;
- C. Any property line: eight feet;

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D. Any public street not within the mobile home park: twenty-five feet;
and

E. Any park street: ten feet.

17.26.150 Garbage Disposal and Receptacles. Garbage disposal and receptacles are to be provided by the park owner.

17.26.160. Fences. The commission may require that a fence, wall, or hedge be established and maintained between the mobile home park and any other lot.

17.26.170 Parking of Mobile Homes. A mobile home shall not remain more than 72 hours in a park unless it is parked in a mobile home space.

17.26.180 Fire Protection. A. Each add-on shall have as many exits as the add-on covers.

B. Each mobile home shall be required to be equipped with adequate smoke detectors and fire extinguishers.

17.26.190 Mobile Homes on Individual Lots. No more than one mobile home shall be allowed on an individual lot, unless the provisions of 17.26.020 are complied with. Single mobile homes on an individual lot shall be subject to any other ordinances which pertain to residences, such as zoning, health, sanitation, building, electrical and plumbing which regulate their placement, use and occupancy and further, any mobile home within the corporate limits of a city shall be subject to council approval as to location and duration of permit.

A. Application for permit shall be made in the form of a building permit.

B. Individual mobile homes shall be subject to the minimum lot size and setback requirements of the particular zoning district in which they are to be located.

C. All mobile homes before being occupied shall have been inspected and have received a certificate of occupancy by the Building Official.

17.26.200 Exceptions. The commission shall administer this chapter and in so doing may grant exceptions, shall hear and decide appeals where it is alleged there is an error in chapter interpretation, and may vary the strict application of these regulations in the case of an exceptionally irregular narrow, shallow, or sloping lot or other exceptional physical conditions where strict application would result in practical difficulty or unnecessary hardship that would deprive the property concerned of rights possessed by other properties in the same district, but in no other case.

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17.25.210 Mobile Home Permit Fees. A. The fee for the engineering review of a mobile home park shall be established by resolution of the Assembly.

B. The fee for an individual mobile home permit shall be the same fee as established by the assembly for single-family residences.

Section 2. The provisions of this ordinance shall be effective immediately upon passage and approval.

PASSED AND APPROVED by the Kodiak Island Borough Assembly this 2nd day of August, 1984.

KODIAK ISLAND BOROUGH

By Phillip P. Anderson
Borough Mayor, Deputy

ATTEST:

By Shirley Miller, CME
Borough Clerk

FIRST READING AND APPROVAL: July 5, 1984

SECOND READING, PUBLIC HEARING, PASSAGE: August 2, 1984

EFFECTIVE DATE: August 2, 1984

RECOMMENDED BY: _____

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KODIAK ISLAND BOROUGH
ORDINANCE NO. 70-2-0

AN ORDINANCE REPEALING CHAPTER FIVE (5) SUBCHAPTER THREE (3) OF THE KODIAK ISLAND BOROUGH CODE OF ORDINANCES AND REENACTING THE SAME WHICH PROVIDES FOR AND REGULATES MOBILE HOME PARKS.

BE IT ORDAINED by the Kodiak Island Borough Assembly as follows:

Section 1. Chapter Five (5) Subchapter Three (3) of the Kodiak Island Borough Code of Ordinances is hereby repealed and reenacted to read as follows:

SUBCHAPTER THREE (3): MOBILE HOME PARKS.

Section 1. GENERAL PROVISIONS:

The following uses, because of their public convenience and necessity and their effect upon the neighborhood, shall be permitted only upon approval of the Planning and Zoning Commission, with right of appeal to the Borough Assembly.

Section 2. PROCEDURE FOR OBTAINING PERMITS:

- (1) Plans and Plat of a proposed Mobile Home Park or expansion of existing parks showing layout, sewer, water and street plan will be approved by the appropriate Borough official.
- (2) The Planning and Zoning Commission shall examine the Plans, make recommendations and hold a public hearing. If the Planning & Zoning Commission denies the application, it dies at that point unless appealed to the Borough Assembly. If passes by the Assembly, the appropriate Borough Official shall issue a construction permit.
- (3) The Construction Fee shall be \$5.00 per space renewable annually for uncompleted space.
- (4) Upon completion of the construction or any portions thereof an inspection will be made by the appropriate Borough Official at which time the completed approved spaces may be occupied.

Section 3. THE FOLLOWING REQUIREMENTS MUST ALSO BE MET:

- A. DENSITY: Maximum density of a Mobile Home Park shall not exceed 12 Mobile homes per gross acre.
- B. YARDS: Adjacent to any street other than the streets within the park, there shall be a space or yard 20 feet in depth measured from the Street right-of-way.
- C. DRIVEWAYS: All driveways shall be at least Gravel, well-drained, maintained, and open to traffic at all times and shall be the following widths:

Page One, ORDINANCE

- (1) Two-way traffic -- each driving lane shall be at least 10 feet wide.
- (2) One-way traffic permitted, the lane shall be at least 12 feet wide.
- D. Parking: There shall be at least parking for two cars adjacent to each trailer space or included therein.
- E. WALKS: Provisions shall be made for at least 30 inch wide, well drained, gravel walks where used as sidewalks for foot traffic.
- F. LIGHTING: There shall be adequate nite-lighting of common driveways and walks subject to the approval of the appropriate Borough Official.
- G. STREET NAMES: Street names and space numbers are the responsibility of the owner in the confines of the Trailer Park.
- H. SIGNS: At least 3" high letters with name of Trailer Park at main entrance to the Park.
- I. WATER, SEWER AND SURFACE DRAINAGE: As complies with State Health and Sanitation standards.
- J. MINIMUM AREA: No mobile home space shall be less than 1800 square feet or less than 27 feet in width at its driveway frontage. No mobile home or addition thereto shall occupy more than 50% of the mobile home space.
- K. PLAY AREAS: A separate Play Area of 200 square feet, not included in the mobile home space, restricted to that use shall be provided per Mobile Home Space.
- L. MINIMUM DISTANCES: Exclusive of trailer hitches which shall not project beyond the mobile home space, the minimum distance between Mobile Homes and
 - (1) Any other mobile home ----- 15 feet
 - (2) Any other building except when attached to a mobile home -- 10 feet
 - (3) Any property line ----- 5 feet
 - (4) Any public street not within the Mobile Home Park -- 20 feet.
- M. GARBAGE DISPOSAL AND RECEPTACLES: As prescribed by State and Borough Statutes.
- N. FENCES: The Planning & Zoning Commission may require a fence, wall or hedge established and maintained between the Mobile Home Park and any other land use.
- O. PARKING OF MOBILE HOMES: A mobile Home shall not remain more than 72 hours in a park unless it is parked in a Mobile Home Space.
- P. FIRE PROTECTION:
 - (1) EACH add-on shall have as many exits as the add-on covers.
 - (2) One 10 lb. fire extinguisher, foam or chemical type, shall be supplied by the

Trailer Court owner for every 15 trailer spaces, or fraction thereof, and shall be placed in an accessible place that is clearly marked.

Section 4. PRIVATE LOTS:

Two Mobile homes or less on private lots shall not be considered to constitute a Mobile Home Park and therefore shall be exempt from this ordinance except for the following provisions and provided further that they shall be subject to any other ordinances which pertain to residences, such as zoning, Health, Sanitation, Building, Electrical, Plumbing, which regulate their placement, use and occupancy and further, any within the Corporate limits of a City shall be subject to Council approval as to location and duration of permit.

- A. Application for a permit shall be made in the form of a building permit.
- B. No more than two trailers shall be permitted on any subdivided lot.
- C. All trailers shall be subject to the minimum lot size and set back requirements of the particular zone or area in which they are to be located.
- D. All trailers before being occupied shall have been inspected and have received the written approval of the Sanitarian that they meet the State and Borough Health and Sanitary requirements.

EXCEPTIONS:

The Planning & Zoning Commission shall administer this sub-chapter and in so doing may grant exceptions for additional uses in the various districts as specifically provided, shall hear and decide appeals where it is alleged there is an error in sub-chapter interpretation; and may vary the strict application of these regulations in the case of an exceptionally irregular narrow shallow or sloping lot or other exceptional physical condition where strict application would result in practical difficulty or unnecessary hardship that would deprive the property concerned of rights possessed by other properties in the same district, but in no other cases.

ENFORCEMENTS AND PENALTIES:

It shall be the duty of the appropriate Borough Official to enforce the provisions of this sub-chapter. For any and every violation of the provisions of this sub-chapter existing after a warning period of at least thirty (30) days, the owner, agent or contractor of the building or premises where such violations have been committed or shall exist, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$100.00 or imprisoned in jail not to exceed thirty (30) days for both such fine and imprisonment. Each and every day that such violation continues shall be deemed a separate and distinct violation.

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This ordinance shall become effective thirty (30) days after its final adoption.

KODIAK ISLAND BOROUGH ASSEMBLY

BY: [Signature]
BOROUGH CHAIRMAN

BY: [Signature]
PRESIDING OFFICER

ATTEST:

[Signature]
BOROUGH CLERK

First reading and approval date, February 5, 1970.

Second reading, and public hearing date, February 19, 1970.

Effective date, March 19, 1970.

Page Four, ORDINANCE NO. 70-2-0

Chapter 17.170
RESIDENTIAL USES

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Sections:

- 17.170.010 Mobile Home Parks
- 17.170.020 Mobile Homes on Individual Lots
- 17.170.030 Multi-family Dwellings
- 17.170.040 Independent Living and Assisted Living

3707

17.170.010 Mobile Home Parks

3708

A. Applicability.

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1. Except as a nonconforming use regulated by Chapter 17.30 KIBC, all mobile home parks shall be constructed, operated, and maintained in accordance with the standards of this chapter. The owner of a mobile home park shall be responsible for compliance with this chapter.

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2. When any land use permit for a mobile home park is approved, the provisions of this section will apply instead of the provisions of the underlying zoning district.

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B. Plan review. An application for a new mobile home park or an expansion of an existing park shall include a site plan. The site plan shall include and address:

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1. Exterior lot lines and their dimensions, and the lot area of the site.

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2. A plan in sufficient detail, demonstrating the requirements of this section are met.

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3. The design and location for site drainage, roads, solid waste disposal, lighting, and provision of sewer and water. The design must be prepared by a registered engineer and reviewed and approved by the engineering and facilities department.

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4. For existing parks, an as-built survey may also be required, showing the mobile home space boundaries, space sizes, parking areas, proposed mobile home footprints, as well as separation distances and parking areas on all adjoining mobile home park spaces.

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C. Streets.

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1. Streets shall be private and owned and maintained by the owner or operator of the mobile home park. While a public street may be extended into a mobile home park, mobile home spaces shall not have direct access to a public street.

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2. Streets shall have a gravel or better surface and be well drained, maintained, and open to traffic at all times.

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3. Two-Way Traffic. A driving lane shall meet the minimum design and construction requirements for local roads in a subdivision, per KIBC Title 16, Subdivisions.

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4. One-Way Traffic. A driving lane shall be at least 12 feet wide.

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5. Dead-end streets shall have a turnaround or cul-de-sac as approved by the engineering and facilities department. A dead-end street shall not exceed 500 feet in length.

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6. A mobile home park shall have at least two entrances onto a public street that has a right-of-way of not less than 50 feet.

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7. Street Names. The owner of the mobile home park owner shall be responsible for assigning and posting street names, space numbers, or addresses. Street names and space numbers shall be submitted to the community development department for review and approval, subject to applicable street naming requirements, and shall be made available to other public agencies by the department.

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D. Parking.

- 3743 1. At least two residential parking spaces, with minimum dimensions of nine (9) feet by nineteen
3744 (19) feet, shall be provided for each mobile home space.
- 3745 2. Alternatively, required parking for individual home spaces may be pooled and located in a
3746 common parking lot within the mobile home park. The parking plan must be approved by the
3747 planning and zoning commission, but does not require a public hearing. All common parking
3748 areas shall be designed and approved per KIBC 17.160.060.
- 3749 E. Mobile Home Spaces.
- 3750 1. A "mobile home space" shall be at least 30 feet wide and be of sufficient depth to meet all
3751 separation distances specified in this section.
- 3752 2. A mobile home space shall not contain more than one mobile home.
- 3753 3. Not more than 50 percent of the mobile home space shall be occupied by a combination of the
3754 mobile home, any addition(s), and accessory buildings.
- 3755 4. All mobile home spaces shall have direct access to a park street.
- 3756 5. Setbacks. The following minimum setbacks apply to a mobile home:
- 3757 a. 25 feet from a public street.
- 3758 b. 10 feet from a park street.
- 3759 c. From another mobile home or community building the following minimum distances apply
3760 (excluding the tongue):
- 3761 i. Side to side: ten feet
- 3762 ii. End to side: eight feet
- 3763 iii. End to end: six feet
- 3764 d. The community development department may allow a lesser separation if the adjoining walls
3765 and roof of either structure are without openings, constructed of materials with a one-hour fire
3766 resistance rating, or the structures are separated by a one-hour fire-rated barrier.
- 3767 6. Accessory Building Separation. An accessory building or a structure constructed of combustible
3768 materials shall be located at least five feet from another accessory building or structure within or
3769 adjacent to the mobile home space, and no closer than six feet from a mobile home. An addition
3770 to or a combination of additions shall not increase the area of the mobile home, as originally
3771 manufactured, by more than 100 percent.
- 3772 F. Play areas. Play areas shall be centrally located and accessible to all mobile home spaces in a park.
3773 For each mobile home space within a park a 100 square foot play area that is not within a mobile
3774 home space and that cannot be used for other purposes, shall be provided.
- 3775 G. On-site storage. A common outdoor storage area to accommodate boats, recreational vehicles, and
3776 other like equipment shall be provided at a ratio of 75 square feet of storage area per mobile home
3777 space.
- 3778 H. Buffering. The planning and zoning commission may require that a fence, wall, or hedge be installed
3779 and maintained between a mobile home park and any other adjacent lot as a condition of approval for
3780 a conditional use permit, subject to the requirements of KIBC 17.150.020(G).
- 3781 I. Parking of mobile homes. A mobile home shall not be parked for more than 72 hours in a mobile
3782 home park unless it is parked in a mobile home space or a designated on-site storage area
3783 referenced in KIBC 17.170.010(H), above.
- 3784 J. Repairs, alterations, or additions to mobile homes shall be subject to KIBC Title 15, Buildings and
3785 Construction.
- 3786 **17.170.020 Mobile Homes on Individual Lots**
- 3787 Mobile homes on lots of record are permitted and considered as a single-family home, subject to the
3788 following requirements:

- 3789 A. No more than one mobile home is allowed on an individual lot. A single mobile home on an individual
3790 lot is subject to all district requirements pertaining to a detached single-family residence.
- 3791 B. Mobile homes shall not be installed with the wheels attached. Additionally, a mobile home shall not
3792 have an exposed towing mechanism, undercarriage, or chassis.
- 3793 C. Individual mobile homes are subject to the minimum lot size and setback requirements of the zoning
3794 district in which they are located.
- 3795 D. All mobile homes must be inspected and receive a certificate of occupancy from the building official
3796 prior to occupancy.
- 3797 E. Notwithstanding the above, all construction, plumbing, electrical equipment and wiring, and insulation
3798 within and connected to a mobile home shall conform to the quality standards stipulated in the
3799 "Mobile Home Construction and Safety Standards" as issued by the United States Department of
3800 Housing and Urban Development, being 24 CFR 3280, as amended.
- 3801 F. Mobile home structures or parts thereof may not be used as an accessory structure or for storage.

3802 **17.170.030 Multi-family Dwellings**

- 3803 A. Multi-family dwellings in the MU Mixed Use District.
 - 3804 1. The setback and parking requirements for multi-family dwellings in the R3 District, shall apply.
 - 3805 2. No more than four dwelling units per building shall be allowed.
 - 3806 3. Multiple buildings shall be separated by at least 25 feet.

3807 **17.170.040 Independent Living and Assisted Living**

- 3808 A. Independent living and assisted living housing projects in the R3 District shall be developed in the
3809 same manner as multi-family dwellings.
- 3810 B. Independent living and assisted living housing projects in the Village District are subject to the
3811 requirements for multi-family dwellings in the V District, as listed in Chapter 17.100 KIBC.

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12/09/14 Supplemental staff report to P&Z (From code update project)

Definitions

17.50.080 (line 1334, page 29). Mobile home park definition. Comment notes the difference between mobile homes parks (3 spaces) and a RV park (10 spaces).

Use Tables

Table 17.90.030-1. (line 2127, page 51). Comment notes the use table only allows mobile home parks in Business zoning as a permitted use. This will raise costs.

Mobile Home Park Regulations

17.170.010 (line 3707, page 96). Mobile Home Parks. Several comments have been submitted on this section, as follows:

- 17.170.010 B.3. (line 3718). Plan review. Comment notes that the Engineering and Facilities Department does not have the staff or expertise to review such plans. Perhaps revise to read as follows:
 1. 3. The design and location for site drainage, roads, solid waste disposal, lighting, and provision of sewer and water. The design must be prepared by a registered engineer and reviewed and approved by the engineering and facilities department.
- 17.170.010 B.4. (line 3721). Comment notes the expense of an as-built survey for mobile homes parks, which are likely all non-conforming. Should all non-conforming uses or structures require an as-built for expansions?
- 17.170.010 C.6. (line 3735). A mobile home park shall have at least two entrances onto a public street that has a right-of-way of not less than 50 feet. Comment notes that no other land use requires two entrances to a public street. At least 4 of the 7 existing mobile homes parks do not have 2 such entrances.
- 17.170.010 D.2. (line 3745, page 97). Comment recommends that parking review should be administrative. An incorrect cross reference is also noted. See suggested change below:
 2. 2. Alternatively, required parking for individual home spaces may be pooled and located in a common parking lot within the mobile home park. ~~The parking plan must be approved by the planning and zoning commission, but does not require a public hearing.~~ All common parking areas shall be designed and approved per KIBC 17.210160.060.

Public Comments Received

Mobile home park. A parcel or adjacent parcels of land in the same ownership upon which 3 or more mobile homes are located or for which space is leased or held out for lease. A mobile home park does not include sale lots on which unoccupied mobile homes are parked for inspection and sales and shall not be construed to mean tourist facilities for recreational vehicle parking.

It is curious that a Mobile Home Park only requires three spaces – but an RV Park requires a minimum of ten spaces

The prohibition of dual use options (MHP & RVP i.e., ALL OR NOTHING) is an ill-considered policy in light of the community's current land use pattern. This policy is especially short-sighted given the improbability of additional lands capable of supporting such uses in a cost effective manner coming onto the market in any foreseeable future.

Mobile home. A residential building constructed off premises and transported to the site on an attached axle and wheel assembly or via truck and trailer for installation, with or without a permanent foundation. Not all requirements of KIBC Title 15, Buildings and Construction will apply to mobile homes; however, these units must comply with all other local, state, and federal codes and regulations concerning their construction, use, and occupancy.

„with or without a permanent foundation” means that a 3 unit mobile home park could be established that results in a stick built multi-family development - subdivision for all intents and purposes.

3707 17.170.010 Mobile Home Parks

3708 A. Applicability.

3709 1. Except as a nonconforming use regulated by Chapter 17.30 KIBC, all mobile home parks shall be
3710 constructed, operated, and maintained in accordance with the standards of this chapter. The
3711 owner of a mobile home park shall be responsible for compliance with this chapter.

3712 2. When any land use permit for a mobile home park is approved, the provisions of this section will
3713 apply instead of the provisions of the underlying zoning district.

3714 B. Plan review. An application for a new mobile home park or an expansion of an existing park shall
3715 include a site plan. The site plan shall include and address:

3716 1. Exterior lot lines and their dimensions, and the lot area of the site.

3717 2. A plan in sufficient detail, demonstrating the requirements of this section are met.

3718 3. The design and location for site drainage, roads, solid waste disposal, lighting, and provision of
3719 sewer and water. The design must be prepared by a registered engineer and reviewed and
3720 approved by the engineering and facilities department.

Anything that involves Engineering & Facilities department approval is a non-starter. They don't have the staff, expertise, or inclination.

3721 4. For existing parks, an as-built survey may also be required, showing the mobile home space
3722 boundaries, space sizes, parking areas, proposed mobile home footprints, as well as separation
3723 distances and parking areas on all adjoining mobile home park spaces.

This provision is particularly problematical. The majority of existing mobile home parks are either non-conforming land uses or are so developed that non-conforming mobile home spaces under the current code (and proposed code) are unavoidable.

