

BAXTER COUNTY CODE OF ORDINANCES
Chapter 13 - Urban / Rural Development

Chapter 13: URBAN /RURAL DEVELOPMENT

Article

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Article I. BUILDING

Section

Reserved.

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Article II. PLANNING / ZONING

A.C.A § 14-17-209. Zoning ordinance – Board of zoning adjustment.

(a) The county planning board shall have authority to prepare, or to cause to be prepared, a zoning ordinance for all or part of the unincorporated area of the county, which ordinance shall include both a map and a text. The zoning ordinance may evaluate the location, height, bulk, number of stories, and the size of the building; open space; lot coverage; density and distribution of population; and the uses of land, buildings and structures. It may require off-street parking and loading. It may provide for districts of compatible uses, for large scale unified development, for the control and elimination of uses not in conformance with provisions of the ordinance, and for such other matters as are necessary to the health, safety, and general welfare of the county. The zoning ordinance shall designate districts or zones of such shape, size, or characteristic as deemed advisable for all, or part, of the unincorporated area of the county. The regulations imposed within each district or zone shall be uniform throughout the district or zone.

A.C.A. § 14-17-210. Jurisdiction over unincorporated areas.

The county planning board shall have the exclusive zoning and planning jurisdiction over all unincorporated areas lying within a county and along a navigable stream notwithstanding the fact that such areas may be within five (5) miles of the corporate limits of a city having a planning commission if the unincorporated areas are lands upon which a new community has been or is being developed with funds guaranteed, in whole or in part, by the federal government under Title IV of the Housing and Urban Development Act of 1968 or under Title VII of the Housing and Urban Development Act of 1970.

Section

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| 1320.00 | Filing of plat with county planning board; fee. |
| 1320.01 | Minimum standards for development projects related to ground alteration, grading and erosion control. |
| 1320.02 | Amendment to the minimum standards and regulations for subdivision development. |
| 1320.03 | Interim land use policy plan. |

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§ 1320.00 FILING OF PLAT WITH COUNTY PLANNING BOARD; FEE.

- 1) The Baxter County Planning Board shall charge and collect a fee of \$10.00 for each Lot Split; and a fee of \$50.00 per subdivision plus \$5.00 per lot in excess of 4 lots, for the recording and approval of Final Subdivision Plats.

- 2) This Ordinance supersedes Resolution No. 5 passed in 1981.
([Ord. 1981-009](#), passed 5-5-81; Am. [Ord. 1995-016](#), passed 6-6-95; Am. [Ord. 2005-120](#), passed 11-1-05)

§ 1320.01 MINIMUM STANDARDS FOR DEVELOPMENT PROJECTS RELATED TO GROUND ALTERATION, GRADING, AND EROSION CONTROL.

- 1) DEFINITIONS.
 - a. **Planning Board** – the Baxter County Planning Board or its designated representative.

 - b. **Clearing** – Any activity that removes the vegetative surface cover.

 - c. **Drainage Way** – Any channel that conveys surface runoff throughout the site.

 - d. **Erosion Control** – A measure that prevents erosion.

 - e. **Erosion & Sediment Control Plan** – A set of plans indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

 - f. **Grading** – Excavation or fill of material, including the resulting conditions thereof.

 - g. **Perimeter Control** – A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

 - h. **Phasing** – Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

 - i. **Sediment Control** – Measures that prevent eroded sediment from leaving the site.

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- j. **Site** – A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.
- k. **Site Development Permit** – A permit issued by the County for the construction or alteration of ground improvements and structures for the control of erosion, runoff and grading.
- l. **Stabilization** – The use of practices that prevent exposed soil from eroding.
- m. **Start of Construction** – The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.
- n. **Watercourse**- Any body of water, including lakes, rivers, streams, and bodies of water delineated by Baxter County.
- o. **Waterway**- A channel that directs surface runoff to a watercourse or to the public storm drain.

2) PERMITS.

