ORDINANCE NO. 93- 02

AN ORDINANCE AMENDING CERTAIN PROVISIONS IN THE ATKINS LAND DEVELOPMENT CODE CONCERNING THE DEFINITION OF A MOBILE HOME, CLARIFYING THE REQUIREMENT TO OBTAIN A PERMIT BEFORE LOCATING A MOBILE HOME IN THE CITY OF ATKINS, ESTABLISHING WHAT SUPPORTING DOCUMENTS MUST BE ATTACHED TO AN APPLICATION FOR A BUILDING PERMIT, A MOBILE HOME PERMIT AND A RELOCATION PERMIT AND ADDING CERTAIN ADDITIONAL USES OF LAND IN THE CITY OF ATKINS PERMITTED UPON SPECIAL REVIEW BY THE PLANNING COMMISSION, INCREASING THE FEE FOR REZONING CLASSIFICATIONS AND PROVIDING FOR THE CREATION OF A SPECIAL FUND FOR MONEY RECEIVED FROM REZONINGS AND PERMIT FEES AND FOR OTHER PURPOSES.

WHEREAS, there is a pressing need to clarify the definition of "mobile home" in the Atkins Land Development Code; and,

WHEREAS, it is necessary to require additional information to be attached to applications for a building permit or a mobile home permit in order to more properly determine the fees to be charged for such permits; and,

WHEREAS, it is necessary to clarify the requirement for the obtaining of a mobile home permit before placing a mobile home in the City of Atkins; and,

WHEREAS, it is necessary for the proper development of land and uses of land within the City of Atkins to establish procedures concerning the relocation of buildings and structures in the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATKINS, ARKANSAS:

Section 1 : Article 2-1 Definitions B. 45. Mobile Home

is amended to read as follows:

A detached dwelling unit consisting of one self-contained component or two or more components to be attached together to form one complete component which meets all of the following specifications: (a) designed for full-time occupancy and containing sleeping accommodations, flush toilet, tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems; (b) designed to be transported after fabrication on its own wheels or on flatbed or other trailers of detachable wheels, or by other means; (c) arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on and connection to foundation supports, connection to utilities and the like; and (d) is skirted and anchored as deemed adequate by the Planning Commission. This definition of "mobile home" is not intended to include movable dwellings used solely for recreation.

Section 2: Art. 9-2 BUILDING PERMIT is hereby amended to read as follows:

Art. 9-2 BUILDING, MOBILE HOME, AND RELOCATION PERMITS

A. BUILDING PERMIT:

No building or structure as defined in this Ordinance shall be constructed or erected in the City of Atkins prior to the obtaining of a building permit. A building permit will be issued only when the applicant has been approved by the building official as meeting requirements of this Ordinance. All applications for building permits shall be accompanied by a plan in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected and its location on the lot, information showing the cost of the building or structure such as an insurance binder, builder's risk insurance policy insuring the building or structure against any risk, financing statement, security agreement and any other similar document required by the building official which in the opinion of the building official is necessary to document the cost of the building or structure, and such other information as required on the permit application as may be necessary to provide for the enforcement of this Ordinance. A record of such application and plats shall be kept by the building

official and are subject to review by the Planning Commission. The Building Inspector may waive the plan requirement for minor construction.

B. MOBILE HOME PERMIT

No mobile home shall be located or relocated in the City of Atkins prior to the obtaining of a mobile home permit. A mobile home permit will be issued only when the applicant has been approved by the building official as meeting requirements of this Ordinance. All applications for mobile home permits shall be accompanied by a plan in duplicate drawn to scale, showing the actual dimensions of the lot where the mobile home is to be placed upon, the size of the mobile home and its location on the lot, information showing the cost of the mobile home such as an insurance binder, builder's risk insurance policy insuring the mobile home against any risk, financing statement, security agreement and any other similar document required by the building official which in the opinion of the building official is necessary to document the cost of the mobile home, and such other information as required on the permit application as may be necessary to provide for the enforcement of this Ordinance. A record of such application and plats shall be kept by the building official and are subject to review by the Planning Commission.

C. RELOCATION PERMIT

No building or structure previously located at another location shall be relocated in the City of Atkins prior to the obtaining of a Relocation Permit. All applications for Relocation Permits shall be accompanied by a plan in duplicate drawn to scale showing the actual dimensions of the lot where the building or structure to be relocated is to be placed upon, the size of the building or structure and its location on the lot, information showing the cost of the building or structure such as an insurance binder, builders risk insurance policy insuring the building or structure against any risk, financing statements, security agreement and any other similar document required by the building official which in the opinion of the building official is necessary to document the cost of the building or structure, and any other similar document required by the building official which in the opinion of the building official is necessary to document the cost of the building or structure and such other information as required on the permit application as may be necessary to provide for the

enforcement of this ordinance. A record of such application and plats shall be kept by the building inspector and are subject to review by the Planning Commission.

