

ORDINANCE NO 2004-5

AN ORDINANCE PROVIDING FOR AREVISION TO THE PLANNING AND ZONING ORDINANCES OF THE CITY OF HEBER SPRIGNS, AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Heber Springs, Arkansas, has reviewed is ordinances with regard to Planning and Zoning, and

WHEREAS, the City Council has determined that it would be in the best interest of the City to revise and update such Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEBER SPRINGS, ARKANSAS, that the regulations of the Planning commission incorporated herein are hereby amended to read as follows:

SECTION 1. CHAPTER II, DEFINITIONS AND ABBREVIATIONS, SECTION 1, DEFINITIONS, PARAGRAPH A, SUBPARAGRAPH 56, is hereby amended to read as follows:

56. “Manufactured home” means a single family home meeting the design standards set forth in Fed. Title 24, part 3280, 3282, 3882, and 42 USC5401, manufactured after January 01, 1976 and is not to be construed as a mobile home. The following minimum site standards shall apply to all instances of placement of a manufactured home in the R-3 Zone District.

- A. All units constructed in or set up in this district, whether by new construction, addition to an existing unit, placement of a multi-section manufactured or modular home in combination with additional construction, shall meet the minimum set back requirements for a single family dwelling within this zoning district and have a minimum dimension on each side of at least 20 feet.
- B. All units constructed in or set up in this district, shall have all transport elements (wheels, axles, hitches) and exterior light systems removed and the unit placed on a permanent foundation system constructed to meet the adopted City Building Codes and in the case of a manufactured home, be anchored in accordance with the manufacture’s instructions or the regulations of the Arkansas Manufactured Home Commission.
- C. All units constructed in or set up in this district with a crawl space shall have continuous masonry underpinning with permanent materials unless specifically approved by the Planning and zoning Commission.
- D. All units constructed in or set up in this district with shall have the front door orientated toward the front yard and the exterior wall finished so as to be compatible with the neighborhood.

- E. All units constructed in or set up in this district with shall have shingle roofs unless specifically approved by the Planning and Zoning Commission.
- F. All units constructed in or set up in this district that do not have a built-in porch as part of the structure, shall have a covered front landing accessible by stairs and handrail if necessary. The landing shall be at least six feet by six feet and shall be orientated to the front yard.
- G. All units constructed in or set up in this district from off site shall be new and under warranty or inspected by the City's Building Inspector prior to being moved on site to ensure compliance with the following standards and that it is constructed on accordance with the Housing and Urban Development (HUD) code.
 - 1. All roofing material shall be secure without gaps or damaged shingles.
 - 2. All windows shall be operative without broken panes or damaged trim or screening.
 - 3. All exterior siding shall be in place and undamaged. No dented, torn, burned, loose or mildewed siding shall be allowed.
 - 4. All kitchen and bathroom facilities shall be fully operational and all mechanical equipment shall be in good working order.
 - 5. Any attached gutters shall be secured and functional.
 - 6. All cornice materials shall be in place and undamaged.
 - 7. Exterior finish shall be uniform and unblemished.
 - 8. Doors shall be plum and fully operational. No damaged screening or door fixtures shall be allowed.
 - 9. All flooring, or flooring that is missing, dented, broken, or in a state of damage or decay will be allowed.

SECTION 2. CHAPTER VI, ZONING DISTRICTS, SECTION 2, RESIDENTIAL ZONE R-2, PARAGRAPH H, ON LOT PARKING, is hereby amended to read as follows:

Single-family and two-family residential uses shall provide a minimum of two (2) on-lot parking spaces for each family unit structure.

SECTION 3. CHAPTER VI, ZONING DISTRICTS, SECTION 3, RESIDENTIAL ZONE R-3, PARAGRAPH B. PERMITTED USES, is hereby amended to read as follows:

- 1. All uses permitted in residential R-1 and R-2 districts.
- 2. Multi-family structures (up to 12 units per gross acre).

3. Boarding and rooming houses.
4. Manufactured homes as defined in Act 624 of 2003 (Ark. Code Ann.14-54-1602) and Ark. Code 20-25-102.

SECTION 3. CHAPTER VI, ZONING DISTRICTS, SECTION 3, RESIDENTIAL ZONE R-3, PARAGRAPH H. ON-LOT PARKING, is hereby amended to read as follows:

Single-family, two-family and multi-family structures: Two (2) on-lot parking spaces for each single-family unit in a structure and one (1) and one-half (1.5) spaces per unit for multi-family structures. Rooming and elderly housing shall have a requirement of one-half (0.5) spaces per unit.

SECTION 4. CHAPTER VI, ZONING DISTRICTS, SECTION 4, MOBILE-HOME PARK OR MOBILE-HOME SUBDIVISION, ZONE R-4, is hereby amended to read as follows:

- A. DESCRIPTION ON DISTRICT.** This District is created for the purpose of providing appropriate site for mobile/manufactured home subdivisions. It is the intent of the Ordinance that this district shall be located so as not adversely effect the established residential developments and densities of the City.
- B. AREA REQUIREMENTS.** The mobile/manufactured-homes subdivision shall conform to the following requirements:
 1. The park or subdivision shall be located on a well-drained site, properly graded to insure rapid drainage, free froe standing pools of water with adequate management of the resulting downstream runoff.
 2. The minimum area for a mobile-home park or manufactured home subdivision shall be five acres.
 3. Unit spaces shall be provided consisting of a minimum of five-thousand (5,000) square feet for each space which shall be at least fifty (50) feet wide and clearly defined on the ground.
 4. Homes shall be so harbored on each space that there shall be at least ten (10) feet between the homes and any home space line.
 5. All spaces shall abut on a hard surface driveway of not less than twenty (20) feet width which shall have unobstructed access to a public street.
 6. Each space shall be provided water, sewer and electrical service approved by the Arkansas State Public Health Service.
 7. All homes in a park or subdivision shall have a skirt completely encircling the home.
 8. Each commercial mobile-home park or manufactured subdivision shall meet such other requirements as the Planning and Zoning Commission may establish.

9. Two (2) hard surface parking spaces to accommodate motor vehicles shall be provided on each home space.
10. Common recreational space shall be provided at a rate of two hundred (200) square feet per home space.
11. A mobile-home park or manufactured subdivision which is to be placed in subdivision must be placed upon poured concrete or masonry footing and piers or perimeter foundation constructed to meet the adopted Heber Spring Building Code. Be anchored in accordance with the manufacture's instructions or the regulations of the Arkansas Manufactured Home Commission. All transport elements such as wheels, axles, trailer or transport hitches and exterior light systems must be removed.
12. Adequate landscaping and screening shall be provided, including trees and shrubs both in and around the perimeter of the park or subdivision, acceptable to the Planning Commission.

C. MOBILE HOMES. No mobile home may be located inside the city limits of Heber Springs except in a mobile home park or subdivision.

D. ACCESSORY STRUCTURES. The only accessory structure permitted in Zone R-4 shall be a storage building of a maximum size of one hundred square feet. Placement must meet yard area requirements set forth in B (4) of this chapter.

SECTION 5. All Ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. In the event any subsection, section or part of this Ordinance is later found to be invalid, the other provisions of this Ordinance shall remain in full force and effect.

PASSED AND APPROVED THIS 12TH DAY OF FEBRUARY, 2004

PAUL MUSE, MAYOR

NORMA MARTIN, CITY CLERK