

ORDINANCE NO. 6-11

CITY OF DIAMOND CITY, BOONE COUNTY, ARKANSAS

AN ORDINANCE TO AMEND AND RESTATE ORDINANCE NO. 9-03 OF THE CITY OF DIAMOND CITY, ARKANSAS, AND TO AMEND THE ZONING REGULATIONS AND ZONING MAP; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

AMENDED
By 1-11
By 05-2015

WHEREAS, on or about November 17, 2003 the City Council of the City of Diamond City, Arkansas adopted Ordinance No. 9-03 adopting the Zoning Regulations and Zoning Map for the City of Diamond City, Arkansas;

WHEREAS, the City Council has recognized that possible confusion may exist regarding Zoning Map of the City of Diamond, which Zoning Map was adopted by reference in Chapter III – Use Zones, of the Diamond City Zoning Ordinance (the “Zoning Regulations”) dated September 10, 2003 and was thereby adopted by Ordinance No. 9-03;

WHEREAS, the Diamond City Planning and Zoning Commission held a public hearing on March 8, 2011 to hear all persons desiring to be heard regarding this proposed Ordinance to Amend and Restate Ordinance No. 9-03, and after thorough consideration of comments and views expressed by all interested persons who were present;

WHEREAS, resolving any possible confusions related to the Ordinance No. 9-03, the Diamond City Zoning Regulations and the Zoning Map is critical for the health, safety and welfare of the citizens of Diamond City; and

WHEREAS, the City Council, after thorough consideration and being well advised, desires to approve and adopt said Ordinance to Amend and Restate Ordinance No. 9-03 and to further Amend and Restate the Zoning Regulations of the City of Diamond City.

NOW THEREFORE, BE IT ENACTED, by the City Council of the City of Diamond City, the following:

SECTION 1 – AMENDMENT TO ORDINANCE 9-03. Sections 1, 2 and 3 of Ordinance No. 9-03 is amended and restated in its entirety as follows:

SECTION 1. Regulations. That the Zoning Regulations for the City of Diamond City, Arkansas, prepared by the Diamond City Planning Commission and adopted by it on September 11, 2003, after public hearing held September 8, 2003, are hereby adopted, as is the official Zoning Map of the City of Diamond City, as amended from time to time by the City Council of the City of Diamond City from September 11, 2003 until present. Three copies of the Zoning Regulations, and the Zoning Map, which shall be certified as such by signatures of the Mayor and the City Recorder/Treasurer, are on file in the office of the City Recorder/Treasurer and are available for public inspection.

SECTION 2. Penalties. Any person, firm, or corporation found guilty of violating any of the provisions of this Ordinance or the City of Diamond Zoning Regulations shall be guilty of a misdemeanor offense and shall, upon conviction

thereof, be fined for each such violation not more than two hundred and fifty dollars (\$250.00). In addition, anyone so convicted shall be responsible for paying all costs and expenses involved in the case. After the expiration date indicted by the notice of violation, each day such violation continues shall be considered a separate offense.

SECTION 3. This Ordinance repeals Ordinance No. 7-00, adopted by the City Council of Diamond City, Arkansas.

SECTION 2 – AMENDMENT TO ZONING REGULATIONS. Chapter II, Manufactured Homes and Chapter III USE ZONES of the Zoning Regulations (previously titled Zoning Ordinance) is amended in part as follows:

CHAPTER II

Amend Chapter II, Section 1, B, #16 Manufactured Homes to read: A dwelling or office unit constructed in a factory in accordance with Federal Manufactured Homes Construction and Safety Standards as it existed on January 1, 1976 and meeting the definitions set forth in the federal standards and under ACA 209-25-102. This applies to all units that are delivered to the site in one or more sections.

Amend Residential R-2, A, 2 to read:

Manufactured homes as outlined in Section II below.

Amend Section II to read:

1. Diamond City will fully comply with the Arkansas 14-54-1601 et seq. "The Affordable housing Accessibility Act."
2. Manufactured homes are only permitted in the following subdivisions:
 - a. Greenbriar
 - b. White Oak
 - c. White Oak II
3. No manufactured home over 10-years old will be allowed to be installed in the city limits unless it meets all the requirements below.
4. Minimum size of any unit shall be 650 square feet of living space. Travel trailers or recreational vehicles are not allowed as personal residences or domiciles without a special temporary permit issued by the City of Diamond City. No travel trailer or recreational vehicle currently in use as a domicile will be grand-fathered in and must be disconnected from utilities whether a direct connection or attached to a residence with an existing water and sewer. If a person inhabits a travel trailer or recreational vehicle as a residence, they will, after (15) fifteen days, be fined one hundred dollars (\$100). If after (15) fifteen days they are still residing in the travel trailer or recreational vehicle, they will be fined at a rate of twenty-five dollars (\$25) per day until the illegal domicile is vacated. If after (45) forty-five days the illegal domicile has not been vacated, the City of Diamond City shall take appropriate legal action to have the persons removed from the residence.
5. All manufactured homes shall have peaked roofs covered by approved

