

DR 63-3 - Proposed amendment to
Zoning Ordinance - Trailers in any
district as an Exception

ACTION

DATE

COMMITTEE

M.A.P.C.	<i>committee suspended</i>	<i>2-21-63</i>
	<i>on 4-4-63</i>	
M.A.R.C.	<i>appears as cancelled</i>	<i>4-4-63</i>
1st Rd	<i>B.C.C. Board</i>	<i>4-30</i>
2nd Rd	<i>B.C.C.</i>	<i>Adopt 5-7-63</i>

Closed

Sub. 510-63- Ord. # 27-189

James J. ...

June 20, 1963

James F. Clancy, Executive Assistant

Robert A. Lakin, Assistant Planning Director

Trailer and Mobile Home Code and
Zoning Amendments

At the request of C. J. Mendenhall, the Planning Commission instructed the Planning Department to prepare amendments to the City Zoning Ordinance which would allow mobile homes and trailer parks to be considered a residential-type use, instead of the commercial category in which they are now located.

We have completed initial drafts of the text changes which the Department proposes to submit to the Planning Commission for their consideration. The Health Department has been working on the technical "Trailer Code" (Title 26 of the City Code). Their initial drafts are nearing completion. We have been advised that by the end of this week, the Health Department will be ready to reproduce their first drafts of the Revised Trailer Code.

We propose to use the following procedure in considering both the zoning amendments and the Trailer Code amendments. The amendments as drafted by the departments will be submitted to the Department of Law for their review and consideration. At the same time, we will submit copies of the same to the Wichita-Sedgwick County Mobile Home and Trailer Operator's and Sales Association for review by a subcommittee to be appointed by them. We will then meet with this subcommittee and make further revisions if necessary. After this is done, we will then be in a position to submit the zoning amendments to the Planning Commission for their consideration and the Health Department will be in a position to submit the Trailer Code to the City Commission for their review. Mr. Mendenhall has been advised that this is the procedure which we intend to pursue.

It is imperative that the Technical Trailer Code and the Zoning Ordinance amendments be carried along together and that they be adopted at the same time, as they are inter-related both as to their proper functioning and as to actual phraseology in the text.

It is our hope to have the first meeting with the trailer group some time in the last week of June or the first week of July.

An additional problem which has been bothering Mr. Mendenhall is the location of a sign in his shopping center area. While outside the city limits, Mr. Mendenhall applied for (and was granted by the Board of County Commissioners) a large piece of light commercial zoning with a 90 foot "BB" buffer along the McArthur Road frontage. When annexed, the zoning remained the same and came under the jurisdiction of the Central Inspection Division. The Zoning Ordinance does not allow the erection of commercial signs in "BB" Office District (nor did the County Zoning Resolution). The Planning Commission has authorized the Department to initiate a change on their behalf for Mr. Mendenhall to a Light Commercial District for that portion of land large enough to allow him to erect the sign. However, this procedure is time consuming as it must follow the State Statutes and it is expected that the zoning will not be made effective until after:

The Metropolitan Area Planning Commission hearing on July 18;
Board of City Commissioners approval on August 6; and
Publication of the zoning resolution on August 14.

If there are any questions involving either the Technical Trailer Code or the Zoning Ordinance amendments; or as to Mr. Mendenhall's specific problem of sign location, please contact me.

Robert A. Lakin
Assistant Planning Director

RAL:mm

cc: Leland R. Edmonds, Director of Planning
James W. Howe, Planner II

ORDINANCE NO. 27-189

AN ORDINANCE RELATING TO ZONING AND EXCEPTIONS TO ZONING AMENDING SECTION 1 OF ORDINANCE NO. 26-941 AND SECTION 1 OF ORDINANCE NO. 27-038 OF THE CITY OF WICHITA, KANSAS, AND REPEALING SAID ORIGINAL SECTION 1 OF ORDINANCE NO. 26-941 AND SECTION 1 OF ORDINANCE NO. 27-038 OF THE CITY OF WICHITA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA KANSAS:

SECTION 1. That Section 1 of Ordinance No. 26-941 and Section 1 of Ordinance No. 27-038 of the City of Wichita, Kansas, be amended to read as follows:

26.04.180 EXCEPTIONS A. USE REGULATIONS.

This chapter shall not apply to existing structures nor to the existing use of any building which shall have complied with all the laws and ordinances in effect prior to the effective date of this chapter excepting for the future change to conforming use as provided in paragraph A of the preceding section. All zoning district regulations shall apply to any enlarging of a building for a nonconforming use in the district in which it is located, and to any alteration of a building which is intended to change its use to a less restricted classification.

