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THE ZONING POWER AND MOBILE HOMES: A STUDY OF COLUMBUS, OHIO

A Thesis

Presented to

the Graduate Council of

The University of Tennessee

In Partial Fulfillment

of the Requirements for the Degree

Master of Science in Planning

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by

Dennis Kay Morris

June 1973

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Further acknowledgement is directed to my mother and father whose guidance I shall always remember.

Finally, I owe the greatest thanks to my wife. With her sacrifice, understanding, inspiration, and assurance my two years in Knoxville become so much more meaningful.

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ABSTRACT

This thesis is concerned with the zoning power and how it is related to the regulation of mobile homes and, more specifically, how the art of zoning of mobile homes is applied in Columbus, Ohio.

The method of accomplishing this study was to gather data in the form of project reports, documents, journals, and books from various agencies such as the Columbus Department of Development, Ohio Department of Development, American Institute of Planners, American Society of Planning Officials, Mobile Homes Manufacturers Association, Urban Land Institute, U. S. Department of Housing and Urban Development, and the U. S. Department of Health, Education, and Welfare. In addition, research material was obtained from the Libraries of the University of Tennessee, Knoxville, Tennessee; and The Ohio State University, Columbus, Ohio.

The results of this study indicated that the Columbus Mobile Home Park District Ordinance compares most favorably with the current thinking of leading sources with regard to mobile home park development.

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CHAPTER I

INTRODUCTION AND GENERAL CONSIDERATIONS

I. INTRODUCTION

> How very little, since things were made,
> Things have altered in the building trade
>
> --Kipling

The surge of the mobile home industry has caused much surprise over the past decade. In 1960, 103,700 mobile homes were shipped to dealers around the United States; retail sales for 1960 were estimated to be $518,000,000.[1] By 1965, the number of mobile homes had more than doubled to 216,470 units.[2] In 1970, more than 401,000 mobile homes were shipped and the estimated retail sales had climbed to almost $3,300,000,000.[3] This past year has seen an all time estimated high of 601,250 mobile homes shipped.[4] The mobile home industry estimates that the production in 1976 could reach almost 800,000 mobile homes.[5]

In retrospect, few analysts saw the trend developing. And after the sales began to spurt, the phenomenon was widely discounted as

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[1] Mobile Homes Manufacturers Association, Flash Facts on Mobile, Sectional and Modular Homes (Chicago: Mobile Homes Manufacturers Association, June 1972), p. 4.

[2] Ibid.

[3] Ibid.

[4] Information provided through a telephone interview with Mr. John Michael, Mobile Homes Manufacturers Association on April 6, 1973.

[5] Flash Facts on Mobile, Sectional and Modular Homes, p. 10.

temporary. For several years the mobile home was thought of as a substitute to be used in the absence of other housing. As sales rose each year in spite of pessimistic forecasts, the mobile home became recognized as a legitimate and acceptable mode of housing for a substantial portion of the population.

In 1971, mobile homes accounted for 43 percent of all new one-family dwellings, and more significantly, they accounted for 96 percent of all new units priced under $15,000.[6]

On April 2, 1970, President Nixon announced to Congress, as part of his annual report on national housing goals, that "the mobile home industry has now grown so large that it can no longer be ignored".[7] The President concluded the portion of the report concerning mobile homes by stating, "For many moderate income American families the mobile home is the only kind of housing they can reasonably afford".[8]

The year President Nixon announced that mobile homes would be counted as contributing toward meeting the national housing goals, the new census revealed that the number of households living in mobile homes had nearly tripled in the previous decade, from 767,000 in 1960 to 2,073,000 in 1970.[9] There are currently over 7,000,000 Americans living

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[6] Ibid., p. 7.

[7] Second Annual Report on National Housing Goals (Washington, D.C.: U. S. Government Printing Office, 1970), p. 14.

[8] Ibid., p. 15.

[9] Editorial, "Mobile and Modular Homes," Progress-Index, February 5, 1973 (Petersburg, Virginia), p. 4.

in mobile homes.[10] Thus, the mobile home industry has been providing an increasing proportion of housing for millions of persons of limited income, as well as for those with no serious income constraints.

Unfortunately, it is not always possible to find an adequate environment in which to place a mobile home. Availability of suitable space for mobile homes continues to be a limiting factor. This fact can be attributed, in part, to the rapid growth of the mobile home industry as well as the continuing evolution of mobile home design which necessitates changes of the development design. Also, the lack of proper state and local legislation to effectively control the design, construction, and operation of mobile home developments is an important factor.

Because of the changes that have taken place within the mobile home industry, regulations based on a situation 10 years ago are obsolete today.

As an example, while mobile homes were easily transportable in 1960, present day units are not. The mobile home industry estimates that 80 percent of the present day mobile homes remain on the site to which they are first transported.[11] According to one source, the average mobile home owner moves once every 5.7 years as compared to once every 5.2 years for people who live in conventional homes.[12] The mobile home is no longer mobile.

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[10]"60 Minutes," C.B.S. telecast, March 5, 1972: "Home Sweet Mobile Home". Producer Jim Jackson.

[11]Walter G. Peck, "Mobile Homes Gain, Owners Upgrade Interiors," Home Furnishings Daily (January 17, 1972).

[12]Elaine Kendall, "The Invisible Suburbs," Horizon, XIII (Winter, 1971), p. 106.

Local regulations, backed by state controls, can assure acceptable quality, location, and design of mobile home developments. The most notable means of regulation available to local units of government with regard to mobile homes has been the power to zone.

The zoning of mobile homes and mobile home parks is based upon the police power of the state to promote public health, comfort, safety, morals, and the general welfare. Every owner of a mobile home and operator of a mobile home park has the right to use his property in his own way and for his own purposes, subject only to the restraint necessary to secure the general welfare. This privilege is both a liberty and a property right subject always to the police power. It is now well settled that within the framework of the police power, the location or use of mobile homes or mobile home parks may be restricted to certain zones, districts or localities.

The police power, which is the basis for proper zoning, is inherent in the state. It may be and usually is delegated by the state to its local governmental subdivisions.

The use of the zoning power as a regulatory device to control mobile home development is the issue to which this thesis addresses itself.

II. ORGANIZATION OF THE THESIS

Chapter I, which is a short introduction to the thesis, contains background information concerning the mobile home industry, the organization of the thesis, and the limitations of the study.

Chapter II reviews the historical development of the mobile home industry. This will aid the reader in placing the present day situation regarding the mobile home in proper prospective.

Chapter III, entitled "Regulation and Zoning of Mobile Homes," addresses itself to the practicing art of zoning for mobile homes and mobile home developments.

Chapter IV presents an account of the development and passage of a "modern" mobile home zoning ordinance for Columbus, Ohio.

Chapter V offers a comparative analysis of the Columbus Mobile Home Park District Ordinance with selected current regulations and standards. This chapter presents the practicing art of zoning as applied in one specific instance. The comparative analysis attempts to determine the standing of the Columbus Mobile Home Park District Ordinance with the most current thinking in regard to mobile home park development.

Chapter VI, the concluding chapter, summarizes the findings of the comparative analysis.

III. LIMITATIONS OF THE STUDY

There are various regulatory tools available to all units of government to control mobile home development; however, this thesis deals with only one such tool--zoning.

The central focus of the study deals with the art of zoning for mobile homes and how it is applied to Columbus, Ohio. Thus, concluding remarks only have direct application to Columbus, Ohio.

CHAPTER II

HISTORICAL DEVELOPMENT OF THE MOBILE HOME INDUSTRY

I. THE MOBILE HOME

> The use of shelter which could be moved dates back to roving nomads of the pre-Christian era. Their simple tents provided them with protection and a place where the activities of the family could be carried on. As men became civilized, they built permanent houses, reserving the movable shelters for the military and traders. As new areas were penetrated and new lands discovered, man by necessity returned to the tent or other movable shelters. Thus, the American pioneers moved across the country in huge covered wagons designed to accommodate a family on a long journey.[1]

Early History

The historic covered wagon used in the great westward migration by the pioneers was of a distinct variety. It was called the Conestoga Wagon and it appeared between 1750 and 1760 and probably takes its name from its place of origin in Conestoga, Lancaster County, Pennsylvania.[2] Its bed was higher at either end than in the middle in order to prevent loss of load on steep inclines. Its particular features were so well adapted to overland travel that it became one of the chief modes of travel and survived through the day of the California Gold Rush.[3] Thus,

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[1] Minnesota Highway Interim Commission, Mobile Homes and the Mobile Home Industry. Report of the Minnesota Highway Interim Commission (St. Paul, Minnesota: Consulting Services Corporation, 1967), p. 1.

[2] Donald Cowgill, Mobile Homes, A Study of Trailer Life (Philadelphia: University of Pennsylvania, 1941), p. 2.

[3] Ibid.

the Conestoga Wagon which served as a home for pioneer families was one of the forerunners and helped point the way to the modern mobile home.

After the frontier disappeared there was little need for a movable home until increased leisure time resulted in more and more people engaging in camping and other outdoor activities. This increased outdoor activity brought about the return of the tent. The tent fostered an appetite for getting into the out-of-the-way places, for escaping the shackles of civilization.[4] Gradually as the number of outdoor activities grew, the desire for a type of shelter more adequate than tents increased.

> In 1912 the Coleman du Pont "Camp Car" was introduced. This was modeled after an early European version with a small living unit fabricated onto the automobile chassis with two tent enclosures on each side.
>
> In 1915 Dr. L. V. Harvey of Uplands, California, designed a mobile unit which incorporated many features which are standard equipment on today's mobile homes. It included air brakes on the tractor as well as the trailer, built-in furniture to insure stability and couplings so arranged that the trailer could turn on the same track as the tractor.[5]

The 20's

By 1920, the number of families interested in the use of mobile shelter was no longer restricted to the wealthy.[6] These people had been using tents or other enclosing facilities. They soon tired of pitching tents, breaking camp, packing and unpacking everytime they made a move. It was much easier to make camp when the tent was already

---

[4] Ibid., p. 3.

[5] Mobile Homes and the Mobile Home Industry, p. 1.

[6] Ibid.

attached and the entire task of setting it up was merely unfolding the tent and adjusting the ridgepoles. This idea was made possible by setting the tent upon a small trailer and having most of the attachments of the permanent nature. This type of tent trailer came to be commercially built and advertised as early as 1921.[7]

> Nobody knows who built the first trailer. The idea seems to have been born in England, where, it is recorded, the first motor caravan (English word for trailer) was built around 1909. In all events, quite a few of these caravans were ambling around rural England soon after the close of the War. Glenn Curtis, the aeronautical engineer, appears to have built the first one in the United States in 1917. Through the early 1920's various bodybuilders toyed with the idea.[8]

The more popular conception is that the trailer development began about 1929.[9] For in that year, Arther G. Sherman hired a carpenter to construct a nine foot by six foot box-like trailer. "It was a commercial improvement over the tent trailer since there were windows, bunk beds and a coal burning stove."[10]

Many of Sherman's friends liked the vehicle and requested identical orders. "Mr. Sherman invested $10,000 to produce the vehicles for resale and the Covered Wagon Company [of Detroit] became the first large scale producer of trailer coaches in the United States."[11]

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[7]Cowgill, op. cit., p. 4.

[8]"200,000 Trailer," Fortune, XV (March 1937), p. 107.

[9]For purposes of this thesis the terms trailer and mobile home are used interchangeably; however, in the modern context, the term mobile home is preferred.

[10]Mobile Homes and the Mobile Home Industry, p. 1.

[11]Ibid., p. 2.

Soon, other manufacturers appeared as the potential of the trailer industry became evident. Thus, the early tent trailer was a transition form from the tent to the house trailer. From the tent the vacationer turned to the tent trailer, then to the house trailer.

The 30's

During the 30's the trailers designed as residences varied as much in structural form as they did in price and in type of tenancy. In fact, fine shades of distinction were made between house trailers and trailer houses (The house trailer was pulled from place to place while the trailer house or house car was an automobile chassis supporting a house.). And the industry's magazine, Trailer Travel, had already raised the question whether mobile housing may not be a solution of the mass-production housing problem.

The "land yachts" represented another type of trailer. These offered "sociable transportation" and were designed and constructed to be occupied while moving as well as standing still. Two companies (Aerocar Company of Detroit and Curtiss Aerocar Company of Coral Gables, Florida) produced these luxury trailers on the basis of patents originally obtained by Glen H. Curtiss, pioneer aircraft designer and manufacturer.[12] Both companies utilized airplane construction methods.

During this period, trailers cost roughly as much as automobiles. Good standard models ran between $400 and $1000, deluxe models from

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[12]"Trailer Industry," The Architectural Record, LXXX (August 1936), p. 162.

$1000 to $5000 or more.[13] Some trailerites built and rolled their own for as low as $150.[14]

In November of 1936, a Michigan court ruled that a house trailer would come under the scope of a human dwelling.[15] This decision helped pave the way for the legal acceptance of the house trailer as a permanent dwelling unit.

From the year 1937 came some divergent observations concerning the future of the trailer. America was somewhat stunned by the astonishing prediction appearing in the Los Angeles Times by Roger W. Babson, that "Within 20 years, more than half the population of the United States will be living in automobile trailers".[16] The Nation's Business announced that when trailers became so numerous as to affect the tax structure, then tax legislation would be passed which would give conventional housing an edge.[17] Finally, Lewis Mumford decreed that because trailers were small they would never amount to anything.[18]

> And thus in the first flush of the movement, when the wanderlust of the people was being stirred by the dissatisfaction due to the depression and the trailer industry was growing by leaps and bounds, those favoring this innovation in life became extremely optimistic while those who saw the trailer as a menace were just as pessimistic.[19]

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[13] Ibid.

[14] Ibid.

[15] "Auto Trailer A House, Court Rules," American City, LI (December 1936), p. 66.

[16] Cowgill, op. cit., p. 88.

[17] Frederick H. Bair, Jr., "Mobile Homes--A New Challenge," Law and Contemporary Problems, XXXII (Spring, 1967), 286.

[18] Ibid.

[19] Cowgill, op. cit., p. 88.

In 1937, a new form of housing appeared on the scene which gave the housing industry its first glimpse of what would eventually evolve to be known as the "modern mobile home".

The following excerpts are from The Architectural Forum in 1937:

> In Peoria and in Baltimore have recently appeared two independent versions of the mobile house, a construction form based on a radically new method of house assemble. Long known to students of prefabrication as the "truckable unit", the mobile house is distinguished from all other types of construction by the fact that it is built as a unit which can be moved conveniently from place to place and may therefore be completed in its entirety in the shop.
>
> . . . the manufacturer of the mobile house can offer the home buyer a complete and furnished article, one which he may locate on a plot of his own choice. . . . the owner of the mobile house is not tied down to a particular site, [he] can move at will from a deteriorating neighborhood to protect his investment.
>
> . . . in the ancestral line of the mobile house is the automobile trailer about which there is so much misinformation current that it is difficult to sift fact from fancy. For our purpose, however, it is sufficient to note three fairly well established facts. The first of these, the undoubted popularity of the trailer, is certainly a good augur for the mobile house. Secondly, there is its wholly unexpected (at least by the trailer makers) use in isolated instances as a fixed year 'round home, and thirdly the trailer manufacturer has demonstrated that he can produce somewhat acceptable living accommodations at a low unit cost. The line between the trailer and the mobile house is not sharply drawn. Both aim to provide dwelling facilities for a single family in a readily transportable form. The chief distinction of the trailer--that it is intended primarily for travel--is even tending to disappear because of the tendency, in some cases, toward its use as a permanent home. At one of the State colleges in the Middle West there is even a trailer with a fully excavated basement. It may be said, however, that at the expense of mobility the mobile house aims to provide more adequate living accommodations and particularly more adequate space than does the trailer.
>
> Some units are designed to observe highway regulations as to maximum width (in most States 11 feet), while others are shaped like ordinary houses and require special permits for shipment. Some are designed for shipment of only a few miles, others may be economically transported much further. Neatest trick of mobile house design so far, and the one which seems to offer most for the future of mobile housing, is the

> construction of the house in two or more units narrow enough for shipping, but capable of being fitted together on the site to form a house of normal dimensions.[20]

The last concept was the one employed by Architect John J. Whelan, who was responsible for the development of the Copper Mobile House. The fundamental Copper Mobile House plan was a four-room, two unit bungalow. Each basic unit was 11 feet by 28.5 feet.[21] It was possible to expand the basic house plan by the addition of a one- or two-bedroom unit to one end.

Of a distinctly different type of mobile house was the all steel five-room bungalow developed by Architect Ephraim Field for Le Tourneau Inc. of Peoria, Illinois. This house was normal in size and shape (32 x 44 feet) and it weighed 41 tons.[22] Three steel rings were provided in the roof so that the house could be lifted and set in position by a crane.

Although the "mobile house concept" as discussed here, never caught on in the thirties, it did supply some overt expression as to ways of providing mobile living accommodations at a reasonable unit cost. Many of the "mobile house" design features were later adopted by the trailer industry.

However, until World War II, trailers were generally not taken seriously as housing. Although thousands of the depression unemployed lived in factory-built trailers or ramshackle homemade models, the trailer of the thirties, which ran about 20 feet in length, was intended

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[21] Ibid., p. 54.

[22] Ibid., p. 56.

primarily for travel or weekend camping trips and was considered just too cramped for day-to-day settled existence.

Nevertheless, these trailers would congregate in hastily developed or underdeveloped parking areas known as trailer parks or trailer camps. The early trailer had no bathroom and its occupants were dependent upon wash rooms, shower stalls, and water closets contained in a utility building provided by the trailer park operator for those who rented space in the park.[23]

The 40's

Up to 1940, the infant travel trailer industry had turned out only about 10,000 units, virtually none of which were designed as permanent living quarters.[24]

The federal government gave trailers their first real recognition as housing during World War II when it bought 38,000 22-foot trailers to provide housing for military personnel, skilled workmen who were attracted to defense employment in cities and locations where housing was scarce, and construction workers on government projects in remote areas where no other housing existed.[25] In addition many private individuals purchased units for their own use and occupancy during this period.

---

[23]Barnet Hodes and G. Gale Roberson, The Law of Mobile Homes (Chicago: Commerce Clearing House, Inc., 1957), p. 1.

[24]Frederick H. Bair, Jr., Mobile Homes and the General Housing Supply, Report for the Mobile Homes Manufacturers Association (Chicago: American Society of Planning Officials, 1970), p. 3.

[25]Hodes and Roberson, op. cit., p. 2.

Since materials used in conventional housing were no longer available, the trailer became a partial solution to this problem of providing housing with a minimum of materials.

The mobile home industry experienced its first major growth period after World War II and was spurred by the housing shortage which existed at that time.

> Forced savings during the war, coupled with the shortage of consumer products, enabled the nation to explode in a buying binge, a demand for bigger and better everything. A high percentage of American workers dislocated during the war and unwilling or uncertain where to settle down, demanded bigger and better trailers. The phenomenal number of wartime marriages created a housing shortage which could be most easily solved with trailers. Even the campuses contributed to the boom in trailer production by using them to house students studying under the G.I. Bill.[26]

Thus at the end of the war, returning veterans, defense workers and retirees still found housing supplies inadequate and the trailer continued to fill this gap.

In 1946, fewer than 50,000 trailers were built; the following year 60,000 trailers with an estimated retail sales of $146,000,000 were produced as noted by Table I (see Appendix A). "These units had an average size of 8 feet wide by 27 feet long, comparable to the size of travel trailers now being produced."[27] Trailers of this size were marginal to

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[26]Robert L. Hegel, Mobile Home Zoning, Building and Site Regulations, and Taxation--Implications for Michigan Municipalities, Information Bulletin No. 118 (Ann Arbor, Michigan: Michigan Municipal League, 1970), p. 3.

[27]U. S. Department of Health, Education, and Welfare, Environmental Health Guide for Mobile Home Communities, With A Recommended Ordinance (Chicago: Mobile Homes Manufacturers Association, 1971), p. 2.

substandard for long-term occupancy, depending on the number of occupants. The cost averaged about $11 per square foot, including furniture and major appliances, considerably higher than the present cost of $9 per square foot.[28]

By 1948, the number of units produced had leapt to 85,000, most,by far, built to satisfy the demand for temporary housing.[29] This was quite a jump from the 1,300 units produced in 1930.[30]

The 50's

> At the beginning of the 1950's, the standard width for mobile homes was eight feet, the average length 27 feet. This meant 216 square feet of floor area, or about the area of the living room in some modern units. Lengths increased steadily, increasing floor area, but until the breakthrough to the ten foot width in 1954 there were few chances for improvement in design. Bedrooms opening to a longitudinal hall were virtually impossible at eight foot widths, manageable at ten.[31]

The breakthrough to the 10 foot width raised the total area in relation to length by 25 percent, thus, freeing internal design.[32]

As the 10 foot wide unit developed, the travel trailer and the mobile home became separate and distinct units. The travel trailer remained relatively small and portable although there were improvements in construction and furnishings. Meanwhile, mobile homes were growing

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[28]Bair, Mobile Homes and the General Housing Supply, p. 4.

[29]Hegel, op. cit., p. 3.

[30]Ibid., p. 6.

[31]Bair, "Mobile Homes--A New Challenge," p. 288.

[32]"Mobile Homes and the General Housing Supply--Past, Present, and Outlook," Florida Planning and Development, XVIII (July-August 1967), p. 9.

increasingly larger and well enough equipped to deserve approval as permanent housing.[33] The unit had grown from a 25-foot dependent trailer to a 10-foot wide and 50-foot long independent mobile home--the maximum size permitted by state law at that time.

The mobile home resident of the 50's was not a poor man; on the contrary, his annual income was slightly more than $1000 above the national average.[34] His primary reasons for choosing to live in a mobile home were convenience and the low cost of living.[35]

Thus, the 50's, with the 10-foot wide unit coming into mass production in 1955, saw production spiral from 63,100 units in 1950 to 120,500 units in 1959 as indicated by Table I (see Appendix A).

The 60's

In the decade of the 60's, mobile homes underwent almost constant change in physical size as indicated in Table II (see Appendix A).

> By 1961, the ten-wide accounted for 98.5 percent of production, the eight-wide for only 1.5 percent. At this point, another breakthrough occurred. Early in 1962, a handful of experimental twelve-wides, and expansible units (with telescoping rooms) appeared at the annual national mobile home exposition in Louisville, Kentucky. In 1962, 1.6 percent of the units produced were twelve-wides, with 11.8 percent expansibles and double-wides.[36]

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[33] A mobile home should not be confused with a travel trailer which is towed by an automobile, can be operated independently of utility connections, is limited in width to eight feet, in length to 32 feet, and is designed to be used principally as a temporary vacation dwelling.

[34] ASPO Planning Advisory Service, The Changing Function of Trailer Parks (Chicago: American Society of Planning Officials, 1956), p. 6.

[35] Ibid.

[36] Bair, "Mobile Homes--A New Challenge," p. 288.

In 1963, 150,840 mobile homes were produced at an estimated retail sales of $862,064,000; in 1965, total production climbed to 216,470 units as noted by Table I (see Appendix A).

By early 1966, twelve-wides rose to 57.9 percent of production and expansibles and double-wides dropped back to 7 percent.[37] As indicated by Table I (see Appendix A), a total of 217,300 mobile homes were produced in 1966.

In 1967, twelve-wides made up 84.1 percent of production and expansibles and double-wides rose to 8.3 percent of total production.[38] The combined impact of these two forms which didn't exist in 1961, had dropped the ten-wide share of production from 98.5 percent to 7.3 percent in six years.[39] The "standard" eight-wide of only 12 years before accounted for only 0.3 percent of total production in 1967.[40] The total number of mobile homes produced in 1967 jumped to 240,360 as noted by Table I (see Appendix A).

> The average length at the beginning of 1967 was more than double the 27 feet in 1950, at about 56 feet. (The largest single category was twelve-wides in the 60 to 64 foot class, which made up 34.5 percent of production.) The average floor area was around 700 square feet, more than three times the 1950 figure. Design, construction, furniture, and major appliances were all greatly improved. A very substantial proportion of the units had utility rooms with washing machines and driers . . . and other luxuries which would have been unimaginable a few short years before.[41]

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[37] "Mobile Homes and the General Housing Supply--Past, Present, and Outlook," pp. 9-10.

[38] Hegel, op. cit., p. 5.

[39] Ibid.

[40] Ibid.

[41] Bair, "Mobile Homes--A New Challenge," p. 289.

What seems to have happened is this. In 1961, a sizable part of the market apparently still wanted more space than was available in the ten-wide. The twelve-wide was the obvious answer, but many states would not allow them to be hauled on the highways--hence the push on expansibles and double-wides. Amendments to state laws and fee schedules then made it practicable to move twelve-wides in most states (usually with limits on routes used and hours for hauling). The twelve-wide has now become the "standard" unit.

As indicated by Table I (see Appendix A), in 1968, the total number of mobile homes produced was 317,950 with an estimated retail sales of $1,907,700,000 (This is a 32 percent increase in production over the previous year.). The expandables and double-wides accounted for 11.8 percent (37,518 units) of this total, which almost doubles their previous year's output of 20,046.[42] The twelve-wide continued to dominate as it accounted for 85.9 percent of the total production, whereas, the eight-wide fell to an all-time low of 0.1 percent of total output for 1968.[43] While the ten-wide accounted for 98.5 percent of production in 1961, it also encountered a severe drop to only 2.2 percent of total production in 1968.[44]

In 1969 the fourteen-wide mobile home came into mass production. It accounted for 2.3 percent (9,492 units) of the 412,690 mobile homes produced in 1969.[45] As of July 1970, 15 states permitted the passage

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[42] Hegel, op. cit., p. 5.

[43] Ibid.

[44] Ibid.

[45] Ibid.

of the fourteen-wide mobile home on their highways (It should be remembered that dimension increases are determined not only by market demand, but also by regulations on highway usage within various states).[46]

The twelve-wide reached what will probably be the peak of its dominance accounting for 84.2 percent of total production in 1969.[47] The ten-wide continued to drop in popularity as it accounted for only 1.1 percent of the total units produced.[48]

Also, in 1969, the Federal Housing Act recognized that mobile homes are an important part of the nation's total housing.

> This act provided, for the first time, FHA insurance on loans up to $10,000 for up to 12 years for purchasing mobile homes to be used as the principal place of residence by the owner. Among many features of this act relating to mobile homes are the following: (a) loans can cover transportation to the site and the initial insurance premium on the home; (b) FHA insured mortgages for mobile home parks are increased from $1,800 to $2,500 per space and from $500,000 to $1,000,000 per total project. The decision of the Census Bureau and the Department of Housing and Urban Development to report mobile home shipments along with conventional housing starts is further evidence of the importance of mobile homes as part of the total housing supply.[49]

Thus, the decade of the 60's saw the mobile home industry come into its own.

During the 60's, a total of 16.5 million new dwelling units were

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[46] Ibid.

[47] Ibid.

[48] Ibid.

[49] Judith M. Price, "Mobile Homes and Mobile Home Parks, Florida Survey, 1969," Florida Planning and Development, XXI (June 1970), 1.

produced and, of these, 2.1 million (12.5 percent, or one in eight) were mobile homes.[50]

Totals for the 10 years as a whole obscure a significant trend. In 1961, the lowest year for mobile home production, 90,200 mobile home units made up only 6.2 percent of the total new housing supply and 8.4 percent, or one in 12, of the new single-family housing.[51] In 1969, 412,690 mobile homes accounted for 21.6 percent of all new dwelling units (more than one in five) and 33.7 percent of new single-family dwellings (more than one in three).[52] Table III (see Appendix A) compares mobile homes and conventional dwelling units for the 10 year period, 1960-1969.

There are three major factors which account for these gains. First, the increase in the size of the mobile home unit enlarged its market considerably as mobile home owners demanded larger and better furnished units. The second factor is that during the 60's, the numbers in the age brackets which find mobile homes peculiarly fitting to their housing needs increased sharply. Thus, where mobile homes are concerned, two age groups are of prime importance, the family-formers (20-34 age group) and the contracted families (55-74 age group).[53] The third major factor, closely related to the second, is price. While the cost of conventional housing is soaring, the price per square foot for mobile homes dropped during the decade. Table IV (see Appendix A) indicates that in 1969, mobile homes accounted for 48 percent of all new single-family homes and

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[50] Bair, Mobile Homes and the General Housing Supply, p. 3.

[51] Ibid. [52] Ibid. [53] Ibid., p. 9.

