

ORDINANCE NO. 98-04

AN ORDINANCE MODIFYING THE ZONING ORDINANCE OF THE CITY OF POTTSVILLE, ARKANSAS, AND DECLARING AN EMERGENCY

WHEREAS, based on a review by the Pottsville City Planning and Zoning Commission of the Zoning Ordinance adopted by Pottsville City Ordinance 94-03, there exists a need to modify the requirements governing manufactured homes and special use permits.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POTTSVILLE, POPE COUNTY, ARKANSAS, THAT THE FOLLOWING CHANGES TO BE MADE TO THE CITY ZONING ORDINANCE ARE HEREBY ENACTED:

ARTICLE IV Section 3: Added Paragraph 4, which reads as follows:

Special use permits shall have an expiration date assigned which is no longer than three (3) years. This expiration date should be assigned by the Planning and Zoning Commission when the Special Use Permit is considered. The Special Use Permit may be renewed by an approved motion of the Planning and Zoning Commission if all requirements of the Special Use Permit are met and the property owner requests that the renewal be made. The property owner shall be notified by the Planning and Zoning Commission Secretary sixty (60) days prior to the expiration of the Special Use Permit. The property owner will have up to thirty (30) days after the expiration date to apply in writing to renew the Special Use Permit. If a request in writing is not received within thirty (30) days after the expiration date, the property will revert back to its previous zoning classification and the owner will be notified of non-conformance in usage of the property. If the Special Use Permit is allowed to expire, a new request process must be initiated.

ARTICLE V Section 12: Revised section to reads as follows:

Manufactured home subdivision, may be established in the R-1, R-2 & R-3 Residential zones to provide an opportunity for manufactured home ownership of structure and lot for those manufactured home approved by the Department of Housing and Urban Development under Title VI of Public Law 93-383, USC5401 et seq. All manufactured homes so located within an

approved subdivision must have the date plate attached to the unit specifying "This manufactured home is designed to comply with Federal Manufactured Home Construction and Safety Standards in force at the time of manufacture." **All manufactured homes to be placed in a manufactured home subdivision must meet all requirements of Article V Section 14 (Manufactured Homes) prior to the issuance of a building permit for installation.** Manufactured home subdivisions shall fully comply with the regulations of this Ordinance and further be governed by the Land Subdivision and Development Code of the City of Pottsville. Furthermore, individual manufactured homes located within a manufactured home subdivision must be converted to permanent structures as defined in Article X of this Ordinance.

ARTICLE V Section 14: Revised section to read as follows:

The establishment, location, and use of single and double-wide manufactured homes as scattered-site single-family residences shall be permitted in the R-2 and R-3 zoning districts. **Double-wide manufactured homes only may be considered** under the **Special Use Permit** provisions of the Ordinances in the R-1 residential zone, subject to all requirements and limitations applying generally to such residential use in each of the respective districts. **All manufactured** homes shall meet all of the following requirements and limitations:

1. The home shall **have a manufactured date less than three (3) years from date of application** and meet all requirements as defined in Article X and must possess all necessary building and occupancy permits and other certifications required by the City for a dwelling unit;
2. **Prior to a building permit being issued or an application for a special use permit, the following items must be presented to the building inspector or Zoning Commission.**
 - a. **The manufacturer's specification for manufactured home to be installed. These specifications should include but not be limited to dimensions, type of roof, type of siding, the age of the home, required anchoring specifications, and required foundation pier arrangement.**

- b. The specific size of the lot and how the home will be placed on the lot.
 - c. Cash or surety bond in the amount of \$1000 to be made payable to the City of Pottsville. If all requirements for installation of the manufactured home are not met within ninety (90) days of the date the building permit is issued, the bond will be forfeited and a letter of non-conformance will be issued to the owner. The cash or surety bond will be returned to the owner of the home when all requirements are met before the ninety (90) day time limit.
- 3. The home must be appropriately sited on the lot, with the front of the home oriented to the front of the lot, and all required setbacks (front, side, and rear) of the zoning district in which the home is located must be met without any exception or variances;
 - 4. The home shall be placed upon concrete footings and piers or a perimeter foundation constructed to conform to manufacturer's installation specifications and the Building Code of the City of Pottsville. All transport elements such as wheels, axles, trailer or transport hitches and exterior light systems attached for highway usage must be removed. The home shall be anchored in compliance with the design load requirements of the manufacturer's installation specifications and the Building Code of the City of Pottsville, Arkansas.
 - 5. The home shall be covered with an exterior material customarily used on site-built residential dwellings, and such material shall extend over the top of the foundation to **completely enclose (no exposed piers)** unless said foundation is constructed of solid brick, stone or masonry material;
 - 6. The home shall have a roof composed of a material customarily used on site-built residential dwellings, such as fiberglass, shake, asphalt, or tile, which shall be installed onto a surface appropriately pitched for the materials used.

This ordinance is a modification and in addition to Pottsville City Ordinance 94-3. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

An emergency is hereby declared and this ordinance being necessary for the preservation of the public peace, health, and safety shall be in full force and effect from and after its passage and publication, this 18th day of December, 1998.



Bruce Hawkins, Mayor

ATTEST:

I, Carless Teeter, Recorder/Treasurer of the City of Pottsville, Arkansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 98-04 passed by the City Council of the City of Pottsville, Pope County, Arkansas, on the 18th day of December, 1998.



Carless Teeter, Recorder/Treasurer