

**ORDINANCE 08-2023**

**CITY OF DIAMOND CITY, BOONE COUNTY, ARKANSAS**

**AN ORDINANCE TO THE DIAMOND CITY ZONING ORDINANCE TO REPEAL ORDINANCE 9-03, 09-2013 AND AMEND 6-11 TO CLARIFY RESIDENTIAL 1 AND RESIDENTIAL 2 DECLARING AN EMERGENCY**

**WHEREAS:** The purpose of this Ordinance is to establish requirements and expectations for the continued use of lots and structures that are established prior to and going forward and to preserve the integrity of the Zoning Districts and define in more clarity of established regulations.

**WHEREAS:** The City of Diamond City needs to clarify restricting the use of trailers, recreational vehicles, and other non- permanent structures for residential purposes of trailers and recreational vehicles/ manufactured homes needs to repeal previous ordinances to better clarify and amend the intent of the City Council. The parking of recreational vehicles needs to be amended to better clarify the intent of City Council and the City of Diamond City.

**WHEREAS:** It is beneficial to the citizens of the City of Diamond City is unambiguous and accurately reflects state and local laws.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DIAMOND CITY, ARKANSAS FOR RESIDENTIAL ZONES 1,2,3**

**Definition of Residential Lot:** Shall mean a parcel of land located in a residentially zoned district as established on the official zoning map. Such a lot shall have frontage on an approved private street and may consist of

**SECTION 1:**

**R1 SINGLE FAMILY RESIDENTIAL ZONING**

- A:**
- 1) A single lot of record.
  - 2) A portion of a lot of record.
  - 3) A combination of complete lots of record.
  - 4) A parcel of land described by metes and bounds.

**B:** The principal use of the land is for detached single family dwellings and related religious, educational facilities and City Parks, no recreational businesses may be in R1

**C:** All Built on-site-built dwellings shall meet or exceed the building codes of the City of Diamond City. All setbacks, and area requirements must be met.

**D. A Modular home** can be placed in R1. Modular Home is defined as a traditional home placed on a permanent foundation. The house structure is partially constructed in a factory and shipped to the homeowner's lot. Must comply with local building codes and standards codes. The primary difference between modular and manufactured homes is that modular

homes are held to the same local, state, and regional building codes required for on-site built homes and the Arkansas builder code.

- 1) All transport elements such as wheels, axles and hitches shall be removed from the modular home. No vehicle with permanent wheels/axles shall be placed in the City of Diamond City R1 zoning.

**E: Mobile Storage Containers and Roll-Off Dumpsters;** only one per site and shall remain on a lot no longer than 30 consecutive days. Mobile storage containers shall not be located on a vacant or empty lot.

**F: Unlawful for any person to park or store tractor trailer trucks** in an R1 zone. Exception to this would be any legitimate delivery service for the purpose to make a delivery or pick up from a residence located in such zone.

**ENDORCEMENT AND PENALTY FOR ANY PERSON VIOLATING ANY PART OF SECTION 1 UPON CONVICTION IS PUNISHABLE BY A FINE NOT TO EXCEED A FIVE HUNDRED (500) DOLLARS.**

**G: IT SHALL BE UNLAWFUL TO USE OR INHABIT A RECREATIONAL VEHICLE /TRAILER OR MANUFACTURED HOME IN AN R1 ZONE.**

**EXCEPTION TO SECTION 1 PARAGRAPH G;**

**TEMPORARY RV USAGE IN PREPREPARATION OF BUILDING OF A HOME in R-1 Zones.**

- 1) The temporary use of an RV as a dwelling on property not zoned R-2 or in an approved zone for a Recreational Vehicle Park shall be allowed only for a property owner or resident during the construction phase of a residence on that property.
- 2) A RV can only be moved onto the property (not zoned R-2 or RVP) after an inspection of the RV by the Diamond City Building Inspector (or his appointee) two (2) weeks prior to moving the RV onto the lot. The Inspection process can only begin after a building permit has been issued for the residential building that will be built on the property. A receipt of this inspection must be displayed on the in clear view on the lot or premises in the form of a "Temporary RV Inspection Form"
- 3) There shall be a \$25.00 fee for the inspection of the RV.
- 4) The initial "Temporary RV Inspection Form" shall be valid for six (6) months of issuance; after which there shall be another inspection if the owner requests additional time while the residence is being built. An additional time of three (3) months may be granted by the Building Inspector if he determines sufficient progress is being made in the construction process. This additional time of (3) three months may be extended only twice before the RV must be moved.
- 5) If the building Inspector determines that there was not sufficient progress on the construction process the owner or resident will have two (2) weeks to remove the RV from the lot from the date of the "notice to vacate" is issued by the building inspector or code enforcement officer.

#### **PENALTIES FOR SECTION 1 G.**

A) **FAILURE TO REMOVE:** If the RV has not been removed after two (2) weeks of “notice to vacate order”, the owner may be fined Fifty Dollars (\$50.00) per day thereafter until the RV is removed. If after thirty (30) days of the initial written eviction date and the RV has not been moved, the City of Diamond City may remove the RV from the premises and may charge the owner for the cost of removal, storage, fine and any other cost associated with the act of removal and storage of said RV. If after Ninety (90) days of the initial eviction date and the owner or resident does not come into compliance with this ordinance the City of Diamond City may sell the RV at public auction. The monies received from the sale of the RV will be used to satisfy the debt owed to the City of Diamond City. The remainder of the monies collected shall be distributed to the owner of the RV.

