



Zoning Regulations

For Rector, Clay County, Arkansas

Not in true codification form.
Refer to original ordinance for actual law.

Prepared by
The Rector Planning Commission

Adopted: October 1981
Most Recent Amendment: August 2009

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ZONING ORDINANCE

Rector, Arkansas

Ordinance No. 359

AN ORDINANCE TO CARRY OUT THE INTENT AND THE GENERAL PLAN OF THE CITY OF RECTOR, ARKANSAS, ADOPTED PURSUANT TO THE PROVISIONS OF ACT 186 OF 1957, AS AMENDED: DEFINING CERTAIN TERMS: THE ESTABLISHMENT OF USE DISTRICTS SETTING FORTH PERMITTED USES AND AREA REQUIREMENTS; ESTABLISHING GENERAL REGULATIONS PERTAINING THERE TO; ESTABLISHING A BOARD OF ADJUSTMENTS INCLUDING ITS POWERS AND DUTIES; PROVIDING FOR ENFORCEMENT THERE AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF RECTOR, ARKANSAS:

Section 1: Purpose and Authority

Article 1-1 Purpose

The zoning regulations and districts as set forth herein have been made in accordance with the General Plan for Land Use and Major Streets which was prepared in order to promote, in accordance with present and future needs, the safety, order, convenience, and general welfare of the citizens of Rector, Arkansas. This ordinance has been designed to lessen congestion in the streets, to secure safety from fire and other danger, to prevent the overcrowding of land and facilitate the adequate provision of water, sewerage, schools, parks, and other public improvements.

Article 1-2 Authority

Act 186 enacted by the General Assembly of the State of Arkansas in 1957 provides the City of Rector, under guidance of the Planning Commission, with the authority to adopt, administer, enforce, and amend these regulations. These regulations are in effect within the entire City limits of Rector.

Section 2: Definitions

Article 2-1 Definitions

- A. Words used in the present tense include the future; words in the singular include the plural number, and words in the plural include the singular, the word “shall” is mandatory and not discretionary.
- B. Certain words and phrases shall, for the purpose of this ordinance, have the following definitions:

Accessory Structure. A subordinate structure located on the same lot with the principal structure. Where an accessory structure is attached to the principal structure in a substantial manner, as by a roof, such accessory structure shall be considered as a part of the principal structure.

Accessory Use. A use which is customarily incidental to the principal use, as a garage for the storage of an automobile by occupant of a residence.

Alley. A minor public way not over 20 feet in width.

Area. The amount of land surface in a lot or parcel of land.

Area Requirements. The yard, lot area, width of lot, height of structure, and parking requirements as set forth for a specific zone in this ordinance.

Building. Any structure having a roof supported by columns or walls, used or intended for use for the shelter or enclosure of persons or property.

Community Development Plan. The official plan for future land use, streets, and community facilities, as adopted by the City of Rector, Clay County, Arkansas.

District Zoning. A portion of the City Rector, within which certain uniform regulations and requirements apply under the provisions of these regulations.

Dwelling Unit. A unit intended to be occupied as a housekeeping unit.

Enforcement Officer. The persons officially appointed by the City Council to enforce the provisions of these regulations.

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

Flood Plain. The area adjoining a river stream or body of water which is inundated by a regulatory flood. That portion of the flood plain beyond the limits of the floodway (flood fringe) is subject to less frequent and lower velocity

flooding. This portion of the flood flows and may be developed, provided appropriate flood protection measures and initiated.

Floodway. The channel of a stream or body of water and those portions of the adjoining food plains which are reasonably required to carry and discharge flood water or flood flow of a designated magnitude (100 year flood) and carry the higher velocity-high hazard water flows. Should not be considered for any type of structural development.

Home Occupation. A use which: (1) is carried on in a dwelling unit or in a building accessory to a dwelling unit, and (2) is clearly incidental and secondary to the residential use of the dwelling. The term "home occupation" includes: (1) custom dressmaking, millinery, tailoring, sewing, barber or beauty shop, (2) fabrication and or assembly or handicraft articles, not involving heating, refining, chemical, or similar processes, (3) fine arts studio in which are created only individual works of art, (4) professional office of an accountant, architect, attorney, author, engineer, or other similar professional person but not including medical, dental, osteopathic, or chiropractic offices, (5) teaching or tutoring, including music, dancing speech, or other arts with instruction limited to one person at a time. The term "home occupation" shall not be interpreted to include" (1) Commercial stable or kennel, (2) sales to customers except products made on the premises, (3) veterinary surgeon, (4) commercial repairing of automobiles, appliances, equipment, or similar items. Home occupations are subject to all the following conditions: (1) in any dwelling unit, the total of all home occupations shall not occupy more than 25 percent of the gross floor area of one floor, (2) a home occupations shall not require internal or external alterations of construction of the dwelling, (3) there shall not be displayed or created outside the building any external evidence of the operation of the occupation except that one unanimated, non-illuminated, accessory identification sign not exceeding an area of two square feet may be displayed flat against a wall or door or in a window, (4) power shall be limited to electric motors with a total limitation of three horsepower, (5) the home occupation shall be conducted solely by residents of the dwelling and no employees who live outside the dwelling shall be used, and (6) there shall be no retail sales to customers except products made on the premises by the head of the household or members of his immediate family. Only one home occupation shall be permitted in a residential structure or portion thereof.

