

ORDINANCE NO. 09-2013

CITY OF DIAMOND CITY, BOONE COUNTY, ARKANSAS

AN ORDINANCE TO AMEND ORDINANCE NO. 9-03 OF THE CITY OF DIAMOND CITY, ARKANSAS TO AMEND THE ZONING REGULATIONS TO ALLOW FOR THE TEMPORARY PLACEMENT OF RECREATIONAL VEHICLES (RV's) ON LOTS IN AREAS DESIGNATED R-2.

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 for the City of Diamond City, Arkansas.

WHEREAS, the Diamond City Planning and Zoning Commission held a public hearing on March 5, 2013, and after thorough consideration of comments and views expressed by all interested persons, the Planning Commission approved this Ordinance to Amend Ordinance No. 9-03 and recommended the same to the City Council for review, approval, and adoption.

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

WHEREAS, the requirements of A.C.A. 14-55-207 have been met and the City Council desires to adopt said Amendment to Ordinance No. 9-03.

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

SECTION 1 – AMENDMENT TO ZONING REGULATIONS. Chapter II, #26 Recreational Vehicles and Chapter III USE ZONES OF THE Zoning Regulations is amended in part as follows:

Chapter II

Amend Chapter II, Section 1, B, #26 Recreational Vehicles to read: A factory built vehicle on a single chassis with one or more axles that is self-propelled or towed by a light motorized vehicle. This unit must be self-contained with a bathroom, kitchen, and sleeping facilities. It must have functioning connections for water, sewer, and electricity. The RV is not designed as a permanent dwelling but is for temporary lodging during recreational camping, traveling, or seasonal use.

Amend Residential R-2, A, 7 to read:

Recreational Vehicles as outlined in Section III below:

Add Section III to read:

The Following requirements must be met in order for use of a recreational vehicle on private property.

1. Allowed only in the R-2 Zone or approved Recreational Vehicle Park. The temporary use of an RV as a dwelling on property not zoned R-2 shall be allowed for the owner or resident during the construction of a residence for that property upon receipt of a permit issued by the City of Diamond City.
2. The lot may only be utilized for RV use by the property owner or a bona fide multi-month renter/resident.
3. All set backs are to be observed.
4. All RVs are subject to inspection by the Building Inspector and may be inhabited only if deemed structurally sound, fully operational, and safe.
5. All Liquid Propane tanks must meet current standards and certifications
6. A cement pad of appropriate size, thickness and quality must be constructed to accommodate the RV's weight and size without failure the surface or substructure.
7. Water lines, sewer lines, and electric must be permanently installed at the owner's expense on the lot with the appropriate hook-ups for the RV. Utilities must be connected and utilized. No use of holding tanks or generators is permitted unless an emergency situation exists.
8. Off street parking space for a minimum of two vehicles.
9. A RV permit must be obtained from and tracked by City Hall.
 1. Applications must be completed annually prior to parking RV on the property
 2. Inspection of the RV is required prior to issuance of the permit. Exterior and interior photos must accompany applications if the RV is not available for inspection. A provisional permit will be issued until the RV is inspected in the city.
 3. Pay a fee of \$25 per annum.
 4. A new permit is required each time the RV is placed on the property, however, inspection and fees are only required annually.
 5. Permits will be displayed in a location that is easily seen from the street.
10. RVs will not be permitted on the property for longer than a total of 180 days per calendar year. RVs left on the lot for longer than 180 days will be removed and stored at the owner's expense.
11. No outside storage of tools, equipment, or accessories is permitted. A storage building must be utilized for this purpose.
12. The property must be maintained at all times. Grass, weeds, trash, and clutter shall be controlled even when the lot is not occupied.
13. Camp fires may be burned in fire rings or metal devices designed for this purpose. All fires are subject to federal, state, and local laws, ordinances, regulations and bans.

SECTION 2 – ADOPTION OF REGULATION. 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 3 – EFFECT AND SEVERABILITY. 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 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.

SECTION 4 - REPEAL OF CONFLICTING ORDINANCES. Any matters in the foregoing Amendment to Ordinance No. 9-03 which are contrary to the existing Ordinances of the City of Diamond City shall prevail, and to the extent there are any existing Ordinances of the City in conflict herewith, they are hereby repealed in that respect only.

SECTION 5: EMERGENCY CLAUSE

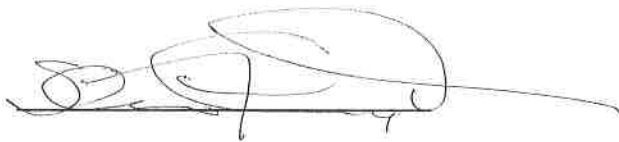
It is hereby declared that in order to sustain the economic viability of the City of Diamond City an emergency is declared to exist and in order to preserve the health, welfare, and safety of the citizens of Diamond City, the provisions hereof have immediate effect and therefore are in full force and effect from and after its passage.

Ayes 4 Nays 1 Abstentions Absent 2

PASSED and APPROVED this 7th day of June, 2013.

ATTEST:

APPROVED:



Steven Floyd, Deputy Clerk



Shari Marshall, Mayor

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. _____ - _____ was, on the _____ day of _____, 20____, 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. _____ - _____ remain posted for thirty (30) days.

Dated this _____ day of _____, 20_____.

Cheryl Guthrie, City Recorder/Treasurer

Shari Marshall, Mayor