

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1398

By: Representative Mitchum

For An Act To Be Entitled

"AN ACT PERTAINING TO THE POWER AND AUTHORITY OF CITIES AND COUNTIES TO EXCLUDE DWELLINGS CONSTRUCTED IN A MANUFACTURING FACILITY BY PLANNING AND ZONING REGULATIONS; TO REQUIRE SIMILAR REQUIREMENTS AND STANDARDS FOR ALL DWELLINGS; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. On and after the effective date of this act, no authority granted to a city government under the building and planning and zoning laws of Chapter 56 of Title 14 of the Arkansas Code of 1987 Annotated or to county government under the county planning or metropolitan or regional planning laws of Chapter 17 of Title 14 of the Arkansas Code of 1987 Annotated to regulate land use or to exercise planning and zoning powers shall be used to exclude the placement of a residential dwelling on land designated for residential use solely because the home or dwelling is partially or completely constructed in a manufacturing facility.

SECTION 2. However, a city or county government may require a home or dwelling that is partially or completely constructed in a manufacturing facility and the lot on which it is placed to meet the same standards and requirements they would place on a conventional residential dwelling on the same or similar lot. The standards and requirements shall include, but are not limited to:

- (1) set back distances;
- (2) side and rear area clearances;
- (3) standards for foundations and enclosures;
- (4) minimum square footage requirements on the dwelling or the lot,

or both; and

(5) access and vehicle parking requirements.

These standards and requirements shall not impose any development, architectural, or aesthetic requirements on dwellings partially or completely constructed in a manufacturing facility which will have the effect to totally exclude the permanent installation of these dwellings in areas of the city or county unless all types of dwellings would also be excluded.

SECTION 3. All provisions of this act of general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 5. This act shall be effective on and after July 1, 1989.