Lot. Land occupied or to be occupied by a structure or use and its accessory structure and uses, and including such open spaces as are required under these regulations and having public street frontage.

Lot Depth. The mean horizontal distance between the front lot line and the rear lot line of a lot.

Lot, Exterior. A lot abutting on two or more streets at their intersection.

Lot, Interior. Any lot that is not an exterior lot.

Manufactured Home. A dwelling unit manufactured in accordance with the provisions set forth in 24CFR part 3280 Manufactured Home Construction and Safety Standards as amended October 25, 1994, and installed in accordance with applicable state regulations.

Manufactured Housing Construction and Safety Standards Code.

Title VI of the 1974 Housing and Community Development Act (42 U.S.C 540) et sequentis), as amended (previously known as the federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder (including information supplied by the home manufacturer, which has been stamped and approved by a Design Approval Primary Inspection Agency, and agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules), which became effective for mobile/manufactured home construction on June 15, 1976.

Mobile Home. A transportable structure having an undercarriage of one or more axles and wheels, a hitch mechanism and designed to remain capable of being towed on the highway. Merely placing such mobile home on a permanent foundation does not alter its character so as to make it a manufactured home for the purpose of this Ordinance.

Mobile Home Park. A commercial park developed for the purpose of offering for rent or lease spaces for the location of mobile homes. Such parks are equipped with utility connections, parking pads, and driveways on each space, minimal interior street systems, and if designed for twenty-five (25) or more mobile homes shall include a recreation area, laundry and bathing facilities, and other amenities as determined by the Planning Commission.

Non-Conforming. That use of structure which does not meet the requirements of the zone in which the use or 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 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.

Open Space. Any unoccupied space on the lot that is open and unobstructed to the sky and occupied by no structure or portion of structures whatever.

Parking Space. 250 square feet of usable and accessible space.

Place of Public Assembly. A meeting place for more than thirty-five (35) persons to which the public or membership groups are assembled regularly or occasionally, including but not limited to schools, churches, theaters, auditoriums, funeral homes, stadiums, and similar places of assembly. Classrooms within a school or schools without auditoriums or gymnasiums are not, for the purpose of this ordinance, considered places of public assembly.

Principal Use. The chief or main recognized use of a structure of land.

Property Line. The line bounding a lot as defined herein.

Story. That portion of a structure included between the upper surface of any floor and the upper surface of the floor next above; also any portion of a structure used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a story unless the height of the surface of the first floor above the average elevation of the finished lot grade at the structure exceeds four (4) feet.

Street. A public way of more than 20 feet established by or maintained under public authority, a private way open for public use, and a private way plotted or laid out for ultimate public use, whether or not constructed.

Structure. Anything constructed or erected with a fixed location on the ground, or attached to something have a fixed location on the ground. Structures include buildings, billboards, and poster panels.

Yard. The horizontal distance from a lot line to a parallel designated line. A yard is an open space and unoccupied space extending the full distance of the lot.

C. Exterior Appearance Standards for Manufactured Homes.

Manufactured homes shall be compatible and similar in appearance with site-constructed residences, in that they shall:

1. Be at least 14 feet in width and have more than seven hundred fifty (750) square feet of occupied space;

2. Be placed onto a permanent foundation which will transfer loads from the structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil,
3. Set onto an excavated area, with perimeter enclosure, foundations, footings and crawl space or basement walls constructed. The space between the floor joists of the home and the excavated underfloor grade shall be completely enclosed with the permanent perimeter enclosure (except for required openings);
4. Be anchored to the ground, to the manufacturer's specifications,
5. Have wheels, axles, and hitch mechanisms removed;
6. Have utilities connected, in accordance with applicable City codes or manufacturer's specifications, whichever is more restrictive;
7. Have siding material of a type customarily used on site-constructed residences;
8. Have pitched roofs and roofing material of a type customarily used on site-constructed residences;
9. Have an open or enclosed, covered parking structure which is compatible with other housing in the immediate area. All parking surfaces shall be hard-surfaced. There shall be sufficient off-street parking for two automobiles.

Section 3: Zoning District Map and Zoning District Boundary Interpretation

Article 3-1 Districts Established

The following districts are hereby established:

- A - Agriculture
- R-1 - Medium Density Residential
- R-2 - High Density Residential
- C-1 - Central Business District
- C-2 - General Business
- I - Industrial

Article 3-2 Zoning Map Established

Such land and the district classification thereof shall be on the map designated as the “Zoning District Map” of the City of Rector, Arkansas, dated and signed by the Mayor.

