

# MANISTEE CITY PLANNING COMMISSION

70 Maple Street  
P.O. Box 358  
Manistee, MI 49660

## WORKSESSION OF FEBRUARY 20, 1997

There will be a worksession of the Manistee City Planning Commission to be held on Thursday, February 20, 1997 at 7:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

### AGENDA

- I. Roll Call
- II. Matters Pertaining to the General Citizenry
- III. Worksession
  - A. Role of Planning Commission
  - B. Manufactured Housing Rules & Regulations
- IV. Adjournment

cc: Planning Commission Members  
City Council  
Lori L. Dorman, Zoning Administrator  
R. Ben Bifoss, City Manager  
Jon Rose, Community Development Officer  
Jeff Mikula, Abonmarche  
Kurt Schindler, County Planner  
Manistee News Advocate  
Manistee Observer  
WMTE Radio  
WXYQ Radio  
Julie A. Beardslee, City Assessor



## MICHIGAN OPEN MEETINGS ACT

### SUMMARY

SECTION 2(a) "Public body" means any state or local legislative or governing body, including a board, commission, committee, sub-committee, authority or council which is empowered by state constitution, statute, charter, ordinance, resolution, or rule to exercise governmental authority or perform a governmental function.

*Generally speaking, each advisory board and commission is a public body.*

SECTION 2(b) "Meeting" means the convening of a public body at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy.

*A quorum is a majority of the members.*

SECTION 3(1) All meetings of a public body shall be open to the public and shall be held in a place available to the general public. All persons shall be permitted to attend any meeting except as otherwise provided in this Act. The right of a person to attend a meeting of a public body includes the right to tape record, to video tape, to broadcast live on radio, and to telecast live on television the proceedings of a public body at a public meeting. The exercise of this right shall not be dependent on the prior approval of the public body. However, a public body may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.

SECTION 3(2) All decisions of a public body shall be made at a meeting open to the public.

SECTION 3(5) A person shall be permitted to address a meeting of a public body under rules established and recorded by the public body.

*The public body may adopt a rule imposing time limits. Members of the audience do not have the right to participate in discussion by the public body.*

SECTION 3(10) This Act does not apply to a meeting which is social or chance gathering or conference not designed to avoid this Act.

SECTION 5(2) For regular meetings of a public body, there shall be posted within ten days after the first meeting of the public body in each calendar or fiscal year a public notice stating the dates, times and places of its regular meetings.

SECTION 5(4) For a rescheduled regular or a special meeting of a public body a public notice stating the date, time and place of the meeting shall be posted for at least 18 hours before the meeting.

SECTION 9(1) Each public body shall keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting and the purpose or purposes for which a closed session is held. The minutes shall include all roll call votes taken at the meeting.

SECTION 9(3) Proposed minutes shall be available for public inspection not more than eight business days after the meeting to which the minutes refer.

**Generally speaking the requirements of the Open Meetings Act are not difficult. It requires posting a notice of the meetings and keeping minutes of the meetings. The City Clerk's Office can provide assistance on both.**

**The Clerk's Office can provide typing and distribution for meeting notices and minutes. However the minutes must be complete. The typist was not at the meeting and is not able to fill in blanks, make interpretations or understand shorthand.**

**Minutes do not need to be long and detailed. They need to include:**

- 1. When and where the meeting was held.**
- 2. Who was present and absent (only members need to be identified).**
- 3. What motions were made by whom and what was the vote on the motion.**
- 4. When the meeting ended.**

**Minutes are to be submitted to the Clerk's Office either typed or legibly written, the Clerk's Office can handle distribution. If you have any questions regarding the procedures please contact Ken Oleniczak or Ben Bifoss.**

CITY OF MANISTEE  
MANISTEE, MICHIGAN

CITY COUNCIL GUIDELINES

March 3, 1993  
Amended November 15, 1994  
Amended December 17, 1996

COUNCIL MEETINGS

1. **Regular Council Meetings.** The City Council shall meet in regular session on the first and third Tuesdays of each month beginning at 7:30 p.m. When Tuesday is a holiday or election day, the regular meeting shall be held on the following Wednesday at the same hour unless otherwise provided by motion. Regular meetings may be otherwise rescheduled with the approval of a majority of the Council. The place of the meetings shall be the Council Chambers at City Hall, unless otherwise provided by motion. See Charter Section 2-13.
  
2. **Quorum.** Four Council members shall constitute a quorum to conduct municipal business. A majority of the quorum may take action on behalf of the City; except as provided by Charter. A majority vote of the membership of the Council (four votes) is specifically required for the appointment of the Mayor, Mayor Pro-Tem and members of the Council (to fill a vacancy): as well as to adopt ordinances. Five affirmative votes are required by Charter to approve budgetary bonds. Other provisions of the Charter also apply. See Charter Section 2-13.
  
3. **Council Meeting Agenda.** The City Manager shall prepare agendas for City Council meetings which shall be submitted to the City Council on the Friday preceding the Council meeting. If the Friday is a holiday, the agenda shall be transmitted to the City Council on the last regular work day of the week preceding the Council meeting. All items which members of the public or the Council desire to have on a Council agenda must be received by the City Manager not later than two full business days prior to the time that the agenda is transmitted to the City Council. Except for holidays, the deadline for submission of agenda items to the City Manager is 5:00 p.m. on the Wednesday preceding the Council meeting.
  - a. **Agenda Addendum.** Late items submitted for Council consideration shall be added to the agenda only on an affirmative vote of a majority of the Council present at the meeting. The Council shall not act on items submitted late or items raised at the Council meeting without first amending the agenda to add the item for consideration.

4. **Special Meetings.** Special meetings may be called by the Mayor, City Manager, or any two Council members on reasonable notice. The reasonable notice requirement shall be met if notice of the meeting is mailed first class to the residence of each member of the Council at least 36 hours prior to the date and time of the meeting; or if notice is personally delivered to the residence of each member of the Council at least 18 hours prior to the meeting. City officials and representatives of the local media shall be likewise informed and the notice shall be publicly posted at City Hall.

An emergency session may be held without the written notice or noted time constraints if the public health, safety or welfare is severely threatened but only if a minimum of four Council members are present and as the first order of business a minimum of four affirmative votes are recorded to conduct the emergency meeting. Only those matters relating to the subject of the emergency may be considered. See Charter Section 2-13 and the Open Meetings Act.

5. **Adjourned Sessions.** Any session of the City Council may be continued or adjourned from day to day or for more than one day; but any meeting which is adjourned for more than 36 hours can only be reconvened if re-noticed in accordance with the provisions relating to a special meeting. See Open Meetings Act.

6. **Work Sessions.** The Council shall regularly meet in work sessions on the second Tuesday of each month at 7:00 p.m. in the Council Chambers, City Hall. Work sessions may be cancelled by the Mayor or City Council, as they shall deem appropriate. The Mayor or the City Manager may, following reasonable notice, call the Council together for a work session at any other time. Work sessions shall be devoted exclusively to the exchange of information relating to municipal affairs.

Rules of decorum and order and these City Council Guidelines apply to work sessions as well as regular meetings. However, no votes shall be taken on any matters under discussion nor shall any Council member enter into a formal commitment with another member regarding a vote to be taken subsequently at a public meeting of the Council; provided however that nothing herein shall prevent Council members from expressing opinions and indicating probable votes as a result of the discussion.

7. **Executive Sessions.** Executive sessions shall only be called in accordance with the provisions of the Michigan Open Meetings Act.

8. **Voting.** All voting shall be by roll call and each Council member is required to vote on each item before the Council unless excused by the unanimous consent of the remaining members present. In the event of a conflict of interest, the member shall identify that conflict when the matter comes before the Council and shall refrain from participating in the discussion and debate regarding the matter and shall not vote on the question. At the discretion of the

presiding officer, the member may be requested to vacate his/her seat during the discussion and voting on the question. See Charter Section 2-17.

If any member so requests, a paper ballot shall be used to record the vote of each member on any item. When so requested, the vote shall be recorded and forwarded to the Clerk who shall read and tally each member's vote.

### COUNCIL OFFICERS

9. **Organizational Meeting.** In accordance with Section 2-13 of the Charter, on the first Tuesday following the official canvas of the vote the Council shall conduct an Organizational Meeting. Newly elected members shall be sworn and assume their duties of office. The Council shall then elect a Mayor by majority vote of its members. A Mayor Pro-Tem shall also be elected.

The City Clerk shall act as temporary Chair until the Mayor has been elected, at which time the Mayor shall assume the duties of office. Four affirmative votes are required to elect the Mayor and Mayor Pro-Tem. Voting shall be by roll call.

After the election of the Mayor and Mayor Pro-Tem, the next order of business at the Organizational Meeting shall be a review of the City Council Guidelines. At that time the Guidelines may be amended for the ensuing year by majority vote. These Guidelines will remain in effect from year to year unless modified in accordance with this Section or Section 34.

10. **Temporary Chair.** In the case of the absence of the Mayor and the Mayor Pro-Tem, the City Clerk shall call the Council to order and call the roll of the members. If a quorum is present, the Council shall elect, by a majority vote of those present, a Chairman of the meeting to act until the Mayor or Mayor Pro-Tem appears.
11. **Secretary.** In accordance with Section 5-9 of the Charter, the City Clerk shall act as the Secretary for the Council.
12. **City Manager.** In accordance with Section 2-15 of the Charter, the City Manager shall have a seat at all Council meetings and may take part in all proceedings and deliberations; but without the right to vote.
13. **City Attorney.** The City Attorney shall attend all regular and special meetings of the City Council.

14. **Restriction.** The presiding officer of the Council (Mayor, Mayor Pro-Tem or temporary Chair) may debate from the Chair, subject only to such limitations of debate as are by the rules imposed on all members; however the presiding officer shall not move or second a motion without first vacating the chair to the Mayor Pro-Tem or temporary Chair.
15. **Decorum and Order.** The presiding officer shall maintain decorum and decide all questions of order, subject to appeal to the City Council. The Director of Public Safety or his designee or other City employees appointed by the City Manager shall serve as the Sergeant at Arms and shall act at the direction of the presiding officer.
  - a. During Council meetings Council members shall preserve order and decorum and shall neither by conversation or otherwise, delay or interrupt the proceedings nor refuse to obey the orders of the presiding officer or the rules of the Council. Every Council member desiring to speak shall address the Chair and upon recognition, shall confine themselves to the question under debate and shall avoid all personalities and inflammatory language.

Council members may address questions to the administrative staff in attendance at Council meetings; however the City Manager may choose to intervene and answer the inquiry on behalf of the administrative staff; or designate some other member of the staff for that purpose.

A Council member once recognized shall not be interrupted while speaking unless called to order by the presiding officer, unless a point of order is raised by another member or unless the speaker chooses to yield to questions from another member. If the presiding officer fails to maintain order and decorum, any member may move to require enforcement of the Guidelines and an affirmative vote by the majority of the Council shall require the presiding officer to act.

- b. Members of the Administrative Staff and employees of the City shall observe the same rules of procedure and decorum applicable to members of the Council. While the presiding officer has authority to preserve decorum in meetings so far as staff members and City employees are concerned, the City Manager shall be responsible for the orderly conduct and decorum of all employees under his direction and control. The City Manager shall take such action as may be necessary to ensure that such decorum is preserved at all times by City employees in Council meetings, and may direct that employees leave the meeting at any time.
- c. Public members attending Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the Council. Any person making personal, impertinent and slanderous remarks or who becomes

boisterous while addressing the Council or while attending a Council meeting shall be removed from the meeting if so directed by the presiding officer. In case the presiding officer shall fail to act, any member of the Council may move to require them to act to enforce the rules, and the affirmative vote of the majority of the Council shall require the presiding officer to act.

Any public member desiring to address the Council shall be recognized by the Chair and shall limit remarks to the question under discussion. Comments by members of the audience shall not exceed five minutes in length; however in the event that a group of citizens desires to address the Council regarding the same subject, the group may designate one or more representatives who may speak on behalf of the group for a total duration not to exceed thirty minutes.

All remarks and questions addressed to the administration of the City shall be addressed to the City Manager and not to any individual City employee. No person other than members of the Council and the person having the floor shall enter into any discussion either directly or indirectly without the permission of the presiding officer.

#### DUTIES AND PRIVILEGES OF MEMBERS

16. **Seating Arrangement.** Members shall occupy the respective seats in the Council Chamber assigned to them by the Mayor but any two or more members may exchange seats by advising the Mayor to that effect.
17. **Right of Appeal.** Any member may appeal to the Council from a ruling of the presiding officer. If the appeal is seconded, the member making the appeal may briefly state the reason for the same and the presiding officer may briefly state the ruling. There shall be no debate on the appeal and no other member shall participate in the discussion. The presiding officer shall then put the question, "Shall the decision of the Chair be sustained?" If a majority of the members present vote "aye" the ruling of the Chair is sustained; otherwise it is overruled.
18. **Personal Privilege.** The right of a member to address the Council on a question of personal privilege shall be limited to cases in which the member's integrity, character or motives are assailed, questioned or impugned; or to matters interfering with the conduct of business such as excessive noise, temperature, inability of a speaker to be heard, etc.
19. **Dissents and Protests.** Any member shall have the right to express dissent from or protest against any ordinance, resolution or motion of the Council and have the reason therefore entered upon the minutes. Such dissent or protest must be filed in writing and be presented

to the Council not later than the next regular meeting following the action giving rise to the objection.

20. **Code of Ethics.** Council members, public officers, members of boards and commissions and employees occupy positions of public trust. All municipal business must be subject to the scrutiny of public opinion both as to the legality and to the propriety of such business.

