

ORDINANCE NO. 1841

AN ORDINANCE AMENDING ORDINANCE 1714, ESTABLISHING CHANGES TO THE BURLINGAME ZONING REGULATIONS.

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

SECTION 1:

Ordinance 1714, Section 5, subsection 1, is hereby amended to read as follows:

1. GENERAL REQUIREMENTS;

(a) No mobile home or manufactured home constructed prior to 1976 or not constructed in compliance with the National Manufactured Home Construction and Safety Standards (24 CFR 3280 et. seq.) shall be placed or located within the corporate limits of the City.

(b) A manufactured home meeting the building and construction requirements and standards of the National Manufactured Home Construction and Safety Standards (24 CFR 3280 et. Seq.) As may be amended, shall be placed or located within a mobile home or manufactured home park subject only to paragraph (c) hereinafter. Any mobile home or manufactured home not on a permanent foundation must meet the following requirements:

(1) Stands and skirts: Each mobile or manufactured home shall be equipped with skirts on all sides, such skirts to be of material harmonious to the mobile or manufactured home structure.

(2) Tie downs, roof protectors, piers and anchors: Any mobile or manufactured home placed within the City shall be secured to the ground by tie downs and ground anchors in compliance with Kansas Statutes, rules and regulations, and specifically K.S.A. 75-1226, et seq. as may be amended, unless such mobile or manufactured home is placed on a permanent foundation.

(3) All skirting for any mobile or manufactured home and all tie downs, piers or anchors as required herein shall be installed within 30 days of the placement or location of the mobile home or manufactured home on a site.

(c) A manufactured home may be located other than within a mobile home or manufactured home park if it is placed upon a permanent foundation and meets the following requirements:

(1) Minimum dimensions of 22 feet in width not including any roof overhang or porches or decks.

(2) A double-pitched roof with a minimum vertical rise of 2.2 feet for each 12 feet of horizontal run and is covered with material that is of normal residential use and all roof structures shall provide an eave projection of no less than six (6) inches which may include a gutter.

(3) Siding which customarily is used on set-built homes such as clapboards, simulated clapboards such as conventional vinyl or metal siding, wood or plastic panels and it is otherwise of an aesthetic and architectural appearance and standard compatible with site-built homes in the same area.

(4) Any hitch, axles or wheels must be removed.

SECTION 2:

Ordinance 1714, Section 8, is hereby amended by adding the following:

(7) Notwithstanding any other provisions of this Code, if any mobile home or manufactured home occupying a lot or tract of land upon the effective date of this section as a nonconforming use is subsequently removed, then another mobile home or manufactured home meeting the minimum requirements of

(A) constructed after 1976 and meeting the construction requirements and standards of the national manufactured home construction and safety standards*(24 CFR 3280 et.seq.), and

(B) replacement mobile home or manufactured home cannot be an older model than the mobile home or manufactured home being replaced, may be moved back on to the same location if located thereon within six months of the removal of the previous manufactured home or mobile home. Before such placement of a manufactured home upon the vacated lot or tract, the owner thereof shall file with the City Clerk a permit application with information indicating compliance with this section. The application shall then be submitted to the planning and zoning commission for review and approval or denial.

This provision allowing for a replacement of a mobile home or manufactured home upon a lot as a nonconforming use shall only be permitted and applicable if at the time of the replacement the ownership of the lot and the mobile home being replaced and the replacement mobile home remain the same.

Any mobile home or manufactured home placed upon a lot in accordance herewith shall meet the requirements of Section 5(l)(a) and (b) of these regulations regarding skirting, tie-downs and structural quality. Any violation of this section shall be subject to the penalty provisions of Section 19 Penalties.

SECTION 3:

Ordinance 1714, Section 17, fifth paragraph is hereby amended to read as follows:

Before the City Planning Commission shall by proper action, formulate its recommendation to the Governing Body on any such proposed or requested change of the zoning regulations or restrictions or the boundaries of any zoning district, whether initiated by the Governing Body or by others, the City Planning Commission shall hold a public hearing on such proposal and such hearing shall be held only after notice of the hearing has been given as follows:

1. One notice published in a legal notice in the official newspaper of the city of Burlingame, Kansas, said publication notice to be at least 20 days prior to the date set for said hearing.

2. A copy of said published notice mailed by first class mail, within seven (7) days after publication of said notice to all owners, whose addresses with reasonable diligence can be ascertained, residing in, or having an office in Osage County, Kansas, of land located within two hundred (200) feet of the outer limits of the area to which such proposal pertains, said list of said owners to be determined by the records in the Office of the Register of Deeds as of 8:00 o'clock A.M. on the date on which said application is filed with the City Clerk.

3. By the posting of at least one sign of at least nine (9) square feet in area in a conspicuous place on the property, or adjacent parking, to which the proposed pertains, at least ten (10) days prior to the date set for said hearing, said sign to have a white background and black letters at least three (3) inches high giving notice of said hearing and which sign or signs shall remain on said property until after the date set for said hearing.

4. Provided, however, that in the event of a hearing upon any proposed adoption of a new basic zoning ordinance changing zoning district regulations, requirements and/or general provisions, but no changing zoning district boundaries, the only notice required shall be the notice published in the official newspaper, as required by subparagraph "1" of this Section.

5. In the event that a protest against such amendment, supplement or change be filed in the office of the City Clerk within fourteen (14) days after said public hearing, duly signed and acknowledged by the owners of twenty (20) percent or more of any land located within two hundred (200) feet of the area proposed to be altered, then in such event such amendment shall not be passed except by at least four-fifths (4/5) vote of the Governing Body of the City.

SECTION 4: All other Sections of Ordinance No. 1714 and as stated therein and any amendments thereto shall remain in full force and effect.

SECTION 5; EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage by the governing body, approval by the Mayor, and publication in the official city newspaper.

PASSED AND APPROVED this 21 at day of December , 1998.

/s/ Donald D. Parker, Mayor

ATTEST: /s/ Cheryl D. Holloway, City Clerk

(SEAL)