Article 3-3 Boundary Interpretation

Interpretation of zoning district boundaries shall include the following:

- A. Boundaries indicated as approximately following the center line of highways, streets, roads, alleys, or streams shall be construed as following such center lines.
- B. Boundaries indicated as approximately following existing property lines, whether or not platted, shall be construed as following such property lines.
- C. Boundaries indicated as approximately following section lines or fractional section lines shall be construed to follow such lines.
- D. Boundaries indicated as approximately following section lines for fractional section lines shall be construed to follow such lines.
- E. Boundaries of updated districts may be shown in lineal feet in which case depth shall be measured from the centerline of the fronting street and width shall be measured from the centerline of the siding street or the nearest property boundary.
- F. When the street or property layout existing on the ground is at variance with that shown on the zoning map or with other requirements of this ordinance, the Board of Zoning Adjustment shall interpret the boundaries.

Section 4: General Provisions

There shall be certain provisions which shall apply to all zoning districts within the City of Rector

Article 4-1 District Regulations

A district designation of A, R-1, R-2, C-1, C, and I on the Zoning District Map shall mean that the regulations pertaining to that district apply to the entire area within the district boundary lines.

Article 4-2 Use Restriction

No land or structure may be used except for a purpose permitted in the district in which it is located.

Article 4-3 Building Compliance Required

Every building or structure hereafter erected, structurally altered, converted, reconstructed, added to, or increased in height shall meet the requirements as set forth for such use in the district in which the building or structure is located.

Article 4-4 One Main Building Permit

Except as hereinafter provided, no more than one main building or use shall be permitted on one lot or parcel or land.

Article 4-5 Buildings Prohibited in Floodways

Hereafter, no new buildings developments of any type shall be permitted in the regulatory floodway (as determined by the U.S. Army Corps of Engineers) of any stream or water body which may cause damaging increases in flood heights or other nuisances (see description of Floodway in Section 2).

Article 4-6 Flood Plain Limitations

Hereafter, any new buildings or structures developed in a flood plain which is inundated by a regulatory flood (as determined by the U.S. Army Corps of Engineers) shall: (1) be designed with individual flood protection through elevation or fill, or; (2) be structurally flood proofed to the elevation of the regulatory flood (see description of Flood Plain in Section 2).

Article 4-7 Annexed Area

Pending amendment of the Zoning District Map to include newly annexed areas, all applications for building permits shall be referred to the Planning Commission by the enforcement officer. The Planning Commission or a committee thereof may recommend issuance of a building permit if the intended use conforms to the use for the area as shown on the "General Plan" and the structure meets the requirements of the zoning district in which it will be located.

Article 4-8 Completion of Existing Buildings

No regulation herein shall require any change in the plans, construction or designated use of a building actually under construction at the time of the adoption of this Ordinance.

Article 4-9 Home Occupations

After adoption of this Ordinance, undefined Art. 2-1B home occupations shall be prohibited except as approved by the Planning Commission in R-1 and R-2 zones. Defined Home occupations need not obtain Planning Commission approval in R-2 zones.

Article 4-10 Under-sized Lots

A one-family residential structure may be erected on any lot in the City which is on a plat or record at the time of passage of this Ordinance even though the Lot be on less area or width required under the regulations of the residential zoning district in which the lot is located, provided all other district requirements are met.

Article 4-11 Areas Not to be Diminished

The lot or yard areas required by this Ordinance for a particular building or use at the time of passage of this Ordinance or later constructed or established shall not be diminished and shall not be included as a part of the required lot, open space, or yard area of any other building or use. If the lot, open space, or yard areas required by this Ordinance for a particular building or use are diminished below requirements, the continued existence of such building or use shall be deemed a violation and punished as provided in this Ordinance.

Section 5: Zoning District Regulations

Article 5-1 Agriculture (A)

The purpose of this district is to provide land for agricultural uses, preserve open space for current and future use, conserve soil and water resources, prevent excessive and wasteful scattering of population and settlement, reduce the wastes of an excessive amount of roads and promote the distribution of population to facilitate adequate provision and conservation of community facilities.

A. Permitted Uses

1. Residential structures (including mobile homes) of owners and/or operators of agricultural land.
2. Buildings for the storage of farm and associated equipment.
3. Public parks, public playgrounds and recreation areas operated by membership organizations for the benefit of their members and not for gain.
4. Publicly owned and operated properties.
5. Railroad rights-of-ways.
6. Places of worship and associated parish homes.
7. Cemeteries, including mausoleums; providing that any new cemetery shall contain an area of twenty (20) acres or more.
8. Roadside stands, offering for sale only farm products which are produced upon said farm land.
9. Riding stables and veterinary hospitals providing that buildings housing said animals shall be located at least one hundred (100) feet from all property lines.
10. Grain elevators or similar storage structures, including buildings for seasonal or temporary storage of farm products.
11. Hospitals and institutions of an educational, religious, charitable, or philanthropic nature; provided that said buildings shall not be located upon sites containing an area of less than five (5) acres.
12. Accessory building or use customarily incidental to any of the above uses.
13. Public utilities including water and sewage treatment plants, electric distribution plants, and solid waste disposal areas.

