Amended by: 2013-02 3/19/13 Repealed
→ 2015-05 12/15/15

ORDINANCE 2005-04

AN ORDINANCE TO AMEND ZONING ORDINANCE # 142 PROVIDING ADDITIONAL REGULATIONS FOR R-4 ZONING, AMENDING SETBACK REQUIREMENTS, ENFORCEMENT REGULATIONS, PENALTIES AND FOR OTHER PURPOSES.

WHEREAS, The City Planning Commission has studied the matter and determined the need for additional amendments to the aforementioned ordinance for the purposes of adding additional regulations and requirements to the R-1, R-2, R-3, R-4 and subdivisions, and;

WHEREAS, The City Council passed Ordinance 2002-10 on July 16, 2002 amending Ordinance # 142, adding specific zoning for R-4 Mobile Homes, adopting Standard Building Code tie-down and skirting requirements for Mobile Homes and The City Planning Commission has determined the need for additional amendments to R-4 Zoning regulations, and;

WHEREAS, The City Planning Commission recommends additional setback regulations for future subdivisions and multi-family residential zones to promote the public peace, safety and welfare of the City of Mulberry.

WHEREAS, The City Council has determined the need for additional enforcement actions and penalties for violations of the Zoning Ordinance.

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

SECTION 1. That the following amendments be made in Ordinance No. 142:

A. In the Table of contents on page 1 Chapter III, Use Zones REPLACE Sections 4;5;6;7,8 with the following :

SECTION 4. Residential R-4 Mobile Homes
SECTION 5. Central Business Commercial C-1
SECTION 6. General Commercial C-2
SECTION 7. Industrial I-1
SECTION 8. Flood Plain FP-1

B. Chapter III Create and ADD a Section 9 and RELOCATE Section 8 "Special Uses" to Section 9.

C. Chapter 3 Section 4, Central Business will be RELOCATED to Chapter 3 Section 5.
Chapter 3 Section 5, C-2 will be RELOCATED to Chapter 3 Section 6.
Chapter 3 Section 6, I-1 will be RELOCATED to Chapter 3 Section 7.
Chapter 3 Section 7, FP-1 will be RELOCATED to Chapter 3 Section 8.
Chapter 3 Section 8, Special Uses will be RELOCATED to Chapter 3 Section 9.

SECTION 2. AMEND Chapter 3 : Section 1. Subsection B ADD the following as # "7" and Section 2. Subsection 3 ADD the following as "d" under Yard requirements / Section 3. Subsection 3 D ADD the following as #"4" :

All subdivisions authorized under Ordinance # 143 shall have fifteen feet (15') side yard setbacks after the passage of this ordinance. Side yard street setbacks will comply with the approved zoning district regulations. Subdivisions authorized prior to this date shall comply with the setbacks in the final approved and recorded plat.

AMEND Chapter 3, Section 1 , Subsection B 4. a. as follows:

Side Yard Street: DELETE Same as side yard and REPLACE with 15 feet from right-of-way line.

AMEND Chapter 3, Section 2, Subsection 3, as follows:

CREATE subsection "d"
RELOCATE "c" Rear yard Requirements to "d"
ADD in subsection "c" Side Yard Street: Same as front yard

AMEND Chapter 3, Section 3. subsection 3 d. (3) as follows:

"(3) Multi-Family Dwellings: Minimum of twenty feet (20) from the property line or from the center of alley where one exists.

SECTION 3. SECTION 4 will be REPLACED AND AMENDED with the following R-4 Zoning Requirements based on Ordinance 2002-10:

R-4 –Mobile Homes and Mobile Home Parks

1. a. PERMITTED USES
    1. Mobile homes
    2. Mobile Home Parks
    3. Mobile Home Park accessory and service buildings

b. All mobile homes currently located on lots zoned R-1. R-2 or R-3 shall be permitted to remain on such lots so long as they comply with all other provisions of this ordinance.

c. Upon removal of any mobile home by fire, condemnation, storm, owner's preference or other means, no mobile home shall be placed back on said lots unless the lots are re-zoned to R-4 as required by this ordinance.

Planning Commission Approval

D. Prior to the location or installation of a mobile home within the City Limits of Mulberry, other than on land zoned as R-4, Mobile Home Residential, application shall be made to the City Planning Commission for a change in zoning classification.