- a. No person shall conduct clearing or grading activity that would require the uncovering of one acre or more without first obtaining a site development permit from Baxter County.
- b. No site development permit is required for the following activities:
 - i. Any emergency activity that is immediately necessary for the protection of life, property or natural resources.
 - ii. Nursery and agricultural operations.
 - iii. Individual land owner for personal use, where the area to be disturbed is no closer than 300 feet to a navigable waterway.
- c. Each application for a site development permit shall bear the name(s) and address of the owner or developer for the site, and the name and contact information of the applicant’s authorized representative.

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- d. Each application for site development permit shall include an Erosion and Sediment Control Plan as required by the ADEQ.
- e. A site development permit is required in association with all required permits for new construction. No person shall conduct clearing or grading activity until both the required permits and associated site development permit have been issued by Baxter County. There shall be a \$25.00 Erosion and Sediment Control Plan review fee.

3) REVIEW AND APPROVAL.

- a. The Planning Board will receive and review each application for a site development permit to determine its conformance with the provisions of this regulation. Within thirty business days after receiving an application, the Planning Board shall in writing:
 - i. Approve the permit application;
 - ii. Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
 - iii. Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.
- b. Failure of the Planning Board to act on an original or revised application within thirty business days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the Planning Board.

4) EROSION AND SEDIMENT CONTROL PLAN.

- a. The Erosion and Sediment Control Plan shall include the following:
 - i. A site map at a scale no smaller than 1' = 100" showing erosion and sediment control proposed for the site.
 - ii. A sequence of clearing and grading activities anticipated for construction of the development site. Sequencing shall include the anticipated dates for the start of construction, installation of temporary erosion and sediment

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control measures, and establishment of permanent vegetation and permanent sediment control measures.

- iii. Erosion and sediment control measures necessary to meet the objectives of this Ordinance that will remain installed and functioning throughout all phases of construction and after completion of development of the site until soil stabilization will permanent vegetation.
- iv. Proposed seeding mixtures and rates, types of sod, method of seedbed preparation, expected seedling dates, kind and quantity of mulching for both temporary erosion control and permanent vegetative stabilization.
- v. Provisions for maintenance of control facilities until the site soils are stabilized with permanent vegetation.

- b. Modifications to the plan shall be processed and approved or disapproved in the same manner as Section 3 of this Ordinance.

5) DESIGN REQUIREMENTS.

- a. Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the Best Management Practices (BMP) identified by the U.S. Environmental Protection Agency, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the Planning Board. Cut and fill slopes shall be no greater than 2:1; except as approved by the Planning Board to meet other community or environmental objectives.
- b. Clearing and grading of natural resources, such as forests and wetlands shall not be permitted, except when in compliance with this Ordinance, state and federal law. Site grading must meet the following requirements:
 - i. The site must drain away from all buildings and toward the county's road or a dedicated drainage ditch.
 - ii. The site should be graded to provide a minimum of 6" of fall in 10 feet away from building foundations.
 - iii. Drainage should be directed away from adjacent lots to the maximum extent possible.

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- c. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control measures have been installed in accordance with the requirements of the site development permit.
- d. Phasing shall be required on all sites disturbing greater than 30 acres, with the size of each phase to be established at plan review and as approved by the Planning Board.
- e. Erosion control requirements shall include the following:
 - i. Soil stabilization shall be completed within one week of clearing or inactivity in construction.
 - ii. If seeding or other vegetative erosion control method is used, it shall become established within two weeks or the Planning Board may require that the site be reseeded and/or mulched to stabilize the site.
 - iii. Special techniques that meet the BMP on steep slopes or in drainage ways shall be used to ensure stabilization.
 - iv. Soil stockpiles must be stabilized when inactive for periods longer than 2 weeks.
 - v. The entire site must be stabilized by seeding and mulching when site grading is complete. The Planning Board may require stabilization of any part of the site that will remain inactive for longer than 2 weeks or when an erosion problem is identified.
 - vi. Techniques that divert upland runoff past disturbed slopes shall be employed.
- f. Sediment control requirements shall include:
 - i. Settling basins, sediment traps, and perimeter controls.
 - ii. Settling basins that are designed in a manner that allows adaptation to provide long-term storm water management, if required by the Planning Board.