In addition to matters of financial interest, Council members, public officers, advisory board members and employees shall refrain from making use of special knowledge or information before it is available to the general public and shall refrain from using the public office as a method of directly or indirectly favoring self, friends, customers, clients, family members, business associates or any other special interests. Council members, officers, advisory board members and employees shall at all times be mindful of their responsibility to the entire electorate and shall refrain from actions benefitting special interest groups at the expense of the City as a whole and shall do everything in their power to ensure equal and impartial law enforcement and opportunity without unlawful discrimination.

- a. **Nepotism.** In accordance with 2-12 of the Charter of the City of Manistee and Council Policy 16 dated July 16, 1991 and administrative policy issued May 22, 1995 nepotism is prohibited in the employment practices of the City. This provision applies to relatives of the Council and City Manager to the second degree of consanguinity including grandparents, sons and daughters, grandsons and granddaughters, siblings, aunts and uncles, nieces and nephews, and first cousins, whether by blood, marriage or law. Applicants who are related by this degree shall not be considered for employment unless the City Manager individually, specifically and in writing determines that the skills, abilities or talents of the applicant are unique and of such a value to the City generally that an exception to the policy is warranted. The Manager must seek the concurrence of the entire City Council by formal vote at a properly noticed regular or special meeting prior to the hiring of such an applicant.
- b. **Pecuniary Interest.** In accordance with Section 2-9 of the Charter of the City of Manistee and Public Act 317, 1968, as amended, members of the City Council, officers and employees shall not be a party to a contract involving the City except as provided by law and this Section. Council members who have an interest in a firm (meaning as an officer or employee of a firm including a co-partnership or other unincorporated association or private corporation in which he/she is a stockholder owning more than 1% of the total outstanding stock) which is involved in the supply of routine goods or services to the City handled as administrative purchases not subject to formal Council approval shall at the Organizational Meeting of the City Council advise in writing the Council and administrative staff of that interest in that

firm. Thereafter the firm is eligible to supply goods or services in accord with normal municipal purchasing policies provided however that within 30 days following the conclusion of each fiscal year the City Treasurer shall separately tabulate the dollar amount of the total business which has been conducted with that firm during the fiscal year with that summary published in the newspaper designated as the official publication for the City.

- c. It is recognized that no ethics clause can adequately address the broad scope of potential conflicts and ethical dilemmas. The City Council, officers and employees must be dedicated to the highest ideals of honor, integrity and fidelity with no color of self-interest in the execution of the public's business.

COMMITTEES

- 21. **Appointments to Boards and Commissions.** All appointments to City boards and commissions shall be made in accordance with appropriate statutes and local ordinance. Except as otherwise provided by ordinance or statute, boards and commissions shall serve at the pleasure of the City Council and report to the City Council. All vacancies shall be advertised in the official publication of the City of Manistee. The Mayor and City Council are not limited to a selection from among the applicants; however the Mayor and Council shall generally give preference to those citizens who apply in accordance with the terms of the vacancy. The following board and commission members are appointed by the Mayor and City Council respectively:

MAYOR

Airport Authority  
Building Authority  
Compensation Commission  
Construction Board of Appeals  
Downtown Development Authority  
Housing Commission  
Local Development Financing Authority  
Oil and Gas Investment Board  
Planning Commission  
Tree Commission  
Zoning Board of Appeals

CITY COUNCIL

Board of Review  
Harbor Commission  
Economic Development Council  
Parks Commission  
Retirement Board

All appointments by the Mayor are subject to the Council's approval, unless otherwise specified by statute or ordinance. Nominations for Council appointments do not require a second.

22. **Appointments.** By ordinance the Mayor assumes the Chair of the Downtown Development Authority and the Oil and Gas Investment Board. The Mayor becomes a member of the Sands Park Board. The Mayor or Mayor Pro-Tem becomes either Chair or Vice-Chair of the EDO.

Appointments to be considered immediately after the Organizational Meeting include one appointment to the Economic Development Council, two appointments to the Manistee Recreation Association and two appointments to the Retirement Board (one a member of the City Council and one an appointed officer of the City).

23. **Council Standing Committee.** Immediately after the annual Organizational Meeting of the Council, the Mayor shall appoint the following standing committees, subject to confirmation by the Council: a.) Auditing Committee, b.) Ordinance Committee. Three members of the Council shall be appointed to each committee with the Mayor designating the member who is to serve as Chairman of the committee. Vacancies occurring in any committee shall be filled in like manner.
  - a. The Auditing Committee shall review all invoices paid by the City to review their appropriateness, conformance with the budget and compliance with municipal purchasing practices. Any questions or apparent irregularities shall first be reviewed with the City Finance Officer and then the City Manager. If the matter cannot be adequately addressed by the Finance Officer or the City Manager, the Auditing Committee shall bring the matter to the City Council as a regular agenda item.
  - b. Ordinance Committee. All ordinances proposed, whether by a member of the Council, City Manager, Advisory Board or Commission or the public at large shall be put in proper form and reviewed by the Ordinance Committee. The Ordinance Committee shall make a recommendation to the City Council on each ordinance reviewed, with or without modification. If the recommendation of the Ordinance Committee is that the ordinance not be approved, the person or group sponsoring the proposed ordinance may request consideration by the entire Council with the committee's negative recommendation.
  - c. Personnel Committee. In accordance with Section 5-6 of the Charter, the City Manager may appoint a Personnel Committee's subject to the approval of the City Council.

24. **Special Committees.** In accordance with Section 10-13 of the Charter, special committees for particular purposes may be appointed by the Mayor, by the City Council or by the City Manager to investigate and/or make recommendations to the City Administration or City Council. Such committees shall be ad hoc and serve only until such time their charge has been fulfilled.
25. **Meeting Notice.** It shall be the duty of the Chairman of any standing or special committees and advisory boards and commissions to give advance notice of the time and place of the meeting in accordance with the Open Meetings Act (minimum 18 hour notice) and to advise all members of the committee, the City Council, the City Manager and other persons who have made known in writing their interest in the particular matters to be considered. Minutes shall be kept and circulated in like manner.
26. **Reports.** Reports by committees, boards and commissions to the City Council shall be reduced to writing and represent the views of the majority. This shall not be construed to prohibit minority reports. Reports shall be submitted to the City Clerk who, in addition to maintaining a file copy will post a copy in City Hall and forward a copy to the City Manager for distribution to the affected City Staff and City Council.
27. **Per Diems, Expenses.** No standing or special committees or advisory boards or commissions shall receive compensation in the form of per diem for time spent on municipal business. All reasonable, normal and customary expenses incurred by the committee and its members, including meal expenses, shall be borne by the City in accord with the City's Travel Policy.

The Compensation Commission shall meet in odd numbered years to make recommendations to the City Council regarding Council stipends, per diems, etc. Any modifications approved by the Council as a result of recommendations by the Compensation Commission shall automatically amend this section of the Council Guidelines. See State Statute on this subject.

#### COUNCIL PROCEDURE

28. **Order of Business.** The regular business at all regular meetings of the Council shall be transacted in the following order, unless the Council shall by a vote of at least two-thirds of the members present suspend the rules and change the order:
  - I. Roll Call.
  - II. Public Hearing(s), if any.
  - III. Consent Agenda.

- IV. Approval of Minutes.
- V. Financial Report.
- VI. Unfinished Business.
- VII. New Business.
- VIII. Notices, Communications, Announcements.
- IX. Concerns and Comments.
  - a. Citizens
  - b. Officials and Staff
  - c. Council Members
- X. Adjourn.

29. **Parliamentary Procedure.** Roberts Rules of Order, the most recent published edition, are hereby adopted as the parliamentary procedure for the City Council. In all matters specific in these Guidelines, these Guidelines shall take precedence over Roberts Rules of Order. In matters of parliamentary procedure not otherwise addressed in these Council Guidelines, Roberts Rules of order shall prevail.

a. **Precedence of Motions.** When a main motion is before the Council, other motions may not be entertained except 1.) to adjourn, 2.) to recess, 3.) to table, 4.) for the previous question (to limit debate)\*, 5.) to refer to a committee, or 6.) to amend. These motions have precedence in the order indicated. Once made and seconded, each motion shall be put to a vote without debate; except that a motion to amend is debatable.

\* Requires two-thirds vote.

b. When a motion is made and seconded, it shall be restated by the presiding officer before debate. Any member may demand that it be put in writing. A motion may be withdrawn at the request of the mover with the consent of the second in which event the motion shall not be recorded in the minutes and shall not be subject to further action.

c. After a decision on any ordinance, resolution or motion, any member who voted with the majority may move for a reconsideration of the action on the same or the next succeeding meeting; provided however that a motion for reconsideration is out of order if the action earlier authorized has been implemented or partially implemented. A motion for reconsideration does not require a second. If approved, the effect is to place the original action before the Council for further consideration, not to overrule the original decision.

d. A point of order, parliamentary inquiry, personal privilege and similar actions do not

require a second and are subject to a ruling by the presiding officer which may be appealed to the Council.

MISCELLANEOUS

30. **Depositories, Official Publication.** At the first regular meeting of the City Council at the beginning of each fiscal year, the City Council shall take action to designate depositories for municipal funds. At that same meeting the Council shall take action to designate an official publication for the City which shall be a newspaper with wide local distribution. The official publication named by the City shall publish all official notices and communications of the City. This provision shall not preclude publication in other newspapers, as appropriate.
31. **Complaints.** The procedure for complaints shall be:
- a. All complaints involving municipal policies shall be referred to the City Council for appropriate action and, except in the most unusual cases, such action shall be preceded by a report and recommendation of the City Manager who shall have had ample opportunity and time in which to investigate and render a report.
  - b. All complaints involving charges of unfair, improper or inadequate hearings before advisory boards and commissions or Council committees shall be referred immediately to the particular board or commission concerned for a rehearing provided however that such referral shall be accompanied by a written statement from the person complaining of such improper hearing which statement shall delineate the specific charges in order that the board or commission concerned may be able to take appropriate action.
  - c. All complaints with the respect to the management of the City shall be referred to the City Manager for necessary or appropriate action. A copy of written complaints will be forwarded to the City Council for information. In the case of those complaints against the management of the City wherein the Council desires further information, then the City Manager when so requested by a majority of the Council shall be given adequate time in which to make the necessary investigation and report to the City Council.
  - d. Questions, comments or concerns regarding municipal services shall be conveyed to the City Manager or appropriate department during regular business hours and shall not be raised at Council meetings unless the City Manager has failed to adequately respond to the issue following a reasonable opportunity to address same.

32. **Administration.** In accordance with Section 2-10 and Section 5 of the Charter, the City Manager is responsible for the administrative affairs of the City including the appointment, discipline and removal of employees except as otherwise noted in the Charter. The Manager shall supervise and control the administrative affairs of the City and all departments thereof. Members of the Council shall not individually provide direction to City employees or departments, nor make inquiry thereof except through the office of the City Manager. This Section in no way limits the Council from fully and freely discussing its views with the City Manager pertaining to the appointment, discipline or removal of employees; nor limit the Council's ability to initiate investigations into municipal affairs in accordance with Section 13-10 of the Charter.

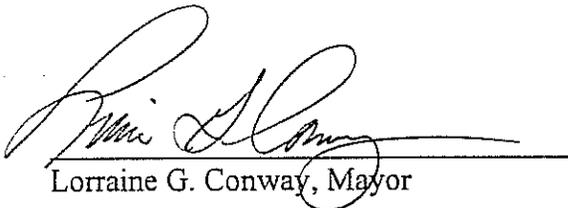
This Section shall not limit individual Council members' ability to make requests for services from departments, nor convey a request for services to a department by a constituent as would be available to a citizen at large.

33. **Separability.** Any part of these Guidelines which shall conflict with any state or federal law now or in the future, or the Charter of the City of Manistee or any ordinance of the City duly adopted now or in the future shall be null and void but only to the extent of the conflict. All other parts shall continue in full force and effect.
34. **Amendments.** These Guidelines may be amended by the City Council at the annual Organizational Meeting of the Council by majority vote. These Guidelines may be amended by the City Council at any other regular or special meeting of the City Council, by a majority of the members elect.

ADOPTED: March 16, 1993

AMENDED: November 15, 1994

AMENDED: December 17, 1996



Lorraine G. Conway, Mayor

LAURIE

ARTICLE X

15.1000 GENERAL PROVISIONS FOR RESIDENTIAL DISTRICTS

15.1001 Standards for Single-Family Dwellings

A single-family dwelling must:

- A. Comply with the minimum square footage requirements of this Ordinance for the zone in which it is located.
- B. Be at least 16 feet wide and comply in all respects with the City Building Code, including minimum heights for habitable rooms.
- C. Be firmly attached to a permanent foundation constructed on the site in accordance with the City Building Code.
- D. Not have exposed wheels, towing mechanism, undercarriage, or chassis.
- E. Be connected to available public sewer and water supply.

A single-family dwelling must also comply with all pertinent building and fire codes, including in the case of mobile or manufactured homes, the standards for mobile or manufactured home construction as maintained by the U. S. Department of Housing & Urban Development. A single family dwelling shall be in compliance with Ordinance No. 596, Flood Plain Management, City of Mt. Pleasant.

15.1002 Private Swimming Pool

Private swimming pools are permitted in all residential districts provided all of the following regulations are complied with:

- A. The pool shall be equipped with filtration, circulation and purification systems adequate to maintain the water in a clean and healthful condition in accordance with the health requirements of the City, or any other governmental body with jurisdiction.
- B. The discharge pipe leading from any private swimming pool shall be composed of a durable material and size as approved by the Director of Public Works. No private swimming pool shall be

wholly or partially emptied into any sanitary system.