94 percent of all new homes priced under $15,000. At the same time, the Department of Commerce figures indicated the median price for a single-family conventional home was $27,100 in 1969.[54]

The 70's

> At a time when housing prices are soaring and a national housing shortage threatens, mobile homes have proven inexpensive and available. Their potential impact on the suburban landscape and on holding populations outside of major metropolitan areas is just now becoming evident with liberalized federal mortgage insurance and loan coverage for purchasing mobile homes and sites.
>
> The 1970 Housing Act sought to make the 1969 FHA mobile home loan program more attractive by providing that when a mobile home unit is composed of two or more modules, the maximum insurable mobile home loan under the FHA loan program may be $15,000 (instead of $10,000) and the maximum term may be 15 years (instead of 12 years). Recognizing the urgent need for housing in rural ares [sic], the 1970 Housing Act also amends existing farm housing coverage to authorize the Secretary of Agriculture to include mobile homes as housing. The Secretary is required to prescribe minimum property standards for mobile homes and sites and compliance with local community requirements. Finally, for the first time, the Veterans' Administration is authorized to guarantee loans (up to $10,000) for the purchase of mobile homes, if the home is on a site acceptable to the administrator. The loan amount may be increased (up to $5,000) for purchase of an undeveloped lot, or (up to $7,500) for purchase of a developed lot on which to place a mobile home.[55]

In both the VA and FHA programs the mobile home must conform to the standards required in the American National Standards A119.1. "This Standard sets forth minima of performance in Construction and in the Plumbing, Heating and Electrical installations."[56]

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[54] Ibid., p. 3.

[55] Norman Beckman, "Development of National Urban Growth Policy," Journal of the American Institute of Planners, XXXVII (May 1971), p. 156.

[56] Mobile Homes Manufacturers Association, Flash Facts on Mobile, Sectional and Modular Homes (Chicago: Mobile Homes Manufacturers Association, 1971), p. 8.

In 1970, the fourteen-wide mobile home accounted for 8.1 percent (32,496 units) of the 401,190 mobile homes produced.[57] Thus, the fourteen-wide more than tripled its previous year's output.

The double-wide gained in popularity as it accounted for 9.6 percent (38,514 units) of the total production for 1970.[58]

The triple-wide and sixteen-wide made their appearance in 1970, and accounted for .2 percent and .1 percent of the total production respectively.[59] This could be taken as an indication of the desire of mobile home buyers for even larger units in the future.

The twelve-wide remained to be the "standard" mobile home unit as it accounted for 78.6 percent of the total units produced.[60] However, this is a decline from the 84.2 percent of total production enjoyed by the twelve-wide in 1969.[61]

The eight-wide and ten-wide continued to drop in popularity as, together, they accounted for only .8 percent of the total units produced in 1970.[62]

Table V (see Appendix A) indicates that in 1970, mobile homes accounted for 45 percent of all new one-family homes and 95 percent of all new homes priced under $15,000.

In 1971, 496,750 mobile homes were produced at an estimated retail sales of $3,297,225,000 as noted by Table I (see Appendix A). The

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[57] Ibid., p. 4.

[58] Ibid., p. 3.

[59] Ibid.

[60] Ibid.

[61] Ibid.

[62] Ibid.

fourteen-wide continued to grow in popularity as it doubled its previous year's output and accounted for 16.2 percent (80,444 units) of the total 1971 production.[63] Currently, within prescribed limitations, 34 states permit movement of the fourteen-wide within their borders.[64]

The double-wide also continued to gain in popularity as it accounted for 12 percent of the total production for 1971.[65]

Although the twelve-wide remained to be the "standard" mobile home unit as it accounted for 69.6 percent of the total number of units produced in 1971, it continued to decline in popularity (from 78.6 percent of total production in 1970).[66]

Table VI (see Appendix A) indicates that in 1971, mobile homes accounted for 43 percent of all new single-family homes and 96 percent of all new homes priced under $15,000.

The current average retail price of all mobile homes is $6,640 or about $9.07 per square foot, including the furnishings and appliances.[67] By comparison, according to the Census Bureau, the median intended sales price of a 1971 site-built, unfurnished, single-family home was $25,700 including land, or approximately $17.00 per square foot.[68]

Thus, many experts feel that the mobile home in the next ten years

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[63] Mobile Homes Manufacturers Association, Flash Facts on Mobile, Sectional and Modular Homes (Chicago: Mobile Homes Manufacturers Association, 1972), p. 3.

[64] Ibid.

[65] Ibid.

[66] Ibid.

[67] Ibid.

[68] Ibid.

will continue to evolve to something closer to conventional housing, consistent with consumer demand.

> Doublewides, triplewides, and modular factory produced and assembled homes will be an increasingly important development of the 1970's for the mobile home industry. Mobiles and modulars will continue to grow in size and unquestionably will take on the appearances of conventional housing with gabled roofs and new exterior designs.[69]

II. THE MOBILE HOME PARK

Early History

The mushrooming number of trailers in the 1920's created another allied industry; the trailer camp or tourist park. Early trailer camps sprang up in an unregulated and haphazard manner. The temporary nature of trailers and their occupants rendered them suspect in the communities where they happened to stop. Often times, an open field or a vacant lot with the addition of a few privy toilets and perhaps a washroom became a trailer court.

Since there was very little municipal or state regulation in effect at the time, these courts tended to be highly crowded, often unsanitary and usually an eyesore. Many municipal officials were becoming concerned with the problem of trailer camps by the mid-1930's, but since these camps were generally located outside municipal limits, the general tendency was to ignore them or depend on the state health officials.[70]

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[69]Carl Cox, "Trailer--to Mobile Home--to Modular . . . And There's More to Come," Knoxville News-Sentinel, May 28, 1971, p. C-3.

[70]Hegel, op. cit., p. 2.

However, there were some trailer camps existing during this period which were prototypes of the modern mobile home park. In 1931, the Architectural Record provided the following account concerning progressive trailer camps:

> Resort cities in Florida have taken the lead in providing motor trailerites with necessary community services. Camp grounds offer electricity, water, sewage disposal, lavatories, showers. Some even have game courts and community recreational centers. Largest is the municipally owned and operated tourist camp near Payne Park . . . at Sarasota. Opened five years ago, it now has 31 acres, subdivided into 1000 rectangular lots, each 30 feet in depth and 25 feet in frontage. It is policed, has a huge recreation hall and a community laundry.[71]

However, this type of trailer camp was definitely the exception rather than the rule during this early period.

Some early legislation designed to prohibit trailer camps was drafted in terms of outlawing the maintenance of any camp for transients on any vacant lot in the municipalities.

> Municipalities sought, with varying success, to isolate the problem of providing space for tourist camps, or by permitting temporary occupancy of municipal parks, sometimes with state approval. These tourist camps were held not to constitute a nuisance as a matter of law, but they were unpopular with their neighbors, and they were sufficiently ugly and troublesome to have fixed a stereotype of the mobile home and the mobile home court which persists in a period when the mobile home is a thoroughly modern and sometimes spacious dwelling of a permanent nature.[72]

Almost all of the earlier trailer parks were designed to place a maximum number of trailers on a minimum area of land. Some trailer

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[71]"Trailer Industry," p. 160.

[72]Robert Anderson, American Law of Zoning, Vol. II (Rochester, New York: Lawyers Co-operative Publishing Company, 1968), p. 359.

courts placed as many as 22 trailers on one acre of land.[73]

The 1950's

> A great impetus to mobile-home-park development was provided by the 1955 amendments to the Federal Housing Act. These amendments permitted the FHA to insure mortgages on park sites and facilities if they met certain government standards. For a number of years before this, the federal government had published recommended standards for mobile-home-court construction and sanitation.[74]

In 1958, there were approximately 14,200 mobile home parks throughout the United States, providing over 511,600 spaces.[75] They varied in size from 20 to 1,200 spaces with a wide range of facilities offered.[76]

In 1959, Frank Fogarty wrote:

> Once the "tin-can" camp of depression and wartime migrants, trailer parks have survived a prognosis of death-by-prosperity to become a brand new kind of semipermanent settlement. Some three million Americans--two-thirds of them skilled workers, professionals, and retired people--now live in 13,000-odd trailer parks.[77]

Current Trends

As the mobile home unit increased in size the mobile home park became more and more permanent in nature.

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[73] St. Charles County Planning and Zoning Commission, Mobile Home Parks St. Charles County, Missouri (Manchester, Missouri: Joseph Bappert and Associates, Incorporated, 1969), p. 3.

[74] Arnold H. Mays, "Zoning for Mobile Homes," Journal of the American Institute of Planners, XXVII (August 1961), p. 205.

[75] Ibid.

[76] Ibid.

[77] Frank Fogarty, "Trailer Parks: The Wheeled Suburbs," The Architectural Forum, III (July 1959), p. 127.

As late as 1957, the Federal Housing Administration permitted as many as 18 units per net acre of land.[78] Public demands and the mass production of the 10-foot by 50-foot mobile home forced an increase in the size of lots in the early 1960's. The spaces designed for the 8-foot by 40-foot unit became rapidly obsolete. The twelve-wides, double-wides, and expansibles have created even greater demands for space.

"The availability of suitable space, particularly for very large units, is a limiting factor for the mobile home industry."[79] Of the nation's 25,000 mobile home parks only 13,000 can hold more than 15 units.[80] Most of the smaller parks are obsolete because of their small size, undersized lots, and lack of amenities.[81]

Mobile home manufacturers produced three mobile home units for every new lot which was developed in 1968 (318,000 to 100,000).[82] In 1969, 412,690 mobile homes were sold and 121,000 park sites were developed.[83] Finally, in 1970, 401,190 mobile homes were produced; 172,000 park sites were built.[84]

Thus, in an attempt to catch up with mobile home owners' demands for spaces, park developers have been building at an accelerated rate.

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[78] Mobile Home Parks St. Charles County, Missouri, p. 3.

[79] Ibid.

[80] Ibid.

[81] Ibid.

[82] Ibid.

[83] Maxwell C. Huntoon Jr. and John Kirk, "It's Time to Take the Low-Price Market Back from the Mobiles," House and Home, XXXIX (April 1971), p. 65.

[84] Ibid.

In 1970, nearly 1200 new parks were built in the United States.[85]

Currently, there are approximately 2,000,000 mobile home sites located in all the mobile home parks in the United States; the average mobile home park has about 75 spaces.[86] Many of the mobile home parks being built today have a minimum of 200 sites; however, some contain up to 1,200 spaces.[87]

Thus, the rapid demand for modern mobile home parks has grown with the sharp increase in production in the mobile home industry. The national average mobile home park vacancy rate in 1971 was only 5 percent.[88]

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[85]"Mobile Home Spaces Number Two Million," Knoxville News-Sentinel, May 28, 1971, p. C-6.

[86]Ibid.

[87]Flash Facts on Mobile, Sectional and Modular Homes, 1972, p. 9.

[88]Ibid.

CHAPTER III

REGULATION AND ZONING OF MOBILE HOMES

I. INTRODUCTION

Regulating Mobile Homes

Before getting into a specific discussion of zoning for mobile homes, the author would like to briefly touch upon the regulation of mobile homes in general. There is no shortage of potential tools for dealing with mobile homes. Of major importance among these is zoning. Some of the other possible methods of regulating mobile homes include:

1. Health and sanitation requirements.
2. Building, plumbing, and electrical codes.
3. Minimum housing requirements.
4. Subdivision regulations.
5. Police and fire regulations.
6. Title and ownership requirements.
7. Highway licensing and traffic regulations.
8. Occupational licensing requirements and general regulatory matters relating to mobile home dealers and manufacturers.
9. Taxation by state and local governments.

Although the list may not be complete, it does show that there are many tools available to help regulate the mobile home.

Complicating matters, however, is the fact that the mobile home simply does not fit the established regulatory framework.

> A (mobile) home is not a house. It is not a building, as the term is often defined. . . . It is only incidentally a vehicle, and may not remain that long. It is not a travel trailer, although its evolution had led to regulation as though it were, with unfortunate results in many instances.
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> It is usually constructed outside the local jurisdiction, and arrives completed so that it cannot be inspected for conformity with local plumbing, heating, electrical, and structural codes. Moreover, since its structural characteristics and requirements are quite different from housing built on foundations, its construction should be regulated differently.[1]

Thus, as a relative newcomer in the permanent housing field, the mobile home is sometimes viewed with alarm and resentment because it is unfamiliar and because comfortable and long established habits of tradition and control do not quite fit it.

However, mobile homes should most certainly be regulated. The complexity of our American society imperatively demands it. Conventional housing construction and location is subject to such regulations as building permits and inspections, zoning controls, sanitary controls, housing codes and many others. Taxes must be paid to provide such necessary governmental services as education, police and fire protection, and sewerage and water facilities among others. The citizenry may not always like or appreciate the need for regulations of this type, but regulation there must be.[2]

The problem of equitable regulation of the mobile home in any given community depends upon a recognition by the community of the legitimate

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[1]Frederick H. Bair, Jr., "Mobile Homes--A New Challenge," Law and Contemporary Problems, XXXII (Spring, 1967), p. 290.

[2]Ernest R. Bartley and Frederick H. Bair, Jr., Mobile Home Parks and Comprehensive Community Planning (Gainesville, Florida: Public Administration Clearing Service of the University of Florida, 1960), p. 51.

nature of the mobile home as a permanent residence and, on the other hand, a recognition by the mobile home advocate that mobile homes unregulated would only bring about a climate of opinion that would eventually result in attempts to eliminate mobile homes altogether from the community.[3]

> The problem of regulation is as much a matter of psychology, education, economics, public regulations, politics, and sociology as it is a matter of law. What the people of a given community think about mobile homes, whether what they think is "correct" or not, is most frequently the factor that will determine the type of regulatory techniques and legislation that will be put into effect. Attitudes of mind are important elements in the policies that a community adopts. These policies will be cloaked in legal language, but if a firm and articulate community majority wants to see drastic and punitive regulation of mobile homes, the chances are that that type of regulation will be adopted. If the dominant economic and political group in a community is "anti-mobile home," that attitude will be reflected in a hostile mobile home regulation and control.[4]

State Regulation

The state may choose to regulate mobile homes directly under the state statutes. As a generalization, it can be stated that these state statutes, where they exist, deal with such items as mobile home titles and liens, various phases of taxation and licensing, size limits of mobile homes, movement on public highways, and health and sanitation requirements. Some states set requirements in regard to the construction of mobile home parks.

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[3] Ibid.

[4] Ernest R. Bartley, "Regulating Mobile Homes--Non-Zoning" (paper presented at the Southeastern Conference on Urban Planning for Mobile Homes, Atlanta, Georgia, October 7, 1960), pp. 4-5.

However, as a practical matter, state governments rely heavily on local units of government for much necessary regulatory action concerning mobile home development.

> Quality control of units [mobile homes] to be occupied as permanent housing can be assured statewide if the state adopts and enforces codes on frame construction and on plumbing, heating and electrical installation. Many details on mobile home parks can be handled by the state--design standards, requirements for improvements, requirements concerning water supply and sewerage. The state can also control water supply and sewerage for mobile home subdivisions.
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> To the extent that these things are handled by the state, they can be eliminated from local regulations. To the extent that they are not, or that state regulations fail to meet desired local standards, local controls may have to substitute or supplement.[5]

Since statewide zoning is only found in Hawaii, the matter of where mobile home parks and subdivisions or individual mobile homes may locate is a matter for local jurisdictions to determine.

> Mobile home subdivision regulations would normally be drafted and administered at the local level. And since few states have statewide housing codes, this too is a local matter.[6]

However, in some parts of the country, reliance on state regulation would be premature until state controls have been modernized.

> Some states will fail to distinguish between mobile homes and travel trailers and their parks, with concomitant failure to distinguish between their requirements. Thus, size of individual spaces in what are generally called "trailer parks" or "trailer camps" is adequate for travel trailers but entirely too small for mobile homes. And some state laws still call generally for facilities needed for travel trailer parks but superfluous in

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[5]Frederick H. Bair, Jr., "Mobile Home Living and Mobile Home Regulation," Florida Planning and Development, XIX (March 1968), p. 9.

[6]Ibid.

> mobile home parks--extensive washroom facilities, laundries, drying yards, and sinks for emptying slop jars are hardly necessary for modern mobile homes with their own baths, washers, and driers.[7]

Over one-half of the states have adopted construction standards for mobile homes.[8] Control of the quality of mobile homes coming into any jurisdiction can be assured, either through state regulation or adoption of a local requirement that mobile homes must meet recognized national standards.

The Comprehensive Plan

As stated in Chapter II, mobile homes are becoming primary sources of housing for increasing numbers of people and offer one of the most readily available forms of lower cost housing. Most of the time mobile homes have been treated by local governments as an intrinsically inferior form of land use and have not had a part in the overall planning thought of most municipalities.

Since the mobile home plays a significant part in the permanent housing supply and its "effectiveness" depends to a considerable extent on where it is located, it therefore becomes apparent that the mobile home (more specifically the mobile home park) deserves consideration in the comprehensive plan of the average community.

> It should not be denied a place when the comprehensive plan is made, nor jammed in as a miscellaneous afterthought. It has a logical place in the plan; it has problems; it creates problems. In this respect, it is no different from other land uses.

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[7] Bair, "Mobile Homes--A New Challenge," pp. 293-294.

[8] Thirty-one states require compliance with the American National Standard A 119.1; several other states are expected to develop similar laws in the near future according to MHMA.

> The comprehensive plan is a device for balancing land uses against needs, for relating uses properly to each other, for guiding development so that waste and friction are reduced and so that the people who live in the urban area get a maximum of return in comfort, convenience, and services for a minimum of tax expenditure. In the plan . . . the mobile home park has just as real a place as the duplex or apartment house.
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> In the comprehensive plan, the mobile home park . . . [can be] also useful. For example, it can sometimes be made to provide a practical and desirable buffer between commercial and residential districts, making logical and constructive use of the land which frequently lies idle or develops slowly between districts. This is a transitional use in terms of space. The mobile home park may also perform a transitional function in terms of time, an intelligent interim use of land which will later be needed for other purposes.[9]

The location and design of individual parks depends on the purpose or combination of purposes to be served. All mobile home parks are not the same. They may be classified in many ways; the most common classification breaks them down according to the type of clientele they are designed to serve. Based on this method, mobile home parks may be categorized as follows:

1. Housing parks which mainly serve the employed. This type of park offers its residents economy and convenience. These are very often older parks, located in areas of high employment concentration close to commercial and industrial property. The purpose of such a park is to offer the worker, who prefers the mobile home way of life for one reason or another, proximity to his job. Parks catering to working people give little emphasis to amusement programs since the tenants are regularly occupied. However, even this type of park usually has a limited recreational program because many who live in mobile homes consider park entertainment activities one of the main advantages of mobile home living.

2. Parks occupied by retired or semiretired people. This park is generally situated in the suburbs or on the periphery of urban communities and in sections of the nation that especially

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[9] Bartley and Bair, op. cit., pp. 14-15.

appeal to the retired or semiretired. Some parks limit their tenants to this type of person. These parks place great emphasis on recreation and planned programs of tenant participation. A park of this type normally charges higher rent and offers more varied and luxurious facilities.

3. Parks occupied primarily by service personnel. There are numerous mobile home parks located near military installations. Some of these parks are privately owned and some are government sponsored. In general, this park would be very similar in nature to that of the housing parks which mainly serve the employed.

4. Parks which appeal to the vacationer. These parks are located in mountain areas, near bodies of water, and in seasonal vacation areas. This type of park has few or no tenants during the off-season period and are full during the vacation season.

Of course, the majority of parks probably do not fit neatly into any of these classifications. While many parks do cater to a special clientele, there is more likely to be a mixture. Some parks segregate areas for different occupants.

> The "modern" mobile home, as envisioned by planners and parks designers, centers around the concept of a community park with all the necessary facilities that any community or neighborhood requires. This includes extensive recreational facilities, shopping centers, theaters, etc. The parks are very large, from 100 to 500 spaces, and in some cases, over a thousand spaces. They are, in all reality, a community in themselves, and they cater to permanent residents who develop a sense of community.[10]

Thus, where mobile home parks belong depends on the nature of the urban area in question, the type of mobile home parks, and the characteristics of the park occupants.[11] As a general rule, the mobile home

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[10]Minnesota Highway Interim Commission, Mobile Homes and the Mobile Home Industry, Report of the Minnesota Highway Interim Commission (St. Paul, Minnesota: Consulting Services Corporation, 1967), p. 22.

[11]Bartley and Bair, op. cit., p. 34.

park belongs in the comprehensive plan as a large scale, medium density, multiple family residential use.[12]

The plea to include mobile home parks in the comprehensive plan is not new. In 1936, Ernestine Evans made the following statement. "The site of the trailer camp should be part of the town plan."[13] Since 1936, few communities have taken Evans' advice. In short, the mobile home will be with us for some time to come and it needs and deserves a place in the community.

II. ZONING OF MOBILE HOMES

Background

Community resistance to the extension of mobile home uses is based upon some problems which seem inherent in this type of housing, and upon certain stereotyped notions which are rooted in the memory of early trailer parks and in the observation of some existing mobile home parks.

As stated earlier, mobile homes do not look like conventional dwellings. This difference in appearance is sufficient to persuade many municipalities that a mobile home in a conventional neighborhood will certainly depress property values. This difference also renders them unwanted in conventional residential neighborhoods. Thus, the different appearance of the mobile home is a significant cause for the special treatment that it receives in zoning ordinances.

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[12] Ibid., p. 47.

[13] Ernestine Evans, "Trailers and the World's Fair," The Architectural Record, LXXX (August 1936), p. 160.

Perhaps the most common method of protecting residential neighborhoods from the real or imagined harm of the mobile home is to confine the mobile home to a park. According to Hodes and Roberson in The Law of Mobile Homes:

> Provisions restricting mobile homes to licensed areas insure that health and safety standards established for parks will be maintained in all mobile homes within the community, and their validity has frequently been upheld.[14]

One of the most recent cases dealing with this concept was decided on November 25, 1969. In Mobile Home Owners Protective Association v. Town of Chatham, 305 N.Y.S. 2d 334 (N.Y. 1969), a New York court held that mobile homes, even if permanently affixed to a foundation, could be constitutionally limited to trailer parks.[15]

When mobile homes are grouped together in a park, the mingling of two distinct kinds of dwelling is avoided; however, a new problem is created. A suitable site must be found for the mobile home park, and the multiple problems of a group of such homes must be solved in the context of the comprehensive plan.

In 1959, Frank Fogarty gave a very perceptive account on the zoning of mobile home parks when he said:

> . . . bigger trailers . . . have made the trailer park increasingly difficult for communities to wish away or ignore. Historically, of course, cities and towns have done just that: they have either excluded trailer courts entirely from their boundaries, a practice of dubious constitutionality, or

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[14] Barnet Hodes and G. Gale Roberson, The Law of Mobile Homes (Chicago: Commerce Clearing House, Inc., 1957), p. 36.

[15] American Society of Planning Officials, Zoning Digest, XXII (1970), p. 76.

> consigned them indifferently to industrial or commercial zones where, with few restrictions, they were free to fester with other eyesores. But today, because of the change in trailer habits, there is a growing suspicion within communities that the trailer park may, indeed, fulfill a genuine human need for minimum-involvement housing that is likely to be around for a good while. The intelligent, democratic policy may be neither to exclude nor to ignore the trailer park but to zone and regulate it conscientiously so that it may be a more pleasing part of the community, as some parks already are.[16]

Thus, it can be observed that the treatment which mobile homes have been given in the past, through zoning and other land use controls, has helped create many of the characteristics found to be objectionable by the opponents of mobile homes today. It is reasonable to conclude that zoning has generally been used to exclude or severely restrict mobile home development. However, this trend can and should be changed.

> Zoning is an exercise of the basic power of the state, and its political subdivisions, to enact legislation protecting the public health, safety, morals and general welfare of its citizens. This means that each regulation in the zoning ordinance must bear a reasonable and substantial relationship to these ends or it will be found in violation of the "due process" clauses of state and federal constitutions.
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> . . . . . .
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> The power to zone, like other regulatory powers, is customarily derived by municipalities from the state legislature. Except for certain "home rule" cities, a municipality, therefore, must show that its zoning ordinance not only meets constitutional standards, but also meets the legislative requirements set forth in the state enabling act, relative to substantive provisions and the procedures followed in its enactment and administration. Many zoning decisions and ordinances have been invalidated merely through defects in these two areas.[17]

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[16] Frank Fogarty, "Trailer Parks: The Wheeled Suburbs," The Architectural Forum, III (July 1959), p. 127.

[17] William I. Goodman, ed., Principals and Practice of Urban Planning, (Washington, D.C.: International City Managers' Association, 1968), pp. 404-405.

The most important means of regulating the mobile home which is available to the municipality is the power to zone. Zoning is the appropriate regulatory tool for controlling the location of the mobile home park, and is the most logical place for establishing standards as to park size, general design features and facilities.[18]

Location of the Mobile Home Park

> To begin with, the merchandising of mobile homes simply does not fit accepted American patterns. The mobile home is usually sold off a lot; conventional housing is sold on a lot. To some degree at least, this basic factor of merchandising is responsible for consigning mobile home parks in zoning ordinances to business, commercial, or industrial districts.[19]

Many times a mobile home sales lot is combined with a mobile home park. The sales lot often fronts the street with the park located in the rear.

> Under a principal of separating land uses, a mobile home park seeking to operate in connection with a sales activity forfeits at least a measure of its claim to residential classification.[20]

A second problem arises in classifying a mobile home park when some minor commercial activity is sought to be carried on in the park for the benefit of the residents. Larger mobile home parks have particular need of some business activities within their boundaries. Some governmental officials have taken the view that such activity within a park should

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[18]Frederick H. Bair, Jr., Local Regulation of Mobile Home Parks, Travel Trailer Parks and Related Facilities (Chicago: Mobile Homes Research Foundation, 1965), p. 19.

[19]Bartley and Bair, op. cit., p. 75.

[20]Ibid., p. 76.

automatically cause the entire park to be placed in a business or commercial zone.[21] However, the current trend is to allow such use of light business activity in mobile home parks; there are ample precedents in apartments and planned unit development regulations permitting similar convenience establishments.

Another argument for not allowing the mobile home park to be located in a residential district is that the mobile home park is, for the most part, a commercial enterprise in that the lot is rented to the owner of the mobile home. It is argued that such a business activity makes the entire project a commercial one, suitable only for commercial zoning.

However, as stated in The Law of Mobile Homes:

> The residential character of a housing development where homes or apartments are leased is not rendered a business use for zoning purposes by reason of the fact that the owner operated the building or development for financial gain. Similarly, the essential residential character of a mobile home park should not be nullified for zoning purposes by reason of the fact that the park operator leases space for occupancy by mobile homes. . . .
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> Zoning exists because of the recognized need for affording people an opportunity to live in sections apart from those devoted to commerce, trade and industry. It is natural for one to want to make his home in areas where fresh air and sunshine may be enjoyed away from the noise and traffic of commercial marts and the dirt and smoke of industrial plants. It is undesirable for sociological as well as health and safety reasons to compel people to live and raise families in industrial or commercial districts. Adults and children who live in mobile homes should enjoy a residential type of environment just as do those who live in conventional type dwelling houses. Forcing inhabitants of mobile home parks into unsuitable neighborhoods by compelling them to live in areas set apart for trade, commerce and industry can only result in inferior mobile home parks. This is evidenced by the rapidity with which even conventional residence depreciate when located in industrial

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[21] Ibid.

> or commercial zones. Such zoning tends to frustrate rather than to promote the public welfare.[22]

Thus, the mobile home is a residence, and belongs in residential areas, since exposure to commercial or industrial environments is likely to have the same blighting influence as for other forms of housing. "Forcing parks into desolate surroundings through the zoning power merely guarantees the probability of the slumlike park."[23] Generally speaking, the density of a mobile home park is such as to make it appropriate for multifamily residential districts, although at the lower end of the density scale the number of mobile homes per acre is in the single-family class.

Use of Zoning to Exclude

Some municipalities have adopted zoning regulations which exclude mobile homes and mobile home parks from their territory.

In Davis v. McPherson, 132 N. E. 2d 626 (Ohio Ct. of App., 1955), an Ohio court decided that a township ordinance prohibiting trailer parks from operating anywhere in the township was valid.[24] The court said the ordinance was reasonable and comprehensive in its application and that it also had a relation to the public health, morals, and safety of the township involved.

Later the same court, in Carlton v. Riddel, 132 N.E. 2d 772 (Ohio Ct. of App., 1955), upheld a township zoning ordinance which established

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[22]Hodes and Roberson, op. cit., p. 108.

[23]Bartley and Bair, op. cit., p. 79.