1. Whenever the boundary line of any district divides a lot held under a separate ownership from adjoining lots at the time of the adoption of Ordinance No. 10-107 (October 1, 1928), nothing herein shall be construed to prevent the extension of the use permitted on either portion of such lot or parcel of land for a distance not greater than twenty-five feet beyond the boundary line of the district.
2. In any location where two-family dwellings are located in any district with not more than one hundred foot frontage between the lots which they occupy, two-family dwellings may be constructed between them. If sixty percent or more of the frontage on one side of the street between two intersecting streets is occupied by two-family dwellings on the effective date of this chapter, additional two-family dwellings may be constructed or existing buildings may be converted to two-family dwellings on both sides of the street in any district.
3. In any district where there are four-family dwellings with not more than one hundred feet frontage between the lots which they occupy, additional dwellings not exceeding four families may be constructed between them. If sixty percent or more of the frontage on one side of the street between two intersecting streets is occupied by four-family dwellings on the effective date of this chapter, additional dwellings not exceeding four families may be constructed or existing buildings may be converted to similar dwellings on both sides of the street in any district.

4. Outdoor amusement parks:

- 4.1 Any lawful uses of land or structures providing facilities for miniature golf courses, amusement parks or other outdoor places of entertainment existing at least six months prior to annexation to the city and covering an area of fifteen acres or more, may continue such operations although such use does not conform to the provisions hereof.
- 4.2 Such uses of such land or structures may be maintained, expanded or enlarged within the area owned, leased or rented by the owner or operator of such uses at least six months prior to annexation to the city; provided, however, such expansion or enlargement does not exceed fifty percent of the existing floor and game area at the time of such annexation.
- 4.3 Such expansion, enlargement or maintenance, shall be in accordance with the height and area regulations of the "B" multiple-family dwelling district.
- 4.4 Any such structure destroyed or partially destroyed by fire, flood, wind, earthquake or other calamity or by the public enemy, may be rebuilt and used for its original purpose.
- 4.5 In the event of discontinuance for a period of two years, paragraph B, of the preceding section, shall then apply to such use.
- 4.6 This subsection shall be effective and apply to all such uses and structures annexed to the city after June 1, 1951.

5. Trailer camps:

The board of zoning appeals may by special permit after a public hearing allow trailer camps, subject to conditions outlined below in light commercial districts adjacent to roads designated as federal or state routes. Such location shall first be approved by the planning commission when such use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the master or comprehensive plan.

- 5.1 Minimum area per trailer, exclusive of car or truck parking space, drives and front, rear, side or play yard--40' X 25'.
- 5.2 One car or truck parking space shall be provided for each trailer, and not counted as part of the required drive.

- 5.3 A play area in one plot shall provide at least six thousand square feet for the first twenty trailers and an additional two hundred square feet for each trailer more than twenty.
- 5.4 Drives within the trailer area shall be at least twenty-two feet wide, and shall be paved, graveled or similarly surfaced, any of which shall be treated to prevent dust.
- 5.5 Access and exit roads shall be arranged and located so as to avoid traffic congestion.
- 5.6 A permanent screen at least five feet high shall enclose the area, except in providing visibility for entrance and exit drives, and shall be provided by the erection and maintenance of a solid wall, uniformly painted board fence, or compact evergreen planting.
- 5.7 Properly lighted, but any lights used to illuminate such areas shall be so arranged so as to reflect the light away from adjoining premises.
- 5.8 Compliance with such other requirements as may be deemed necessary by the Wichita-Sedgwick County Health Department.
- 5.9 If use as a trailer camp is discontinued for a period longer than six months, the permit is revoked and the owner of the land shall restore it to its unimproved condition.
- 5.10 These conditions shall be attached to the recorded deed of the land and shall be complied with by the present and future owners until such time as this use is discontinued.
6. Conditional uses in "LC" districts: The board of zoning appeals may by special permit authorize the uses specified below in "LC" light commercial districts subject to the following conditions and requirements:
 - 6.1 Such location shall first be approved in writing by the planning commission who shall find such use is desirable and essential and is in harmony with the various elements or objectives of the master or comprehensive plan.
 - 6.2 The minimum land area--two acres.
 - 6.3 The maximum building coverage of land area shall be one square foot of ground area of the building to three square feet of land area.
 - 6.4 The minimum setback of any building from the property lines shall be thirty feet; however, the board of zoning appeals may grant a variance to this requirement in unusual conditions.