- shingle or metal roofing.
6. The dealer may deliver new homes to a site after notification to the Building Inspector.
 7. Used homes may be brought into Diamond City after submitting a full complement of photos including both inside and outside pictures of the unit. These photos are to be received by the Building Inspector no less than seven (7) business days prior to the date of transportation into the city. The Building Inspector will use these photos to make a preliminary decision on granting a permit to place the unit within the city.
 8. Prospective manufactured homes must be inhabitable and livable in all respects. All systems and structures must be sound and operable including plumbing, electrical, appliances, roof, floors, and siding.
 9. Installation of a manufactured home is to be made by installers who are currently trained and certified by the Arkansas Manufactured Home Commission.
 10. Manufactured homes must be connected to all utilities to be inhabited.
 11. Proper solid foundations or pillar supports and tie-downs are required and are to be inspected prior to enclosure by masonry, rot resistant woods, fiberglass, vinyl, or metal skirting.
 12. Manufactured homes must comply with all other regulations and conditions applicable to other single-family dwellings in the same subdivision.

CHAPTER III

USE ZONES

The City of Diamond City is divided into the following use zones as indicated on the Zoning Map, which is part of these Zoning Regulations.

Residential Use Zone

The residential use zones are intended primarily for residences, with permitted related uses such as churches, schools and recreational facilities. The permitted uses and the area requirements establish the character of the use district.

- R-1 Residential
- R-2 Residential

Commercial Use Zone

The commercial use zones are intended for the conduct of business and provision of services. They may also include the processing of light manufacturing goods that by the nature of the operation do not constitute a nuisance or a danger to the community.

- C-1 Central Business District – Grand Avenue
- C-2 Highway Commercial
- C-3 Light Commercial

Industrial Use Zone

The industrial use zone is intended for general manufacturing and industrial activities, and for bulk storage of goods

I-1 Industrial

The boundaries of these districts are shown on the official Zoning Map of the City of Diamond City. This Zoning Map, together with all explanatory data thereon, is hereby adopted by reference and declared to be a part of these Subdivision Regulations as herein provided in the following rules.

- A) The Official Zoning Map shall be certified as such by signature of the Mayor, attested by the City Recorder/Treasurer, upon the adoption by the City Council.
- B) If, in accordance with the provisions of this Code, changes are made in district boundaries or other data portrayed on the Official Zoning Map, such change shall be made on said map within thirty (30) days after the amendment has been approved by the City Council.
- C) No changes of any nature shall be made in or to the official Zoning Map or information shown thereon, except in conformity with the procedures set forth in these Regulations. Any unauthorized change of whatever kind by any person or person shall be considered a violation of these Regulations.
- D) Regardless of the existence of purported copies of the official Zoning Map which may from time to time be made or published, the official Zoning Map which shall be located in City Hall shall be the final authority as to the current zoning status of the property in the City.

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply.

- A) Boundaries indicated as approximately following the centerlines of streets, highways and alley shall be construed as following such center lines.
- B) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C) Boundaries indicated as approximately following city limits shall be construed as following city limits.
- D) Boundaries indicated as parallel to or extensions of features mentioned in the preceding rules shall be so construed.

- E) In circumstances not covered by the preceding rules, the Board of Adjustment shall interpret the district boundaries.

The remainder of Chapter III, USE ZONES of the Zoning Regulations shall remain in full force and effect and unchanged by this amendment.

SECTION 3 – ADOPTION OF REGULATIONS. Three copies of this Ordinance and the Zoning Regulations shall be filed for use and examination by the public in the office of the Recorder/Treasurer.

SECTION 4 – EFFECT AND SEVERABILITY. This Ordinance shall not effect ordinances amending the Zoning Map which were passed after November 17, 2003, including but not limited to, Ordinance No. 1-04, Ordinance No. 3-06 and Ordinance No. 07-09. In the event any one or more of the provisions contained in this Ordinance shall for any reason be held by a Court of Law to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the remaining provisions of this Ordinance, and this Ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never been contained herein.


EMERGENCY CLAUSE. The City Council hereby determines that this Ordinance is necessary for the provision of safe and proper improvements installed or erected in developments within the City of Diamond City. Therefore, an emergency is declared to exist, and this Ordinance being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto the ordinance enacting this Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by the City Council, it shall become effective on the date the City Council overrides the veto.

PASSED and APPROVED this 12th day of May, 2011.

APPROVED:


Shari Marshall, Mayor

ATTEST:


Cheryl Guthrie, City Recorder

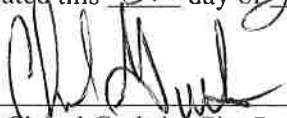
PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF BOONE

We, Shari Marshall and Cheryl Guthrie, do solemnly swear that as Mayor and City Recorder/Treasurer, respectively, of and for the City of Diamond City, Boone County, Arkansas, that a certified copy of Ordinance No. 6 - 11 was, on the 13th day of May, 2011, duly posted in five separate and distinct places inside the corporate limits of the Town in accordance with Ordinance No. 03 - 10 of the City, and that Ordinance No. 6 - 11 remain posted for thirty (30) days.

Dated this 15th day of June, 2011.



Cheryl Guthrie, City Recorder/Treasurer



Shari L. Marshall, Mayor