

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

Chapter 13: URBAN /RURAL DEVELOPMENT

Article

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Article I. BUILDING

Section

1300.00 Building permit fees for the unincorporated areas of the County.

§ 1300.00 BUILDING PERMIT FEES FOR THE UNINCORPORATED AREAS OF THE COUNTY.

- 1) Fees for the issuance of building permits within the unincorporated areas of Crittenden County shall be as follows:
 - a) Up to and including 250 sq. ft. - - - \$7.50.
 - b) From 251 sq. ft. to and including 50,000 sq. ft. - \$0.03 per sq. ft.
 - c) From 50,001 and above - \$0.025 per sq. ft.
- 2) REPEALER. All ordinances and parts of ordinances in conflict herewith are hereby repealed.
([Ord. 1983-001](#), passed 1-18-83)

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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

- 1320.00 Zoning regulation.
- 1320.01 Zoning regulation; billboards, outdoor advertising.
- 1320.02 Amendment to the Crittenden County land development and subdivision regulations.
- 1320.03 Amendment to Crittenden County Subdivision regulations.

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- 1320.04 Zoning regulation amendment regarding the standards and placement of commercial kennels, sand pits, quarries, and barrow pits.
- 1320.05 Zoning regulation amendment regarding the standards and placement of sexually oriented businesses.
- 1320.06 Zoning regulation; amendment in regards to the placement of wireless communication facilities in the unincorporated areas of the County.
- 1320.07 Amendment to regulation No. 1, zoning regulation.
- 1320.08 Special use permit for the placement of a communications tower.

§ 1320.00 ZONING REGULATION.

- 1) The Crittenden County Joint Planning Commission has recommended to the Crittenden County Quorum Court the following amendments to Regulation No. 1 Zoning Regulation for Crittenden County, Arkansas:

1611 – Standards. The Commission or the Zoning Administrator is authorized to grant special use permits for property within the NUDZ, UDZ and GI allowing for uses not allowed as a matter of right in said zone under the following conditions:

- a) The proposed use shall be open land type of use and shall not involve the erection of permanent buildings or other permanent improvements and shall be located in an undeveloped area of the County, provided however that permanent buildings shall be allowed which conform with the zoning in force upon the parcel.
- b) The proposed use and the placement thereof upon the land shall be such that it shall not be unsightly to the general public nor interfere with the enjoyment or use of neighboring properties.
- c) All permanent structures shall comply with all provisions of the zone in which the proposed use is located.
- d) All temporary uses and structures shall comply with all provisions of the zone in which the proposed use is located except that the list of permitted uses may be modified by provision.

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- e) The Commission or the Zoning Administrator may attach reasonable conditions to any special use permit to the end that the objectives of this regulation may be upheld.

1612 – Procedure.

- a) Before issuing a special use permit, the Zoning Administrator may require that the Commission hold a public hearing and give notice thereof to all property owners within two hundred (200) feet and to the County Court.
- b) The Zoning Administrator shall enforce compliance with the terms of the special use permit and shall initiate action for renewal or cessation of the activity at the expiration of the special use permit.
- c) No special use permit shall be issued for a period to exceed two (2) years, provided however, that such special use permit may be renewed for additional periods not to exceed two (2) years each, after the review by the Zoning Administrator or a public hearing and a finding that conditions have not changed sufficiently to warrant denial of such a renewal.

However, the Zoning Administrator shall only have the authority to issue a special use permit for a maximum of ninety (90) days with additional time subject to approval by the Commission.

- d) No property owner or owner of other interest in the land shall have a vested right in the renewal of any special use permit.
 - e) A fee of twenty five dollars (\$25.00) is hereby established for a special use permit.
- 2) Therefore, it is ordered by the Crittenden County Quorum Court that Regulation No. 1 Zoning Regulation for Crittenden County, Arkansas shall be amended to reflect said changes and additions to Section 1611 and 1612 as recommended by the Crittenden County Joint Planning Commission.
 - 3) EMERGENCY CLAUSE. An emergency is declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.
([Ord. 1977-011](#), passed 1-21-77)

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§ 1320.01 ZONING REGULATION; BILLBOARDS, OUTDOOR ADVERTISING.