- C. Every private swimming pool shall be completely enclosed with a permanent substantial fence with gate or gates, no less than four feet in height above the ground level. No openings in such fence or gate shall be designed or maintained as to permit access to the pool except under the supervision of the owner.
- D. The swimming pool shall not be closer than 10 feet to any side or rear lot line, provided that no part of a pool shall be constructed within the front yard or the side street side yard of a corner lot.
- E. No lighting or electrical wiring shall overhang the surface of the water or be located so as to present the possibility of falling into the water. All lighting of the pool area shall be located so as not to reflect upon adjacent property or buildings.
- F. The provisions of this section shall apply to any basin or structure for the holding of water for swimming, diving and other aquatic recreation; provided, however, that these regulations do not apply to any plastic, canvas or rubber pool temporarily erected upon the ground, holding less than 300 gallons of water.

15.1003 Row Houses

Attached dwelling units shall not be considered to be single-family units, except as provided under Single-Family Cluster Housing Development Option.

15.1004 Trailers

The parking or storage of mobile homes, trailers, boats, or campers whether mounted upon a vehicle or not, is prohibited on any lot in a residentially zoned district unless garaged, stored, or locked in a rear or side yard other than in the required setback.

15.1005 Accessory Buildings

In all residential zones only the following accessory structures are permitted:

- A. Private garages, tool sheds and porports.



minor, incidental combination on site and is not intended to include prefabricated support system components such as panels, trusses, plumbing systems, or similar types of prefabricated support system components designed to be incorporated within buildings during the course of construction.

**Manufactured Dwellings:** Includes manufactured buildings, modules, or units, or areas within such buildings, modules, or units which have been designed for and are intended to be employed as dwellings for residential occupancy on an extended, rather than transient basis.

**Manufactured Dwelling Classifications:** Manufactured dwellings are hereby divided into the following classes for purposes of this Ordinance.

**Class "A" Manufactured Dwelling:** Includes those dwellings certified either under the Department of Housing and Urban Development (HUD), "Mobile Home Construction and Safety Standards (MHCSS), as may be amended, or the City Building Code and also in conformance with City standards as established in Section 1419.7 and 1419.8 of this Ordinance. Class "A" Manufactured Dwellings are subject to the review and processing procedures as prescribed in Sections 1419.1 - 1419.8.

**Class "B" Manufactured Dwelling:** Includes all other manufactured dwellings which do not meet the Standards for Class "A" Manufactured Dwelling designation. Class "B" Manufactured Dwellings are permitted in the R-4 Mobile Home Park District.

**Master Plan:** The comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the Municipality, and including any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the Planning Commission and/or the Legislative Body.

**Mezzanine:** An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

**Mobile Home:** A manufactured dwelling constructed on a chassis. Notwithstanding the fact that wheels, axles, trailer hitch, or other appurtenances facilitating highway mobility may have been removed and regardless of the type of foundations upon which the mobile home is to be placed, a mobile home shall, for purposes of this Ordinance, remain a mobile home and shall, therefore, be subject to all regulations applicable to mobile homes. A mobile home shall not be considered a travel trailer, motor home, or any other type of recreational vehicle.

**Mobile Home Park (Trailer Court):** Any plot of ground upon which two or more Mobile Homes, occupied for dwelling or sleeping purposes are located.

**Motel:** A series of attached, semi-detached or detached rental units containing a bedroom, bathroom, and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

- c. As used in this section, "improvements" means those features and actions associated with a project which are considered necessary by the body or official granting site plan approval, to protect natural resources, or the health, safety, and welfare of the residents of the City and future uses or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage facilities. Improvements does not include the entire project which is the subject of zoning approval.

**SECTION 1419.1. AUTHORITY TO GRANT CLASS "A" MANUFACTURED DWELLING DESIGNATION:**

The City Building Inspector, except as otherwise provided herein, shall have the authority to review and approve Class "A" manufactured dwelling designation applications, with approval of such designation to be based upon a determination of compliance with minimum structural standards and assurance of reasonable compatibility of exterior appearance between Class "A" manufactured dwellings and site-built dwellings on lots or parcels in the vicinity.

**SECTION 1419.2. APPLICATION AND FEE REQUIREMENTS:**

Application for Class "A" manufactured dwelling designation, as provided under the provisions of this Zoning Ordinance, shall be made to the City Clerk by filing an official Class "A" Manufactured Dwelling Designation Application form; submitting required data, exhibits, and information; and depositing the required fee, as may be established by resolution of the City Council, as may be amended. No portion of such fee shall be reimbursable to the applicant.

The Clerk shall forward the application to the Building Inspector for review and designation of Class "A" manufactured dwelling status.

**SECTION 1419.3. APPLICATION, DATA, INFORMATION, EXHIBITS:**

An application for Class "A" manufactured dwelling designation shall include the following:

1. Applicant's name, address, and telephone number.
2. Address and/or tax description number of the lot or parcel upon which the Class "A" manufactured dwelling is to be assembled.
3. A signed statement that the applicant is the owner of the lot or parcel upon which the Class "A" manufactured dwelling is to be assembled, or that the applicant is acting as the owner's representative.
4. Manufacturer's specifications for the main body of the manufactured dwelling, including door and window locations, interior room arrangement, roof slope, attachment to foundation, materials listing, and other pertinent applicable data.

5. Elevation drawings, with construction materials, colors, and color combinations adequately noted and described, or color photographs of all four (4) sides of the Class "A" manufactured dwelling.
6. Architectural elevation and plan drawings of any additions, whether manufactured or site-built, proposed to be attached to the main body of the Class "A" manufactured dwelling, including method of attachment to the main body and foundation. Construction materials, colors, and color combinations to be employed shall be adequately noted and described.
7. A sketch of the lot or parcel, drawn to a scale and in detail sufficient to accurately depict the relationship of the proposed manufactured dwelling, all attached additions, and all detached accessory structures, to the boundaries of the lot or parcel upon which the mobile home dwelling is to be assembled.
8. In addition, the applicant shall, upon request of the Building Inspector, provide any other data, plans, exhibits, or other necessary information as may reasonably be required to assist the Building Inspector in making a determination regarding approval of the applicant's request for Class "A" manufactured dwelling designation.

**SECTION 1419.4. REQUIREMENTS FOR MAKING CLASS "A" MANUFACTURED DWELLING DESIGNATION AND IMPOSITION OF CONDITIONS:**

Within fifteen (15) days of receiving an application for Class "A" manufactured dwelling designation and all required supporting materials, including those additional materials which may be requested, the Building Inspector shall make a determination regarding conformity with Sections 1417.8 and 1417.9 and shall either approve, approve subject to conditions, or deny the application.

Approval subject to conditions shall be predicated upon a written statement of the specific conditions and reasons therefore, signed by the Building Inspector and agreed to and signed by the applicant.

In instances of denial, the reasons for such denial shall be stated in writing and signed by the Building Inspector. One (1) copy of the Class "A" manufactured dwelling designation application shall be returned to the applicant after the Building Inspector shall have marked such copy either approved, approved subject to attached conditions, or denied and attested to same by his signature. The original and one (1) copy of the application, similarly marked and attested to, shall be retained by the Building Inspector, maintained on file in the City offices, and be available to the public for inspection upon request during normal business hours.

In no instance shall a building permit be issued prior to the granting of Class "A" manufactured dwelling designation.

**SECTION 1419.5. APPROVAL OF APPLICATIONS FOR CLASS "A" MANUFACTURED DWELLING DESIGNATION:**

Manufactured dwellings which have been granted Class "A" designation, either on an individual basis, or by general approval of model, type, brand, variety, or design shall be eligible to be assembled on a lot or parcel in which single-family dwellings are permitted, subject to compliance with the requirements and regulations applying to Class "A" manufactured dwellings in Sections 1417.8 and 1417.9.

The Building Inspector may establish a general approval listing for specified models, types, brands, varieties, or designs of Class "A" manufactured dwellings and materials, appurtenances, and accessories to be employed in connection with the assembly and installation of Class "A" manufactured dwellings. Any such general approval list shall not be exclusive and shall be based upon a determination of acceptable similarity and compatibility in appearance to materials, appurtenances and accessories for site-built dwellings in the City and on durability sufficient to preserve appearance with adequate maintenance.

The Building Inspector shall make the above stated determinations upon receipt of an individual application for similar approval of specific models, types, brands, varieties, or designs which have not received general approval. Upon approval of specific models, types, brands, varieties, or designs in connection with individual applications, the same shall thereafter be included on the Building Inspector's general approval listing.

**SECTION 1419.6. APPEAL OF DETERMINATION, CLASS "A" MANUFACTURED DWELLINGS:**

An applicant aggrieved by a specific determination or condition made or imposed by the Building Inspector may file an appeal with the Board of Zoning Appeals under the terms of Article XIX of this Zoning Ordinance.

Any violation of a requirement, condition, or safeguard imposed hereunder shall be considered a violation of this Zoning Ordinance and shall constitute grounds for termination of a previously granted Class "A" manufactured dwelling designation.

**SECTION 1419.7. GENERAL REQUIREMENTS, CLASS "A" MANUFACTURED DWELLINGS:**

The following general requirements are necessary to facilitate the orderly placement of manufactured dwellings in single-family districts in conjunction with traditionally site-built dwellings; to assure adequate construction and health standards; to provide for the development of safe, economical housing in the community; and to maintain property values.

1. Class "A" manufactured dwellings (see definition of mobile home, Article 3.00, Definitions) may be assembled and occupied on individual lots or parcels, outside mobile home parks, in the RA-1, RA-2, RA-3, R-T, and RM-1 districts in which they are designated as permitted uses and only in conformance with the conditions and standards established herein.
2. Class "A" manufactured dwellings, including the main body, attached additions, and detached accessory structures shall comply with the minimum lot size, floor area, and setback requirements, and height limitations for single-family dwellings in the district in which the Class "A" manufactured dwelling is proposed to be assembled and occupied.
3. Class "A" mobile home dwellings shall be constructed to meet or exceed the requirements of the United States Department of Housing and Urban Development (HUD) 1976 Mobile Home Construction and Safety Standards, as may be amended. Each Class "A" mobile home dwelling must bear an approved HUD certification label.

All other manufactured dwellings shall meet or exceed the requirements and standards contained in the City Building Code.

4. Class "A" manufactured dwellings shall be firmly anchored to a permanent foundation to restrain potential displacement resulting from wind velocity. The foundation shall be designed to completely enclose the perimeter of the Class "A" manufactured dwelling and all attached additions, and shall be constructed in conformance with the City Building Code. If the Class "A" manufactured dwelling is a mobile home, it shall, in addition, also comply with the manufacturer's pillar placement and load bearing capacity specifications, as may be applicable.
5. Class "A" manufactured dwellings shall be connected to either municipal sanitary sewer and water service, or to such private on-site facilities as may be approved by the County Health Department.
6. Prior to installation of the Class "A" manufactured dwelling on the permanent foundation, as required herein, any wheels and towing mechanism, including tongue, hitch assembly, and any other towing appurtenances shall be completely removed.

**SECTION 1419.8      UNIT APPEARANCE AND VICINITY COMPATIBILITY, CLASS "A" MANUFACTURED DWELLING:**

To provide for minimum compatibility between Class "A" manufactured dwellings and existing traditionally site-built dwellings in the vicinity of the lot or parcel upon which a Class "A" manufactured dwelling is proposed to be assembled and occupied, in addition to meeting the requirements in Section 1419.7 above, Class "A" manufactured dwellings shall also comply with the requirements which follow: These requirements,

however, are not intended to prohibit the employment of innovative design concepts relating to the utilization of solar energy, orientation to a particularly desirable view, unique character or contour of the site, or deviation from the common or standard designed dwelling.

1. The width of the main body of the assembled Class "A" manufactured dwelling shall be a minimum of twenty (20) feet, as measured across the narrowest portion.
2. The minimum width of the front (street side) elevation of the Class "A" manufactured dwelling shall be twenty-four (24) feet, with such dimension to include the main body of the Class "A" manufactured dwelling and all additions attached to and within ten (10) feet of the front of the main body.
3. The main body of the Class "A" manufactured dwelling shall be surmounted by a pitched roof with a minimum slope of 1:4 (one (1) foot of vertical rise to each four (4) feet of horizontal distance) and having a minimum six (6) inch overhang on all sides. The minimum distance from eaves to ridge shall be ten (1) feet.

The pitched roof shall be securely attached to and exclusively supported by the Class "A" manufactured dwelling.

Any type of roofing materials generally acceptable for, and applied in a manner resulting in appearance similar to, traditionally site-built dwellings in the vicinity may be employed on the roof of the main body of the Class "A" manufactured dwelling, attached additions, and detached accessory structures.

4. Exterior wall finishes generally acceptable for, and applied in a manner resulting in appearance similar to, site-built dwellings in the vicinity may be employed on the main body of the Class "A" manufactured dwelling, attached additions, and detached accessory structures.
5. Windows and other visible, exterior features of the Class "A" manufactured dwelling, including exterior wall colors, or color combinations, shall be compatible with such features of site-built dwellings in the vicinity.
6. The Class "A" manufactured dwelling shall have no fewer than two (2) exterior doors, one (1) of which shall enter upon a main living area of the dwelling, with the other located in either the rear or side.
7. Steps designed to provide safe, convenient access to each exterior door shall be provided to the door area, or to porches accessible to the door area, when required by a difference in elevation between the door sill and the surrounding grade.

Steps and/or porches shall be securely attached to a permanent floating foundation separate from the foundation supporting the main body of the dwelling or additions.

Steps, porches, and foundations shall be constructed in conformance with the City Building Code.

Enclosed storage space shall be provided in an amount equal to not less than 10% of the minimum square footage per dwelling requirement for the district in which the Class "A" manufactured dwelling is to be located; however, in no instance shall more than one hundred (100) square feet of enclosed storage area be required under this provision.

Required enclosed storage space may be contained within a basement under the Class "A" manufactured dwelling, in an attic, in a closet area, or in a separate attached or detached structure located on the lot or parcel; however, required enclosed storage space shall not include any enclosed space which may be provided for automobile storage.

