

ORDINANCE NO. 97-5

AN ORDINANCE AMENDING KREBS, OKLAHOMA ZONING CODE DELETING SECTIONS 20.1.6A, 9.10 AND SUB-SECTION 9.4 (d); CREATION OF SECTION 9A PROVIDING FOR REGULATION OF PLACEMENT OF MANUFACTURED HOUSING; PROVIDING FOR STANDARDS OF PLACEMENT; RESTRICTIONS AND LIMITATIONS; PROVIDING FOR PROCEDURES FOR APPLICATION TO AND APPROVAL FOR SAID PLACEMENTS; PROVIDING FOR BUILDING PERMIT AND UTILITY HOOKUP REQUIREMENTS; PROVIDING FOR NOTICE, HEARING AND APPEAL; ESTABLISHING VIOLATIONS AND PENALTIES; PROVIDING FOR A SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KREBS, STATE OF OKLAHOMA.

SECTION 1: The Krebs Oklahoma Zoning Code is hereby amended to read as follows:

That Section 20.1.6 (A), Dwelling, Manufactured or Modular Home, Section 9.10 Storage, Parking or Location of Mobile, Manufactured or Modular Homes and Sub Section 9.4 (d) are hereby deleted.

SECTION 2: Section 9A is hereby enacted and titled **"MANUFACTURED AND MOBILE HOUSING-PROCEDURES, LIMITATIONS AND RESTRICTIONS,** and reads in its entirety as follows:

1. That there is hereby established a zoning district within the City to be designated R-3 for use of the land therein for single family dwellings comprised completely of certified manufactured homes as that term is hereinafter defined.

2. **GENERALLY:** The intent of this Ordinance is to promote the use of manufactured housing as an alternative source of housing within the City by permitting placement on individually owned lots within the district while regulating the development of such neighborhoods to promote a satisfactory living environment for residents of manufactured homes. These standards do not apply to prefabricated or modular homes as hereinafter defined.

A. DEFINITIONS:

The following words, terms and phrases, when used in this chapter, shall

have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. Arterial Street shall mean the streets designated as major and minor arterial streets in the Krebs Comprehensive Plan, latest edition.

2. Camping trailer shall mean a portable or mobile living unit used for temporary occupancy away from the principal place of residence.

3. Dependent manufactured home shall mean a manufactured home which does not have a flush toilet and a bath or shower.

4. Developer shall mean any person engaged in the development or planning of a mobile home park or subdivision.

5. Driveway shall mean a minor private way used by vehicles and/or pedestrians on a mobile home site or used for common access to facilities or groups of lots.

6. Expansion shall mean increasing of either the total land area of a mobile home park or the total number of mobile home spaces.

7. Free-standing manufactured home shall mean any manufactured home not located in a manufactured home park licensed by the city or in an approved manufactured home subdivision District.

8. Foundation Code means the "Standard for the Permanent Installation of Manufactured Homes" as hereinafter outlined.

9. Health authority shall mean the State Department of Health as represented by the county health unit or its authorized representative of the city.

10. Independent manufactured homes shall mean a manufactured home that has a flush toilet and bath or shower.

11. Licensee shall mean any person licensed to operate and maintain a mobile home park, under the provisions of this chapter.

12. Manufactured Home means a dwelling unit constructed to be towed on its own chassis, transportable in one or more sections, capable of connection to utilities for year round occupancy, fabricated in an off-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed.

a. Certified Manufactured Home means a manufactured home

constructed on or after June 15, 1976, in compliance with the Federal Manufactured Housing Construction and Safety Standards Code and bearing the HUD certification seal.

b. **Non-Certified Manufactured Home** means a manufactured home constructed before June 15, 1976, or does not bear, the official HUD seal certifying that it meets the Federal Manufactured Housing Construction and Safety Standards Code or meets City Building Code, but which conforms to the American National Standards Institute (ANSI) standards for mobile homes. Unless otherwise indicated in this text, any use of the term "mobile home" shall refer to an "independent manufactured home as defined herein.

