

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

Chapter 13: URBAN /RURAL DEVELOPMENT

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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 | Land use and management plan. |
| 1320.01 | Companion file for the land use and management plan. |
| 1320.02 | Placement, control, and operation of rehabilitative institutes and “half-way houses.” |

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§ 1320.00 LAND USE AND MANAGEMENT PLAN.

- 1) The Searcy 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 Searcy County, Arkansas, and to protect the rights of private landowners and their private property rights.
- 2) Ordinance No. 1998-001, 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 Policy is an ever changing plan that must be amended to meet the ever changing needs and conditions of Searcy County and its people to remain in effect until such amendments are required and put into place by the Searcy County Court.
- 3) Copies of the Comprehensive Land Use and Management Plan shall be available for public inspection at the Office of the County Clerk.
([Ord. 2009-008](#), passed 10-12-2009; Am. [Ord. 2009-012](#), passed 11-19-2009)

§ 1320.01 COMPANION FILE FOR THE LAND USE AND MANAGEMENT PLAN.

- 1) Searcy County, acting through its Quorum Court, instructs the Clerk's office to provide and maintain a Land Use Companion File in close and easily accessible proximity of the filing location of the Plan itself, for all the correspondence, documents, etc. that have been and will be produced pertinent to the Searcy 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. 2009-011](#), passed 11-19-2009)

§ 1320.02 PLACEMENT, CONTROL, AND OPERATION OF REHABILITATIVE INSTITUTES AND "HALF-WAY HOUSES."

- 1) Organizations, businesses, groups, and individuals in Searcy County, Arkansas, and other areas have been and are desirous of establishing residential or "treatment" facilities purporting to provide rehabilitative services, residential opportunities, and other support for individuals who have been convicted of crimes and who may or may not be on pre- or post-release supervision.

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- 2) The density, location, and specifics of said operations are within the control of this Quorum Court in that this Quorum Court has the authority to provide for planning, zoning, and subdivision control services as well as community development and rural services pursuant to A.C.A. §§ 14-17-201, et seq.
- 3) Regulating the creation and operation of said facilities for the purpose of bringing together individuals who have been convicted of crimes does constitute a proper exercise of the County's zoning authority and should be and is hereby deemed to be controlled by the issuance of authorization certificates which shall be necessary for the continued or initial operation of such facility and which shall contain the restrictions and strictures vis-à-vis location, population, and residential density as well as supervisory operation in so far as shall be deemed appropriate by the Quorum Court of Searcy County and consistent with applicable constitutional, statutory, and case law.
- 4) Control of location, density, and certain specifics of the operation of said facilities being created should be exercised by this Court pursuant to the findings of a study to be conducted by or at the direction of the Quorum Court and a conclusion by this Honorable Court that no deleterious conditions exist; and said certificate shall be issued solely within the discretion of the Quorum Court of Searcy County only following an appropriate study and investigation performed by or at the direction of said Quorum Court sufficient to meet the constitutional due process requirements afforded any such individual, group, or agency seeking to institute or maintain such an organization or entity within Searcy County, Arkansas, and, the results of which findings shall be based upon and state the basis for the Court's conclusion relative to the effect on the public health and safety of Searcy County, Arkansas, its residents, and the property and property owners surrounding and contiguous to the proposed property site of said facility.
- 5) The exercise of this constitutionally and statutorily conferred authority upon the County should be exercised by the Quorum Court as a whole.
- 6) EMERGENCY CLAUSE. An emergency is deemed to exist and this Ordinance shall go into effect immediately.
- 7) It is forthwith Ordered and Decreed by the Searcy County Quorum Court that in order for any of the above-described facilities to be established or operated within Searcy County, Arkansas, a certificate of operation shall be necessary and shall only be issued after a study of the effect on the public, health, and safety of the specific township or area wherein such facility shall be located.
([Ord. 2002-005](#), passed 05-28-2002)

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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

1360.00 Residential anti-displacement and relocation assistance plan.

§ 1360.00 RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN.

- 1) The County of Searcy, Arkansas, will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as a low/moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, and described in 24 CFR 570.496a(b)(1). All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion.
- 2) The County of Searcy, Arkansas, will provide relocation assistance, as described in 570.496a(b)(2), to each low/moderate-income household displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities.
- 3) If any such project will involve the demolition or conversion of low/moderate-income dwelling units, the following will be provided:
 - a) The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than low/moderate-income dwelling units as a direct result of the assisted activity;
 - b) A time schedule for the commencement and completion for the demolition or conversion;
 - c) The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
 - d) The source of funding and a time schedule for the provision of replacement dwelling units;

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- e) The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy.
- 4) Consistent with the goals and objectives of activities assisted under the Act, the County of Searcy, Arkansas, will make every effort to minimize the displacement of persons from their homes.
([Ord. 2011-014](#), passed 10-10-2011)

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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.

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