B. Area Requirements

1. Each parcel of land must consist of at least five contiguous acres,
2. excluding all buildings or other structures.
3. Height Requirements
 - a. The maximum height of a structure shall be two stories and not to exceed twenty-four (24) feet.

- b. The Planning Commission may waive the height requirements when it is demonstrated that the equipment and the structure to house an agricultural operation require greater height.
2. Parking Regulations: Off-street parking spaces shall be provided as determined by the Enforcement Officer and/or Planning Commission. Does not apply to agricultural uses.

Article 5-2 Medium Density Residential (R-1)

This area is intended primarily for residential neighborhoods characterized by large lots for single-family dwellings.

A. Permitted Uses

1. Single-family structures.
2. Public schools, parks, churches, and religious educational buildings.
3. Municipal recreational uses and public utilities and structures.

B. Other Uses (With permission of the Planning Commission)

1. Temporary buildings, the use of which are incidental to construction operations, or the sale of lots during development. Said structure shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years from the time of erection of said structure, whichever is sooner.
2. Accessory buildings customarily incidental to the above uses, not involving the conduct of a business. All home occupational use must make application with the Planning Commission.
3. Railroad rights-of-ways, but not terminal or maintenance facilities.
4. Manufactured homes placed in a Medium Density Residential (R-1) area shall:
 - a. Contain multiple sections requiring assembly at the construction site,
 - b. Will have minimum of 24 feet, contain 1250 square feet or more of living space,
 - c. Be of new construction;

- d. Be configured to conform to the general or predominant orientation, size, outward appearance, exterior siding material, roof pitch, installed on a permanent brick and mortar founding with landscaping provisions consistent with the residential neighborhood characteristics,
 - e. Subject to compliance with the regulation of the Arkansas Manufactured Home Commission and the U.S. Department of Housing and Urban Development.
- 5. Installation or placement of manufactured homes may be prohibited by restrictive covenant in certain subdivisions.
- 6. For issuance of a building permit for the placement of a manufactured home in Medium Density Residential (R-1) area, the manufactured home owner and/or renter shall have written approval of 60% of the land owners who own land within 200 feet of the property edge containing the proposed manufactured home.
- 7. It is further required that the manufactured home owner and/or renter shall have written approval 100% of the land owners who own land adjoining the property edge containing the proposed manufactured home.

C. Area Requirements

- 1. Minimum Lot Area: 9,000 square feet
- 2. Minimum Lot Width: (front building line)
 - a. Interior Lot: 80 feet
 - b. Exterior Lot: 95 feet
- 3. Front Yard Setback: Minimum of 20 feet from front property line.
- 4. Rear Yard Setback: Minimum of 10 feet from rear property line, or 27½ feet from center line of alley, whichever is greater.
- 5. Side Yard (interior lot): Minimum of 10 feet from property line.
- 6. Side Yard (exterior lot): Same as front yard requirements.
- 7. Accessory Buildings: No accessory building shall be erected on any required front yard. Side and rear yard setbacks shall be the same as for the principal or main structure and no more than thirty (30) percent of the remaining rear yard are shall be covered by accessory buildings. Accessory buildings shall be at least five (5) feet from all other buildings on the same lot.

8. Height Regulations: The maximum height of residential structures shall not exceed 24 feet above average elevation.
9. Parking Regulations: Two off-street parking spaces shall be provided for each residence.
10. Freestanding pre-manufactured carports:
 - a. Minimum side yard setback: 2 feet
 - b. Front yard setback: Must comply with standard front yard setback for R-1
 - c. Rear yard setback: Minimum of 10 feet

D. Places of Public Assembly

1. Height: Maximum height shall be two stories and not to exceed 30 feet for that portion of the structure used for assembly or offices.
2. Yard Requirements: Minimum of 25 feet from all property lines. On property abutting a street, 30 feet from property line or 50 feet from center of street, whichever is greater.
3. On-Lot Parking: Places of public assembly shall provide one on-lot parking space per each four persons accommodated in the assembly hall.

Article 5-3 High Density Residential (R-2)

The purpose of this district is to maintain a residential environment while permitted a wide variety of dwelling types.

A. Permitted Uses

1. One-family dwellings.
2. Two-family dwellings.
3. Multi-family dwellings not to exceed four unit per each detached structure.
4. Churches.
5. Parks, playgrounds, etc.
6. Schools offering a general education course.
7. Hospitals, nursing homes, doctor and dental clinics, etc.
8. Libraries.