13. **Manufactured housing construction and safety standards** means the standard for the construction, design and performance of a manufactured home as set forth in the Code of Federal Regulations Title 24, Part 3280, 3282, 3283 and 42 USC 5401, Et. Seq., as mandated in the United States Department of Housing and Urban Development.

14. **Mobile home park license** shall mean a license issued by the building inspector to a licensee or a developer for the construction and operation of a mobile home park.

15. **Mobile home lot** shall mean a plat of ground designated for the accommodation of one manufactured home for the exclusive use of its occupants.

16. **Mobile home park** shall mean a privately owned parcel of land containing a minimum of five (5) contiguous acres which has been developed for the placement of manufactured homes to be occupied for dwelling purposes.

17. **Manufactured Home Subdivision or Mobile Home Park development plan** shall mean a plan bearing the written approval by signature and seal of a registered architect, engineer or land surveyor licensed in the state, showing all existing conditions of a proposed manufactured home subdivision or mobile home park site, and the preliminary plans on a topographic map of the proposed development, including all buildings, improvements, and facilities existing or to be constructed therein.

18. **Mobile home space** shall mean a plot of ground within a mobile home park designed for the accommodation of one manufactured home.

19. **Manufactured Home Subdivision** shall mean an area designed and zoned by the City, not in a mobile home park, where certified manufactured homes are permitted and encouraged on separately and privately owned lots.

20. Prefabricated or Modular home shall mean a wood framed and supported structure designed and constructed in one or more components, sections or units to be joined into one integral unit and permanently attached and affixed on a permanent foundation, to be occupied as a single family dwelling unit, which components, sections or units are prebuilt at a location other than the permanent site and which are capable of being conveyed or transported on streets or highways by being towed by another vehicle upon wheels, chassis, or trailer temporarily attached solely for purposes of transporting the same to its permanent site; that when joined, assembled or completed constitutes a structure that is in full compliance with all city code requirements applicable to site constructed single family dwellings.

21. Motor home shall mean a self propelled travel vehicle designed as one unit to be used principally as a dwelling for vacation or other temporary use and can be operated independently of utility connections. This does not include pickup campers.

22. Nonresidential mobile trailer shall mean any vehicle having the basic characteristics of either a mobile home or travel trailer, but which is used for purposes other than residential and is not being offered for sale.

23. Park management shall mean the person who owns or has charge, care or control of a mobile home park.

24. Recreational vehicle means a portable vehicular structure not built to the federal Manufactured Housing Construction and Safety Standards Code (or the obsolete ANSI 119.1 Mobile Home Design and Construction Standard) designed for temporary use, travel, recreational camping or vacation purposes, either having its own motor power or mounted onto or drawn by another vehicle, operable independently of utility connections, and including but not limited to, travel and camping trailers, pickup campers and motor homes.

25. Sewer connection shall mean the connection consisting of all pipes, fittings, and appurtenances from the drain outlet of the manufactured MFG or mobile home to the inlet of the corresponding sewer riser pipe of the public sewage system.

26. Structural addition shall mean any roofed, canopied, or enclosed porch, room, or structure used in connection with a mobile home; provided, the construction of a concrete slab porch without a roof or walls shall not be a structural addition.

27. Travel trailer shall mean a portable unit designed principally as a temporary vacation dwelling to be towed on its own chassis by another vehicle, operable independently of utility connections, the term shall not include

camping trailers or pickup campers.

28. Water connection shall mean the connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the MFG or mobile home.

SECTION 3: PREEXISTING OR NONCONFORMING USES.

(a) Mobile home parks in existence before the effective date of this ordinance, shall be governed by Section 5 of the Zoning Code, Nonconforming Buildings, Structures and Uses of Land. Provided, however, that no existing mobile home park of any size shall be permitted to expand beyond its existing boundaries or have placed a greater number of mobile home spaces within its boundaries than existed on the effective date of this ordinance unless all spaces developed after the effective date of this ordinance conform to all of the requirements of this ordinance.

(b) All nonconforming individual manufactured homes legally in use on the effective date of this ordinance, shall be deemed nonconforming structures as defined in Section 5.4 of the Zoning Code and may continue in their existing location subject to Section 5 of the Zoning Code.