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iii. Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls.

g. Waterway and watercourse protection requirements shall include:

i. A temporary stream crossing if a wet watercourse will be crossed regularly during construction.

ii. Stabilization of the watercourse channel after any in-channel work.

iii. All on-site storm water conveyance channels must be designed in accordance with the Arkansas Department of Environmental Quality (ADEQ) Minimum Drainage Standards.

iv. Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels.

h. Construction site access requirements shall include:

i. A temporary access road provided at all site.

ii. Other measures required by the Planning Board in order to ensure that sediment is not washed into storm drains and construction vehicles do not track sediment onto public roads.

6) INSPECTION.

a. The County Judge or his agent shall have full access to the site for inspections to ensure compliance with the approved Erosion and Sediment Control Plan.

b. A copy of the site development permit and approved Erosion and Sediment Control Plan shall be maintained at the site throughout site development.

c. The permit holder or his/her representative shall make regular inspections of all control measures to ensure compliance with the approved Erosion and Sediment Control Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections and inspection dates shall be documented in written form and available on site for review by the County Judge or his agent.

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7) ENFORCEMENT.

- a. Stop-work order; Revocation of Permit. In the event that any person holding a site development permit pursuant to this Ordinance violates the terms of the permit or this Ordinance, the Planning Board may suspend or revoke the site development permit and any associated development permits; and the County Judge may issue a stop-work order subject to administrative appeal.

- b. Violation and Penalties. No person shall construct, enlarge, alter, repair, or maintain, any grading, excavation, or fill, or cause the same to be done contrary to or in violation of any terms of this Ordinance. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this Ordinance are committed, continued, or permitted, shall constitute a separate offense. Upon conviction of any such violation, such persons, partnership, or corporation shall be punished by a fine of not more than \$250.00 for each offense. In addition to any other penalty authorized by this section, any person, partnership or corporation convicted of violating any of the provisions of this Ordinance shall be required to bear the expense of such restoration.

8) SEVERABILITY CLAUSE. The provisions and sections of this Ordinance shall be deemed to be separable, and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

([Ord. 1994-003](#), passed 2-2-94; Am. [Ord. 1995-010](#), passed 4-4-95; Am. [Ord. 1999-059](#), passed 8-4-99; Am. [Ord. 1999-082](#), passed 11-2-99; Am. [Ord. 2001-045](#), passed 4-3-01; Am. [Ord. 2002-082](#), passed 10-1-02; Am. [Ord. 2003-031](#), passed 4-01-03; Am. [Ord. 2006-059](#), passed 7-6-2006; Am. [Ord. 2007-058](#), passed 7-10-07; Am. [Ord. 2010-063](#), passed 11-2-10; Am. [Ord. 2008-010](#), passed 2-4-08; Am. [Ord. 2008-068](#), passed 9-2-08¹; Am. [Ord. 2010-063](#), passed 11-2-10²)

¹ Relating to Code Section 1300.01, Amending Ord. 08-68 reads: “The additional guidelines and regulations as shown in attached Exhibit A are hereby offered for the purpose of addressing condominium/high density development in Baxter County; and the Minimum Standards and Regulations for Subdivision Development may be amended to include same.”

² Relating to Code Section 1300.01, Amending Ord. 10-63 reads: “The following changes to the Minimum Standards and Regulations for Subdivision Development, Chapter 4, Sketch Plan and Plat Requirements, Article 4-4, Scale and Media, Paragraph 2, are hereby approved and shall read as follows: Final plats shall be prepared on sheets twenty-four (24) inches by thirty-six (36) inches at a scale not to exceed one (1) inch equals two hundred (200) feet.”