9. Public Utilities—such as water storage, power substations, fire stations, sewer lift stations, etc.
10. Accessory structures and uses pertinent to the principal structure and use.
11. Manufactured Homes. (Certificate of Zoning Compliance and Foundation permit required.)

B. Other Uses (with permission of the Planning Commission)

1. All uses requiring Planning Commission approval in R-1 Districts.
2. One mobile home per residential lot subject to the following requirements:
 - a. Mobile home owners and/or renters shall have written approval of the surrounding landowners in the neighborhood in which they wish to park their mobile home, before the Planning Commission will approve a mobile home permit.
 - b. Mobile homes shall have a standard quality of underpinning material installed around the base of the mobile home for aesthetic reasons; and, the external appearance of the mobile home shall be maintained.
 - c. Mobile homes shall be permanently anchored to the ground and installed subject to the real property assessment laws, regulations and/or procedures of the State of Arkansas and applicable city building codes.
 - d. Installation of mobile homes shall meet all Area Requirements of an R-2 Residential Zoning District.
 - e. Subsequent to Planning Commission approval, and prior to installation of the mobile home, the applicant shall obtain a permit from the City Enforcement Officer.
3. Mobile home park which conforms to the following requirements:
 - a. The park shall be located on a well drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
 - b. Mobile home spaces shall be provided consisting of a minimum of 1,500 square feet or each space which shall be at least 30 feet wide and clearly defined.
 - c. Mobile homes shall be so harbored in each space that there shall be at least a 15-foot clearance between mobile homes.

- d. All mobile home spaces shall have a driveway of not less than 20 feet in width, which shall have unobstructed access to a public street.
 - e. Each mobile home park shall provide service buildings to house such toilet, bathing and other sanitation facilities and such laundry facilities as the City may specify.
 - f. Each mobile home space shall be equipped with connections to all public utilities required by the City for one-family residences.
- 4. New Manufactured Housing in areas designated, High Density Residential (R-2), by the City's Official Zoning Map will be regulated by the Zoning Ordinance's current guidelines for site-built homes, used manufactured housing in areas designated, High Density Residential (R-2), by the City's Official Zoning Map shall be regulated by the Zoning Ordinance's current guidelines for mobile homes.
 - 5. Manufactured homes installed in R-2 Zones in the City of Rector shall have a perimeter foundation composed of concrete, masonry, or vinyl or metal skirting, designed and manufactured for use as a perimeter foundation for manufactured homes only, installed and ventilated in accordance with the manufacturer's installation instruction for the home.
(Ordinance 447, adopted October 6, 1997, states this must amend Article 5-3, section B, subsection b. This appears to be a typo, so a new subsection has been created for this ordinance.)

C. Area Requirements

1. Lot Area

- a. One-family: Minimum 7,000 square feet for first unit.
- b. Two-family: Minimum 9,000 square feet.
- c. Multi-family: 9,000 square feet for the first two-family units plus 2,000 square feet for each additional unit, to a maximum of four units per structure.

- 2. Width: Minimum width of a lot at the front yard line or building line should be 60 feet for a one-family dwelling and 75 feet for a two-family dwelling. For each additional family unit over two, an additional 10 feet shall be added to minimum width requirement for two-family dwellings. Lots siding on an intersecting street shall be 15 feet wider than interior lots.

3. Yard Requirements

- a. Front Yard: Minimum of 20 feet from front property line.
 - b. Side Yard (interior lot): Minimum of 10 feet from each property line.
 - c. Side Yard (exterior lot): Same as front yard.
 - d. Rear Yard: Minimum of 10 feet from property line or 27½ feet from the center line of the alley, whichever is greater.
4. Height: Maximum height of a structure shall not exceed 24 feet above average elevation.
5. On-lot Parking Space
- a. One-family and two family: two on-lot parking spaces shall be provided for each family unit.
 - b. Multi-family: four on-lot parking spaces shall be provided for the first two family units, plus one on-lot parking space for each additional family unit.
6. Accessory Buildings: No accessory building shall be erected on any required front yard. Side and rear yard setbacks shall be the same as for the principal or main structure and no more than thirty (30) percent of the remaining rear yard area shall be covered by accessory buildings. Accessory buildings shall be at least five (5) feet from all other buildings on the same lot.
7. Freestanding pre-manufactured carports:
- a. Minimum side yard setback: 2 feet
 - b. Front yard setback: Must comply with standard front yard setback for R-2
 - c. Rear yard setback: Minimum of 10 feet

D. Places of Public Assembly: Requirements same as for R-1 Residential District

Article 5-4 Central Business District (C-1)

A. Permitted Uses

1. Retail establishments providing goods and services such as grocery, drug, hardware, variety stores and similar uses, and hotels, motor hotels, restaurants.
2. Office and bank buildings and uses.
3. Bulk storage of non-combustible materials.