The costs of a professional “As-Built Survey”, variance request (for identified space non-conformities) fees, the time delay and economic loss associated with sorting everything out, AND, no assurance that

any particular Commission would rule favorably on any particular request are critical judgment calls for the mobile home park owner.

The regulatory impetus is clearly to phase out these housing options. The loss of residential housing options is a community-wide burden and the forced abandonment of paid for infrastructure is a heavy economic loss for the mobile home park owner. (Which party would prevail in the circumstances of a "takings" suit is unanswered – but the eventual possibility of litigation should be considered.)

At a minimum, the same considerations given for non-conforming residential lots, developed with non-conforming residential structures, should be afforded mobile home park and unit owners, and clearly stated in the code.

3724 C. Streets.

- 3725 1. Streets shall be private and owned and maintained by the owner or operator of the mobile home
3726 park. While a public street may be extended into a mobile home park, mobile home spaces shall
3727 not have direct access to a public street.
- 3728 2. Streets shall have a gravel or better surface and be well drained, maintained, and open to traffic
3729 at all times.
- 3730 3. Two-Way Traffic. A driving lane shall meet the minimum design and construction requirements for
3731 local roads in a subdivision, per KIBC Title 16, Subdivisions.
- 3732 4. One-Way Traffic. A driving lane shall be at least 12 feet wide.
- 3733 5. Dead-end streets shall have a turnaround or cul-de-sac as approved by the engineering and
3734 facilities department. A dead-end street shall not exceed 500 feet in length.
- 3735 6. A mobile home park shall have at least two entrances onto a public street that has a right-of-way
3736 of not less than 50 feet.

This is a design requirement that is not required of any other residential (or other) development

- 3737 7. Street Names. The owner of the mobile home park owner shall be responsible for assigning and
3738 posting street names, space numbers, or addresses. Street names and space numbers shall be
3739 submitted to the community development department for review and approval, subject to
3740 applicable street naming requirements, and shall be made available to other public agencies by
3741 the department.

3742 D. Parking.

- 3743 1. At least two residential parking spaces, with minimum dimensions of nine (9) feet by nineteen
3744 (19) feet, shall be provided for each mobile home space.
- 3745 2. Alternatively, required parking for individual home spaces may be pooled and located in a
3746 common parking lot within the mobile home park. The parking plan must be approved by the
3747 planning and zoning commission, but does not require a public hearing. All common parking
3748 areas shall be designed and approved per KIBC 17.160.060.

This is an additional regulatory burden placed upon mobile home parks. No other development requires P & Z approval of a "parking plan" other than an "off-site" proposal. Normally, these types of reviews are administrative functions.

3749 E. Mobile Home Spaces.

- 3750 1. A "mobile home space" shall be at least 30 feet wide and be or sufficient depth to meet all
3751 separation distances specified in this section.
- 3752 2. A mobile home space shall not contain more than one mobile home.
- 3753 3. Not more than 50 percent of the mobile home space shall be occupied by a combination of the
3754 mobile home, any addition(s), and accessory buildings.
- 3755 4. All mobile home spaces shall have direct access to a park street.

- 3756 5. Setbacks. The following minimum setbacks apply to a mobile home:
- 3757 a. 25 feet from a public street.
 - 3758 b. 10 feet from a park street.
 - 3759 c. From another mobile home or community building the following minimum distances apply
 - 3760 (excluding the tongue):
 - 3761 i. Side to side: ten feet
 - 3762 ii. End to side: eight feet
 - 3763 iii. End to end: six feet
 - 3764 d. The community development department may allow a lesser separation if the adjoining walls
 - 3765 and roof of either structure are without openings, constructed of materials with a one-hour fire
 - 3766 resistance rating, or the structures are separated by a one-hour fire-rated barrier.

This administrative variance is probably ill-advised given the difficulty of verification of construction technique and keeping track of who approved what, when, & where, and whether or not that approval sets a precedent for future requests.

- 3767 6. Accessory Building Separation. An accessory building or a structure constructed of combustible
- 3768 materials shall be located at least five feet from another accessory building or structure within or
- 3769 adjacent to the mobile home space, and no closer than six feet from a mobile home. An addition
- 3770 to or a combination of additions shall not increase the area of the mobile home, as originally
- 3771 manufactured, by more than 100 percent.

- 3772 F. Play areas. Play areas shall be centrally located and accessible to all mobile home spaces in a park.
- 3773 For each mobile home space within a park a 100 square foot play area that is not within a mobile
- 3774 home space and that cannot be used for other purposes, shall be provided.

This is a design requirement that is not required of any other residential (or other) development

- 3775 G. On-site storage. A common outdoor storage area to accommodate boats, recreational vehicles, and
- 3776 other like equipment shall be provided at a ratio of 75 square feet of storage area per mobile home
- 3777 space.

This is a design requirement that is not required of any other residential (or other) development

- 3778 H. Buffering. The planning and zoning commission may require that a fence, wall, or hedge be installed
- 3779 and maintained between a mobile home park and any other adjacent lot as a condition of approval for
- 3780 a conditional use permit, subject to the requirements of KIBC 17.150.020(G).
- 3781 I. Parking of mobile homes. A mobile home shall not be parked for more than 72 hours in a mobile
- 3782 home park unless it is parked in a mobile home space or a designated on-site storage area
- 3783 referenced in KIBC 17.170.010(H), above.

The reference to KIBC17.170.010 (H) is incorrect & doesn't make sense.

- 3784 J. Repairs, alterations, or additions to mobile homes shall be subject to KIBC Title 15, Buildings and
- 3785 Construction.

Table 17.90.030-1 Schedule of Uses - Commercial, Industrial, and Mixed Use Zoning Districts

P = Permitted use by right. C = Conditional use. See Chapter 17.260 KIBC X = Prohibited use In addition to Performance Standards noted in this table, permitted uses may be subject to additional land use and site development requirements. See Chapters 17.140 through 17.230 KIBC.	NC-Neighborhood Commercial	B-Business	DB-Downtown Business	LI-Light Industrial	I-Industrial	MIU
	Mobile home parks	X	P	X	X	X

As a permitted use in only the Business zoning district, three existing mobile home parks will be moved into the category of a non-conforming land use, (or alternately will become conditional uses in the R3-Multi-family Residential district). The effect will be that regulatory burdens and costs will be increased just to maintain current operations.

Table 17.90.040-1 Dimensional Requirements- Commercial, Industrial, and Mixed Use Zoning Districts

Kodiak Island Borough		Table 17.90.040-1 Area, Height, and Placement Requirements:				
Zoning District	Min. lot area (sq. ft.)	Min. lot width (ft.)	Max. building height (ft.)	Min. front yard (ft.) ⁽¹⁾	Min. side yard (ft.) ⁽¹⁾	Min rear Yard (ft.) ⁽¹⁾
B Business	7,200	60	50	25	15 ⁽³⁾	10 ⁽³⁾

The combined design requirements of the Business zoning district and the mobile home park overlay district don't seem practical given our current pattern of land development and existing zoning.

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CHAPTER 17.140 KIBC NONCONFORMING USES AND STRUCTURES

Current zoning regulations essentially prohibit any expansion of existing nonconforming mobile home parks, including adding units in existing parks where units have been removed or destroyed by fire. Absent these regulations, there may be enough room in some of the existing MHPs to add additional mobile homes, should the owners desire to do so. Staff has researched various options under our current code and determined that the most expeditious way to accomplish this would be to amend the nonconforming regulations in Title 17.

This packet includes the following information:

- A draft ordinance for adoption of amendments to Chapter 17.140
- Proposed revisions to Chapter 17.140

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Introduced by: Name
Requested by: CDD
Drafted by: C
Introduced: XX/XX/2015
Public Hearing:
Adopted:

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**KODIAK ISLAND BOROUGH
ORDINANCE NO. FY2015-XX**

**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
AMENDING CHAPTER 17.140 KIBC (EXISTING NONCONFORMING USES AND
STRUCTURES) TO ALLOW MOBILE HOMES DISPLACED UNDER AS 34.03.225 TO
RELOCATE WITHIN EXISTING NONCONFORMING MOBILE HOME PARKS**

WHEREAS, As a second class Borough, the Kodiak Island Borough exercises planning, platting, and land use regulations on an area wide basis pursuant to Chapter 29.40 Alaska Statutes; and

WHEREAS, In accordance with AS 29.40, the Kodiak Island Borough adopted the 2008 Comprehensive Plan update on December 6, 2007 (Ordinance No. FY2008-10) to replace the 1968 Comprehensive Plan; and

WHEREAS, The Kodiak Island Borough has adopted KIBC Title 17 (Zoning) in accordance with AS 29.40 to implement the Kodiak Island Borough Comprehensive Plan; and

WHEREAS, KIBC 17.205.010 provides that "Whenever the public necessity, convenience, general welfare or good zoning practice requires, the assembly may, by ordinance and after report thereon by the commission and public hearing as required by law, amend, supplement, modify, repeal or otherwise change these regulations and the boundaries of the districts;" and

WHEREAS, The recent announced closure of Jackson's Mobile Home Park pursuant to AS 34.03.225 (a)(4) will result in nearly 100 families being forced to relocate; and

WHEREAS, Many of the mobile homes in question may not be able to be moved due to age, structural condition, or modifications over time; and

WHEREAS, No other existing mobile homes parks in Kodiak currently have approval for additional spaces to be added to those parks; and

WHEREAS, Most existing mobile home parks are nonconforming land uses and expansion of nonconforming land uses is not permitted under Chapter 17.140 KIBC (Nonconformities); and

WHEREAS, There may be space available in existing nonconforming mobile home parks to accommodate additional mobile homes if the zoning regulations permitted such expansion; and

WHEREAS, The Borough desires to relax the regulatory requirements to permit mobile homes displaced pursuant to AS 34.03.225 to relocate to existing mobile home parks; and

WHEREAS, The Borough recognizes that in doing so, certain zoning standards for mobile home parks (will or may not be met); and

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WHEREAS, The public necessity and general welfare of the community may be better served by amending the code to allow mobile homes to be relocated rather than requiring strict adherence to existing zoning requirements for mobile home parks; and

WHEREAS, Amending Chapter 17.140 KIBC (Existing Nonconforming Uses and Structures) of Title 17 will accomplish the stated public need; and

WHEREAS, The Planning and Zoning Commission held XX work sessions or special meetings to review the proposed changes to Chapter 17.140 KIBC on June 10, 2015 and July, 8, 2014; and

WHEREAS, The Planning and Zoning Commission set aside time for public input and discussion at each work session; and

WHEREAS, The Planning and Zoning Commission held public hearings on July 15 and August 19, 2015 and following the August 19, 2015 public hearing, voted to transmit their recommendations for revisions to Chapter 17.140 KIBC to the Borough Assembly; and

WHEREAS, As part of their recommendation to adopt the revisions to Chapter 17.140 KIBC, the Planning and Zoning Commission adopted Findings of Fact, which are attached hereto as Exhibit A; and

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH that:

Section 1: This ordinance is of a general and permanent nature and shall become a part of the Kodiak Island Borough Code of Ordinances;

Section 2: The amendments to Chapter 17.140 KIBC are attached as Exhibit A.

**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
THIS _____ DAY OF _____ 2015**

KODIAK ISLAND BOROUGH

Jerrol Friend, Borough Mayor

ATTEST:

Nova M. Javier, MMC, Borough Clerk

Chapter 17.140

EXISTING NONCONFORMING USES AND STRUCTURES

Sections:

17.140.010 Explanation.

17.140.020 Intent.

17.140.030 Nonconforming lots of record.

17.140.040 Nonconforming structures.

17.140.050 Nonconforming uses of structures and land.

17.140.060 Parking.

17.140.070 Prior construction.

17.140.080 Exception – Junkyards.

17.140.085 Exceptions – Relocation of mobile homes displaced by a change of land use.

17.140.090 Exceptions.

17.140.100 Definitions.

17.140.010 Explanation.

When a lot, structure or use legally exists prior to the adoption of an ordinance codified in this title, but does not meet the requirements of this title, it shall be permitted to continue within the limits set forth in this chapter under "nonconforming" status. There are three types of nonconforming status:

A. **Nonconforming Lots.** The lot width or area is smaller than the minimum permitted in the land use district in which it is located;

B. **Nonconforming Structures.** The structure is designed to accommodate a nonconforming use or fails to meet yard, height or other development requirements established for the land use district in which it is located; and

C. **Nonconforming Uses:** The use to which land and/or structures is being put is not a permitted or conditional use in the land use district in which it is located. [Repealed and reenacted by Ord. 97-09 §2, 1997; Ord. 82-45-O §1, 1982. Formerly §17.36.010].

17.140.020 Intent.

It is the intent of this chapter to permit these nonconformities to continue until they are eliminated. Nonconforming uses are generally incompatible with conforming uses. Nonconforming nonresidential uses are especially incompatible with permitted uses in residential zoning districts. [Repealed and reenacted by Ord. 97-09 §2, 1997; Ord. 86-18-O §2, 1986; Ord. 82-45-O §1, 1982. Formerly §17.36.020].

17.140.030 Nonconforming lots of record.

A nonconforming lot in any zoning district can be developed as permitted; provided, that it can be demonstrated that all other current zoning district requirements such as setbacks and parking can be met. Nothing in this title shall be construed to prohibit the creation of nonconforming lots which are federally mandated. [Repealed and reenacted by Ord. 97-09 §2, 1997; Ord. 90-04 §2, 1990; Ord. 87-14-O §2, 1987; Ord. 82-45-O §1, 1982. Formerly §17.36.030].

17.140.040 Nonconforming structures.

A. Any legal structure existing at the effective date of adoption or amendment of the ordinances codified in this title that could not be built under the existing terms of this title by reason of restrictions on area, lot coverage, height, yards, deficiency of required parking, or other characteristics of the structure or its location on the lot may be continued so long as it remains otherwise legal.

B. Ordinary repairs, including the repair or replacement of walls, doors, windows, roof, fixtures, wiring, and plumbing, may be made to nonconforming structures.

C. Nonconforming residential structures may be enlarged or expanded; provided, that there are no other residential structures located on the property, no portion of the structure extends over any lot line, and all other building, fire and zoning requirements are met. Any encroachment into required setbacks exceeding the original building footprint shall be permitted only by the grant of a variance under Chapter 17.195 KIBC.

D. Should a nonconforming structure be destroyed, it shall not be reconstructed except in conformity with the regulations of this title. Destruction does not include deterioration through ordinary neglect. [Repealed and reenacted by Ord. 97-09 §2, 1997; Ord. 82-45-O §1, 1982. Formerly §17.36.040].

17.140.050 Nonconforming uses of structures and land.

A. A legal use of a structure, land, or of a structure and land in combination, existing at the effective date of adoption or amendment of the ordinances codified in this title, may be continued so long as it remains otherwise legal.

B. Structures containing nonconforming residential uses, located in a nonresidential zoning district, may be expanded as long as the entire structure meets, at a minimum, the parking and building code requirements for office or retail use.

C. Structures containing nonconforming residential uses, located in a residential zoning district, may only be expanded if the nonconforming use of the structure is eliminated.

D. Structures containing nonconforming nonresidential uses may not be expanded.

E. Ordinary repairs including the repair or replacement of walls, doors, windows, roof, fixtures, wiring, and plumbing may be made to structures containing nonconforming residential uses.

F. Ordinary maintenance including the repair of walls, doors, windows, roof, fixtures, wiring, and plumbing may be made to structures containing nonconforming nonresidential uses.

G. When the nonconforming use of a structure, land, or structure and land in combination, is voluntarily discontinued or abandoned for one year or more, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall extinguish the nonconforming use of the land. [Repealed and reenacted by Ord. 97-09 §2, 1997; Ord. 82-45-O §1, 1982. Formerly §17.36.050].

17.140.060 Parking.

A. A nonconforming residential structure may be enlarged or expanded without requiring additional parking under Chapter 17.175 KIBC, as long as the number of dwelling units in the structure is not increased.

B. A nonconforming nonresidential structure may be changed to another legal use without requiring additional parking under Chapter 17.175 KIBC as long as the new use of the structure requires no more parking spaces than the previous nonconforming use. [Repealed and reenacted by Ord. 97-09 §2, 1997; Ord. 82-45-O §1, 1982. Formerly §17.36.060].

17.140.070 Prior construction.

Nothing in this chapter requires a change in the plans, construction, or designated use of any building on which actual construction was legally begun prior to the effective date of adoption or amendment of the ordinances codified in this title and upon which actual building construction has been diligently carried on. [Repealed and reenacted by Ord. 97-09 §2, 1997; Ord. 86-18-O §3, 1986; Ord. 82-45-O §1, 1982. Formerly §17.36.070].

17.140.080 Exception – Junkyards.

Junkyards, as defined in Chapter 17.25 KIBC, located in any district other than an I industrial district, are a public nuisance and are not entitled to the protective provisions of this chapter. [Repealed and reenacted by Ord. 97-09 §2, 1997; Ord. 82-45-O §1, 1982. Formerly §17.36.080].

17.140.085 Exception – Relocation of mobile homes displaced by a change of land use.

A. The provisions of this chapter shall not apply to mobile homes that must vacate an existing mobile home park resulting from a change of land use under AS 34.03.225, when those mobile homes will be relocated to an another existing mobile home park.

B. Mobile homes relocated under this exception shall meet the following requirements:

1. Zoning compliance for the new location;
2. Any required building, electrical and plumbing permits must be obtained;
3. Mobile homes to be relocated utilizing this exception must be current on Borough real and personal property taxes;
4. A 5' setback to any external property lines shall be maintained in the new location;
5. Minimum separation requirements from adjacent structures or mobile homes, as determined by the building official; and
6. Approved utility connections.

C. This exception takes effect upon adoption and shall sunset on December 31, 2016 (note: This provision was based on the announced closure date of Jackson's Mobile Home Park).

17.140.090 Exceptions.

When a lot, structure, or use was authorized by the provisions of former Chapter 17.65 KIBC concerning an application for an exception, but which does not meet the current requirements of this title, it shall be considered to have nonconforming status and be permitted to continue within the limits set forth in this chapter. [Repealed and reenacted by Ord. 97-09 §2, 1997; Ord. 92-17 §7, 1992. Formerly §17.36.090].

17.140.100 Definitions.

For purposes of this chapter, the following zoning districts are considered residential zoning districts:

- WH – Wildlife Habitat District (Chapter 17.40 KIBC);
- C – Conservation District (Chapter 17.50 KIBC);
- RD – Rural Development District (Chapter 17.55 KIBC);
- RR2 – Rural Residential Two District (Chapter 17.60 KIBC);
- RR – Rural Residential District (Chapter 17.65 KIBC);
- RR1 – Rural Residential One District (Chapter 17.70 KIBC);

- R1 – Single-Family Residential District (Chapter 17.75 KIBC);
- R2 – Two-Family Residential District (Chapter 17.80 KIBC);
- R3 – Multifamily Residential District (Chapter 17.85 KIBC).

For purposes of this chapter all other zoning districts are considered to be nonresidential zoning districts. [Ord. 97-09 §2, 1997. Formerly §17.36.100].



BACKGROUND INFORMATION

MOBILE HOME PARK SUBDIVISIONS AND MOBILE HOME ZONING DISTRICTS

In a mobile home park subdivision, the mobile home spaces are individually owned lots. This type of development can be found in many locations. An American Planning Association Planning Advisory Service publication on mobile home subdivisions is attached.

Zoning districts designed exclusively for mobile homes are also used in many jurisdictions. These districts typically set a maximum density in accordance with the local comprehensive plan. The mobile home parks may be owned in common, held in a condominium form of ownership, or developed as a mobile home park subdivision. Examples are attached.

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AMERICAN SOCIETY OF PLANNING OFFICIALS
1313 EAST 60TH STREET — CHICAGO 37 ILLINOIS

Information Report No. 145

April 1961

Regulation of Mobile Home Subdivisions

Download original report (pdf) (/pas/at60/pdf/report145.pdf)

Prepared by Frederick H. Blair, Jr.

In 1960, mobile homes made up about 10% of the supply of new non-farm single-family dwellings. In 1955, the figure was less than 7%. In the future, the proportion of mobile homes, or dwellings built like mobile homes but without wheels, promises to continue to rise.

The mobile home is a notable example of the type of thing we glorify in theory but are slow to adjust to in practice. Born of Yankee ingenuity as the covered wagon and adapted through casual design and do-it-yourself construction with materials at hand to meet the unexact needs of depression-driven migrants in automobiles, in the last twenty years it underwent a major metamorphosis in function, design, materials, and construction methods.