8. Additions attached to the main body of the Class "A" manufactured dwelling may be fabricated by a reputable mobile home manufacturer, if such fabrication is in conformance with the standards adhered to in the construction of the main body of the dwelling. If such additions are fabricated by other than a reputable mobile home manufacturer, or if site-built they shall be constructed in conformance with the City Building Code, with materials and workmanship similar in appearance and quality to the main body of the Class "A" manufactured dwelling. Any addition shall be placed on a foundation determined by the Building Inspector to be compatible with the foundation upon which the main body is placed and shall be suitably attached to the main body; however, a pitched roof is not required on such additions, if another roof type is considered by the Building Inspector to be compatible with other single-family dwelling construction in the vicinity.

Such attached additions shall be further subject to the same review and approval procedures as for the main body of the Class "A" manufactured dwelling, contained herein.

#### SECTION 1420. PRIVATE SWIMMING POOLS:

1. For permanent above or below ground swimming pools, and for portable pools with a diameter exceeding twelve (12) feet or an area exceeding one hundred (100) square feet, a building permit must be obtained for its alteration, erection, and construction. Before a permit is issued an application shall be approved by the enforcing official (building official or authorized representative). An application is not required for a wading pool. An application for a permit should provide the following information: name of the owner, plot plan specifying dimensions, site location of the pool, as well as nearby fences, buildings, gates, septic tanks, tile fields, public utilities, and easements. The application for a below ground pool must include plans and specifications to scale of the pool walls, slope, bottom, walkway, diving boards, type and rating of auxiliary equipment, piping, and valve layout.



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- (2) Any structure permitted as an exception to a height limitation shall be erected no higher than such height as may be necessary to accomplish the purpose for which it is intended to serve.
  - (3) Structures permitted as exceptions to height limitations shall not occupy more than twenty (20) percent of the gross roof area of any building upon which they may be located.
- (Ord. No. 506, § 5.18, 8-25-87)

**Sec. 32-84. Unsafe buildings.**

Nothing within this chapter shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition, any part of a building or premises declared unsafe or unhealthy.

(Ord. No. 506, § 5.19, 8-25-87)

**Sec. 32-85. Structural damage.**

Any structure or building which may be in whole or in part destroyed by fire, windstorm, or other such cause, if rebuilt, shall be rebuilt in accordance with this chapter and other pertinent codes and ordinances or shall be restored to a safe and healthy condition with all debris removed from the site within ninety (90) days from the occurrence of such damage.

(Ord. No. 506, § 5.20, 8-25-87)

**Sec. 32-86. Trash.**

Trash containers in all zoning districts other than single-family shall be screened on four (4) sides with an opaque fence or wall at least as high as the trash container and shall be constructed of material which is compatible with the architectural materials used in the site development. Gates which provide access to the container for maintenance shall be made of an opaque material also compatible with the architectural materials used in the site development. The location of the dumpster or other trash container unless specific exception is provided by the planning commission, shall be fifteen (15) feet from any building or lot line. The container shall not constitute a hazard and shall not be within the required yard setbacks of that zoning district. The commission may

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further require internal storage and/or the use of trash compactors where, in the determination of the commission, the public health, safety, and welfare is served.

(Ord. No. 506, § 5.21, 8-25-87)

**Sec. 32-67. Single-family dwellings and certain mobile homes.**

No single-family dwelling, mobile home, modular housing, or prefabricated housing located outside a mobile home park or mobile home subdivision shall be permitted unless said dwelling unit conforms to the following standards:

- (1) *Square footage.* Each such dwelling unit shall comply with the minimum square footage requirements of this chapter for the zoning in which it is located.
- (2) *Dimensions.* Each such dwelling unit shall have a minimum width across any front, side, or rear elevation of twenty (20) feet and shall comply with all respects with the Michigan State Construction Code Commission, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan State Construction Code Commission, then and in that event such federal or state standard or regulation shall apply.
- (3) *Foundation.* Each such dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code Commission and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, the mobile home shall be securely anchored to the foundation in order to prevent displacement during windstorms.
- (4) *Undercarriage.* In the event that such dwelling unit shall be a mobile home as defined

herein, each such mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.

- (5) *Sewage disposal or water supply.* Each such unit shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.
- (6) *Storage area.* Each such dwelling unit shall contain a storage capability area either in a basement located under the dwelling, in an attic area, or in a separate or attached structure of standard construction similar to or of better quality than the principal dwelling which storage area shall be equal to ten (10) percent of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.
- (7) *Architecture.* In the event that such dwelling unit shall be a mobile home as defined herein, each such mobile home shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6) inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; have not less than two (2) exterior doors with the second one being in either the rear or side of the dwelling; and contain steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.
- (8) *Compatibility determination.* The compatibility of design and appearance shall be determined in the first instance by the city zoning administrator. Any determination of compatibility shall be based upon the character, design, and appearance of one (1) or more residential dwellings located outside of mobile home parks and within two thousand (2,000) feet of the subject dwelling. At least twenty (20) percent of the homes within the neighboring area shall be used for compatibility determination. Where said area is not so developed, the character, design, and appearance of one (1) or more

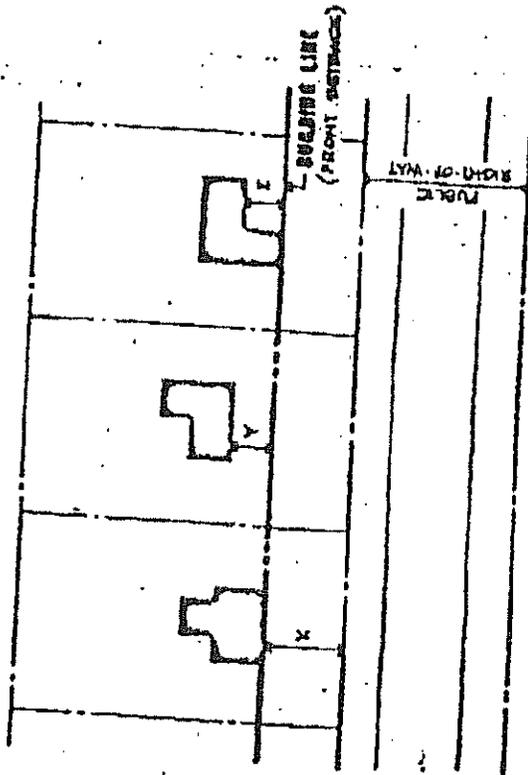
residential dwellings located outside of mobile home parks throughout the city shall be examined. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

- (9) *Additions.* Each such dwelling unit shall contain no addition or room or other area which is not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
  - (10) *Code compliance.* Each such dwelling unit shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
  - (11) *Building permit.* All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code provisions and requirements.
  - (12) *Exceptions.* The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this chapter and pertaining to such parks. Mobile homes which do not conform to the standards of this section shall not be used for dwelling purposes within the city unless located within a mobile home park or a mobile home subdivision district for such uses, or unless used as a temporary residence as otherwise provided in this chapter.
- (Ord. No. 506, § 5.22, 8/25-87)

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(m) **Building line:** Is a line formed by the face of the building, and for the purposes of this Ordinance, a building line is the same as a front setback line.



NOTES

- BUILDING LINE IS MINIMUM SETBACK LINE
- X - MINIMUM FRONT YARD REQUIRED
- Y - FRONT YARD IN REAR OF MINIMUM FRONT YARD REQUIRED
- Z - COURT YARD IN REAR OF MINIMUM FRONT YARD REQUIRED

**BUILDING LINE**

(n) **Court:** Is an open unoccupied space, other than a yard, and bounded on at least two sides by a building. A court extending to the front yard or front lot line or to the rear yard or rear lot line is an Outer Court. Any other court is an Inner Court.

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(o) **Club:** An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.

(p) **District:** Is a portion of the incorporated area of the City within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

(q) **Drive-in restaurant:** A business establishment, for the serving of food and/or beverages, so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure; or to permit patron self-service.

(r) **Dwelling unit:** Is a building, or a portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

(s) **Dwelling, one-family:** Is a building containing not more than one (1) dwelling unit and which complies with the following standards:

- (1) It is connected to public sewer and water supply systems in accordance with the City Code, or to such private on-site facilities approved by the health department where the City Code so permits.
- (2) The dwelling must be placed on a permanent foundation constructed on the site which meets building code requirements and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. If the dwelling is a mobile home, it must be installed to manufacturer's set-up requirements, it must be secured by an anchoring system that meets the Michigan Mobile Home Commission requirements, have its wheels removed and its towing mechanism and undercarriage must not be exposed, and shall have a perimeter wall as required above.



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- (3) The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3260, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- (4) The dwelling contains no additions or rooms, or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required therein.
- (5) There is provided, at the time of construction or placement of any dwelling, internal or external storage space equal to ten (10) per cent of the square footage of the dwelling.
- (6) The dwelling has a minimum width across any front, side or rear elevation of twenty (20) feet and complies in all respects with the building code. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards are different than those imposed by the city building code, such federal or state standards or regulations shall apply.
- (7) There shall be a minimum of a double pitched roof of not less than three (3) feet of rise for each twelve (12) feet of run.
- (8) The dwelling shall have a minimum of two (2) exterior doors with the second one being in either the rear or side of the dwelling, and each door shall be accessed by steps connected to said exterior door areas, or to porches or patios connected to said door areas, where a difference in elevation so requires.
- (9) The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy.

view, unique land contour or relief from the common standard designed homes, subject to review and approval by the zoning board of appeals.

(t) *Dwelling, two-family*: Is a building containing two (2) dwelling units and conforming in all other respects to the standard set forth in the definition of "Dwelling, one-family".

(u) *Dwelling, multiple-family*: Is a building, or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other. (Refer to "Apartments" definition for dwelling unit types).

(v) *Erected*: Includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for the construction. Excavation, fill, drainage, installation of utilities, and the like, shall be considered a part of erection.

(w) *Essential services*: Means the erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel, or water transmission or distribution systems, collection, communication, supply or disposal



- R-1 One-Family Residential District
- IR-1A One-Family Residential District
- R-2 Two-Family Residential District
- RM-1 Multiple-Family Residential District
- RM-2 Multiple-Family Residential District
- RSV Residential Reserve District
- O-S Office Service District
- B-1 Local Business District
- B-2 Central Business District
- B-3 General Business District
- T Tourist Service District
- I-1 Industrial District
- I-2 Industrial District
- P-1 Vehicular Parking District

**301. Boundaries.**

The boundaries of these districts are hereby established as shown on the Zoning Map, City of Sault Ste. Marie Zoning Ordinance, which accompanies this Ordinance, and which map with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein.

1. Unless shown otherwise, the boundaries of the districts are lot lines, the centerlines of streets, alleys, roads, or such lines extended, and the corporate limits of the City of Sault Ste. Marie.

2. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, there is any uncertainty, contradiction, or confliction as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Board of Appeals.

Editor's note--The zoning map is on file in the office of the city clerk.

**302. Zoning of vacated areas.**

Whenever any street, alley or other public way, within the City of Sault Ste. Marie shall have been vacated by official

governmental action, and when the lands within boundaries thereof attach to and become a part of the adjoining street, alley or other public way, such lands formerly within such vacated street, alley or public way shall automatically, and without further governmental action, thenceforth acquire and be subject to the zoning regulations as are applicable to the lands to which same shall attach and the same shall be used for that use as is permitted under this Ordinance for such adjoining lands.

**303. Zoning of annexed areas.**

Any areas annexed to the City of Sault Ste. Marie and immediately upon such annexation, be automatically classified as an "R-1" District until a Zoning Map for such area has been adopted by the City Commission. Planning Commission shall recommend appropriate zoning for such area within three (3) months after the matter referred to it by the City Commission.

**304. District requirements.**

All buildings and uses in any district shall be subject to the provisions of, (Section 10-1.17) "GENERAL PROVISIONS" and (Section 10-1.18) "GENERAL EXCEPTIONS"

**305. [Office space of a service nature.]**

Office space or offices used for professional, executive, administrative, and sales offices of a service nature shall be permitted in any Zoning District except R-1, R-2, RM-1, RM-2 and RSV Districts; providing, however, that no occupation offices permitted under this Zoning Ordinance the above excepted districts may continue pursuant to terms of the Zoning Ordinance of the City of Sault Ste. Marie. (Ord. No. 76, § 10-1.03 (305), 3-16-70)

**SECTION 10-1.04. R-1 ONE-FAMILY RESIDENTIAL DISTRICTS**

**Preamble.**

These residence districts are designed to provide one-family dwelling sites and residentially related uses





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keeping with the master plan of residential development in the City of Sault Ste. Marie. The preservation of natural terrain and wooded areas is reflected in the controls set forth in this Article (Section).

400. Principal uses permitted.

In a One-Family Residential District (R-1 and R-2) no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance.

- 1. One-Family detached dwellings.
- 2. Farms.
- 3. Publicly owned and operated libraries, parks, parkways, and recreational facilities.
- 4. Municipal buildings and uses.
- 5. Churches.
- 6. Public, parochial and other private elementary, intermediate, and/or high schools offering courses in general education, and not operated for profit.
- 7. Accessory buildings and uses, customarily incident to any of the above permitted uses.

