

CITY OF DYER, ARKANSAS

ORDINANCE NO. 2012-2-7-1

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR DYER, ARKANSAS; REPEALING CONFLICTING PROVISIONS, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DYER, ARKANSAS, AS FOLLOWS:

SECTION 1: Upon the recommendation of the Planning Commission, and in order to provide a choice of housing types within the city and to expand housing choices for all families; to maintain efficiency and economy in the process of development by encouraging infill development with medium housing densities; and to encourage the appropriate and best use of land by placing uniform size and appearance guidelines on new housing placements the following changes shall be made to the ordinance and all conflicting ordinance provisions or any other conflicting ordinances are hereby repealed.

SECTION 2: The following subsections shall be amended in the existing ordinance:

Article V Section 1 1. j. A conditional use authorization for a Mobile Home that meets the requirements of Article VI. Section 4

Article VI Section 4 Mobile Home Conditional Use Permit

1. Persons seeking to replace an existing or damaged mobile home within an R-1 District shall file an application with Planning Commission and pay a fee of \$25.00 to the City Treasurer to cover the cost of public notices and related expenses.
2. Upon receipt of an application, the Planning Commission shall hold a public hearing on the application, after: (1) publishing a notice in a newspaper of general circulation in the City at least one time thirteen (13) days prior to the public hearing, setting forth the time and place of such hearing and the nature of the application; (2) posting a sign three (3) feet by four (4) feet in size at a conspicuous place on the property, fifteen (15) days prior to the date of the public hearing and on which is set forth the date and place of the hearing and the nature of the application.
3. Following the public hearing the application may be approved or denied in whole or in part.
4. Following disapproval of an application by the Planning Commission, the applicant may appeal such disapproval to the City Council, provided

that the petitioner states specifically in writing to the City Clerk why he considers the Planning Commission's findings and decisions are in error. Such appeal shall be filed with the City Clerk within fifteen (15) days from the date of the Planning Commission action.

5. In order for an application to be approved by the Planning Commission the applicant must demonstrate that the proposed Mobile Home installation will comport with the following requirements:
 - a. The proposed installation shall replace an existing mobile home.
 - b. All other requirements of R-1 Districts pertaining to lot area, yards, width, height, and parking;
 - c. That no objectionable characteristics will be created or otherwise caused to exist by the proposed installation;
 - d. The proposed installation is compatible with and will not adversely affect other property in the area where it is proposed to be located;
 - e. All units constructed in or set up in this district, whether by new construction, addition to an existing unit, placement or combination of multiple homes, shall have a minimum dimension on each side of at least fourteen (14) feet.
 - f. All units constructed or set up in this district with a crawl space shall have continuous masonry underpinning around said crawl space.
 - g. All units constructed or set up in this district shall have the front door oriented toward the front yard unless approved as a planned unit development.
 - h. All units constructed or set up in this district shall have shingle roofs unless specifically approved by the Planning Commission or Board of Zoning Adjustment.
 - i. All units constructed 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 handrails if necessary. The landing shall be at least six feet by six feet, and shall be oriented to the front yard.
 - j. All units constructed or set up in this district shall have a gravel drive and parking area capable of meeting the parking requirements of this zone.
 - k. All units constructed in this district shall have foundation systems that meet the City's building code, or in the case of mobile homes be anchored in accordance with the manufacturer's instructions or the regulations of the Arkansas Manufactured Home Commission.
 - l. All transport elements shall be removed.

m. All units moved into this district from off site shall be new and under warranty or inspected by the city's code enforcement officer prior to being moved on site to ensure compliance with the following standards.

- (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 secure and functional;
 - (6) All cornice materials shall be in place and undamaged;
 - (7) Paint shall be uniform and unblemished;
 - (8) Doors shall be plumb and fully operational; No damaged screening or door fixtures shall be allowed;
 - (9) All flooring shall be structurally undamaged, and secure. Holes in flooring, or flooring that is missing, dented, broken, or in a state of damage or decay will not be allowed.
1. Upon approval of the application by the Planning Commission, a certificate of occupancy shall also be applied for by the applicant under the procedure contained in Article VII Section 2 3.

SECTION 3: All ordinances or provisions of ordinances in conflict herewith are hereby repealed.

SECTION 4: This ordinance is deemed important for the immediate protection and preservation of the public peace, health, safety, and welfare of the citizens of Dyer, Arkansas, because a number of families are currently without housing due to a lack of housing opportunities that this ordinance creates. Therefore an emergency is hereby declared and this ordinance shall be and take effect and be in full force after its passage, approval, and publication.

PASSED AND APPROVED THIS 7th DAY OF FEB 2012.



MAYOR



CLERK