At present, the mobile home is designed and built as permanent and relatively fixed housing by modern industrial methods. It makes the most of new design, materials and fabrication techniques. Its wheels remain, but are increasingly vestigial remnants. It arrives at the site fully equipped with furniture and appliances, ready for occupancy as soon as water, sewer and electrical connections are made.

It does not look like a conventional house. It is not built like a conventional house, but by methods more closely akin to those used in construction of planes or automobiles. It is not sold like the conventional house. Its financing, unlike that of the conventional house, includes furniture and all appliances. It frequently does not have the same relationship to the land on which it is located as does the conventional house. And it has not stopped changing.

It continues to get bigger as it moves toward the time when the wheels will come off. Already individual units are moving toward a 600 sq. ft. average, and combinations of elements side by side or in T-shapes, or telescoping additions to individual units, with or without prefabricated "Florida rooms," make possible sizes ranging to 1,400 sq. ft. and beyond.

The mobile home is popular with a growing number of customers. They find it efficient, economical and comfortable. Many of them choose it over conventional housing. Retirees often leave conventional housing in favor of mobile homes, and the mobile home is frequently the first house of the new family.

As something new on the housing scene, the mobile home cuts across a broad spectrum of comfortable customs, and affects many interest groups. It is about as popular with conventional home builders as was the automobile with buggy manufacturers. The realtor seldom gets a cut of mobile home deals. On a lot in a conventional residential neighborhood, the mobile home still creates alarm, shock and lowered property values. The neighbors may have pushed for no-lookalike zoning, but this is too much of a good thing.

The municipality provides the usual range of services and facilities to mobile home dwellers, but has been slow to find means for equitable collection of costs. Local tax officials are faced with a licensed vehicle which is usually an owner-occupied permanent home on a lot (usually rented) from which it may move.

Customary real estate tax procedures don't fit, and it takes considerable effort to devise other means to insure that the mobile home pays its way.

The building official has several problems. Should local building, plumbing, electrical and heating codes be applied to a vehicle constructed elsewhere which is a residence but may or may not be a structure according to the definition in his book, even though the construction methods are closer to those for

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an air frame than for a conventional house? Should housing codes designed without consideration of the mobile home be applied? In zoning, what should be done when the definition of single-family residence obviously fits the mobile home, but the mobile home equally obviously may create a riot if permitted like any other house in conventional single-family districts?

So the mobile home presents many challenges which can't be met by routine application of familiar tools in the administrative kit.

Good beginnings, at least, have been made on solutions to many of the special problems presented by mobile homes. *Mobile Home Parks and Comprehensive Community Planning*, by Bartley and Bair,² contains suggestions on a wide range of approaches. *The Law of Mobile Homes*, by Hodes and Roberson,³ provides legal background material on methods for regulation of mobile homes as dwellings, mobile home parks, taxation and zoning.

The New York State Division of Housing has developed a model housing code for mobile homes and mobile home parks.⁴ The California State Division of Housing has developed and adopted "Rules and Regulations for Plumbing, Heating, and Electrical Equipment in Trailer Coaches,"⁵ requiring a seal of approval indicating compliance, and the Mobile Home Manufacturers Association and Trailer Coach Association, working with other professional organizations, societies and associations, developed a similar code⁶ to which member-builders must conform, thus easing the strain on shortage of local codes in this field. Here again, a seal on the unit indicates compliance. A general construction code for mobile homes is in the making.

The Federal Housing Administration has developed *Minimum Property Requirements for Mobile Home Courts*,⁷ giving a basis for detailed local regulation of design and development of mobile home parks, and providing valuable leads for mobile home subdivision regulations. The U.S. Department of Health, Education and Welfare has prepared *Mobile Home Park Sanitation*,⁸ a publication which goes farther than its title indicates and includes information and standards on site provisions, service buildings, water supply, sewage and refuse disposal, insect and rodent control, electricity, exterior lighting, fuel, fire protection and other matters.

The National Fire Protection Association has produced *Standards for Fire Prevention and Fire Protection in Trailer Coaches and Trailer Courts*.⁹

These and other new or adapted tools provide means for fitting the mobile home into the administrative framework. It remains for the planner to fit it into the urban scene. Since the mobile home is not yet acceptable mixed indiscriminately with conventional single-family housing, appropriate means for segregation are needed. Mobile home parks, usually suitable for multiple family residence districts, are one solution discussed at length in *Mobile Home Parks and Comprehensive Community Planning*.

But now comes another rapidly-growing development, the mobile home subdivision. At present (1960) there are about 50 of these operating in the U.S., of which a small part are very good and most are not. The number is growing fast now, and will grow faster. Whether this represents a gain in good housing or a gain in slum housing depends considerably on whether appropriate specialized controls are enacted in time.

For the planner, the most important of these controls are zoning and subdivision regulation.

Definitions

As a first step in setting up planning controls, it is necessary to arrive at some basic definitions. With the mobile home evolving, this must be done in a manner which avoids obsolescence in the definitions almost before the regulations are adopted.

The mobile home subdivision should be specifically designed for mobile homes and the kind of housing likely to grow out of mobile homes. The definition of "mobile home" requires considerable care in circumstances where the mobility is disappearing before the wheels and the wheels themselves are likely to disappear soon.

Part of the problem is that the present name of the dwelling unit emphasizes a feature of diminishing importance, and a new name needs to be coined. In Puerto Rico, where dwellings built by mobile home methods but without wheels may meet a demand for housing in the price class involved, the Spanish term "casa completa" seems likely to take hold. This makes sense, since the house is delivered completely furnished and equipped, but "complete house" lacks something as an English equivalent and certainly falls short of telling the whole story in either language.

"Prefabricated housing" won't do now that the term has been preempted by a form of housing in which the elements are built elsewhere and assembled at the site. We are talking about "ready-to-wear" housing, but still don't know what to call it. The idea is contained in the words "package home" or "package housing," but these terms leave something to be desired for the merchandiser, however true it may be that the unit is housing which often looks like a box. Or taking a tip from the automobile industry, the term "compact homes" might be a step in the direction of more descriptive language.

For the moment, "mobile home" may have to do. Whether we call the thing being defined a mobile home or something else, the elements involved in defining it are these:

1. It is a dwelling which almost never provides housing for more than one family.
2. It is almost completely factory-built and factory-assembled. Only minor and incidental operations are necessary after it reaches the site — unpacking and arranging objects protected during shipping, running out telescoping sections or fastening two completed subunits together in the larger models, and connecting to utilities.
3. In addition to structural completeness at time of delivery, it arrives completely equipped with furniture and major appliances. In a modern unit there will be, built in, one or more complete bathrooms, a kitchen with sink, stove and refrigerator, water heating equipment, space heating equipment, and quite possibly air conditioning equipment, washing and drying machines, TV, radio and stereophonic sound.
4. The unit is built to transport on highways *after completion* on wheels of its own or (in the future) on flatbeds or other trailers. It is designed for delivery to the site from a street without requiring the kind of special permit required for moving a conventional dwelling.

Putting these elements together into a definition, we come up with something like this:

Mobile Home

be a part of something bigger

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A mobile home is a single-family dwelling designed for transportation after fabrication on streets and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and the like.

It is possible, of course, to build qualitative standards into the definition by including phrases like "meeting the requirements of Sec. ____, Housing Code of the City of _____," or other phrases including applicable regulations by reference. Little is added by including such language in the definition. The regulations apply anyway. As a general rule, it is better to let the definitions define and the regulations regulate. As stated in Planning Advisory Service Information Report No. 72,¹⁰ "Definitions are in themselves a type of regulation, but they should not be loaded with standards, measurements, or other regulations."

The only other definition which appears essential covers mobile home subdivisions. Here the crux of the matter is a statement of exclusive segregation, making it clear that the subdivision is for residential use by mobile homes only.

Mobile Home Subdivisions

A mobile home subdivision is a subdivision designed and intended for residential use where residence is in mobile homes exclusively.

Both these definitions should go into the zoning ordinance, and depending on the makeup of local subdivision regulations, the mobile home subdivision definition might be needed there also. If subdivision regulations are similar to those in *Suggested Land Subdivision Regulations*,¹¹ developed by the Housing and Home Finance Agency, and handle the matter of lot sizes in subdivisions by stating that they shall conform to the requirements of the zoning ordinance, insertion of special wording relating to mobile home subdivisions is unnecessary. If however there is a statement that minimum residential lot size in areas served by public sewer shall be 6,000 sq. ft. and minimum lot width shall be 60 ft., some tinkering will be necessary for reasons discussed later, and it will be desirable to include the mobile home subdivision definition to facilitate the tinkering.

Some other definitions may be needed. These will be discussed in context later.

Location of Subdivisions and Parks

The mobile home *park* has apartment house characteristics including rental of lots and provision of facilities and services to tenants by management. Although population density is not as high in parks meeting FHA minimum standards for financing as in many apartment houses, there is considerable justification for calling the mobile home park a multiple-family use for zoning purposes.

The mobile home *subdivision* is an entirely different arrangement. Lots are not rented, but sold. The purchaser is not a tenant, but a land owner. Density is likely to be somewhat higher than for most single-family areas, but the use is clearly a single-family use.

Considering the relative newness of the mobile home, its characteristically different appearance, and the feeling that individual units should not be mixed in among conventional dwellings, it is discreet if not entirely logical to segregate mobile homes in either parks or subdivisions. If this is to be done, the zoning ordinance should indicate the residential district in which mobile home parks are to be permitted and those in which mobile home subdivisions are to be permitted, and should also state that mobile homes will not be permitted in such districts except in mobile home parks and subdivisions. If there are to be districts where individual mobile homes are to be permitted to mix with conventional dwellings, this fact should be made clear.

Normally, neither conventional housing nor mobile homes occupied for residential purposes should be permitted in commercial or industrial districts except after very careful examination of local circumstances. In and around central business districts in major cities, apartments will probably be justified. Economics will probably bar mobile home parks in such areas. But residences (mobile home, conventional, single or multiple-family) mixed with businesses in strip commercial or outlying shopping center areas contribute to each others blight. Mobile home sales lots, of course, belong in appropriate commercial areas.

Zoning Control of Location

Zoning regulation of the location of mobile home parks and mobile home subdivisions may be handled in several ways. Such uses may be 1) permitted outright in appropriate residential districts; 2) established as "floating" zones, to be "anchored" in appropriate residential districts when applications meet specified requirements; 3) permissible as special exceptions in appropriate residential districts after specified requirements have been met; or 4) provided for in special mobile home districts.

Generally speaking, it is better to have the use permitted outright in specified districts, subject to clearly specified requirements. The applicant knows what he can and cannot do without lengthy negotiations which may involve the planning commission and staff, the board of adjustment and the governing body. If it can be said that "Mobile home parks (or subdivisions) meeting the following requirements will be permitted in district X," this is by far the best way to handle the matter.

The "floating zone" technique establishes conditions under which district boundaries will be drawn on the map after stated requirements have been met. It may provide a relatively narrow range of uses, since the applicant for the district designation will have those uses in mind before applying. If the requirements are met, there is no excuse for refusing the zoning.

The special exception is a maybe-so, maybe-not device involving what may be an excessive amount of red tape. Here again, the specifications should be stated. If they can be stated with sufficient clarity and completeness to protect public interest and policy (as set forth in the comprehensive plan or otherwise), there seems no reason why the board of adjustment should become involved. (In most jurisdictions, the board of adjustment is the only body legally authorized to handle special exceptions, and efforts to provide for special permits by the planning board or the governing body skate on thin legal ice.)

The special exception should be used only where the situation is so complex that inclusive rules cannot be stated. If this is the case, and if the planning board has a professional staff and the board of adjustment does not, it is advisable to require favorable recommendation from the planning board before the board of adjustment may grant the special exception. It solves nothing to say that a matter so technically complex that the specifications cannot be stated should be decided by a body which normally has no technical planning advice.

The special district for mobile homes in parks or subdivisions involves another kind of problem. In this case, areas for mobile home parks or subdivisions (or both) are fixed on the zoning map. Owners of land in the district are then limited in the use of their land to mobile home parks or subdivisions, a rather narrow choice. If the district is the only one in which parks or subdivisions may be developed, they also have a monopoly on such uses.

As a "floating zone," there can be little objection to a highly specialized district on grounds of special privilege or of undue restriction. Anyone may have the special zone "anchored" anywhere within those residential areas found appropriate for mobile home subdivisions if the proposal meets the requirements of the ordinance. "Anchored" by edict in advance of the request of interested parties, the special district can cause a lot of trouble.

It should be made clear that if the so-called special mobile home district for parks or subdivisions or both is not limited to such uses, but also permits single and multiple-family housing, it is not a special mobile home district, but a single or multiple-family district in which mobile home parks or subdivisions are permitted along with other residential uses. The same thing is true of a district in which mobile homes and conventional dwellings are permitted to mingle without the requirement that mobile homes shall be segregated in parks and subdivisions.

Appendix A of this report gives a sample of deed restrictions. Appendix B contains a checklist on "what to regulate where."

Area of Subdivisions

If zoning ordinance provisions are included by reference in subdivision regulations (as is usually the case whether the subdivision regulations include a statement to that effect or not) the matter of minimum area of mobile home subdivisions can be handled entirely in the zoning ordinance. In some cases, it may be necessary also to make special provision in the subdivision regulations.

Good management and sound economics set a minimum size for mobile home parks. If there are not enough units to provide financial support for management services, the park will fail or become substandard. The minimum number of units necessary, combined with minimum standards on area per unit, sets the minimum size of the park.

In the case of mobile home subdivisions, a different set of considerations are involved. Although there are mobile home subdivisions with club-type operations where ownership in the subdivision entitles occupants to the use of facilities not available to the general public, it may be assumed that most subdivisions for mobile homes will be like conventional subdivisions. Thus the factor of management economics is not a determinant of minimum area.

But some minimum should be set. *Suggested Land Subdivision Regulations*¹¹ and many local subdivision regulations define subdivision as the division of a parcel of land into two or more lots or parcels. Division of a large lot in a residential neighborhood into two smaller ones meeting minimum requirements poses no problems if the lots are for conventional residential use. Creation of a two-lot mobile home subdivision in the midst of a conventional residential neighborhood would be something else again, particularly if lots smaller than those required for conventional dwellings are to be permitted in mobile home subdivisions.

If mobile homes are to be segregated from conventional housing (whether the decision to do so is based on discretion rather than logic or not) they should be well and truly segregated, not scattered around in twos and threes, nor yet in fours or fives. The answer, for the peace of mind of mobile home dwellers and the community at large, lies in mobile home subdivisions large enough to constitute at least small neighborhoods. (The word neighborhood is used here in its original sense.)

What constitutes enough lots to make up a small neighborhood is a matter for local determination. As a starting point for local refinement, if lot size and density controls discussed later are used there will be 5-8 units per acre in sewered subdivisions. If it is felt that 50-100 homes are enough to make up a small neighborhood, about ten acres will do for the minimum. If it is felt that a larger number is desirable, the acreage should be increased.

Design

Sources of Information

There are many sources of guidance on design and standards for conventional residential subdivisions. Among books and manuals published in the past ten years are FHA's *Suggested Land Subdivision Regulations*,¹¹ the International City Managers Association's *Local Planning Administration*,¹² the Senate of the State of California's *Subdivision Manual*,¹³ the National Association of Home Builders' *Home Builders Manual for Land Development*,¹⁴ the Community Planning Association of Canada's *How to Subdivide*,¹⁵ the Canadian Central Mortgage and Housing Corporation's *Principles of Small House Grouping*¹⁶ and *Housing Design (Parts I and II)*,¹⁷ V. Joseph Kostka's *Neighborhood Planning*,¹⁸ FHA's *Neighborhood Standards*,¹⁹ and Clarence Stein's *Toward New Towns for America*.²⁰

Planning Advisory Service has had several Information Reports with pertinent information. No. 27, *Zoning for Group Housing Development*,²¹ published in 1951, was a sound early treatment covering what is now called "cluster subdivisions," and the recent No. 135, *Cluster Subdivisions*,²² deals with some of the same subject matter. Between these two, a considerable number of Planning Advisory Service Information Reports have been published bearing on subdivision design, standards, and control measures.

The Urban Land Institute, in the monthly newsletter *Urban Land*,²³ frequently contains helpful material, for example: "Developing Golf Course Subdivisions," by G. H. Crabtree, Jr. in the September 1958 issue; "Zoning for the Planned Community," by Fred W. Tuemmler in April 1954; and "Notes on Street Cross-Sections in Residential Subdivisions," by Allen Benjamin in May 1960. And there have been helpful Technical Bulletins from the Urban Land Institute, as for example No. 36, published in December 1959, *Securing Open Space for Urban America: Conservation Easements*,²⁴ by William H. Whyte, Jr. and No. 40, January 1961, *New Approaches to Residential Land Development*.²⁵

The Journal of the American Institute of Planners, in the Fall 1952 issue, had an article "New Planning and Subdivision Methods"²⁶ by Alexander Klein which contained suggestions on original approaches. *The American City*,²⁷ *House and Home*,²⁸ *Landscape Architecture*,²⁹ and *Architectural Forum*,³⁰ are among periodicals which frequently carry material likely to be helpful.

There is no shortage of material on subdivision design and design standards. There are two problems about using such information, one general, the other specific, as relates to mobile home subdivisions. The general problem is common to all planning — an acceptance of ideas or standards without

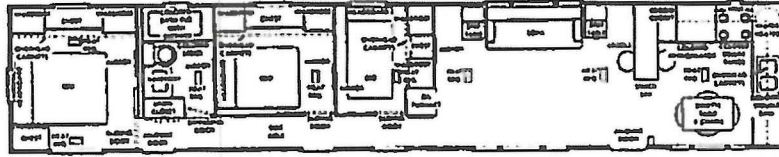
understanding how they came to be or whether they should still apply. The specific problem is to adapt sound ideas and standards for conventional subdivisions to the requirements of the mobile home subdivision.

Starting with the Unit

Design of the mobile home subdivision should start with an understanding of the design of the mobile home. Some mobile home floor plans, ranging from small units to large, are shown in Figures 1 and 2.

Figure 1

SAMPLE MOBILE HOME FLOOR PLAN

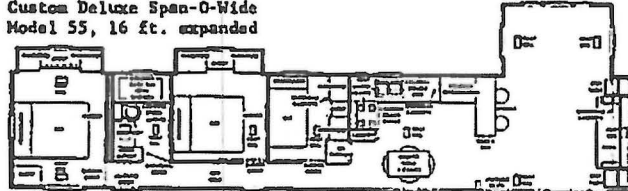


Custom Deluxe Model 55, 10'-wide, Detroit Mobile Homes, Inc.

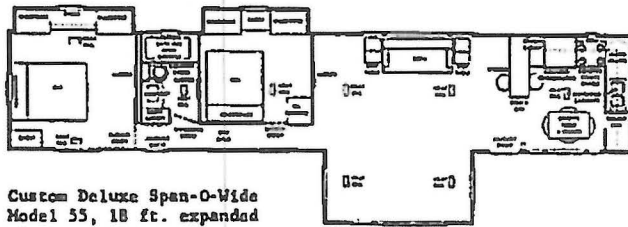
Figure 2

SAMPLE MOBILE HOME FLOOR PLANS

Custom Deluxe Span-O-Wide Model 55, 16 ft. expanded



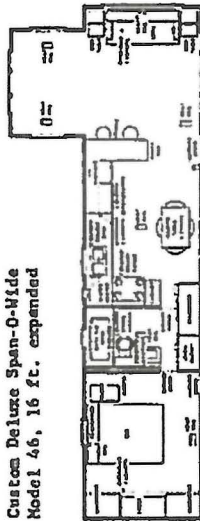
Custom Deluxe Span-O-Wide Model 55, 18 ft. expanded



Custom Deluxe Model 36, 8'-wide



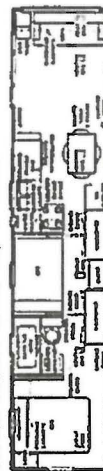
Custom Deluxe Span-O-Wide Model 46, 16 ft. expanded



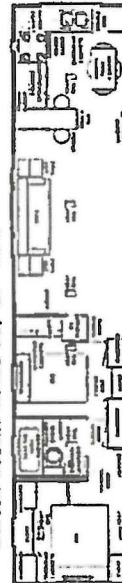
Pontiac Chief Model 45, 10'-wide



Custom Deluxe Model 41, 8'-wide



Custom Deluxe Model 51, 10'-wide



All samples from Detroit Mobile Homes, Inc.