H) **PERSONAL RV STORAGE ON PRIVATE PROPERTY** may be parked in a driveway or immediately adjacent to and parallel to the driveway may not encroach into the right of way the right of way such that any part of the RV extends over sidewalk, curb, or public travel or causes the field of view to be obstructed for those who travel on the road. Property owners may have no more than one RV stored on their property unless the following criteria are met.

- 1) The RV is setback from all property lines by five feet (5’0”).
- 2) A minimum of 1250 square feet per RV is provided.
- 3) No habitation in a parked or stored RV.

#### **PENALTIES FOR SECTION 1 H**

A) If an RV is found to be parked or stored that does not meet **Section 1 H**, the owner of the RV shall be issued a warning either verbally or written by the Police Department. If the RV has not come into compliance with **Section 1 H** within Seven (7) days after the warning is issued, the owner or the RV may be issued a citation that carries a fine and possible removal of the RV. The fine shall be not less than twenty-five dollars (\$25.00) nor more than fifty (\$50.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. If the owner of the RV does not remove the RV that is in violation after Fourteen (14) days after the initial warning, the RV may be removed by the City and stored at the owner’s cost-plus fines that may be associated with this action.

**B: Accessory sheds** may be placed on lots of R1. No storage trailers, also known as cargo trailers/ land sea train containers, may be placed on an R1 residential lot. May be erected detached from the principal building or may be erected as an integral part of the principal home. Must comply with all setbacks.

## SECTION 2:

### R2 RESIDENTIAL ZONING

#### SINGLE FAMILY AND MULTI FAMILY RESIDEENTIAL/ APARTMENT BUILDING, TOWNHOMES, MAUNFACTURED HOMES;

**A:** To include churches but not including revival tents and arbors, medical office buildings. Childcare centers; public or private. Nursing homes and retirement centers.

**B: All on-site-built dwellings** shall meet or exceed the building codes of the City of Diamond City and the State of Arkansas building codes. All setbacks, and area requirements must be met.

**C.: Manufactured homes** must meet or exceed the federal and the Arkansas Manufacturing Homes Standard ac A.C.A 20-25-2002. No manufactured home over 15 years old will be allowed to be installed in the City Limits.

**1) Definition of Manufactured Home.** Built after 1976. A manufactured home will generally bear a data plate affixed in a permanent manner near the main electrical panel or other readily accessible and visible location noting its compliance with the Federal Manufactured Home Construction and Safety Standards in force at the time of manufacture and providing other information about its manufacture pursuant to 24 CFR 3280.5. A manufactured home will generally also bear a HUD Certification Label pursuant to 24 CFR 3280.11 Manufactured homes are still "mobile" in that they have a trailer hitch and axles attached to a steel beam that runs their length (which allows them to be transported to the home site). They are considered a vehicle for tax and zoning purposes, because, technically, they can be relocated.

A) **Manufactured homes are only permitted in the following subdivisions:**

a. **Greenbriar**

b. **White Oak**

c. **White Oak II**

d) **Allowed only in R2 Zone as listed above**

**B)** The lot may only be utilized for Manufactured Home use by the property owner or renter that has filled out the proper paperwork at Diamond City, City Hall.

**C.** All setbacks are to be observed.

**D.** All Manufactured homes are subject to inspection by the building Inspector and may be inhabited only if deemed structurally sound and fully operational and safe.

**E.** All liquid Propane tanks must meet current standards and certifications.

**F.** All Manufactured homes placed in R2 must have a peaked roof covered by approved metal roofing or shingles.

**G.** A cement pad of appropriate size and thickness and quality must be constructed to accommodate the RV/ Manufactured Home weight and size without failure or substructure.

**H** Minimum size of any unit shall be 700 square feet of living area.

I The dealer may deliver a new home to a site after notification to the Building Inspector.

J. Used homes/ manufactured homes may be brought into Diamond City after submitting a full complement of photos including both inside and outside 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 decide on granting a permit to place the unit within the City.

K. 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.

L. Proper solid foundation or pillars supports, and tie downs are to be inspected prior to enclosure of any type of skirting.

M. Manufactured homes must comply with all other regulations and conditions applicable to other single-family homes.

### **SECTION 3: PENALTIES FOR SECTION 2 ON MANUFACTURERED HOMES**

**A) FAIL TO PASS INSPECTION:** If the Manufactured home fails to meet inspection requirements, the owner shall be given 30 days to bring the Manufactured Home into compliance. If the Manufactured Home is not brought into compliance the home shall be immediately removed by the owner. For every day, after this thirty (30) day period, a fine of Fifty Dollars (\$50) per day shall be placed upon the owner of the Manufactured home. This fine shall not exceed five hundred (\$500.00.) If after Sixty Days (60) from the issuance of a written non-compliance order the City of Diamond City may remove the Manufactured home and place, it in storage at the owner's cost. If after One Hundred Twenty Days (120) the City of Diamond City may sell the Manufactured Home at public auction. The proceeds of the sale shall first go to satisfy the accrued costs of fines, removal, and storage. If there are additional funds after the debt is satisfied, the funds will be distributed back to the owner of the Manufactured home.