- 1) Whereas the Arkansas State Highway Department has recommended to the Crittenden County Joint Planning Commission to amend Section 4005 (Billboards, Outdoor Advertising) of the Zoning Regulation No. 1 of Crittenden County, Arkansas to also read:

“Additionally, no building permit shall be issued for the erection of a billboard within the planning jurisdiction of any community without the approval of the Community’s Planning or in the absence of a Planning Board, the Governing Body.”

- 2) The Crittenden County Joint Planning Commission, after due consideration, has recommended the approval of said request to the Quorum Court as required by State Law.
- 3) Therefore, it is ordered by the Crittenden County Quorum Court that Section 4005 (Billboards, Outdoor Advertising) of the Zoning Regulation No. 1 of Crittenden County, Arkansas be amended to reflect the approval of said request as recommended by resolution from the Crittenden County Joint Planning Commission.
([Ord. 1980-016](#), passed 11-18-80)

§ 1320.02 AMENDMENT TO THE CRITTENDEN COUNTY LAND DEVELOPMENT AND SUBDIVISION REGULATIONS.

- 1) Article 3, Section 3.01.3 of the Crittenden County Land Development and Subdivision Regulations shall be and is hereby amended to add Section 3.01.3.1. as follows:

3.01.3.1

Notwithstanding Section 3.01.3, the following paragraph shall only apply to cul-de-sac or minor residential looped or horseshoe type streets in the Urban Development Zone (UDZ) serving a maximum of fifty (50) dwelling units on a cul-de-sac or one hundred (100) dwelling units on loop streets or horseshoe type streets. The above streets shall be designed and located to discourage through traffic.

All cul-de-sac streets described above shall have a maximum length of 1,000 feet and shall terminate in a surfaced turn around with a diameter of seventy (70) feet and a right of way with a diameter of not less than ninety (90) feet or a T-shaped surfaced turn-around which shall be not less than eighty (80) feet by twenty (20) feet and a right of way which shall be not less than ninety seven (97) feet by thirty seven (37) feet.

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- 2) Article 3, Section 3.01.10 of the Crittenden County Land Development and Subdivision Regulations shall be and is hereby amended to add Section 3.01.10.1 as follows:

3.01.10.1

Notwithstanding Section 3.01.10, the following paragraph shall only apply to residential subdivisions that generate low traffic volumes on certain type streets, including, but not limited to, cul-de-sacs, horseshoe type, and loop streets, that serve no more than fifty (50) dwelling units on a cul-de-sac, or one hundred (100) dwelling units on loop streets or horseshoe type streets. All dedicated streets shall have a minimum right of way of thirty five (35) feet, provided however, that in the event drainage cannot be effectively handled in the minimum right of way of thirty five (35) feet, then the minimum right of way shall be increased to the minimum width required by good engineering practice to effectively handle said drainage and as required by the existing County standards.

- 3) Article 3, Section 3.02.9.2 of the Crittenden County Land Development and Subdivision Regulations shall be and is hereby amended to add Section 3.02.9.2.1 as follows:

3.02.9.2.1

Local Streets: Notwithstanding Section 3.02.9.2, in residential subdivisions in the Urban Development Zone, that generate low traffic volumes on certain type streets, including, but not limited to, cul-de-sacs, horseshoe type, and loop streets, that serve no more than fifty (50) dwelling units, on a cul-de-sac, one hundred (100) dwelling units on loop streets or horseshoe type streets, the travel surface shall be a minimum of eighteen (18) feet wide.

- 4) Article 3 of the Crittenden County Land Development and Subdivision Regulations should be and hereby is further amended to add Section 3.02.13 which shall provide as follows:

3.02.13

All subdivisions having commonly owned water systems, sanitary sewer systems, parks or other common property shall have a Property Owners Association with the authority to levy taxes or assessments which shall be a lien upon all the real property in the district in order to operate and maintain said common properties.