(c) The city clerk shall keep complete and accurate permanent records which provide applicable information for all mobile home parks and free-standing manufactured homes.

(d) The owner of a nonconforming free-standing manufactured home used as a residence, may improve or replace the structure, provided however, that any mobile home or lot occupied by a mobile home which is abandoned or vacant for 180 days shall not thereafter be occupied as a mobile home lot unless it is rezoned to permit that use.

SECTION 4: LOCATION RESTRICTIONS.

(a) The use, occupancy or location of a certified manufactured home as a single family dwelling unit shall be allowed only in R-3 manufactured housing districts of the city as provided in Sec. 9 below, or in mobile home parks, subject to the requirements and limitations applying thereto.

(b) The use, occupancy or location of a non-certified manufactured home as a dwelling unit is hereby prohibited in all areas of the City of Krebs, except in approved and properly licensed and zoned mobile home parks, subject to the requirements and limitations applying thereto.

(c) No person shall maintain a certified mobile home as a dwelling unit

on an individually owned lot within the limits of the City of Krebs unless it is in a manufactured home subdivision.

(d) No person shall maintain a non certified manufactured home as a dwelling unit within the limits of the City of Krebs unless it is in a mobile home park.

SECTION 5: MANUFACTURED HOME SUBDIVISIONS, FREE-STANDING MANUFACTURED HOMES AND MOBILE HOME SPACES.

(a) A lot in a manufactured home subdivision under separate ownership and having no structure thereon may be used by the owner of said lot for the location of one manufactured home as a residence.

(b) A single manufactured home located on a lot not in an approved mobile home park, manufactured home subdivision or Zoning District A-1, and which legally existed on or before the effective date of this ordinance, may continue in that location in conformity with this ordinance.

(c) The owner of any single manufactured home lot occupied by a manufactured home shall connect to all available utilities and shall pay to the city the same monthly fees for water, sewer and garbage pick up service and shall be subject to the same penalties for nonpayment of such fees as are prescribed by ordinance of the city for single family dwelling units including discontinuance of such service.

(d) Any manufactured home or lot occupied by a manufactured home and not in a mobile home park shall comply with this ordinance and all applicable residential regulations of the City of Krebs concerning inspection by fire or health authorities.

(e) The provisions of this section shall apply provided that they do not violate any plat restrictions or private covenants applicable to the lot on which a zoning clearance for a mobile home or a mobile home lot is requested.

SECTION 6: RESIDENTIAL USE OF CAMP TRAILERS, DEPENDENT MOBILE HOMES, RECREATIONAL VEHICLES, TRAVEL TRAILERS OR MOTOR HOMES.

(a) The use, occupancy or location of recreational vehicles, travel trailers, camp trailers, pick up campers or motor homes as permanent dwellings is prohibited.

(b) No manufactured home, camp trailer, recreational vehicle, travel trailer or motor home shall be parked on any public street, thoroughfare or right

of way.

SECTION 7: COMMERCIAL USE OF MANUFACTURED HOMES AND RECREATIONAL VEHICLES.

(a) Builders, developers, exhibitors and others who desire to use manufactured homes, recreational vehicles or travel trailers temporarily at certain locations for field offices, demonstrations, and exhibitions of certain equipment therein or for charitable purposes may do so upon the issuance of a temporary mobile home or travel trailer permit issued by the city clerk upon order of the building inspector. The sale of any items from any motor home, recreational vehicle, or travel trailer used in conjunction with any demonstration or exhibition except for charitable purposes shall be prohibited. The fee for the permit shall be as provided by resolution of the City Council and shall be payable to the City Clerk. The permit shall be issued for a period not to exceed thirty (30) days and shall be subject to renewal by approval of the building inspector and the payment of the appropriate fees. The building inspector shall order the issuance or denial of the permit within five (5) working days of the filing of the application. Charitable and non profit organizations are exempt from said fee.

(b) Where placement of a manufactured home, recreational vehicle, or travel trailer is contemplated for employee occupancy for a period of time greater than thirty (30) days, water and sanitary sewer connections shall be installed.