[24]Hodes and Roberson, op. cit., p. 104.

two zoning districts, an "R" residential and a "B" business or commercial, but prohibited trailer parks in both of those districts.[25] This ordinance sought to justify the exclusion by specifically declaring that mobile home parks were nuisances. "However, a municipality cannot by mere declaration make that a nuisance which is not a nuisance per se or in fact."[26]

However, not all courts have agreed with the early Ohio decisions. The courts in Pennsylvania and Michigan have declared excluding ordinances invalid.

> Pennsylvania averred that such prohibition is beyond the powers given to the municipality, which extend only to regulation. In addition, such prohibitions would not conform with other state laws permitting trailers to be used on highways.
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> The Michigan Supreme Court has held such township ordinances void, . . . on the grounds that to allow exclusion would be tantamount to declaring trailer camps detrimental to health, safety, and public welfare, and this would be hardly compatible with the legislative intent authorizing their operation in Michigan.
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> . . . . . .
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> Both courts refer to specific enabling acts, which they feel the municipalities have exceeded, but they do recognize a problem in drawing the line at which a lawful use may be prohibited. It would seem that the exclusion of mobile home parks would have to be based upon nuisance concepts to be upheld. Unless the enacting municipality could show a direct and substantial relation between its ordinance and the police powers (health, safety, general welfare), exclusion should be invalidated.[27]

The Supreme Court of New Jersey, in Vickers v. Township Committee of Gloucester Township, 181 A. 2d 129 (N.J. 1962), held that a rural township, 23 square miles in area, could validly exclude all trailer

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[25] Ibid.

[26] Ibid.

[27] Arnold H. Mays, "Zoning for Mobile Homes," Journal of the American Institute of Planners, XXVII (August 1961), p. 206.

parks from its boundaries.[28] In this case, Justice Frederick Hall put forth a rather enlightening dissenting opinion when he said:

> The majority decides that this particular municipality may constitutionally say, through exercise of the zoning power, that its residents may not live in trailers--or in mobile homes, to use a more descriptive term. I am convinced such a conclusion in this case is manifestly wrong. Of even greater concern is the judicial process by which it is reached and the breadth of the rationale. The import of the holding gives almost boundless freedom to developing municipalities to erect exclusionary walls on their boundaries, according to local whim or selfish desire, and to use the zoning power for aims beyond its legitimate purposes. Prohibition of mobile home parks, although an important issue in itself, becomes in this larger aspect somewhat a symbol.[29]

In 1970, the Pennsylvania Supreme Court essentially adopted the broad rationale urged by Justice Hall. In Appeal of Girsh, 263 A. 2d 395 (Pa. 1970), the court ruled unconstitutional a village's zoning ordinance which made no provision for apartment dwelling units and thus, in effect, excluded them.[30] The village, facing the pressures of urbanization, received numerous requests from developers to permit the construction of apartments, but the village denied the requests.

In support of its decision, the court cited one of its previous decisions[31] in which it stated:

> The question posed is whether the township can stand in the way of the natural forces which send our growing population

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[28] Richard F. Babcock, The Zoning Game (Milwaukee: The University of Wisconsin Press, 1966), p. 181.

[29] "Court Decisions on Mobile Homes," Planning, XXXVII (May 1971), p. 68.

[30] Ibid.

[31] National Land Investment Co. v. Easttown Twp. Board of Adjustment, 215 A. 2d 597 (Pa. 1965).

> into hitherto undeveloped areas in search of a comfortable place to live. We have concluded not. A zoning ordinance whose primary purpose is to prevent the entrance of newcomers in order to avoid future burdens, economic and otherwise, upon the administration of public services and facilities cannot be held valid.[32]

The court put zoning and urban development in their rightful perspective when it said:

> Zoning is a tool in the hands of governmental bodies which enables them to more effectively meet the demands of evolving and growing communities. It must not and cannot be used by those officials as an instrument by which they may shirk their responsibilities. Zoning is a means by which a governmental body can plan for the future--it may not be used as a means to deny the future.[33]

Applying the rationale of the Pennsylvania Supreme Court in the Girsh case to mobile homes, the spirits of any mobile home advocate should be lifted.

However, it must be remembered that what is judicial opinion in one state has little or no application in the rest of the states. Thus, what applies in one state probably will not apply in another. Thus, it is very hard to evaluate the overall situation in regard to exclusionary zoning of mobile homes.

Some indication can be obtained by briefly reviewing a recent survey conducted by the American Society of Planning Officials. Of the 284 jurisdictions responding to a questionnaire concerning mobile homes, 20 percent of the jurisdictions totally exclude mobile home parks.[34]

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[32]"Court Decisions on Mobile Homes," p. 68.

[33]Ibid.

[34]ASPO Planning Advisory Service, Modular Housing, Including Mobile Homes: A Survey of Regulatory Practices and Planners' Opinions (Chicago: American Society of Planning Officials, 1971), p. 30.

Also, existing parks are allowed to continue as nonconforming uses, but no new parks may be built, in 8 percent of the jurisdictions.[35] Thus, over one-fourth of the jurisdictions will not allow new mobile home parks to be built.

However, the writer does feel that it is very possible that mobile homes will be able to gain ground by riding the shirttails of the recent wave of court cases concerning exclusionary zoning practices towards minority and low-income groups.

Hodes and Roberson in The Law of Mobile Homes, state the following concerning the exclusion of mobile homes:

> Generally, since mobile home parks and mobile homes are not as a matter of law nuisance per se or detrimental to public health, safety, morals or general welfare, a zoning ordinance which totally prohibits them within the confines of a municipality is not a reasonable and justifiable exercise of the police power, as it cannot be said that it bears a real and substantial relationship to the promotion of public health, safety, morals or general welfare.[36]

Nonconforming Use

> At the time a zoning ordinance is originally adopted, there are, in almost every district, some uses that existed before the ordinance was adopted, which do not conform to the use regulations or the dimensional regulations for the district. These are known as nonconforming uses. Other such uses are created from time to time by amendments to the zoning ordinance. In order to make the adoption of a zoning ordinance politically and financially feasible, and because of some doubt as to the constitutionality of doing otherwise, drafts of early ordinances allowed nonconforming uses to continue as they were at the time of adoption of the ordinance or

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[35] Ibid.

[36] Hodes and Roberson, op. cit., p. 104.

amendment, subject only to certain provisions designed to limit the enlargement of the noncomforming use. . . .[37]

In most states, the zoning statutes which grant powers to municipalities to enact zoning ordinances contain specific provisions that existing nonconforming uses shall not be affected by any zoning ordinance passed pursuant thereto, at least until such uses are legally discontinued or they are gradually eliminated.[38]

In order to assert the right to the nonconforming use it is necessary that the use shall have commenced before the zoning restriction is imposed and that it be in existence when the zoning restriction is enacted.[39]

In Ohio State Student Trailer Park Co-operative, Inc. v. County of Franklin, 123 N.E. 2d 542 (Ohio Ct. of App., 1953), an Ohio court ruled that a mere contemplated use of land for trailer park purposes prior to the effective date of a zoning restriction did not warrant the right to operate the park as a nonconforming use after the effective date of the zoning restriction.[40] The use must have been actual and not merely contemplated (such as the making of plans) to warrant recognition as a valid nonconforming use.

However, when one acquires land and in contemplation of its use for mobile home park purposes (then lawful) either makes substantial improvements thereon or incurs substantial liabilities relating directly thereto,

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[37]Goodman, op. cit., p. 135.

[38]Hodes and Roberson, op. cit., p. 113.

[39]Ibid.

[40]Ibid., p. 114.

or both, before the enactment of a zoning ordinance which restricts or prohibits such use in the district, his vested right to a permissive nonconforming use is generally recognized, even though no actual operation of the park started before the effective date of the zoning ordinance.[41]

This principal was given effect in the case of Meuser v. Smith, 141 N.E. 2d 209 (Ohio Ct. of App., 1956), by an Ohio court,

> . . . where the defendants on March 27, 1952, had purchased 11 acres of land in Franklin County, Ohio, for the purpose of building a mobile home park. Plans submitted to the County Board of Health were approved by it on April 18, 1952. A permit for the construction of one of two proposed utility buildings was issued by the County Department of Building Regulations on April 29, 1952. Construction was commenced immediately and on May 20, 1952, when the ordinance zoning the property residential and agricultural was passed, the work had progressed to the digging of an excavation, the construction of footings and of a foundation to ground level. A mobile home park was not permitted on property zoned residential and agricultural in the absence of a nonconforming use. The court held that, by starting the construction, the defendents had perfected a valid nonconforming use, and consequently their use of the property for a mobile home park would not be enjoined.[42]

As is true in the case of nonconforming uses generally, a mobile home park will qualify as an existing use only if substantial use of the land for that purpose can be demonstrated.[43] Such was the case in Kessler v. Smith,[44] 142 N.E. 2d 231 (Ohio Ct. of App., 1957), where:

> . . . a zoning ordinance classified as residential property certain land upon which a mobile home park had lawfully been constructed prior to the enactment of the ordinance. When the ordinance was enacted the park operator had already spent

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[41] Ibid.

[42] Ibid.

[43] Robert Anderson, American Law of Zoning, Vol. II (Rochester, New York: Lawyers Co-operative Publishing Company, 1968), p. 385.

[44] Ibid.

> in excess of twenty thousand dollars in construction and improvement of the park, relying upon the absence of zoning or building ordinances in the village. Although the court found that his business had not yet been completely established, it held that the village could not retroactively prohibit this nonconforming use.[45]

Not only must a use be started before a zoning restriction becomes effective, but it must be lawfully established in order to continue as a valid nonconforming use. If the prior use is lawful, it may be continued notwithstanding the restrictive provisions of an ordinance which is passed after its establishment.

However, conduct short of actual use has sometimes been held to establish a right to continue. In the case of State ex rel. Green Acres Development Co. v. Sabo, 149 N.E. 2d 38 (Ohio Ct. of App., 1958), an Ohio decision, where the state and a municipality approved plans for a mobile home park, the applicant was said to be entitled to a permit to proceed.[46]

> Mobile home parks operating as lawful nonconforming uses have on occasions been confronted with the question of whether the park could be lawfully enlarged or expanded to accommodate additional mobile homes. As a general rule, under most zoning ordinances, nonconforming uses may not be enlarged or extended. However, determination of whether there has been an enlargement or extension of a nonconforming use depends, in the final analysis, upon the provisions of the applicable zoning ordinance and the particular facts of each case.[47]

As is true in the cases of uses generally, the courts are more alert to discover an extension of a nonconforming use where additional

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[45]Hodes and Roberson, op. cit., pp. 114-115.

[46]Anderson, op. cit., p. 386.

[47]Hodes and Roberson, op. cit., pp. 122-123.

land is involved than where the nonconforming use has increased in volume or intensity. In State ex. rel. Zoning Inspector of Montgomery County v. Honious, 253 N.E. 2d 301 (Ohio Ct. of App., 1969), an Ohio court said that the only proof of an actual extension of a nonconforming use (in this case a junkyard) that would suffice would be an extension of the physical limits.[48]

However, an extension of a nonconforming mobile home park can be accomplished by the proper granting of a variance or a conditional use.

Generally speaking, the right to a nonconforming use continues until such time as it is lawfully terminated.

> Since the fundamental policy of zoning is to segregate incompatible uses in the interest of the public welfare, such policy necessarily contemplates the eventual elimination of nonconforming uses, provided that constitutional rights are not thereby transgressed.[49]

Generally, abandonment terminates a nonconforming use. In some instances, zoning ordinances provide that nonconforming uses shall be terminated by the process of "amortization of nonconforming uses". If this technique is used, the period and manner of amortization normally will be carefully scrutinized by the courts to make sure the whole process is "reasonable".

> What constitutes a reasonable period of time and manner depends upon the specific situation and involves many factors, such as (1) the nature of the use, (2) the character of the improvements, (3) the investment in the improvements and (4) the value of the land.[50]

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[48] Zoning Digest, p. 78.

[49] Hodes and Roberson, op. cit., p. 118.

[50] Ibid., p. 121.

Probably the two most frequently heard charges against mobile homes relate to junky, substandard parks and individual mobile homes on single lots in residential areas. According to Bartley and Bair in their Mobile Home Parks and Comprehensive Community Planning, " . . . these problems can be treated through a correct utilization of principles that have evolved in the termination of nonconforming uses".[51]

However, traditional regulatory treatment of nonconforming uses in general is being questioned increasingly today. The American Society of Planning Officials states the following:

> It has been assumed that if nonconforming uses are sufficiently restricted in regard to reconstruction, alteration, replacement, enlargement, and the like, they will disappear in time. Many of them have not disappeared, and show no indication of doing so. Partly because of the restrictions, they become more unsightly and obsolescent. Thus one effect of the prohibitions may be to increase blight, rather than to remove it, particularly where there are no provisions requiring cessation of the use, within a period allowing for amortization.
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> The mobile home which is nonconforming as a principal use on its own lot, or as an accessory use, is a case in point. If the occupant is permitted to continue use of an obsolescent model, but not to replace it with a new one, he may well elect to do so. It is difficult to see how this serves the public interest better than allowing replacement, perhaps with conditions attached to such replacement which will improve the situation.[52]

The problem can be noted by a recent ASPO questionnaire concerning mobile homes, which showed under 10 percent of the 263 jurisdictions responding had amortization provisions concerning mobile home parks.[53]

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[51] Bartley and Bair, op. cit., p. 106.

[52] Modular Housing, Including Mobile Homes: A Survey of Regulatory Practices and Planners' Opinions, p. 20.

[53] Ibid., p. 32.

Hence, the amortization device is used relatively little in zoning, although in most states it is available as a tool.[54]

Thus, one of the basic problems of zoning has been its failure to terminate a nonconforming use.

Mobile Homes in Nonurban Areas

As stated earlier, the primary concern of this thesis is the mobile home park in the urban and urbanizing areas.

> Increasingly, counties are exercising zoning authority and wide areas may be zoned primarily for agricultural purposes. Many fine mobile home parks have been established in agricultural districts. Certainly they should normally be allowed as permitted uses in such areas subject to stated conditions.[55]

The problem under discussion here is not with the mobile home park but with the individual mobile home placed separately on its own parcel of land. This is no small problem as "about 50 percent of mobile homes are currently placed on individually owned property, in rural or small-town locations."[56]

> This market is expected to grow with the demand for moderately priced housing and as mobile homes more closely resemble site-built homes in appearance. . . .[57]

As to the zoning for mobile homes on conventional individual lots in rural areas, they could be generally permitted on lots equivalent to

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[54] Ibid.

[55] Bartley and Bair, op. cit., p. 99.

[56] Mobile Homes Manufacturers Association, Flash Facts on Mobile Sectional and Modular Homes (Chicago: Mobile Homes Manufacturers Association, 1971), p. 10.

[57] Ibid.

those for other single family residences. Here a mobile home will not be set on a small to medium size individual lot in the middle of an area of conventionally built homes as in urban areas, but rather, the lot sizes would be larger and conventional residences widely scattered. Thus, properly handled, mobile homes are more acceptable on individual lots in these areas. This would also provide an alternative in location for a mobile home owner other than in a mobile home park.

Most mobile home zoning experts believe a mobile home should be a permitted use on an individual lot in agricultural districts under certain conditions. "The most important condition is that if the agricultural district is rezoned for urban use, the mobile home must be removed from the district."[58]

Technique of Zoning

> In urban and urbanizing communities, the place for the mobile home is in a well-ordered, well-planned mobile home park. The proper location of such a park is in some residential zone, probably a multiple residential zone, subject to stated conditions designed to insure and promote the welfare of the community and those residing in the park. How the mobile home park gets into such a zone involves . . . questions of technique.[59]

Zoning regulation of the location of mobile home parks may be handled in several ways. Four major possibilities[60] are:

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[58] Ned Beck, Model Zoning Provisions for Mobile Homes and Recreational Vehicles in Indiana (Bloomington, Indiana: Indiana University, 1966), p. 1.

[59] Bartley and Bair, op. cit., p. 81.

[60] It must be remembered that each of these techniques has its unique variations.

1. Permitted use.

2. Special exception.

3. Special mobile home district.

4. Floating zone.

1. Permitted use: Most mobile home zoning experts believe that the technique of the outright permitted use (the traditional approach) is the most acceptable method of zoning for the mobile home park; however, the permitted use should be subject to clearly specified requirements.

> Most zoning ordinances are drafted on what is known as an "inclusive" basis. The inclusive type ordinance permits only those uses in a district that are specifically authorized for that district. . . . the property owner under an inclusive type ordinance needs to demonstrate only that his proposed use falls among those specifically authorized and that he meets the conditions imposed; he then is issued his building permit. In the modern zoning ordinance, the uses permitted in a district are set out in the schedule of district regulations, and any conditions imposed on the use are also set out therein.[61]

Thus, the developer knows exactly what he can and cannot do without lengthy negotiations which may involve the planning commission and staff, the board of adjustment (appeals), or even the governing body. If it can be said that a "mobile home park meeting the following requirements will be permitted in district X," this is the best way to preserve the public trust.

> So far as mobile home parks are concerned, the concept of permitted use requires that they be mentioned in the specific district or districts where they are allowed. Failure to so mention will almost certainly lead to the interpretation that they are prohibited.

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[61]Bartley and Bair, op. cit., p. 81.

> The permitted use, however, should not be one where the method and manner of exercise is completely unrestricted. Apartment houses, for example, are seldom allowed this carte blanche privilege. Most zoning ordinances limit the number of stories of apartment houses, the amount of yard space that must be provided, the number of off street parking spaces that will be needed, the percentage of the lot that may be utilized for the building, etc. The buildings are subject to the usual requirements for structural soundness and health, sanitation, and safety.[62]

The same approach should apply to mobile home parks. Conditions relating to mobile homes that should be part of the zoning ordinance are: (1) minimum park size; (2) minimum lot size or maximum number of spaces per acre (some mobile home zoning experts favor the minimum distances and separations approach); (3) setbacks, buffer strips and screening devices; (4) outdoor recreational area; and (5) other requirements that the jurisdiction deems necessary.

A recent ASPO survey concerning mobile homes indicates that the permitted use technique is used very sparingly by those jurisdictions which allow mobile home parks.[63] The survey goes on to say:

> Comments and excerpts from ordinances make it clear that even where parks . . . are permitted by right in special mobile home districts, each requires an amendment to the zoning map. Thus a prospective developer cannot find land already zoned to permit new development, but must go through an amendment process which is usually more involved than obtaining a special permit.[64]

Thus, most municipalities apparently do not feel that the mobile

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[62] Ibid., p. 82.

[63] Modular Housing, Including Mobile Homes: A Survey of Regulatory Practices and Planners' Opinions, p. 31.

[64] Ibid.

home is the type of land use that is amenable to the grouping of uses in generalized use zones.

2. Special Exception: There is a trend in zoning toward more consideration of particular proposals on a case-by-case basis. Instead of having specific districts in which permitted uses are listed and all others are prohibited, many ordinances classify a number of uses as special exceptions.

A special exception (also known as the special use, conditional use, or special permit) in a zoning ordinance is an exception allowable where the facts and conditions prescribed and detailed in the ordinance, as those upon which a special exception may be granted, are determined to exist by an appropriately designated governmental authority.[65] The special exception is intended to be an effective method of exercising control over certain exceptional or unusual uses of land and buildings.[66]

In the modern zoning ordinance, provision is made for the precise types of uses allowed as special exceptions in each district and the requirements under which special exceptions may be allowed.

It is essential that the requirements under which the special exception may be allowed are clearly spelled out in the ordinance itself. Otherwise, the discretionary power of the agency granting the exception is almost unlimited. In this case, the special exception is subject to serious abuse.

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[65] Bartley and Bair, op. cit., p. 89.

[66] Eldridge Lovelace and William L. Weismantel, Density Zoning (Washington, D.C.: Urban Land Institute, 1961), p. 15.

> In practice. . . . the special exception technique has proved to have very serious limitations as applied specifically to mobile home parks. The often antagonistic attitude of governmental authorities to mobile homes and mobile home parks in any circumstances and under any conditions has resulted in the setting of conditions that are, by any criteria, unreasonable and arbitrary. Indeed, the demands are not infrequently so high that the operator must abandon his project--the result intended in the first place.[67]

However, as indicated by a recent ASPO survey, the special exception technique of zoning for mobile home parks tends to be a very popular method.[68]

Special exceptions are frequently granted by a board of adjustment or zoning appeals, though it is not unusual to find the power to grant exceptions in the hands of a planning commission.

> Under no circumstances in proper zoning administration is . . . a special exception granted by the city council or county commission; as the legislative branch, these agencies are charged with formulating overall policy and should not participate in decisions affecting individuals.[69]

In the Regulation of Mobile Home Subdivisions, Fred Bair, Jr., states that:

> 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

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[67] Bartley and Bair, op. cit., p. 92.

[68] Modular Housing, Including Mobile Homes: A Survey of Regulatory Practices and Planners' Opinions, p. 31.

[69] Bartley and Bair, op. cit., p. 90.

> the specifications cannot be stated should be decided by a body which normally has no technical planning advice.[70]

3. Special Mobile Home District: In this case, areas for mobile home parks are fixed on the zoning map. This device was first used in the very early days of zoning. Around 1910, Los Angeles adopted funeral parlor districts, cow districts, motion picture districts, billboard districts, and so forth.[71]

Using this technique, owners of land in the district are limited in the use of their land to mobile home parks, a rather narrow choice. However, if the district is the only one in which mobile home parks may be developed, the owners also have a monopoly on such uses.

Bartley and Bair in their Mobile Home Parks and Comprehensive Community Planning have the following thoughts concerning such a technique:

> The predictability of mobile home park location is no better than the predictability of location of conventional housing and various types of business activities--and probably less so. It makes little sense to designate any very large areas for such a purpose. If no areas are so designated, in effect a prohibition, the ordinance may then be subject to legal attack. If the areas designated are swampy, excessively hilly, or otherwise unsuited for mobile home parks (or any other type of housing!) the ordinance is open to attack.
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> If the mobile home park zone, so designated, includes and allows conventional type housing as a permitted use, then there is no reason for the mobile home park zone in the first place.[72]

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[70]ASPO Planning Advisory Service, Regulation of Mobile Home Subdivisions (Chicago: American Society of Planning Officials, 1961), p. 6.

[71]John Delafons, Land-Use Controls in the United States (Cambridge, Massachusetts: The M. I. T. Press, 1969), pp. 49-50.

[72]Bartley and Bair, op. cit., p. 94.

It should be made clear that if the special mobile home district for parks is not limited to such uses, but also permits single and multifamily housing, it is not a special mobile home district, but a single or multifamily district in which mobile home parks are permitted along with other residential uses.

4. Floating zone: This technique can be described as a combination of the special district and the special exception procedure. A special use district is defined (often called a mobile home park zone or district) but is not applied to any particular areas until a developer asks the planning authority to rezone his land for use as a mobile home park. This technique is an attempt to add "flexibility" to zoning.

> The unmapped or floating zone is a relatively new technique for dealing with certain kinds of uses that can be located in any of several places in a community.
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> . . . . . .
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> Generally, planned unit development regulations are also floating zones. The approach concedes that the optimum location for such uses cannot always be precisely designated ahead of time and that sometimes there simply isn't an optimum location. In addition, it avoids many of the problems associated with designating sites for these uses through conventional zoning.[73]

The writer should mention another "flexible" technique that could be used in dealing with mobile home park development--"Contract zoning". "Unlike . . . the special permit, or the floating zone, contract zoning does not require that the municipality preannounce in its ordinance any of its intentions, however equivocal."[74]

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[73] Zoning Digest, p. 3.

[74] Babcock, op. cit., p. 9.

There are normally two general actions which occur under the aegis of contract zoning:

1. Where, subsequent to a rezoning, an owner of the rezoned property registers a covenant in favor of the governing body, placing restrictions on the property greater than those generally imposed by the zoning ordinance on the new district in which the property has been placed.
2. Where, in return for a zoning reclassification to a less restricted use, an owner enters into an agreement with the governing body, restricting the use of his land beyond the zoning requirements generally attaching to the new district in which his property has been placed.[75]

It should be pointed out that contract zoning is generally considered illegal as it is in violation of the rule of uniformity.

Unmapped zoning or the floating zone like many of the newer more flexible zoning techniques, is far more subject to abuse than conventional zoning.[76]

> Too often they are used as a means of extorting concessions from developers that could not be demanded legally. They may also be an excuse for unsound planning or no planning at all. Before such techniques are used, they must be preceded by specific policies, standards, and regulations designed to inform developers of what the community desires and to protect surrounding land uses.[77]

Of the techniques discussed here, the outright permitted use is the concept that is generally favored by most mobile home zoning experts.

> Mobile home parks are not so novel and unique that they should have to go through the special exception process providing [sic] adequate conditions are attached to the outright permitted use. Conceivably, mobile home parks might be permitted

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[75] Goodman, op. cit., p. 422.

[76] Zoning Digest, p. 3.

[77] Ibid.

> in one type of multiple dwelling district and then, additionally, allowed by special exception in one or more others. But insofar as possible, it is preferable to spell out the requirements so that an applicant knows fairly precisely from the ordinance whether and under what circumstances he may develop a park in a given location.[78]

In conclusion, zoning is an important tool in the implementation of a community's comprehensive plan, and zoning has an equally important role to play in the control of the mobile home. Sound zoning will do much to insure that future mobile home development will not become an eyesore. It is to the advantage of the mobile home industry to eliminate those factors which have a tendency to excite public antagonism. On the other hand, many communities have too long evaded their responsibility to recognize the legitimate character of the mobile home as a permanent residence and to accord it a place in zoning ordinances consistent with that character.

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[78]Bartley and Bair, op. cit., p. 98.

CHAPTER IV

THE DEVELOPMENT OF A MOBILE HOME ORDINANCE IN COLUMBUS, OHIO

I. INTRODUCTION

The Early History of Columbus[1]

When the State of Ohio, more than a century and a half ago, decided to seek a centrally located site for its capital, the decision incited a number of pioneer settlements to contest spiritedly for the prize. Among the bidders was Franklinton, a trading center founded by Lucas Sullivant, a Virginian, in 1797 and now a part of Columbus' West Side. However, the proposal made by a syndicate of land owners who offered a site in a forest finally won out despite the inducements of land and money that were dangled before the State Legislature by rival towns in Central Ohio.

The legislators on February 14, 1812, accepted the syndicate's offer to build the capital on the high bank east of the Scioto River directly opposite the small town of Franklinton. Immediately the syndicate platted the village and cabins sprang up here and there about what is now called Capital Square. On February 22, 1812, the State Legislature adopted the name Columbus for the new Capital.

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[1]The specific information discussed in this section was obtained from the Information Department of the Columbus Area Chamber of Commerce in June 1971.

The growth of the village was steady, but not rapid. At the end of the first year the inhabitants numbered 300. The population had increased to 700 by 1816, when the first Capital and Penitentiary were completed. In December of 1816, the legislators held their first session in the new Capital, which was situated in the southwest corner of the public square which is now the present State House grounds.

Within a few years Columbus quickly forged ahead of the older towns of Central Ohio. The stage coach period, which received great impetus when the National Highway reached Columbus in 1833, and the canal era, which came, also, in the early 1830's quickly brought recognition of Columbus as an important transportation center. General expansion of business and industry came with postwar prosperity. Columbus' industrial growth boomed prior to the turn of the century, mainly by the extensive manufacture of buggies. The advent of the Twentieth Century found the city a commercial and industrial beehive.

The Physical Setting

Since those early days, Columbus has grown both physically and in population to become Ohio's second largest city with an estimated population of 539,677 according to the 1970 census (Thus, Columbus is the twenty-first largest city in the United States.). The City's population stood at 375,901 in 1950 and 471,316 in 1960.[2] Bureau of the Census information indicates that Columbus has been growing at a faster rate than Ohio, the East North-Central states, and the United States.

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[2]Population figures were provided by the Research Department of the Columbus Area Chamber of Commerce.

The area of the City of Columbus has more than quadrupled during the past two decades. It contained nearly 35 square miles in 1950, and grew to 42 square miles by 1954; presently, the City has an area of 153 square miles.[3]

Columbus, a home-rule City, is located approximately in the center of Franklin County and is situated on 28 percent of the County's 538 square miles[4] (The physical relationship of the City of Columbus to Franklin County is shown graphically on Figure 1, Appendix B.). The land area of the County that lies beyond the boundaries of Columbus is basically rural.

The population of Franklin County stood at 503,410 in 1950 and rose to 682,962 by 1960; however, in 1970 the County's population climbed to 833,249.[5] Thus, Columbus accounts for over 64 percent of the total population of Franklin County.

