

ORDINANCE NO. 351



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AN ORDINANCE ESTABLISHING ZONING DISTRICTS IN THE CITY OF FOREMAN ARKANSAS, ESTABLISHING AN EMERGENCY, AND FOR OTHER PURPOSES

Purpose and adoption.

The Foreman Zoning Code and map adopted January 16, 2024, by the Foreman City Council is adopted as a technical code under the authority provided by A.C.A. 14-55-207.

Authority.

These regulations are adopted under the authority of Act 186 of 1957, Acts of Arkansas.

Jurisdiction.

The provisions of this ordinance shall apply to all land and structures within the corporate limits of Foreman, Arkansas, as they now or may hereafter exist.

Purpose.

Zoning is designed to protect and stabilize some areas while guiding new development in others. It is not intended to change existing uses. Over the years the zoning ordinance directs growth and expansion toward the pattern set forth in the Map.

More specifically, the regulations divide the planning area into zones and within these zones it prescribes the use of land, the density of population, and prescribes the use, character, bulk, and location of buildings. And it does so for the following reasons:

- A. To conserve and stabilize property values;
- B. To provide locations for uses that are correctly related to utilities, streets, community facilities and other uses;

Conformance to plans.

This ordinance is for the purpose of implementing said zoning plan to accomplish the objectives set forth above.

Definitions.

For the purpose of this ordinance certain terms of words used herein shall be interpreted or defined as follows:

- A. Words used in the present tense include the future tense;

- B. Words in the singular include the plural number, and words in the plural include the singular;
- C. The word “shall” is mandatory, not directive, and the word “may” is permissive;
- D. The word “structure” includes the word “building.”
- E. The word “lot” includes the word “plot”.

Certain words in this ordinance are defined for the purpose hereof as follows:

Dwelling. A house, apartment building, or other stationary building designed or used primarily for human habitation. The word “dwelling” includes the following:

- A. Single-family dwelling: A detached residence designed for or occupied by one family only.
- B. Two-family dwelling: A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.
- C. Multi-family dwelling: A residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each.

It does not include mobile homes or tents.

Family. One or more person’s occupying premises and living as a single, non-profit housekeeping unit.

Gasoline service station. An establishment, the business of which is the operation of a motor fuel dispensing station, where repair work is limited to lubricating and washing of motor vehicles, changing and minor repairs of tires, and where no body work or major chassis or motor repairs are made.

Home occupation. Home occupation is any occupation or profession carried on by a member of the immediate family residing on the premises, in connection with which there is used no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; there are no advertising signs other than one non-illuminated name plate not more than two (2) square feet in area attached to the main or accessory building; there is no commodity sold that is not created on the premises; and no person is employed other than a member of the immediate family residing on the premises; no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses beyond the property line. A professional person may use his residence for infrequent consultation, emergency treatment, or performance of

religious rites, but not for the general practice of his profession. The keeping of not more than two roomers or boarders shall be considered a permitted home occupation. A beauty shop having facilities to serve no more than one person shall be considered a permitted home occupation.

Manufactured Home. “Manufactured home” means a structure, transportable in one (1) or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty square feet (320 sq. ft.) or more and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.

Mobile home. Any vehicle or similar portable structure built in a factory prior to implementation of federal standards as set forth in the definition of Manufactured Home set forth above. Portable buildings not used for dwelling or sleeping are not considered mobile homes.

Name plate. An accessory sign showing only the name and address of the owner or occupant of the premises on which it is erected or placed.

Non-conforming. That use of structure which does not meet the requirements of the zone in which the use of structure is located at the time of the effective date of this ordinance.

Non-conforming use of land. That use of land which does not conform to the permitted uses of land in the zone in which it is located, and which does not utilize a principal or permanent structure.

Non-conforming use of structure. That use of a structure which does not conform to the permitted use of structures of the zone in which it is located.

Non-conforming structure. That structure which by its nature is not intended for uses permitted within the zone in which it is located and/or that structure which does not conform to the area requirements of the zone in which it is located.

Sign, advertising (poster panel, painted bulletins or other advertising devices). A sign which is usually a primary use of land and which promotes and advertises commodities or services not limited to being offered on the premises on which such signs are located.

Sign, agricultural. An accessory sign identifying the farm or ranch on which it is placed and advertising the produce, crops, animals or poultry raised or quartered thereon.

Sign, apartment name. An accessory sign for the identification of an apartment building or complex of apartment buildings.

Sign, business. An accessory sign or graphic device which advertises only commodities or services offered on the premises where such signs are located and not of the billboard, poster panel or painted bulletin type.

Sign, construction. A temporary accessory sign identifying the property, owner, architect, contractor, engineer, landscape architect, or decorator engaged in the design, construction or improvement of the premises on which the sign is located.

Sign, institutional. An accessory sign for the identity of a school, church, hospital or similar public or quasi-public institution.

Signs, real estate. A temporary accessory sign pertaining to the sale or rental of property and advertising property only for use which it is legally zoned.

Variance. A modification or variation of the provisions of this ordinance as applied to a specific piece of property.