The units and their component parts are not all that should be considered. In many cases, prefabricated or conventionally-built covered patios, "Florida rooms," car ports or garages, utility rooms, and other additions will be made. But the shape of the basic unit is such that even with these additions it is likely to run lengthwise with the lot, rather than across it, and custom in this matter is now well established. Additions will usually be on the same axis.

The main entrance is usually at the right side toward the front of the unit, and living-room orientation is usually toward the same side, although mobile home living areas always have windows on two sides, and frequently (unless the kitchen and dining areas are toward the front) on three sides.

Master bedrooms, at the rear of the unit, usually have windows on three sides, almost always on two. If there are additional bedrooms, they are usually located at the side of the unit away from the front entrance, are accessible from a hall along the front-entrance side, and have windows with only one exposure.

Lot Shape, Orientation and Dimensions

A study of mobile home living unit plans makes it clear that the layout for subdivisions for conventional housing will not fit mobile homes.

Some adaptation is desirable even in the most prosaic design. For example, in a rectangular block, lots for conventional residences often look like Figure 3.

The units run lengthwise on the lots, most of the windows face adjacent units, and the master bedrooms, at the rear of the units, are likely to be side by side. Analysis of floor plans indicates why this sort of arrangement is not well adapted to the usual mobile home. But if the lots are diagonal to the street (at an angle of 30 degrees from perpendicular) the picture changes, as seen in Figure 5.

The residences run across the lot, with the front living room windows facing the street, and with bedrooms usually next to the neighbor's carport. If mobile homes are forced into the same subdivision pattern, the result is something like Figure 4.

Figure 3

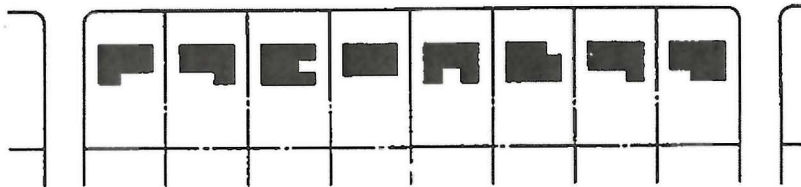


Figure 4

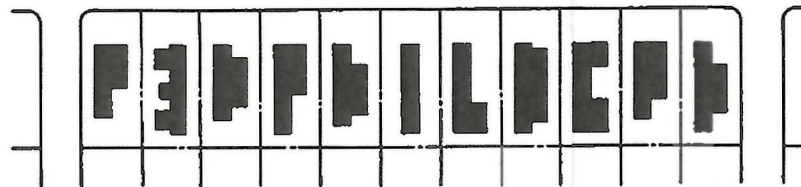
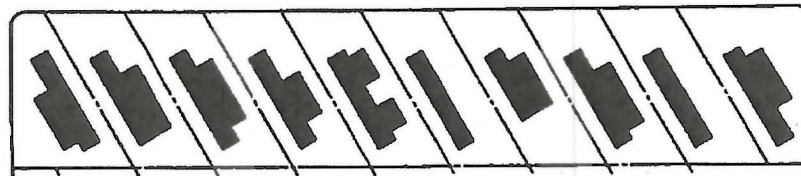


Figure 5



The orientation of principal windows is now toward the street, and the relation of the other functional areas in adjacent units is much improved.

Obviously, if mobile homes are to be laid out in rectangular blocks, diagonal lots are far better than perpendicular ones. It goes without saying that the front and rear lot lines should be straight and continuous in such cases, rather than in a saw-tooth pattern.

In establishing lot sizes and widths in unsewered areas, where septic tanks are to be used in mobile home subdivisions (and the technique might well be applied to conventional subdivisions), a departure from common practice is suggested. Many current subdivision regulations contain something like the following language: "residential lots to be served by septic tanks shall be not less than ___ feet wide, nor less than ___ feet in area."

This may facilitate administration and processing, but if satisfactory operation of septic tanks is the primary objective, it doesn't make much sense. In most areas there is wide variation in subsoil conditions and groundwater levels. If a flat standard is to protect public health throughout the jurisdictional area, it should be geared to the worst conditions in the area. It is thus unnecessarily high for all but the worst conditions, and raises development and municipal costs, wastes land, and adds to urban sprawl. On the other hand, a flat standard based on "average" soil and groundwater conditions falls short of needed protection for many properties.

So for subdivisions (mobile home or otherwise) to be served with individual septic tanks, it would be better to state "Residential lots to be served by septic tanks shall be of a width and area meeting the approval of _____ (the city or county health authority)." This would mean that determination of lot widths and areas in a particular subdivision where septic tanks were to be used would be on the basis of authoritative determinations as to what it would take to make a septic tank work. Trained health officials are available in most jurisdictions, and should be consulted at the pre-application stage in subdividing.

Where such determinations call for larger or wider lots than are required by the zoning ordinance for the district involved, they would override the zoning ordinance. Normally this would be taken care of automatically. Most zoning ordinances contain a statement to the effect that "Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards, shall govern."

In any subdivision to be served by septic tanks, if there is prospect of public sewerage in the future, it is common sense to get the septic tanks located where they can be tied in with public sewerage with minimum strain. A toilet flushed in a mobile home is the same as a toilet flushed in a conventional house, and the size and shape of the mobile home is not grounds for permitting inadequate lot shape or area so far as septic tank operation is concerned. Here again, the health authorities are in the best position to judge.

In establishing lot sizes and widths in sewered areas, as in establishing lot shape, mobile home subdivision requirements vary from requirements for subdivisions of conventional homes. For conventional subdivisions, *Suggested Land Subdivision Regulations*¹¹ indicates in a footnote that where zoning does not set higher standards, lots served by public sewers should not be less than 60 feet wide and not less than 6,000 sq. ft. in area.

These figures have been enshrined by widespread application as standards rather than minimums. Why they were selected is not altogether clear, but mile after mile of conventional development follows a pattern in which rectangular lots are exactly 60 feet wide and exactly 6,000 square feet in area, or as little above these figures as possible.

The 60-foot minimum lot width may have been set and maintained for conventional residences because development housing (from the Cape Cod to the ranch-type and split-level) has customarily been laid out with the long axis across the lot. The dimension of the basic house, and the need for garages or car ports, driveways, side yards, and other ancillary features, make it apparent that less than 60 feet would hardly be practicable.

The mobile home is different. It is customarily sited along the long axis of the lot, and the unit is usually long and narrow. Thus lots can be narrower than the revered 60 feet and still provide greater separation between units than is customary with conventional housing.

The predominant current form is the 10'-wide, but the 12'-wide seems to be emerging fast, and a 12-foot minimum width for the mobile home itself is probably a sound bottom figure from which to start planning. A 12'-wide with two 10-foot side yards, (and without any additional structures increasing its width) would require a 32-foot minimum lot width. (If it were 50 feet long it would provide 600 square feet of floor area.)

Moving into the upper range, combination of two 12-foot subunits to form a 24-foot mobile home with 10-foot side yards makes minimum lot width needed 44 feet. This width would also allow for a variety of 10- or 12-foot units with additions. (Maximum floor space could exceed 1,500 square feet.)

Thus, if 10-foot side yards are specified as minimums (and they probably should be) the range of lot widths likely to be required runs from 32 to 44 feet. This would provide 20-foot minimum clearance between structures on adjacent lots, substantially more than is usually found in high-density subdivisions of conventional single-family houses.

The diagonal layout provides open area in front of principal living room windows, if located in the forward part of the unit, and there is adequate spatial separation between other functional areas in adjacent units. But the use of the diagonal lot introduces complications in terminology and measurement. On rectangular lots, width is measured parallel to the street, depth is measured perpendicular. On diagonal lots, this doesn't make sense in terms of the intended functions of lot width and depth. Hence some new terms are necessary:

Effective width of a diagonal lot is the width necessary to allow for a mobile home sited on the diagonal, together with structural additions and required side yards. On interior lots, it is measured at right angles across the lot from one diagonal side line to the other. Since these lots are parallelograms, it doesn't make any difference where the measurement is made. But since variations of the pattern and corner lots may complicate things, it is advisable to specify that the measurement shall be made at right angles from the diagonal having the greatest divergence from perpendicular to the street, through the midpoint of the rear line of the required front yard, to the opposite side lot line or an extension thereof. Special treatment will be necessary on corner lots. One set of corner lots will not require as much effective width as interior lots, the other will require considerably more.

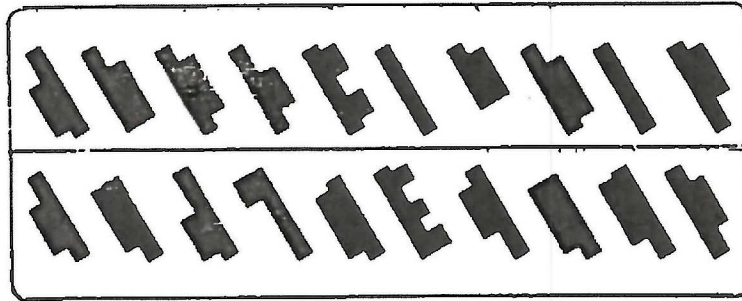
Effective depth of a diagonal lot is the depth necessary to provide for a mobile home sited on the diagonal plus required front and rear yards. On lots which are diagonal parallelograms, it may be measured down either side lot line. On other lots involving diagonal side lot lines, or on corner lots, the longest diagonal lot line should be used.

Block Design

The diagrams and tables which follow deal with lots which are parallelograms at 30 degrees from perpendicular to the street. This is apparently destined to be a common form in mobile home subdivisions, and detailed exercises in its use help to establish some theory and standards which may be helpful in other kinds of mobile home subdivision design.

Figure 6 indicates the kind of lot pattern which might be expected on a rectangular block with diagonal lots, and indicates how mobile home units with various shapes and additions might fit such lots.

Figure 6



The tables provide a theoretical basis for quick computations. These assume a 5-acre rectangular block in which the length and depth can be varied at will. None of the blocks exceed a maximum length of 1100 feet. On all four sides of the block, it is assumed that 30-foot half streets have been provided. Front yards are assumed to be 25 feet deep, rear yards 10 feet deep, both measured perpendicular to front and rear lot lines. Effective side yards (measured perpendicular to the diagonal side lot lines) are each 10 feet wide. On corner lots, 12.5-foot front yards (half the full depth) are required adjacent to the side street.

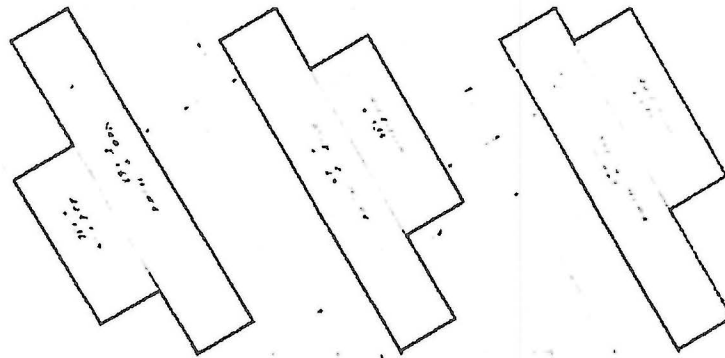
These tables represent theoretical maximums on number of lots and density per acre. Aside from street right of way, no land is considered outside the area of the lots themselves. All utilities needed are assumed to be located in the street right of way. No land other than streets is provided for public or quasi-public purposes.

It is strongly emphasized that the layout discussed in detail at this point is not recommended as the ultimate in mobile home subdivision design. The prosaic diagonal lots marching in echelon in rectangular blocks along straight streets represent the mobile home subdivision equivalent of many conventional housing developments. There seems to be no justification for forbidding it. It insures a monotonous and efficient use of space and provides a minimum of protection for the users.

The purpose of the diagrams and tables is to provide a floor for standards, a point of departure for desirable improvements.

In Figure 7, corner lots I and III and interior lot II illustrate the three basic patterns for 30° parallelogram lots in rectangular blocks. Normally, of course, there would be many interior lots between the corners.

Figure 7



The interior lot shown provides a 24-foot effective width for a 65-foot 12'-wide mobile home and additions, plus side yards with effective widths of 10 feet. Total area of the lot is 4,943 square feet, "buildable" area 1,726 square feet.

Corner lots I and III as illustrated are also designed to take 65 foot 12'-widthes, and have side yards with 10 foot effective widths toward the center of the block, continuing the pattern on interior lots. Their "buildable" areas are identical in size — 1768 sq. ft. — but reversed in orientation. Total areas of I and III are 4,680 and 5,522 square feet.

Lot I presents a minor problem in use. Unless the unit is reversed on the lot, with access from the side street, a door would have to be provided on the "off" side of the living room to give direct access to the accessory structure.

In this pattern, lots located like I have a curious characteristic. Regardless of the length of the 12'-wide unit used in determining depth of the lots in the block face, the minimum street frontage required for corner lots in this position remains 20.01 feet if the mobile home is set at the rear line of the required front yard. Street frontage required for corner lots in the location of III varies according to the length of the 12'-wide unit planned for.

The tables are based on 300 parallelogram lots with yards as shown on page 14.

Table 1

Lot Width – Interior Lots – Lot Widths in feet

Effective	Conventional
32	36.95
33	38.11
34	39.26
35	40.41
36	41.57
37	42.72
38	43.88
39	5.03
40	46.19
41	47.34
42	48.50
43	49.65
44	50.81
45	51.96
46	53.12
47	54.27
48	55.43
49	56.58
50	57.74

Table 2

Street Frontage – Corner Lots

Maximum Length of 12' wide Mobile Home	Corner Lot Frontage (feet)		
	Type I	Type III	Total
30	20.01	67.34	87.35
32	20.01	68.34	88.35
34	20.01	69.34	89.35
35	20.01	69.84	89.85
36	20.01	70.34	90.35
38	20.01	71.34	91.35
40	20.01	72.34	92.35
42	20.01	73.34	93.35
44	20.01	74.34	94.35
45	20.01	74.84	94.85
46	20.01	75.34	95.35
48	20.01	76.34	96.35
50	20.01	77.34	97.35
52	20.01	78.34	98.35
54	20.01	79.34	99.35
55	20.01	79.84	99.85
56	20.01	80.34	100.35
58	20.01	81.34	101.35
60	20.01	82.34	102.35
65	20.01	84.84	104.85

Table 3 summarizes details on the layout of a 5-acre block. Here it is assumed that required yard sizes will be as indicated previously, and that the block depth and length can be varied at will, so long as depth times length (including streets) comes out at 217,800 square feet (5 acres).

Table 3

Lot Depth and Block Dimensions *

Maximum Length of 12'-Wide Mobile Home	Lot Depth		Block Depth		Block Length	
	Effective	Conventional	Conventional	+60' Street	Conventional	+60' Street
30	77.35	66.99	133.98	193.98	1,062.80	1,122.80
32	79.35	68.72	137.44	197.44	1,043.12	1,103.12
34	81.35	70.45	140.90	200.90	1,024.12	1,084.12
35	82.35	71.32	142.64	202.64	1,014.81	1,074.81
36	83.35	72.18	144.36	204.36	1,005.77	1,065.77
38	85.35	73.92	147.84	207.84	987.92	1,047.92
40	87.35	75.65	151.30	211.30	970.76	1,030.76
42	89.35	77.38	154.76	214.76	954.16	1,014.16
44	91.35	79.11	158.22	218.22	938.08	998.08
45	92.35	79.98	159.96	219.96	930.18	990.18
46	93.35	80.84	161.68	221.68	922.50	982.50
48	95.35	82.58	165.16	225.16	907.31	967.31
50	97.35	84.31	168.62	228.62	892.67	952.67
52	99.35	86.04	172.08	232.08	878.47	938.47
54	101.35	87.77	175.54	235.54	864.68	924.68
55	102.35	88.64	177.28	237.28	857.90	917.90
56	103.35	89.50	179.00	239.00	851.30	911.30
58	105.35	91.24	182.48	242.48	838.22	898.22
60	107.35	92.97	185.94	244.94	829.20	889.20
65	112.35	97.30	194.60	254.60	795.46	855.46

* 5-Acre Block

Table 4 indicates total number of lots per block and per gross acre (including streets) which could be derived from blocks with dimensions as indicated above, subject to the yard requirements stated. In deriving the figures on number of lots per block, portions remaining were added to whole lots only if the portion amounted to .90 of a lot or more. Existence of remaining fractions less than .90 are indicated by +, shortages less than .10 by -.

The blocks lengths and depths indicated in Table 3 were used in the computations for Table 4.

View Tables 4, 5, and 6 ([/pas/at60/pdf/145tables456.pdf](#))

"Design" of subdivisions made up of such blocks is easy to visualize. Fortunately, there are alternatives. Their use should be encouraged.

Appendix C gives the formulas necessary to derive the various dimensions of 30° parallelogram lots, with any given mobile home and yard measurements. The examples illustrating the use of the formulas are taken from the current example, showing the derivation of Tables 1 through 6.

Subdivision Design

Good design in mobile home subdivisions has the same characteristics as good design in conventional subdivisions.

First there must be a satisfactory house. For the house, adapted to it and forming an outer part of it, there must be a satisfactory lot. The house and lot, as the basic living unit, must fit well among other houses and lots, having appropriate aspects of both privacy and neighborliness. The grouping of houses and lots, with perhaps some common open space, should form neighborhoods. Neighborhoods, in the sense that the word is used here, are areas so laid out and developed as to encourage people to become and remain friendly neighbors. (There never was, and never will be, a neighborhood half a mile square.)

It has been noted that mobile home parks are neighborly to a degree not found in most conventional residential areas. Whether this is a passing phase remains to be seen, but certainly any tendency in this direction deserves to be preserved and promoted.

To this end, the cluster, the cul de sac, the loop, the court, the block, and groupings as yet unthought of and unnamed should grow out of the houses and lots, merging parts of them kindly to provide areas where friends may meet and children may play, yet keeping quiet areas apart. When a man wants to sit in the yard with his shirt off, or a woman has a mind to cry outdoors, there should be a spot for it.

This kind of a neighborhood should be designed for homes, not automobiles. The car should be as disciplined as the dog. It should not jump at people, bowl children over, dig up the flower beds, make riotous noises, or commit other nuisances. It has its place, and its place should be planned for it, and it should be taught to stay in it. It should have a place to move around — slowly and without barking — and a place to lie down. In the neighborhood, cars must all be friendly. Cars with hostile tendencies should be encouraged to break their springs or wrap themselves around trees.

And the trees should be there, not only to discourage hot-rodding adolescents of all ages, but as part of a carefully preserved (if possible) and carefully planted (if not) general landscaping. Nothing builds more character into a subdivision than trees, and nothing about a subdivision grows more slowly. A good subdivision should have a general landscaping plan as well as a plan for streets and lots, and the landscaping plan should start early, making the most of the native vegetation and the natural topography. Move the subdivision in gently and wrap it in the landscape. Good design for houses and lots and clusters and road patterns may produce a good subdivision, but it takes landscaping to make a neighborhood of homes.

In mobile home subdivisions, as in all subdivisions, it is a tragic mistake to relate planning and development to the capabilities of the bulldozer. Of course the land can be levelled, the topsoil buried, the trees pushed down. The results of this kind of development can be seen almost anywhere — orderly rows of houses lying in the mud, waiting for the land to heal — and it heals slowly. In many cases a little plastic surgery may be indicated, but it is usually not necessary to begin building neighborhoods by amputating Nature.

The little neighborhoods — the clusters of homes and lots — should fit well together, yet each should have a separateness about it. Here the commons, the stream, the lake, the patch of woods, the pathway becomes both binder and boundary-marker, bringing people together or setting them apart as they choose.

If the subdivision is large enough, churches, schools, shopping centers, playfields, community buildings, offices, and even (as we become wiser) carefully selected manufacturing plants may need to be fitted in. Like cars, they should be fitted in, not allowed to dominate the pattern and make nuisances of themselves. If it is to be a residential subdivision, let it be a subdivision for residences, not a street pattern with houses hung on it, nor yet an appendage to a shopping center.

There are of course many practical considerations — utility easements suited to utilities must be provided. This means that if electricity is to come in by pole lines, the easements should be so laid out so that it is not necessary to add a jumble of guy-wires to get lines around tortuous corners. Gas, sanitary sewers, water and telephone lines (the latter increasingly laid underground) must have places to go. Storm sewers, or some satisfactory kind of surface-water drainage, must be provided.

As to sidewalks, the curb-side walk is usually not desirable. If walks are provided, an interior pedestrian network, running through the middle of the block, will probably be preferable in most cases, to serve as a paved play area for children and perhaps as a rarely-used means of access for emergency vehicles if utility easements are at the rear of the lots, as well as for pedestrian traffic.