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- 5) SEVERABILITY. If any part, section or paragraph of this Ordinance is held to be unconstitutional or invalid for any reason, such unconstitutionality or invalidity shall not affect the remaining portions of the Ordinance.
- 6) The effective date of this Ordinance shall be August 20th, 1985.
- 7) REPEALER. Those portions of Article 3, Section 3.01.3, 3.01.10, 3.02.9.2, and 3.02.13 of the Crittenden County Land Development and Subdivision Regulations are hereby amended as hereinabove set forth and those portions of such Regulations and all other ordinances or parts of ordinances in conflict with this Ordinance shall be and hereby are repealed.
- 8) EMERGENCY CLAUSE. An emergency is declared to exist to protect the public peace, health, safety and welfare, and this Ordinance shall be effective from and after its passage and approval.
[\(Ord. 1985-009](#), passed 8-20-85)

§ 1320.03 AMENDMENT TO CRITTENDEN COUNTY SUBDIVISION REGULATIONS.

- 1) Section 3.02.05. Any subdivision within the planning jurisdiction of any municipality which has adopted regulations governing the development and subdivision of land shall be governed in accordance with the subdivision regulations of the municipality regarding improvements which shall be required in any such subdivision. This provision shall apply whether or not the municipality has officially exercised its planning jurisdiction.
- 2) Section 3.02.9.2 Local Streets. Local streets will be constructed within a sixty (60) foot right of way. The travel surface shall be twenty-four (24) feet wide and consist of a six (6) inch compacted base (SB-2) or equivalent structural number based on the AASHTO guidelines for pavement design and as per the Arkansas Highway and Transportation Department equivalent structural numbers for materials with a minimum of two (2) inches of asphalt surface, eighteen (18) feet wide. This asphalt surface abuts an existing asphalt surface road; or is within 2000 feet of an existing gravel road that has an asphalt surface on it; or if the said gravel road is connected to an asphalt surface road no more than 2000 feet away. Road ditches shall be a minimum of 2:1 slope with a minimum one (1) foot depth.
- 3) The subdivision developer will construct the required base absent the asphalt surface requirement. After its acceptance by the County, the County will determine the cost of the required pavement by obtaining bid prices. The developer will then be required to

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deposit in escrow cash or a letter of credit in proper form for the cost of the pavement which will be completed by the County when building within the subdivision is 80% complete or within eighteen (18) months from the completion and acceptance of the base, whichever occurs first.

- 4) REPEALER. All ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance are hereby repealed.

- 5) SEVERABILITY. If any part of this Ordinance be held unconstitutional or invalid for any reason, such unconstitutionality or invalidity shall not affect the remaining portions of this Ordinance.

- 6) EMERGENCY CLAUSE. An emergency is declared in order to protect the public peace, health, safety and welfare, and this Ordinance shall be effective from and after its passage and approval.
[\(Ord. 1989-016](#), passed 11-21-89)

§ 1320.04 ZONING REGULATION AMENDMENT REGARDING THE STANDARDS AND PLACEMENT OF COMMERCIAL KENNELS, SAND PITS, QUARRIES, AND BARROW PITS.

- 1) The Zoning Regulation for Crittenden County is hereby amended by deleting the current text in Section 4000 Definitions and Standards, Paragraph 4029 and Section 6400 NUDZ – Non-Urban Development Zone, Paragraph 6450.04 and replacing it with the following text:

4029 – Kennel (commercial): Any lot or premises on which six (6) or more dogs, more than ten (10) weeks of age are kept for personal use, training, or boarding. (Existing paragraphs will be re-numbered accordingly).

6450.04 – Quarries, sand and gravel pits, and accessory uses within 1000 feet of a UDZ-Urban Development Zone, MPADZ – Marion Planning Area Development Zone, WMPADZ – West Memphis Planning Area Development Zone, or single family dwelling shall be by use permit after a finding by the Commission that proper safeguards and screening will be provided to protect the UDZ – Urban Development Zone, MPADZ – Marion Planning Area Development Zone, WMPADZ – West Memphis Planning Area Development Zone, and adjacent property owners from any adverse environmental effects that result from the operation and maintenance of said extraction operation.

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Additionally, the Zoning Regulation shall be amended by adding Paragraphs 6410.15, 6450.10, 6470.03 and 6470.04 to read as follows:

6410.15 – Kennels (commercial) except as otherwise provided for herein. (See 6450.10, 6460, 6470.04)

6450.10 – Commercial kennels, and accessory uses within 1000 feet of a UDZ – Urban Development Zone, MPADZ – Marion Planning Area Development Zone, WMPADZ – West Memphis Planning Area Development Zone, or single family dwelling shall be by use permit after a finding by the Commission that proper safeguards and screening will be provided to protect the UDZ-Urban Development Zone, MPADZ – Marion Planning Area Development Zone, WMPADZ – West Memphis Planning Area Development Zone, and adjacent property owners from any adverse environmental effects that result from the operation and maintenance of said operation.