Mobile Home Development

Mobile home development in Franklin County has remained fairly constant since the mid-1960's. In 1954, there were approximately 2,450 mobile homes located in the County, and 10 years later, this total

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[3]Information was provided by the Department of Development for the City of Columbus in July 1972.

[4]Information was computed from Mid-Ohio Regional Planning Commission, 1985 Open Space Plan for Central Ohio (Columbus: Mid-Ohio Regional Planning Commission, 1970), p. 38.

[5]Population figures were provided by the Research Department of the Columbus Area Chamber of Commerce.

climbed to an estimated 3,950 mobile homes.[6] According to the 1970 census, there were a total of 3,495 mobile homes located in Franklin County. Less than 200 of this total are located on individual lots, while the remainder of the mobile homes are located in 61 parks scattered throughout the County.[7]

Within the corporate boundaries of Columbus, there is a record of 30 mobile home parks with a total of 2,547 spaces virtually all of which are utilized; in addition, over one-half of these parks contain 49 or fewer spaces while the largest park in Columbus contains 315 spaces.[8] Virtually all of the parks are located in the southern sector of Columbus. Very few mobile home parks are found in the more prestigious residential areas. There are virtually no mobile homes located on individual lots in the City of Columbus. Thus, the City of Columbus accounts for almost one half of the mobile home parks and roughly three fourths of the total number of mobile homes located in Franklin County.

The demand for mobile home park development has been steadily increasing in Columbus and Franklin County. In the County, over one half of the total number of units proposed in mobile home park zoning requests since 1964, have been submitted since January 1970.[9] Thus, the active

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[6]Mid-Ohio Regional Planning Commission, A Study of Mobile Homes (Columbus: Mid-Ohio Regional Planning Commission, 1970), p. 8.

[7]William Zuym, Trailer Tax Section of the Franklin County Auditors Office, personal interview held on July 20, 1971.

[8]Information was provided by the Department of Health for the City of Columbus in January 1972.

[9]A Study of Mobile Homes, p. 11.

demand is growing. Since 1964, over 4,000 mobile home spaces have been proposed for mobile home park development which more than equals the existing number of spaces in Franklin County.[10]

The Mid-Ohio Regional Planning Commission, of which Columbus and Franklin County are members, states the following concerning mobile home park development:

> The Regional Planning Commission is now seeking to upgrade location and site design criteria for mobile home parks because it makes good economic sense to the community. Also, this agency is seeking methods, such as staging development of larger parks over a period of years, to prevent adverse impact on school and utility systems.[11]

It should be noted that Columbus expressly excluded mobile homes and mobile home parks through its zoning regulations until February 1971.[12] Thus, all parks located in Columbus were, and still are, non-conforming uses.

State Regulations

There are two main areas where the State of Ohio has specifically adopted regulations concerning mobile homes. These areas deal with taxation and health.

Section 4503.06, which governs the taxing of mobile homes, of the Ohio Revised Code reads as follows:

> Section 4503.06. (a) All house trailers in this state on the first day of January, except as otherwise provided, are subject to an annual tax, payable by the owner, for the privilege of

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[10] Ibid., p. 28.

[11] Ibid.

[12] On this date, the mobile home ordinance for the City of Columbus went into effect.

> using or occupying a house trailer in this state. The tax as levied in this section is for the purpose of supplementing the general revenue funds of the local subdivision in which the house trailer had its situs pursuant to this section.
>
> (b) The tax shall be computed and assessed by the county auditor of the county containing the taxing district wherein the house trailer has its situs by multiplying the assessable value of the house trailer by the tax rate of the taxing district in which the house trailer has its situs, and shall be not less than THIRTY-SIX dollars in any case.[13]

The code also provides for two depreciation schedules; one schedule for those units sold with furnishings and equipment and another schedule for those units sold without furnishings and equipment. The assessable value of the mobile home shall be 40 percent of the amount arrived at by using the appropriate depreciation schedule.

Mobile homes are subject to two other major taxes: (1) the standard 4 percent Ohio sales tax which must be paid at the time of purchase; and (2) real estate taxes which are paid by the land or park owner. Naturally, a part of the monthly rental fee paid by the individual unit occupant in a park goes to real estate taxes. The real estate tax on a mobile home park is arrived at by the assessment of three items. First, the land on which the park is built is taxed. Second, all permanent buildings within the park are taxed. Third, all other improvements such as streets, sidewalks, utility systems, etc., are taxed.

Thus, taxes are charged on mobile homes at the same rate as on real estate property. The tax valuation is 40 percent of the market value or cost of the unit, whichever is greater. The money that is collected by

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[13] Page's Ohio Revised Code Annotated 4503.06 (through 1969).

this annual mobile home tax (ad valorem) is distributed to various governmental subdivisions in the same manner as real estate property taxes. While assessment of the taxes on mobile homes and real estate is similar, the tax bills on mobile homes frequently drop while those on real estate go up; this is because mobile homes depreciate in value and real estate normally increases in value.[14]

However, more important for the purposes of this thesis is the fact that the 100th General Assembly of the State of Ohio enacted legislation in 1951 which enabled the Ohio Department of Health, through the Public Health Council, to adopt regulations which are statewide in scope and which offer a reasonable approach to the problem of providing facilities necessary for a safe healthful environment in a mobile home park.[15] Thus, the Public Health Council may make regulations of general application throughout the state governing the location, layout, construction, sanitation, safety, and operation of mobile home parks.

The Public Health Council revised its regulations concerning mobile home parks on May 15, 1971, and the revised rules were effective July 1, 1971.[16] Through these regulations the State of Ohio does have an important input into the process of setting reasonable standards for mobile home park development. It would appear that the State is attempting to

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[14]The above discussion was based upon the following article, Robert Horan, "Increase in Mobile Homes Is Predicted for County," The Columbus Dispatch, March 28, 1971.

[15]Ohio Department of Health, House Trailer Park Sanitation Laws, Regulations, Recommendations (Columbus: Ohio Department of Health, 1966), p. 1.

[16]Unpublished materials provided by the Public Health Council of the Ohio Department of Health, May 1971.

upgrade the type of mobile home park that is developed in the future as reflected by the more stringent standards set forth in the revised regulations. As an example, the minimum lot size in a mobile home park was upgraded from 1800 square feet to 3600 square feet.[17]

It should be noted that a local municipality can require more rigid standards than those stated by the Public Health Council as the State is not considered to have preempted the field.[18]

At this point it should be mentioned that the Ohio Revised Code does have an effect upon the zoning of mobile homes. Section 713.07 of the Ohio Revised Code, which allows municipalities to restrict the location of various land uses including mobile homes and mobile home parks, reads as follows:

> 713.07 Restriction in Location of Buildings and Structures.
>
> Whenever the planning commission of any municipal corporation or any board or officer with city planning powers, whether such commission, board, or officer is created by statute of municipal charter, certifies to the legislative authority of the municipal corporation any plan for the districting or zoning thereof according to the uses of buildings and other structures and of premises, such legislative authority, in the interest of the promotion of the public health, safety, convenience, comfort, prosperity, or general welfare, may regulate and restrict the location of buildings and other structures and of premises to be used for trade, industry, residence, or other specified uses, and for such purposes may divide the municipal corporation into districts of such number, shape, and area as are best suited to carry out the purposes of this section. Regulations may be imposed for each of such districts, designating the kinds or classes of trades, industries, residences, or other purposes for which buildings or other structures or premises may be

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[17] Ibid., p. 6.

[18] This information was provided by the Ohio Department of Health.

permitted to be erected, altered, or used subject to special regulations.[19]

In Ohio, the use of any land or premises which is existing and lawful at the time of enacting a zoning ordinance or amendment, may be continued, although such uses do not conform with the provisions of the ordinance or amendment. However, if the nonconforming use is voluntarily discontinued for two years or more, any future use of such land shall be in conformity with the appropriate sections of the Ohio Revised Code. The nonconforming use can then be eliminated.[20]

Thus, the State of Ohio does attempt to set some overall guidelines concerning mobile home and mobile home park development, especially through the Public Health Council's regulations.

II. PRELUDE TO THE ORDINANCE

Zoning in Columbus

Since 1928, the year zoning was established in Columbus, mobile homes and mobile home parks have been prohibited within the corporate limits.[21]

In the four decades that Columbus has had zoning, the City has revised its zoning codes many times. Periodically replacing or revising these codes to incorporate the newest zoning concepts has proven very

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[19]Page's Ohio Revised Code Annotated 713.07.

[20]Based on section of Code pertaining to retroactive zoning ordinances.

[21]Grant Dyer, Zoning Administrator of the City of Columbus, personal interview held on March 29, 1971.

worthwhile. Over the years Columbus has, in this way, continued to protect the public welfare while providing for the increasing needs of private development. Now, another new zoning code is being drafted to replace the one adopted in 1954. City officials hope that the new zoning code will be completed sometime in the near future.

Initially, the City of Columbus contracted with a private consulting firm to write the first draft of the revised zoning code. This draft was completed in January 1970.[22] Under this proposed zoning code mobile home parks would have been permitted. However, this draft was not acceptable to all City officials; thus the Department of Development for the City of Columbus was charged with the responsibility of producing a revised zoning code.

Before the staff could really get started in the overall revision of the zoning code, mobile home park development in the City came to the forefront.

Initially, the thrust started as some mobile home owners complained that park managers were unresponsive to their needs.[23] Members of City Council heard these complaints. This started the wheels in motion towards developing a new zoning policy concerning mobile home park development.

Other factors were taken into consideration. Since the entire zoning code was up for revision the mobile home question would have to

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[22]The proposed zoning code was prepared by the law firm, Ross, Hardies, O'Keefe, Babcock, McDugald, and Parsons.

[23]Herb Carpenter, Department of Development, personal interview held on March 29, 1971.

be reevaluated sooner or later. Also, there existed in Columbus a shortage of low and moderate income housing. This problem was felt, by some City officials, to be critical enough to warrant immediate attention in regard to mobile home development.[24]

The existence of these various conditions led directly to the formation of a study group. This advisory committee was charged with the responsibility of helping the City formulate a zoning policy towards mobile home park development.

The Mobile Home Park District Committee

The study group's name formally became the Mobile Home Park District Committee. Prior to the formulation of this committee, the staff of the Department of Development produced a draft of proposed regulations concerning mobile home park development. The thrust of this preliminary draft was to establish a mobile home park district of a "high quality nature".[25]

The Committee was made up of mobile home park developers, home builders, planners, representatives from various city departments (traffic, health, zoning, planning, etc.) as well as City Council, representatives from mobile home and home builders associations, and various other interest groups, as well as concerned citizens. The Committee held its first meeting on July 24, 1970.[26]

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[24]Mobile Home Park District Committee, Minutes of Meeting on July 24, 1970. (Typewritten)

[25]Ibid.

[26]Ibid.

The format to be followed was that the Committee would review the staff preliminary draft, section by section. The Committee wanted to have a final draft ready to present to City Council in September.

At the first meeting there was concern on the part of some of the members of the Committee that it would be most difficult to set high standards and still reach the low and moderate income housing groups.[27] This concern was evident throughout the meetings of the Mobile Home Park District Committee.

Six meetings were held by the Committee in August and September. Finally, at the end of September, the Committee had worked up, in draft form, a proposed mobile home park ordinance. The draft was then reviewed by the City Attorney. The Committee met twice in December to review the proposed ordinance as presented by the City's legal office.

On December 8, 1970, the Committee completed its review process and produced a final document which would ultimately be acted upon by the Columbus City Council.[28] The product that evolved from the Committee's review process was truly a compromise document; however, it was a result of inputs from all interest groups.[29]

Thus, on January 4, 1971, the Columbus City Council established a new zoning district in which mobile home parks are a permitted use.[30]

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[27]Ibid.

[28]Roy C. Willey, Deputy Director of the Mid-Ohio Regional Planning Commission, personal interview held on May 19, 1971.

[29]Ibid.

[30]Columbus, Ohio, "Mobile Home Park District Ordinance," Title 33, Zoning Code.

The ordinance establishing a Mobile Home Park District went into effect on February 3, 1971.[31]

Purpose of the Ordinance

In the Preamble of the Ordinance the following statements are made:

> Whereas, the Zoning Code of the City of Columbus now prohibits the establishment of mobile home parks, and
> Whereas, mobile homes provide a type of housing for a larger number of families, and
> Whereas, it is desirable to permit mobile home parks with high development standards, and
> Whereas, there is a need to include in the Zoning Code a district wherein mobile home parks will be a permitted use to benefit the public, now, therefore, be it ordained by the Council of the City of Columbus.[32]

In Section 3380.01 of the Ordinance, the purpose of the Mobile Home Park District is clearly stated:

The purpose of the MHP, Mobile Home Park District is to accomplish the following:

(a) Provide a zoning district for mobile home parks, and
(b) Establish standards governing the location and development of mobile home parks, and
(c) Encourage the development of mobile home parks to provide additional housing at a reasonable cost, and
(d) Promote mobile home park design that will provide good interior circulation and a maximum of privacy for individuals residing therein, will reflect and take advantage of natural topographic features to result in an interesting and varied pattern, and will include facilities for a wide range of amenities and leisure time activities.[33]

Basically, then, the Ordinance was written because there was a desire to provide for mobile home park development with "high development standards" within the City, which had heretofore been prohibited, in order to provide additional housing at a "reasonable" cost.

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[31] Ibid. [32] Ibid. [33] Ibid.

CHAPTER V

A COMPARATIVE ANALYSIS OF THE COLUMBUS MOBILE HOME PARK DISTRICT ORDINANCE WITH SELECTED REGULATIONS AND STANDARDS

I. INTRODUCTION

Technique of Zoning

Before getting into the comparative analysis, a brief discussion is needed concerning the general technique used in the Columbus Zoning Code.

Chapter 3380 of the Zoning Code (see Appendix C), which regulates mobile homes, is officially entitled the Mobile Home Park District, thus, indicating a special use district concept. Actually, the general technique used in this instance is the floating zone.[1] The Mobile Home Park District is defined but is not applied to any particular area until a developer requests the planning authority to rezone his land for use as a mobile home park. This technique seems to indicate that the optimum location for a mobile home park cannot always be precisely designated ahead of time and that in some instances there might not be an optimum location.

This approach seems to be in conformance with the newer more flexible zoning techniques used in the United States today.[2] Chapter

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[1]For a discussion of the floating zone see Chapter III.

[2]For a more detailed discussion on this point see Modular Housing, Including Mobile Homes: A Survey of Regulatory Practice and Planners' Opinions by Frederick H. Bair, Jr.

3380 does set specific policies and standards which are designed to protect the mobile home park as well as surrounding land uses, and inform developers of what the community desires. By taking this approach the City of Columbus has lessened the possibility of abuse to which most flexible zoning techniques lend themselves.

It should also be noted that Franklin County, Ohio, applies the floating zone concept in the regulation of mobile home parks under its "Planned Mobile Home Residential District".[3]

General Observations

Since 1945 the mobile home construction industry has seen revolutionary changes. Even the concept of what type of lifestyle could exist in a mobile home park has completely changed. The language of the zoning ordinance illustrates this point. In the older ordinance mobile homes were referred to as campers, mobile coaches, trailers, and tourist trailers. They were understood to be temporary dwellings for vacationers or transients. Their use was restricted to tourist camps where regulations on park sanitary facilities and washrooms received the most space in the text of the ordinance. The lot sizes were small, as were the trailers. Park area was small and buffer zones, streets and yard encroachments were all designed to promote high density living behind high fences or hedges.[4] Thus, it would be misleading to compare

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[3]Franklin County, Ohio, Section 410 (PR-10), "Planned Mobile Home Residential District," Article IV, Franklin County Zoning Resolution (1966).

[4]Judith M. Price, "A Survey of Zoning Ordinances Affecting Mobile Homes," Florida Planning and Development, XXI (September-October, 1970), p. 2.

older ordinances and standards with newer ones. The ordinances and standards being compared with chapter 3380 of the Zoning Code should and do reflect the most current thinking with regard to mobile home park development.

The following list of regulations and standards are the primary sources that will be utilized in the analysis of chapter 3380 of the Columbus Zoning Code, MHP, Mobile Home Park District:

1. Mobile Home Park Development Standards, a HUD Guide, with latest current revision dated November 1970, sets forth minimum planning and construction criteria to assist FHA insuring offices in arriving at well informed risk determinations.[5] (Hereinafter referred to as HUD Guide.)

2. Environmental Health Guide for Mobile Home Communities, With a Recommended Ordinance, with the latest current revision dated January 1971, has been developed by the Environmental Health Service of the U. S. Public Health Service, in close cooperation with the Mobile Homes Manufacturers Association. The purpose of the report is stated in the foreword: "It will be useful in the planning, designing, operation and maintenance of mobile home developments, and in the creation of Federal, State, or local ordinances, laws, or regulations applicable to mobile home developments."[6] (Hereinafter referred to as Environmental Health Guide.)

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[5]U.S. Department of Housing and Urban Development, Mobile Home Park Development Standards, A HUD Guide, HPMC--FHA G4200.7A (Washington, D.C.: U.S. Department of Housing and Urban Development, 1970), foreword.

[6]U.S. Department of Health, Education, and Welfare, Environmental Health Guide for Mobile Home Communities, With a Recommended Ordinance (Chicago: Mobile Homes Manufacturers Association, 1971), Foreword.

3. Mobile Home Parks, Part 2, An Analysis of Communities, Technical Bulletin 68 is a 1972 report of the Urban Land Institute. The report, by the use of a survey, explores "in some detail a selected number of the 'better' mobile home parks--both new ones and those with some years of operating experience behind them".[7] (Hereinafter referred to as ULI Report.)

4. Regulation of Modular Housing, With Special Emphasis on Mobile Homes is an August 1971 publication of the American Society of Planning Officials Planning Advisory Service, Report No. 271. "This report suggests planning policies, regulatory procedures, and regulatory substance for mobile homes and the other modular forms rapidly evolving from them."[8] (Hereinafter referred to as Regulation of Modular Housing.)

5. Modular Housing, Including Mobile Homes: A Survey of Regulatory Practice and Planners' Opinions is a January 1971 report of the American Society of Planning Officials Planning Advisory Service, Report No. 265. This publication provides a survey and analysis of current regulatory practice and local attitudes. (Hereinafter referred to as ASPO Survey.)

6. Model Zoning Regulations is a July 1971 document prepared by Ohio Department of Development, Planning Division. Article 14 of this report establishes standards for the development of mobile home parks.

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[7]Max S. Wehrly, Mobile Home Parks, Part 2, An Analysis of Communities, Technical Bulletin 68 (Washington, D.C.: Urban Land Institute, 1972), p. 9.

[8]Frederick H. Bair, Jr., Regulation of Modular Housing, With Special Emphasis on Mobile Homes, PAS Report No. 271 (Chicago: American Society of Planning Officials, 1971), p. 1.

The document's purpose is to serve as a guide to planning commissions in Ohio. (Hereinafter referred to as Model Zoning Regulations.)

7. Ohio Sanitary Code, Regulations HE-27-01 to HE-27-30 adopted May 15, 1971. The Public Health Council for Ohio revised its regulations concerning mobile home parks in May 1971 and the revised rules were effective July 1, 1971. All parks in Ohio must comply with these standards in order to gain approval of the State Department of Health. (Hereinafter referred to as Ohio Sanitary Code.)

8. Mobile Home Study is an August 1971 report prepared by the Planning Department, Prince William County, Virginia. This study presents an analysis of mobile home zoning in Prince William County, Virginia, and alternative amendments to the County Zoning Ordinance. (Hereinafter referred to as Mobile Home Study.)

9. A Survey of Mobile Homes Plus Procedures and Standards is a May 1970 study developed by the Planning Department, Snohomish County, Washington. The primary purpose of this study is to develop specific recommendations as to procedures for handling individual mobile homes and mobile home parks, as well as to formulate locational and site requirements necessary to accommodate anticipated development. (Hereinafter referred to as Survey of Mobile Homes.)

10. Mobile Home Zoning, Building and Site Regulations, and Taxation--Implications for Michigan Municipalities is a bulletin that was prepared by the Michigan Municipal League in July 1970. The study, among other things, suggests some desirable municipal standards in the development of mobile home parks. (Hereinafter referred to as Michigan Municipal League Bulletin.)

11. Franklin County, Ohio Zoning Resolution, 1966, Section 410 (PR-10) "Planned Mobile Home Residential District Regulations". The section deals with three main areas of mobile home park development--permitted use, procedure, and development standards. (Hereinafter referred to as Franklin County Zoning Resolution.)

The above were chosen on the basis that they are representative of federal, state, and local governments and various vested interest groups which are concerned about the proper development and regulation of the mobile home industry. The Franklin County Zoning Resolution was included in order that the reader could get a feel for the regulatory environment of the area that immediately surrounds the City of Columbus.

The Columbus Mobile Home Park District (Chapter 3380 of the Zoning Code) will be analyzed by comparing three regulatory areas--Definitions, Administration and Compliance, and Development Standards which will include mobile home park and mobile home lot standards as well as standards of development for utilities and other services.

II. DEFINITIONS

> Formal definition of terms is not always a matter of critical importance. In fact, definitions sometimes are the source of construction problems rather than a solution for them. But mobile homes and mobile home courts are a special problem. A mobile home, at one stage of its existence, may be equipped with wheels and be truly mobile. Later, it may be firmly placed on a foundation and rendered as immobile as a conventional structure. It is not surprising, therefore, that mobile homes have been judicially defined as motor vehicles, dwellings, buildings, and not buildings. Clearly, if they are to be regulated, they must be distinctly described.[9]

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[9]Robert Anderson, American Law of Zoning, II (Rochester, New York: Lawyers Co-operative Publishing Company, 1968), pp. 365-366.

Mobile Home

In Chapter 3301 of the Columbus Zoning Code mobile home is defined as follows:

> 3301.392 Mobile Home
> "Mobile home" means any vehicle manufactured as a single-family dwelling, comprised of one or more units, excluding recreational vehicles, which has been designed and manufactured for transportation on the public streets and highways on its own wheels, arriving at the site ready for occupancy as a dwelling except for normal unpacking, assembly operations and connections to utilities. This definition shall not include a modular home, or an industrialized unit as defined in Section 3781.10 of the Ohio Revised Code.[10]

The Mobile Homes Manufacturers Association defines the mobile home as:

> A Mobile Home is a transportable structure, which exceeds either 8 body feet in width or 32 body feet in length, built on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.[11]

The wording on body length and width establishes a distinction between mobile homes and recreational vehicles which are designed to be used principally as temporary vacation dwellings. The language on connection to required utilities, in the above definition enhances the distinction between a mobile home and a recreational vehicle.

In the Mobile Home Study the following definition is found:

> A portable unit originally designed and built to be towed on its own chassis to point of use, and designed to be used without a permanent foundation for continuous year-around occupancy

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[10] Columbus, Ohio, "Definitions," Title 33, Article One, Chapter 3301, Columbus Zoning Code (1971), p. 7.

[11] Mobile Homes Manufacturers Association, Flash Facts on Mobile, Sectional, and Modular Homes (Chicago: Mobile Homes Manufacturers Association, 1972), p. 2.

> as a dwelling; or two or more such units separately towable, but designed to be joined together at the point of use to form a single dwelling, and which is designed for removal to, and installation or erection on other sites.[12]

The Model Zoning Regulations states:

> Dwelling, Mobile Home: A detached dwelling unit designed to be repeatedly transported on highways, and when arriving at the site for placement involving only minor and incidental unpacking, assembling, and connection operations; but which involves no substantial reconstruction which would render the unit unfit as a conveyance on the highway. The unit shall be considered as real property if such reconstruction is undertaken.[13]

In the Michigan Municipal League Bulletin a mobile home is defined as "a transferable, single-family dwelling unit suitable for year-round occupancy and containing the same water supply, waste disposal, and electrical conveniences as immobile housing".[14]

Both the HUD Guide[15] and Environmental Health Guide[16] state that a mobile home is "a manufactured and relocatable living unit".

> This broad definition would appear to include both wheeled and wheelless modular forms, implying that both would be permitted as principal uses in parks. (. . . unless further subclasses are identified in local zoning controls, a definition this broad

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[12]Prince William County, Virginia, Mobile Home Study, Planning Bulletin 2 (Woodbridge, Virginia: Prince William County Department of Planning, August 1971), p. 4.

[13]Ohio Development Department, Model Zoning Regulations (Columbus: Ohio Development Department, July 1971), p. 10.

[14]Robert L. Hegel, Mobile Home Zoning, Building and Site Regulations, and Taxation--Implications for Michigan Municipalities, Information Bulletin No. 118 (Ann Arbor: Michigan Municipal League, 1970), p. ix.

[15]Mobile Home Park Development Standards, p. 52.

[16]Environmental Health Guide, p. 30.

might have unintended results in jurisdictions in which mobile homes are restricted to mobile home developments. . . .)[17]

It should be pointed out that the Environmental Health Guide goes on to define a living unit as "a residential unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking and sanitation".[18] By using this definition, recreational vehicles would be excluded from mobile home developments.

For regulatory purposes, a definition should be as simple as possible; however, it must be of enough detail to include or exclude as intended. The overriding theme of the above mentioned definitions is that a mobile home is a transportable, single-family dwelling unit suitable for year-round occupancy, built on a chassis and designed to be used with or without a permanent foundation when connected to the proper utilities. The Columbus Zoning Code carries this theme in adequate detail so that there should be no misinterpretation as to what is a mobile home for purposes of the ordinance. The Code's definitions specifically exclude recreational vehicles, modular homes, and industrialized units as defined in the Ohio Revised Code. Chapter 3301 of the Zoning Code also defines the terms modular home and recreational vehicle.[19]

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[17]Bair, Regulation of Modular Housing, p. 31.

[18]Environmental Health Guide, pp. 29-30.

[19]According to the Code a "modular home" is a structure comprised of one or more self sufficient units, except site preparations, transported on a vehicle from the place of manufacture to a site where it is to be occupied as a dwelling. This definition shall not include a mobile

Mobile Home Park

In chapter 3301 of the Columbus Zoning Code the term mobile home park is defined as follows:

> 3301.395 Mobile Home Park
> "Mobile home park" means one (1) or more contiguous parcels of land under a single management which have been designed and developed in such a manner as to provide individual mobile home sites for one (1) or more mobile homes. The term mobile home park shall mean the same as a trailer park, trailer court, or trailer camp.[20]

The Mobile Home Study gives the following definition for a mobile home park:

> Any site, lot, field, or tract of land upon which is located one or more occupied mobile homes or which is held out for the location of any occupied mobile structure, vehicle or enclosure for use as a part of the equipment for such park.[21]

The Environmental Health Guide model ordinance explains a park as "a contiguous parcel of land which has been planned and improved for the placement of Mobile Homes".[22]

The HUD Guide gives basically the same definition as it states that a mobile home development is "a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use".[23]

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home. The Code defines a "recreational vehicle" as a vehicle manufactured or modified to contain temporary living quarters for travel, recreation, or vacation purposes. This definition shall include but is not necessarily limited to campers, travel trailers, truck campers, and motor homes.

[20]Columbus Zoning Code, p. 7.

[21]Mobile Home Study, p. 18.

[22]Environmental Health Guide, p. 30.

[23]Mobile Home Park Development Standards, p. 52.

The Model Zoning Regulations states that a mobile home park is:

> Any site, or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities for such park.[24]

In the Regulation of Modular Housing a mobile home park is defined as "a parcel of land under single ownership on which two or more mobile homes are occupied as residences".[25]

The central thought of the definitions mentioned above centers around the premise that a mobile home park is an improved parcel of land upon which mobile homes are located.

However, there is a question raised by the definitions presented. What is the minimum number of mobile homes required before the improved parcel is considered a mobile home park? From the definitions cited, the minimum number of mobile homes required varies from one to three. This is an example of the important role regulatory purpose plays in establishing definitions.

> Thus, many states and local jurisdictions, concerned about threats to health, maximize the scope of their controls by defining a mobile home park as a parcel of land on which two or more mobile homes are occupied as residences. At or near this minimum, it is hardly likely the facilities and management services will deserve the title "park", but a low minimum is essential for controlling present conditions. Requirements for new mobile home developments can ensure that the mistakes of the past are not repeated.[26]

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[24] Model Zoning Regulations, p. 13.

[25] Bair, Regulation of Modular Housing, p. 58.

[26] Ibid.

The Columbus Zoning Code frames a working definition of a mobile home park. The definition does reflect the regulatory purpose of the ordinance which is to allow mobile homes only in mobile home parks and not on individual lots. The last sentence of the definition is to ensure a proper tie-in with the Ohio Revised Code.

