

ORDINANCE NO. 444

AN ORDINANCE REGARDING THE ZONING AND SUBDIVISION REGULATIONS OF THE CITY OF WATHENA, KANSAS; AMENDING THE DEFINITION OF MOBILE HOME AS PROVIDED IN PARAGRAPH 40 OF SECTION II OF ORDINANCE NO. 244 OF THE CITY OF WATHENA; ADDING A DEFINITION FOR MANUFACTURED HOME TO ORDINANCE NO. 244; AMENDING PERMITTED USES IN RESIDENTIAL DISTRICTS AS PROVIDED IN SECTION IV OF ORDINANCE NO. 244; AND REPEALING THE ORIGINAL PARAGRAPH 40 OF SECTION II OF ORDINANCE NO. 244 AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES OF THE CITY OF WATHENA IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WATHENA, KANSAS:

SECTION 1. PARAGRAPH 40 OF SECTION II OF THE ZONING ORDINANCE AND SUBDIVISION REGULATIONS AMENDED. Paragraph 40 of Section II of the Zoning Ordinance and Subdivision Regulations of the City of Wathena as adopted by Ordinance No. 244 of said City is hereby amended to read as follows:

"40. Mobile home. A movable, detached single-family dwelling unit with all of the following characteristics:

(a) A moveable or portable dwelling constructed to be transported on its own chassis and designed without a permanent foundation, whether or not a permanent foundation is subsequently provided, which includes one or more components that can be retracted for transporting purposes and subsequently expanded for additional capacity, or two or more units separately transportable but designed to form as an integral unit, as well as a portable dwelling composed of a single unit. Such structure is not subject to the National Mobile Homes Construction and Safety Standards Act of 1974, 42 U.S.C. 5403;

(b) Designed for long-term occupancy, and containing accommodations, a flush toilet, a tub or shower bath, kitchen facilities, and having plumbing and electrical connections provided for attachment to outside systems;

(c) Designed and constructed on a chassis that is capable of being transported after fabrication on its own wheels or detached wheels;

(d) Arrives at the site where it is to be occupied as a dwelling complete, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on supports, connection to utilities, and the like;

(e) Does not require a permanent foundation for long term occupancy;

(f) Is subject to be taxed either as personal property or real estate by the County Treasurer;

(g) Is subject to be titled by the County Treasurer.

SECTION 2. ADDITION OF THE DEFINITION OF MANUFACTURED HOME TO SECTION II OF ORDINANCE NO. 244. Section II of the Zoning Ordinance and Subdivision Regulations of the City of Wathena as adopted by Ordinance No. 244 of said City is hereby amended by adding a paragraph 40a providing the following definition of manufactured home which reads as follows:

"40a. Manufactured Home: A residential structure which is subject to the Federal Manufactured Home Construction and Safety standards established pursuant to 42 U.S.C. 5403 administered by the U.S. Department of Housing and Urban Development (HUD), built on a permanent chassis, designed to be used as a dwelling and which meets the following requirements:

(a) Bears a label certifying that such home was built in compliance with National Manufactured Home Construction and Safety Standards (24 CFR 3280 et. seq.) promulgated by HUD;

(b) At least 40% of the roof must be double-pitched at least 2.2 in 12 or greater and covered with material that is residential in appearance, including, but not limited to, approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum, corrugated fiberglass, or metal roof;

- (c) Exterior siding cannot have a high-gloss finish and must be residential in appearance, including, but not limited to, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, shakes, or similar material, but excluding smooth, ribbed, or corrugated metal or plastic panels;
- (d) The home must be placed upon and supported around its exterior perimeter by a permanent masonry or concrete foundation consisting of cement blocks or poured cement walls not less than six (6) inches in width;
- (e) The hitch, axles, and wheels, if applicable, must be removed;
- (f) The unit must be oriented on the lot so that its long axis is parallel with the street. A perpendicular or diagonal placement may be permitted if there is a building addition or substantial landscaping so that the narrow dimension of the unit, as so modified and facing the street, is no less than 50% of the unit's long dimension;
- (g) The lot must be landscaped to ensure compatibility with surrounding properties;
- (g) The home must be at least 22.0 feet in width, not including overhang; and,
- (i) All fuel oil supply systems shall be constructed and installed within the foundation wall or underground within all applicable building and safety codes except that any bottled gas tanks may be fenced so as not to be clearly visible from the street or abutting properties.

SECTION 3. PARAGRAPH B.1.a.(1) OF SECTION IV OF THE ZONING AND SUBDIVISION REGULATIONS AMENDED. Paragraph B.1.a.(1) of Section IV of the Zoning Ordinance and Subdivision Regulations of the City of Wathena as adopted by Ordinance No. 244 of said City is

hereby amended to read as follows:

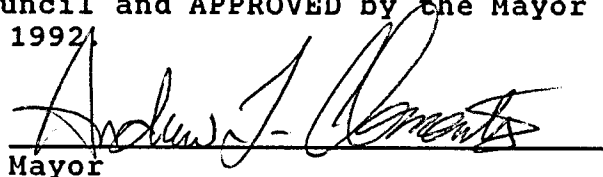
"(1) Single family dwellings and manufactured homes, but not including trailer houses or mobile homes."

SECTION 4. DIRECTIVE TO CITY CLERK. The City Clerk of the City of Wathena, Kansas, be and she is hereby ordered and directed to make the necessary changes in the official City Ordinance No. 244 to reflect the amendments provided for herein.

SECTION 5. REPEALER. Paragraph 40 of Section II and paragraph B.1.a.(1) of Section IV of Ordinance No. 244 and all other ordinances and parts of ordinances of the City of Wathena in conflict herewith are hereby repealed.

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the Wathena Times, official City newspaper.

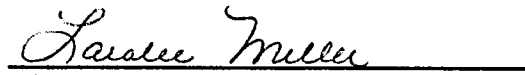
PASSED and by the Council and APPROVED by the Mayor this
21st day of April, 1992



Mayor

ATTEST:

(CITY SEAL)



City Clerk