Minor streets within neighborhoods need not, and probably should not, be wide. Depending on utility requirements, the handling of storm drainage, parking requirements and other specific needs, minor street right of ways may be 35 feet wide or even less, with paved area as narrow as 18 feet. Right-of-way and paved street width should meet demonstrable requirements, and not be fitted to a rigid figure selected arbitrarily.

It is important, of course, that when cars get out of residential neighborhoods they should be able to move freely, safely and fast. For this reason, collector streets and arteries — neither of which should have residences facing directly on them — should be close enough to residential areas so that in-and-out time is reasonably short.

There is nothing new about any of these ideas, but many of them certainly haven't been worn out by use. Mobile home subdivisions are something relatively new, and design habits haven't become ingrained. There is a good chance for rapid advance in quality of design and development. There is also a good chance for more of what we have too much of already, unless both planners and developers can be broken of bad habits transferred from conventional subdivisions.

One more thing — there is no point in odd-ball lot, street, or subdivision patterns merely for the sake of odd-ball lot, street, or subdivision patterns. There is solid purpose in lot shapes which fit well together and give room for a variety of spaces and sizes of homes and outdoor areas, in residential street systems which are quiet and safe, in subdivision patterns which fit topography and landscaping and lots and little neighborhoods and utilities and streets and open areas and public and quasi-public and commercial and other areas together in a pleasant and functional pattern. "Can-of-worms" subdivisions are chiefly evidence of drafting dexterity, and create more problems than they solve. Unless the design accomplishes significant purposes, it doesn't accomplish much except to create headaches for those subjected to it.

If the design job can be done simply and well, it should be done simply and well. Complex convolutions are not a useful end in themselves.

These generalities deserve some detailed consideration.

Design Standards

Performance Standards for Design

Performance standards for subdivision design, starting with the unit and the lot and working outward to the subdivision, develop as follows:

Relation of mobile home to lot:

1. There should be private areas and open areas on the lot, related appropriately to functional areas in the mobile home.
2. The lot should be so shaped and scaled as to provide for a reasonable variety of mobile homes and additions.
3. Moving the mobile home onto the lot must of course be possible, but in mobile home subdivisions the amount of movement will be limited. In subdivisions, provisions for positioning the unit on the lot and for moving it out need only minor and incidental attention in lot design. Hence units may be positioned on the lot in any way which makes for good orientation, including location with the front away from the street. For some designs, this is an important advantage.
4. Location of drives, parking areas, carports and garages should be subordinate to use of other areas of the lot. It should be easy and safe to enter the lot with a car, and convenient to get from the car

to the entrance of the mobile home by sheltered walkways. Drives, parking areas and car shelters should not be located to interfere with desirable views from important windows in the unit or open areas on the site, nor should they break up important use areas on the lot.

Relation of mobile homes and lots to each other — little neighborhoods:

1. The mobile homes and functional areas on individual lots should complement and supplement those on adjacent lots. Open areas should flow into open areas, enhancing primary views. Areas on one lot which it is desirable to enclose by structures, vegetative screening or fences should adjoin similar areas on neighboring lots.
2. "Fronting" to the inside of the block has definite advantages. The block interior has more "view potential," and is a better play area for children. Facing the groupings inward improves view, supervision of children from areas of the home in which mothers are likely to be working during the day, ties in with interior pedestrian ways, and relates street, drives, car storage, utility rooms, and garbage and trash storage and pickup conveniently out of the way of other functions. In contrast, conventional fronting toward the street gives a view largely of parked cars and traffic. What might otherwise be a neighborly arrangement is split by the street, and a considerable amount of space in relatively unused front yards is wasted by unnecessarily long driveways to get the car off the street to the garage or carport, which is quite likely to be in the wrong place so far as intelligent use of space on the lot is concerned. The street side of the lot should be used for purposes related to the street, and the interior-block side for purposes not related to the street.
3. Interior areas within the little neighborhoods should be designed to encourage neighborliness. Inner-block arrangement should include easy mutual access from the entrances of mobile homes in the grouping.

General subdivision pattern — relation of elements:

1. Building from little neighborhoods, the general subdivision pattern should fit topography, requirements for circulation, and requirements for provision of community facilities and utilities. Areas for churches, schools, major parks, community facilities and other uses not falling within the little neighborhoods should be located appropriately with respect to the population to be served and the street and walkway nets. As appropriate, residential areas should merge into or be insulated from areas devoted to other purposes. They should be insulated from heavy traffic, concentrations of parking, noise, lights, commercial and industrial activities. They should merge with parks and other suitable open areas.
2. The street pattern should serve, not shape, the lots in their small neighborhood groupings. Land devoted to streets should be held to a minimum compatible with performance of street-related functions. Minor streets should discourage use by through traffic, and no single minor street should serve so many homes that local traffic is likely to become a problem. Minor streets should feed at well-spaced intervals and well-designed intersections into collector streets and arteries for fast-moving traffic, and neither collector nor arterial streets should have direct entrances from residential lots.
3. Blocks should be oriented generally with the long axis in the direction of principal automotive and pedestrian movement. Blocks should be large enough to include substantial numbers of units, wide enough to provide desirable lot depths plus interior walkways, commons, and easements for such utilities as are to be located within the block. Small blocks are usually evidence of poor planning, involve undue amounts of street with relation to lots, have a tendency to break up desirable continuity in interior-block areas, and may not make room for enough neighbors to form a neighborhood (in the sense that the word is being used here).
4. The mobile home subdivision should be set in its own frame, rather than merely running into surrounding uses. It is desirable that it be bordered in a manner which insulates it from surrounding uses and sets it apart as a community.

Application of Subdivision Design Standards

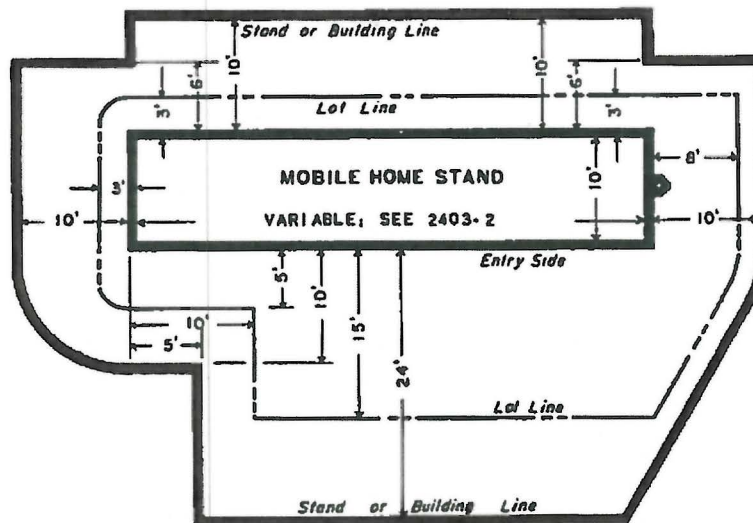
The illustrations which follow are taken from designs for both mobile home subdivisions and mobile home parks. They serve to stimulate thinking, and are a means for testing the performance standards proposed against actual designs, and actual designs against performance standards.

FHA's *Minimum Property Requirements for Mobile Home Courts 7* was prepared in 1957 and is already out of date in some respects. Certainly the kind of mobile home parks developed in conformity with these restrictions would be far better than many existing mobile home parks. Equally certainly, it is devoutly to be wished that mobile home parks developed now and in the future will do more than merely meet these requirements. But the FHA document does provide some design features, and detailed specifications for construction.

Starting with the unit in relation to the lot, FHA's Figure 2404.6 (Figure 8) provides a stand with room for a patio on the entry side, and requires minimum clearance from the mobile home to its lot line and to adjacent mobile homes or buildings.

Figure 8

REQUIRED MINIMUM DISTANCES FROM A MOBILE HOME STAND TO ITS LOT LINES AND TO OTHER STANDS AND BUILDINGS



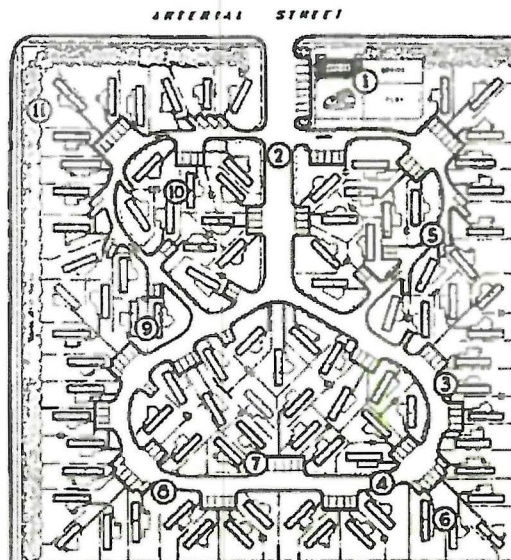
The mobile home stands required by Section 2403.2 (noted in the diagram) may vary in size according to the following formula: 5% are to be 10' x 50' or larger, another 5% 10' x 40' or larger, and the remaining 90% 10' x 45' or larger. These maximums are rather low when it is considered that the average mobile home produced in 1960 was 50 feet long, and that the number of 12'-wide units and expandable units is increasing fast. Parks with only 5% of stands 50' or more in length, and with no provision for 12'-wide units, or for units which expand for part of their lengths to widths up to 20 feet, will obviously be shutting out an increasing part of their potential customers, or crowding them onto facilities not designed for them.

The patio, "to provide an appropriate outdoor living space to supplement the limited interior space of a mobile home," is to be paved. Car storage, tenant storage lockers, laundry and recreation facilities are provided off the lot.

Even for mobile home parks, the clearances provided between the stand and the lot line, and between the stand and adjacent stands or buildings, are very small. And the apparent intent to permit a unit parallel to, and ten feet from, the stand shown would result in a rather crowded situation, with the livingroom end of each unit adjacent to the bedroom end of the other.

Thus the FHA home-and-lot module, Figure 9, is a very minimum sort of minimum. But in the mobile home park design given as an example by FHA, it is apparent that the module was fortunately not used in the design.

Figure 9



EXAMPLE OF A WELL-PLANNED MOBILE HOME COURT

1. Office, Service, Laundry and Recreation Grouped for Efficient Management
2. Entrance Street Paved 34 Feet
3. Grouped Parking Bays Are Convenient, Orderly, Economical
4. Minor Street Paved 20 feet With All Parking in Bays
5. One-Way Minor Street Paved Only 9 feet With Walk, 31 Feet Without Separate Walk
6. Mobile Homes Placed in Depth for Less Street, More Privacy
7. All Mobile Homes Located for Easy Placement From Street
8. Walks on Only One Side of Minor Streets
9. Patios Facing Streets and Away From Streets for Varied Tenant Desires
10. Tenant Storage Lockers Grouped for Construction Economy, Easy Access and Good Appearance
11. Ornamental Screen Fence and Planting for Maximum Safety and Livability and for Separation from Other Land Uses

Figure 10 relates the mobile home unit to the lot, with the street playing a subordinate role. In this "town house" layout, the mobile home faces away from the street. In the area normally occupied by a non-functional front yard the carport and utility room, close to the street, provides a sheltered entrance, serves as a buffer against street noises, and with fencing and vegetative screening closes off the entire width of the lot from the street.

Additional fencing encloses the patio completely. On the other side of the unit, enclosed except toward the interior of the block (or completely enclosed if desired) is a second private yard, available for drying clothes or other purposes.

The "front" yard — toward the interior of the block with its walkway — is open, inviting visits not only from the neighbors on either side but also from those across the block. If neighborliness is a virtue, this should encourage it. The interior "front" yards provide a play area away from the street for children, under the eyes of their mothers, and a far more usable open area than is formed by conventional front yards on the street side. Figure 11 shows variations on this theme for a group of units. Differences in driveway, carport, and utility room arrangements provide alternative solutions to the street-side problem, with never less than two off-street parking spaces. Different unit shapes and patio arrangements are also demonstrated.

From this diagram, the shape of the inner-block neighborhood begins to emerge. The next row of lots is offset, and a similar orientation of mobile homes there would produce a maximum of openness down the center of the block.

Figure 10

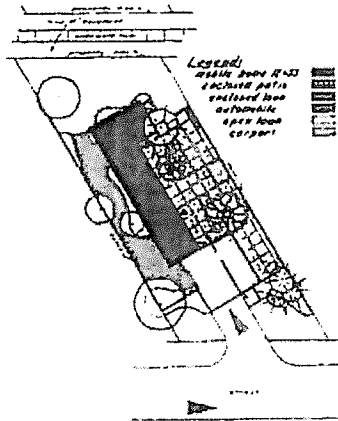
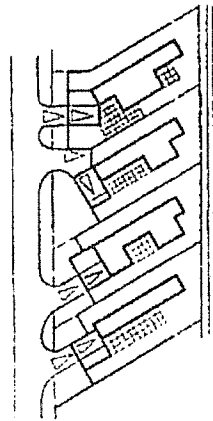


Figure 11



In cul de sac arrangements, the same principles can be made to apply and increased variation is possible. Figure 12 is a detail on one use of an irregular lot. Figure 13 is a cul de sac merging into rows of straight lots. The cul de sac diagram indicates that for mobile home lots, at least, there is no overpowering reason why side lot lines should be radial to a curve.

Figure 12

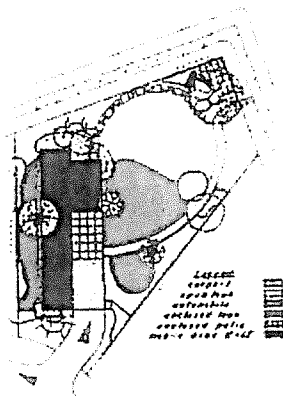


Figure 13

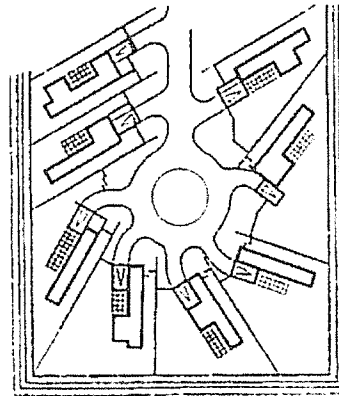
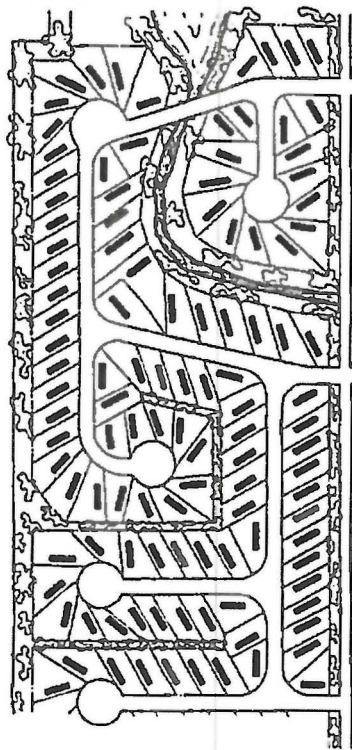


Figure 14

To extend the ideas indicated from individual lots and small groups of lots to a subdivision, the layout in Figure 14, adapted from the site used in *How to Subdivide*, 5 shows a portion of a mobile home subdivision. The main road runs north and south at the right. No lots have direct access to this artery — it is separated from lots by a landscaped strip which would serve as insulation, for easements, and on its inner margin as a pedestrian way. Interior traffic would not be through traffic, and would be slow. A variety of lot sizes and shapes are available. The plan would be improved if the walkways converged on the streamside parkway, which leads to a community center to the north, outside the area shown.

The illustrations thus far were prepared especially for this report. Figures 15 and 16 show a part of the prize-winning entry of Arthur G. Foster, Jr. in the Mobile Home Manufacturers Association's student contest.

Again, the lot arrangement is oriented away from the street and the patio is enclosed. The joint carport might be difficult in a mobile home subdivision.



In Figure 16, the general plan emphasizes landscaping, commons, and an interior walkway system, with streets subordinate to the primary residential purpose.

Figure 15

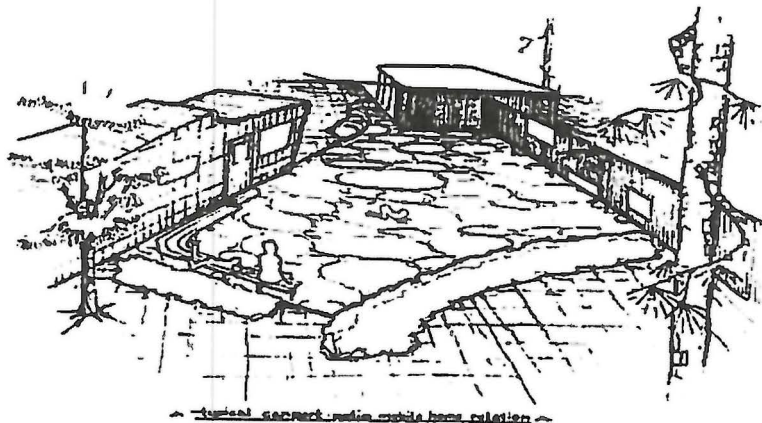


Figure 16

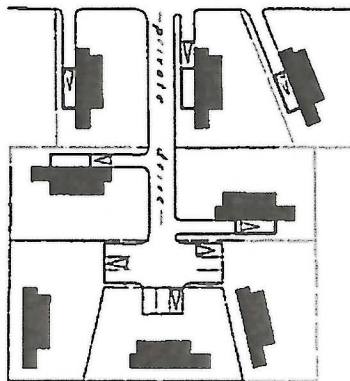
275



mobile home park competition ①

This detail (Figure 17) from a design for a mobile home subdivision is sketched from a plan prepared by the Mobile Home Manufacturers Association. It provides for development in depth, and as a module can be repeated.

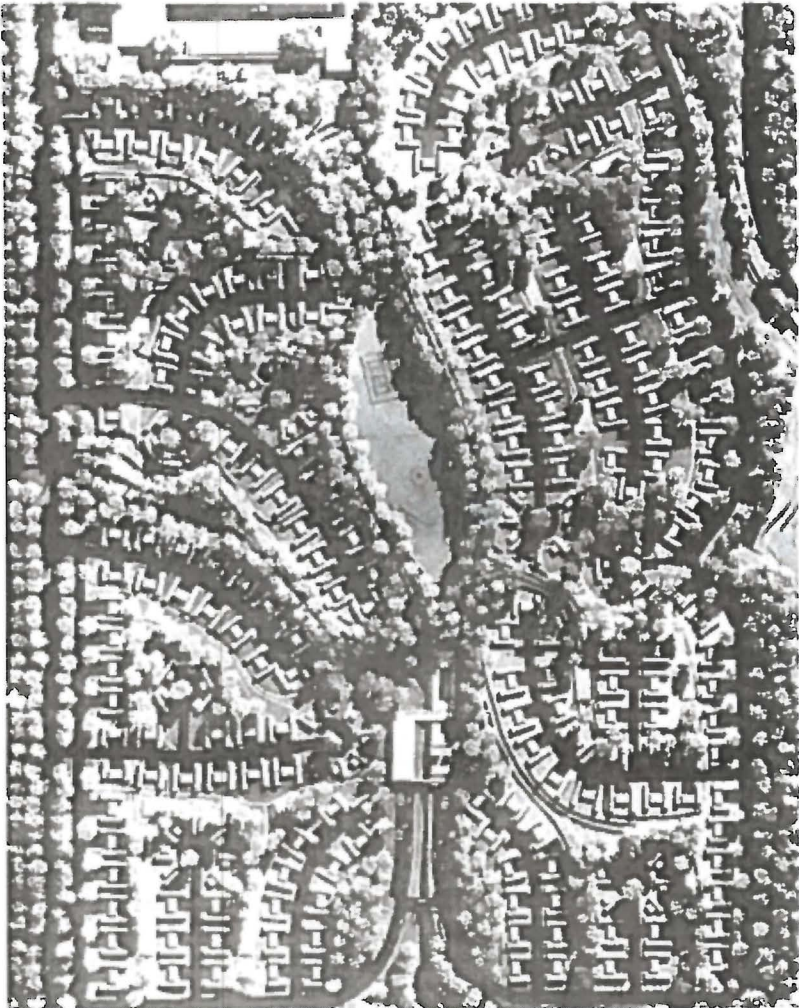
Figure 17

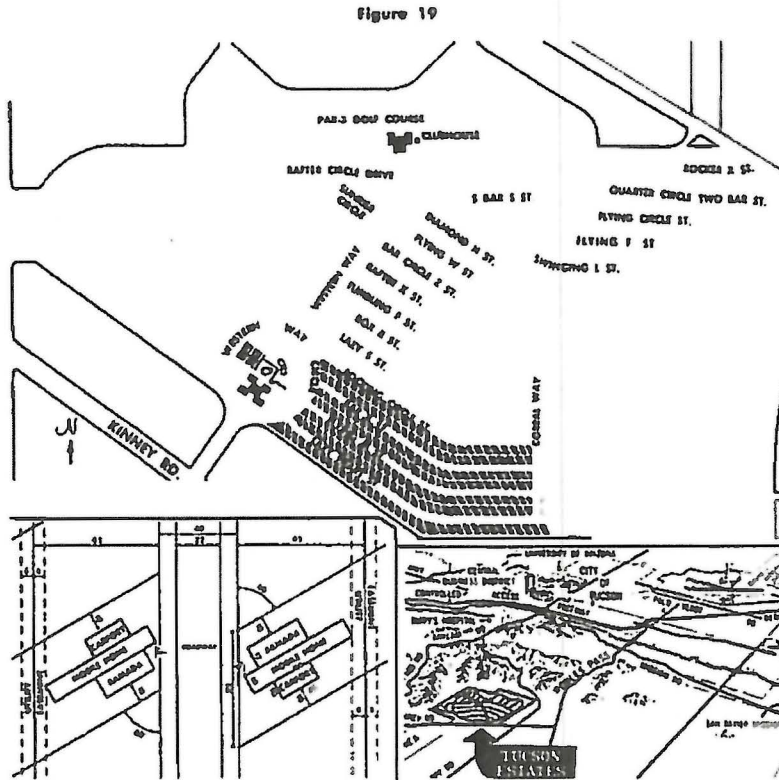


As indicated by the scale of the units, the lots are large. In many jurisdictions, the use of the private street might present legal problems — entry of public vehicles onto private property — and except in "managed" subdivisions, maintenance responsibility would have to be carefully allocated. Figure 18 below is the first prize winner from the professional entries in MHMA's mobile home park competition. This was submitted by Ralph T. Bergsma, Farmington, Michigan.