Mobile Home Site

The Columbus Zoning Code defines mobile home site as follows:

> 3301.397 Mobile Home Site
> "Mobile home site" means an area of land within a mobile home park that is designed and developed in such a manner as to provide a location for one (1) mobile home.[27]

This definition is in complete conformity with the sources used in this analysis with the exception that the term lot is preferred over the word site. This point is of little consequence.

Chapter 3301 of the Columbus Zoning Code also defines mobile home pad (often referred to as mobile home stand) and roadway.[28] However, for purposes of this analysis both definitions are of minor importance.

III. ADMINISTRATION AND COMPLIANCE

The first part of Chapter 3380 of the Columbus Zoning Code, more

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[27] Columbus Zoning Code, p. 7.

[28] According to the Code a "mobile home pad" is that portion of a mobile home site that is designed, constructed, and improved in such a manner as to provide a base upon which a mobile home shall rest, and which also serves as a base upon which blocks or other materials are placed to assist in leveling the floor of the mobile home and provide a temporary type of foundation. The code defines a "roadway" as a privately owned and maintained strip of land designed, improved, and intended to be used for vehicular traffic.

specifically sections 3380.02 through 3380.11, deals with administration and compliance. A Mobile Home Park District may be applied for in the same manner as for any other zoning district and such application is subject to all of the provisions of the Zoning Code governing applications for amendments to the zoning map. The process for amending the zoning map is as follows:

1. First, the application for amendment to the zoning map is submitted to the staff of the Development (Planning) Commission. After careful review of the application the staff submits its recommendations to the Development Commission.

2. The Development Commission reviews the staff's findings and submits its recommendations and the reasons for the recommendations for or against such amendment to City Council.

3. Finally, City Council takes such steps as it deems necessary and appropriate as authorized by law.

Within 30 days after City Council establishes a Mobile Home Park District, the property owner must file an antidiscrimination deed restriction upon the property. The deed restriction must read as follows:

> The present owner or owners, and all successors, grantees and assignees shall comply with all federal, state, and local laws prohibiting discrimination or segregation by reason of race, religion, color, or national origin in the sale, lease, rental, use, or occupation of all properties or any part thereof located within the boundaries of the mobile home park.[29]

One year after the passage of the rezoning or one year following installation of water and sewer lines to serve the property, whichever

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[29]Columbus, Ohio, "Mobile Homes and Mobile Home Parks," Title 33, Article Nineteen, Chapter 3380, Columbus Zoning Code (1971), p. 64B.

date is latest, the proposed mobile home park is to be inspected. If the inspection reveals development of the property has not started and is not close at hand, then the staff must recommend that the zoning revert to the previous classification the property had prior to its being changed to the Mobile Home Park District classification.

However, after the rezoning of the property to the Mobile Home Park District and prior to the commencement of any construction on the property, the developer must submit a mobile home park plan to the staff of the Development Commission and obtain approval of the plan.

The application for approval of the mobile home park plan must contain information concerning the location, size, and complete layout of the park including all proposed mobile home sites, the proposed traffic circulation pattern, the location of all proposed utility facilities, the proposed landscaping, the location of all accessory facilities, a typical mobile home site drawn to scale, the deed restriction relative to antidiscrimination, and the proposed schedule of development.[30]

The application is referred to other City of Columbus departments for their review and comment; the public school system serving the area in which the proposed park is to be located also is requested to give comment.

If the application conforms to the requirements of the Zoning Code and other pertinent laws it must be approved.

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[30]Ibid.

Once the mobile home park plans are approved, the development of the park must be in accordance with the plans as approved. A change in plans can only be approved through written authorization from the staff.

Existing parks, which are nonconforming uses, can only be expanded by obtaining authorization from the Board of Zoning Adjustment. Authorization can not be granted unless the expanded portion of the park is developed in full compliance with the requirements contained in Chapter 3380 of the Zoning Code. The existing portion of the park must comply with the development standards set forth in Chapter 3380 except where compliance with any specific development standard would require the acquisition of additional land.

Every mobile home park that is developed or expanded under Chapter 3380 must be inspected at least once a year to assure compliance with its applicable provisions.

The Model Zoning Regulations recommends that mobile home parks should be located only in residential districts. The report suggests that, in many respects, a mobile home park is very similar to a conditional use and, therefore, should follow similar approval procedures. It recommends an application for a mobile home park be filed with the planning commission. The application should contain a preliminary mobile home plan. After the receipt of the plan, the planning commission should review and either approve or disapprove, in principle, the plan. The planning commission's approval, in principle, of the preliminary plan is necessary before an applicant may submit a final mobile home park plan. An application for approval of the final plan is to be

filed with the planning commission. The commission then recommends to the board of zoning appeals that the plan be approved as presented, approved with supplementary conditions, or disapproved. Once the plan receives the board's approval the zoning ispector issues a zoning permit which is for a period not to exceed five years. If no construction has begun within five years after approval is granted, the approval is void unless an application for time extension is submitted and approved.[31]

The Franklin County Zoning Resolution follows the same general application procedures as the City of Columbus. It requests a development plan; however, Franklin County allows the developer two years to have the required plat recorded. If the two year period expires prior to having a plat recorded then the land reverts to its last previous zoning district, unless an application for a time extension is submitted and approved.[32]

The Regulation of Modular Housing suggests the following procedures should be applied to a mobile home planned development concerning the application process. The applicant first applies to the planning commission for a mobile home planned development zoning. The application must include a preliminary general development plan. After receiving the application, the planning commission recommends its findings to the governing body. If the governing body grants the zoning, the development must conform to time limitations concerning beginning and completion

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[31]Model Zoning Regulations, pp. 37-40.

[32]Franklin County Zoning Resolution, pp. 70-72.

dates of development. The governing body may approve preliminary plans in whole or in part or may indicate required changes, and such approval or requirements shall be binding in determinations concerning final development plans. After the zoning has passed, approval of final plans becomes an administrative function, performed by the planning staff prior to issuance of permits. Changes in approved final plans may be permitted by the planning department. When the time limits expire, according to this source, it is not legally acceptable to use an automatic reverter, stating that the land returns to its previous zoning classification. This would be amending the ordinance without compliance with amendment requirements of the enabling legislation this source further contends. Thus, it is desirable to establish procedures for initiating proper amendment actions such as a review of the circumstances by the planning commission with a proper recommendation to the governing body concerning the zoning of the area in question.[33]

The Mobile Home Study recommends that a floating zone approach be used by developing a residential mobile home park district. Each rezoning application for such a district should include a development plan. Upon approval of the rezoning application, the development plan should become part of the permanent record and it should serve as the basis for the final site plan submission. The application and development plan would be processed through the planning commission with its recommendation going forward to the governing body for final approval. The

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[33]Bair, Regulation of Modular Housing, pp. 71-74.

submission of the final site plan would follow the same review procedures.[34]

In the Environmental Health Guide model ordinance it is suggested that the application should include complete engineering plans and specifications of the proposed mobile home development.[35]

The ASPO Survey indicates that the special mobile home district which requires an amendment to the zoning is by far the most popular method of controlling the development of mobile home parks.[36]

As noted in Chapter IV, the Ohio Revised Code does have an effect upon the zoning of mobile home parks. In particular, the Code directly effects the administrative framework within which the zoning process must operate. The Ohio Revised Code states:

> The legislative authority of such municipal corporation may amend or change the number, shape, area, or regulations of or within any district, but no such amendment or change shall become effective unless the ordinance proposing it is first submitted to the planning commission, board, or officer for approval, disapproval, or suggestions and the commission, board, or officer is allowed a reasonable time, not less than 30 days, for consideration and report.[37]

The administrative procedures utilized in the Columbus Zoning Code is not the standard method that is applied in most local zoning regulations. According to the Ohio Revised Code, a planning commission has

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[34]Mobile Home Study, p. 19.

[35]Environmental Health Guide, p. 30.

[36]Frederick H. Bair, Jr., Modular Housing, Including Mobile Homes: A Survey of Regulatory Practice and Planners' Opinions, PAS Report No. 265 (Chicago: American Society of Planning Officials, 1971), p. 31.

[37]Page's Ohio Revised Code Annotated 713.10 (through 1969).

the power to act as a zoning commission. However, few states have taken the position that Ohio has taken. In particular, when considering the amendment process, one leading authority states that "although most state enabling acts do not require the council to refer proposed amendments to the planning commission for its recommendations, this is a desirable procedure".[38]

The requirement of the Columbus Zoning Code that after a Mobile Home Park District is established an antidiscrimination deed restriction must be filed is certainly in keeping with present day housing requirements.

The requirement of a mobile home park plan is in keeping with current thinking as suggested by the sources cited above. The Columbus Zoning Code requires that the plan be reviewed by other city departments and, in particular, the school system serving the area in which the proposed park is to be located has an opportunity to give comment. This is especially commendable considering the impact a large mobile home park might have on a school system. It should be stressed that the approval of an amendment to the zoning map, per se, is not contingent upon the approval of the mobile home park plan.

Under the Columbus Code, existing parks can only expand if they meet the standards set forth in Chapter 3380. This approach appears to be in accordance with the findings of the ASPO Survey when it states that "comments indicate that generally any addition to or remodeling of the park must conform to current regulations. . . ."[39]

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[38]William I. Goodman, ed., Principles and Practice of Urban Planning (Washington: Institute of Training in Municipal Administration, 1968), p. 421.

[39]Bair, A Survey of Regulatory Practice and Planners' Opinions, p. 33.

Chapter 3380 of the Columbus Zoning Code requires that development of a mobile home park must be initiated generally within one year or the land will be rezoned to its original zoning classification using the proper amendment procedures. The purpose of the requirement is to eliminate land speculation. Such a requirement appears to be an accepted procedure as suggested by the sources cited above; however, the time limits vary. The key point, which the Columbus Zoning Code adheres to, is that "it is not legally acceptable to use an automatic reverter, stating that the land returns to its previous zoning classification".[40] This would be amending the zoning ordinance without compliance with the amending procedures set up in the enabling legislation according to the Regulation of Modular Housing.[41]

Chapter 3380 also requires that each mobile home park must be inspected at least once a year to insure compliance with the Zoning Code. Although none of the sources cited above have such a specific requirement, this additional step insures that the purposes of the zoning ordinance are fully carried out.

IV. DEVELOPMENT STANDARDS

Size of Park

Chapter 3380 of the Columbus Zoning Code states that "each mobile home park shall have an area of not less than ten (10) acres".[42]

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[40] Bair, Regulation of Modular Housing, p. 74.

[41] Ibid.

[42] Columbus Zoning Code, p. 64C.

Regulation of Modular Housing suggests a minimum area of 20 acres for a mobile home park operation; in addition, a minimum of 100 lots should be completed and ready for occupancy before first rentals are permitted.[43]

The Franklin County Zoning Resolution requires a mobile home park to contain a minimum of four acres,[44] while the Model Zoning Regulations suggests a minimum of five acres.[45]

The Mobile Home Study recommends that the size of a mobile home park should be 10 acres and, at least, 40 lots should be completed and ready for occupancy before first occupancy is permitted.[46]

A minimum park size of eight to ten acres with a minimum of 50 completed sites before any sites may be occupied are standards proposed by the Michigan Municipal League Bulletin.[47]

The Survey of Mobile Homes recommends a mobile home park size of 5 to 15 acres in urbanized areas and 15 acres and over in urbanizing or rural areas.[48]

Although the Environmental Health Guide does not specifically suggest a minimum park size, it does state the following:

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[43]Bair, Regulation of Modular Housing, p. 77.

[44]Franklin County Zoning Resolution, p. 70.

[45]Model Zoning Regulations, p. 70.

[46]Mobile Home Study, p. 19.

[47]Hegel, op. cit., p. 42.

[48]Snohomish County Planning Department, A Survey of Mobile Homes plus Procedures and Standards (Everett, Washington: Snohomish County Planning Department, May 1970), p. 44.

> The area of a mobile home development must be sufficient to accommodate the desired number of mobile home lots, parking areas for motor vehicles, access roads and walkways, and recreation facilities. Additional area must be provided for management buildings, service buildings, or other structures to be included. It is recommended that, to obtain a better design and more economical plan, a minimum of 50 mobile home lots be constructed in any new development.[49]

The ASPO Survey states the following concerning the minimum area required for new mobile home park development:

> In order to provide a full range of facilities and an economic return sufficient to support good management, it is generally thought that a mobile home park should have at least 10 acres and at least 50 spaces at time of opening. Smaller "Mom and Pop" parks appear to have some difficulty in providing an appropriate range of facilities and services and often become substandard when an occupant owner-operator dies or resells to an absentee owner.
>
> Returns on minimum area for new parks indicate that almost two thirds of the regulations would allow establishments with less than 10 acres.
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> . . . . . .
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> Almost three fourths of the jurisdictions responding allow new parks with less than 50 spaces, and 40 percent permit less than 10. For reasons outlined above, the parks developed on this scale are likely to be, or to become, substandard.[50]

The ULI Report found the average size mobile home park contains 24.3 acres. The extremes range from 4 to 300 acres.[51] The ULI Report discusses park sizes further when it states:

> At this point it is worth comparing the actual size of our sample with the opinions expressed by the same respondent managers when asked the question, "In the light of your experience, what do you consider the size of a Mobile Home Community should be for best development, operation and financial success?" Across the country the reply was: a minimum of approximately

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[49] Environmental Health Guide, p. 3.

[50] Bair, A Survey of Regulatory Practice and Planners' Opinions, p. 34.

[51] Mobile Home Parks, Part 2, An Analysis of Communities, p. 12.

> 21 acres with 140 sites--(a density of just over 6-1/2 sites per gross acre) to a maximum of 57 acres and 355 sites (6-1/4 sites per acre)--with an optimum of 34 acres and 230 sites (6-3/4 sites per acre).
>
> . . . . . .
>
> This being a matter of opinion, there was a predictably wide variation in answers based no doubt on the individual experience of each manager. It is worth noting, however, the consistency with which the high and low figure falls into regional areas and the relatively narrow spread between the highest and lowest figure in each case. This suggests the desirability of developing large projects into identifiable "neighborhood" or "community" units in much the same manner as the "Planned Unit Development" concept which has received wide acceptance throughout the country in conventional developments.[52]

Thus, the size of a park must be large enough to provide an economic base sufficient to support good facilities and good management, and help in establishing a sense of "neighborhood" within the park itself. In areas where a mobile home park is developed as a holding operation for the interim use of land, the parcel should be large enough that it can be redeveloped at a later date.

A 10 acre standard for the minimum size of a mobile home park, as applied in Columbus, appears reasonable in view of the discussions of the various sources cited above. In addition, although Chapter 3380 of the Columbus Zoning Code does not specifically mention a minimum number of sites required to be completed before occupancy is permitted, the Code does require the proposed schedule of development indicating how many mobile home sites per year will be completed under the mobile home park plan approval procedure. Thus, the schedule of development must be approved by the City of Columbus.

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[52] Ibid., p. 13.

Density of Park

The Columbus Zoning Code under Chapter 3380 requires that the maximum average gross density of a mobile home park must be not more than six mobile homes per acre, and the maximum gross density of any specific acre within a park must not exceed nine mobile homes.[53]

The Franklin County Zoning Resolution allows a mobile home park development to have a maximum net density of 10 mobile homes per acre.[54] No maximum gross density for any particular acre within a park is mentioned.

A maximum density of six mobile homes per gross acre for a mobile home park development is suggested by the Model Zoning Regulations.[55]

The Mobile Home Study recommends the following:

> The overall density of any mobile home park shall not exceed eight (8) units per gross acre and the net density of any particular acre within such park shall not exceed ten (10) units per acre.[56]

The Survey of Mobile Homes suggests a maximum of seven mobile homes per gross acre.[57]

Neither the Environmental Health Guide nor the HUD Guide set direct maximum density standards, leaving this to be determined by maximum lot coverage limitations, spacing between units, and common open space requirements.

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[53]Columbus Zoning Code, p. 64C.

[54]Franklin County Zoning Resolution, p. 72.

[55]Model Zoning Regulations, p. 70.

[56]Mobile Home Study, p. 20.

[57]A Survey of Mobile Homes plus Procedures and Standards, p. 44.

The Regulation of Modular Housing states, "in good park planning, eight detached units per acre is now generally considered to be about the maximum which can be achieved without overcrowding, with a reasonable allowance for common open space".[58]

The following remarks are made in the ASPO Survey concerning the maximum number of mobile home units per acre:

> Good current park design seldom uses more than eight units per acre, and eight per acre is the maximum set in 26 percent of reporting jurisdictions--the largest single category. The 40 percent allowing 10 or more units per acre include a substantial sprinkling of cases in which no distinction was made between mobile homes and travel trailers. In the future, densities of 10-12 units per acre may be found acceptable where attached or semidetached forms are used, but it seems doubtful that this intensity can be achieved with detached units without substantial sacrifice of amenity.[59]

The ULI Report found in its survey that the average number of lots per park is about 160. Thus, comparing this figure with the average size park which is 24.3 acres as mentioned earlier, the average density is approximately 6.6 mobile homes per acre.[60]

The Columbus Zoning Code requirement of a maximum of six mobile homes per gross acre and the maximum gross density of any one acre must not exceed nine mobile homes would indicate, in part, a desire for quality mobile home parks. However, with the size of the mobile home growing as it is this requirement appears to be reasonable. This is especially true when the current situation in Franklin County is examined.

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[58]Bair, Regulation of Modular Housing, p. 43.

[59]Bair, A Survey of Regulatory Practice and Planners' Opinions, p. 36.

[60]Wehrly, op. cit., p. 13.

Developers are allowed to build at a net density of 10 mobile home units per acre under the Franklin County Zoning Resolution as was mentioned earlier in this section. However, since 1964, developers have, in fact, requested to build at a gross density between 4.4 to 6.3 mobile home units per acre.[61] The latest mobile home park to be approved in Franklin County will be developed at a gross density of 5.4 mobile home units per acre.[62] Thus, the Columbus Zoning Code is in apparent accord with the feelings of the consumer market in the Columbus-Franklin County area.

Mobile Home Lot Area

Chapter 3380 of the Columbus Zoning Code requires that each mobile home site must contain an area of not less than 4,000 square feet. This area is exclusive of any area set aside for common use by park residents with one exception. Whenever a mobile home site is adjacent to a mobile home park yard area, then up to 1,000 square feet of any mobile home site may be utilized towards the park yard area requirement.[63]

Chapter 3380 also requires the following concerning double-wide mobile homes:

> (a) The maximum number of mobile home sites designed, intended, and used for double-wide type mobile homes shall not exceed 15 percent (15%) of the total number of mobile home sites, and
> (b) Double-wide mobile homes shall be located in such a manner that groups of them will be dispersed throughout the entire area

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[61] Mid-Ohio Regional Planning Commission, A Study of Mobile Homes (Columbus: Mid-Ohio Regional Planning Commission, 1970), p. 10.

[62] Telephone interview with Mrs. Richardson, Franklin County Rural Zoning Commission, on February 8, 1973.

[63] Columbus Zoning Code, p. 64C.

of the mobile home park with not more than five (5) such mobile homes located in any specific group.[64]

The Mobile Home Study suggests a minimum lot area for mobile homes of 4,000 square feet, and no mobile home may occupy more than 25 percent of the area of the lot on which it is situated.[65]

The Model Zoning Regulations[66] as well as the Survey of Mobile Homes[67] recommend that each mobile home lot should contain a minimum area of 4,000 square feet.

Neither the Environmental Health Guide nor the HUD Guide set direct minimums for lot area; however, the Environmental Health Guide recommends, in its introductory text, a minimum of 2,800 square feet for single-wide units, and 4,500 square feet for double-wides.[68]

The Franklin County Zoning Resolution requires a mobile home lot size of at least 2,400 square feet.[69]

The Regulation of Modular Housing does not specify a minimum lot size but rather states that "a range of lot sizes adapted to varying unit characteristics is preferable to a general minimum large enough to accommodate the largest units".[70] The report also suggests that generally the

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[64] Ibid., p. 64D.

[65] Mobile Home Study, p. 20.

[66] Model Zoning Regulations, p. 71.

[67] A Survey of Mobile Homes plus Procedures and Standards, p. 44.

[68] Environmental Health Guide, p. 5.

[69] Franklin County Zoning Resolution, p. 73.

[70] Bair, Regulation of Modular Housing, p. 44.

mobile home and its accessory buildings should not occupy more than 35 percent of the total lot area.[71]

In the ASPO Survey the following is stated concerning minimum lot size requirements:

> Minimum lot size should vary according to the size of the unit to be placed upon it and the on-site open space requirements. If an arbitrary absolute minimum must be picked for current mobile home models, something in the neighborhood of 2,500 square feet would probably be selected for parks.
>
> More than 35 percent of the responses show that lots under 2,500 square feet would be permitted in parks, and over 11 percent would allow lots under 1,500 square feet. There are now mobile homes with floor areas exceeding this figure.
>
> At the other end of the scale, there is some question as to justification for a flat minimum requirement of 4,000 square feet or more in parks. This might be needed for some of the larger units, but seems excessive as a minimum for any unit. More than 27 percent of the responses indicate requirements in this range.[72]

In correspondence sent by Mr. Eugene A. Nowak, Chief of Zoning Services, Planning and Consulting Services for the Mobile Homes Manufacturers Association to Mr. Robert L. Hegel, author of the Michigan Municipal League Bulletin, the following position concerning minimum lot size was expressed:

> In your letter you also bring up the question of what is a suggested minimum lot size. I question whether or not it is the proper approach for the future. I will say this, however, that our office is presently designing mobile home parks much more stringently and with greater set-back requirements than those which are set forth in the FHA guide. These requirements result in lot sizes ranging from 3,800 square feet on up to about 4,500 square feet, and even larger, to 6,000 square feet in subdivisions, which results in about 6 to 7.5 units per gross acre.

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[71] Ibid., p. 83.

[72] Bair, A Survey of Regulatory Practice and Planners' Opinions, p. 36.

> It has always been my contention that planning should be left in the hands of the planners, and actually, that a high density development could be aesthetic if properly planned. A very good example of this are plush mobile home developments in Southern California where there is extensive use of the double-wides and densities range from 8 to 10 units per acre. I do not advocate higher densities as a general rule but moreover recommend 6 to 7.5 units per gross acre.[73]

The Ohio Sanitary Code requires that all new mobile home lots must have a land area of not less than 3,600 square feet.[74]

In view of the sources cited above, the 4,000 square foot minimum as spelled out in Chapter 3380 of the Columbus Zoning Code seems to be in good standing. However, there is some question concerning the portion of Chapter 3380 which deals with the limiting of double-wide mobile homes to 15 percent of the total number of mobile home sites within a mobile home park. This provision would appear to unduly limit the rights of a mobile home park developer.

Since the Zoning Code specifically calls out double-wide mobile homes, the question of setting an absolute minimum lot size comes to the fore. The author questions the desirability of allowing a double-wide mobile home to set on the same size lot as a "standard" (12 x 60) mobile home unit considering the double-wide unit will cover twice the land area. It would seem to follow that if the land coverage by a "standard" unit is acceptable, then the land coverage by a double-wide could be suspect. If this is not the case, then the minimum lot size for the

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[73]Hegel, op. cit., p. 41.

[74]Unpublished materials concerning the revised regulations of mobile home parks provided by the Ohio Department of Health, May 1971, p. 6.

"standard" unit should be reduced; thus instituting the suggestion from the ASPO Survey that "minimum lot size should vary according to the size of the unit to be placed upon it and the on-site open space requirements".[75] The approach would require the calling out of a minimum lot size for each type of mobile home unit. Considering the variety of mobile homes produced today this approach could become overly complicated.[76]

The Regulation of Modular Housing offers another alternative by suggesting a maximum lot coverage by a mobile home unit.[77] Thus, no mobile home would occupy more than a set percentage of the total lot area.

Still another approach, and possibly the most palatable to accept within the framework of Chapter 3380, would be to set a minimum lot area with the stipulation that no mobile home may occupy more than a set percentage of the total lot area. In this way, a 4,000 square feet minimum lot size could be set; however, if the mobile home unit occupies more land coverage than stipulated then the lot size would have to be increased accordingly. This procedure would ensure proper open space for all units but, at the same time, it would not require an excessive lot size for "standard" units in order to properly regulate the double-wide and triple-wide units.

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[75]Bair, A Survey of Regulatory Practice and Planners' Opinions, p. 36.

[76]The single-wide mobile home varies in width from 8 feet to 16 feet and in length from 35 feet to 70 feet. In addition, the mobile home industry produces expandables, double-wides, and triple-wides of varying sizes.

[77]Bair, Regulation of Modular Housing, p. 83.

Mobile Home Park Buffer

Chapter 3380 of the Columbus Zoning Code requires that each mobile home park must have a yard with a depth of not less than 25 feet around the inside perimeter of the park. In addition, the rear and side yards of the park must be enclosed by a fence or shrubbery, the height of which must be at least four feet high. The fence or shrubbery must have an opaqueness of 75 percent or more.[78]

The Model Zoning Regulations suggests that there be at least a 20-foot buffer zone along all park boundaries; however, if a park boundary abuts an arterial street the buffer zone for that boundary should be increased to 35 feet.[79]

The Franklin County Zoning Resolution requires a 15-foot side and rear yard buffer; however, such yards can not be occupied by or counted as part of an individual mobile home site. Also, if activities such as large parking areas, drive-in or outdoor service facilities, and commercial or industrial loading areas are located adjacent to a mobile home park screening must be provided. The screening must be at least six feet, but not more than eight feet high and have an opaqueness of 60 percent or more.[80]

A landscaped yard of 10 feet around the inside perimeter of a mobile home park is recommended by the Mobile Home Study.[81]

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[78]Columbus Zoning Code, pp. 64D-64E.

[79]Model Zoning Regulations, p. 78.

[80]Franklin County Zoning Resolution, pp. 79, 99-100.

[81]Mobile Home Study, p. 20.

The Survey of Mobile Homes suggests at least a 10-foot buffer strip of ornamental screen plantings with a wall or fence at least eight feet high. If any park area fronts on a major arterial, in addition to the 10-foot buffer, a 40-foot open space area must be provided.[82]

The HUD Guide states that the distance from a mobile home stand to a boundary line of the development must be adequate to protect the residential use in the development and, in any case, must be not less than the following:

> Where the adjoining land use (existing or permitted) is other than residential use or is a minor or collector street: generally not less than 15 feet.
> Where the adjoining land use is an arterial street or a nonresidential use: protection shall be provided by walls, solid or louvered fencing, or open fencing with appropriate planting, at distance generally not less than 15 feet from the mobile home stand.[83]

The Environmental Health Guide recommends:

> All Mobile Homes shall be located at least 25 feet from the property boundary line abutting upon a public street or highway and at least 10 feet from other boundary lines of the development.
> All Mobile Home Developments located adjacent to industrial or commercial land uses shall be provided with screening such as fences or natural growth along the property boundary line separating the Development and such adjacent nonresidential uses.[84]

Section 73 of the Michigan Trailer Park Law has a rather unorthodox approach concerning the screening of a park:

> If the owner of improved property abutting a trailer coach park demands a fence be built on his property lines, the

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[82] A Survey of Mobile Homes plus Procedures and Standards, p. 47.

[83] Mobile Home Park Development Standards, p. 18.

[84] Environmental Health Guide, p. 33.

> operator of the trailer coach park shall build a suitable fence not less than 4 nor more than 6 feet in height, constructed of woven wire or open metal or wood pickets or boards, the cost of which shall be shared equally with the abutting property owners. Barbed wire shall not be used in the construction of any fence.[85]

The Regulation of Modular Housing suggests at least a 25-foot mobile home park yard where the park adjoins a public street and at least a 20-foot yard where the park adjoins a district with substantially lower densities. It also mentions that a greater depth may be required to provide protection from traffic noise or other adverse influences outside the park. The report further recommends that fences, walls, or vegetative screening should be provided along the edges of the mobile home park where needed to protect residents from undesirable views, lighting, noise, or other off-site influences or to protect occupants of adjoining residential districts from similar adverse influences within the mobile home park.[86]

By itself, the requirement by the City of Columbus of a 25-foot yard around the mobile home park is desirable although when compared to the above mentioned sources the requirement appears high. However, the side and rear yard areas of the mobile home park may be used for either of the following provided that any portion used for one purpose must not be used for the other purpose:

> Common recreation purposes provided the yard areas used for this purpose are adjacent to and connected with other common recreation areas located outside of the required yard areas. Whenever the yard areas are used in this manner, the total amount of recreation area so provided may be credited towards

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[85] Hegel, op. cit., pp. 81-82.

[86] Bair, Regulation of Modular Housing, pp. 80, 82.

