

**NEWTON COUNTY                      CODE OF ORDINANCES**  
**Chapter 13 - Urban / Rural Development**

**Chapter 13:            URBAN /RURAL DEVELOPMENT**

**Article**

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**Article I.    BUILDING**

**Section**

1320.00 Adoption of comprehensive Land Use and Management Plan.

1320.01 Establishing a reference “Companion File” to accompany the Land Use and Management Plan.

**§ 1300.00    ADOPTION OF COMPREHENSIVE LAND USE AND MANAGEMENT PLAN.**

- 1) The Newton County Quorum Court recognizes the need for a Comprehensive Land Use and Management Plan or code to guide the use of public lands and public resources in Newton County, Arkansas and to protect the rights of private landowners and their private property rights.
- 2) Ordinance No. 98-18 which adopted the amended Interim Land Use Policy Plan, is repealed. The Comprehensive Land Use and Management Plan, incorporated by reference pursuant to A.C.A. §14-14-909 is hereby adopted and made a part of this Ordinance as though set out word for word to serve to set policies that shall provide a general planning framework, recognizing that the Comprehensive Land Use Plan is an ever changing plan that must be amended to meet the ever changing needs and conditions of Newton County and its people to remain in effect until such amendments are required and put into place by the Newton County Court.
- 3) Copies of the Comprehensive Land Use and Management Policy Plan shall be available for public inspection at the office of the County Clerk.  
([Ord. 2008-030](#), passed 10-14-2008)

**§ 1300.01    ESTABLISHING A REFERENCE “COMPANION FILE” TO ACCOMPANY THE LAND USE AND MANAGEMENT PLAN.**

- 1) Whereas, because our Newton County Land Use and Management Plan (Code) (08-30) is a document that is often referenced, and because it requires much filing space for the large volume of letters and written documents that pertain to current issues and their nexus with our Land Use and Management Plan; and
- 2) Whereas, those written documents need to be officially retained in the interest of historical, evidentiary, resource and other causes, although they need not be enacted as additional Ordinances.

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- 3) It is therefore so ordered that Newton County, acting through its Quorum Court, instructs the Clerk's office to provide and maintain a Land Plan Companion File in close and easily accessible proximity to the filing location of the Plan itself (08-30), for all the correspondence, documents, etc. That have been and will be produced pertinent to the Newton County Land Use and Management Plan (Code) to be stored in a consecutively dated order with all said contents file marked as they are entered into the Companion File, and also with each entry to be named, noted and page numbered in an ongoing Table of Contents for the file. Entries for the Companion File may be submitted to the Clerk for filing by any member of the Quorum Court and/or the County Judge. At each monthly meeting of the Quorum Court, the Clerk shall give a simple report of any additions to the Companion File.

[\(Ord. 2009-029, passed 08-03-2009\)](#)

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**Article II.    PLANNING / ZONING**

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

- (a) (1) 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.
  
- (2) The zoning ordinance may regulate:
  - (A) The location, height, bulk, number of stories, and the size of the building;
  - (B) Open space;
  - (C) Lot coverage;
  - (D) Density and distribution of population; and
  - (E) The uses of land, buildings and structures.
  
- (3) The zoning ordinance may require off-street parking and loading.
  
- (4) The zoning ordinance 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.
  
- (5) 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.
  
- (6) The regulations imposed within each district or zone shall be uniform throughout the district or zone.
  
- (7) The zoning ordinance shall allow and regulate home-based work as provided in § 14-1-104.

**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

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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            Jurisdiction regarding ERW, water, watershed, natural resources, conservation, and property rights.

**§ 1320.00    JURISDICTION REGARDING ERW, WATER, WATERSHED, NATURAL RESOURCES, CONSERVATION, AND PROPERTY RIGHTS.**

- 1) Newton County acting through its Quorum Court, hereby exercises local legislative authority, not denied by the Constitution or by law, (See also Arkansas Constitution Amendment 55, Section 1(a)), for the purpose of the protection of the local environment, local enterprise, tax base, custom, culture and private property rights; and thereby affirms that any federal or state or other action (to impose, regulation, designation, or other control of water or watershed or natural resources, or the conservation thereof, within the boundaries of Newton County, or upon its people or elected officials), found (by the Newton County Quorum Court) to be in violation of the “exclusive original jurisdiction” of Newton County Court, and not in compliance with Newton County’s Comprehensive Land Use and Management Plan Code, such action shall be invalid. And specifically, no ERW\* designation or other such limitation shall be placed upon Crooked Creek or its watershed, nor shall it be recognized upon any other waterbody or watershed in Newton County without certainty of the above-described validity and without satisfaction that compliance with federal law and/or the National Environmental Policy Act (NEPA) has been met.

[\(Ord. 2008-037](#), passed 11-03-2008)

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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. 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

**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.