6470.03 – Special provisions for quarries, sand and gravel pits and accessory uses. Special attention shall be given to the aesthetics and associated impacts of these types of uses. As warranted the Commission may require screening and buffering around the site in order to protect nearby property owners and residents. Additionally, the commission may require assurances regarding, noise, smell, and mosquito, insect and rodent control.

- 2) SEVERABILITY. If any part of this Ordinance is held invalid, such invalidity shall not affect the validity of any other portion of this Ordinance.
- 3) REPEALER. All laws and parts of laws in conflict with this Ordinance are hereby repealed. ([Ord. 2009-008](#), passed 03-17-09)

§ 1320.05 ZONING REGULATION AMENDMENT REGARDING THE STANDARDS AND PLACEMENT OF SEXUALLY ORIENTED BUSINESSES.

- 1) The Zoning Regulation for Crittenden County is hereby amended by deleting the current text in Section 6600 GI-General Industrial Zone, Paragraph 6610.01, and replacing it with the following text:

6610.01 – Any industrial or commercial use which is not prohibited and can meet the industrial performance standards as set forth under Section 4000, Definitions and Standards and Section 6800, Regulations regarding the Standards and Placement of Sexually Oriented Businesses.

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Additionally, the Zoning Regulation shall be amended by adding Section 6800 – Regulations Regarding the Standards and Placement of Sexually Oriented Businesses, with the following text:

Sexually oriented businesses shall only be permitted in the GI, General Industrial Zone subject to these additional restrictions and definitions:

- a) Sexually Oriented Businesses/Adult Entertainment Enterprises shall be at least 2000 feet from any school, church, hospital, park, governmental building open to the public, or residence. The spacing requirement will be measured from the nearest part of the premises where a Sexually Oriented Business is conducted to:
 - i) The nearest property line of the premises of any school, church, daycare; boys and girls club; hospital, park, or government building open to the public;
 - ii) The nearest property line of the premise of any residential structure.
- b) Definitions:

Sexually Oriented Businesses/Adult Entertainment: Sexually Oriented Business means and includes any and all of the following:

- i) ***ADULT BOOTH.*** Any area of an Adult Entertainment Establishment set off from the remainder of such Establishment by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate any Adult Materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduct or stimulation of Specified Sexual Activities.
- ii) ***ADULT ENTERTAINMENT ESTABLISHMENT.*** Any of the following Commercial Establishments, as defined herein:
- iii) ***ADULT CABARET.*** Any Commercial Establishment that as a substantial or significant portion of its business features or provides any of the following:
 - 1. Persons who appear Semi-Nude.

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2. Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.
 3. Films, motion pictures, video or cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities.
- iv) **ADULT STORE.** Any Commercial Establishment (a) that contains one or more Adult Booths; (b) that as a substantial or significant portion of its business offers for sale, rental, or viewing any Adult Materials; or (c) that has a segment or section devoted to the sale or display of Adult Materials.
- v) **ADULT THEATRE:** Any Commercial Establishment that as a substantial or significant portion of its business features or provides (i) films, motion pictures, video or audio cassettes, slides, or other visual representations or recordings that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Areas, or the conduct or simulation of Specified Sexual Activities; or (ii) live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.
- vi) **ADULT MATERIAL;** Any of the following, whether new or used:
1. Books, magazines, periodical, or other printed matter, or digitally stored materials; or
 2. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind, that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities.
 3. Instruments, novelties, devices, or paraphernalia that are designed or used in connection with Specified Sexual Activities, or that depict or describe Specified Anatomical Areas.