- 6.5 All materials shall be within a completely enclosed building (no outside storage).
- 6.6 All parking and loading areas shall be paved with concrete or asphalt and must not cover more than one-half of required open space.
- 6.7 The maximum number of employees shall be fifteen per acre of net land area in any one shift.
- 6.8 No noxious odors or undue noise shall be detectable from the property line.
- 6.9 The board of zoning appeals must find that the plans assure the proper treatment of screening and compatibility of such construction to the adjoining property and surrounding neighborhood.
- 6.10 Uses that may be so authorized are: (a) bakery, and (b) bottling works.
7. Auto wrecking, salvage yards, used material yards, storage or baling of waste or scrap paper, rags, scrap metals, bottles or junk may be authorized in the "E" light industrial district by the governing body under a special permit, provided that such operation is not on a main thoroughfare or business street, and in the opinion of the governing body will not adversely affect the character of the neighborhood, is enclosed by a metal or wood fence not less than eight feet in height and having cracks and openings not in excess of five percent of the area of such fence, subject to any other requirements which may be specified by the governing body, and that all waste paper, rags or materials that can be scattered by the wind shall be kept in a building suitable for that purpose, and provided further, that the board of commissioners may impose such additional special conditions to protect the health, safety and welfare of the neighborhood as the board of commissioners may deem proper, including (but not limited to), the posting of a performance bond.
8. The board of commissioners may, by special permit and subject to such protective restrictions as it deems necessary, authorize the location in any district within the city, of any public building erected and used by any department of the city, county, state or federal government, or any building or other structure erected and used by any public utility operated under a franchise granted by the city.
9. The board of commissioners may, by special permit and subject to such protective restrictions as it deems necessary, authorize the extraction of gravel, or sand from either of the rivers within the city.
10. Oil well drilling and operation by special permit:
- The board of city commissioners may by special permit authorize the drilling and operation of oil wells in any district; provided that in any district except "E" and "F" the proposed well location shall first be submitted by proper application to

the planning commission, who shall hold a hearing and make its recommendation within twenty-one days with respect to whether such use is reasonable and is in harmony with the surrounding area and the objectives of the comprehensive plan, and will preserve property values, personal and property rights, as well as promote the general welfare of the community; and provided further that in any district except "E" and "F" the following conditions are met:

10.1 All storage of oil and waste and all pumping equipment and appurtenances shall be enclosed. Such enclosure shall be compatible in construction and design with the surrounding area, and may or may not require a roof, depending on the location and recommendation of the planning commission in each individual case.

10.2 The hauling of oil and water, except in case of emergency, shall be during daylight hours only.

10.3 The owners of all surface rights of all property within two hundred feet of the well and all equipment appurtenant thereto must give consent in writing, by lease or otherwise, to drilling of an oil well on or within two hundred feet of their property.

10.4 The owners of the surface rights of seventy-five percent of the land within the drilling unit must give consent in writing, by lease or otherwise, to drilling of an oil well within said unit.

10.5 All provisions of this section are in addition to the restrictions in chapter 25.04 of this code.

11. Swimming clubs--Private, non-profit by special permit:

The board of city commissioners may by special permit authorize the location of such use in the "AA", "A", and "RB" districts, providing the following conditions have been met and further provided that such location and preliminary plans shall first be approved in writing, by the planning commission, who shall first find that such use is reasonable and is in harmony with the surrounding area and the objectives of the comprehensive plan and will preserve property values, personal and property rights, as well as promote the general welfare of the community.

11.1 Only facilities for games and outdoor uses such as swimming pool, shuffle board, croquet or tennis courts, shall be permitted. Indoor facilities shall include only meeting rooms and locker rooms. These games and buildings shall not be located within fifty feet of the side property lines, twenty feet of the rear property line, and as required elsewhere in the zoning ordinance for front property lines. No permit under this paragraph shall be granted unless and until the petitioner files the consent duly acknowledged, of one hundred percent of the owners within one hundred feet of the property on which such use is to be located.