4. Automotive sales, service, repair, and storage.
5. Public buildings and uses.
6. Other similar uses which, in the judgement of the Planning Commission, are not in conflict with the character of the area or the intent of these regulations.
7. Areas above the first floor of a multi-level commercially (C-1) zoned building may be utilized for single or multiple family residential usage, providing the following qualifications are met prior to the occupation of the residential portion of the building:
 - a. A minimum of two means of ingress and egress will be maintained in the residential area.
 - b. Each unit will have its own fire extinguisher and smoke detector inside. Multiple family residences with hallways will have fire extinguishers and smoke detectors in the hallway as well.
 - c. Each residential unit will have its own kitchen and bathroom facility.
 - d. Ample parking must be provided as described in C-5 of the Zoning Code or as deemed appropriate by The Planning Commission, but not less than two spaces per unit.
 - e. Fire Chief or his designee shall make an annual inspection of the apartment and residence to see that the structure is in compliance and make a report to the Code Enforcement Officer.
 - f. Property owners shall have one year to be in compliance.
 - g. No motor vehicle repair or maintenance work shall take place outdoors within 150 feet of the boundary of any residential facility.
 - h. Refuse storage areas shall be screened from view.
 - i. Mechanical and electrical equipment, including air conditioning units shall be screened from view.
 - j. All uses shall operate in accordance with the noise standards contained in the Noise Ordinance.

B. Area Requirements

1. Heights: Two stories, but not exceeding 30 feet.
2. Front Yard: Zero

3. Side Yard: Zero
4. Rear Yard: 20 feet from property line or center of alley where one exists.
5. Loading and Unloading: Loading and unloading facilities shall be provided so as not to block any public way.
6. Fire Limits: Land in the Central Business District shall be included within the fire limits of the City of Rector, Arkansas.

C. Places of Public Assembly

1. Height: Two stories and not to exceed 30 feet for that portion of the structure to be used for public assembly or offices.
2. Yard Requirements:
 - a. Front Yard: Zero
 - b. Side Yard: Zero
 - c. Rear Yard: 20 feet from property line or center of alley where one exists.

D. Parking: as determined by the Planning Commission

Article 5-5 General Business (C-2)

A. Permitted Uses

1. Retail establishments providing goods or services.
2. Office buildings and uses.
3. Automotive service stations.
4. Motels, tourists courts, mobile home parks, etc.
5. Veterinarian clinics.
6. Drive-in restaurants.
7. Farm implements sales and storage.
8. Automobile sales and repair (new and used).

B. Area Requirements (Commercial)

1. Height: Maximum height of a structure shall be two stories and not to exceed 30 feet.

2. Yard Requirements: Minimum of 25 feet from all street right-of-way lines or 50 feet from centerline of bordering streets, whichever is greater.
 - a. EXCEPTION: That portion of Main Street from the St. Louis Southwestern Railroad east to the city limits; there is no parking in front of the buildings.
3. On-lot Parking Spaces:
 - a. On-lot parking facilities shall be provided all employees.
 - b. Provisions shall be made for on-lot customer parking to handle normal anticipated demand as determined by the Enforcement Officer and/or the Planning Commission.
 - c. Motels, tourist courts, mobile home parks shall provide one on-lot parking space for each sleeping unit or mobile home space.
4. Loading and Unloading
 - a. Loading and unloading facilities shall be provided so as not to block any public way.

C. Places of Public Assembly: Requirements same as for R-1 Residential District.

Article 5-6 Industrial Zone (I)

A. Permitted Uses

1. The manufacturing, compounding, processing, packaging, or assembling of such products as prohibited in the Central Retail-Commercial Use District, when it is found by the Enforcement Officer that the specific location and the safeguards provided will so reduce the noise, dust, odor, or vibration so as not to be general welfare of the people.
2. Storage of bulk materials as is prohibited in the Central Retail-Commercial Use District, when it is found by the Enforcement Officer that the specific location and the safeguards provided will so reduce the danger of fire or explosion as not to be dangerous to the health, safety or general welfare of the people.

B. Uses Prohibited

1. No structures may be constructed or altered for residential use or places of public assembly.

C. Area Requirements

1. Lot Coverage: No structure may cover more than 33 $\frac{1}{3}$ percent of the lot area.
2. Yard Requirements:
 - a. All structures shall be built at least 25 feet from all property lines.
 - b. The Board of Adjustment may waive the height requirements when it is demonstrated that the equipment and the structure to house the operation require greater heights.
- D. On-Lot Parking: Adequate on-lot parking space shall be provided for all employees and visitors.
- E. On-Lot Loading and Unloading Facilities: Each structure or use shall provide on-lot loading and unloading facilities which will not block a street, alley or public way.