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- iv) ***NUDE OR STATE OF NUDITY:*** A state of dress or undress that exposes to view (i) less than completely and opaquely covered human genitals; pubic region; anus; or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed; or (ii) human male genitals in a discernible turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulated human male genitals in a discernible turgid state.
- v) ***SEMI-NUDE:*** A state of dress or undress which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portion of the apparel such as hats, gloves and socks.
- vi) ***SPECIFIED ANATOMICAL AREA:*** Any of the following:
1. Less than completely and opaquely covered human genitals; pubic region; buttocks; anus; or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed.
 2. Human male genitals in a discernible turgid state, even if completely and opaquely covered, or any device or covering that when worn, simulates human male genitals in a discernibly turgid state.
- vii) ***SPECIFIED SEXUAL ACTIVITIES:*** Any of the following:
1. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, female breasts.
 2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy.
 3. Masturbation, actual or simulated.
 4. Human genitals in a state of sexual stimulation, arousal, or tumescence.

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5. Excretory functions as part of or in connection with any of the activities set forth in paragraphs 1, 2, 3, or 4 of this definition.
- 2) SEVERABILITY. If any part of this Ordinance is held invalid, such invalidity shall not affect the validity of any other portion of this Ordinance.
- 3) REPEALER. All laws and parts of laws in conflict with this Ordinance are hereby repealed.
([Ord. 2009-007](#), passed 03-17-09)

§ 1320.06 ZONING REGULATION; AMENDMENT IN REGARDS TO THE PLACEMENT OF WIRELESS COMMUNICATION FACILITIES IN UNINCORPORATED AREAS OF THE COUNTY.

- 1) Section 6700 Wireless Communication Facilities, will be added to the Zoning Regulations and the following regulations adopted:

- a) Definitions. As used in this section, the following terms shall have the following meaning:

Antenna Array – One or more rods, panels, discs or similar devices used for the transmission and/or reception of radio frequency signals, which may include omni-directional antennae (rods), directional antenna (panel) and parabolic antenna (disc). The antenna array does not include the support structure.

Attached Wireless Communication Facility– An antenna array that is attached to an existing building or structure, which structure shall include, but not be limited to, utility poles, signs, water towers, rooftops, towers with any accompanying pole or device which attaches the antenna array to the existing building or structure and associated connection cables, and an equipment facility which may be located either inside or outside of the building or structure.

Collocation – the term “collocation” shall broadly be defined as:

- i) The use of a single wireless communications facility by:
 1. More than one wireless communication license holder, or
 2. One wireless license holder for more than one type of communications technology, or

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- ii) Placement of a wireless communication facility on a structure owned or operated by a utility or other public entity.

Exempt Facility – any wireless communication facility that is less than one hundred (100) feet tall shall be exempt from the requirements of this Ordinance.

Stealth Technology – Means systems, components and materials used in the construction of WCF which are designed to mask or conceal the WCF to make it compatible with the surrounding property.

Support Structure – A free-standing structure designed and constructed specifically to support an antenna array, including a monopole, self-supporting lattice tower, guy-wire support tower, stealth structure, and other similar structures. Any device which is used to support an attached wireless communication facility to an existing building or structure is excluded from this definition for the purposes of these regulations.

Wireless Communications – Any personal wireless service as defined in the Federal Telecommunications Act of 1996, as amended, including any cellular, personal communication service, specialized mobile radio, enhanced specialized mobile radio, paging, or similar service or technology licensed by the Federal Communications Commission.

Wireless Communications Facility – an unstaffed facility for the transmission and/or reception of wireless communications services, usually consisting of an antenna array, connection cables, accessory structures, and a support structure to achieve the necessary elevation for effective transmission or reception.

Site Location Criteria for all Wireless Communications Facilities

Wireless communications facilities may be permitted in any zoning district except the WMPADZ (West Memphis Planning Area Development Zone), MPDZ (Marion Planning Area Zone) districts and must meet the following siting conditions:

1. The owner/user shall first consider sharing other existing or proposed wireless communications facilities in lieu of constructing new facilities. As part of the application for approval as a conditional use, the applicant shall specifically provide justification as to why sharing is not practical or possible. Competitive conflict and financial burden shall not be deemed

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adequate reasons against collocation. In addition, the applicant shall submit a statement as part of the application, agreeing to allow and reasonably market collocation opportunities to other wireless communication facility users, the statement shall include the applicant's policy regarding collocation of other providers and the methodology used by the applicant in determining reasonable rates to be charged to other providers.