(Ord. No. 271-87, § 1, 6-1-87)

401. Uses subject to special conditions.

The following uses shall be permitted, subject to the conditions herein imposed for each use:

- 1. Utility and public service facilities and uses (without storage yards) when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity.
- 2. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit, all subject to the following conditions:

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- 4. Any use permitted herein shall be developed only on sites of at least ten (10) acres in area.
- b. All ingress to and egress from said site shall be directly onto a major thoroughfare or secondary thoroughfare.
- c. No building other than a structure for residential purposes shall be closer than seventy-five (75) feet to any property line.
- 3. Golf courses, not including driving ranges or miniature golf courses, which may or may not be operated for profit subject to the following:
  - a. Major accessory uses to a golf course which are generally of a commercial nature such as a restaurant and bar shall be housed in a single building with the clubhouse. Minor accessory uses which are strictly related to the operation of the golf course itself, such as a maintenance garage and pro shop or golf shop may be located in separate structures.
  - b. Any golf course requiring a structure shall have said structure so located on the site as not to be closer than seventy-five (75) feet from the lot line of any adjacent residential land and from any public right-of-way.
  - c. Off-street parking shall be provided so as to accommodate at least one-half the member families and/or individual members if the golf course is a private club or one (1) space for each one hundred (100) square feet of usable floor area if it is operated for profit. Bylaws of the private club shall be provided in order to establish the membership involved for computing parking requirements.
  - d. Whenever the parking plan is so laid out as to beam automobile headlights toward any residentially zoned land, an obscuring wall or fence, four feet six inches (4' 6") in height shall be provided along that entire side of the parking area.
  - e. All parking areas shall be surfaced as required in Section 10-1.17, General Provisions for off-street parking.

Supp. No. 6

1912



§ 10-1.04

APPENDIX A--ZONING ORDINANCE

g. All ingress to and egress from the site shall be directly onto a major thoroughfare.

h. All lighting of building areas and parking facilities shall be shielded to reduce glare and shall be so arranged as to reflect the light away from abutting residential areas.

4. Home occupation when such use is not in conflict with the overall residential character of the area, and subject to the following:

- a. Such use shall be permitted only within a dwelling occupied by the proprietor upon temporary permits for a period of one (1) year.
- b. Not more than one (1) paid assistant shall be employed other than the residents of the dwelling unit.
- c. A generally recognized retail store similar to those permitted in B-3 Districts shall not be considered a home occupation.
- d. There shall be no exterior display other than one (1) non-illuminated sign, which is not more than four (4) square feet in area and attached to the building.
- e. No commodity other than that produced or processed on the premises shall be sold thereon.
- f. The occupation shall not require the use of a vehicle requiring a commercial license.
- g. Off-street parking as required under Section 10-1.17, General Provisions shall be provided.

5. Nursery schools, day nurseries and child care centers (not including dormitories); provided that for each child so cared for there is provided and maintained a minimum of one hundred (100) square feet of outdoor play area. Such play space shall have a total minimum area of at least one thousand (1,000) square feet, and shall be fenced or screened from any adjoining land with planting. Any use permitted herein shall not be permitted in the interior of any residential block, and shall be located adjacent to a business district.

6. Accessory buildings and uses customarily incidental to any of the above permitted uses.

Supp. No. 4

1913

§ 10-1.04 SAULT STE. MARIE CODE

7. Children's homes with living-in and dietary quarters and accessory buildings and uses customarily incidental to a children's home; provided, however, that said children's home shall conform and blend with the general architectural pattern surrounding the area. (Ord. No. 103, § 10-1.04, 6-5-72; Ord. No. 242-84, 8-6-84)

402. Area and bulk requirements.

See [Section 10-1.16] "SCHEDULE OF REGULATIONS" limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted.

403. [Platting required for issuance of building permit.]

No building permit shall be issued for any construction in an (R-1) One-Family Residential District unless the property upon which the building is to be constructed is subdivided and platted; providing, however, that the Zoning Board of Appeals shall have the power to alter or vary this requirement and to authorize a variance upon an appeal for good cause shown to the satisfaction of said Zoning Board of Appeals. (Ord. No. 53, § 1 (10-1.04(403)), 11-6-67)

Cross reference--[Platting procedure, Ch. 23, Art. 11.]

§ Section 10-1.045.1 R-1A ONE-FAMILY RESIDENTIAL DISTRICT

450. Preamble.

The R-1A One-Family Residential Districts are designed to provide sites for one-family dwellings and for mobile homes or trailers used as permanent one-family dwellings, and residentially related uses in keeping with the master plan in the City of Sault Ste. Marie. (Ord. No. 249-85, 8-19-85)

451. Principal uses permitted.

In a R-1A One-Family Residential District, no building or land shall be used and no building shall be erected except for one or

Supp. No. 4

1914



where housing accommodation of this nature have established a development pattern.

500. Principal uses permitted.

In a Two-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

1. All principal uses permitted and as regulated in the R-1 One-Family Residential Districts. The standards of the (Section 10-1.16) SCHEDULE OF REGULATIONS applicable to the R-1 One-Family Residential District, shall apply as minimum standards when one-family detached dwellings are erected.
  2. Two-family dwellings.
  3. Accessory buildings and uses, customarily incident to any of the above permitted uses.
- (Ord. No. 272-87, § 1, 6-1-87)

501. Uses subject to special conditions.

The following uses shall be permitted, subject to the conditions herein imposed:

1. Uses permitted subject to special conditions and as regulated in the R-1 Districts.
  2. Tourist homes and tourist rooms as a part of a dwelling.
  - a. Such use shall be permitted only within a dwelling occupied by the proprietor and shall be incidental to the use as a year around residential dwelling.
- b. Off-street parking as required under (Section 10-1.17) GENERAL PROVISIONS shall be provided.

454. Required conditions.

1. No building permit shall be issued for any construction in an R-1A One-Family Residential District unless the property upon which the building is to be constructed is subdivided and platted; providing, however, that the Zoning Board of Appeals shall have the power to alter or vary this requirement and to authorize a variance upon an appeal for good cause shown to the satisfaction of said Zoning Board of Appeals.
  2. Every dwelling unit must be properly connected to City water and sewer systems.
  3. Every dwelling unit must be placed on a permanent foundation constructed on the site which meets building code requirements. If the dwelling is a mobile home, it must additionally be installed to manufacturers set up requirements, be secured by an anchoring system that meets Mobile Home Commission requirements, have its wheels removed and its towing mechanism and undercarriage must not be exposed.
  4. Every dwelling must comply with pertinent building and fire codes and meet or exceed snow load and strength requirements, and contain no additions or rooms not of the same or better workmanship than the original structure.
  5. There shall be provided, at the time of construction or placement of any dwelling, internal or external storage space equal to ten (10) percent of the square footage of the dwelling.
  6. A building permit will be required for all construction, including placement and removal of mobile homes.
- (Ord. No. 249-85, 8-19-85)

SECTION 10-1.05. R-2 TWO-FAMILY RESIDENTIAL DISTRICTS

Preamble.

The R-2 TWO-FAMILY RESIDENTIAL DISTRICTS are designed to provide for two-family dwellings in those areas



WORK SESSION  
Rochester  
1994

ARTICLE 10  
MHP, MOBILE HOME PARK RESIDENTIAL DISTRICT

SECTION 1000. PERMITTED PRINCIPAL USE

Mobile home park for mobile home dwellings, subject to the requirements of Act 243, P.A. 1959 as amended, and the requirements of this district. See the definition of "dwelling, mobile home."

SECTION 1001. REQUIREMENTS

- (a) Utilities. All mobile home sites shall be furnished with connections to public water and public sanitary sewer systems, or to City approved community water and community sanitary sewer systems. Each mobile home site shall be located within three hundred (300) feet of a fire hydrant along a roadway. Electrical and telephone distribution lines shall be placed underground. Each mobile home park shall have a master underground television antenna system, exterior television antennas shall not be permitted on individual mobile homes. All fuel tanks shall be underground. The mobile home park shall provide a system of garbage and rubbish storage, collection, and disposal, subject to the approval of the City.
- (b) Building height. No mobile home shall exceed one (1) story or twelve (12) feet building height, and no other building or structure shall exceed one-and-one-half (1 1/2) stories or twenty-five (25) feet building height.
- (c) Lot standards. Each mobile home site shall have a minimum of 5,000 square feet land area and shall only be occupied by one mobile home. The minimum lot depth shall be ninety (90) feet. There shall be a rear yard of not less than ten (10) feet at the rear end of the site and a front yard of not less than fifteen (15) feet at the front of the site. Appurtenances and utilities, such as sewer, water, and electricity hookups, shall be placed on the site to permit the above setbacks. The sum of the sideyards at the entry side and non-entry side of the mobile home site shall be not less than thirty (30) feet: provided, however, that there shall be a side yard of not less than fifteen (15) feet at the entry side and a side yard of not less than ten (10) feet at the non-entry side. For irregularly shaped yards, the sum of the side yards is determined as the sum of the average width of each side yard, provided that the required minimums are maintained at all points in the side yard. Street rights-of-way described in paragraph (k) below shall not be counted as part of the required mobile home site.

- (d) Canopies or awnings may be located only on the entry side, but not closer than ten (10) feet to any lot line of the mobile home site. Any such canopy or awning area shall not be used for bedroom or sleeping quarters, and shall not be enclosed except by screens on the three (3) exposed sides.
- (e) Each mobile home site shall be provided with an apron not less than fourteen (14) feet by sixty-five (65) feet, constructed of solid concrete of at least five (5) inches thickness, and shall consist of 3,000 pound concrete. Each mobile home shall be placed on and tied to such an apron. Each mobile home shall be equipped with a fire extinguisher and with a smoke sensor of a size and type approved by the Building Inspector.
- (f) An outdoor patio area of not less than one hundred eighty (180) square feet shall be provided on each trailer site, conveniently located to the entrance of the mobile home and appropriately related to open areas of the lot and other facilities, for the purpose of providing suitable outdoor living space to supplement the interior space of mobile home.
- (g) The occupancy load of any mobile home shall be limited to provide no less than six hundred (600) cubic feet of air space per occupancy, exclusive of the cubic air space of toilet rooms and closets.
- (h) Each mobile home may be provided with one (1) metal utility cabinet, which shall not exceed four (4) feet in width, three (3) feet in depth, and five (5) feet in height, which shall be uniform as to size and location throughout the mobile home park. All cabinets shall be kept clean and shall be maintained in a good condition.
- (i) Concrete walkways shall be provided from each mobile home entrance area to roadway sidewalks.
- (j) Each mobile home shall be jacked up on a uniform jack or uniform block which shall be supplied by the mobile home park management. Skirts are required on any mobile home, subject to uniform skirting approved by the mobile home park management.
- (k) Roadway standards.

Streets. The mobile home park shall have direct access to a thoroughfare or highway. Streets shall be provided in the mobile home park for convenient access to every mobile home site and to other facilities in the mobile home park. The street system shall provide convenient circulation by means of minor streets and properly located collector and arterial streets. Closed ends of dead-end streets shall be provided with turning circle of not less than forty (40) feet outside radius.

The rights-of-way of streets shall be adequate to accommodate the planned widths of pavements, sidewalks, and planting strips, but shall not be less than sixty (60) feet for main drives or entrance drives, and not less than fifty (50) feet for minor or secondary streets. All streets shall be paved and satisfy the construction standards of the City of Rochester for paved streets. No parking shall be permitted on any roadway except as specifically provided for in the approved site plan. All mobile home lots shall abut a roadway or paved maneuvering lane. All streets shall have enclosed storm drainage separated from sanitary sewers. All streets shall be lighted and curbed. Entrance road pavements separated by an island or planting area shall have a minimum pavement width of twenty (20) feet in each direction. All local roadways within the mobile home park, excluding any portion to be used for parking, shall have a minimum pavement width of twenty-four (24) feet. A system of paved sidewalks shall be provided throughout the mobile home park, and shall include walkways along main drives and secondary streets. These paved walkways shall be not less than three (3) feet in width and not less than four (4) inches in thickness. The secondary walkways, including walks from each mobile home entrance to the primary walk system, shall be not less than thirty (30) inches wide and not less than four (4) inches thick. All walks shall consist of 3,000 pound concrete.

- (l) There shall be provided an area of not less than five hundred (500) square feet for recreation for each mobile home lot in the mobile home park. Each recreation area shall have a minimum land area of not less than 5,000 square feet, which shall be no longer than two (2) times its width, and every mobile home lot shall be within at least five hundred (500) feet from such recreation area. Recreation areas shall be developed and maintained by the management.
- (m) A fifty (50) foot wide greenbelt shall be located and continually maintained along all exterior boundary lot lines of the mobile home park. See Section 5.1-13.
- (n) Reserved.
- (o) Each mobile home site, except for that portion constituting the apron for the mobile home, shall be landscaped with suitable ground cover. No storage of any kind shall be permitted beneath any mobile home, and each mobile home shall be maintained in a clean and presentable condition at all times. Individual mobile homes may have lot line fences that shall be uniform in height not to exceed thirty (30) inches in height, and shall be constructed in such a manner so as not to impede firemen access to all sides of each mobile home.

- (p) Mobile home park land area. A mobile home park shall be constructed on a tract of no less than twenty (20) acres.
- (q) The tract proposed shall have not less than fifty (50) completed home sites available at first occupancy.
- (r) Off-street parking. Off-street parking shall be provided at the rate of at least two (2) car spaces for each mobile home site. Of this requirement, at least one (1) space per mobile home site shall be provided on each site.
- (s) No unlicensed motor vehicle of any type shall be parked within the park at any time, except within a covered building or enclosed yard. An enclosed yard shall be furnished for the parking of recreational vehicles, boats, or similar equipment. No motorized recreational vehicles or boats shall be parked on mobile home sites.
- (t) Signs. For an individual mobile home, one (1) sign displaying the street number and name of the occupant is permitted, not exceeding One (1) square foot in surface area.

Accessory building of the mobile home park, such as management office, laundry, and so on, may be identified by not more than one (1) sign, with no sign exceeding ten (10) square feet in surface area.

- (u) No non-residential use of any kind shall be permitted in any mobile home or building or on the premises of the mobile home park, other than the operation of the park and its incidental services.
- (v) Duties of owners and operators. It shall be the duty of the owner and operator of each mobile home park to enforce the following regulations:
  1. Keeping of all domestic pets shall be in compliance with all City ordinances.
  2. To report to the Oakland County Health Department and the City Manager the existence of any unsanitary condition prevailing within the boundaries of this mobile home park; to notify the County Health Department of any person who is affected or suspected of being affected with any infections or communicable diseases; to notify the City Manager of any ordinance violations; and to furnish the City Clerk at one month intervals a statement showing the number of occupied mobile homes in the mobile home park.
  3. In order to safeguard against the hazards of fire, to prohibit the parking of any mobile home not possessing two (2) exits within such mobile home park. One (1) such exit may be an emergency type, provided that it is

capable of being easily operated by small children, and provided approval has been granted by the City or State Fire Marshall.