Section 6: Non-Conforming

Article 6-1 Non-conforming Use of Land

Where at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
- B. If any such non-conforming use of land ceases for any reason for a period of more than five years, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
- C. In a residential zone no such non-conforming use of land shall be continued for more than five years from date of adoption of this ordinance or after effective date of annexation.

Article 6-2 Non-conforming Structure

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reasons of restrictions on area, lot coverage, height, yards or other characteristics of the structure

or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any non-conforming use may be extended to any portion of a structure arranged or designed for such non-conforming use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Board of Adjustment shall determine that the proposed use is equally appropriate to the district as the existing non-conforming use.
- D. Any non-conforming use, once changed to a conforming use, shall thereafter conform to the regulations for the district in which such structure is located and all new uses shall be conforming uses.
- E. When a non-conforming use a structure, or structure and premises in combination, is discontinued or abandoned for five consecutive years, the structure or structure and premises in combination shall not thereafter be used except in conformation with the regulations of the district in which it is located.

Section 7: Enforcement

Article 7-1 Enforcement Officer

- A. The provisions of this ordinance shall be administered by the Enforcement Office designated by the City Council of Rector.

Article 7-2 Building Permit

- A. A building permit will be issued only when the application has been approved by the Enforcement Officer as meeting the requirements of this ordinance. All applications for building permits shall be accompanied by a plan in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected and its location on the lot, and such other information as may be necessary to provide for the enforcement of this

ordinance. A record of such application and plats shall be kept in the office of the City Clerk.

- B. Certificate of Zoning Compliance Permit required for Manufactured Homes prior to the location, relocation, or establishment of any manufactured home outside of a mobile home park, the homeowner or authorized representative shall secure a Certificate of Zoning Compliance and Foundation Permit, which states that the building and its location conform with the Zoning Ordinance. Each application for a Certificate of Compliance and Foundation Permit shall be accompanied by:
- a. Those plot plans are required for all dwelling units, but which at a minimum include elevations or photographs of all side of the home, external dimensions, roof materials, foundation siding or perimeter retaining wall treatment, foundation construction and materials, exterior finishes and the like.
 - b. Health department approval for any sewage disposal or water supply, where applicable.
 - c. Planning Unit Development (P.U.D.) or subdivision approval, where applicable.
 - d. A copy of the approved manufacturer instructions, which will be used for installation purposes, where applicable, and
 - e. Such other information, as may be required by the Enforcement Officer for proper enforcement of this Ordinance.
- C. Appeals. Whenever the Enforcement Officer shall refuse to approve the mode or manner of construction in the erection or alteration of a manufactured home, or when it is claimed that the provisions of this Ordinance do not apply, the owner of such manufactured home or his duly authorized agent may appeal from the decision of the Enforcement Officer to the Board of Adjustment in accordance with Art. 8 of the Rector Zoning Ordinance.

Article 7-3 Penalty for Violation

- A. Any person or corporation who shall violate any of the provisions of this ordinance 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 shall be liable to a fine of not more than one hundred dollars (\$100.00). Each day such violation is permitted to exist shall constitute a separate offense. The owner or

owners of any building of premises or part thereof where anything in violation of this ordinance shall be placed, or shall exist, and any employee in connection therewith and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as herein before provided.

Section 8: Board Of Zoning Adjustment

Article 8-1 Organization of Board of Zoning Adjustment

- A. A Board of Zoning Adjustment is hereby established to consist of three members to be nominated by the Planning Commission and confirmed by the City Council. One (1) member of the first Board shall be appointed for one (1) year, one for (2) years, and one for (3) three years. Thereafter all members shall be appointed for terms of three (3) years each. At least one member of the Board of Adjustment shall also be a member of the Planning Commission.
- B. Upon appointment and annually thereafter the Board shall meet, organize, and elect its own chairman who shall serve for one year or until the successor duly qualifies. The chairman may appoint a secretary who is not a member of the Board for the purpose of taking minutes at the meetings.

Article 8-2 Meetings

- A. Meetings of the Board shall be held at such time and at such place within the City of Rector as the Board may designate and may meet at any time on call of the chairman. The Board shall maintain minutes of its proceedings which minutes shall be public record.
- B. The presence of all three members shall be necessary to constitute a quorum and the concurring vote of all members of the Board shall be necessary to reverse any order, requirement, decision or determination of an administrative officer, or to decide in favor of the applicant on any matter upon which it is required to pass under the zoning ordinance, or to authorize a variance from such regulation.

Article 8-3 Appeals from Decision of Enforcement Officer

- A. The Board shall hear appeals from an administrative decision of the Enforcement Officer who shall be designated by the City Council concerning interpretation of

the zoning ordinance and shall decide whether such interpretation was in error or not.