> not more than one half (1/2) of the required ten (10%) percent common recreation area for the entire mobile home park;
>
> Mobile home site areas provided the yard areas used for this purpose are adjacent to the mobile home sites concerned. Whenever the yard areas are used in this manner, no portion of such yard areas shall be occupied by any portion of a mobile home or its appurtenances or parking spaces, and the total amount of yard area that may be credited towards the required four thousand (4,000) square feet for a mobile home site shall be not more than one thousand (1,000) square feet per mobile home site.[87]

Based on this qualifying information that the yard area does not have to be left as an unused buffer, the 25-foot yard requirement does seem fair.

The requirement of a fence or shrubbery certainly should enhance privacy; however, a minimum height of four feet appears to be too low to provide a reasonable amount of privacy. Screening should be designed to control existing or potential adverse effects from mobile home windows in the park.

Recreation Area

Chapter 3380 requires that any park constructed in the City of Columbus must provide a common recreation area. The total amount of land to be set aside for recreational purposes must be not less than 10 percent of the total area of the mobile home park. A portion of this requirement, not to exceed one half as mentioned above, may be located within the mobile home park yard areas.[88]

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[87] Columbus Zoning Code, p. 64D.

[88] Ibid., p. 64E.

The Model Zoning Regulations recommends at least 10 percent of the gross land area of the mobile home park should be reserved for recreational and open space uses. This figure is in addition to any other open areas required by yard requirements, such as a 20-foot buffer zone along all park boundaries.[89]

The Mobile Home Study suggests that not less than 8 percent of the gross site area must be devoted to recreational facilities.[90]

In the report Survey of Mobile Homes not less than 10 percent of the net area of the park should be devoted to usable recreation and outdoor open space is suggested. This requirement is in addition to the buffer zone which must ring the mobile home park. Also, when 15 percent of the net area of the park is utilized as open space and recreation, the minimum lot size may be reduced from 4,000 square feet to 3,500 square feet.[91]

The HUD Guide states that "not less than 8 percent of the gross site area shall be devoted to recreational facilities".[92]

Concerning recreational areas, the Environmental Health Guide suggests the following in its text:

> Mobile home developments that accommodate 25 or more mobile homes should be provided with at least one easily accessible recreation area. When several different age groups are to be

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[89] Model Zoning Regulations, p. 71.

[90] Mobile Home Study, p. 20.

[91] A Survey of Mobile Homes plus Procedures and Standards, p. 46.

[92] Mobile Home Park Development Standards, p. 28.

> provided for, it may be desirable to have two or more separate areas to serve the various interests.
>
> For safety reasons, recreation areas always should be located where they are free of traffic hazards. It may also be desirable to provide some sort of buffer zone around the area, such as trees, bushes, or other vegetative growth. If shrubbery is planted immediately adjacent to the street, a fence should be installed to prevent children, who are obscured from the motorist's vision, from darting into the roadway.
>
> . . . . . .
>
> The minimum area for each recreational space should be two thirds of an acre, and the total recreational area should be not less than 8 percent of the gross area of the site.[93]

The Ohio Sanitary Code stipulates that all new mobile home parks must have a recreational space consisting of not less than 8 percent of the gross park area.[94]

The Regulation of Modular Housing recommends that not less than 8 percent of the total area of a park should be devoted to common recreation areas and facilities.[95]

The ULI Report found that approximately 20 percent of the land in the average mobile home park was devoted to some form of open space use and in a number of parks extensive recreational facilities such as playgrounds, golf courses, and water oriented facilities were found adjacent to the park, but not an integral part of it.[96]

Chapter 3380 of the Columbus Zoning Code appears to be in line with the sources cited above concerning specific recreational area. It

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[93] Environmental Health Guide, p. 8.

[94] Unpublished materials concerning the revised regulations of mobile home parks provided by the Ohio Department of Health, May 1971, p. 13.

[95] Bair, Regulation of Modular Housing, p. 86.

[96] Wehrly, op. cit., p. 26.

certainly is not restrictive considering up to one half of the required 10 percent may be located in the mobile home park yard area. In this age of increased leisure, the inclusion of adequate recreational area in residential developments is becoming commonplace.

Automobile Parking

The Columbus Zoning Code requires two parking spaces for each mobile home site and one additional space for guest and visitor parking for each four mobile home sites within the park. The two spaces for each mobile home may be arranged in tandem. All parking spaces must be located not more than 100 feet from the mobile home site it is intended to serve.[97]

Each mobile home lot should be provided with a paved driveway to accommodate off-street parking for two vehicles according to Model Zoning Regulations.[98]

The Ohio Sanitary Code requires that each mobile home lot must provide off-street parking for two automobiles and the parking may be in tandem.[99]

The Environmental Health Guide suggests the same standard as just mentioned in the Ohio Sanitary Code.[100]

The HUD Guide recommends the following concerning parking spaces for automobiles:

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[97]Columbus Zoning Code, p. 64H.

[98]Model Zoning Regulations, p. 71.

[99]Unpublished materials concerning the revised regulations of mobile home parks provided by the Ohio Department of Health, May 1971, p. 8.

[100]Environmental Health Guide, p. 5.

> Car parking spaces shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities should be provided at the rate of at least one car space for each mobile home lot plus an additional car space for each four lots to provide for guest parking, for two-car tenants, and for delivery and service vehicles.
>
> Required car parking spaces should be located for convenient access to the mobile home stands.[101]

Two off-street parking spaces should be provided for each unit; however, the spaces do not have to be located on the lot occupied by the mobile home. One space should be located within 100 feet of the entrance of the mobile home. These parking standards are suggested by the Regulation of Modular Housing.[102]

The Mobile Home Study recommends two car spaces for each mobile home. Each mobile home lot should have at least one paved parking space; the remainder of the required spaces could be located either on the mobile home lot or in a common paved parking bay located not more than 150 feet from the mobile home lot which it serves.[103]

The Franklin County Zoning Resolution requires a mobile home park to provide six automobile spaces per four mobile homes.[104]

Concerning automobile parking spaces in mobile home parks, the Columbus Zoning Code is in complete accord with the current standards cited above in regard to the number of spaces per mobile home site.

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[101] Mobile Home Park Development Standards, p. 24.

[102] Bair, Regulation of Modular Housing, p. 78.

[103] Mobile Home Study, p. 21.

[104] Franklin County Zoning Resolution, p. 100.

The requirement of visitor parking certainly allows for a more adequate supply of parking places and also allows for a more effective transportation network. The additional requirement of a maximum walking distance from the parking space to the mobile home site of 100 feet or less is definitely in the interest of the residents that reside in the mobile home park. The requirements of Chapter 3380 allow the parking of cars in bays serving a number of units; thus permitting more landscaped space on the lot.

Access and Street Frontage

The Columbus Zoning Code requires that a mobile home park must have frontage of not less than 150 continuous feet on a public street that has a right-of-way width of at least 50 feet. Access to the park from an adjacent public street must be by means of at least two collector width roadways. Additional accesses may be required depending upon the size and design of the park.[105]

The Model Zoning Regulations recommends that all parks should have access to collector streets with a right-of-way of not less than 60 feet in width. Marginal access roads should be required for parks that have direct access onto an arterial street.[106]

The Ohio Sanitary Code states that the street system in a park must have unobstructed access to a public thoroughfare. All entrance two-way

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[105] Columbus Zoning Code, pp. 64C, 64F.

[106] Model Zoning Regulations, p. 70.

streets must have a minimum width of 35 feet. One-way entrance streets must have a width of at least 20 feet.[107]

The Franklin County Zoning Resolution requires a minimum park width of 300 feet at the front setback line.[108]

A 35-foot minimum width for points of ingress and egress is the recommendation of the Survey of Mobile Homes.[109]

The HUD Guide states the following concerning access and frontage:

> Character of Access Street. Direct vehicular access to the development must be provided by an abutting improved public street or way or by an improved and permanently maintained private street or way which is protected by a permanent easement. Sole vehicular access by an alley is unacceptable.
> Street Width and Construction. The width and construction of the access streets or ways must be suitable for the vehicular traffic requirements of the properties served.
> Frontage on Access Street. The development must have reasonable frontage on the required access street.[110]

The Environmental Health Guide recommends that all mobile home parks should be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Entrances to mobile home parks should have direct connections to a public street and should be designed to allow free movement of traffic on adjacent public streets.[111]

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[107] Unpublished materials concerning the revised regulations of mobile home parks provided by the Ohio Department of Health, May 1971, p. 7.

[108] Franklin County Zoning Resolution, p. 72.

[109] A Survey of Mobile Homes plus Procedures and Standards, p. 45.

[110] Mobile Home Park Development Standards, p. 12.

[111] Environmental Health Guide, p. 33.

The Regulation of Modular Housing suggests that parks should be located with respect to arterial, major, and collector streets so as to provide direct access without creating traffic along minor streets in residential neighborhoods outside the park. The minimum width portions of a park used for general vehicular entrances and exits should be 60 feet; however, for portions of a park devoted to mobile home sites the minimum dimension should be 200 feet.[112]

The requirements of Chapter 3380 of the Columbus Zoning Code concerning access and street frontage, when compared to the sources cited above, would appear more than ample. A key concern is the requirement of access to a mobile home park by means of at least two collector width roadways. In accordance with Chapter 3380 a mobile home park may contain 10 acres at an average gross density of six mobile homes per acre. This would result in a total of 60 mobile homes. The author questions if a development of 60 mobile homes would generate enough traffic to warrant the need for two 60-foot right-of-way access roadways. None of the sources cited above specifically requires two access roadways. Chapter 3380 might be more in line if it required one access roadway of collector width and utilized the stipulation that it contains concerning the requirement of additional accesses depending upon size and design of the park. The requirement concerning frontage on a public street that has a right-of-way width of not less than 50 feet definitely is a protection against the possibility of completely choking a minor street with the additional traffic generated by a mobile home park.

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[112]Bair, Regulation of Modular Housing, pp. 70, 77.

Streets

According to Chapter 3380 of the Columbus Zoning Code all roadways within the boundaries of a mobile home park shall have minimum widths as stated below:

1. Collector Roadways--A collector roadway must have at least a 60-foot total width or right-of-way. The improved minimum width if parking is not permitted is 30 feet. Where parking is allowed on one side of the collector roadway the improved width must be not less than 38 feet and for parking on both sides of the roadway the width must be a minimum of 46 feet.

2. Local Access (Two-way) Roadway--A local access (two-way) roadway must have a minimum total width of 50 feet and a minimum improved width without parking of 24 feet. Parking on one side of the local access (two-way) roadway requires at least 32 feet, while parking on both sides requires a 40 feet width.

3. Local Access (One-way) Roadway--A local access (one-way) roadway requires a total width or right-of-way of 50 feet. The improved minimum width with no parking must be not less than 20 feet. Parking on one side of the roadway requires a width of 28 feet, while parking on both sides requires a 36-foot minimum width.[113]

The improved roadway must be paved. Curbs and gutters are required along both sides of all roadways. Local access one-way roadways are limited to a maximum length of 500 feet. A local access one-way roadway may not serve more than 25 mobile homes. Also, the total length of

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[113] Columbus Zoning Code, p. 64F.

local access one-way roadways must not exceed one-half of the total lineal length of all roadways of all types within the mobile home park.[114]

The Model Zoning Regulations suggests that all interior streets should be paved and curbs and gutters should be installed. The pavement width of all streets should be at least 30 feet. If parking is permitted the pavement width should be not less than 35 feet.[115]

The Ohio Sanitary Code requires paved streets in mobile home parks in accordance with the following standards:

> All entrance and exit two-way streets shall have a minimum width of 35 feet exclusive of any median strip. One-way entrance or exit streets shall have a minimum width of 20 feet;
> All collector, minor, or cul-de-sac streets shall have a minimum width of 20 feet and parking is not permitted;
> The operator may permit parking on both sides of streets having a minimum width of 35 feet;
> The operator may permit parking on both sides of streets having a minimum width of 28 feet which have been designated as "one-way";
> The operator may permit parking on one side of "two-way" streets having a minimum width of 28 feet;
> The operator may permit parking on one side of streets having a minimum width of 20 feet which have been designated as "one-way".[116]

The Mobile Home Study recommends a minimum right-of-way of any private street on which an individual mobile home lot fronts should be 30 feet in width; however, additional width may be required based on traffic estimates of the proposed development. A 22-foot width for all

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[114] Ibid., p. 64G.

[115] Model Zoning Regulations, p. 70.

[116] Unpublished materials concerning the revised regulations of mobile home parks provided by the Ohio Department of Health, May 1971, pp. 7-8.

private streets and driveways must be surfaced and maintained. It must be noted that on-street parking should be prohibited, unless the paved street is expanded accordingly.[117]

The Survey of Mobile Homes suggests that all streets within the mobile home park should be paved and adequately drained. Local access roads on which no parking should be permitted must have a minimum width of 24 feet. Collector roads should have not less than a width of 28 feet, while points of ingress and egress onto a county road should have a minimum width of 35 feet. No parking should be permitted on collector streets.[118]

The ULI Report indicates that across the United States the roadway widths (paved area) vary greatly from 10 feet to 51 feet. The pavement widths for the nation as a whole averaged 28.5 feet.[119] The ULI Report continues:

> An important consideration in roadway widths for mobile home parks is automobile parking. With but two or three exceptions in several older parks with high densities, roadway parking was strictly prohibited in the parks visited. Cars were required to use either their individual parking spaces or parking bays. This, together with the low speed limit, makes excessive pavement widths entirely unnecessary.[120]

The HUD Guide requires a minimum paved width of 36 feet for entrance and other collector streets with parking on both sides; a minimum of 20

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[117] Mobile Home Study, pp. 20-21.

[118] A Survey of Mobile Homes plus Procedures and Standards, pp. 44-45.

[119] Wehrly, op. cit., p. 21.

[120] Ibid., p. 22.

feet for collector streets with no parking; a minimum of 28 feet for minor streets with parking on one side, and for minor or cul-de-sac streets with no parking a minimum of 20 feet is required. One-way minor streets with no parking of less than 500 feet in length and serving less than 25 mobile homes must be 11 feet in width. All of the minimum widths stated above are reduced by two feet if adjacent sidewalks are provided.[121]

The Environmental Health Guide recommends that entrances to mobile home developments should have direct connections to a public street. No parking should be permitted on the entrance street for a distance of 100 feet from its point of beginning.[122] The Environmental Health Guide discusses pavement widths as follows:

> Pavements should be of adequate widths to accommodate the contemplated parking and traffic load in accordance with the type of street with 10 feet minimum moving lanes for collector streets, 9 feet minimum moving lanes for minor streets, 7 feet minimum lane for parallel parking, and in all cases shall meet the following minimum requirements:
> 1. Collector streets with guest parking allowances . . . 34 feet.
> 2. Collector streets and all other streets except minor streets without parking allowances . . . 24 feet.
> 3. Minor streets serving less than 40 Lots (no parking) . . . 18 feet.
> 4. One-way minor streets serving less than 20 Lots (no parking) . . . 14 feet.[123]

The Regulation of Modular Housing suggests a pavement width based generally on a moving lane width of 10 feet for collector streets and

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[121] Mobile Home Park Development Standards, pp. 20-21.

[122] Environmental Health Guide, p. 34.

[123] Ibid., p. 34.

nine feet for minor streets, with parallel parking lanes of seven feet; however, one-way minor streets serving less than 30 mobile home lots should have a minimum pavement width of 14 feet. A street serving 40 or more mobile home lots is classified as a collector street; while a minor, two-way street serves less than 40 lots.[124]

The Franklin County Zoning Resolution requires that "the mobile home park shall be developed with accessways of not less than thirty (30) feet in width and shall be paved for not less than twenty (20) feet".[125]

The standards presented in Chapter 3380 of the Columbus Zoning Code with regard to minimum roadway widths are certainly more rigid than the standards of the sources cited above. One of the prime concerns is the criteria utilized in determining the various minimum roadway requirements.

According to the study, Regulation of Modular Housing, there are various factors that come into play:

> Pavement and lane widths should vary according to: number of vehicles anticipated at peak hours and speed appropriate for movement; anticipated marginal friction at the edges of streets, depending on curb cuts and curb parking, entries from other streets, pedestrian crossings, and similar obstacles to smooth flow; and the need for space for turning and merger movements.[126]

None of the sources cited above, including the Columbus Zoning Code, seem to go far enough in relating terminology and requirements to the number of mobile homes served as suggested by Regulation of Modular Housing in the following:

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[124]Bair, Regulation of Modular Housing, p. 81.

[125]Franklin County Zoning Resolution, pp. 72-73.

[126]Bair, Regulation of Modular Housing, p. 41.

> The minor street is usually defined as one used primarily for access to abutting properties. The number of units served should be one factor in determining its width requirements (as indicated in the [Environmental Health] Guide) but there might well be a point at which a minor street would serve more than 40 lots. At this point, what does it become, and what should be its land width requirements?
>
> A collector street is usually defined as one carrying traffic from minor streets to the major arterial system, and the term is often made to include the principal entrance to development. But lots often front on a collector street, and whether it is "primarily" or only incidentally a carrier of traffic to the major arterial system may be a point for argument. Given a street in a closed subsystem which forms a Y and which serves only 100 units, should the stem of the Y be required to meet collector width standards? If not, at what point, in terms of numbers, should the collector width be required? Given a closed subsystem in the form of a U, with a two-way street serving 78 units, and with probable movement equally divided between the arms, does each arm constitute a "minor street serving less than 40 lots" or does the fact that it serves 78 in total move it into another category?
>
> It rapidly becomes apparent that some clarification is desirable, and that a principal element in establishing lane and street width requirements should be number of units served by the street. A "minor" street which serves 100 units (or whatever number is taken as a breakpoint) might well be required to have the same lane and total widths as a collector street which serves 100, and "service" might well be defined to mean access by most probable routes of travel, so that in the case of a U with 50 units on each side, the width requirements would be based on 50 for each side rather than 100 for the combination.[127]

Although the principal element in establishing street width requirements should be the number of mobile homes served by the street, as suggested above, the Columbus Zoning Code is consistent in that the roadway widths applied in Chapter 3380 are generally the same standards that are required in other zoning districts.

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[127] Ibid.

Walkways

The Columbus Zoning Code requires common sidewalks in a mobile home park with a minimum width of four feet. A private sidewalk, with a minimum width of two feet, must be provided from the common sidewalk system to each mobile home site.[128]

The Model Zoning Regulations suggests that a mobile home park should provide paved walkways at least four feet in width. Also, each mobile home lot should be provided with a three-foot walkway leading from the main entrance of the lot to the main walkway or adjacent street.[129]

The Ohio Sanitary Code requires that each mobile home lot must be provided with a paved walkway with a minimum width of two feet leading from the lot to the main walkway, adjacent street, or parking area.[130]

The Franklin County Zoning Resolution stipulates that a mobile home park must provide paved common walks three feet or more in width. Also, private paved walks must be provided from the common walks to the individual mobile lots. The private walks must not be less than two feet in width.[131]

All walkways should be paved with a width of at least two feet and they should provide safe, convenient access to mobile homes, recreation

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[128] Columbus Zoning Code, p. 64F.

[129] Model Zoning Regulations, p. 71.

[130] Unpublished materials concerning the revised regulations of mobile home parks provided by the Ohio Department of Health, May 1971, p. 8.

[131] Franklin County Zoning Resolution, p. 73.

areas, and all other common facilities according to the Survey of Mobile Homes.[132]

The Mobile Home Study recommends that common walkways be at least four feet wide except where they are required adjacent to arterial streets. In this case, the width should be extended to a minimum of five feet.[133]

The Environmental Health Guide suggests, in its text, the following:

> All mobile home developments should be provided with walkways where pedestrian traffic is expected to be concentrated, such as around recreation, management, or service areas, and between individual mobile homes. It is recommended that these common walks be at least 3-1/2 feet wide.
>
> Walks also should be provided on each individual lot to connect the mobile home with a common walk, street, or other paved surface. Such walks should be at least 2 feet wide.[134]

The HUD Guide indicates a need for all-season pedestrian access. It stipulates the use of walkways with a minimum width of one and one half feet on individual lots and common walkways with a minimum width of three feet.[135]

Thus, Chapter 3380 of the Columbus Zoning Code appears to be in general agreement with the sources cited above with regard to sidewalk standards. A well designed and convenient sidewalk system is certainly in the interest of all the residents of a mobile home park; Chapter 3380 appears to provide for such a system.

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[132] A Survey of Mobile Homes plus Procedures and Standards, p. 46.

[133] Mobile Home Study, p. 21.

[134] Environmental Health Guide, p. 5.

[135] Mobile Home Park Development Standards, p. 25.

Mobile Home Site Yards and Separations

The Columbus Zoning Code establishes a minimum of 15 feet between mobile homes and a 10-foot setback from the roadway to the mobile home. Also, there must be at least 25 feet between the mobile home and the park boundary or property line. The term mobile home as used above includes appurtenances and parking spaces.[136]

The Model Zoning Regulations suggests that there should be a minimum clearance of 20 feet between individual mobile homes. No mobile home should be located any closer than 35 feet from the front property line, nor closer than 20 feet from the side or rear property line.[137]

The Ohio Sanitary Code requires a 20-foot clearance between the sides of mobile homes and a 15-foot clearance between the end of any mobile home and the side of any mobile home. Also, a 10-foot clearance between mobile homes placed end to end is required. The mobile home must have a 15-foot clearance from any building, public roadway, street, or alley, and at least a 10-foot distance from roadways and parkways located within the park. There must be not less than a 10-foot clearance between a mobile home and the mobile home park property line.[138]

The Franklin County Zoning Resolution does not specifically mention lot yard requirements; however, it does require a minimum lot width of 35 feet.[139]

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[136]Columbus Zoning Code, p. 64H.

[137]Model Zoning Regulations, pp. 70-71.

[138]Unpublished materials concerning the revised regulations of mobile home parks provided by the Ohio Department of Health, May 1971, p. 6.

[139]Franklin County Zoning Resolution, p. 73.

The Mobile Home Study recommends that no mobile home should be placed within 20 feet of another mobile home or service building; however, when mobile homes are parked end to end the clearance may be reduced to 15 feet. No mobile home should be located less than 10 feet from the side or seven and one half feet from the rear mobile home lot line. All mobile homes should be located at least 15 feet from any private internal road.[140]

The Survey of Mobile Homes suggests a setback distance between a mobile home and the lot line of 10 feet. A clearance of 15 feet is suggested between a mobile home and any park boundary line. No mobile home should be any closer than 15 feet to any other mobile home; however, this figure should be increased to 25 feet for the entry side of a mobile home.[141]

The ASPO Survey indicates the largest single category of jurisdictions (20 to 25 percent) have a clearance requirement from all lot lines in the 10 to 12.5 foot range.[142] The ASPO Survey continues:

> For the front yard, clearance of under 7.5 feet from adjoining interior streets is probably inadequate, but over 20 percent of reporting jurisdictions allow it. Minimum clearance exceeding 15 feet is probably excessive, but more than half the jurisdictions require it.
>
> On the entry side, lot line clearance of 10 feet is certainly minimal. Over half of the regulations require less. Twenty feet should be adequate under almost any circumstances. About 16 percent require more.

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[140] Mobile Home Study, p. 20.

[141] A Survey of Mobile Homes plus Procedures and Standards, p. 44.

[142] Bair, A Survey of Regulatory Practice and Planners' Opinions, p. 37.

> At the rear of the lot, clearance requirements can quite properly be minimal, particularly if units on abutting lots are staggered so that there is not direct end-to-end exposure. Ten feet or more seems high. Two-thirds of the jurisdictions require it, and almost one-third require clearance of 15 feet or more.[143]

The Environmental Health Guide suggests that no mobile home should be located closer than 10 feet from any other mobile home or permanent building within the park. All mobile homes should be located at least 25 feet from the property boundary line abutting upon a public street and not less than 10 feet from other mobile home boundary lines. It is also suggested the minimum clearance between a mobile home and an abutting street should be 10 feet.[144]

The HUD Guide sets the following minimum distances from the mobile home to various areas within the park:[145]

To internal street pavement, common parking area, common walk, or other common area	8 feet
To mobile home on opposite side of internal street	36 feet
To park boundary line	15 feet

According to the HUD Guide, the distance between mobile homes is governed by a formula for open space depth requiring four feet plus 10 percent of the length of the adjacent portion of the mobile home unit. As an example, a 12-foot by 60-foot mobile home would be required to have 10 feet of open space at the sides and five and one-fifth feet at the

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[143] Ibid.

[144] Environmental Health Guide, p. 33.

[145] Mobile Home Park Development Standards, pp. 17-18.

ends. Thus, the spacing between the sides of two parallel mobile homes (12 X 60) would be 20 feet.[146]

The HUD Guide provides for greater flexibility in lot use by allowing the following alternate method of determining distance between mobile homes:

> Once a minimum lot width has been established applying determination of distances as described above, a limited number of stands in any one park may incorporate an alternate total open space depth between two mobile homes of six feet. In such instances, the two mobile homes must be placed on their respective lots in such a way as to maximize the open space available on the patio or outdoor living area side of the mobile homes in question. Increased site livability is the only objective for the application of this exception and in no case will the clustering of two mobile homes near a common lot line result in a reduction in lot size.[147]

The Regulation of Modular Housing recommends a distance of at least eight feet between a mobile home and common areas such as street pavement, common driveways, common parking areas, and common walkways. Where major windows of a unit front a common area the minimum distance should be increased to 15 feet. The spacing of mobile homes on adjacent lots should be determined by exposures and outlooks from the portions of the mobile home units involved.[148]

Thus, this approach is based upon the use of performance standards in determining yards, spacing, and open space requirements.

The ULI Report indicates that the distance between adjacent mobile homes ranged from 12 feet to 30 feet, with a national average of 17 feet.[149]

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[146] Ibid., p. 17

[147] Ibid., pp. 17-18.

[148] Bair, Regulation of Modular Housing, pp. 84-85.

[149] Wehrly, op. cit., p. 25.

Concerning mobile home site yards and separations, Chapter 3380 of the Columbus Zoning Code appears to be in line with most of the sources cited above. However, Chapter 3380 requires only a minimum distance between mobile homes of 15 feet. This would appear not to be in complete compliance with the Ohio Sanitary Code which requires a 20-foot minimum distance between the sides of mobile homes.[150] Provisions should be made to bring Chapter 3380 in conformance with the Ohio Revised Code.

Also, two of the sources cited above have approached the problem of lot yard and separations in a manner quite different from the traditional approach of setting inflexible minimum distances regardless of mobile home orientation. The HUD Guide and the Regulation of Modular Housing both take into consideration the fact that the typical mobile home has its major exposure to adjacent open space at the entry side. The off-side and two ends generally have windows of secondary importance. They allow for light and air, but are not dependent on extensive adjacent open space for view. Thus, the HUD Guide and the Regulation of Modular Housing take into account that required open space on mobile home lots should be related to functional orientation of the window areas. This flexible approach would certainly be in the best interest of all the mobile home park dwellers.

Patios

Chapter 3380 of the Columbus Zoning Code requires that each mobile

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[150]Unpublished materials concerning the revised regulations of mobile home parks provided by the Ohio Department of Health, May 1971, p. 6.

home site must contain one hard-surfaced patio with an area of not less than 200 square feet.[151]

The Model Zoning Regulations[152] and the Mobile Home Study[153] as well as the Ohio Sanitary Code[154] stipulate that each lot must have a paved patio of at least 100 square feet in area.

The Franklin County Zoning Resolution requires that each mobile home lot must be developed with a paved patio of not less than 180 square feet.[155]

Although the Environmental Health Guide does not specifically mention a mobile home lot patio requirement, it does touch upon the broad area of outdoor living area:

> Each Mobile Home Lot should be provided with an outdoor living and service area. Such area should be improved as necessary to assure reasonable privacy and comfort. The minimum area should be not less than 300 square feet with a least dimension of 15 feet.[156]

The HUD Guide requires an outdoor living area be provided for each mobile home and that it should be walked, fenced, or planted as necessary to assure reasonable privacy; it should also be partially paved for

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[151] Columbus Zoning Code, p. 64H.

[152] Model Zoning Regulations, p. 71.

[153] Mobile Home Study, p. 20.

[154] Unpublished materials concerning the revised regulation of mobile home parks provided by the Ohio Department of Health, May 1971, p. 8.

[155] Franklin County Zoning Resolution, p. 73.

[156] Environmental Health Guide, p. 34.

garden furniture. The outdoor area should be not less than 300 square feet with a paved area (patio) of not less than 100 square feet.[157]

The Regulation of Modular Housing suggests that within the livability open space for each mobile home lot an area suitably surfaced for garden furniture should be provided, not less than 100 square feet in extent and not less than 10 feet in minimum dimension.[158]

In view of the sources cited above, the requirement of Chapter 3380 of the Columbus Zoning Code for a minimum paved patio area of 200 square feet appears excessive. It is interesting to note that the Franklin County Zoning Resolution has the highest patio size requirement (180 square feet) of all the sources cited above, excluding Chapter 3380.