2. All new wireless communication facilities shall be engineered, designed and constructed to be capable of sharing the facility with other providers. Facilities with a support structure up to a height of one hundred and fifty feet (150') shall be engineered and constructed to accommodate at least three (3) antenna arrays.
3. The support structure shall not be artificially lighted unless required by the FAA or state department of aeronautics. The lighting shall be restricted to dual lights (medium intensity white strobe lights daylight mode and red obstruction lights nighttime mode) unless the FAA or state department or aeronautics requires another type of lighting.
4. The wireless communications facility shall not be located so it would be a hazard to aircraft or a source of adverse electromagnetic interference for the surrounding property owners.
5. The wireless communications facility shall not display any signage, logos, decals, symbols or any messages of a commercial or noncommercial nature, except for a small message containing provider information and emergency telephone numbers and such other information as may be required by local, state or federal regulations governing wireless communications facilities.

**Site Location Criteria for Attached Wireless Communications
Facilities**

1. Attached wireless communications facilities shall not add more than twenty feet (20') to the height of the existing building or structure to which it is attached, except that attachments to existing towers shall not increase the height of the tower above the minimum permitted height of that tower.

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2. Attached wireless communications facilities shall meet the setback provisions of the zoning district within which they are located, except that an antenna array may extend up to thirty inches (30") horizontally beyond the edge of the attachment structure so long as the antenna array does not encroach upon an adjoining parcel.

Site Location Criteria for Free-Standing Support Structures

1. No support structure may be located such that it could strike another support structure, including the structure's cables, wires, or anchors, should it fall.
2. The support structure shall be set back a distance equal to or greater than its height from any residential structure and not closer than twenty percent (20%) of its height or the distance between the support structure base and guy wire anchors, whichever is greater, from any other structure (apart from its accessory buildings). The structure may also be required to be set back a similar distance from a public road or residential zoning district if so determined by the Commission.
3. The support structure shall be set in a manner that all ice-fall or debris from the structure (including structure failure) or guy wires will not fall outside the parcel (being the property purchased or leased for the structure site) containing the support structure.
4. All guy wire anchors shall be located not less than twenty five feet (25') from the parcel boundary.
5. All accessory structures will meet the normal setbacks for the district in which they are located.
6. Accessory facilities shall not include offices, long-term vehicle storage, other outside storage, broadcast studios (except for emergency purposes) or other uses that are not needed to send or receive transmissions, and in no case may exceed twenty five percent (25%) of the floor area used for transmission equipment and functions.
7. Existing on-site vegetation shall be preserved to the maximum extent practicable.

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8. All wireless communications facilities and accessory structures should be shielded from public view from the surrounding properties by either:
 - a. A solid vegetative buffer, consisting of evergreens which will reach a minimum height of at least six feet (6') within five (5) years. The vegetation shall not encroach over the adjacent property lines and shall provide a complete screen during all months of the year. The plant material and layout must be approved by the Commission, prior to issuance of a permit. Security features may be incorporated into the buffer and landscaping.
 - b. An opaque fence (excluding slatted chain link), which shall be not less than six feet (6') in height. Nothing herein shall prevent fencing that is necessary to meet requirements of state or federal agencies.

Non-Conforming Structures

Wireless communications facilities in existence as of the date of adoption of these regulations, which do not comply with the provisions of these regulations, shall be considered non-conforming structures and shall be subject to the provisions of Section 1500.

Review Procedure

1. The Commission shall review all proposals for siting and design of wireless communications facilities using the Use Permit procedures of Section 6160 of these regulations.
2. The owner/applicant/developer shall submit a written application on such form or forms as the Commission may require. The application shall, at a minimum include:
 - a. A site plan prepared by a licensed engineer or architect which displays:

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- (i) The location of any support structure(s) and associated anchors, cables, or other stabilizing/support mechanisms, on the site;
 - (ii) The location of any accessory structures;
 - (iii) Proposed parking, fencing, landscaping, access and utility locations;
 - (iv) Existing land uses within two hundred feet (200') of the outer perimeter of the site;
- b. Technical specifications and/or calculations;
 - c. Evidence that the facility has been, or will likely be, approved by the Federal Communications Commission, or other relevant regulatory agency.
 - d. Applicants proposing to collocate on an existing wireless communications facility shall include a Radio Frequency Intermodulation Study.