- 11.2 Solid fencing and screening from abutting property of all outdoor activity areas shall be at least six feet in height. If parking areas are outside this six-foot fence, then a wall at least three and one-half feet in height shall be constructed around parking area to protect adjoining property from headlights.
 - 11.3 Any pumps and filters which are located aboveground shall be at least fifty feet from abutting properties.
 - 11.4 Only the dispensing of beverages, candy and tobacco shall be permitted, and these shall be from coin-operated machines.
 - 11.5 All lights shall be shielded to reflect or direct light away from adjoining property.
 - 11.6 No loud speakers or amplification system shall be used so as to be heard outside of the building.
 - 11.7 The required parking space shall be computed on the basis of one space, two hundred fifty square feet, for each seventy square feet of pool area.
 - 11.8 Parking areas shall be surfaced with concrete asphaltic concrete, asphalt or other comparable surface and shall be maintained in good condition free of all weeds, dust, trash and other debris.
12. Small animal clinic in "BB" office district.

The board of zoning appeals may, by special permit after a public hearing and subject to conditions, allow small animal clinics in the "BB" office district.

- 12.1 Prior to granting of such permit, the board shall find from plans and specifications submitted that no noise or odors shall be discernible at any exterior building line.
 - 12.2 Treatment shall be limited to dogs, cats and other small animals, all animals shall be harbored indoors.
13. Fallout shelters. Fallout shelters are permitted as accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Such shelters may contain or be contained in other structures or may be constructed separately. Such shelters shall not be used for principal or accessory uses prohibited expressly or by implication in the district.

The board of zoning appeals may permit, as an exception, construction of joint shelters by two or more property owners. Where such joint shelters are permitted, the board may waive the side and rear yard requirements on the property or properties directly involved in the construction of the joint shelter to the extent necessary to permit practical and efficient location and construction, provided, however, that side and rear yard requirements shall be met where property involved in the joint proposal abuts or adjoins property not included in the proposal.

14. The board of zoning appeals may by special permit grant exceptions and authorize these uses

New and used car sales
Trailer sales
Trailer, vehicle and equipment rental

in the "LC" light commercial districts subject to the following conditions and requirements:

- a. Location contiguous to a major street as designated in the Pattern For Thorofares, Wichita, Kansas, 1955, or amendments thereto.
 - b. Such screening for areas contiguous to residential zoning districts as may be determined appropriate and necessary to protect adjacent properties from light, debris and noise and to preserve adjacent property values.
 - c. All storage and display areas shall be paved with concrete, asphalt or other comparable material.
 - d. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
 - e. No projecting signs shall be permitted.
 - f. No sound projecting devices or loud speaker shall be used so as to be heard outside of any structure.
 - g. Such other conditions as the board of zoning appeals shall deem necessary to include, but not be restricted, to proper setbacks, landscaping, and maintenance provisions.
 - h. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work is done.
15. Radio and television towers and transmitter facilities.
- 15.1 Any lawful uses of land or structures for radio or television transmitting facilities and towers existing prior to annexation to the city may continue such operation although such use does not conform to the provisions hereof.
 - 15.2 Such uses of land or structures may be maintained, expanded or enlarged within the area owned or leased by the owner or operator of such use; provided, however, that such expansion, enlargement or construction has received approval by the Federal Communications Commission (and, if for towers, by the Federal Aviation Agency).
 - 15.3 Any such structure destroyed or partially destroyed by fire, flood, wind, earthquake or other calamity or by the public enemy, may be rebuilt and used for its original purpose.

15.4 In the event of discontinuance for a period of two years, paragraph B of the preceding section, shall then apply to such use.

16. The board of zoning appeals may by special permit grant exceptions for the use of structures and property for:

Cultural groups including but not limited to the following:

Symphonies
Community theater groups
Historical museums
Art museums

16.1 Such permits may be granted for locations in any dwelling district.

16.2 Conditions including, but not limited to, screening shall be required by the board of zoning appeals to protect abutting properties from headlights, blowing debris and sound.

16.3 Off-street parking and loading areas shall be required by the board of zoning appeals as deemed necessary to serve the greatest maximum use of the facility. Parking and loading area shall not be less than required by Section 28.04.140 of this code, but may exceed such minimum. All parking and loading areas shall be surfaced according to provisions set forth in Section 28.04.140.