Preservation of Natural Scenic Features

One of the most innovative and flexible sections of Chapter 3380 of the Columbus Zoning Code deals with the preservation of natural scenic features as discussed below:

> In any mobile home park, whenever compliance with any of the provisions of this Chapter would result in the destruction or loss of a natural scenic feature such as a stream, gully, rock outcropping, mound, or cliff, which would be desirable to preserve or retain, then the Assistant Director of Development for Zoning may authorize a waiver of such provision provided that whenever such provision is concerned with a subject that would logically come under the jurisdiction of another governmental official then such other governmental official shall be consulted and give his consent to the waiver proposed.[159]

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[157] Mobile Home Park Development Standards, p. 19.

[158] Bair, Regulation of Modular Housing, p. 84.

[159] Columbus Zoning Code, p. 64G.

The Model Zoning Regulations mentions in a discussion concerning general standards that the mobile home development should not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance. It does not specifically mention what mechanism, if any, would provide a waiver of specific provisions of the ordinance.[160]

The Survey of Mobile Homes touches upon the preservation of the natural setting. It states that a buffer strip may be dispensed with if because of the natural topography of the site, or the natural planting already in existence, any additional buffering would not serve a useful purpose.[161]

The HUD Guide states the following concerning the adaptation to site assets:

> The mobile home unit shall be fitted to the terrain with a minimum disturbance of the land. Existing trees, rock formations, and other natural site features shall be preserved to the extent practical. Favorable views or outlooks should be emphasized by the plan.[162]

The Environmental Health Guide articulates a cautious note in this regard:

> Sites selected for mobile home developments should be well drained and free from topographical or geological hindrances.
> . . . . . .
> The site should be graded to eliminate depressions and provide a uniform ground surface. Steep slopes should be graded as much as possible to minimize the hazards that they present.[163]

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[160] Model Zoning Code, p. 69.

[161] A Survey of Mobile Homes plus Procedures and Standards, p. 47.

[162] Mobile Home Park Development Standards, p. 15.

[163] Environmental Health Guide, p. 3.

Chapter 3380 of the Columbus Zoning Code attempts to provide some flexibility in order that unique environmental features are not completely bulldozed under. This type of concern for the environment is sorely needed.

V. UTILITIES AND OTHER SERVICES

Underground Utilities

Chapter 3380 of the Columbus Zoning Code states that "within each park all utility lines, including those for electricity and telephone service, shall be underground".[164]

The Model Zoning Regulations is in complete concurrence with the approach taken by Chapter 3380 concerning the use of underground utility lines.[165]

The Survey of Mobile Homes suggests that all electric power lines, telephone lines, and television cables should be underground.[166]

The Mobile Home Study recommends that all utilities be underground, except control instrumentation and substations which must be screened by planted or ornamental walls, No overhead wires for distribution purposes should be permitted within the park.[167]

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[164] Columbus Zoning Code, p. 64F.

[165] Model Zoning Regulations, p. 72.

[166] A Survey of Mobile Homes plus Procedures and Standards, p. 46.

[167] Mobile Home Study, p. 21.

The ULI Report indicates that over three quarters of the sample mobile home parks placed electric and telephone lines underground.[168]

The Environmental Health Guide[169] and the HUD Guide[170] generally take the same position with regard to underground utilities. Preferably, electrical distribution lines should be installed in underground conduits. When telephone service is provided, the distribution system should be underground, unless it is economically impractical. Also, a television antenna distribution system may be overhead or underground; however, it should be in general accord with the placement of the electrical distribution system.

The Columbus Zoning Code is in complete accord with the sources cited above with regard to underground utilities in mobile home parks.

As the ULI Report summarizes:

> Obviously, the complete absence of utility poles and wires is a highly desirable feature in both mobile home parks and conventional development. The newer parks visited have in most cases gone entirely underground. However, where sites are well wooded, as was the case in all too few of those inspected, a rear overhead service line with underground leads is not too objectionable. In projects on open ground, overhead lines are particularly unsightly being accentuated by the low profile of the mobile homes. In addition, there would appear to be an important safety factor involved, especially in areas subject to tornadoes and hurricanes. Today, overhead utility lines are as obsolete as an eight-foot wide trailer.[171]

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[168] Wehrly, op. cit., p. 23.

[169] Environmental Health Guide, pp. 24, 37.

[170] Mobile Home Park Development Standards, pp. 47, 49.

[171] Wehrly, op. cit., p. 24.

Water and Sanitary Waste Disposal

Chapter 3380 of the Columbus Zoning Code requires that within each mobile home park the source of water supply must be from a municipally owned water system, or some other system that has been approved by the Health Offices of the City of Columbus and the State of Ohio. However, sanitary waste disposal must be by means of a municipally owned or municipally operated sewerage system only.[172]

The Model Zoning Regulations recommends that within each mobile home park there must be installed a water supply and distribution system in conformance with the requirements of the Ohio Department of Health. A sanitary waste distribution system for the park should be connected with a municipal sewer system, where available. Where a municipal sewer system is not available, a central treatment plant should be located, constructed, and maintained in accordance with the Ohio Department of Health regulations.[173]

The Ohio Sanitary Code states that all mobile home parks must be provided with water supplies from sources meeting the standards of the State Department of Health and approved by the Board of Health. All sewage and waste water from mobile home parks must be discharged into a sanitary sewerage system, plans of which must receive approval of the State Department of Health.[174]

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[172] Columbus Zoning Code, p. 64G.

[173] Model Zoning Regulations, p. 72.

[174] Unpublished materials concerning the revised regulations of mobile home parks provided by the Ohio Department of Health, May 1971, pp. 9, 11.

The Mobile Home Study recommends that each mobile home lot should be connected to a water system and sewage treatment and disposal system approved by the County Health Department.[175]

The Survey of Mobile Homes suggests that the mobile home park should be connected to a public sewer system and must be served by a public water system.[176]

The ULI Report indicates that three fourths of the mobile home parks in its national sample were connected to a municipal water supply. The parks without a municipal water supply were served either by their own supply or a private water company. Only 69 percent of the parks surveyed were connected to municipal sewerage systems. Most of the parks not connected to municipal sewers utilized either package treatment plants or septic tanks.[177]

The ULI Report puts its findings in proper perspective when it states:

> Part of the deficiencies in water and sewer service, as this survey found them, are historical. They involve, among other things, zoning prohibitions that have often driven parks to less desirable and unregulated locations with few if any of the essential services. In turn, this has prompted makeshift solutions, too often inadequate and poorly located, which have remained in use. Continuation of factors such as these does not help remove the image of the yesterday's trailer park from the public mind.[178]

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[175] Mobile Home Study, p. 21.

[176] A Survey of Mobile Homes plus Procedures and Standards, p. 46.

[177] Wehrly, op. cit., p. 23.

[178] Ibid.

The Environmental Health Guide recommends the following concerning water and sewer facilities:

> When feasible, water should be obtained from an approved public water-supply system in order to obtain the advantages of qualified supervision, which provides added assurance that the quality and quantity of water will be adequate at all times for domestic and firefighting purposes. Where public water-supply systems are not available within a reasonable distance for extension to a mobile home development, the best available water-supply source should be developed and constructed in accordance with plans approved by the health authority.
>
> . . . . . .
>
> If possible, the sewerage system of a mobile home development should be connected to a public sewerage system. If public sewers are not available within a reasonable distance of the mobile home development, adequate treatment facilities must be installed to dispose of the sewage. Any proposed sewage disposal facilities should be approved by the health authority or other regulatory agency prior to construction. The effluent from such treatment facilities should be discharged only as permitted by these agencies.[179]

The HUD Guide specifies that wherever feasible, water supply and sewage disposal should be through the use of public systems. When connection to a public system is not possible, then the mobile home park must be connected to a community system which is acceptable to the Federal Housing Administration.[180]

Chapter 3380 of the Columbus Zoning Code requires central water and sewer facilities which follow the requirements and suggestions of the sources cited above. Because of the density that is found in a mobile home park, this requirement is certainly included as a protection against possible health problems.

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[179] Environmental Health Guide, pp. 13, 18.

[180] Mobile Home Park Development Standards, p. 41.

The importance of providing for central water and sewer systems can be shown by the following policy as established in Chapter 3380:

> Whenever Council approves an application to amend the Zoning Map and thereby establish a MHP, Mobile Home Park, District, development of the property shall be commenced and diligently pursued not later than one (1) year following the date upon which the ordinance was adopted to amend the Zoning Map, or not later than one (1) year following the date upon which water and sewer lines to serve the property have been installed, whichever date is latest.[181]

Storm Drainage

Chapter 3380 of the Columbus Zoning Code does not permit open drainage ditches, and all drainage ways must be enclosed. It is the responsibility of the mobile home park owner to install whatever drainage lines are necessary to carry storm water from his mobile home park to the nearest approved facility for the disposition of the storm water.[182]

The Model Zoning Regulations suggests that open drainage ditches should be prohibited. All drainage systems should be designed in accordance with the local jurisdiction's engineer.[183]

The Ohio Sanitary Code requires that the mobile home park site be well drained. The plans that must be submitted to the Ohio Department of Health concerning any proposed mobile home park must include a detailed section showing the method and plan for drainage of surface and storm water.[184]

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[181] Columbus Zoning Code, pp. 64A-64B.

[182] Ibid., p. 64G.

[183] Model Zoning Regulations, p. 72.

[184] Unpublished materials concerning the revised regulations of mobile home parks provided by the Ohio Department of Health, May 1971, p. 5.

The Mobile Home Study does not specifically address itself to storm drainage except that a general storm drainage plan must be included in the development plan which is part of the application for rezoning to a Residential Mobile Home Park District.[185]

The HUD Guide states:

> Places for the collection and disposal of surface and subsurface water should be provided to protect the structures and mobile home stand and to provide safe and convenient use of street, lot areas and other improvements.[186]

The Environmental Health Guide discusses storm water drainage as follows:

> The installation of a storm-water drainage system will improve the drainage of any site that does not have good natural drainage. It is recommended that separate systems be provided for storm water and sewage to more effectively dispose of both types of flow.[187]

The requirement by Chapter 3380 of the Columbus Zoning Code for a storm drainage system appears reasonable in view of the discussion of the sources cited above. Since a storm drainage system is, in effect, actually a replacement for a natural drainage system, the importance of such a requirement ranks up with the essentiality of water and sanitary waste disposal systems.

Street Lighting

Chapter 3380 of the Columbus Zoning Code requires street light poles to be located on alternate sides of the roadway whenever possible

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[185] Mobile Home Study, p. 21.

[186] Mobile Home Park Development Standards, pp. 32-33.

[187] Environmental Health Guide, p. 20.

and they should be not more than 300 feet from each other. Also, one light pole should be located at each intersection within the mobile home park.[188]

The Model Zoning Regulations suggests that all interior streets and walkways should be lighted.[189]

The Ohio Sanitary Code requires that all mobile home park streets must be lighted.[190]

The Mobile Home Study suggests that all streets, walkways and parking bays within a mobile home park should be lighted by a system which consists of:

> A one-hundred (100) watt mercury light for every one hundred twenty (120) linear feet of roadway; or
> A two hundred (200) watt incandescent light for every one hundred twenty (120) linear feet of roadway; or
> A lighting system which supplies at least two-tenths (2/10) lumin per square foot of roadway, walkway, and parking bay.[191]

The Survey of Mobile Homes suggests that adequate lights should be provided to illuminate streets, driveways, and walkways for the safe movement of pedestrians and vehicles at night.[192]

The Environmental Health Guide recommends that adequate lighting should be provided for all streets, walkways, buildings, and other

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[188] Columbus Zoning Code, p. 64F.

[189] Model Zoning Regulations, p. 72.

[190] Unpublished materials concerning the revised regulations of mobile home parks provided by the Ohio Department of Health, May 1971, p. 9.

[191] Mobile Home Study, p. 21.

[192] A Survey of Mobile Homes plus Procedures and Standards, p. 46.

facilities subject to nighttime use according to the following standards:

> Because of the safety hazards associated with high-density developments, such as mobile home developments, it is recommended that an average illumination level of at least 0.6 footcandle and a minimum illumination level of 0.1 footcandle be maintained on all streets. Potentially hazardous locations, such as street intersections and steps or stepped ramps, should be individually illuminated, with a minimum level of 0.3 footcandle.[193]

The HUD Guide states, "adequate lights shall be provided to illuminate streets, driveways, and walkways for the safe movement of vehicles and pedestrians at night".[194]

The need for a requirement for street lighting is obvious; however, Chapter 3380 of the Columbus Zoning Code does not include all areas of the mobile home park as is indicated by most of the sources cited above. Chapter 3380 includes roadways, but fails to mention the lighting of walkways, parking bays, and other buildings that are located within the mobile home park. Certainly these areas should be lighted as well as roadways in order to ensure the safe movement of pedestrians and vehicles at night.

One standard Chapter 3380 of the Columbus Zoning Code did not address itself to is that of requiring every mobile home site to be provided with anchors and tie downs for securing the stability of the mobile home.

Some of the sources used in the analysis do address themselves to the concept of anchoring.

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[193] Environmental Health Guide, p. 25.

[194] Mobile Home Park Development Standards, p. 48.

The Model Zoning Regulations suggests that each mobile home lot should be provided with anchors and tie downs such as cast-in-place concrete "dead men" eyelets imbedded in the concrete runways, screw augers, arrowhead anchors, or other devices for securing the stability of mobile homes.[195]

The Regulation of Modular Housing recommends that the anchoring of mobile homes should be provided and that anchoring should take place prior to the occupancy of the unit.[196]

The Environmental Health Guide states the following concerning anchoring:

> It is essential that some means be provided at each stand to anchor mobile homes and secure them against forces exerted by the wind. Anchors, such as cast-in-place concrete "dead men", eyelets imbedded in concrete, screw augers, or arrowhead anchors are necessary since few mobile homes are permanently fastened to the foundation.
>
> Anchors should be provided at least at each corner of the mobile home, and each anchor should be able to withstand a tension force of at least 4,800 pounds. The cable or other device connecting the mobile home and anchor should, of course, also be able to withstand a tension of at least 4,800 pounds.[197]

The ULI Report found in its survey that anchoring is not a common practice throughout the United States. The survey revealed the following:

> Anchoring mobile home units to their sites still appears to be influenced by their vehicular heritage and the location of the hurricane belt rather than a procedure which would be desirable in all parts of the country. Anchoring a conventional dwelling to its foundation is a universal practice and should

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[195] Model Zoning Regulations, p. 71.

[196] Bair, Regulation of Modular Housing, pp. 82-83.

[197] Environmental Health Guide, p. 12.

> not be the exception in the mobile home. Built-in provisions for anchoring units to their sites were observed only in Florida, and in the most recent units. This took the form of six to eight rather frail looking metal straps for attachment to ground anchors. A more sturdy type of anchor was found in several older projects, obviously not part of the original equipment, consisting of three or four woven wire cables, with turnbuckles, carried over the unit to ground anchors at each end and in the center.[198]

Thus, the author feels that such a key safety feature as anchoring should have been incorporated in the Columbus Zoning Code.

Although this analysis does not review every section of Chapter 3380 of the Columbus Zoning Code, the author feels that Chapter 3380 is analyzed in sufficient detail in order that some meaningful findings can be concluded.

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[198] Wehrly, op. cit., p. 49.

CHAPTER VI

SUMMARY

Before discussing Chapter 3380 of the Columbus Zoning Code, a couple of items should be mentioned. First, since 1966, the year the Franklin County Zoning Resolution was completely updated, only two mobile home parks have been allowed to develop in Franklin County.[1] One of the parks, which contains 26 acres, was approved in September 1969; while the other park containing a total of 85 acres was approved in August 1970.[2] During the same period two proposed mobile home parks which had received County approval have been blocked by referendum.[3] This fact could be a strong indication as to the acceptance of the mobile home park by the citizenry of the Columbus-Franklin County area.

The Ohio Revised Code specifically allows for a referendum in county zoning matters under Section 303.12 when it states:

> Within 20 days after such public hearing the [county commissioners] board shall either adopt or deny the recommendation of the zoning commission or adopt some modification thereof. In the event the board denies or modifies the recommendation of the county rural zoning commission the unanimous vote of the board shall be required.
>
> Such amendment or supplement adopted by the board shall become effective in 30 days after the date of such adoption unless

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[1] Telephone interview with Mrs. Richardson, Franklin County Rural Zoning Commission, on February 8, 1973.

[2] Ibid.

[3] Telephone interview with Mrs. Richardson, Franklin County Rural Zoning Commission, on April 23, 1973.

> within 30 days after the adoption of the amendment or supplement there is presented to the board of county commissioners a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than 8 percent of the total vote case for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the board to submit the amendment or supplement to the electors of such area, for approval or rejection, at the next primary or general election.
>
> No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the board of elections that the amendment has been approved by the voters it shall take immediate effect.[4]

The Ohio Revised Code does not specifically grant a referendum procedure concerning zoning matters to municipal corporations. However, the City of Columbus, being a home rule city, does allow for a citywide referendum. Last year, a citywide referendum was held concerning a housing complex consisting primarily of apartment units. The referendum carried and the housing complex was not allowed to develop.[5] The referendum procedures for Columbus follow essentially the same format as those spelled out in the Ohio Revised Code concerning county zoning referendum procedures. Thus, the citizen can have a direct input into zoning matters in Franklin County and the City of Columbus.

Secondly, an often quoted HUD survey made the following major finding:

> Mobile homes contribute significantly to the housing supply outside of the central city and particularly in smaller communities

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[4]Ohio Department of Development, Ohio Laws Relative to Planning (Columbus: Ohio Department of Development, 1969), p. 24.

[5]Telephone interview with Mr. Grant Dyer, Zoning Administrator of the City of Columbus, on April 23, 1973.

> outside of Standard Metropolitan Statistical Areas. To date they have not served to meet the needs of households in the central city. . . .[6]

All of Franklin County is included in the Columbus Standard Metropolitan Statistical Area.

The development of a Mobile Home Park District within the Columbus Zoning Code through the use of an advisory committee is certainly commendable. The Mobile Home Park Committee, which consisted of a variety of interest groups including mobile home park developers, city officials, and concerned citizens among others, allowed for the articulation of all points of view regarding the development of a mobile home park ordinance. Thus, the ordinance was not developed in the vacuum of the zoning administrator's office as is the case, unfortunately, in many instances around the country. The city definitely allowed for maximum input from all interested groups.

For regulatory purposes, a definition should be as simple as possible; however, it must be of enough detail to include or exclude as intended. It is the author's opinion the definitions of terms utilized in Chapter 3380 are of adequate detail so there should be no misinterpretation as to their meanings.

The administration and compliance procedures employed in Chapter 3380 compares very favorably with the various sources utilized in the comparative analysis. In particular, the use of an antidiscrimination deed

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[6]U. S. Department of Housing and Urban Development, Housing Surveys Part 1 and 2, Occupants of New Housing Units, Mobile Homes and the Housing Supply (Washington, D. C.: U. S. Government Printing Office, 1969), p. 68.

restriction upon the property, the annual inspection of mobile home parks, the requirement of a mobile home park plan, and the nonuse of an automatic reverter stating that the land returns to its previous zoning, all indicate a desire on the part of the City of Columbus to carry out proper and desirable administrative procedures.

One key observation concerning administrative procedures is policy determinations are made by the decision makers and technical decisions are handled by the staff.

In regard to the development standards found in Chapter 3380, in general, they were in accord with or slightly higher than the standards outlined in the sources used in the comparative analysis. This would indicate as stated in the preamble of the ordinance, that the City of Columbus is desirous to permit "mobile home parks with high development standards".

It should be mentioned that Chapter 3380 of the Columbus Zoning Code allows for the development of a mobile home subdivision, where lots are sold, as well as a mobile home park where lots are rented.

Another important observation regarding mobile home development in Columbus is the city has no overall policy statement addressing itself to the question of where mobile home parks should be generally located within the city. Developers can receive some assistance concerning the general location of parks within the city through discussions with the staff of the Department of Development.

Park design is currently receiving much more attention than it has in the past. As an example, the Mobile Homes Manufacturers Association

is taking a more active part in promoting better physical design of newer mobile home parks. The MHMA is constantly working with local governmental agencies in an attempt to develop zoning ordinances and environmental standards that will create mobile home parks which are a credit to the community and a pleasure to the mobile home owner. This is an overt attempt on the part of the mobile home industry to erase the stigma that is attached to it by the existence of crowded, outdated, and ill-placed parks.

As one source stated, "probably the fastest way to eliminate undesirable parks to to permit the development of good quality parks which are under the supervision of the community from their inception".[7]

It is the author's contention that the visual impact of a mobile home park is of primary importance. Such an impact can be translated into the effect a park has on surrounding land values. The best way to gain public support and acceptance of mobile home parks in the Columbus area is to stimulate the development of fine quality mobile home parks. This would allow the public to see first hand that a mobile home park, when properly designed, can be an asset to the community.

The author feels the Columbus Zoning Code follows this philosophy by regulating and encouraging a well designed mobile home park.

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[7]Earl W. Morris and Margaret E. Woods, eds., Housing Crisis and Response, The Place of Mobile Homes in American Life (Ithaca, New York: Cornell University, 1971), p. 40.

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APPENDIXES

APPENDIX A

TABLE I

THE GROWTH OF THE MOBILE HOME INDUSTRY

Year	Mobile Home Shipments	Retail Sales (Estimated)
1971	496,570	$3,297,225,000
1970	401,190	2,451,270,900
1969	412,690	2,496,774,500
1968	317,950	1,907,700,000
1967	240,360	1,370,052,000
1966	217,300	1,238,610,000
1965	216,470	1,212,232,000
1964	191,320	1,071,392,000
1963	150,840	862,064,000
1962	118,000	661,000,000
1961	90,200	505,000,000
1960	103,700	518,000,000
1959	120,500	602,000,000
1958	102,000	510,000,000
1957	119,300	596,000,000
1956	124,330	622,000,000
1955	111,900	462,000,000
1954	76,000	325,000,000
1953	76,900	322,000,000
1952	83,000	320,000,000
1951	67,300	248,000,000
1950	63,100	216,000,000
1949	46,200	122,000,000
1948	85,500	204,000,000
1947	60,000	146,000,000

Source: Mobile Homes Manufacturers Association, Flash Facts on Mobile Homes, Sectional and Modular Homes (Chicago: Mobile Homes Manufacturers Association, 1972), p. 4.

Note:
1. Prior to 1947, production varied from 1,300 in 1930 upward to 60,000 in 1947.
2. Ten-wide homes came into mass production in 1955.
3. No distinction was made in the reporting of Mobile Homes and Travel Trailers until 1956.
4. Twelve-wide homes came into mass production in 1962.
5. Fourteen-wide homes came into mass production in 1969.

TABLE II

CHANGES IN MOBILE HOME DIMENSIONS (FIRST QUARTER SHIPMENTS, 1960-1969)

Width and Length	Percent of Total									
	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969
8 feet wide, all lengths	4.3	1.5	1.2	0.6	0.7	1.2	1.0	0.6	0.1	0.3
10 feet wide	95.7	98.5	85.4	80.1	74.3	59.6	34.1	20.1	2.9	0.6
Under 40 feet	2.2	2.2	2.2	0.5	0.7	0.5	0.7	0.4	0.2	*
40-49 feet	20.5	12.0	10.3	4.7	6.2	11.1	8.9	5.1	1.3	*
50-59 feet	73.0	82.2	69.6	72.5	64.8	43.9	19.5	8.2	1.4	*
60 feet and over	0.0	2.1	3.3	2.4	2.6	4.1	5.0	6.4	0.0	*
12 feet wide	0.0	0.0	1.6	3.4	12.3	30.9	57.9	72.3	86.8	89.7
Under 55 feet			0.1	0.6	2.5	9.9	22.9	28.3	30.8	26.6
55-59 feet			0.7	1.0	4.5	8.3	9.0	8.0	5.2	4.7
60 feet and over			0.8	1.8	5.3	12.7	26.0	36.0	50.8	58.4
14 feet wide	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
50-59 feet										
60-69 feet										
70 feet and over										
Expandables and double-wides	0.0	0.0	11.8	15.9	12.7	8.3	7.0	7.0	10.2	9.4
Under 40 feet			0.2	0.2	0.1	0.1	0.2	0.1	0.6	*
40-49 feet			1.7	2.4	1.5	0.6	0.7	1.3	1.8	*
50-59 feet			9.6	12.0	9.0	6.7	5.1	3.9	3.6	*
60 feet and over			0.3	1.3	2.1	0.9	1.0	1.7	4.2	*
Expandables			*	*	*	*	*	2.2	3.6	1.9
Under 40 feet			*	*	*	*	*	0.0	0.1	*
40-49 feet			*	*	*	*	*	0.2	0.0	*
50-59 feet			*	*	*	*	*	1.0	0.8	*
60 feet and over			*	*	*	*	*	1.0	2.7	*

TABLE II (continued)

Width and Length	Percent of Total									
	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969
Double-wides			*	*	*	*	*	4.8	6.6	7.5
Under 40 feet			*	*	*	*	*	0.1	0.5	(
40-49 feet			*	*	*	*	*	1.1	1.8	(2.3
50-59 feet			*	*	*	*	*	2.9	2.8	2.9
60 feet and over			*	*	*	*	*	0.7	1.5	2.3
Total					100.0					

*Not reported in detail.

Source: Frederick H. Bair, Jr., Mobile Homes and the General Housing Supply, Report for the Mobile Homes Manufacturers Association (Chicago: American Society of Planning Officials, 1970), p. 5.

TABLE III

A COMPARISON OF MOBILE HOMES AND CONVENTIONAL DWELLING UNITS, 1960-1969 (IN THOUSANDS)

	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	Total 1960-69
One-family conventional	1,008.7	988.9	996.0	1,021.6	973.0	965.0	779.5	884.9	900.7	811.2	9,329.5
Mobile homes	103.7	90.2	118.0	150.8	191.3	216.5	217.3	240.4	318.0	412.7	2,058.9
Total one-family	1,112.4	1,079.1	1,114.0	1,172.4	1,164.3	1,181.5	996.8	1,125.3	1,218.7	1,223.9	11,388.4
Other conventional	287.3	376.1	496.4	620.4	589.6	544.6	416.7	437.0	647.0	688.9	5,104.0
TOTAL CONVENTIONAL	1,296.0	1,365.0	1,492.4	1,642.0	1,562.6	1,509.6	1,196.2	1,321.9	1,547.7	1,500.1	14,433,5
TOTAL DWELLING UNITS	1,399.7	1,455.2	1,610.4	1,792.8	1,753.9	1,726.1	1,413.5	1,562.3	1,865.7	1,912.8	16,492.4
Mobile homes as percent of:											
Total one-family	9.3	8.4	10.6	12.9	16.4	18.3	21.8	21.4	26.1	33.7	18.1
Total dwelling units	7.4	6.2	7.3	8.4	10.9	12.5	15.4	15.4	17.0	21.6	12.5

Source: Frederick H. Bair, Jr., Mobile Homes and the General Housing Supply, Report for the Mobile Homes Manufacturers Association (Chicago: American Society of Planning Officials, 1970), p. 5.

TABLE IV

SALES OF NEW ONE-FAMILY HOMES IN 1969

	Under $15,000	Under $20,000	Under $25,000	All Prices
Conventional Homes	25,000	111,000	202,000	451,000
Mobile Homes	412,690	412,690	412,690	412,690
Total	437,690	523,690	614,690	863,690
Mobile Home Share	94%	79%	67%	48%

Source: Mobile Homes Manufacturers Association, Flash Facts on Mobile, Sectional and Modular Homes (Chicago: Mobile Homes Manufacturers Association, 1970), p. 7.

TABLE V

SALES OF NEW ONE-FAMILY HOMES IN 1970

	Under $15,000	Under $20,000	Under $25,000	All Prices
Site-Built Homes	20,000	158,000	259,000	487,000
Mobile Homes	401,190	401,190	401,190	401,190
Total	421,190	559,190	660,190	888,190
Mobile Homes Share	95%	72%	61%	45%

Source: Mobile Homes Manufacturers Association, Flash Facts on Mobile, Sectional and Modular Homes (Chicago: Mobile Homes Manufacturers Association, 1971), p. 7.

