

Stricken language would be deleted from and underlined language would be added to the law as it existed
prior to this session of the General Assembly.
Act 565 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 2452

5 By: Representative House
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For An Act To Be Entitled

9 AN ACT TO AMEND STATUTES DEALING WITH COUNTY
10 PLANNING BOARDS AND ZONING BOARDS OF ADJUSTMENT;
11 AND FOR OTHER PURPOSES.
12

Subtitle

13 TO AMEND STATUTES DEALING WITH COUNTY
14 PLANNING BOARDS AND ZONING BOARDS OF
15 ADJUSTMENT.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 14-17-203 is amended to read as follows:
22 14-17-203. Creation and organization.

23 (a) The county judge of any county may, with the approval of the
24 majority of the members of the county quorum court, create a county planning
25 board. The board shall consist of not less than five (5) members nor more
26 than twelve (12) members appointed by the judge and confirmed by the court.
27 At least one-third (1/3) of the members shall not hold any other elective
28 office or appointment, except membership on a municipal or joint planning
29 commission or a zoning board of adjustment.

30 (b) The term of each member shall be four (4) years. In the initial
31 appointments to the board, a majority, but not exceeding three-fifths (3/5)
32 of the total membership of the board, shall be appointed for two (2) years
33 and the remaining members for four (4) years. A vacancy in the membership due
34 to death, resignation, removal, or other cause shall be filled by an
35 appointee of the judge, confirmed by the court, for the unexpired term. Any



1 member of the board shall be subject to removal for cause upon recommendation
 2 of the judge and confirmation by the court.

3 (c) The board shall designate one of its members as chairman and
 4 select a vice chairman and such other officers as it may require.

5 (d) A regular meeting date shall be established providing for at least
 6 one (1) regular meeting to be held in each quarter of each calendar year.

7 (e) The board shall adopt rules and regulations for the discharge of
 8 its duties and the transaction of business and shall keep a public record of
 9 all business, resolutions, transactions, findings, and determinations.

10 (f) County quorum courts may elect to assume the powers, duties, and
 11 functions of the board. Such determination shall be implemented by ordinance.
 12 A court which elects to exercise this option shall not be bound by the
 13 provisions of this section and § 14-17-204, but may, by ordinance, establish
 14 such administrative changes as may be appropriate.

15 (g)(1)(A) A county quorum court may elect to act as a board of
 16 administrative appeal prior to an appeal to circuit court from a decision of
 17 the county planning board.

18 (B) The county judge shall be the chair of the board of
 19 administrative appeal but shall vote only in the event of a tie.

20 (C) The county quorum court shall determine the number of
 21 quorum court members who shall sit on the board of administrative appeal.

22 (2) Any appeal concerning roads shall be appealed directly to
 23 circuit court.

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 25 SECTION 2. Arkansas Code § 14-17-209 is amended to read as follows:

26 14-17-209. Zoning ordinance - ~~Zoning board of~~ Board of zoning
 27 adjustment.

28 (a) The county planning board shall have authority to prepare, or to
 29 cause to be prepared, a zoning ordinance for all or part of the
 30 unincorporated area of the county, which ordinance shall include both a map
 31 and a text. The zoning ordinance may regulate the location, height, bulk,
 32 number of stories, and the size of building; open space; lot coverage;
 33 density and distribution of population; and the uses of land, buildings, and
 34 structures. It may require off-street parking and loading. It may provide for
 35 districts of compatible uses, for large scale unified development, for the
 36 control and elimination of uses not in conformance with provisions of the

1 ordinance, and for such other matters as are necessary to the health, safety,
 2 and general welfare of the county. The zoning ordinance shall designate
 3 districts or zones of such shape, size, or characteristics as deemed
 4 advisable for all, or part, of the unincorporated area of the county. The
 5 regulations imposed within each district or zone shall be uniform throughout
 6 the district or zone.

7 (b) The determination of zones shall be consistent with any officially
 8 adopted plans for the area to be zoned. In the development of zoning
 9 districts and their boundaries, due consideration shall be given to the
 10 adopted plans of municipal planning commissions for extraterritorial planning
 11 areas.

12 (c) The zoning ordinance shall be observed through denial of the
 13 issuance of building permits and use permits.

14 (d) It shall be unlawful to erect, construct, reconstruct, alter,
 15 maintain, or use any land, building, or structure in violation of any
 16 ordinance of the county quorum court.

17 (e) The zoning ordinance shall provide for a board of zoning
 18 adjustment which shall be formed in either of the following ways:

19 (1) A minimum of three (3) residents of the county may be
 20 appointed to the ~~zoning~~ board of zoning adjustment; or

21 (2) The planning board as a whole may sit as the ~~zoning~~ board of
 22 zoning adjustment.

23 (f) Whenever a separate board of zoning adjustment is established,
 24 appointments, length of term, vacancies, removal, and compensation shall be
 25 the same as for the county planning board.

26 (g) The board of zoning adjustment shall have the following functions:

27 (1) To hear appeals from administrative decisions with respect
 28 to the enforcement and application of the ordinance and affirm or reverse, in
 29 whole or part, the administrative decisions;

30 (2) To hear requests for variances from the literal provisions
 31 of the zoning ordinance in instances where strict enforcement of the zoning
 32 ordinance would cause undue hardship due to circumstances unique to the
 33 individual property under consideration and to grant such variances only when
 34 it is demonstrated that such action will be in keeping with the spirit and
 35 intent of the provisions of the zoning ordinance. The board of zoning
 36 adjustment may impose conditions in the granting of a variance to insure

1 compliance and to protect adjacent property.

2 (h) The ~~zoning~~ board of zoning adjustment shall not permit, as a
3 variance, any use in a zone that is not permitted under the ordinance.

4 (i)(1) Decisions of the board of zoning adjustment in respect to ~~the~~
5 ~~above~~ subsections (a)-(h) of this section shall be subject to appeal only to
6 a court of record having jurisdiction.

7 (2)(A) However, a county quorum court may elect to act as a
8 board of administrative appeal prior to an appeal to a court of record from a
9 decision of the board of zoning adjustment.

10 (B) The county judge shall be the chair of the board of
11 administrative appeal but shall vote only in the event of a tie.

12 (C) The county quorum court shall determine the number of
13 quorum court members who shall sit on the board of administrative appeal.

14 (3) Any appeal concerning roads shall be appealed directly to
15 circuit court.

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17 APPROVED: 3/28/2007
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