Classification of Districts

For the purpose of promoting the public health, safety, morals and general welfare of the community, the City of Foreman, Arkansas is hereby divided into the following types of districts:

C-1 District: General Commercial

C-2 District: Special Zone

R-1 District: Single Family Residential District

R-2 District: General Residential District

R-1 Districts shall be considered to have the most restricted use, with less restrictions in R-2, C-2, C-1. Permitted uses in a more restricted district are typically permitted in less restricted districts.

Nothing in this ordinance shall prevent any mobile homeowner who, after having complied with all code provisions and ordinances and has been authorized to locate a mobile home, from replacing said mobile home with one of equal or greater value and less than or equal to ten (10) years of age. Any mobile homeowner desiring to replace his/her mobile home with one of equal or greater value and less than or equal to ten (10) years of age, must obtain permission or approval from the Foreman City Council.

Boundary of districts

- A. The boundaries of the zoning districts are hereby established as shown on the map entitled Zoning District Map of Foreman, Arkansas dated January 16, 2024, which is a part of this ordinance, and which is on file in the office of the City Treasurer.
- B. Interpretation of district boundaries:
 - 1. Where district boundaries are indicated as approximately following the center lines of streets or highways, said street lines shall be construed to be such.
 - 2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
 - 3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
 - 4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
 - 5. Boundaries indicated as approximately following alleys shall be construed as following alleys.
 - 6. When the street or property layout existing on the ground is at variance with that shown on the Zoning District Map or with other requirements of this ordinance, the Board of Adjustment, or the City Council shall interpret the boundaries.
 - 7. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Board of Zoning Adjustment, or the City Council.

Single family residential (R-1).

This district is intended to include the quiet residential neighborhoods characterized by single-family homes on large lots, plus certain areas where similar residential development is likely to occur.

A. Permitted uses:

1. Single-family structures, detached.
2. Public parks and playgrounds and other municipal recreational uses.
3. Public schools and private schools offering similar educational courses.
4. A parking lot used to service uses permitted in the district.
5. General purpose farm, garden or nursery, provided however, that no odor or dust-producing substance or use shall be permitted within one hundred (100) feet of any property line.
6. Municipal water supply use.
7. Customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted for gain. Any accessory building shall be located on the same lot as the principal building.
8. Churches.
9. Utility substations.
10. Home Occupation.

Residential use district (R-2).

This district is intended to include all residential neighborhoods characterized by single, two, and multi-family residences, plus certain areas where similar development is likely to occur, and manufactured housing. Certain additional uses may be permitted when deemed appropriate by the City Council. In approving such permitted uses, the Commission shall be guided by traffic, parking, scope of use proposed, character of the surrounding area, and the effect of the proposed use on adjacent properties.

A. Permitted uses:

1. One family dwelling.
2. Two family dwelling.
3. Churches or other similar places of worship.
4. School offering a general education course.
5. Public parks and playgrounds and other municipal recreational uses.
6. Hospital, nursing home, doctor and dental clinic, etc.
7. Kindergartens (public or private).

8. Accessory structures and uses pertinent to the principal structure and use.
 9. Home occupation.
 10. Unoccupied utility substations.
 11. Manufactured Homes as defined herein. Storage buildings and camper trailers are not considered as a dwelling in the City of Foreman.
- B. Uses permitted upon review of the City Council.
- C. The Mayor or his designee shall promulgate regulations for the installation of manufactured housing in keeping with the requirements of A.C.A. 14-54-1604.

General Commercial (C-1).

This district is intended to provide space for retail activities and services:

- 1) Retail establishments which service the motorist and those businesses requiring large sites.
- 2) Office buildings and uses
- 3) Motels
- 4) Restaurants
- 5) Automobile dealers
- 6) Drive-in restaurants
- 7) Garages and gasoline service stations subject to the following provisions:
 - a. No repair work is performed out of doors.
 - b. Pumps, lubricating or other devices are located at least twenty (20) feet from any street or highway right of way.
 - c. All automobile parts, dismantled vehicles and similar articles are stored within a building.

Sign requirements. None

C-2 Special Zone.

This district is located downtown and is the downtown preservation project. It is intended to provide space for retailing of all kinds, professional offices, banks, hotels, and places of amusement, which do not unduly disturb the character and historical appearance of the area. New construction is permissible downtown, but it must be built in a manner to be harmonious with the historical appearance and characteristics of the existing downtown special zone. Residential use is prohibited downtown, except for loft type apartments built in existing downtown buildings. Manufactured and Mobile Homes are prohibited in this zone.

Administration. The City Council shall serve as the planning commission and board of adjustment in the City of Foreman, Arkansas. Further, the Mayor or his or her designee shall serve as the administrative officer and enforcement officer regarding this ordinance, and the Mayor or his or her designee shall promulgate such rules and regulations as are necessary to effectively carry out this ordinance.

EMERGENCY CLAUSE

Inasmuch as the City of Foreman has a pressing need to establish zoning districts and there are numerous pending requests before the City regarding place of homes and manufactured housing in the PASSED AND ADOPTED in regular session this 16th day of January 2024.



William B. Harp, Mayor

ATTEST:


Roger Quilty, Recorder