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§ 1320.02 AMENDMENT TO THE MINIMUM STANDARDS AND REGULATIONS FOR SUBDIVISION DEVELOPMENT.

- 1) The following changes to the Minimum Standards and Regulations for Subdivision Development, Chapter 4, Sketch Plan and Plat Requirements, Article 4-4, Scale and Media, Paragraph 2, are hereby approved and shall read as follows:

Final plats shall be prepared on sheets twenty-four (24) inches by thirty-six (36) inches at a scale not to exceed one (1) inch equals two hundred (200) feet.

([Ord. 1994-003](#), passed 2-2-94; Am. [Ord. 1995-010](#), passed 4-4-95; Am. [Ord. 1999-059](#), passed 8-4-99; Am. [Ord. 2001-045](#), passed 4-3-01; Am. [Ord. 2002-082](#), passed 10-1-02; Am. [Ord. 2003-031](#), passed 4-01-03; Am. [Ord. 2006-059](#), passed 7-6-2006; Am. [Ord. 2007-058](#), passed 7-10-07; Am. [Ord. 2010-063](#), passed 11-2-10)

§ 1320.03 INTERIM LAND USE POLICY PLAN.

- 1) The Baxter County Quorum Court recognizes the need for a land use plan to guide the use of public lands and public resources in Baxter County, Arkansas, and to protect the rights of private landowners.

- 2) The attached Interim Land Use Policy Plan is hereby adopted and made a part of this Ordinance as though set out word for word to serve as an interim set of policies that shall provide a general planning framework to remain in effect until a permanent Baxter County Comprehensive Land Use Plan is developed and approved by the Baxter County Quorum Court.
(Ord.1999-082, passed 11-2-99)

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Article III. ECONOMIC DEVELOPMENT

A.C.A. §§ 14-173-101-105. City and County Economic Development Grant Authorization Act.

A.C.A. §§ 14-169-901-903. Subchapter intention.

It is the intention of this subchapter to permit municipal and county government in the State of Arkansas to participate fully in the Community Development Act of 1974, specifically, but not limited to, community development activities eligible for assistance in section 105 of it, and to have their governing bodies exercise any and all powers conferred on housing authorities and urban renewal agencies, including, but not limited to:

- (1) Eminent domain;
- (2) Redevelopment activities;
- (3) Housing;
- (4) Public housing;
- (5) Urban renewal; and
- (6) Community development in its broadest sense.

Section

Reserved.

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Article IV. HOUSING

A.C.A. §§ 14-54-1601-1606. The Affordable Housing Accessibility Act.

A.C.A. §§ 16-123-201-210. Arkansas Fair Housing Act.

Section

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**Article V. WATERCOURSE, DRAINAGE, IRRIGATION, FLOOD
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A.C.A. §§ 14-121-101-1110. Drainage Improvement Districts Generally.

A.C.A. §§ 14-117-101-427. Arkansas Irrigation, Drainage, and Watershed Improvement District Act of 1949.

A.C.A. § 14-16-112. Flood control improvements.

(a) (1) The counties of this state are authorized and empowered to enter upon, take, and hold any lands or interest, easement or servitude therein, whether by purchase, grant, donation devise, or otherwise, that may be necessary and proper for the location, construction, operation, repair, or maintenance of any floodway, reservoir, spillway, levee or diversion, or other flood control improvements.

(2) (A) In order to acquire such rights, easements, and servitudes, the counties are given the authority and power to condemn land or interest therein for these purposes.

(B) In the event it becomes necessary for counties to exercise the right of eminent domain, condemnation proceedings shall be instituted and conducted in the same manner as provided in §§ 18-15-304—18-15-307.

(b) Nothing in this section shall ever be so construed or applied as to relieve the federal government of any liability or responsibility which it has assumed by the passage of the Flood Control Act of May 15, 1928, or the Flood Control Act of June 15, 1936, or any other existing law, or any law that may hereafter be passed by the Congress of the United States.

Section

Reserved.