(c) Caretakers, custodians, night watchmen and other bona fide employees or persons using manufactured homes, recreational vehicles, motor homes or travel trailers for commercial or industrial purposes as herein set forth may, when required by the nature of their employment, occupy such manufactured homes as residences for themselves and their families, provided that no more than one manufactured home may be used for such purposes by any commercial or industrial enterprise on property of thirty (30) acres or less. Additional manufactured homes as required for the purposes herein set forth may be thereafter situated on land held by single or common ownership, provided that no more than one manufactured home may be so situated for each additional thirty (30) acres of property. Nothing herein shall be construed to permit the placement of a manufactured home on any tract of land that comprises an existing structure presently being used as a residence. Nothing herein shall be construed to permit the establishment of any public enterprise other than those herein provided.

(d) The commercial sale of manufactured homes within a mobile home park or in conjunction with the maintenance and operation of a mobile home park shall be conducted only on land that has been appropriately zoned in

which such sales are permitted.

SECTION 8: INSECT, RODENT AND WEED CONTROL.

All mobile home parks, manufactured home subdivisions and free standing manufactured homes shall comply with all ordinances containing provisions dealing with weeds, debris, rodents, nuisances or any other noxious element.

SECTION 9: STANDARDS AND PERMITTED PLACEMENT OF MANUFACTURED HOUSING.

A. The establishment, location and use of manufactured homes as residences shall be permitted in R-3 single family manufactured housing residential subdivision districts subject to requirements and limitations applying generally to such residential use in the district and provided such homes shall meet the following requirements and limitations:

1. The home shall bear the official HUD seal certifying that it meets the Federal Manufactured Home Construction and Safety Standards as herein above defined.

2. The home shall meet all requirements applicable to single family dwellings and possess all necessary improvements, location, building and occupancy permits and other certifications required by the Krebs Building Codes.

3. Each home shall be at least 24 feet wide and shall consist of at least 960 square feet of living space. This standard is intended to require homes to consist of multi sections, which are brought to the site in parts.

4. The roof of each home must be a gable or hip roof type and composed of material customarily used on site-built residential dwellings.

5. Each home shall have permanent steps or decks set at all exits.

6. The exterior siding, covering and window treatments of each home shall be of a type, quality and appearance that is customarily used on conventionally built residential homes in the area and shall be architecturally compatible with those of neighboring properties.

7. Each manufactured home shall be permanently attached to a continuous concrete or concrete block foundation, and the manner of placement shall be as stated on the building permit, and shall meet all manufacturer's specifications for support.

8. Each home shall have a minimum of 18 inches of crawl space under the entire living area of the home and the tongue and running gear including axles shall be removed.

9. The home shall not contravene existing plat restriction or other private covenants.

B. STRUCTURAL ADDITIONS AND/OR ALTERATIONS. Due to its integral design, any structural alteration or modification of a manufactured home after it is placed on the site must be approved by the Building Inspector of the City of Krebs Municipal Building Code.

C. APPLICATION AND APPROVAL PROCEDURES. All applications for placement of a manufactured home in any R-3 district must be submitted in writing to the City Clerk of the City of Krebs on forms to be provided by the City. Before the application for placement is approved by the City Clerk, the applicant must:

1. Demonstrate that he/she either owns or will own the manufactured home which is to be placed on the lot before a building permit will be issued and in no case shall a manufactured home site or lot be rented out in this district.
2. Declare the home as real estate or real property with the County Assessor.

D. PERMITS UTILITIES.

1. **Building Permits** - After approval of the City Clerk, the applicant must submit proof of the City Clerk's approval to the Building Inspector prior to the location, relocation or establishment of any manufactured home, in order to obtain the necessary permits to begin work. In the case of an addition being added to a manufactured home, the Building Inspector is authorized to issue such permit if he determines that said addition will be in compliance with this code section and all other applicable municipal building codes. If the Building Inspector denies any permit, the appeal procedure to the Planning Commission as outlined in Section 12 of this Chapter shall apply.

2. **Utility Requirements.** All manufactured homes shall have an approved water supply, sewage disposal system and other utility connections including but not limited to gas and electrical.

SECTION 10: MANUFACTURED HOME SUBDIVISIONS.