Figure 19 below is a plan being developed by the largest mobile home subdivision operator in the country, Mobilife Corporation, headed by Sydney Adler.

Figure 18





Appendix A

DEED RESTRICTIONS TRI-PAR ESTATES

DEED RESTRICTIONS FOR TRI-PAR ESTATES SUBDIVISION, SARASOTA, FLORIDA RECORDED IN PLAT BOOK 13, PAGE 9, PUBLIC RECORDS OF SARASOTA COUNTY AS RECORDED IN OFFICIAL RECORDS BOOK 258, PAGE 445, IN THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

This Indenture made the sixth day of October, 1960 by MOBILIFE CORP., hereinafter called Company, a Delaware corporation organized and existing under the laws of the State of Delaware and authorized to do business in the State of Florida, having title to a tract of ground designated as TRI-PAR ESTATES Subdivision, whereas the Company intends to develop and improve said tract of land and open up and layout the streets shown on said plat and offer for sale the lots and other parcels of land included in said tract and is desirous of subjecting all of said tracts of lands, and the lots and parcels shown on said plat to certain covenants, agreements, easements, restrictions, conditions and charges as hereinafter set out;

NOW, THEREFORE, THIS INDENTURE WITNESSETH, that the Company does hereby impose and charge lots, blocks or parcels of TRI-PAR ESTATES Subdivision for itself, its successors or assigns with certain exceptions and covenants, agreements, easements, restrictions, conditions and charges hereinafter set out lying, being and situated in Sarasota County, Florida:

1. No building (addition or accessory), mobilehome, fence, wall or other structure shall be commenced, erected or maintained, nor shall any addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, floor plan, materials, location and approximate cost of such structure have been submitted to and approved in writing by the Company. The Company's failure to give notice of its disapproval of such plans and specifications within thirty days after receipt thereof by Company shall be deemed to constitute its approval thereof.
2. There shall be a minimum set back of 5 feet from all property lines for all permanent or temporary structures or mobilehomes on Lots 1 through 123, both inclusive, in said subdivision. Company may, in its discretion, release any lot, block or parcel from the restrictions contained in this paragraph.
3. No well or septic tank shall be constructed in said subdivision without the prior written approval of Company.
4. Lots 1 through 123, both inclusive, in this subdivision shall be used exclusively for residential purposes, except as designated by Company.
5. No signs or advertisements shall be displayed on Lots 1 through 123, both inclusive, in said subdivision or right of ways, except as designated by Company.
6. No boat, boat trailer, travel trailer or any similar property shall be stored in said subdivision without the prior written approval of Company.
7. Company reserves the right to enter upon all lots, blocks or parcels to care for, cut grass, remove rubbish and keep all lots, blocks or parcels from creating an unsightly appearance and to charge the owner of said lot, block or parcel for the actual cost plus 10% for service performed in alleviating said unsightly appearance. Any such charge shall constitute a lien against the property and be enforceable as provided in the Mechanic's Lien Law of the State of Florida.
8. All mobilehomes must have a minimum of 320 feet of floor area in the primary unit (not counting cabanas). They must have complete sanitary facilities, including, among others, a lavatory, wash basin, tub or shower, kitchen sink, and must be connected to sewerage outlets in conformity with state health requirements.

9. All drying wash must be hung in an area provided for that purpose as designated by the Company, except that a folding drying rack not more than 4 feet in height may be placed on the back of any lot.
10. No television or radio antennae or towers may be erected in said subdivision except as designated by Company.
11. No household pets will be kept in said subdivision except in such areas as shall be designated in writing by the Company.
12. Not more than one Mobilehome shall be placed on each lot.
13. No children under 12 years of age shall reside in said subdivision.
14. No lot or part of lot in said subdivision shall be regraded without written consent of the Company.
15. In the event of any violation or threatened violation of any of the covenants herein, the Company or any owner of any lot, block or parcel in the subdivision may bring action at law or in equity, either for Injunction, action for damages or other such remedy as may be available.
16. The failure by any land owner or the Company to enforce any restrictions, conditions, covenant or agreement herein contained shall in no event be deemed a waiver of the right to do so thereafter as to the same breach or as to one occurring prior or subsequent thereto, nor shall such failure give rise to any claim or cause of action against the Company or such land owner.
17. The covenants herein contained run with the land and, unless otherwise terminated by the Company in accordance with the provisions herein contained, shall bind all persons in interest, all owners of lots, blocks or subdivisions and their heirs, legal representatives, successors and assigns until January 1, 2000, at which time said covenants shall be automatically extended for successive periods of ten years each unless, by mutual agreement between the Company and owners, of a majority in number, of lots at or prior to the end of the initial term or any successive period of ten years, said covenants shall be amended, changed or terminated in whole or in part. Such amendments, changes or terminations shall be effected by instruments in recordable form executed by the Company and filed in the proper office of record.
18. If any provision of this indenture or the application of such provision to any person or circumstances shall be held invalid, the remainder of this indenture or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.
19. Mobilife Corp. shall have the right to transfer to any other corporation, person or partnership all of its rights and obligations hereunder; upon such transfer and the assumption of such obligations by the transferee, Mobilife Corp. shall have no further obligations hereunder.

Appendix B

Check List: What ... to regulate ... Where

Mobile Home Units	
Value, appearance, age	Restrictive covenants
Size	Restrictive covenants, housing code
Construction	Special building, plumbing, heating, electrical codes (manufacturer's seal of compliance)
Facilities, livability	Housing code, sanitary regulations
Location	Zoning ordinance
Additions	Zoning ordinance, building code
Fire safety	Fire prevention and protection regulations
Mobile Home Lot	
Location, width, area, yards, coverage by unit and additions, off-street parking	Zoning ordinance
Access to street	Zoning ordinance, subdivision regulations
Design	Subdivision regulations
Drainage, water supply, sewerage	Subdivision regulations, sanitary regulations
Gas, electricity, phone, other utilities supplied	Subdivision regulations
Fences, walls	Zoning ordinance
Property numbering	Subdivision regulations
Mobile Home Subdivision	
Location, area, minimum number of spaces	Zoning ordinance, subdivision regulations
Streets, layout, width, construction, lighting, naming, marking, etc.	Subdivision regulations
Drainage	Subdivision regulations, zoning (flood plain)
Water supply, sewerage	Subdivision regulations, sanitary regulations
Landscaping	Subdivision regulations, zoning ordinance (buffer plantings may be required)
Sidewalks	Subdivision regulations

Open areas	Subdivision regulations, zoning ordinance (smaller lots may be permitted subject to provision of compensating open area)
Sites for public and quasi-public buildings and uses	Subdivision regulations (provisions as appropriate for churches, schools, municipal buildings, parks, playgrounds, playfields)
Commercial facilities	Zoning ordinance, subdivision regulations
Building construction	Building, plumbing, heating and electrical codes
Electric, gas, phone and other utilities	Subdivision regulations (easements)
General design	Subdivision regulations

Appendix C

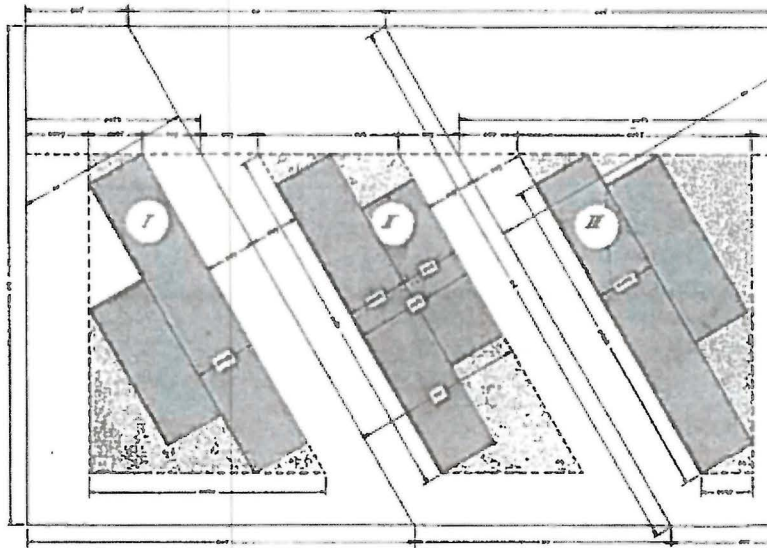
FORMULAS FOR 30° PARALLELOGRAM LOTS

These formulas are based on the geometric analysis of 30° right triangles. The numbers are the trigonometric functions of 30° angles.

Definitions of abbreviations, and their application to types of lots:

Ab	Buildable area of lot (shaded area)	(all types)
At	Total area of lot	(all types)
cd	Conventional depth of lot	(all types)
cdb	Conventional depth of buildable area	(all types)
cdfy	Conventional depth of front yard	(all types)
cdry	Conventional depth of rear yard	(all types)
cdy	Conventional depth of front and rear yards	(all types)
cw	Conventional width of lot	(type II)
cwb	Conventional width of buildable area	(type II)
cwbf	Conventional width of buildable area at front	(types I and III)
cwbr	Conventional width of buildable area at rear	(types I and III)
cwcy	Conventional width of corner yard	(types I and III)
cwf	Conventional width of lot at front line	(types I and III)
cwfb	Conventional width of lot at front of buildable area	(types I and III)
cwr	Conventional width of lot at rear line	(types I and III)
cwy	Conventional width of side yard	(all types)
ed	Effective depth of lot	(all types)
edb	Effective depth of buildable area	(all types)
edmh	Effective depth (length) of mobile home	(all types)
ew	Effective width of lot	(all types)
ewa	Effective width of mobile home additions	(wings, patio, etc.)
ewb	Effective width of buildable area	(type II)
ewmh	Effective width of mobile home	(all types)
ewy	Effective width of side yard	(all types)

Figure 20



Formulas:

$Ab \text{ (I and III)} = (1/2 (cwbf + cwbr)) \times cdb$
 $Ab \text{ (II)} = ewb \times edb = cwbr \times cdb$
 $At \text{ (I and III)} = (1/2 (cwf + cwr)) \times cd$
 $At \text{ (II)} = ew \times ed = cw \times cd$
 $cd = ed \times .8660 = cdy + cdb$
 $cdb = cd - cdy = (edmh + (ewmh \times .57735)) \times .8660$
 $cdfy = \text{predetermined}$
 $cdry = \text{predetermined}$
 $cdy = cdfy + cdry$
 $cw = ew \times 1.1547$
 $cwb = ewb \times 1.1547$
 $cwbf \text{ (I)} = ewmh \times .8660 = cwbr \text{ (III)}$
 $cwbf \text{ (III)} = (ewmh \times 1.1547) + 1/2 edmh = cwbr \text{ (I)}$
 $cwbr \text{ (I)} = (ewmh \times 1.1547) + 1/2 edmh = cwbf \text{ (III)}$
 $cwbr \text{ (III)} = ewmh \times .8660 = cwbf \text{ (I)}$
 $cwcy = \text{predetermined}$
 $cwf \text{ (I)} = cwy + cwbf + cwcy - (cdfy \times .57735)$
 $cwf \text{ (III)} = cwy + cwbf + cwcy + (cdfy \times .57735)$
 $cwfb \text{ (I)} = cwf + (cdfy \times .57735)$
 $cwfb \text{ (III)} = cwf - (cdfy \times .57735)$
 $cwr \text{ (I)} = cwy + cwbr + cwcy + (cdry \times .57735)$
 $cwr \text{ (III)} = cwy + cwbr + cwcy - (cdry \times .57735)$
 $cwy = ewy \times 1.1547$
 $ed = cd \times 1.1547$
 $edb = cdb \times 1.1547$
 $edmh = \text{predetermined}$
 $ew \text{ (I and III)} = (1/2 cwfb \times .8660) + (1/2 cwfb \times 1.1547)$
 $ew \text{ (II)} = cw \times .8660 = ewmh + ewa + 2ewy$
 $ewa = \text{predetermined}$
 $ewb \text{ (II)} = ewmh + ewa = ew - 2ewy$
 $ewmh = \text{predetermined}$
 $ewy = \text{predetermined}$

Examples of the application of these formulas to the tables shown in this report are as follows:

Table 1: Lot Widths — Interior Lots

$cw = ew \times 1.1547$ For 32' effective width, $cw = 32' \times 1.1547 = 36.95'$

Table 2: Street Frontage — Corner Lots

Type I: $cwf = cwy + cwbf + cwcy - (cdfy \times .57735)$

Type III: $cwf = cwy + cwbf + cwcy + (cdfy \times .57735)$

Total = $cwf \text{ (I)} + cwf \text{ (III)}$

For a 30' mobile home on a type III lot,

$cwf = (ewy \times 1.1547) + ((ewmh \times 1.1547) + 1/2 edmh) + cwcy + (cdfy \times .57735)$

$= (10' \times 1.1547) + ((12' \times 1.1547) + 1/2 30') + 12.5' + (25' \times .57735)$

$= 11.55' + (13.86' + 15') + 12.5' + 14.43' = 67.34'$

Table 3: Lot Depth and Block Dimensions

$ed = cd \times 1.1547$

$cd = cdy + cdb = (cdfy + cdry) + ((edmh + (ewmh \times .57735)) \times .8660)$

column 3 = 2 x column 2

column 4 = column 3 + 60'

column 5 = $(217,800 \text{ sq. ft.} - (60' \times \text{column 4})) / \text{column 4}$

column 6 = $217,800 \text{ sq. ft.} / \text{column 4}$

Table 4: Lots Per Block and Per Gross Acre

Lots per block = $((\text{conventional block length} - \text{total corner lot frontage}) / \text{conventional width per lot}) + 2$ (corner lots) x 2 lots deep (each of these factors is taken from the previous tables)

Lots per acre = lots per block + 5 acres per block

Table 5: Lot Area Required — Interior Lots
 $A_t = ew \times ed = (ewmh + ewa + 2ewy) \times ed$ (ed is shown in table 3)

Table 6: Lot Area Required — Corner Lots
 A_t (I and III) = $(1/2 (cwf + cwr)) \times cd$
 (cd = table 3, column 2)
 (cwf (I) = table 2, column 1)
 (cwf (III) = table 2, column 2)
 cwr (I) = $cwy + ((ewmh \times 1.1547) + 1/2 edmh) + cwcy + (cdry \times .57735)$
 cwr (III) = $cwy + (ewmh \times .8660) + cwcy - (cdry \times .57735)$

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Mobile Home Park Zoning Districts

Example 1

602.1.3.6. RSMH-4.5: Residential Single Family Manufactured Home District. The RSMH-4.5 District is intended to provide manufactured home for parks and subdivisions in a suburban residential environment with a maximum density of four and one-half (4.5) dwellings per acre. In addition, this district is intended to accommodate a complement of residential support uses normally utilized during the daily activities of residents, to protect these areas from the encroachment of incompatible uses and to guide development within the district to occur in a manner that complies with the Comprehensive Plan. This district is not intended to be applied to individual lots or tracts of less than twenty (20) acres. See Figure 6-3. New manufactured home developments are prohibited within the Coastal High Hazard Area Overlay District. Manufactured Home Subdivisions shall be processed by the procedures and standards of Chapter 9, Subdivisions. Manufactured Home Parks shall be processed by the procedures of Section 508, Site Plans, and the standards of Sections 508.3.3, 508.3.4, and 603.8.

602.1.3.9. RSMH-6: Residential Single Family Manufactured Home District. The RSMH-6 District is intended to provide for manufactured home subdivisions and parks in a suburban residential environment with a maximum density of six (6) dwelling units per acre. In addition, this district is intended to accommodate a complement of residential support uses normally utilized during the daily activities of residents, to protect these areas from the encroachment of incompatible uses and to guide development within the district to occur in a manner that complies with the Comprehensive Plan. This district is not intended to be applied to individual lots or tracts of less than twenty (20) acres. See Figure 6-4. New manufactured home developments are prohibited within the Coastal High Hazard Area Overlay District. Manufactured Home Subdivisions shall be processed by the procedures and standards of Chapter 9, Subdivisions. Manufactured Home Parks shall be processed by the procedures of Section 508, Site Plans, and the standards of Sections 508.3.3, 508.3.4, and 603.8.

Example 2

Residential Manufactured Home District (RMH).

a. The RMH District provides for manufactured housing in Sarasota County and recognizes the existence of manufactured housing as a housing choice for the County's residents. This district is further intended to declare that the use of manufactured homes for dwelling purposes shall only be allowed in manufactured home parks or manufactured home subdivisions. This district of manufactured home development is provided to allow a suitable living environment in manufactured homes and to ensure the compatibility of such developments with adjoining and nearby present and future development of other types of residential units.

b. The RMH District shall generally be used to implement the Comprehensive Plan within those areas shown as Moderate or Medium Density Residential on the Future Land Use Map.

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RECREATIONAL VEHICLE PARKS

The recent code update project included revisions to regulations for RV parks. P&Z requested that staff prepare information on the RV park chapter of code as part of this effort

This packet includes the following information:

- Current Chapter 17.165 KIBC Recreational Vehicle Parks
- Draft code provisions included in the code update documents
- The 12/09/14 supplemental staff report to P&Z
- Public comments received related to ADUs (still assembling these)

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Current Zoning Code Regulations for RV Parks

Chapter 17.25 DEFINITIONS

17.25.190 R definitions.

"Recreational vehicle" means a vehicular-type unit primarily designed as living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle and does not exceed eight feet in width or 35 feet in length. Examples of recreational vehicles are travel trailers, camping trailers, truck campers, and motor homes.

"Recreational vehicle park" means a tract of land upon which two or more recreational vehicle spaces are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for 20 percent of the park's occupants and permanent living quarters for 80 percent of the park's occupants.

"Recreational vehicle space" means a plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle, or other individual camping unit on a temporary or permanent basis.

Chapter 17.165 RECREATIONAL VEHICLE PARKS

Sections:

- 17.165.010 Intent.**
- 17.165.020 Definitions.**
- 17.165.030 Conditional use.**
- 17.165.040 Development standards.**
- 17.165.050 Recreational vehicles on individual lots.**

17.165.010 Intent.

The intent of this chapter is to provide minimum acceptable standards for the establishment and permanent maintenance of recreational vehicle parks. [Ord. 90-39 §2, 1990; Ord. 85-8-O §1, 1985; Ord. 82-34-O §4, 1982. Formerly §17.53.010].

17.165.020 Definitions.

For the purpose of this title the following definitions apply:

"Manufactured home" means a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected onsite is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure will be based on the structure's exterior dimensions

measured at the largest horizontal projections when erected onsite. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but does not include bay windows. This term includes all structures which meet the requirements except the size requirements and with respect to which the manufacturer voluntarily files a certification pursuant to subsection 3282.12 and complies with the standards set forth in Part 3280 (24 CFR Chapter 20 Part 3280).