Section 3: Art. 4-1 AGRICULTURAL DISTRICT (A)

B. Uses Permitted Upon Review of the Planning Commission

is hereby amended to read as follows:

B. Uses Permitted Upon Review by the Planning Commission

The following uses may be permitted upon review by the Planning Commission:

1. Cattle feedlot operations
2. Animal sales yard
3. Animal hospitals and storage
4. Riding stables
5. Country clubs
6. Cemeteries and outdoor advertising
7. Mobile Home
8. Building or structure previously located at another location.

Section 4: Art. 4-2 FLOOD PLAIN DISTRICT (FP)

D. Uses Permitted Upon Review by the Planning Commission

is hereby amended to read as follows:

D. Uses Permitted Upon Review by the Planning Commission

The following uses may be permitted upon review by the Planning Commission:

1. Industrial bulk storage areas
2. New and used car lots
3. Mobile homes
4. Building or structure previously located at another location
5. Other uses deemed consistent with the purposes of this zoning classification.

Section 5: Art. 4-2 FLOOD PLAIN DISTRICT (FP) Subsection E. is hereby amended to read as follows:

E. Procedure for Review of Special Uses by the Planning Commission. The procedure for review of special uses will be the same as outlined in Section C. Article 4-3 (Single Family Residential).

Section 6: Art. 4-3 SINGLE FAMILY RESIDENTIAL (R-1)

B. Uses Permitted on Review by the Planning Commission

is hereby amended to read as follows:

B. Uses Permitted Upon Review by the Planning Commission

The following uses may be permitted upon review by the Planning Commission:

1. Churches
2. Utility Substations
3. Building or structure previously located at another location

Section 7: Art. 4-3 SINGLE FAMILY RESIDENTIAL (R-1)

C. Procedure for Review of Special Uses by the

Planning Commission Subsection 3. is hereby amended to read

as follows:

3. The Planning Commission will review the plat at its regular meeting and may refuse to permit the use for one or more of the following findings:

(a) The proposed use interferes unnecessarily with easements, roadways, rail lines, utilities, and other public or private rights-of-way.

(b) In reference to mobile home permits and relocation permits, failure to show satisfactory evidence that the moving of the mobile home or relocation of the building or structure to its proposed location would not cause damage to streets, trees or shrubs.

(c) Failure to show satisfactory evidence that the mobile home or building or structure to be relocated

is not infested with pests and is not otherwise in an unsanitary condition.

(d) Failure to present satisfactory evidence to show that the mobile home or the building or structure to be relocated is constructed in such a manner that it is not be a danger to the person or property of others.

(e) Failure to present satisfactory evidence to show that the proposed use would not cause an undue hardship on buildings or structures located on properties within 200 feet of the lot on which the Special Use is to be located.

(f) Failure to provide satisfactory evidence to show that the proposed use is similar to and in conformity with the present use of land, buildings or structures in surrounding areas. Surrounding areas shall not necessarily be limited to those areas within 200 feet of the property on which the Special Use is proposed to be located.

(g) The proposed use does not comply with the minimum height, area, bulk, yard or density regulations applicable to the zoning classification for which the Special Use has been requested.

(h) Failure to provide satisfactory evidence to show that plumbing and electrical features will pass inspection by a certified plumber and certified electrician pursuant to any city or state plumbing code or electrical code in effect at the time the permit is issued. Failure to provide satisfactory evidence of compliance with such codes within 60 days of the issuance of the permit shall cause the permit to be automatically invalid and shall be considered a violation of this ordinance.

(i) Failure to provide satisfactory evidence that the building or structure will be placed on a permanent foundation.

(j) Failure to provide satisfactory evidence that any reconditioning, repairing, remodeling or improvements to a mobile home or a building or structure to be relocated will (1) cause such mobile home, building or structure to conform with the present use of land and other buildings or structures in surrounding

areas and (2) be completed within sixty (60) days of the issuance of the permit. Failure to provide satisfactory evidence of compliance within 60 days of the issuance of the permit shall cause the permit to be automatically invalid and shall be considered a violation of this ordinance.

(k) Failure to provide satisfactory evidence to show that a building or structure to be relocated or a mobile home is not so dilapidated, defective, unsightly or in such condition of deterioration that its being located on the proposed property site would cause appreciable harm to other property within 200 feet of the proposed site.