- (w) Permit required. It shall be unlawful for any person to maintain or operate any mobile home park or facility therein unless such person shall first obtain a permit therefor as required by law.
1. Contents of permit and application. Application for a mobile home park shall be filed with the City Clerk and shall contain the following:  
  
Name and address of applicant.  
  
Legal description and location of mobile home park.  
  
A complete plan showing compliance with the provisions of the ordinance on a topographical survey of the site.  
  
Plans and specifications of all buildings and other improvements constructed within the mobile home park, including location of roads, walkways, off-street parking spaces, individual mobile home units, showing method of providing general utilities. Such other information as may be requested by the City to enable it to determine if the proposed park will comply with all legal requirements.
  2. Approval Required. All applicants for a use permit for a mobile home park shall be first submitted to the City Planning Commission for its review and comment. After the Planning Commission has submitted its report and recommendation, or after the lapse of one hundred twenty (120) days, the application shall be made to the Michigan Health Commissioner or his representatives.
  3. Transfer of Permit. Transfer of the permit shall be subject to the same application and approval requirements as those for an original permit application.
- (x) Construction and Safety Standards of Mobile Home Unit. No mobile home shall be moved into a mobile home park which is not in compliance with the then currently applicable Mobile Home Construction and Safety Standards of the United States government as promulgated by the U.S. Department of Housing and Urban Development.
- (y) Move-in or occupancy inspection. Each mobile home, prior to initial occupancy and to each subsequent occupancy, shall be inspected by the appropriate departments of the City for compliance with all City and State Codes. City ordinance, and compliance with the within provisions and all City requirements relative to electrical, plumbing, heating,

building, and air conditioning requirements. An inspection fee of Twenty-five Dollars (\$25.00) shall be paid to the City, and no occupancy permit shall be issued until said fee is paid and the premises certified for occupancy.

SECTION 1002. SPECIAL EXCEPTION USES

See Article 21 Section 2108, on public utilities and facilities.

BUILDING AND PLANNING OFFICIALS SEMINAR  
Manufactured Housing:  
Meeting Housing Needs In Your Community  
Regulation of Individually Sited Manufactured Homes  
February 9, 1989

The following is sample zoning language dealing with dwelling regulations for homes build on individual sites. This language is common in northwest Michigan. The major theme with this model zoning language is that it applies regulations to all dwellings, regardless of the type of construction. The "dwelling" is defined as the land use. The manufactured home, or "mobile home", is defined as simply one type of dwelling construction. The mobile home, then, is treated no differently than any other type of house construction.

The type of regulations introduced for all dwellings (minimum size, width, amount of storage space, type of roof, etc.), if any, should be based on a study of "Community Standard." One should literally review, in each zoning district, what the norm is for what already exists. Such regulations should be designed and documented to protect the community character (as an aspect of health, safety and welfare). Aesthetic concerns should be secondary if used at all.

Model Zoning Language:

Add to or modify the existing definitions of words in the zoning ordinance:

1 MOBILE HOME means a dwelling, transportable in one or more  
2 sections which is built on a permanent chassis, and designed to  
3 be used as a dwelling with or without permanent foundation, when  
4 connected to the required utilities and includes the plumbing,  
5 heating, air conditioning, and electrical systems contained  
6 therein and is installed by a Michigan Licensed Mobile Home  
7 dealer or Michigan Licensed Mobile Home installer as required by  
8 Public Act 419 of 1976, as amended, being the Mobile Home  
9 Commission Act, MCL 125.1101 et. seq., and administrative rules  
10 promulgated thereunder.

11 TRAILER means a vehicle which can be drawn on a highway and  
12 is used for recreational or camping purposes. Includes the terms  
13 motor home, pole-trailer, trailer coach, trailer, mobile home as  
14 defined in Public Act 300 of 1949, as amended, being the Michigan  
15 Motor Vehicle Code, MSA 9.1801-9.1882, and including camping  
16 units, tents, or any other temporary dwellings.

Add to or modify the existing definitions of "land uses" in the zoning ordinance:

17 APARTMENT BUILDING means a use which is a dwelling designed  
18 for or occupied by three or more families, with separate  
19 housekeeping, cooking, and bathroom facilities for each.

20 CAMPGROUND means a use on a parcel or tract of land licensed  
21 by the State under the control of a person in which sites are  
22 offered for the use of the public or members of an organization  
23 either free of charge or for a fee, for the establishment of

24 temporary living quarters for three or more recreational units  
25 which includes trailers as defined in this ordinance.

26 DUPLEX means a use which is a dwelling designed for or  
27 occupied by two families, with separate housekeeping, cooking,  
28 and bathroom facilities for each which complies with the  
29 standards given in this ordinance.

30 DWELLING means a use which is a structure, mobile home,  
31 premanufactured or precut dwelling structure designed and used  
32 for the complete living accommodations of a single family which  
33 complies with the standards given in this ordinance.

34 MOBILE HOME PARK means a use which is a parcel of land under  
35 the control of a person upon which three or more mobile homes are  
36 located on a continual nonrecreational basis and which is offered  
37 to the public for that purpose regardless of whether a charge is  
38 made therefore, together with any building, structure, enclosure,  
39 street, equipment, or facility used or intended for use incident  
40 to the occupancy of a mobile home and which is not intended for  
41 use as a temporary mobile home or trailer.

*Add to the General Regulations section (that Article which  
applies to the entire municipality) of the zoning ordinance:*

42 31. Dwellings

43 No person shall use, occupy permit the use or occupancy of a  
44 structure as a dwelling, or duplex, which does not comply with  
45 dwelling standards of this ordinance, or standards of the State  
46 of Michigan and United States Department of Housing and Urban  
47 Development, whichever is applicable, within any district, except  
48 in a designated mobile home park, and except as hereinafter  
49 provided. All dwelling structures shall comply with the  
50 following minimum standards:

51 A. No dwelling shall hereinafter be erected which shall  
52 have less than \_\_\_\_\_ (\_\_\_\_) square feet of  
53 building area and shall be \_\_\_\_\_ (\_\_\_\_) feet, or  
54 more, wide.

55 B. It shall comply in all respects with the Michigan State  
56 Construction Code as promulgated by the Michigan State  
57 Construction Code Commission under provisions of Public  
58 Act 230 of 1972, as amended, being MCL 125.1501 et  
59 seq., including minimum heights for habitable rooms.  
60 Where a dwelling is required by law to comply with any  
61 federal or state standards or regulations for  
62 construction and where such standards or regulations  
63 for construction are different than those imposed by  
64 the Michigan building code, then and in that event such  
65 federal or state standard or regulation shall apply.

66 1. Foundations: It shall be firmly attached to  
67 a permanent foundation constructed on site in  
68 accordance with said State Construction Code and  
69 shall have the same perimeter dimensions of the  
70 dwelling and constructed of such materials and  
71 type as required in the said State Construction

Code for dwellings, or, in the case of mobile homes, that dwelling shall be installed pursuant to the manufacturer's set-up instructions and shall be secured to the foundation by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission or said State Construction Code, whichever is stricter, and with the wheels removed and shall not have any exposed towing mechanism, undercarriage or chassis;

2. Framing, structural, insulation shall comply with the said State Construction Code, or in the case of mobile homes, shall comply with the "mobile home construction and safety standards" as promulgated by the United States Department of Housing and Urban Development, being 24CFR3280, as amended, and which bears a HUD seal or certification by a certified inspector signifying inspection and compliance with the same;
3. Final finished; shall comply with the said State Construction Code.

C. It shall be connected to a public sewer and water supply, or to such private facilities in compliance with the Anycounty County Sanitary Code, as amended, and approved by the local Public Health Department.

D. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24CFR3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

E. It shall contain no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure including permanent attachment to the principal structure as long as such attachment does not include a bearing load on a mobile home and construction of a foundation as required herein.

F. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to \_\_\_\_\_ (\_\_\_\_) percent of the square footage of the dwelling or \_\_\_\_\_ (\_\_\_\_) square feet, whichever shall be less.

123 G. All dwellings shall have a roof with an average slope  
124 of \_\_\_\_\_ (\_\_\_\_) feet rise, or more, for each  
125 \_\_\_\_\_ (\_\_\_\_) feet of horizontal distance, or a  
126 slope that meets or exceeds the roofing material  
127 manufacturer's instructions, whichever is greater.

128 The foregoing standards shall not apply to a mobile home  
129 located in a licensed mobile home park except to the extent  
130 required by State or Federal law or otherwise specifically  
131 required in this ordinance pertaining to such parks.

132 All construction required by this section are commenced only  
133 after a construction permit has been obtained in accordance with  
134 the applicable construction code provisions and requirements.  
135

### 136 32. Location of Accessory Buildings and Structures

137 All accessory buildings and structures shall be in the side  
138 yard or rear yard, except when built as part of the main  
139 building, or built in a district where land abuts water bodies,  
140 in which case said structures shall only be in side yards. An  
141 accessory building attached to the principal building of a parcel  
142 shall be made structurally a part thereof, and shall comply in  
143 all respects with the requirements applicable to the principal  
144 building. An accessory building and structure, unless attached  
145 and made part of the principal building as provided, shall not be  
146 closer than ten (10) feet to the principal building, and shall  
147 meet all setback requirements of the district in which it is to  
148 be erected, moved, altered or used.

*This sample zoning language is designed to provide assistance of  
a general nature for municipalities. It is not intended as an  
opinion, legal advice or planning advice with respect to any  
specific zoning ordinance.*

*The federal and state laws, as well as the regulations, rulings  
and case law interpreting and amplifying these laws change  
frequently and unexpectedly. By preparing this sample zoning  
language, and making it available, does not undertake any  
responsibility to advise readers of such changes.*

*Correct use of this sample language to amend a new or existing  
zoning ordinance is the sole responsibility of the municipality,  
its professional planner and the attorney representing the  
municipality. Specific questions concerning ordinance  
interpretation, application and enforcement should be directed to  
the municipality's attorney or professional planner.*

Kurt H. Schindler, Director  
Manistee County Planning Department  
415 Third Street--Courthouse  
Manistee, Michigan 49660

CITY OF HARPER WOODS  
MICHIGAN

ORDINANCE NO. 336

1996  
Worksession  
2-20-97

AN ORDINANCE OF THE CITY OF HARPER WOODS AMENDING SECTION 10-152 OF THE CITY OF HARPER WOODS ZONING ORDINANCE NO. 265 TO PROVIDE REGULATIONS FOR SINGLE-FAMILY MOBILE HOME DWELLINGS, MODULAR HOME DWELLINGS OR SIMILAR DWELLING UNITS IN ONE-FAMILY RESIDENTIAL DISTRICTS

THE CITY OF HARPER WOODS ORDAINS:

Section 1. That Paragraph 1 of Section 10-152 of Ordinance No. 265 be and is hereby amended to read as follows:

"1. Single-family size built dwellings and single-family mobile home, modular home or similar dwellings subject to the following conditions:

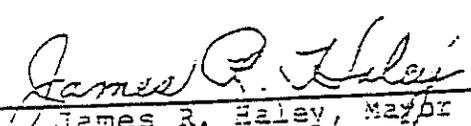
- a. Any mobile home, modular home or similar dwelling shall comply in all respects with all ordinances applicable to single-family dwellings and shall be permitted only in R-1 districts.
- b. All mobile homes shall conform, in all respects, to the most recent minimum requirements of the U.S. Department of Housing and Urban Development Mobile Home Construction and Safety Standards in effect at the time of application for building permit to install the mobile home on the site.
- c. Any such dwelling unit shall be securely attached to a permanent foundation. Wheels, axles, chassis and towing equipment shall be completely concealed by siding, foundations or other substantial materials approved by the Building Department. Permanent connections to sewers, water and other utilities are required.
- d. Any such dwellings shall be compatible in appearance with other single-family dwellings in the area in terms of value and quality of construction, use of exterior building materials and angle roof line with eaves.
- e. A building permit shall be required before any mobile home, modular home or similar dwelling unit is located upon any land within the city limits. The Council shall set the fee for such permit by resolution.
- f. The Building Department, in reviewing any such proposed dwelling unit with respect to items (a), (b), (c) and (d) above, shall not seek to discourage architectural variation but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the city at large. In reviewing any such proposed unit, the Building Department shall require the applicant to furnish such plans, elevations, and similar documentation as it deems necessary to permit a complete review and evaluation of the proposed dwelling."

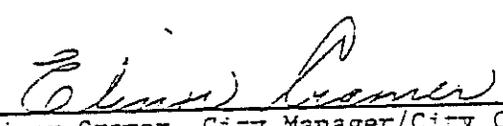
Section 2. Severability. If any article, section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance; it being the intent of the Council of the City of Harper Woods that this ordinance shall stand, notwithstanding the invalidity of any article, section, subsection, sentence, clause, phrase or portion thereof.

Section 3. Repeal. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Effective Date. This ordinance shall take effect ten (10) days after enactment as provided by the City Charter.

Introduced & First Reading	May 2, 1983
Second Reading & Enactment	May 16, 1983
Published	May 26, 1983
Effective Date	May 26, 1983

  
\_\_\_\_\_  
James R. Halsey, Mayor

  
\_\_\_\_\_  
Elinor Cramer, City Manager/City Clerk

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## ABSTRACT

For over twenty-five years, HUD code manufactured housing has constituted between twenty and thirty-five percent of the new single family homes produced annually in the United States. Due to the establishment in 1976 of a federal building code, as well as changes within the industry itself, the physical quality of manufactured housing is today considered comparable with site built housing. Though the average size of manufactured homes sold has increased as has their average price, the per square foot construction cost advantage over site built housing has continued to be substantial making affordability the most attractive feature of manufactured housing.