“Recreational vehicle” means a vehicular-type unit primarily designed as living quarters for recreational, camping, or travel use, which either has its own motive power, or is mounted on or drawn by another vehicle and does not meet the definition of a “manufactured home.” Examples of recreational vehicles are travel trailers, camping trailers, truck campers, and motor homes.

“Recreational vehicle park” means a tract of land upon which at least 10 or more recreational vehicle spaces are located, established or maintained for occupancy by recreational vehicles of the general public.

“Recreational vehicle space” means a plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle, or other individual camping on a temporary or permanent basis. [Ord. 90-39 §2, 1990; Ord. 85-8-O §1, 1985; Ord. 83-56-O(A) §§1 – 3, 1983; Ord. 82-34-O §4, 1982. Formerly §17.53.020].

17.165.030 Conditional use.

Because of their potential impact on adjacent land uses, recreational vehicle parks shall only be permitted as conditional uses in all land districts. [Ord. 90-39 §2, 1990; Ord. 85-8-O §1, 1985; Ord. 82-34-O §4, 1982. Formerly §17.53.030].

17.165.040 Development standards.

The following development standards shall be met or exceeded by all recreational vehicle parks prior to the placement or occupancy of any recreational vehicle in the park:

- A. Density. The average park density shall not exceed 25 recreational vehicle sites per acre.
- B. Area. Each recreational vehicle space shall contain not less than 1,000 square feet of area.
- C. Width. Each recreational vehicle space shall be at least 20 feet wide.
- D. Occupancy.
 - 1. A recreational vehicle park shall only accommodate recreational vehicles and tent camping.
 - 2. One mobile home or permanent structure may be located or installed in a recreational vehicle park for use by persons engaged in the management or operation of the recreational vehicle park.
 - 3. No structure or attachment shall be constructed or installed on any recreational vehicle space, or to any recreational vehicle.
 - 4. The recreational vehicle park owner shall not locate any recreational vehicle in the park for the purpose of renting or leasing the recreational vehicle to another.
- E. Setbacks. No recreational vehicle space shall be closer than 25 feet to any property line facing a public street or closer than eight feet to any other property line.
- F. Separation. No part of a recreational vehicle shall be located closer than 10 feet from any other recreational vehicle on an adjacent space.
- G. Open Space and Play Area. A space containing not less than five percent of the gross area to be developed shall be set aside, designated, equipped and maintained as an open space and play area. The

area shall be well-drained and graded, kept free from dust, and kept clean and free from the accumulation of refuse, garbage, rubbish or debris.

H. Screening. Fifty percent sight-obscuring screening that is a minimum of six feet in height shall be provided and permanently maintained along all property lines. As an example, appropriate screening could include a fence along the side and rear property lines and landscaped screening with an entrance way along the front property line.

I. Required Toilet and Shower Facilities. Toilet and shower facilities will be provided as required by the more restrictive of the borough's currently adopted Uniform Plumbing Code or the state of Alaska public accommodation regulations.

J. Lighting. During the hours of darkness adequate lighting shall be maintained at the entrances to restroom facilities and within the restroom facilities.

K. Waste Disposal Station. At least one waste disposal station shall be provided in accordance with state of Alaska regulations.

L. Roads. Well-drained, gravel-surfaced roadways, not less than 12 feet in width for one-way traffic and not less than 20 feet in width for two-way traffic, shall provide access to each recreational vehicle space.

M. Solid Waste Management. A solid waste management plan must be provided to and approved by the borough engineering and facilities department staff. [Ord. 90-39 §2, 1990; Ord. 85-8-O §1, 1985; Ord. 83-56-O(A) §§4, 8, 1983; Ord. 82-34-O §4, 1982. Formerly §17.53.040].

17.165.050 Recreational vehicles on individual lots.

A. Recreational vehicles may be used as dwelling units on individual lots when they are used in conjunction with the construction of a permanent dwelling unit. They may be located on an individual lot for a period of not more than 180 days. A one-time extension of up to 180 days will be permitted by staff if there has been substantial progress made towards the completion of the permanent dwelling unit. Recreational vehicles shall be completely vacated at the expiration of this time limit.

1. No certificate of occupancy shall be issued for the permanent dwelling unit until the recreational vehicle is vacated, in conformance with all applicable regulations.

2. Any recreational vehicle used as provided for in subsection A of this section is required to be connected to either the public sewer and water system or an individual on-site septic system and well.

B. The parking or otherwise locating of recreational vehicles for any purpose other than storage or as permitted in subsection A of this section outside a recreational vehicle park is prohibited unless authorized by the issuance of zoning compliance subject to the following limitations:

1. Only one recreational vehicle is permitted per lot;

2. The maximum length of occupancy for each lot is 60 days in each 12-month period;

3. The recreational vehicle cannot reduce the available off-street parking spaces to less than two spaces;

4. No portion of a recreational vehicle occupied under this section can be located in a right-of-way; and

5. Recreational vehicles occupied under this section must be located on a residentially zoned lot with a main dwelling or on an adjacent lot in common ownership.

C. The intent of this section is to provide locations for the temporary use of recreational vehicles by visitors and tourists. [Ord. 90-39 §2, 1990. Formerly §17.53.050].

Proposed Chapter 17.180 for RV Parks (from code update project)

Chapter 17.180

LODGING, ENTERTAINMENT, RECREATION, AND FOOD SERVICE USES

17.180.060 Recreational Vehicle Parks

- A. Density. The gross park density shall not exceed 25 recreational vehicle sites per acre.
- B. Area. Each recreational vehicle space shall contain not less than 1,000 square feet of area.
- C. Width. Each recreational vehicle space shall be at least 20 feet wide.
- D. Occupancy.
 - 1. A recreational vehicle park shall only accommodate recreational vehicles and tent camping. The maximum term of occupancy for each recreational vehicle shall be 180 days.
 - 2. One mobile home or permanent structure may be located or installed in a recreational vehicle park for use by persons engaged in the management or operation of the recreational vehicle park.
 - 3. No structure or attachment shall be constructed or installed on any recreational vehicle space or recreational vehicle.
 - 4. A recreational vehicle park owner or a recreational vehicle owner may not rent a recreational vehicle to another person.
- E. Setbacks. A recreational vehicle space shall not be closer than 25 feet to any property line facing a public street or closer than eight feet to any other property line.
- F. Separation. A recreational vehicle shall not be located closer than 10 feet from any other recreational vehicle on an adjacent space.
- G. Open Space and Play Area. An open space or play area of not less than five percent of the gross area of the recreational vehicle park shall be provided.
- H. Screening. Screening meeting the requirements of KIBC 17.150.020 that is at least fifty percent opaque and six feet high shall be provided and maintained along all property lines adjacent to residential uses.
- I. Required Toilet and Shower Facilities. Toilet and shower facilities will be provided as required by the borough's currently adopted Plumbing Code or the state of Alaska public accommodation regulations, whichever is more restrictive.
- J. Lighting. Restrooms and restroom entrances shall be adequately illuminated during hours of darkness.
- K. Waste Disposal Station. At least one waste disposal station shall be provided in accordance with ADEC regulations.
- L. Roads. Each recreational vehicle space shall be accessed by a well-drained, gravel-surfaced road, not less than 12 feet wide for one-way traffic and not less than 20 feet wide for two-way traffic.
- M. Solid Waste Management. A solid waste management plan must be provided to and approved by the borough engineering and facilities department staff.
- N. Accessory Retail Sales. Retail sales of goods intended for use by the guests of the park such as firewood, LP gas, convenience food, and personal items, etc., are permitted, provided that retail sales are not open to the general public.

- O. Prior to operating a RV Park, a copy of the certificate of registration for the transient accommodation tax (KIBC 3.55.080) or the certificate of exemption from that tax (KIBC 3.55.060) must be submitted to the community development department.

12/09/14 Supplemental staff report to P&Z (From code update project)

17.50.100 (lines 1402 & 1406, page 31). Recreational vehicle and Recreational vehicle park definitions. A comment notes that boats, personal watercraft, and all-terrain vehicles are not intended to be placed in RV parks for occupancy. The recommended change is shown below.

Recreational vehicle. A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use and which has its own motive power or is mounted on or drawn by another vehicle. Examples of recreational vehicles are travel trailers, camping trailers, truck campers, motor homes, boats, personal watercraft, and all-terrain vehicles.

Recreational vehicle park. A tract of land upon which ten or more recreational vehicle spaces are located, established, or maintained for occupancy by recreational vehicles as temporary living quarters by the park's occupants. For purposes of this definition, boats, personal watercraft, and all terrain vehicles shall not occupy recreational vehicle spaces for occupancy.

17.50.100 (line 1409, page 31). Recreational vehicle space definition. Comment recommends the change noted below:

- A. Recreational vehicle space. A plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle ~~or other individual camping unit~~ on a temporary basis.

Public Comments

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ACCESSORY DWELLING UNITS (ADUS)

The concept of adding code provisions for accessory dwelling units (ADUs) was included in the recent code update project. This concept was included as part of the PAC recommendations. Currently, ADUs are not permitted in any zoning district.

This packet includes the following information:

- The draft code provisions included in the code update documents
- The 09/02/14 staff report to P&Z
- The 12/09/14 supplemental staff report to P&Z
- Public comments received related to ADUs (still assembling these)

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Proposed KIBC 17.160.160 (From code update project)

17.50.030 Definitions

Dwelling unit, Accessory. A dwelling unit which is located on the same lot as another dwelling unit and which meets the requirements of KIBC 17.160.150.

17.160.150 Accessory Dwelling Units

- A. Accessory Dwelling Units (ADUs). Accessory dwelling units add variety and housing choice in residential neighborhoods and can be an effective way to add affordable rental housing stock to existing neighborhoods. ADUs also provide options for residents to age in place or to live with or near family and caregivers, providing a flexible way to address family needs for additional housing.
1. An ADU may be located within a single-family detached dwelling or a detached accessory building on the same lot as a principal dwelling. If the ADU is located within a single-family detached dwelling, there shall only be one entrance to the front of the house. Separate entrances to an ADU are permitted at the side or the rear of the principal dwelling unit.
 2. ADUs are required to comply with all applicable building and fire code requirements.
 3. The accessory dwelling unit must have a bathroom and shall share the same sewage disposal and water supply systems as the principal dwelling unit unless separate sewer and water connections are required by the City of Kodiak or ADEC.
 4. A minimum of one additional off-street parking space shall be provided. The additional space shall be on the same lot as the principal dwelling unit.
 5. If the ADU and the principal residence are located on the same floor or story, the ADU shall be limited to 33 percent of the total living area of the principal dwelling or 650 square feet, whichever is less. If the ADU is located on a single floor or story and there is no increase in the size of the house, the entire floor or story may be used for the ADU.
 6. The accessory dwelling may contain no more than a living area, one bedroom, one bath, and a kitchen.
 7. The owner of the property shall live in the principal dwelling or the ADU.
 8. No more than two people shall occupy the ADU.
 9. No new access points or driveways shall be created or installed for access to the ADU.

09/02/14 Staff report to P&Z (From code update project)

New Provisions for Accessory Dwelling Units

Sometimes called mother-in-law apartments or granny flats, accessory dwelling units (ADUs) have become more popular around the country for several reasons; including allowing seniors to age in place, young adults returning home to live, providing affordable or worker housing, and rental income for owners.

ADUs are not allowed in the current code. The new code defines an ADU as an accessory residential use. The code also establishes size, occupancy, and parking requirements that are designed to minimize the potential impacts of ADUs. See KIBC 17.160.150 (line 3519 – page 95). As proposed, an accessory dwelling unit could be located within an existing structure or in an accessory structure. The size, occupancy, and parking standards for ADUs have generated considerable discussion at P&Z work sessions and some public comment (both pro and con) has been received.

Positive Aspects of this change

Allowing ADUs may result in expanded housing and development opportunities for many residents and property owners in the Borough. ADUs typically utilize existing public infrastructure such as roads, water, and sewer lines rather than infrastructure that may be required to serve new development. In addition, increased tax revenues, in the form of property and sales tax receipts, should accrue to the corresponding jurisdictions.

Negative Aspects of this change

ADUs are often perceived as doubling the allowable (or potential) density of existing zoning districts. This is often a concern to many property owners, especially in areas zoned for one single-family residence only, in part because they purchased their home with the understanding that it was in a single-family only residential area, rather than an area that allows duplexes or other multi-family housing options. Other concerns include an influx of renters in a neighborhood, parking congestion, and the equitable cost burden of municipal and private utility services. The details of the regulations for ADUs have been identified as one of the policy issues yet to be resolved in the draft code.

Staff recommends that the standards related to size, occupancy, and parking – as drafted – are appropriate.

Outstanding Policy Issues to be Resolved

ADU Standards

As previously noted, the draft code contains provisions for accessory dwelling units (ADUs). There has been considerable discussion about the standards for ADUs, largely related to size, the number of occupants, and parking.

Staff has researched a number of jurisdictions that permit ADUs. The common theme of ADU regulation is to limit the size of the unit and number of occupants. These regulations are intended to ensure that the ADU is truly an accessory to an established residence on the property. This is done by limiting the size and occupancy so that the ADU provisions of code are not used to create a duplex or two single-family residences on one lot where that would not be allowed in the underlying zoning district.

The draft ADU section (KIBC 17.160.150) proposes a maximum size of 650 square feet or no more than 33% of the square footage of the main dwelling unit. The maximum occupancy allowed would be two residents and one additional off-street parking space would be required. These limits are similar to ADU regulations in many other jurisdictions. During P&Z discussions, larger sizes of ADUs, allowing more than 2 residents, and requiring 2 parking spaces have been suggested. P&Z agreed to revisit these aspects of ADUs during the public hearings.

12/09/14 Supplemental staff report to P&Z (From code update project)

17.160.150 (line 3663, page 95). Accessory Dwelling Units. We have received comments in favor and opposed to the concept of ADUs, and comments have also addressed the size of an ADU. P&Z discussions during work sessions focused on the size, number of occupants, and parking required for an ADU. Staff recommends that the standards related to size, occupancy, and parking – as drafted – are appropriate. The Commission may also want to consider whether ADUs should be allowed in all zoning districts. For example, should ADUs be allowed in R-2 or R-3 zoning districts, where more than one dwelling unit is already permitted? As drafted, ADUs would require a CUP in the R-1, R-2,

and R-3 districts. ADUs are shown as a permitted use in the RR-1, RR-2, PR, C, V, and all CR districts (see Tables 17.80.030-1, 17.100.030-1, and 17.110.030-1).

17.160.150 A.1. (line 3668). Accessory Dwelling Units. As drafted, an ADU would be allowed within a single-family detached dwelling or a detached accessory building on the same lot. Staff has received verbal comments that ADUs should not be allowed in accessory buildings.

17.160.150 A.3. (line 3673). As drafted, an ADU must share the water and sewer systems as the main residence, unless otherwise required by the City or ADEC. As drafted, this would preclude installation of independent water and sewer systems for an ADU. A comment notes that for owners of large lots, it may be more practical to install separate (new) septic system or well for an ADU.

17.160.150 A.5. (line 3678). This section addresses the maximum size for ADUs, when they are within a single-family detached dwelling. The size limit for an ADU in accessory structures is not specified. Staff believes this is an oversight. If ADUs are allowed in accessory structures, staff recommends the size limit be the same as for an ADU in the main residence.

Public Comments Received

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PLANNED UNIT DEVELOPMENTS (PUDS)

The concept of adding code provisions for planned unit developments (PUDs) was included in the recent code update project. Currently, PUDs are not part of Title 17, Zoning. While PUDs are not typically associated with mobile home parks, PUD regulations may be an alternative way to establish a mobile home park, a mobile home park subdivision, or other types of affordable housing.

This packet includes the following information:

- The draft code provisions included in the code update documents
- The 09/02/14 staff report to P&Z
- The 12/09/14 supplemental staff report to P&Z

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Proposed Chapter KIBC 17.130 (From code update project)

Chapter 17.130

PLANNED UNIT DEVELOPMENTS

Sections:

- 17.130.010 Purpose and Intent
- 17.130.020 Qualifying Conditions
- 17.130.030 Preapplication Conference
- 17.130.040 Application and Review Process
- 17.130.050 Density Bonus and Open Space
- 17.130.060 Preliminary PUD Development Plan
- 17.130.070 Final PUD Plan
- 17.130.080 Suspension or Revocation
- 17.130.090 Appeals

17.130.010 Purpose and Intent

- A. This chapter establishes the authority and the submittal, review, and approval standards for applications for Planned Unit Development (PUD). This chapter authorizes the creation of a PUD plan as a conditional use permit in those zoning districts where PUDs are listed as a permitted conditional use in the schedule of uses for each zoning district (See Tables 17.80.030-1 through 17.110.030-1).
- B. The provisions of the chapter are not intended as a way to avoid or bypass the requirements of this title and the planning upon which it is based. However, the PUD option is designed to permit a degree of flexibility not available through conventional zoning for certain sites. The intended result of a PUD is to realize substantially superior development for the community and the ultimate users of the development that could not be achieved otherwise.
- C. PUDs are appropriate for situations where departing from conventional lot size or other dimensional requirements of the zoning ordinance district would:
 - 1. Permit retention or protection of natural features and open space, where this would be difficult or impossible using conventional zoning.
 - 2. Facilitate infill development on small or irregularly shaped parcels where application of standard zoning requirements would result in numerous applications for variances.
 - 3. Permit development on sites where strict application of conventional residential or commercial zoning requirements cannot be effectively applied or would result in a lesser quality development than is likely under a PUD.
- D. PUD Intent.
 - 1. Encourage innovation and allow for flexibility in land use planning.
 - 2. Encourage the use of land in accordance with its character and adaptability.
 - 3. Conserve natural resources, natural features, and energy.
 - 4. Provide enhanced housing, employment, shopping, recreational, and open space opportunities for the people of the Kodiak Island Borough.
 - 5. Bring about a greater compatibility of design and use between neighboring properties.
 - 6. Promote the purposes, goals, and objectives of the Kodiak Island Borough comprehensive plan.

7. Allow for increased density in residential projects in exchange for permanently dedicated open space or recreational amenities.
8. Allow for increased intensity (square footage or lot coverage) in exchange for permanently dedicated open space or recreational amenities.

17.130.020 Qualifying Conditions

- B. Uses allowed. The range of uses potentially allowed in a PUD is limited to the permitted or conditionally permitted uses in the underlying zoning district. All applicable requirements of this title and the underlying zoning district shall apply to a PUD, unless otherwise modified by the commission as part of the PUD approval.
- C. Scope. A PUD approval may permit greater flexibility in subdivision design, smaller lot sizes than required in the underlying zoning category, or a mix of dwelling unit types. A PUD may also include a mix of non-residential uses when the underlying zoning district permits those uses.
- D. A PUD shall comply with all of the following minimum qualifying conditions:
 1. The lands comprising a PUD must be under unified ownership or control, so that the person or legal entity that is applying for PUD approval will have proprietary responsibility to complete the development, if approved. If multiple persons or legal entities have ownership interests in the land, all such persons or entities shall sign the PUD application or, if the application is signed by a prospective buyer with an option to buy, written consent by all owners of the land must be submitted with the application.
 2. A PUD approval will be recorded to run with the land in perpetuity, unless the PUD is subsequently modified in the same manner as the original PUD approval.
 3. Water supply and sanitary sewage disposal for a PUD shall meet state and borough standards, and be approved by the agencies having jurisdiction prior to final PUD approval. On-site septic systems and wells may be permitted where public water and sewer service is not available or cannot be extended to serve the site.

17.130.030 Pre-application Conference

- A. Before submitting a PUD application, the applicant shall meet with the community development department and any staff or consultants the department deems appropriate. The purpose of a pre-application conference is to determine if the project is eligible for consideration as a PUD and to discuss the process and potential issues with the applicant. Multiple pre-application conferences may be held if the potential applicant and department agree.
- B. The applicant shall informally describe the project at the conference based on a sketch plan of the proposed PUD, as well as the following preliminary information:
 4. Reason(s) for seeking PUD approval.
 5. Characteristics of the site such as zoning, lot size and shape, unusual site features that may limit traditional development, topography, etc.
 6. Presence of wetlands or other natural features.
 7. Number of type of residential units proposed.
 8. Number, square footage, and type of nonresidential uses proposed.
 9. Area to be occupied by each type of use.
 10. Proposed site development details such as buffers, landscaping, pedestrian access, drainage, site lighting, signs, etc.
 11. Known deviations from standard zoning requirements and reasons for requested changes.
 12. Areas to be preserved as open or recreational space.
 13. All known natural resources and natural features to be preserved and those to be removed.
 14. Information on traffic, including trip generation, access points, and parking.

