

ORDINANCE NO. 573

AN ORDINANCE REGARDING THE ZONING AND SUBDIVISION REGULATIONS OF THE CITY OF WATHENA, KANSAS; AMENDING THE DEFINITIONS OF MOBILE HOME AND MANUFACTURED HOME AS PROVIDED IN SECTION II OF THE ZONING AND SUBDIVISION REGULATIONS OF THE CITY OF WATHENA, KANSAS, AS ADOPTED BY ORDINANCE NO. 244 OF THE CITY OF WATHENA, KANSAS, AS AMENDED BY SECTIONS 1 AND 2 OF ORDINANCE NO. 444 OF THE CITY OF WATHENA; AMENDING SECTION V OF THE ZONING AND SUBDIVISION REGULATIONS OF THE CITY OF WATHENA RELATING TO MOBILE HOME PARKS; AND REPEALING THE ORIGINAL SECTIONS 1 AND 2 OF ORDINANCE NO. 444 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. SECTION II OF THE ZONING ORDINANCES AND SUBDIVISION REGULATIONS AMENDED. Paragraph 40 of Section II of the Zoning Ordinance and Subdivision Regulations of the City of Wathena, Kansas, as adopted by Ordinance 244 of the City of Wathena, Kansas, and thereafter amended by Section 1 of Ordinance No. 444 of the City of Wathena, Kansas, 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;

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- (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;
- (h) A mobile home which has minimum dimensions of fourteen (14) body feet in width and sixty (60) body feet in length;
- (i) Due to the limited durability of mobile homes, no mobile home over ten (10) years of age may be moved either into the City or to another location within the City except such movement as required to remove the mobile home from the City Limits."
- (j) All single mobile homes shall be skirted with material of a type approved by the Council. This skirting shall be kept in good repair with no visual opening.
- (k) All single mobile homes shall be tied down in accordance with the laws of the State of Kansas;
- (l) The tongue must be removed from all single mobile homes;
- (m) All single mobile homes shall be placed on concrete pads or foundations.



SECTION 2. SECTION II OF THE ZONING ORDINANCES AND SUBDIVISION REGULATIONS AMENDED. Paragraph 40a of Section II of the Zoning Ordinance and Subdivision Regulations of the City of Wathena, Kansas, as adopted by Ordinance 244 of the City of Wathena, Kansas, and thereafter amended by Section 2 of Ordinance No. 444 of the City of Wathena, Kansas, is hereby amended to read 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) A manufactured home on a permanent foundation which has (a) minimum dimensions of twenty-two (22) body feet in width, (b) a pitched roof, and (c) siding and roofing materials which are customarily used on site-built homes;
- (c) The roof shall be double-pitched and shall have a minimum vertical rise of two and one-half (2.50) inches for each twelve (12) inches of horizontal run. The roof shall have a minimum eave protection and roof overhang of eight (8) inches;
- (d) Roof covering shall be residential in appearance, including but not limited to, approved wood, asphalt composition or fiberglass shingles, but excluding corrugated aluminum, corrugated fiberglass, or metal roofing materials not approved by the City;
- (e) Exterior siding shall be of a non-reflective material such as wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco, or

similar materials, but excluding smooth, ribbed or corrugated metal or plastic panels. Siding material shall extend below the top of the exterior of the retaining or foundation wall or the joint between siding;

- (f) The manufactured home shall be installed in accordance with the recommended installation procedures of the manufacturer or the standards set by the International Conference of Building Officials and published in "Guidelines for Manufactured Housing Installations", as amended. A continuous permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, which may include basements and garages, shall be installed under the perimeter of the home, also in accordance with the ICBO "Guidelines for Manufactured Housing Installations", as amended;
- (g) The finished floor of the residential-design manufactured home shall be a maximum of eighteen (18) inches above the exterior finished grade of the lot on which it is located;
- (h) If 50% or more of the existing homes on the frontage of the block in which residential-design manufactured home is to be installed have an attached garage, the residential-design manufactured home shall also have an attached garage;
- (i) External roofing and siding materials of the garage shall be the same as the roofing and siding materials of the residential-design manufactured home;
- (j) The manufactured home shall have been constructed within ten (10) years immediately preceding its placement within the City;
- (k) The manufactured home may not be placed on a lot, which contains any other manufactured home or other dwelling place;
- (l) No manufactured home or mobile home shall be used for any purpose other than as a residential dwelling. No



mobile home or manufactured home originally built to be a single wide unit shall be attached or connected to any other mobile home or manufactured home, or to any other structure or building. This shall not prohibit reasonable, aesthetically designed stoops, porches, decks, carports, or similar structures from being built onto or adjacent to an approved manufactured home;

- (m) 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;
- (n) The lot must be landscaped to ensure compatibility with surrounding properties."

SECTION 3. SECTION V OF THE ZONING ORDINANCES AND SUBDIVISION REGULATIONS AMENDED. Section V J of the Zoning Ordinance and Subdivision Regulations of the City of Wathena, Kansas, as adopted by Ordinance 244 of the City of Wathena, Kansas, is hereby amended to include the following subparagraphs 13 and 14 as follows:

"13. Due to the limited durability of mobile homes, no mobile home over ten (10) years of age may be moved either into the City or to another location within the City except such movement as required to remove the mobile home from the City Limits."

"14. The owner/operator of a mobile home park or mobile home community shall provide weekly trash service for the residents of the mobile home park or mobile home community. The trash collection area shall consist of a cement slab a minimum of three inches in thickness, with a privacy/screening fence a minimum of two feet above the top of the trash receptacle. The trash collection area may not be within fifteen feet of any residential structure. Trash shall be removed a minimum of once per week."

SECTION 4. DIRECTIVE TO CITY CLERK. The City Clerk of the City of Wathena, Kansas, be and he is hereby ordered and directed to make the necessary

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changes in the official City Ordinance Nos. 244 and 444 and to reflect the amendment provided for herein.

SECTION 5. REPEALER. Sections 1 and 2 of Ordinance No. 444 of the City of Wathena 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 Kansas Chief, the official City newspaper.

PASSED by the Council and APPROVED by the Mayor this 3 day of July, 2006.

  
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Mayor

ATTEST:

(CITY SEAL)

  
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City Clerk