Section 8: Art. 4-4 RESIDENTIAL USE DISTRICT (R-2)

B. Uses Permitted Upon Review of the Planning Commission

is hereby amended to read as follows:

B. Uses Permitted Upon Review by the Planning Commission

The following uses may be permitted upon review by the Planning Commission:

1. Churches or other similar places of worship
2. Hospitals
3. Nursing Homes
4. Mobile homes, provided that they
   (a) are intended fro the use of the owner or his immediate family and not classified as rental property for general occupancy. Immediate family shall be considered grandparents, father-law, mother-in-law, father, mother, spouse, brother, sister and children;
   (b) are located on a lot meeting the size and area requirements of this section;
   (c) conform to the area, bulk, and setback requirements of this section;
   (d) are anchored and underpinned as deemed appropriate by the Planning Commission.
5. Home occupation
6. Building or structure previously located at another location

Section 9: Art. 4-4 RESIDENTIAL USE DISTRICT (R-2)

Subsection C. is hereby amended to read as follows:

C. Procedure for Review of Special Uses by the Planning Commission. The procedure for review of special uses will be the same as outlined in Section C. Article 4-3 (Single Family Residential).

Section 10: Art. 4-6 CENTRAL BUSINESS DISTRICT (C-1) is hereby amended in part to read as follows:

The title to subsection B. Lot Area shall be amended to read "D. Lot Area ". The title to subsection C. Yard Requirements shall be amended to read, "E. Yard Requirements". The title to subsection D. Loading and Unloading shall be amended to read as "F. Loading and Unloading ". The title to subsection E. Structure Coverage shall be amended to read, "G. Structure Coverage"

A new Subsection B. Uses Permitted Upon Review by the Planning Commission shall be added to Art. 4-6 CENTRAL BUSINESS DISTRICT (C-1) to read as follows:

B. Uses Permitted Upon Review by the Planning Commission

The following uses may be permitted upon review by the Planning Commission:

1. Building or Structure previously located at another location

A new Subsection C. Procedure for Review of Special Uses by the Planning Commission shall be added to Art. 4-6 CENTRAL BUSINESS DISTRICT (C-1) to read as follows:

C. Procedure for Review of Special Uses by the Planning Commission. The procedure for review of special uses will be the same as outlined in Section C. Article 4-3 (Single Family Residential).

Section 11: Art. 4-7 GENERAL COMMERCIAL DISTRICT (C-2)

B. Use Permitted Upon Review of the Planning Commission

shall be amended to read as follows:

B. Uses Permitted Upon Review by the Planning Commission

The following uses may be permitted upon review by the Planning Commission:

1. Residences
2. Mobile homes
3. Building or structure previously located at another location

Section 12: Art. 4-8 INDUSTRIAL ZONE (I) shall be amended to read in part as follows:

The title to subsection B. Prohibited Uses shall be amended to read "D. Prohibited Uses".

The title to subsection C. Lot Area shall be amended to read "E. Lot Area". The title to subsection D. Yard Requirements shall be amended to read, "F. Yard Requirements". The title to subsection E. Structure Coverage shall be amended to read, "G. Structure Coverage". The title to subsection F. Height shall be amended to read, "H. Height". The title to subsection G. On-Lot Parking shall be amended to read, "I. On-Lot Parking". The title to subsection H. On-Lot Loading and Unloading Facilities shall be amended to read, "J. On-Lot Loading and Unloading Facilities".

A new subsection B. shall be added to read as follows:

B. Uses Permitted Upon Review By the Planning Commission

The following uses may be permitted upon review by the Planning Commission:

1. Building or structure previously located at another location

A new subsection C. shall be added to read as follows:

C. Procedure for Review of Special Uses by the Planning Commission:

The procedure for review of special uses will be the same as outlined in Section C., Article 4-3 (Single Family Residential).

Section 13 : Article 8-2 Change in Classification

Subsection D of the Atkins Land Development Code is hereby amended to read as follows:

D. Before any action shall be taken as provided in this section, any persons or person proposing a change in the zoning regulations or district boundaries shall deposit with the City Clerk the sum of One Hundred Dollars ($100.00) to cover the approximate cost of this procedure, and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the City Council. Such fees shall be deposited into a special account to be used only for future expenditures relating to amendments to the Atkins Land Development Code, printing and reprinting of zoning maps, and any other expense recommended by the Planning Commission and approved by the Mayor and City Council.

Section 14: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 15: This ordinance being necessary for the public peace, health and safety of the citizens of Atkins, an emergency is declared and this Ordinance shall become

effective immediately upon its passage and approval.

DATED this 13th day of July, 1993.

STEPHEN KENT, Mayor

Brenda Graves

BRENDA GRAVES, City Clerk