**D. RECREATIONAL VEHICLES IN DESIGNATED R2 AREAS ONLY. OR APPROVED RECREATIONAL PARK. NO RECREATIONAL VEHICLES ARE ALLOWED IN R1 ZONES, EXCEPT FOR THE HOMEOWNER IS STORING THEIR PERSONAL RV.**

#### **1) DEFINITION OF A RECREATIONAL VEHLICE**

A. To be a factory-built vehicle on a single chassis with one or more axles that is self-propelled or towed by light motorized vehicle, the unit must be self-contained with a bathroom, kitchen, and sleeping facilities.

B. It must have a functioning connection for water, sewer, and electricity. The RV is not designed as a permanent dwelling but for temporary lodging during recreational camping and traveling.

C. Travel Trailer is a portable vehicular structure built on a chassis designed for a temporary dwelling for travel and recreation. Defined by manufacture of the trailer and factory equipped for the road.

D. Structure designed to be mounted on a truck chassis for the use as temporary dwelling for travel, recreation, and vacation.

E. Motor Home A self-powered enclosed recreational vehicle dually used as a vehicle and a temporary dwelling Self-contained which can operate independent of connections to sewer, water, electrical systems.

**1. RV MAY ONLY BE PLACED IN:**

- A. Greenbriar
- B. White Oak
- C. White Oak II
- D. RV Parks

2. Must have a current and valid license plate.

3. RV usage may only be utilized by the property owner. RV's may not be rented or leased to third parties in R2 zones

4. All building set back are to be observed.

5. Lot size must be 2400 square feet per RV.

6. All RVs are to be subject to inspection by the Diamond City Building Inspector.

A) **INSPECTION FORM:** A "RV Inspection Form" must be issued from the City Building Inspector and will only be issued after the Building Inspector has approved the RV for structural soundness, operational functional and safety and overall ascetics.

B) **INSPECTION FEE:** The initial inspection fee shall be set at \$25.00. An annual inspection may be performed on the first January after twelve months of the initial permit and shall be performed each January thereafter. Each inspection shall be \$25.00.

C) **PERMIT DISPLAY.** The "RV Permit Form" shall be displayed in a manner that is visible either attached to the RV or on the lot and is visible from the street.

D. **REVOKED PERMIT.** A permit may be revoked if the RV falls into disrepair. That revoked permit shall be issued by the Building Inspector and shall have proper reason attached to the revoked permit.

7. All liquid propane tanks must meet current standards and certifications.

8. RV's must have a cement pad or compacted aggregate with the appropriate size and thickness and quality must be in place before the RV can be moved to the site.

9. **PROPERTY MAINTENANCE.** The property must always be maintained. Grass, weeds, trash, clutter, and debris shall be controlled even when the lot is not occupied. Maintenance shall be in compliance with the Clean Property Ordinance of Diamond City.

10. **FIRES.** Campfires may be burned in appropriate fire rings or metal devices designed for this purpose. All fires are subject to federal, state, and local laws, ordinances, regulations, and bans.
11. RVs will not be permitted on the lot for longer than 180 days per calendar year.
12. No outside storage of tools, equipment or accessories is permitted. No storage shed or accessory building may be built without a permanent residence on the lot.

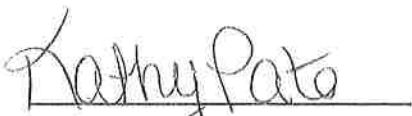
**SECTION 3: PENALTIES FOR SECTION 2.**

- A) FAIL TO PASS INSPECTION:** If the RV fails to meet inspection requirements, the owner shall be given 30 days to bring the RV into compliance. If the RV is not brought into compliance the RV shall be immediately removed by the owner. For every day, after this thirty (30) day period, a fine of Fifty Dollars (\$50) per day shall be placed upon the owner of the RV. This fine shall not exceed five hundred (\$500.00.) If after Sixty Days (60) from the issuance of a written non-compliance order the City of Diamond City may remove the RV and place, it in storage at the owner's cost. If after One Hundred Twenty Days (120) the City of Diamond City may sell the RV at public auction. The proceeds of the sale shall first go to satisfy the accrued costs of fines, removal, and storage of the RV. If there are additional funds after the debt is satisfied, the funds will be distributed back to the owner of the RV.

**SECTION 4 SEVERABILITY:** If a section or subsection sentence, clause or phase of the ordinance is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portion of this ordinance.

**SECTION 5 EMERGENCY CLAUSE:** This Ordinance being necessary to ensure that the City of Diamond City has clarified the restrictions of Residential zones R1 and R2. This Ordinance shall be in full force and effect and after its passage by the City Council of Diamond City.

Passed October 24<sup>th</sup>, 2023

  
Recorder/ Kathy Pate

  
Mayor/ Jaime Nuessner