16.4 If lighting facilities are provided, they shall be so arranged as to deflect or direct light away from adjacent residential districts.

16.5 Accessory uses may be permitted provided they maintain the general character of the zoning district and neighborhood in which located.

17. The board of zoning appeals may permit as an exception the placement of a mobile home on any property in any district except in the "AA" one family dwelling district on a temporary basis subject to the following conditions and requirements.

17.1 The board of zoning appeals shall determine a reasonable time limit to be attached to each individual case.

17.2 The applicant shall show due cause that a hardship exists and that this hardship cannot reasonably be alleviated without the granting of this permit.

17.3 The location of such home shall conform to all lot area, height and setback requirements of the district in which located and the off-street parking requirements of this chapter.

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- 17.4 The board of zoning appeals may include additional conditions as they deem necessary to include, but not limited to, extraordinary setbacks, landscaping, and installation of utilities.

B. HEIGHT REGULATIONS.

1. Public, semipublic or public service buildings, hospitals, institutions, schools and churches or temples, when permitted in the "AA", "A", and "RB" districts, may be erected to a height not exceeding seventy-five feet, if the building is set back from each yard line at least one foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is built.
2. Chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, flour mills, monuments, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, church steeples, radio towers or necessary mechanical appurtenances, may be erected to a height in accordance with existing or hereafter adopted ordinances in the city; provided that in the absence of any such ordinance, there shall be no height limitation on these structures.
3. On through lots one hundred twenty feet or less in depth, the height of a building may be measured from the grade on either street. On through lots of more than one hundred twenty feet in depth, the height regulations and basis of height measurements for the street permitted the greater height shall apply to a depth of not more than one hundred twenty feet from that street.

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C. AREA REGULATIONS.

The following exceptions under special conditions further modify area regulations in which those special conditions exist:

1. Mixed commercial, industrial and residential buildings:
 - 1.1 In those districts in which commercial and industrial buildings are built one or more stories high with the upper one or more stories built above the commercial or industrial buildings for residential purposes, no side yard will be required for the residential portion of the building adjoining another property; provided that the part of the building intended for residential use is not more than two rooms deep from the front to rear. Such buildings need not provide side yards on the side of the structure adjoining a street.
 - 1.2 If the upper floors of commercial and industrial buildings are used for residential purposes, such upper floors shall be provided with a rear yard or court area of not less than ten feet times the width of the lot.

2. Any multiple-family dwelling built in the "B", "LC", "C", "D", "E", or "F" districts may substitute a court for the rear yard requirement in that district; provided, that the area of the court is not less than the area of the required rear yard, and provided further, that the court shall be open throughout the entire height of the building.
3. No yard or other open space provided about any building for the purpose of complying with the provisions of these regulations shall again be used as a yard or an open space for another building.

Chimneys or bay windows may extend not more than twelve inches from the main body of the building without being considered as an encroachment in the yard area; eaves may overhang not more than two feet without encroachment in the yard area.

Open outside stairways, entrance hoods, terraces, canopies and balconies may project into a required front or rear yard not more than five feet and may project into a required side yard not more than two feet, and the ordinary projections of chimneys, flues and ventilating ducts may be permitted by the central inspection superintendent when placed so as not to obstruct light and ventilation.

An open unenclosed porch may project into a required front yard for a distance not exceeding eight feet, and may project into a required rear yard for a distance not exceeding five feet.

A modified front yard line shall be established in all districts requiring a setback for residential or commercial purposes in any block having lots platted of record with a reversal of frontage. Such modified front yard line shall extend from the rear corner of the principal building next to the street on the corner lot, or if the corner lot is vacant, from a point at the intersection of the side yard and rear yard restrictions in effect on such premises, to a point on the established front yard line of such street not more than one hundred fifty feet from the rear of such corner lot measured along the street line away from the intersecting street. No building or accessory building or any part thereof, excepting open porches, shall be built in front of such modified front yard line.

SECTION 2. That said original Section 1 of Ordinance No. 26-941 and Section 1 of Ordinance No. 27-038 of the City of Wichita, Kansas, is hereby repealed.

SECTION 3. This ordinance shall take effect on its passage and publication once in the official city paper.

PASSED and approved this _____ day of _____ 1963.