TABLE VI

SALES OF NEW ONE-FAMILY HOMES IN 1971

	Under $15,000	Under $20,000	Under $25,000	All Prices
Site-Built Homes	19,000	166,000	298,000	657,000
Mobile Homes	496,570	496,570	496,570	496,570
Total	515,570	662,570	794,570	1,153,570
Mobile Homes Share	96%	75%	62%	43%

Source: Mobile Homes Manufacturers Association, Flash Facts on Mobile Homes, Sectional and Modular Homes (Chicago: Mobile Homes Manufacturers Association, 1972), p. 7.

APPENDIX B

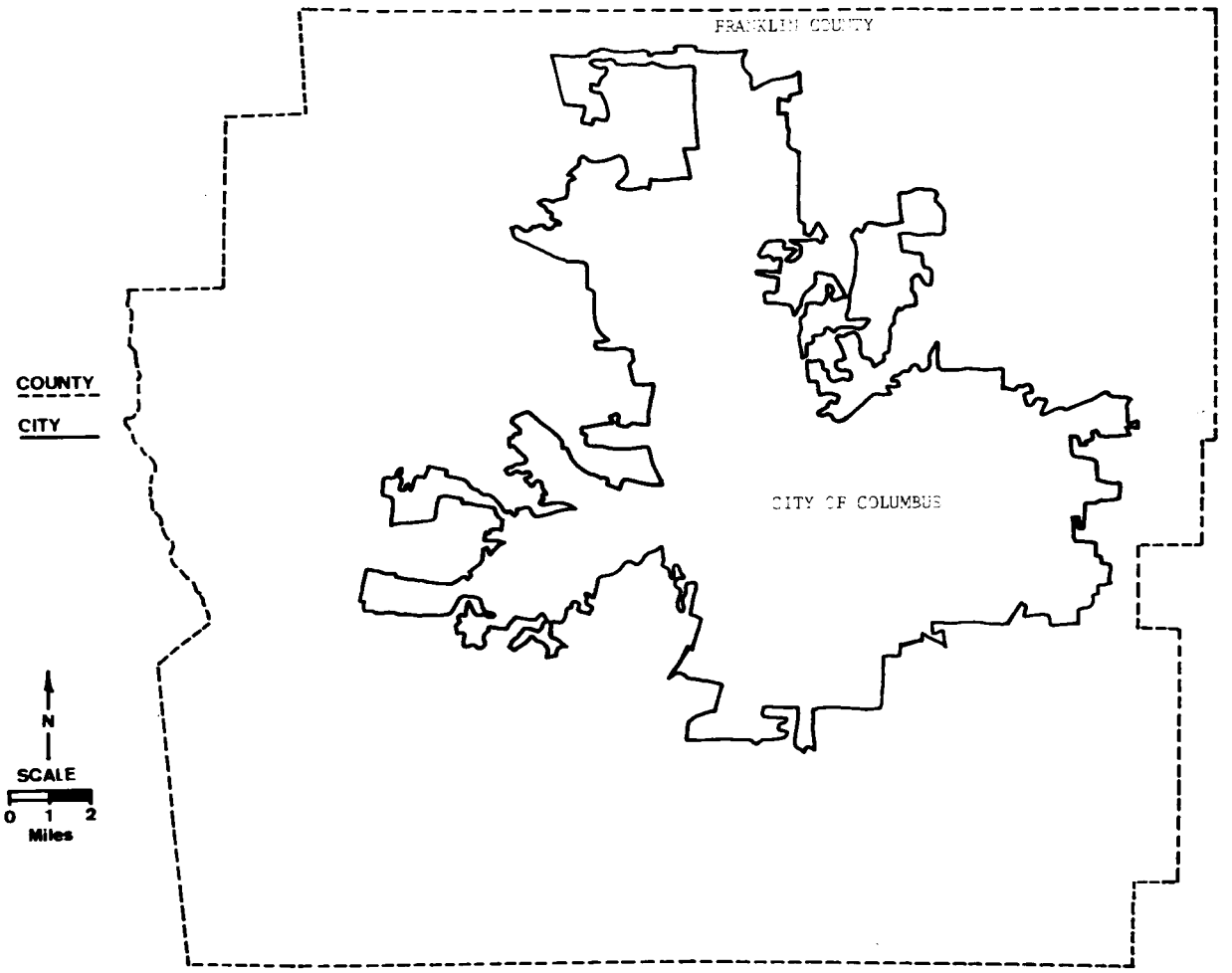


Figure 1. Columbus-Franklin County, Ohio, 1970.

Source: Mid-Ohio Regional Planning Commission, 1970.

APPENDIX C

CHAPTER 3380

Mobile Homes and Mobile Home Parks.

3380.01 Purpose.
3380.02 Establishment of a MHP, Mobile Home Park, District.
3380.03 Development required in MHP, Mobile Home Park, District.
3380.04 Anti-discrimination clause required.
3380.05 Mobile home park plan approval.
3380.06 Application for mobile home park plan approval.
3380.07 Referral of application.
3380.08 Action on application.
3380.09 Approved mobile home park plans binding.
3380.10 Periodic inspections.
3380.11 Enlargement of pre-existing mobile home parks.
3380.12 Size of park.
3380.13 Frontage on public street.
3380.14 Density.
3380.15 Permitted uses.
3380.16 Prohibited uses.
3380.17 Double wide mobile homes and sites.
3380.18 Height limitation.
3380.19 Mobile home park yards.
3380.20 Fencing or Shrubbery.
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3380.24 Access to mobile home park.
3380.25 Sidewalks.
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3380.29 Storm drainage.
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3380.31 Fire protection.
3380.32 Sanitary waste disposal.
3380.33 Preservation of natural scenic features.
3380.34 Mobile home site access and area.
3380.35 Mobile home site yards.
3380.36 Patios.
3380.37 Mobile home pads.
3380.38 Automobile parking.
3380.39 Removal of running gear prohibited.
3380.40 Enclosure around bottom of mobile home.

3380.01 Purpose

The purpose of the MHP, Mobile Home Park District is to accomplish the following:

(a) Provide a zoning district for mobile home parks, and

(b) Establish standards governing the location and development of mobile home parks, and

(c) Encourage the development of mobile home parks to provide additional housing at a reasonable cost, and

(d) Promote mobile home park design that will provide good interior circulation and a maximum of privacy for individuals residing therein, will reflect and take advantage of natural topographic features to result in an interesting and varied pattern, and will include facilities for a wide range of amenities and leisure time activities.

3380.02 Establishment of a MHP, Mobile Home Park District

A MHP, Mobile Home Park District may be applied for in the same manner as for any other zoning district and such application shall be subject to all of the provisions of this Zoning Code governing applications for admendments to the Zoning Map. In addition, an application for, and development of, a MHP, Mobile Home Park District, shall be subject to all of the provisions contained in this Chapter.

3380.03 Development required in MHP, Mobile Home Park, District

(a) Whenever Council approves an application to amend the Zoning Map and thereby establish a MHP, Mobile Home Park, District, development of the property shall be commenced and diligently

pursued not later than one (1) year following the date upon which the ordinance was adopted to amend the Zoning Map, or not later than one (1) year following the date upon which water and sewer lines to serve the property have been installed, whichever date is latest.

(b) Not later than thirty (30) days following the above date, the Assistant Director of Development for Zoning shall cause the property involved to be inspected, and if such inspection reveals development of the property for a mobile home park has not commenced and is not being diligently pursued then he shall report this fact to Council and submit an application to amend the Zoning Map and thereby change the zoning classification of the property back to the same classification it was in immediately prior to the date upon which it was changed to MHP, Mobile Home Park, District.

3380.04 Anti-discrimination clause required.

(a) Not later than thirty (30) days after the date upon which Council has approved an application to amend the Zoning Map and thereby establish a MHP, Mobile Home Park, District, the property owner of record shall cause a deed restriction to be placed upon the property and recorded in the County Recorder's Office. Such deed restriction shall read as follows:

"The present owner or owners, and all successors, grantees and assignees shall comply with all federal, state, and local laws prohibiting discrimination or segregation by reason of race, religion, color, or national origin in the sale, lease, rental, use, or occupation of all properties or any part thereof located within the boundaries of the mobile home park."

(b) Evidence that such deed restriction has been recorded shall be required to be shown prior to acceptance by the Division of Zoning of an application for a mobile home park plan approval for the property involved.

3380.05 Mobile home park plan approval

After the zoning classification of a parcel of land has been changed to MHP, Mobile Home Park, District and prior to the commencement of any type of construction work pertaining to a mobile home park, the owner or developer of the property shall obtain approval of the mobile home park plan.

3380.06 Application for mobile home park plan approval

An application for approval of a mobile home park plan shall be submitted in accordance with all of the following provisions:

(a) Twelve (12) copies of an application form provided for this purpose shall be completed by the applicant and submitted to the Division of Zoning;

(b) The application shall be accompanied by a receipt from the City Treasurer's Office indicating that a processing fee of two hundred and fifty ($250) dollars has been paid. This fee is to cover the costs involved in reviewing the plans, and shall be in addition to any other required fees for other services. Once this processing fee is paid, it shall not be refundable or transferable as a credit towards any other required fee, nor shall payment of the fee imply in any way that the plans are to be approved.

(c) The application shall be accompanied by twelve (12) sets of complete plans and one (1) sepia copy, and additional documents which shall contain all of the following information:

(1) The location, size, and configuration of the area to be developed as a mobile home park, and the total proposed number of mobile home sites;

(2) The complete layout of the park including all proposed mobile home sites with their individual boundaries;

(3) The location of all accessory facilities such as recreation areas, open space, laundry buildings, and mobile library site;

(4) The proposed traffic circulation pattern including all roadway locations, points of ingress and egress, parking facilities, sidewalks, and the relationship of interior traffic to the traffic pattern adjacent to the park;

(5) The location of all proposed utility lines and meters, and the source of supply or service for garbage and trash removal, gas, electricity, telephone, sewage disposal, storm drainage facilities, and water;

(6) The proposed landscaping, type of fencing, and other aesthetic features;

(7) The required deed restriction relative to anti-discrimination applicable to all of the property to be developed as a mobile home park;

(8) A typical mobile home site drawn to a scale of ten (10) feet to the inch, or larger, showing the boundaries of the site and the location thereon of a typical mobile home, patio, parking spaces, walkways, and pad;

(9) The proposed schedule of development indicating how many mobile home sites per year will be completed;

(10) Any other information the applicant deems pertinent.

3380.07 Referral of application

One copy of each application, including the plans and other documents submitted with it, for a mobile home park plan approval shall be referred for review and recommendations to other City agencies, or semi-public such as but not limited to the Department of Health, Divisions of Electricity, Engineering and Construction, Fire, Planning, Sewerage and Drainage, Traffic Engineering and Parking, Water, and the public school system serving the area in which the proposed park is to be located.

3380.08 Action on application

The application, plans, and other information filed by an applicant for approval of a mobile home park plan shall be examined by the Assistant Director of Development for Zoning. Such plans and information shall be forwarded to other City agencies for review as provided in Section 3380.07 to determine compliance with the laws and ordinances under the jurisdiction of other agencies. If the application conforms to the requirements of this Zoning Code and other pertinent laws and ordinances it shall be approved.

3380.09 Approved mobile home park plans binding

Once mobile home park plans showing the proposed development have been submitted with an application for a mobile home park and approved, such plans shall be considered to be an integral part of the mobile home park application and development of the park shall be in accordance with the plans as approved. Any change in plans or deviation therefrom shall not be permitted without written authorization from the Assistant Director of Development for Zoning.

3380.10 Periodic inspections

Every mobile home park developed or enlarged in accordance with the provisions of this Chapter shall be inspected at least once each year to assure compliance with all applicable provisions of this Chapter.

3380.11 Enlargement of pre-existing mobile home parks

Any mobile home park that is nonconforming in any manner shall not be enlarged or expanded unless authorization to do so is obtained from the Board of Zoning Adjustment, and any such authorization shall be granted only if all of the following provisions are complied with:

(a) The enlarged or expanded portion of the mobile home park shall be developed in full compliance with all development standards and other requirements contained in this Chapter of the Zoning Code, and

(b) The existing portion of the mobile home park shall be redeveloped as necessary to comply with the development standards contained in Sections 3380.15 through 3380.40 of this Chapter of the Zoning Code. It shall not be necessary to comply with any specific development standard where compliance would require the acquisition of additional property.

3380.12 Size of park

Each mobile home park shall have an area of not less than ten (10) acres.

3380.13 Frontage on public street

Each mobile home park shall have frontage of not less than one hundred and fifty (150) continuous feet on a public street that has a right-of-way width of not less than fifty (50) feet.

3380.14 Density

The maximum average gross density of any mobile home park shall be not more than six (6) mobile homes per acre, and the maximum gross density of any specific acre within any park shall not exceed nine (9) mobile homes.

3380.15 Permitted uses

Within a mobile home park the following uses shall be permitted:

(a) Mobile homes that are self contained;

(b) One (1) permanent type house or modular home if such house or home is to be occupied by a resident-manager;

(c) Buildings or permanent type structures used exclusively to provide accessory services for occupants of the park such as a recreation building, swimming pool and bath house, laundry room, mobile home park office and storage rooms;

(d) Accessory buildings or structures that are clearly incidental and attached to a mobile home such as a carport, cabanna, and Florida room;

(e) Advertising signs subject to all of the following provisions;

(1) One (1) identification type sign advertising the mobile home park upon which it is located may be erected provided that no portion of the sign or its supports shall be within the required front yard area. Such sign may be double faced, and may be lighted if the lighting is arranged in such a manner that it will not distract or

temporarily blind a motorist on the adjacent public street. The maximum area of the sign, including any border around it, shall be not more than one hundred (100) square feet. The maximum height of the sign shall not exceed twenty-five (25) feet above the ground.

(2) Directional type signs as necessary to assist in guiding persons to various locations within the park. Such signs may be double faced, and lighted. The maximum area of each sign shall not exceed two (2) square feet.

3380.16 Prohibited uses

Within a mobile home park only those uses specifically listed as permitted uses shall be authorized, and all other uses including but not necessarily limited to the following shall be prohibited:

(a) Mobile homes that are not self contained;

(b) A modular home of any type, except a single family dwelling to be occupied by a resident-manager of the park;

(c) Boats and recreational vehicles of any type, except those owned by occupants of the park and stored in the area within the park designed and intended as a common storage area for such vehicles;

(d) Repair or sale of vehicles of any type, including mobile homes, except for the repair or sale of an individual vehicle by the owner or occupant thereof;

(e) Buildings or permanent type structures for uses other than those listed as permitted uses;

(f) Any advertising sign other than that listed as a permitted use.

3380.17 Double wide mobile homes and sites

Within any mobile home park double wide type mobile homes, and mobile home sites to accommodate them, shall be subject to the following provisions:

(a) The maximum number of mobile home sites designed, intended, and used for double wide type mobile homes shall not exceed fifteen (15%) percent of the total number of mobile home sites, and

(b) Double wide mobile homes shall be located in such a manner that groups of them will be dispersed throughout the entire area of the mobile home park with not more than five (5) such mobile homes located in any specific group.

3380.18 Height limitation

No building or structure in a mobile home park shall be constructed to a height of more than twenty-five (25) feet above the ground, and no mobile home shall be placed in such a manner as to be directly above another one. This provision shall not be construed in such a manner as to prohibit a two (2) story mobile home, nor a mobile home designed in such a manner that a second story may be attached to the lower portion after the lower portion has been placed in position on the mobile home site.

3380.19 Mobile home park yards

Each mobile home park shall have a yard with a depth of not less than twenty-five (25) feet around the perimeter of such park, or the depth required by the provisions of Chapter 3365 of the Zoning Code, whichever is greater, and the uses of such yard shall be subject to all of the following:

(a) No buildings, structures, mobile homes, parking spaces or storage of equipment, except that used exclusively for recreation purposes shall be located within any required yard area;

(b) The side and rear yard areas only may be used for either of the following provided that any portion used for one purpose shall not be used for the other purpose:

(1) Common recreation purposes provided the yard areas used for this purpose are adjacent to and connected with other common recreation areas located outside of the required yard areas. Whenever the yard areas are used in this manner, the total amount of recreation area so provided may be credited towards not more than one-half (½) of the required ten (10%) percent common recreation area for the entire mobile home park;

(2) Mobile home site areas provided the yard areas used for this purpose are adjacent to the mobile home sites concerned. Whenever the yard areas are used in this manner, no portion of such yard areas shall be occupied by any portion of a mobile home or its appurtenances or parking spaces, and the total amount of yard area that may be credited towards the required four thousand (4000) square feet for a mobile home site shall be not more than one thousand (1000) square feet per mobile home site.

3380.20 Fencing or shrubbery

Each mobile home park shall be completely enclosed along the boundaries not adjacent to a public street by either a con-

tinuous fence or shrubbery in accordance with the following:

(a) If a fence is used, such fence shall have a height of not less than four (4) feet and shall be maintained in a neat, clean, and orderly manner, or

(b) If shrubbery is used, it shall be of a type and planted in such a manner that the shrubs will reach a height of not less than four (4) feet in a year's time, and will grow towards each other to result in a solid hedge in a year's time. Such hedge shall be kept trimmed and maintained in a neat, clean, and orderly manner;

(c) Either the fence or shrubbery shall be of a type that is seventy-five (75%) percent or more opaque.

3380.21 Common Recreation Areas

Each mobile home park shall provide a common recreation area within the boundaries of the park, subject to all of the following provisions:

(a) The recreation area may be composed of more than one specific area;

(b) The recreation area may consist of open land, or land set aside for visiting mobile libraries or similar facilities, or land containing tennis courts, putting greens, swimming pools, clubhouses, and similar structures, or any combination of such recreational facilities;

(c) The total amount of land to be set aside for recreation purposes shall be not less than ten (10%) percent of the area of the mobile home park;

(d) A portion of the required ten (10%) percent, not to exceed one-half (½), may be located within the mobile home park yard areas subject to compliance with all of the applicable provisions contained in the section of this Chapter of the Zoning Code entitled "Mobile home park yards."

3380.22 Storage facilities

The storage of items and the storage facilities within any mobile home park shall be in accordance with all of the following:

(a) The open storage of yard maintenance equipment, household effects, garbage and trash cans, butane gas tanks and other items similar in nature to those listed shall be prohibited.

(b) Enclosed storage facilities in which residents of the park may store household and personal effects shall be provided, and such storage facilities shall be designed in such a manner as to provide not less than two hundred (200) cubic feet of storage area for each mobile home park site, or in a centralized location not more than five hundred (500) feet from the mobile home sites they are intended to serve.

(c) In addition to the above storage facilities, each mobile home site shall be provided with an on site enclosed storage facility with a capacity of not less than twenty-five (25) cubic feet in which garbage and trash cans may be stored. These storage facilities may be combined with those required by paragraph (b), above, provided that both types of storage facilities are located on individual mobile home sites and have a total capactiy of not less than two hundred and twenty-five (225) cubic feet.

(d) An open storage area for the storage of boats and recreational vehicles shall be provided and maintained by the mobile home park owner. Such storage area shall be readily accessible to all residents of the park, shall be surrounded by screening of some type to result in seventy-five (75%) percent opaqueness, and shall be of such a size as to provide one hundred (100) square feet of open storage space for each mobile home site in the park.

3380.23 Roadways

All roadways within the boundaries of a mobile home park shall have minimum widths, and contain improvements located therein, in accordance with the following:

(a) Minimum widths shall be:

Type of Roadway	Total Width	Improved Width if Parking is not permitted	Improved Width if Parking is permitted on: One Side Only	Improved Width if Parking is permitted on: Both Sides
Collector	60 ft.	30 ft.	38 ft.	46 ft.
Local Access (2 Way)	50 ft.	24 ft.	32 ft.	40 ft.
Local Access (1 Way)	50 ft.	20 ft.	28 ft.	36 ft.

(b) The improved width shall be constructed of asphaltic concrete, or Portland cement concrete.

(c) Curbs and gutters, made of Portland cement concrete, shall be required along each side of the improved portion whenever such improved portion has a required width of thirty (30) feet or more. Such curbs and gutters shall be of the integral type.

(d) Improved roadways with a required width of less than thirty (30) feet may be of the V section type, or the crown type with curbs and gutters along each side, whichever is preferred by the developer.

(e) Local access one way roadways shall be limited to:

(1) A maximum length of not more than five hundred (500) feet, and

(2) Any single roadway shall serve not more than twenty-five (25) mobile home sites, and

(3) The total lineal length of all one way roadways within a mobile home park shall not exceed fifty (50%) percent of the total lineal length of all roadways of all types within the park.

(f) No portion of any roadway located between the improved portion and the boundary lines of the roadway shall be used for any purpose other than sidewalks, driveways, lawns, the planting of shrubbery, or the installation of street lights and underground utility lines.

(g) The design and improvement of all proposed roadways shall be subject to the approval of the Division of Engineering and Construction, and the Division of Traffic Engineering and Parking.

3380.24 Access to mobile home park

Access to a mobile home park from an adjacent public street shall be by means of at least two (2) collector width roadways, the location of which shall comply with all requirements of the Division of Traffic Engineering and Parking. Additional accesses may be required depending upon the size and design of the mobile home park.

3380.25 Sidewalks

Within each mobile home park sidewalks shall be installed in accordance with the following:

(a) All such walks shall be made of Portland cement concrete and shall have a thickness of not less than four (4) inches; and

(b) Common sidewalks, with a minimum width of four (4) feet, intended to provide pedestrian circulation from one mobile home to another or to various locations throughout the park, shall be required to serve all mobile homes and common use areas that front upon or have access from a roadway improved with curbs and gutters. Such sidewalks shall be located in either of the following locations, depending upon the design of the park and the preference of the developer:

(1) Within the boundaries of the roadway. Whenever this location is selected, there shall be not less than four (4) feet between the nearest edge of the sidewalk and the nearest edge of the curb and such sidewalks need be installed on only one (1) side of the roadway.

(2) Approximately midway between two (2) tiers of mobile home sites to provide an interior type of common sidewalk circulation system.

(c) A private sidewalk, with a minimum width of two (2) feet, intended to provide a walkway from a mobile home to a roadway or the common sidewalk system, shall be required to serve each mobile home site.

3380.26 Street lights

Within each mobile home park street lights shall be installed in accordance with the following minimum requirements:

(a) Street light poles shall be of the ornamental type, shall be located on alternate sides of a roadway whenever possible, shall be located not more than three hundred (300) feet from each other, and one shall be located at each type of roadway intersection.

(b) Street light poles and luminaires shall comply with the standards for residential street lighting on file in the office of the Division of Electricity.

(c) All wiring shall be of the underground type.

3380.27 Underground utility lines

Within each mobile home park all utility lines, including those for electricity and telephone service, shall be located underground.

3380.28 Utility meters

At the time a mobile home park is developed, utility lines shall be designed and installed in accordance with the regulations and requirements of the respective utility companies involved; and whenever the developer or operator of a mobile home park intends to or does charge an individual occupant of the park a fee for any utility service, including but not limited

to electricity, gas, or water, then a separate meter for the type of utility for which a charge will be or is made shall be installed at the mobile home site concerned.

3380.29 Storm drainage

Within each mobile home park storm drainage shall be provided in accordance with the following minimum requirements:

(a) All mobile home sites, building sites, roadways, and other areas requiring grading shall be graded in such a manner that storm water will drain therefrom and there will not be any undrained depressions. Grading shall be accomplished in such a manner that it will not obstruct the natural drainage of adjoining and adjacent properties.

(b) Open drainage ditches shall not be permitted, and all drainage ways shall be enclosed in accordance with the standards on file in the office of the Division of Sewerage and Drainage.

(c) It shall be the responsibility of the mobile home park owner to install whatever drainage lines are necessary to carry storm water from his property to the nearest approved facility for the disposition of such storm water.

3380.30 Water

Within each mobile home park the source of water supply shall be from a municipally owned water system, or some other system that has been approved by the Health Officers of the City of Columbus and the State of Ohio. The installation of water lines shall be in accordance with the standards on file in the office of the Division of Water. Connection of individual mobile homes to the mobile home park water system shall be required to be made in accordance with the standards on file in the office of the Columbus Health Department.

3380.31 Fire protection

Within each mobile home park adequate water mains, fire hydrants, gated connections, and other fire prevention and fire safety facilities shall be installed in accordance with current National Fire Protection Association standards 501A and 501B on file in the Bureau of Fire Prevention, Division of Fire, City of Columbus, and the State of Ohio. Plastic pipe for the exclusive use of fire prevention purposes may be permitted subject to the approval of the Columbus Fire Marshall.

3380.32 Sanitary waste disposal

Within each mobile home park sanitary waste disposal shall be by means of a municipally owned or municipally operated sewerage system. The installation of sewer lines shall be in accordance with the standards on file in the office of the Division of Sewerage and Drainage. Connection of individual mobile homes to the mobile home park sewerage system shall be required to be made in accordance with the standards on file in the office of the Columbus Health Department.

3380.33 Preservation of natural scenic features

In any mobile home park, whenever compliance with any of the provisions of this Chapter would result in the destruction or loss of a natural scenic feature such as a stream, gully, rock outcropping, mound, or cliff, which would be desirable to preserve or retain, then the Assistant Director of Development for Zoning may authorize a waiver of such provision provided that whenever such provision is concerned with a subject that would logically come under the jurisdiction of another governmental official then such other governmental official shall be consulted and give his consent to the waiver proposed.

3380.34 Mobile home site access and area

Each mobile home site within a mobile home park shall have an individual access and area in accordance with the following:

(a) Each mobile home site shall contain not less than fifteen (15) feet of continuous frontage on a roadway or street located within the boundaries of the park;

(b) Each mobile home site shall contain an area of not less than four thousand (4000) square feet. This area shall be exclusive of any areas set aside for common use of the residents of the park such as, but not necessarily limited to roadways, recreation areas and mobile home park yards, with the following exception:

(c) Whenever a mobile home site is adjacent to a mobile home park yard area, then a portion of the required four thousand (4000) square feet area, not to exceed one thousand (1000) square feet for any mobile home site, may be located within certain of the mobile home park yard areas subject to compliance with all of the applicable provisions contained in the section of this Chapter of the Zoning Code entitled "Mobile home park yards."

3380.35 Mobile home site yards

Each mobile home site shall be designed in such a manner, and the mobile home placed on the site in such a way as to comply with the following:

(a) There shall be not less than fifteen (15) feet of open unobstructed yard area between any portion of a mobile home, its appurtenances, and parking spaces located on one specific mobile home site and another mobile home, its appurtenances, and parking spaces located on any other adjacent mobile home site, and

(b) No portion of any mobile home, its appurtenances, and parking spaces shall be located on a mobile home site in such a manner that it shall be closer than ten (10) feet to a roadway boundary, or twenty-five (25) feet to a mobile home park boundary or property line.

3380.36 Patios

Each mobile home site shall contain a patio with an area of not less than two hundred (200) square feet. Such patio shall be constructed of Portland cement concrete, brick, tile, or similar materials to result in a dust free and well drained hard surface.

3380.37 Mobile home pads

Each mobile home site pad shall be constructed of Portland cement concrete and shall have a length of not less than forty (40) feet. The pad shall consist of either two (2) strips, each one with a width of not less than three (3) feet and with a distance between them such that a mobile home can be maneuvered on the strips, or one (1) strip not less than twelve (12) feet in width.

3380.38 Automobile parking

Automobile parking spaces shall be provided as follows within each mobile home park:

(a) Two (2) spaces shall be provided for each mobile home site for the exclusive use of the occupants thereof.

(b) One (1) space for guest and visitor parking shall be provided for each four (4) mobile home sites within the park.

(c) Each parking space shall have an area of not less than nine (9) feet in width and nineteen (19) feet in length, and shall be located not more than one hundred (100) feet from the mobile home site it is intended to serve.

(d) Each parking space shall be constructed of Portland cement concrete, or asphaltic concrete, and constructed in such a manner as to drain properly.

(e) Those spaces intended for guest and visitor parking shall be located in such a manner that any one of them may be used independently of any other such space.

3380.39 Removal of running gear prohibited

The removal of the frame, springs, and axle from any mobile home in a mobile home park is prohibited.

3380.40 Enclosure around bottom of mobile home.

Not later than thirty (30) days after a mobile home has been placed upon a mobile home site, the area between the bottom of the sides and the ends of the mobile home, and the ground upon which it is located, shall be enclosed by walls made of a visually impervious material.

VITA

The author of this thesis, Dennis K. Morris, was born in Fredericktown, Ohio, on March 22, 1943. He attended elementary school in Fredericktown and was graduated from Fredericktown High School in 1961. The following September he entered Ohio University, and in August 1966, he received a Bachelor of Arts degree in Government.

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