Article 8-4 Variance

- A. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance may be granted by the Board of Adjustment in the following instances only:
 - 1. A written application for a variance is submitted demonstrating:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involving and which are not applicable to other lands, structures or buildings in the same district.
 - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district.
 - c. That the special conditions and circumstances do not result from the action of the applicant.
- B. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards to insure the protection of the adjacent property owners.
- C. Under no circumstances shall the Board of Adjustment grant a variance to permit a use not generally or by special exception permitted in the district involved.

Article 8-5 Appeals from Decisions of the Board

- A. Appeal from the decision of the Board shall be to a court of record within thirty (30) days from the decision of the Board.

Article 8-6 Notices and Fees

- A. Whenever an appeal or application for a variance is made to the board, the Board shall cause to have published at the expense of the appellant or applicant a notice of the time and place of the public hearing upon such appeal or application, which notice shall be published at least once not less than seven (7) days preceding the date of such hearing in a paper of general circulation in Piggott, said notice to designate the particular location with which the appeal of

application is concerned, and a brief statement as to what the appeal of application consists of. The Board shall also give or cause to be given such additional notice of such hearing to interested persons and organizations as it shall deem feasible and practicable.

Section 9: Amendments

Article 9-1 Amendment to Text

- A. The City Council may suggest that the Planning Commission amend the text of this ordinance or the Planning Commission itself may desire to initiate an amendment. Should the Planning Commission, after study, request a change in the text, it shall conduct a public hearing on the proposed amendment. Following the public hearing, such recommendations shall be submitted to the City Council for adoption.

Article 9-2 Change in Classification

- A. A petition giving the legal description of the property involved and the zoning classification requested for the property shall be submitted to the Planning Commission by the property owner or his legally designated agent. The petition shall also include a statement and diagram explaining why the proposed changes will not conflict with surrounding land uses.
- B. Upon receipt of the petition for an amendment, the Planning Commission, in accordance with Act 186 of the 1957 General Assembly as subsequently amended, shall proceed as follows:
 - 1. The Planning Commission shall hold a public hearing on a proposed amendment. Notice of the public hearing shall be published in a newspaper of general circulation in the City, at least on time fifteen (15) days prior to hearing.
 - 2. Following the public hearing, the proposed amendment may be approved as presented or in modified form by a majority vote of the Planning Commission and recommended for adoption by the City Council with reasons for such recommendation stated in writing.
 - 3. If the Planning Commission disapproves a proposed amendments, the reasons for such disapproval shall be given in writing to the petitioner within thirty (30) days from the date of the hearing.

4. The City Council, by majority vote, may by ordinance adopt the recommended amendment submitted by the Planning Commission for further study and recommendation.

If the City Council does not concur with the recommendation of the Planning Commission, either as first submitted or as submitted after re-study the City Council may, by a majority vote, amend this ordinance by granting the request for amendment in full or in modified form.

5. Following disapproval of a proposed amendment by the Planning Commission, the petitioner 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 following disapproval by the Planning Commission.

- C. No application for a zoning amendment will be considered by the Planning Commission within twelve (12) months from the date of final disapproval of a proposed amendment unless the Commission finds that substantial reason exists for waiving this limitation.
- D. Before any action shall be taken as provided in this section, any person or persons proposing a change in the zoning regulations or district boundaries shall deposit with the City Clerk the sum of twenty-five dollars (\$25.00) to cover the approximate cost of this procedure, and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the City Council.

Section 10: Severability And Emergency

Article 10-1 Severability

- A. The provisions of this ordinance are hereby declared to be severable. If any section, paragraph, sentence, or clause of this ordinance shall be held invalid, the invalidity of such section, paragraph, sentence, or clause shall not affect the validity of the remainder of the said ordinance.

Article 10-2 Emergency

- A. It being ascertained and found that the passage of this ordinance will promote in accordance with present and future needs, the safety, order, convenience, efficiency, and economy in the process of development; convenience in

population distribution, good civic design and arrangement; and adequate provisions for public utilities and other public improvements; the passage therefore is found necessary for the preservation of the public peace, health, safety, and general welfare, and an emergency thus, existing, this ordinance shall take effect upon its passage and publication.

Section 11: Amendment History

Ordinance Number	Enacted Date	Description
Ordinance 359	May 6, 1982	Zoning Regulations established.
Ordinance 372	May 14, 1985	Added Manufactured Home and updated Mobile Home definitions.
Ordinance 436	December 2, 1996	Updated Manufactured Home definitions and related regulations.
Ordinance 447	October, 6, 1997	Added perimeter foundation requirements for manufactured homes in R-2.
Ordinance 461	May 3, 1999	Added requirements for residential units in C-1.
Ordinance 472	December 4, 2000	Added requirements for freestanding pre-manufactured metal carports.
Ordinance 478	December 3, 2001	Reduced front yard setback minimums for R-1 and R-2 lots.
Ordinance 487	March 3, 2003	Added area requirements (5-acre minimum) for Agricultural (A) zoning.
Ordinance 536	August 3, 2009	Updated residential unit requirements in C-1 zoning.