Mayor

ATTEST:

City Clerk

(SEAL)

April 22, 1963

Board of City Commissioners
City Building
Wichita, Kansas

Gentlemen:

Subject: DR 63-3 - Mobile home
amendment

At the Planning Commission meeting of April 4, 1963, the Planning Commission held a public hearing on a proposed amendment which would provide the Board of Zoning Appeals the authority to allow as an Exception the temporary placement of mobile homes in any zoning district. This public hearing was the result of several instances where requests have been made to locate mobile homes in districts where they are not now permitted by the Zoning Ordinance. In some instances, these have been through hardships which could not be handled due to lack of adequate provisions in the Zoning Ordinance covering these situations.

At the public hearing, the Planning Commission discussed whether mobile homes should be permitted in the "AA" Single family dwelling district. It was the sense of the Commission that such a provision in the Zoning Ordinance and the location of mobile homes in the single family district, would lead to a loss of property values which would be greater than the inconvenience sustained by a single individual wanting to locate in such a zone.

After much discussion, the Planning Commission unanimously recommended that the Zoning Ordinance be amended as follows:

SECTION 28.04.180.A - EXCEPTIONS

Add as follows:

16. The Board of Zoning Appeals may permit as an exception the placement of a mobile home on any property in any

Board of City Commissioners
April 22, 1963

district, except the "AA" One-family dwelling districts on a temporary basis, subject to the following conditions and requirements:

- a. The Board of Zoning Appeals shall determine a reasonable time limit to be attached to each individual case.
- b. The applicant shall show due cause that a hardship exists and that this hardship cannot reasonably be alleviated without the granting of this permit.
- c. The location of such home shall conform to all lot area, height and setback requirements of the district in which located, and the off-street parking requirements of this chapter.
- d. The Board of Zoning Appeals may include additional conditions as they deem necessary to include, but not limited to, extraordinary setbacks, landscaping, and installation of utilities.

An ordinance effecting this change has been prepared by the Department of Law. If the Commission agrees to the proposed change, the ordinance should be placed on its first reading.

Respectfully submitted,

L. L. Little
Secretary

LLL:RAL:ber

TO: Metropolitan Area Planning Commission
FROM: L. I. Little, Director of Planning
SUBJECT: DR 63-3 - Mobile Homes

DATE: February 21, 1963

At the Planning Commission meeting of February 7, 1963, the Planning Commission directed the staff to prepare an amendment to the Zoning Ordinance which would provide the Board of Zoning Appeals the authority to allow as an exception the temporary placement of a mobile home on any property in any zoning district.

This action was prompted as a result of Zone Case No. Z-0434 which was a request for a change in zoning from "A" Two Family to "RB" Four Family for property located at Irving and St. Clair. The applicant involved wanted to locate a mobile home on his property to accommodate a relative that was caring for his wife who was ill.

The applicant had applied to the Board of Zoning Appeals for a variance to allow the trailer to be placed on his property. The Board decided they do not have jurisdiction to consider the case under the present ordinance. It was pointed out by the Board that since they did not have jurisdiction, the applicant's only other alternative for seeking relief would be to apply for a change in zoning to "RB" where trailers are allowed as a "use by right".

As a result of this action, a zone change from "A" to "RB" was initiated. After considering the application, the Planning Commission recognized (as did the Board of Zoning Appeals) that under the present ordinance, the only way the applicant could be granted immediate relief was through a change in zoning. The Commission recommended that subject property be zoned "RB", however, it was pointed out that a change in zoning is not the most feasible way to approach the problem. It was further suggested by the Commission that many times the end result of granting these applications would be spot zoning that would encourage incompatible land uses.

As a result, the Commission suggested that an alternate method of approaching the problem would be to amend the Zoning Ordinance to allow as an exception temporary individual trailers to be put on any property, in any district, with the approval of the Board of Zoning Appeals. The granting of these permits would be restricted by granting them only to individuals who are suffering an unnecessary hardship and by placing a reasonable time limit on the duration of such use.

It is recommended that the proposed amendment be advertised for public hearing before the Planning Commission on April 4, 1963.