2. Area Requirements, Residential

a. Minimum lot area: Single-Family .....7,000 sq. ft.

b. Minimum lot width: (at front yard building line)..... 60 feet

3. Yard Requirements

a. Front yard: minimum of 25 feet from right-of-way line. On corner lots the front yard shall be considered as parallel to the street upon which the lot has the least dimension.

b. Side Yard (each) Minimum 7 1/2 feet from each property line.

c. Side yard street: fifteen feet (15')

d. Rear yard: minimum 20 feet from rear lot line or center of alley if one exists, whichever is greater..

e. Off-street parking: Parking space shall be provided on the lot to accommodate *two* vehicles for each mobile home unit.

4. Manufacture Date, Tie-Down and Skirting Requirements of the Standard Building Code 1994 Edition , Appendix H are hereby adopted.

a. Manufacture Date of Mobile Home shall be within 15 years of the date of the building permit application. Tie-Down and Skirting Requirements as per the Standard Building Code 1994 Edition, Appendix H
b. Tie-Down requirements must be completed prior to occupying the mobile home.
c. Skirting Requirements must be completed within 90 days of the issuance of the building permit. Skirting materials as approved by the administrating authority.

SECTION 4. Section 8 Special Uses subsection 7 a, 8 a 1 & 2, 8 b 1 & 2 A thru G shall be AMENDED and RELOCATED to Section 4 after subsection 4. a. as follows:

5. Mobile Home.

a. Definition: Mobile home means a transportable, single family dwelling unit suitable for year round occupancy *which is 8 body feet or more in width and is 32 body feet or more in length* a which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to required utilities, and includes plumbing, heating, air conditioning and electrical systems contained therein.

6. Mobile Home Park.

a. Definitions

1. Mobile Home Park means a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use.

2. Mobile home space means a lot of ground within a mobile home park designed for the accommodation of one mobile home.

a. A mobile home park shall conform to the following requirements:

(1) Federal Housing Administration approved mobile home parks. Mobile home parks designed and constructed to meet Federal Housing Administration Minimum Property Standards for Mobile Home Courts and Parks shall be approved as substantially complying with the standards of the City of Mulberry. Proof of approval and certification by the Federal Housing Administration shall be furnished to the Planning Commission prior to approval by the City.

(2) Other mobile home parks. Mobile home parks not subject to Federal Housing Administration approval shall conform to the following minimum requirements:

(a) The park shall be located on a site that is properly graded to insure rapid and complete drainage.

(b) Each mobile home space shall contain a minimum of 1,500 square feet with a minimum frontage of 30 feet. Lot frontages shall be increased one foot for each one foot of width expansion of the mobile home or additions constructed thereto.

(c) Mobile homes shall be so harbored on each space that there shall be at least 15 feet of clearance between the mobile home and mobile homes or structures on adjacent sites.

(d) Mobile homes shall abut a driveway no less than 10 feet in width for the exclusive use of the tenants. Said driveway shall have unobstructed access to a street. If the mobile home park is designed so that a driveway is shared by occupants of two mobile homes, the driveway shall be at least 20 feet in width.

(e) Water, sanitary sewers, and electric service outlets shall be provided on each mobile home site. Such plumbing and electrical service connections shall, at the time of installation, meet the requirements of the plumbing and electrical codes of the City.

(f) Each mobile home park shall provide service buildings to house such toilet, bathing, laundry and other sanitation facilities as the City may specify.

(g) Mobile home parks shall provide common recreation areas consistent with the standards for recreation adopted by the City.

7. Manufacture Date, Tie-Down and Skirting Requirements

(a) Manufacture Date of Mobile Home shall be within ~~15~~ 10 years of the date of issuance of the building permit application., Tie-Down and Skirting Requirements as per the Standard Building Code 1994 Edition, Appendix H

(b) Tie-Down Requirements must be completed prior to occupying the mobile home.

(c) Skirting Requirements must be completed within ninety (90) days of the issuance of the building permit. Skirting materials as approved by the administrating authority.

SECTION 5. AMEND Chapter 7, Enforcement and Administration Section 1, Subsection A as follows:

Section 1. Responsibility/Enforcement

A. For the purpose of enforcement of the provisions of this title, there is hereby created the position of the Zoning Administrator. The Zoning Administrator and Building Inspector shall be responsible for the administration and enforcement of these regulations.