Fees

1. Application Review. All applications shall be accompanied by payment of a plan review fee and, if applicable, a Radio Frequency Intermodulation Study Fee. The amount of such fees shall be \$250.00.
2. Technical Review. In the event that an application is complex or involves highly technical design issues, the Commission may utilize the services of an engineer or other consultant qualified in the design and installation of wireless communication facilities to assist in the review of the application. In such cases, any reasonable costs incurred by the Commission, not to exceed fifteen hundred dollars (\$1,500.00) for such technical review and recommendation shall be reimbursed by the applicant prior to the final dispensation of the application.

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- 2) SEVERABILITY. If any part of this Ordinance is held invalid, such invalidity shall not affect the validity of any other portion of this Ordinance.
- 3) REPEALER. All laws and parts of laws in conflict with this Ordinance are hereby repealed.
[\(Ord. 2009-006](#), passed 03-17-09)

§ 1320.07 AMENDMENT TO REGULATION NO. 1, ZONING REGULATION.

- 1) A recommendation has been made by the Crittenden County Joint Planning Commission to amend Zoning Regulation No. 1, to include the following:

Section 5000:

USE	REQUIRED PARKING	LOADING SPACE REQUIRED
Section 5025 – Dwellings in subdivisions containing eight (8) dwelling units or more per net acre, less dedicated streets and common areas.	Two (2) on-site parking spaces plus 0.25 off-site parking spaces per dwelling unit.	None.

Section 6145: Residential subdivisions that generate low traffic volumes on certain type streets, including, but not limited to, cul-de-sacs, horseshoe type, and loop streets, that serve no more than fifty (50) dwelling units on a cul-de-sac or one hundred (100) dwelling units on a loop street or horseshoe type streets as herein specified.

- a) In subdivisions containing eight (8) dwelling units or more per net acre, less dedicated streets and common areas, all buildings and lots shall comply with the following requirements:
 - i) Minimum lot area: Lots as platted shall have an average minimum lot area of not less than 3,000 square feet, provided however, no lot shall have an area of less than 2,400 square feet.
 - ii) Minimum side yard: Zero-lot line housing is specifically permitted, but all buildings must be not less than ten (10) feet apart;
 - iii) Minimum front yard: the minimum depth of the front yard shall be twenty-five feet, provided however, garages or carports may be built within the

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required front yard when located at least seventeen feet from the front lot line.

- 2) Regulation No. 1, Zoning Regulation for Crittenden County, Arkansas, should be and hereby is amended to include the provisions referred to in Section 1 of this Ordinance.
- 3) The requirements contained in the above amendments to Sections 5025 and 6145 shall be met in addition to all other requirements and provisions contained in Regulation No. 1, Zoning Regulation for Crittenden County, Arkansas, adopted by the County Court on April 11, 1974, not in conflict herewith.
- 4) SEVERABILITY. If any part, section, or paragraph of this Ordinance be held to be unconstitutional or invalid for any reason, such unconstitutionality or invalidity shall not affect the remaining portions of the Ordinance.
- 5) The effective date of this Ordinance shall be the 20th day of August, 1985.
- 6) REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- 7) EMERGENCY CLAUSE. An emergency is declared to exist to protect the public peace, health, safety and welfare, and this Ordinance shall be effective from and after its passage and approval.
([Ord. 1985-010](#), passed 8-20-85)

§ 1320.08 SPECIAL USE PERMIT FOR THE PLACEMENT OF A COMMUNICATIONS TOWER.

- 1) The placement of a one hundred and ninety five (195) foot tall communications tower located at 3607 Highway 64 for AT&T Mobility is approved subject to and in accordance with the approved site plan.
- 2) SEVERABILITY. If any part or this Ordinance is held invalid, such invalidity shall not affect the validity of any other portion of this Ordinance.
- 3) REPEALER. All laws and parts of laws in conflict with this Ordinance are hereby repealed.
([Ord. 2009-019](#), passed 11-17-09)

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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

Reserved.

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**Article V. WATERCOURSE, DRAINAGE, IRRIGATION, FLOOD
CONTROL SERVICES**

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.