SECTION 28.04.180.A - EXCEPTIONS

Add as follows:

16. The Board of Zoning Appeals may permit as an exception the placement of a mobile home on any property in any district on a temporary basis subject to the following conditions and requirements.
 - a. The Board of Zoning Appeals shall determine a reasonable time limit to be attached to each individual case.
 - b. The applicant shall show due cause that a hardship exists and that this hardship cannot be alleviated without the granting of this permit.
 - c. The location of such home shall conform to all lot, area, height and setback requirements of the district in which located or the off-street parking requirements of this chapter.
 - d. The Board of Zoning Appeals may include additional conditions as they deem necessary to include, but not limited to, extraordinary setbacks, landscaping, and utilities installation.

L. L. Little
Director of Planning

TO: Metropolitan Area Planning Commission
FROM: L. L. Little, Director of Planning
SUBJECT: DR 63-3 - Mobile Homes

DATE: February 21, 1963

At the Planning Commission meeting of February 7, 1963, the Planning Commission directed the staff to prepare an amendment to the Zoning Ordinance which would provide the Board of Zoning Appeals the authority to allow as an exception the ^{Temporary} placement of a mobile home on any property in any zoning district.

This action was prompted as a result of Zone Case No. Z-0434 which was a request for a change in zoning from "A" Two Family to "RB" Four Family for property located ^{at Downing and St. Clair} in the same general area as the Payne School District. The applicant involved wanted to ^{locate} ~~put~~ a mobile home on his property to accommodate a ^{relative} ~~member~~ of his family that was caring for his wife who was ill.

The applicant had ^{applied} ~~first of all~~ gone to the Board of Zoning Appeals ^{for} requesting a variance to allow the trailer to be placed on his property. The Board decided they do not have jurisdiction to consider the case under the present ordinance. It was pointed out by the Board that since they did not have jurisdiction, the applicant's only other alternative for seeking relief would be

to apply for a change in zoning to "RB" where trailers are allowed as a use by right.

As a result of this action, a zone change from "A" to "RB" was initiated. After considering the application, the Planning Commission recognized (as did the Board of Zoning Appeals) that under the present Ordinance, the only ^{way!} applicant could be ~~the~~ ^{subject property be zoned RB, however} granted relief was through a change in zoning. ~~It~~ ^{was} also pointed out that a change in zoning is not the most feasible way to approach the problem. It was further suggested by the Commission that many times the end result of granting these applications would be spot zoning that would encourage incompatible land uses.

AS A RESULT THE COMMISSION SUGGESTED THAT ~~THE~~ ^{AN} ALTERNATIVE METHOD OF APPROACHING THE PROBLEM WOULD BE TO AMEND THE ZONING ORDINANCE TO ALLOW ^{as temporary use} AS AN EXCEPTION, INDIVIDUAL TRAILERS TO BE PUT ON ANY PROPERTY, IN ~~ANY~~ ANY DISTRICT, WITH THE APPROVAL OF THE BOARD OF ZONING APPEALS. THE GRANTING OF THESE PERMITS WOULD BE RESTRICTED BY GRANTING THEM ONLY TO INDIVIDUALS WHO ARE SUFFERING AN UNNECESSARY HARDSHIP AND BY PLACING A REASONABLE TIME LIMIT ON THE DURATION OF SUCH USE.

~~Right upon the approval of the Board of Zoning Appeals, that this~~
property should be rezoned back to "A" Two Family.

In view of its recommendation made by the Planning Commission
~~it is recommended that when this~~
~~amendment becomes effective the Board of Zoning Appeals should~~
exercise ^{the} discretion ^{by} of placing a reasonable time limit on
each individual case, and further more, that these applications
should be granted only when an unnecessary hardship exists.

It is recommended that the proposed amendment be adopted as follows:

SECTION 28.04.180.A EXCEPTIONS

Add as follows:

16. The Board of Zoning Appeals may permit^v as an exception the placement of a mobile home on any property in any district on a temporary basis subject to the following conditions and requirements.

- a. The Board of Zoning Appeals shall determine a reasonable time limit to be attached to each individual case.
- b. The applicant shall show due cause that a hardship exists and that this hardship cannot be alleviated without the granting of this permit.

c. The location of such home shall conform to all lot, area, height + set back requirements of the district in which located *on the parking off street* requirements of this chapter.

I. L. Little
Director of Planning

LLL/JWH:mm

D. The Bd of Z A's may include additional conditions as they seem necessary to include, but not limited to, extraordinary set backs, landscaping, advertisement installation.