Further, the Mayor shall have the authority to enforce, hire or appoint the zoning administrator, building inspector and such duly authorized agents as may be required to enforce the provisions of this title. The zoning administrator or his/her duly authorized agents are authorized and directed to enforce all provisions of this title, including the receiving of applications, the inspection of premises, inspections of buildings and the issuing of permits.

B. The Building Inspector, Zoning Administrator or his/her duly authorized agents who observe a violation of any of the provisions of this title shall take one or more of the actions described below in order to resolve the violation.

1. Issue a notice and order to comply to the responsible party in accordance with the procedures set forth herein.

2. File a long form complaint with the Mulberry City Court against the responsible party in accordance with the procedures set forth herein.

3. Issue a criminal citation to the responsible party in accordance with the procedures set forth herein.

C. Notice and Order to Comply

1. If the zoning administrator or his/her authorized agents has determined that a violation of the zoning ordinance exists, the administrator shall advise the responsible party by written notice that said violation must be corrected and or removed from the property.

2. Said Notice shall include the property's 911 street address and a restatement of the violations known to exist. Buildings/Structures in violation under the condemnation procedures will be condemned pursuant to state statute by the zoning administrator or appointed official.

3. The notice shall be given to the responsible party not less than 15 days before the date set for compliance. The compliance date may exceed 15 days at the discretion of the enforcing officer/official. The notice shall advise the responsible party that unless they comply voluntarily with the requirements of the notice that the City will exercise one or all of the following options to enforce compliance.

    a. File a long form complaint with the City Court of the City of Mulberry against the responsible party in accordance with the procedures set forth herein.
    b. Issue a criminal citation to the responsible party in accordance with the procedures set forth herein.
    c. Publication in a newspaper of local circulation once per week for 2 consecutive weeks.

D. Service of Notice

1. Notices involving criminal citations and long form complaints, shall be served on the responsible party through one of the following methods:

    a. By personally serving the responsible party with the notice.

    b. By mailing the notice to the responsible party at his last known address by certified mail, return receipt.

    c. Publication in a newspaper of local circulation once per week for 2 consecutive weeks.

E. Criminal Citations

1. The citation shall be in substantially the same form as the Arkansas Traffic Ticket and complaint and direct the defendant to appear in the Mulberry City Court on the date cited in the citation.

2. The citation will further notify the defendant that if he fails to appear on the date specified in the complaint, that the Court may, in its discretion, impose a criminal sanction and/or issue an arrest warrant.

3. Service of the citation may be accomplished and will be deemed proper and complete by any of the methods listed below.

    a. By having the defendant sign the citation with a promise to appear in the Court on the date specified on the citation.

    b. If the defendant refuses to sign the citation, by hand delivering a copy of the citation to the defendant.

    c. By mailing a copy of the citation to the person charged by certified or registered mail, return receipt requested, to the person's last known address.

d. In the event service cannot be accomplished as set forth above, the State may serve the defendant by any means allowed by the Arkansas Rules of Criminal Procedure for the Superior Court.

F. Authority to Issue Criminal Citations

1. Any peace officer or duly authorized agent of the City of Mulberry may issue a citation pursuant to this ordinance. Duly authorized shall mean the Mayor or an individual employed by the City of Mulberry who has been appointed by the Mayor to have the authority to issue criminal citations.

G. Long Form Complaints

1. Any prosecutor, peace officer, Mayor or duly authorized agent of the City of Mulberry may file long form complaints with the Mulberry City Court against the responsible party in accordance with the Arkansas Rules of Criminal Procedure.

SECTION 6. Chapter 7, Section 3, Subsections A & B are hereby repealed.

SECTION 7. Chapter 7, Section 5, Subsection A is hereby repealed and REPLACED with the following:

Violation Penalty

Any person, firm or corporation who shall violate any of the provisions of these regulations or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement of plan submitted and approved hereunder, shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five ($25.00) nor more than one thousand ($1,000.00) dollars. Each day such violation exists shall constitute a separate offense.

SECTION 8. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 9. **Validity Clause**

If any provision of this ordinance is held invalid or unconstitutional it shall be deemed severable and separable, and the remaining provisions shall remain in full force and effect from and after it's passage and approval.

PASSED AND APPROVED THIS 17th DAY OF MAY 2005.

APPROVED: _____
Jeff Marvin, Mayor

ATTEST: _____
Jerry Dickerson, Recorder-Treasurer