The major barriers to more widespread use of manufactured homes have been the regulations and costs associated with finding them a site. Zoning and planning requirements coupled with land acquisition and infrastructure costs have severely restricted the installation of such homes in more developed urban areas except in the form of manufactured home communities (mobile home parks). Governmental restrictions are beginning to loosen today but many regulatory hurdles remain and most of the new inclusionary requirements raise the siting costs.

Historically, manufactured housing has served segments of the population whose needs were less well met by the site built market, such as young, moderate income households and retirees. Today, an increasingly broad spectrum of household types is being served reflecting the shifts in the U. S. population toward smaller, more adult-centered households and the growing scarcity of affordable owner housing.

As planners prepare for future housing needs, the themes of affordability, neighborhood development and redevelopment, and land use efficiency through higher density and mixed uses all seem important and challenging. It is the contention of this paper that manufactured housing, based on the characteristics and evolutionary changes reviewed here, offers considerable promise in addressing these housing needs if it is regulated by planners as a permanent and appropriate form of housing and is incorporated as a major element in future affordable housing plans.

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## INTRODUCTION AND APPROACH

Perhaps no other type of American housing has changed so dramatically in its form and function and in its institutional context over the past fifty years as manufactured housing. The structural and land use regulations governing the production and placement of manufactured housing have dramatically influenced the form this housing has taken and in the future, will greatly affect its role as housing in the United States.

Over the last two decades, there have been a series of notable policy oriented efforts by researchers to assess the status of manufactured housing, the industry producing it, and the regulatory context governing its use and its potential roles. In the 1970s this included a landmark book by Elizabeth Drury, *Mobile Homes: The Unrecognized Revolution in American Housing*, 1972, and Constance Gibson's *Policy Alternatives for Mobile Homes*. The 1980s opened with the publication of Arthur Bernhardt's extensive *Building Tomorrow: The Mobile/Manufactured Housing Industry*, followed in 1984 by Tom Nutt-Powell's overview *Manufactured Homes: Making Sense of a Housing Opportunity*. All of these books described the rising importance of this form of housing in terms of its market growth, quality improvements and affordability. Each in turn discussed the regulatory roadblocks that mitigated against the fuller realization of the potential of manufactured housing in the United States.

At the University of Michigan's College of Architecture and Urban Planning, we are currently conducting research on a number of aspects of manufactured housing about which there is continuing debate and uncertainty. These include the areas of quality and cost, value, and potential special population and urban redevelopment uses. During the last year, a team from the College also carried out an extensive survey of current residents and former residents of six manufactured home communities located in five different states in the eastern half of the United States. (Marans, Warner, 1991) This paper has drawn upon the work of those two projects.

This paper will explore key housing dimensions of availability, affordability, and quality through a review of the evolution of manufactured housing, an assessment of its present status and a discussion of some future possibilities. For planners, these dimensions translate into questions of how to increase consumer housing options and choices (issues of affordability and availability), and how to improve the environmental quality of neighborhoods and housing units (issues of structural and land use regulation). Particular reference will be made to manufactured housing in the state of Michigan as illustrative of problems and potential solutions.

The following questions will guide this paper's review of the characteristics and future potential of manufactured housing:

1. How has manufactured housing changed in cost, size, form, and quality over the past fifty years?
2. What are some important cost factors which determine the affordability of manufactured housing.
3. What have been major siting barriers to manufactured housing availability and affordability? What changes are occurring in the two principal alternatives for siting manufactured housing?

4. Who are the the predominant consumer groups making use of manufactured housing? What are the implications of this profile for the future role of manufactured housing?
5. How might manufactured housing be viewed as a planning asset?

First, a word about definitions and terminology. The type of housing which is the focus of this paper was designated by a 1980 Congressional Act as "manufactured housing" and has been built since 1976 according to a single preemptive, performance based national building code to ensure the health and safety of the occupant and durability of the dwelling unit. The uniform federal standards are promulgated and administered by the U.S. Department of Housing and Urban Development.

HUD code homes must be at least eight feet in width or forty feet in length with a minimum total area of three hundred twenty square feet. Manufactured homes are built with a permanent chassis on an assembly line in a factory so they can be transported to the homesite as a finished section or one of several sections to be joined at the site. If produced prior to passage of the HUD code in 1976, they are not legislatively designated as manufactured housing and are often referred to as mobile homes.

## CHARACTERISTICS OF MANUFACTURED HOUSING

According to the Manufactured Housing Institute 12.9 million Americans lived in the approximately 7.1 million manufactured homes in 1989. These figures represent a 54 percent increase in the number of manufactured homes and a 26 percent increase in the number of people living in them from the 1980 Census totals of 4.6 million manufactured homes and 10.2 million people living in them. Throughout the 1980s, HUD code manufactured homes constituted about one-third of all the single family homes developed in any given year. They were more than 80 percent of all new single family homes sold for less than \$50,000. (Manufactured Housing Institute, 1989)

Manufactured housing and its predecessors have long been an important housing option for moderate to low income people. To understand the varying roles manufactured housing has assumed in the U.S. housing inventory and why it has been a difficult form of housing for planning regulators to accommodate, it is important to briefly review the evolution of today's HUD code manufactured housing.

### Evolution of the Manufactured Housing Unit

Manufactured housing has evolved from the small mobile trailer housing that exemplified a transient or temporary dwelling to today's HUD code manufactured homes which increasingly resemble site built single family middle income subdivision housing. The trademark of the house trailer was mobility. Detroit, the "motor city," was the location of the first company to build them in 1929. This company called Covered Wagon sold 177 trailers in 1931 averaging 154 sq. ft. (7 feet long by 22 feet in width). By 1935, 300 trailer manufacturers produced about 25,000 units annually. The following year the trailer industry was reported to be the fastest growing industry in the U.S. It was estimated that between 250,000 and 300,000 people were living in house trailers in 1936. However, in 1937, despite the explosive growth in this form of housing, only 17 states had statutes specifically regulating tourist camps where most of these trailers were located. (University of Arkansas, 1973)

In the late 1930s during the Great Depression, the trailers that started as recreational vehicles and retirement housing became permanent housing for thousands of migratory worker families. Then beginning in 1940, housing for defense workers assumed greater importance as a primary use for trailers. Large orders from the federal government were a strong stimulus for the house trailer industry.

Starting with the post World War II housing boom, the annual production of what were then becoming known as mobile homes increased steadily until 1972 when production peaked at 575,940 homes (See Figure 1). Between 1969 and 1972, mobile homes comprised approximately one out of every three single family homes built. By comparison, for 1990, this figure was 26 percent or slightly more than one out of every four new single family homes constructed. Since the late 1960s, manufactured homes have dominated the market for lower cost new single family homes.

The manufactured housing industry built up its market share by introducing new forms of housing with added space and design features. In 1956, the ten foot wide mobile home was introduced and sales of the new model surged the following year. Within four years, sales of the 10 foot wide homes had virtually eclipsed the eight foot wide. In 1962, the twelve foot wide home was introduced and sales again increased dramatically up through 1969 when the width of manufactured homes was again extended to 14 feet. This continued increase in the size of manufactured homes further fueled the boom in new home sales which continued through the early 1970s.

Beginning in the mid-1970s, the multi section or doublewide home was introduced by manufacturers. By 1985, multi section homes were one-third of sales and were steadily increasing in popularity up to a high of 47 percent of all HUD code homes sold in 1989. The clear trend of the industry to produce larger homes which resembled more and more site built housing in appearance and interior design posed a challenge to planners who in earlier days had dismissed manufactured homes as inferior housing and had relegated them to manufactured home communities or excluded them altogether from their localities.

### The Constant Cost Differential

While the size and physical form of manufactured housing were changing and converging toward site built housing, the positive cost differential enjoyed by manufactured housing remained virtually constant. The four cost advantages enjoyed by the manufactured housing industry were identified by Mathieu as: the use of less skilled labor; factory production unaffected by seasonal climate changes; volume purchasing of materials, and improved quality control through closer supervision; more precise machinery and standardized building techniques. (Mathieu, 1986)

Over the last twenty-five years when single family homeownership has been in great demand, the growing market appeal and availability of manufactured homes was undoubtedly related to their cost advantages (affordability). For example, in 1972, the average sales price for a site built home without the land was \$30,500, while the average sales price for a manufactured home was \$6,950, or 77 percent less. While the site built house averaged 1,555 sq. ft., the mobile home was 780 sq. ft. in area (roughly 50 percent less). In 1989, the average sales price of a new manufactured home (averaging 1,195 sq. ft.) was \$26,600, contrasted with the average sales price for a site built home (averaging 2,000 sq. ft.) of \$106,500, excluding land. (See Figure 2)

There is a substantial cost difference as well between different types of manufactured homes, i.e., single section and multi section. For example, in 1989, the average multi section home cost \$34,800 and contained 1,440 sq. ft., while the average

single section home cost \$19,200 and contained 970 sq. ft. However, on average multi sectional homes are larger, roomier, and much more acceptable to local officials for private property installation than single section homes.

Size alone clearly does not account for the affordability advantage of manufactured housing. In fact, the key comparative statistic bringing together the physical dimension of space with the economic advantages of factory building and economies of scale is the construction cost per sq. foot. In 1972, this figure was \$8.91 for manufactured homes, compared with that of \$19.61 for site built housing, a difference of 55 percent. As the average size of manufactured homes has continued to increase since 1972, and the uniform federal performance building code was established in 1976, the differential between construction costs of the two building systems has continued. For example, in 1980, the difference was 57 percent (\$43.91 for site built and \$18.86 for manufactured housing); and in 1989, the difference was 58 percent (\$53.25 for site built and \$22.26 for manufactured housing) (See Figure 3).

### Quality Levels of Manufactured Housing

Given the lower unit price of manufactured housing and the construction cost differential between manufactured housing and single family site built housing, a key question for planners is whether this affordability is being achieved at the expense of basic housing quality. Most importantly, are necessary health, safety and durability standards being met. Historically, planners and local building officials tended to answer this question negatively and they excluded manufactured housing from residentially zoned areas and grouped them into park community enclaves.

The establishment in 1976 of a national construction code for manufactured housing was meant to be a definitive answer to these concerns about basic quality levels. In addition to specifying the performance expected for various structural systems, the federal government set up a detailed quality monitoring and inspection system. Manufactured housing, thus became the first type of U.S. housing to be subject to a single preemptive national building code. The federal code, in addition to ensuring quality, was expected to lower production costs for the manufactured housing industry by ensuring uniform performance specifications for a national market.

Since the federal standards were established, a large number of studies have examined the structural and performance quality of manufactured housing (U.S. HUD, 1984). The findings in most of the studies were quite encouraging. For instance, the fire safety studies showed a reduced incidence of fires in manufactured homes following enactment of the federal standards. In fact, the incidence of fires was less than that for site built single family housing. However, the average losses from fire damage were higher on a per unit basis for manufactured homes than site built homes (Foremost, 1986).

Since 1976, federally appointed advisory groups have painstakingly debated the need for and cost implications of various manufactured housing code modifications. Some revision of the federal code has been made, for instance in the energy conservation standards. Other changes are continuing to be discussed and assessed. (U.S. HUD, 1984) The Cranston-Gonzalez National Affordable Housing Act of 1990 established a National Commission on Manufactured Housing to conduct a detailed examination of the federal construction and safety standards for manufactured housing. The Commission is expected to begin meeting in September 1991.

Manufactured housing residents have also been surveyed for their opinions about the quality of their homes. For example, Connerly compared the responses of those living

in site built housing with those living in manufactured housing as reported in the Annual (American) Housing Surveys of 1974 and 1983. His conclusion was that "manufactured housing is generally comparable in housing quality and significantly less expensive than site built detached housing." (Connerly, 1987)

## SITING THE MANUFACTURED HOME

Availability and affordability of manufactured housing are contingent not only on the production and cost of the housing units themselves, but also on the existence of appropriately located and priced sites on which to install the manufactured homes. The supply and cost of such sites are heavily determined by the land use regulations for which planners have particular responsibility.

Like the housing it governs, public sector regulations of the location and siting of manufactured housing have evolved and changed. The major historical phases have included an initial lack of regulation through exclusionary restriction to grudging acceptance of manufactured housing within defined limits.

The initial regulatory "benign neglect" may have provided the trailer industry with the freedom to innovate and still maintain the affordability which was the its greatest strength. (Drury, 1972) Later exclusionary zoning forced the industry to invent its own market by creating and evolving a new housing tenure arrangement: the mobile home park which combined the status of home owner with that of land renter. (Bernhardt, 1971)

The affordability crisis brought on by rising housing costs, the imposition of uniform federal standards, and the increasing aesthetic appeal of manufactured housing have led local and state governments to take a second look at the desirability of manufactured housing. However, this new-found regulatory acceptance carries a definite cost: the imposition of more conventional housing standards and requirements on manufactured housing. Thus, manufactured housing now finds itself facing the same quality and/or affordability questions confronting single family site built housing. These questions ask whether various land and infrastructure requirements are warranted and whether, in fact, these requirements are making single family housing less affordable.

### Alternative Siting Arrangements for Manufactured Housing

About half the new manufactured homes sold in the United States are located on private property; about half are located in manufactured home communities. Most manufactured homes are not moved from their original site. In rural areas of the United States, the majority of manufactured homes are located on property owned by the homeowner or a member of their family. In urban areas until recently, manufactured housing was generally restricted to locations within privately owned manufactured home communities where the households own their home but rent or lease the land on which it is located. This has created a special housing market which is highly vulnerable to arbitrary, if not exclusionary, local zoning ordinances. To understand where such restrictive ordinances originated and the images they are responsive to, one needs to review the evolution of the manufactured home community in America.