17.130.040 Application and Review Process

- E. All applications for PUD approval shall be reviewed pursuant to the procedures and standards in this chapter and the review procedures for conditional use permits as set forth in Chapter 17.260 KIBC.
- F. All proposals for PUD development shall ensure that:
 - 1. The proposed development shall be compatible with the mix of development in the immediate vicinity of the parcel in terms of density, height, bulk, and architecture.
 - 2. The proposed development shall be compatible with the character of existing land uses in the surrounding area. Land use conflicts between incompatible uses within and adjacent to the PUD shall be avoided.
 - 3. Energy-efficient siting, design, and construction techniques are incorporated.
 - 4. Adequate and appropriate access to amenities such as water, open space and natural areas, community recreational facilities, and trails are included in the design.
- C. The commission may allow exceptions to the underlying dimensional standards (e.g., setback requirements) where the PUD meets the other standards of this chapter.

17.130.050 Density Bonus and Open Space

- A. **Maximum Density.** Unless otherwise established pursuant to a final PUD plan, the maximum aggregate residential density shall be no greater than that permitted in the underlying zoning district.
- B. **Clustered Development.** A PUD may authorize changes or a reduction in required lot sizes and dimensions. An approved PUD allows lots to be smaller than would be allowed in the underlying zoning, while still holding to the maximum number of lots that would be permitted without the PUD. If the PUD is located in more than one zoning district, density shall be calculated on a proportionate acreage basis. This policy allows more flexibility in site design and the reservation of open space. Fractions of lots shall not be counted in determining maximum density.
 - 1. **Open space plan.** To gain the option for smaller lots than would otherwise be permitted by the underlying zoning, open space identified in a PUD must be planned to support and sustain public environmental and recreational values. Areas designated for open space must be planned as an integrated whole, rather than merely being isolated, leftover, unbuildable parcels.
 - 2. **Reservation of open space.** Land identified for open space shall be available for use by PUD residents or the public. To ensure that open space land will remain dedicated to open space uses, areas identified as open space in the PUD shall be reserved permanently for that use, through dedication of an open space easement. Alternatively, open space land may be held by a homeowners association or land trust, with the requirement that the land be reserved permanently as open space available for use by the residents of the project or the public. Dedication of open space to the public is permitted but not required for clustered development developed under this provision.
- C. **Optional Density Bonus.** As an incentive to promote the use of PUD development, an optional density bonus may be requested. When employed, this option can allow an increase in residential density and reduce minimum requirements beyond the basic PUD requirements as specified in KIBC 17.130.050 (A) and (B), above.
 - 1. The density bonus may be awarded in exchange for substantial benefits to the community and to promote the borough's goals and policies, as expressed in the borough comprehensive plan. This density bonus shall only be available to PUDs meeting the requirements of this section, and no development shall receive an aggregate density bonus greater than 30% of the normal residential density permitted in the underlying zoning district.
 - 2. To qualify for a density bonus, reserved open space shall be reserved permanently as open space available for use by the residents of the project and the public. Such open space in the PUD shall be reserved permanently for that use through dedication of an open space easement.

Alternatively, open space land may be held by a land trust, with the requirement that the land be reserved permanently as open space available for use by the residents of the project and the public.

3. Requirements. Dedicated open space in conjunction with a density bonus must meet one or both of the following two conditions:
 - a. Provision of Open Space. The property must be shown to contain significant or unique site or natural features, or large open space areas that would otherwise be developed, but that will be preserved by exercising the density bonus option. Table 17.130-1, below, identifies the maximum density bonus that will be allowed as a function of the percentage of property reserved for open space.
 - b. Open space established through the PUD shall be managed primarily to maintain natural features and natural functions, such as stream corridors, riparian vegetation or wildlife corridors, but may include:
 - i. Passive recreation opportunities for PUD residents and the general public including trails, boardwalks, interpretive markers and similar amenities.
 - ii. Limited active recreation areas including but not limited to trailheads and associated parking, neighborhood parks, and tot lots.
 - iii. The density bonus for open space improvement shall not exceed those standards outlined in Table 17.130.050, below.

Kodiak Island Borough	Table 17.130.050-1 Density Bonus: Open Space Improvements or Preservation	
Percentage of Property Reserved for Open Space	Additional Density Permitted	
30%	up to 10%	
35%	up to 15%	
40%	up to 20%	
45%	up to 25%	
50% or more	up to 30%	

D. Open Space Requirements. A PUD shall identify all areas that are to be reserved as permanent open or recreational space for the development. Any open space or recreational space to be dedicated to the public shall also be designated. The commission shall find that any such designated area has the proper dimensions and configuration and is large enough and accessible so as to be consistent with the intent of the PUD.

1. Open Space Maintenance
 - a. All open or recreational space shall be jointly owned by an association of PUD property owners or shall be deeded to a land conservation agency or governmental entity, with perpetual responsibility for its ownership and maintenance.
 - b. Deed restrictions, conservation easements, or other legal instruments shall guarantee all dedicated open space remains undeveloped in perpetuity and shall be submitted to the borough attorney for review prior to final PUD approval.

- c. All open space shall be reasonably accessible to the owners, tenants, and residents of the PUD and to the general public if so dedicated for public use.
- E. Innovative Design – Additional Density Bonus. PUD development plans that incorporate innovative design features with significant public benefits, such as traditional neighborhood development, traffic calming measures, innovative stormwater management (such as rain gardens, pervious paving, vegetative swales, or green roofs), and other similar features throughout the development at a level that exceeds standard practices in the community are encouraged.

Incorporating such design features into the PUD plan can contribute up to 10% increase in density in addition to the bonus allowed for open space. The commission shall find that any such innovative design feature(s) constitute a superior design and provide a significant public benefit so as to be consistent with the intent of this section and qualify for the additional density bonus.

17.130.060 Preliminary PUD Plan

- G. Following the pre-application conference, the applicant shall submit a completed application form for preliminary PUD approval, an application fee, and copies of the application and site development plan. The number of required copies shall be determined by the department. The PUD submittal shall include:
 - 1. Preliminary PUD Development Plan. A preliminary PUD development plan shall be submitted and if the PUD is to be developed in phases, all phases shall be shown.
 - 2. Submittals shall include narrative and mapped information, to be drawn at a conventional scale appropriate to the size and scale of the property, as approved by the department. The plan shall contain the following information:
 - a. Objectives of the proposed PUD and how they relate to the intent of Planned Unit Development, as described in KIBC 17.130.000.
 - b. Relationship of the proposed PUD to the borough comprehensive plan.
 - c. The area to be occupied by each type of use.
 - d. Residential density based on the number of dwelling units per gross site area and more specific residential density based on the number of units by type per gross site area associated with that particular unit type.
 - e. Number, square footage, and type of nonresidential uses.
 - f. Area(s) to be reserved as common open or recreational space.
 - g. Infrastructure, including roads, trails, recreational facilities; plans for drainage, water, and wastewater.
 - h. Implementation phases of the PUD and the approximate timing for each phase.
 - i. Known deviations from the regulations of this title that are being sought and the reasons to support the requested changes.
 - j. Maps showing the following:
 - i. Existing buildings and structures on the site.
 - ii. Buildings, structures, and uses on adjacent properties that are close enough to the PUD site that they may have an effect on or be affected by the proposed development.
 - iii. Proposed uses, buildings, and their locations including setback dimensions and separation distances.
 - iv. Open space areas, identifying areas to be retained in a natural state, and any improvements such as trail heads and related trailhead parking, play areas, or active recreational areas.
 - v. Grading and drainage plans, including retention and infiltration areas.

- vi. Rights-of-way and pavement edges or curb lines of existing streets abutting the PUD.
 - vii. Anticipated phasing of the PUD.
- B. The department or the commission may require additional information reasonably necessary to determine if the application complies with the review standards and other requirements applicable to a PUD, or to determine the impacts of the proposed development on its surroundings. Such information may include soils reports, hydrological tests, traffic studies, assessment of environmental impacts, or a market analysis. At any time during the PUD review process, the borough may hire experts as may be needed to provide independent studies regarding any issues related to PUD approval standards or to review plans, documents, or reports submitted by the applicant. Fees and expenses related to such review shall be paid by the applicant.
- C. Public Hearing. Upon determining that the application and all required information are complete, the department shall schedule a public hearing before the commission. The public notice and advertising requirements for a PUD shall be the same as those for a conditional use permit (see KIBC 17.80.040).
- D. Following the public hearing, the commission shall consider the PUD request and preliminary PUD plan and determine if the project is consistent with the borough comprehensive plan, the purpose and intent of the underlying zoning district, and the standards for review for a PUD in accordance with this chapter. The commission shall approve, deny, or grant preliminary approval with conditions for the PUD.
- E. Time limits.
- 1. A preliminary PUD shall be valid for two years. A PUD shall receive final PUD approval within that period.
 - 2. If final PUD approval is obtained pursuant to subsection 1, above, the commission may, at its discretion, grant a single extension for up to one year. Prior to the two year expiration, the applicant must submit reasonable evidence in writing describing any unforeseen difficulties or special circumstances that have caused the delay.
 - 3. If no progress has been made toward final PUD approval within two years, or any authorized extension, the PUD shall lapse and the PUD shall be declared null and void.
- F. Amendments to an Approved Preliminary PUD. Any proposed amendment to an approved preliminary PUD plan, prior to final PUD approval, shall be processed in the same manner as a new preliminary PUD application.

17.130.070 Final PUD Plan

- H. Timing. A final PUD plan and supporting materials conforming to this chapter and the preliminary PUD approval shall be filed not less than thirty days or not more than two years following preliminary PUD approval. If a final PUD is not submitted within that period, the preliminary approval shall lapse and any new submittal shall be reviewed as a new PUD application in accordance with this chapter.
- I. Phased Projects. If the PUD is approved in phases, a final PUD plan is required for each phase.
- J. Information Required. A final PUD plan and application shall contain the following information:
- 1. A completed application form and payment of a fee, along with required escrow deposits.
 - 2. A final PUD plan meeting all requirements for site plan review in Table 17.200.030-1, with the number of copies to be determined by the department. The final PUD plan shall conform to the approved preliminary development plan.
 - 3. A list of all deviations from the requirements of this title that apply to the PUD.
 - 4. A phasing schedule of the development and its construction.
 - 5. Improvements that are part of the development, including without limitation, lighting, signs, landscaping, buffers, utilities, etc. shall be indicated on the plan and technical specifications shall be provided as required by the planning and zoning commission.

6. A description of exterior building materials for all proposed structures.
 7. Signatures of all parties having an interest in the property with a statement of the nature of their interest and a commitment to complete the development in accordance with the approval, if granted.
- D. Review of Final PUD. The department shall review the final PUD plan to determine if it is substantially consistent with the approved preliminary PUD. If the final PUD is determined not to be substantially consistent with the preliminary PUD, then it shall be denied. If denied for that reason, the applicant may request the department to treat the rejected final PUD as a revised preliminary PUD. It shall then be reviewed as a new application in accordance with KIBC 17.130.000.
- E. Decision. If the final PUD plan is found to be substantially consistent with the approved PUD preliminary development plan and to comply with all conditions required by the commission, the department shall review the final PUD plan in accordance with the standards of KIBC 17.220.100.
- F. Time limits.
1. A final PUD shall be valid for two years. A PUD shall receive requisite building permits and a substantial portion of the proposed improvements must commence and proceed meaningfully toward completion within that period.
 2. If construction has not commenced pursuant to subsection 1, above, the commission may, at its discretion, grant a single extension for up to one year. Prior to the two year expiration, the applicant must submit reasonable evidence in writing describing any unforeseen difficulties or special circumstances that have caused the delay.
 3. If the PUD has not commenced and proceeded meaningfully toward completion within two years, or any authorized extension, any land use or building permits issued for the PUD shall lapse and the PUD shall be declared null and void.
- G. Amendments to an Approved Final PUD. Amendments to an approved final PUD plan shall be reviewed according to the authority and criteria for amendments to conditional use permits, as set forth in KIBC 17.260.070. A minor amendment may be approved by the community development department, but an amendment determined not to be minor shall be reviewed in the same manner as the original approval.

17.130.080 Suspension or Revocation

The commission has the authority to suspend or revoke any PUD conditional use approval if the owner or operator fails to comply with any of the applicable requirements in this chapter or title, or the conditions of the PUD conditional use approval. The procedures for suspension or revocation of a PUD shall be the same as the procedures for revocation of conditional use permits, as set forth in KIBC 17.260.080.

17.130.090 Appeals

The procedures for an appeal of a commission decision on a preliminary PUD approval or an administrative decision on a final PUD application shall be the same as the procedures for appeals of conditional use permits, as set forth in KIBC 17.260.090.

09/02/14 Staff report to P&Z (From code update project)

New Planned Unit Development Overlay

A Planned Unit Development (PUD) is a commonly used zoning tool to permit development that is designed to address site specific circumstances. PUDs are different from standard zoning requirements, where strict application of zoning requirements does not always result in the best form of development. PUDs typically offer flexibility in site development standards in exchange for some amenities or public benefit. For example, a PUD could allow smaller lot sizes and clustering of homes on one part of a site in exchange for preserving a wetland area or other feature.

Although current code has no mention of a PUD process, a rudimentary application of the general concept is found at KIBC 17.85.070 – Group Housing. This chapter allows for the clustering of residential buildings subject to a conditional use review and permit.

The draft code includes a separate chapter for PUDs. This tool may be useful in the future as a method to address sites with development challenges. The draft PUD regulations include provisions for a possible density bonus for permanent retention of open space within the PUD. See Chapter 17.130 (line 2348 – page 67) for details.

12/09/14 Supplemental staff report to P&Z (From code update project)

17.130.070 E. Comment suggests that the reference to 17.220.100 should be changed. Staff recommends rewording as follows:

- E. Decision. If the final PUD plan is found to be substantially consistent with the approved PUD preliminary development plan and to comply with all conditions required by the commission, the department shall approve ~~review the final PUD plan in accordance with the standards of KIBC 17.220.100.~~

TEMPORARY STORAGE OF MOBILE HOMES

Recent public comments inquired about land for temporary storage of mobile home, perhaps as an interim step between vacating Jackson's MHP and eventual relocation to another site.

Current code would define this activity as outdoor storage. Outdoor storage is a permitted use in the following zoning districts:

B-Business

RB-Retail Business

I-Industrial

LI-Light Industrial

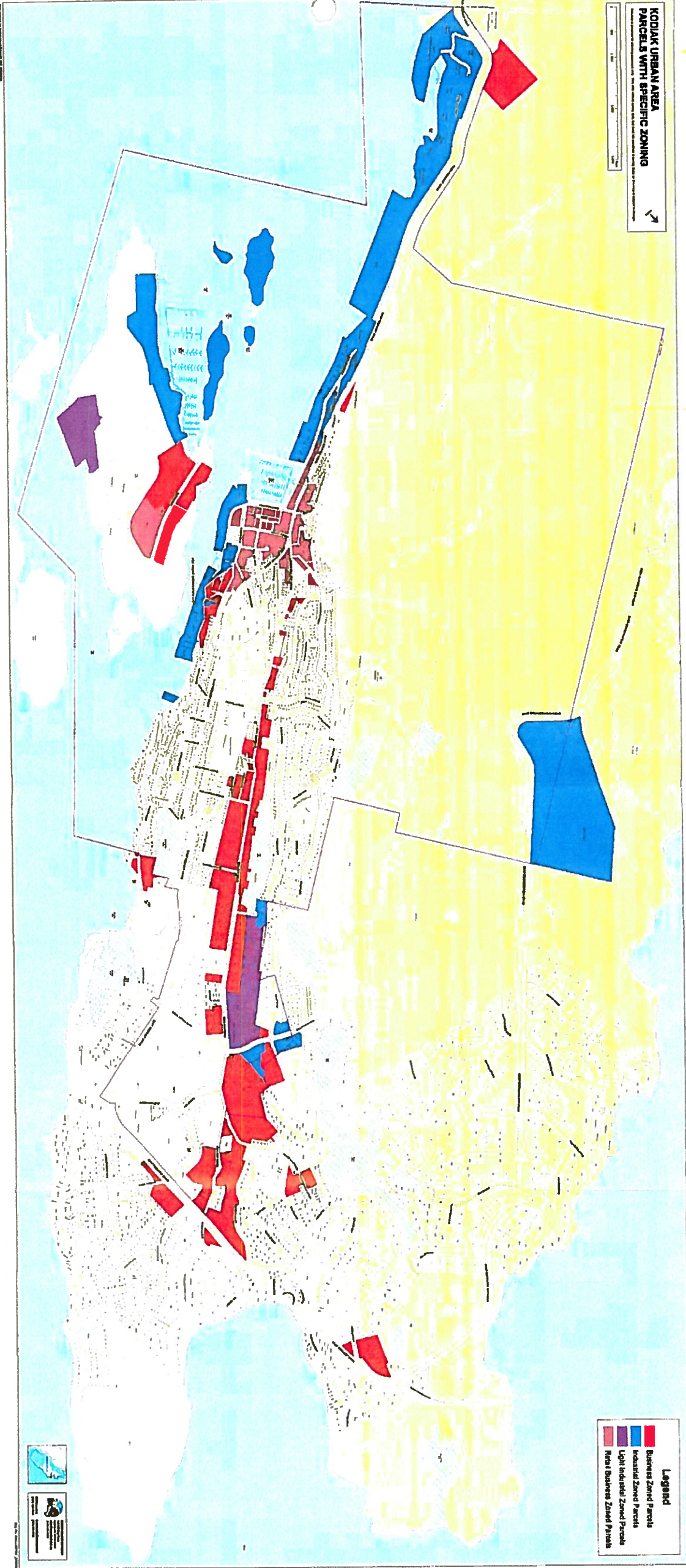
A map of vacant parcels in these zoning districts is attached. Such storage may require screening as approved by P&Z, depending on the zoning or adjacent land use.

Most Borough owned land that would lend itself to temporary storage (relatively flat, no trees to be removed, road access) is zoned PL or R-2. A code amendment would be necessary to permit outdoor storage (temporary or otherwise) in these zoning districts.

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**KODIAK URBAN AREA
PARCELS WITH SPECIFIC ZONING**

Map prepared by the City of Kodiak Planning Department
Map Date: 10/2011



Legend

- Business Zoned Parcels
- Industrial Zoned Parcels
- Light Industrial Zoned Parcels
- Rear Business Zoned Parcels

CITY OF KODIAK
PLANNING DEPARTMENT
1000 BROADWAY
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Offices of the Kodiak City and Borough Clerks

710 Mill Bay Road, Kodiak, Alaska 99615

MEMORANDUM

To: Mayors, Assembly and Council Members Date: June 30, 2015
From: Debra Marljar, MMC, City Clerk Subject: Joint Building Code
Nova Javier, MMC, Borough Clerk Review Committee

As Clerks, we recommend that the Council and Assembly discuss the makeup of and appointment process to the Joint Building Code Review Committee.

There has been no consistent appointment method in the history of the Committee. Some City appointments have been made by the Building Official or the Clerk at the Council's direction, and some have been made by the Mayor. The Borough Mayor appoints members coming from the Architectural Review Board. Typically, City appointees have been members of the City's Building Code Board of Appeals and Borough appointees have been members of the Borough's Architectural Review Board who are builders willing to serve on the Committee during the time that codes require review.

The membership of the Committee has fluctuated between two or three members from each of the City and Borough Boards plus an elected official from each body. The most recent appointments consisted of two members from each of the City and Borough Boards, plus one elected official from the City and one from the Borough.

We recommend that the Assembly and Council discuss the following:

- continue the practice of appointing members from their respective building code/architectural review boards
- determine the composition of this committee
- make this committee a standing committee by resolution

Other than a 1997 MOU between the City and Borough for the Building Inspection Program, there is no official organization of the Joint Building Code Review Committee. A portion of the MOU states: "The Borough and City shall review and revise their respective Building Codes and strive to maintain identical regulations that include, but are not limited to ICBO Uniform Building Codes, National Electrical Code, Uniform Plumbing Code, Driveway permits."

The Clerks' files contain minutes that reflect the Joint Building Code Review Committee met once in 1991, seven times in 1999, twice in 2005, once in 2006, twice in 2008, and nine times in 2012.

The City's Public Works Department will provide administrative assistance for this Board.