(A) Manufactured home subdivisions shall be allowed within the City only after submission to the City Planning Commission and approval by the City Council of a development plan and then only in an area zoned for such purpose. The development plan shall include the following minimum requirements:

(1) Manufactured home subdivisions shall comply with the subdivision ordinance and zoning ordinance of the City except as otherwise provided herein.

(2) The minimum size of a manufactured home subdivision shall be ten (10) acres.

(3) No residences except manufactured homes shall be permitted in a manufactured home subdivision.

(4) Minimum average lot width in a manufactured home subdivision shall be not less than sixty-five (65) feet and minimum average lot depth shall be not less than one hundred twenty (120) feet and minimum lot areas shall be seven thousand eight hundred (7,800) square feet. At least a ten (10) foot side yard shall be provided on each lot beyond any manufactured home and additions thereto, or outbuildings.

(5) Side lines of lots in manufactured home subdivisions need not be at right angles to straight street lines or radial to curved street lines.

(6) Manufactured home subdivision lots must abut a public street for a minimum distance of forty-five (45) feet at the front set back line. All frontage shall abut a public street.

(7) Maximum lot coverage allowed by all structures and overhangs will be 50%.

(8) Manufactured homes located in a manufactured home subdivision shall be subject to the conditions and requirements set out in Section 9 above.

SECTION 11: VIOLATIONS, PENALTIES.

a. **Failure to Comply.** Each day of noncompliance with the provisions of this ordinance constitutes a separate and distinct ordinance violation. Judgment of up to fifty dollars (\$50.00) per day may be entered for a violation of this ordinance and penalties for violation of this Chapter shall not be construed to interfere with or be substituted for penalties provided for any code violations under the Krebs Municipal Code.

b. Subject to Removal. A manufactured home, sited upon property, in violation of this ordinance, shall be subject to removal from such property. If action is required to bring compliance, the expenses incurred as a result thereof may be reduced to a lien against the property on which the violation took place.

c. Removal Method. The designated administrator may institute a suit in an appropriate court for injunctive relief to cause such a violation to be prevented, abated or removed. Removal for violation is subject to the notice and hearing requirements as hereinafter set forth in Section 12 of this Chapter.

SECTION 12: NOTICE, HEARING, APPEAL - PROCEDURES. Any action by a city official may be appealed within ten (10) days of its ruling by an applicant, said appeal to be presented in writing to the City Clerk. The City Clerk shall place the appeal on the agenda of the body which will hear the appeal at the next regularly scheduled meeting of that body. The City Clerk will certify and mail notices to all interested parties to the appeal of the hearing date no later than ten (10) days prior to said hearing. All interested parties other than city officials shall be identified by name and residence address in the body of the written appeal submitted to the City Clerk. The following appeal procedures shall be observed:

a. Rulings under this ordinance issued by the Building Inspector or any other City Administrative Official shall be appealable to the Planning Commission.

b. Rulings of the Planning Commission shall be appealable to the City Council in regular session. The ruling of the City Council is final as to the City of Krebs.

c. The above appeals procedures are not intended to preclude any aggrieved party of any rights or remedies which may be available at law or equity.

SECTION 13: CODIFICATION. This Chapter shall be codified as Section 9A of the Krebs Zoning Code unless a conflict shall be created thereby.

SECTION 14: SEVERABILITY CLAUSE. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance.


SECTION 15: EFFECTIVE DATE. The effective date of this Ordinance shall be the date of final approval by the City Council of the City of Krebs, Oklahoma.

APPROVED ON THIS 18TH DAY OF NOVEMBER, 1997, BY THE CITY COUNCIL OF THE CITY OF KREBS, OKLAHOMA.

CITY OF KREBS, OKLAHOMA
A Municipal Corporation

By: 
David Prescott, Mayor

(SEAL)

ATTEST: 
Avie Heathcock, City Clerk

This Ordinance ratified, passed and reenacted this 4th day of June, 1998
by the City Council of Krebs.

Approved by the Vice Mayor on the 4th day of June, 1998.


Donalee Boatright, Vice Mayor

ATTEST: 
Avie Heathcock, City Clerk

Approved as to legality and form:


William J. Ervin, City Attorney