## The Privately Owned Rental Community Alternative

The original mobile home parks were established following the second World War and on into the 1950s in response to the boom in house trailer sales which took place during that time period. The earliest mobile home parks provided a place to park the car and trailer, bathing and laundry facilities, and sometimes community playground space. With densities ranging up to 12-13 units per acre, sites were small as were the trailer units located on them.

The original trailer courts evolved into mobile home rental parks where the housing and lots were much larger and less dense and the housing was self-sufficient in terms of plumbing and washing facilities. Densities in the 1960s and 1970s hovered around 6-7 units per acre with a median size single section home of 650-1000 sq. ft. being the norm. In these mobile home parks, the common buildings and areas assumed more of a community activities and recreational focus, with clubhouses and swimming pools common.

The 1970s and 1980s have witnessed the emergence of what are today referred to as manufactured (leased land) communities. The densities have diminished to 4-5 units per acre and the community land uses have expanded to include a broader array of facilities such as gymnasiums and in a few cases, day care centers. The housing in these communities often covers a diverse range of sizes and types from middle-sized single section homes to larger multi-section ones. In the expansion areas of older parks and in the newly developed communities there are generally a significant proportion, if not a majority, of multi section homes ranging in size from 850 sq. ft.-1600 sq. ft. (Warner, 1987).

### Michigan's Siting Crisis and Regulatory Intervention: A Case Example

In the 1965-1975 decade, Michigan experienced an explosive growth in manufactured home sales, virtual exclusion of manufactured housing from individual lots in urban residential areas, and a scarcity of community sites on which to locate new homes. (Warner, 1984) This situation led to a rapid escalation in community site rents as well as a proliferation of consumer complaints about discriminatory treatment of older homes. These problems illustrates the crucial importance of assessing siting alternatives in any evaluation of the availability and affordability of manufactured housing.

In response to the consumer outcry stemming from the shortage of community rental sites, the state legislature in 1976 created the the Michigan Mobile Home Commission. The structure and powers of the Commission were designed to reconcile and enhance the three dimensions of manufactured housing availability, affordability, and quality referred to earlier.

The Commission is appointed by the Governor and is made up of representatives of all the major interest groups seeking to influence the availability, siting, and management of manufactured housing, especially that located in rental communities. Among its eleven members, the Commission includes representatives of HUD code housing manufacturers, retailers, small and large rental community owners and residents, and local and state government officials.

The Michigan Mobile Home Commission was authorized to establish preemptive state design standards for manufactured home communities and to approve or disapprove the nondiscriminatory treatment of manufactured homes in local zoning ordinances. Thus, the State of Michigan chose to step in and do for manufactured home community design what the federal government had done for the structural quality of manufactured housing,

i.e., establish a set of preemptive standards that would ensure both a basic level of quality and a uniform set of requirements statewide for the development of manufactured home communities. In addition, the Commission is responsible for regulating the business practices of retailers and installer-repairers, as well as licensing manufactured home community sites under state inspection criteria. Finally, the Commission has established procedures for handling consumer complaints, including the enforcement of manufacturer warranties.

#### The Private Property Residential Site Alternative

The private property alternative for siting new manufactured housing used to be limited to acquiring unzoned pieces of land in rural or urban fringe areas. However, a number of court decisions regarding nondiscriminatory treatment of manufactured housing and a series of state government legislative initiatives in the 1980s (Dept. of Housing and CD, CA, 1990; Oregon Dept. of Land Conservation, 1990; Kmiec, 1983) have made the urban placement of manufactured housing on an individual infill lot or in residential subdivisions increasingly possible.

The results of a 1985 American Planning Association (APA) survey of how communities regulate factory built housing. (Sanders, 1986) show clearly that the placement of manufactured housing on privately owned residential lots in urban areas is becoming more accepted by land use regulators. For example, a 1971 APA survey showed that fewer than one percent of responding communities permitted mobile homes by right in residential districts. This figure had improved by 1985 to fifty one percent permitting HUD code manufactured housing by right in residential districts if the housing complied with certain design and appearance standards. Many communities permit only multi section homes to locate on individual lots in residential districts and restrict single section homes to manufactured home communities or manufactured home subdivisions.

The source of this regulatory liberalization is evident in that sixty percent of the communities which permit placement in residential districts by right are located in states that legislatively prohibit the exclusion of HUD code manufactured homes. At least fourteen states have such legislation and others, like Michigan, have state supreme court decisions that do essentially the same thing. While the 1985 survey results show definite progress in the acceptance of manufactured housing by local regulators, a significant proportion of communities still exclude this form of housing altogether de jure or do so de facto by imposing excessive minimum lot requirements or other costly development specifications.

#### POPULATION SERVED BY MANUFACTURED HOUSING

When one examines who specifically is living in manufactured homes, certain types of households are more prominently represented than others. These include young married couples, both of whom frequently work, young families with one or two preschool children, and retired couples or pre-retiree empty nester couples. The percentages of divorced and separated householders, as well as those of single men and women have been increasing over the last decade. The results of the 1990 U.S. Census of Population and Housing should provide some informative comparative statistics that will enable researchers to define trends in manufactured housing residents more clearly. (Warner, 1984, 1987; Annual Housing Survey, 1987; Roberts, 1988; Foremost, 1988; Meeks, 1988)

## THE FUTURE POTENTIAL OF MANUFACTURED HOUSING

As planners prepare to tackle housing problems in the future, certain demographic factors will weigh heavily in their calculations. First, households in the United States are increasingly made up of adults without children or single parents with children. Increasing numbers of people of all ages are living alone. Household size has been dropping steadily for the last two decades, and the average householder is now in their mid to late thirties in age. Therefore, increased housing will be needed in the future and manufactured housing could meet this demand for new housing if appropriate siting is made available.

Second, the largest cohort group in the United States population are the baby boomer's between 26 and 45 years of age. A substantial proportion of this group are beyond the typical age of young first time home buyers and ordinarily would be prime candidates for move-up housing. (Armijo, Berson, Obrinsky, Valgeirsson, 1990). However, since housing costs, have risen faster than average income throughout the last decade, many of these people may have deferred home ownership. (Harvard Joint Center for Housing, 1990).

The first time home buyer situation is further complicated by a report released by the U.S. Census Bureau during the first week in June 1991 that casts some doubt on whether the current housing system is able to deliver on what used to be typical patterns of attaining home ownership. Based on income and housing data from 1988, the Census calculates that about half of all families and two-thirds of all non-families are unable to buy a median priced home using conventional, fixed rate financing with a minimum 5 percent downpayment. Among householders under age 25 years, 94 percent were unable to afford the median priced home. (Noah, T., June 14, 1991).

Manufactured housing seems to fit into the planners future demographics and projections of housing need in a number of important ways. First, it has clearly served in the past as a reservoir of lower cost starter housing. Given the building code standards in place and the increasing size and conventional appearance of these units, it is now at least comparable to what the site built starter housing subdivisions have been in past decades. Second, the demographics of the population living in manufactured housing, match more closely the present and forecasted household mixes than many of the large lot single family site built subdivisions now being constructed.

### Preservation And Redevelopment of Affordable Manufactured Housing

Urban planners have a long history of concern with neighborhood redevelopment. However, generally this has not included manufactured home communities because these are privately built, owned, and managed. But today in certain areas of the United States land values are rising rapidly and the once fringe locations of older mobile home parks have become more desirable for higher valued uses. In these instances, gentrification and displacement have become serious problems for long time, lower income residents, many of whom may be seniors. So, planners are now finding they need to assist park residents in exploring mechanisms for acquiring ownership of their community's land.

Government agencies in California, Vermont, and Oregon, in conjunction with local governments, have taken a role in assisting manufactured home community residents to acquire ownership of their communities, usually in the format of a housing cooperative. In Vermont, a non-profit housing corporation has served as the transitional entity arranging the transfer of ownership and management responsibility from the private owner to the resident cooperative (Youngwood, 1990).

In redeveloping existing urban areas, planners struggle with the opportunities and difficulties of urban infill projects. Manufactured housing offers some real advantages for infill situations. The factory manufacturing process can build in economies of scale in terms of both material and labor costs as well as procedures for quality monitoring. The construction time, costs, and labor required are cut dramatically since the housing sections or modules are completely assembled when they arrive at the site. This both reduces financing and purchase costs as well as losses due to vandalism and delays in construction due to weather. Descriptions of a number of successful manufactured housing infill uses are accumulating in the literature. (Nutt-Powell, 1985; Boston Society of Architects, 1988).

### Design Attributes of the Manufactured Home Community

As planners consider alternatives to large lot suburban sprawl and the high costs of land and construction which seem to characterize a great deal of single family housing development in the United States, they might revisit the former mobile home park now become the manufactured home community. Planners can readily cite poorly planned and managed examples. However, these examples are increasingly the exception and not the rule. And the manufactured home community, when well-designed, can incorporate a number of the design features today being promoted by land use planners.

First, is the idea of defensible space (Newman, 1972). Manufactured home communities are characterized by clear boundaries, a limited number of defined entrances and exits, on-site management, a hierarchy of spaces that range from public to private, and a general sense of community, including mutual surveillance in terms of who is coming and going. Warner's research on Michigan manufactured housing communities indicated that the reported incidence of crime in manufactured home communities is comparable to or less than single family site built subdivisions and much less than for rental housing. (Warner, 1987) The 1987 American Housing Survey findings seem to confirm this high rating of neighborhood security among manufactured housing residents. (American Housing Survey, 1987)

Manufactured home communities also share some of the characteristics being promoted under the term "neotraditional" design. (Yoakam, 1991). These include either a grid iron street pattern or smaller neighborhood units on cul de sacs, a diversity of housing types, a diversity of households in terms of ages, incomes, family composition, and residential histories, higher housing densities, presence in prominent locations of community facilities and recreation areas within walking distance of homes, and definite community boundaries.

## CONCLUSIONS

Planners refer to the health, safety, and welfare of their community's land use and to the residential quality of its housing as the objective of their regulations. A key question for the future is how to incorporate, reconcile, and balance the potential availability, affordability, and quality offered by manufactured housing with regional housing needs and the land use.

Research on manufactured housing is needed and can be useful in: (a) refining state regulatory policies and codes, (b) defining the market potential of manufactured housing for particular population groups like the elderly, handicappers and moderate income families, (c) clarifying perceptions of manufactured housing among consumer groups, lenders, and local government officials, and (d) providing the manufactured housing industry with a more accurate gauge of consumer housing needs and preferences.

Figure 1 Manufactured Housing Shipment, 1950-1989

Manufactured Home Shipments			
<u>Year</u>	<u>Shipments</u>	<u>Year</u>	<u>Shipments</u>
1950	63,100	1970	401,190
1951	67,300	1971	496,570
1952	83,000	1972	575,940
1953	76,900	1973	566,920
1954	76,000	1974	329,300
1955	111,900	1975	212,690
1956	124,330	1976	246,120
1957	119,300	1977	265,145
1958	102,000	1978	274,901
1959	120,500	1979	277,372
1960	103,700	1980	221,616
1961	90,200	1981	240,907
1962	118,000	1982	238,808
1963	150,840	1983	295,079
1964	191,320	1984	294,993
1965	216,470	1985	283,489
1966	217,300	1986	244,660
1967	240,360	1987	232,598
1968	317,950	1988	218,429
1969	412,690	1989	198,254

Source: Manufactured Housing Institute, Quick Facts

**Figure 2 Average Unit Price and Square Footage For Manufactured and Site Built Homes**

<u>Year</u>	<u>Average Unit Price</u>		<u>Average Square Footage</u>	
	<u>Manufactured Homes</u>	<u>Site Built Homes</u>	<u>Manufactured Homes</u>	<u>Site Built Homes</u>
1971	\$6,640	\$28,300	780	1520
1972	\$6,950	\$30,500	780	1555
1973	\$7,700	\$35,500	882	1660
1974	\$9,760	\$38,900	910	1695
1975	\$11,440	\$42,600	952	1660
1976	\$12,750	\$48,000	966	1710
1977	\$14,200	\$54,200	1000	1720
1978	\$15,925	\$62,500	1010	1755
1979	\$17,600	\$71,800	1050	1760
1980	\$19,800	\$76,400	1050	1740
1981	\$19,900	\$83,000	1040	1720
1982	\$19,700	\$83,900	1025	1710
1983	\$21,000	\$89,800	1035	1725
1984	\$21,500	\$97,600	1060	1780
1985	\$21,800	\$100,800	1060	1785
1986	\$22,400	\$111,900	1110	1825
1987	\$23,700	\$127,000	1140	1905
1988	\$25,100	\$138,200	1175	1995
1989	\$26,600	\$148,300	1195	2000

Source: Manufactured Housing Institute, Quick Facts

**Figure 3 Average Cost of Construction by Housing Type - Per Square Foot**

<u>Year</u>	<u>Price Per Square Foot</u>	
	<u>Manufactured Homes</u>	<u>Site Built Homes</u>
1971	\$8.51	\$18.62
1972	\$8.91	\$19.61
1973	\$8.81	\$21.39
1974	\$10.73	\$22.95
1975	\$12.02	\$25.66
1976	\$13.20	\$28.07
1977	\$14.20	\$31.51
1978	\$15.77	\$35.61
1979	\$16.76	\$40.80
1980	\$18.86	\$43.91
1981	\$19.13	\$48.26
1982	\$19.22	\$49.06
1983	\$20.29	\$52.06
1984	\$20.48	\$43.87
1985	\$20.57	\$45.18
1986	\$20.18	\$49.05
1987	\$20.79	\$53.42
1988	\$21.36	\$50.57
1989	\$22.26	\$53.25

Source: Manufactured Housing Institute, Quick Facts

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