

ORDINANCE NO 194

AN ORDINANCE FOR PROVIDING FOR THE INSTALLATION OF TINY HOMES WITHIN THE CITY OF GARFIELD, ARKANSAS, ESTABLISHING REGULATIONS THEREOF AND PROVIDING FOR THE ENFORCEMENT AND PUNISHMENT FOR VIOLATIONS THEREOF.

WHEREAS, the Garfield City Council has determined to develop requirements and regulations for Tiny Homes; and

WHEREAS, it is in the best interest of the City that the health, safety, and general welfare of the City be promoted by planning the orderly growth of the City; and

WHEREAS, the Garfield City Council finds it to be in the best interest of the public safety, health and general welfare to regulate Tiny homes within the city;

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

SECTION 1: DEFINITIONS: For purposes of this ordinance, certain terms, words, and phrases shall have the meaning hereinafter:

Accessory Dwelling Unit: Shall have the same meaning and regulations outlined in Ordinance 153, Section 9(c)(1).

Acre: a unit of land area equal to 43,560 square feet, and approximately 4,047 m².

Conditional Use: Shall have the same meaning and regulations outlined in Ordinance 153, section 8(a).

Ordinance 153: The official zoning code for the City of Garfield, Arkansas

Person: Any individual, firm, trust partnership, association, or corporation.

Tiny Home (House): Residential structures with no more than 750 square feet total living space. Living space shall exclude porches, decks, garages, and other space not heated or cooled by any means.

SECTION 1: PERMITS:

- 1.** A Conditional Use Permit is required if the Tiny Home will be placed on a lot with an existing dwelling unit.
- 2.** An application requesting a permit to build a Tiny Home must be filled out with the City Recorder-Treasurer and presented to the Planning Commission and include but not limited to the following:
 - a. Name and address of applicant
 - b. Telephone Number

- c. Location, legal property description, where the Tiny Home is to be located.
 - d. Dimensions of the Tiny Home
 - e. Description of material being used to build the Tiny Home.
 - f. Plat or blueprints identifying connections to the water and state approved septic.
 - g. Blueprints or drawing of the Tiny Home to be built
3. In considering the application, the Code Enforcement Officer along with the Planning Commission may take into account the proposed location of the Tiny home in relation to the present and anticipated land use and development. After review of the application and determining the application and the proposed home complies with the Ordinance and other applicable laws, codes regulations and zoning ordinances, the permit shall be issued.
4. Any person whose application for a Permit has been denied may, within ten (10) days of the denial, request in writing to the Board of Zoning Adjustment, a rehearing on the matter and offer additional evidence at the hearing if desired.

SECTION 2: REQUIREMENTS:

1. No more than two (2) Tiny Homes can sit on one (1) acre of land where there is no other dwelling unit and must be fifty (50) feet apart and meet all setbacks of ordinance 153. More than 2 Tiny Homes on a tract of land is considered a subdivision and will need to comply with Ordinances 64 and 85.
2. If a Tiny Home is placed on a lot where an existing dwelling unit is, it will be considered and Accessory Dwelling Unit and must meet all requirements of ordinance 153.
3. The Tiny Home must be built from the ground up and be on a foundation with at least six (6) inches of cement footing, which is steel reinforced for load bearing walls. Tiny Homes built on a trailer, is required to remove wheels/axles in order to tie down to the foundation as described above. No Homes on wheels will be permitted.
4. Each Tiny Home must have off street parking following Ordinance 153 guidelines
5. Each Tiny Home must be connected to Electricity, City Water and a state approved Septic tank. No composting toilets will be permitted.
6. Each Tiny Home must have its own 911 address.
7. Each Tiny Home shall have a minimum gross floor area of no more than seven-hundred fifty (750) square feet.
8. Each Tiny Home shall have a bathroom with a toilet and shower or tub and a kitchen with a sink.
9. All State and City building codes must be complies with.
10. Each Tiny Home must pass inspection by the Code Enforcement Officer, or any subsequent structural standards which may be adopted by the City of Garfield.
11. Each Tiny Home must have at least one (1) porch.

SECTION 3: PENALTY PROVISIONS: Any person violating this ordinance or portion thereof shall upon conviction be guilty of a misdemeanor and shall be fined not less than twenty-five dollar (\$25) nor more than five hundred dollars (\$500) for each day that such violation continues. Each day may be considered a separate offense and punishable accordingly.

SECTION 4: SEVERABILITY: If any section or part of any section or paragraph of this ordinance is declared invalid or unconstitutional for any reason, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

SECTION 5. EMERGENCY CLAUSE: Whereas, it is necessary to preserve the public peace, health, safety, and welfare of the citizens of Garfield, Arkansas, an Emergency is hereby declared to exist, this ordinance shall take effect immediately on its passage and approval.

Passed and approved this 11 day of May, 2020.

APPROVED: Gary Blackburn
Gary Blackburn, City Mayor

ATTEST:

Terese D. King
City Recorder/Treasurer

