

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.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

SENATE BILL 1006

4
5 By: Senator Broadway

For An Act To Be Entitled

9 AN ACT TO REQUIRE NOTIFICATION OF AFFECTED SCHOOL
10 DISTRICTS OF ALL PLANNING, DEVELOPMENT, OR
11 REDEVELOPMENT ACTIVITY WITHIN A MUNICIPALITY OR
12 COUNTY; AND FOR OTHER PURPOSES.

Subtitle

15 AN ACT TO REQUIRE NOTIFICATION OF
16 AFFECTED SCHOOL DISTRICTS OF ALL
17 PLANNING, DEVELOPMENT, OR REDEVELOPMENT
18 ACTIVITY WITHIN A MUNICIPALITY OR
19 COUNTY.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24 SECTION 1. Arkansas Code § 14-17-206 is amended to read as follows:
25 14-17-206. Purpose and content of county plan.

26 (a) The county plan shall be made with the general purpose of guiding
27 and accomplishing a coordinated, efficient, and economic development of the
28 county, or part thereof. In accordance with one (1) or more of the following
29 criteria, the plan will seek to best promote the health, safety, convenience,
30 prosperity, and welfare of the people of the county.

31 (b) All county plans shall reflect the county's development policies
32 and shall contain a statement of the objectives and principles sought to be
33 embodied therein. These plans, with the accompanying maps, charts, and
34 descriptive matter, may make recommendations, among other things, as to:

- 35 (1) The conservation of natural resources;
36 (2) The protection of areas of environmental concern;



1 (3) The development of land subject to flooding;

2 (4) The provision of adequate recreation, education, and
 3 community facilities including water, sewer, solid waste, and drainage
 4 improvements;

5 (5) The development of transportation facilities, housing
 6 development, and redevelopment; ~~and~~

7 (6) The consideration of school district boundaries; and

8 ~~(6)-(7)~~ Such other matters which are logically related to or form
 9 an integral part of a long-term plan for orderly development and
 10 redevelopment of the county.

11 (c)(1) Areas of critical environmental concern include, among other
 12 things, aquifers and aquifer recharge areas, soils poorly suited to
 13 development, floodplains, wetlands, prime agricultural and forestlands, the
 14 natural habitat of rare or endangered species, areas with unique ecosystems,
 15 or areas recommended for protection in the Arkansas Natural Areas Plan. Plans
 16 for these areas shall give consideration to protective mechanisms which seek
 17 to regulate activities or development therein.

18 (2) These mechanisms may include establishment of special zoning
 19 districts, adoption and enforcement of building codes, acquisition of
 20 easements or land through capital expenditures programming, and specialized
 21 development policies. Where appropriate, county management activities for
 22 areas of critical environmental concern shall involve cooperative agreements
 23 with interested state and federal agencies.

24 (d) In the preparation of all plans for the county or part of a
 25 county, the county planning board shall:

26 (1) Provide that plans shall be are consistent with state plans
 27 and other related regional, county, and municipal plans, and school district
 28 boundaries in order to avoid inconvenience and economic waste and to assure a
 29 coordinated and harmonious development of the county, region, and state; and

30 (2) Notify by first class mail the board of directors of all
 31 school districts affected by a plan sufficiently in advance to allow
 32 representatives of all affected school districts to submit comments on any
 33 proposed plan.

34
 35 SECTION 2. Arkansas Code § 14-17-207(b) is amended to read as follows:

36 (b)(1) Before the adoption or revision of an official plan or

1 implementing ordinance, or parts thereof, the board shall hold at least one
 2 (1) public meeting thereon. The meeting may be adjourned from time to time.
 3 Prior to the meeting, the board chairman shall notify the court of the
 4 purpose and intent of the meeting in sufficient time to allow the justices to
 5 attend the meeting if they so desire. At the same time, the public shall be
 6 notified of the meeting through the local newspapers and other media.

7 (2) In addition, the board of directors of all school districts
 8 affected by a proposed official plan or implementing ordinance shall be
 9 notified of the meeting by first class mail sufficiently in advance to allow
 10 representatives of all affected school districts a reasonable opportunity to
 11 attend the public meeting and submit comments on any proposed official plan
 12 or implementing ordinance.

13
 14 SECTION 3. Arkansas Code § 14-17-208 is amended to read as follows:

15 14-17-208. Subdivision, setback, and entry control ordinances.

16 (a) The county planning board may prepare and, after approval by the
 17 county quorum court, shall administer the ordinance controlling the
 18 development of land. The development of land includes, but is not limited to,
 19 the provision of access to lots and parcels, the provision of utilities, the
 20 subdividing of land into lots and blocks, and the parceling of land resulting
 21 in the need for access and utilities.

22 (b) The ordinance controlling the development of land may establish or
 23 provide for minimum requirements as to:

24 (1) Information to be included on the plat filed for record;

25 (2) The design and layout of the subdivision, including
 26 standards for lots and blocks, streets, public rights-of-way, easements,
 27 utilities, consideration of school district boundaries, and other similar
 28 items; and

29 (3) The standards for improvements to be installed by the
 30 developer at his expense, such as street grading and paving, curbs, gutters,
 31 and sidewalks, water, storm, and sewer mains, street lighting, and other
 32 amenities.

33 (c) The ordinance shall require that all plats of two (2) or more
 34 parcels be submitted to the board for its approval and certification.

35 (d) The ordinance may require the installation or assurance of
 36 installation of required improvements before plat approval. Further, the

1 regulations may provide for the dedication of all rights-of-way to the
2 public.

3 (e) Neither the board nor the court shall restrict or limit the right
4 of any person to file a deed or other instrument of transfer of property with
5 the county recorder to be filed of record.

6 (f) The ordinance shall establish the procedure to be followed to
7 secure plat approval by the board.

8 (g) The ordinance shall require the development to conform to the
9 official plan currently in effect. The ordinance may require the reservation
10 or reasonable equivalent contribution of cash, other land, or considerations
11 as approved by the board for future public acquisition of land for community
12 or public facilities indicated in the official plan. The reservation may
13 extend over a period of not more than one (1) year from the date of recording
14 the final plat with the county recorder.

15 (h) Adoption of a county subdivision ordinance shall be preceded by
16 ~~the:~~

17 (1) The adoption of an official road plan for the unincorporated
18 areas of the county. The plan shall include as a minimum designation of the
19 general location, characteristics, and functions of roads, and the general
20 location of roads to be reserved for future public acquisition. The plan may
21 also recommend, among other things, the removal, relocation, widening,
22 narrowing, vacating, abandonment, change of use, or extension of any public
23 ways; and

24 (2) Notification by first class mail of the board of directors
25 of all school districts affected by a proposed county subdivision ordinance
26 sufficiently in advance to allow representatives of all affected school
27 districts a reasonable opportunity to submit comments on any proposed county
28 subdivision ordinance.

29 (i) In unincorporated areas adjoining the corporate limits of a
30 municipality in which the authority to control the subdivision of land is
31 vested and is being exercised in accordance with and under the provisions of
32 §§ 14-56-401 - 14-56-408 and 14-56-410 - 14-56-425, or any amendments
33 thereto or thereof, or other acts of a similar nature enacted by the General
34 Assembly, the municipal authority shall have subdivision jurisdiction but
35 shall transmit copies of proposed plats for the areas to the board and the
36 board of directors of all affected school districts for review and comment,

1 which shall be made to the municipal authority within sixty (60) days from
2 the time it is received by the board and the board of directors of all
3 affected school districts unless further time is allowed by the municipal
4 authority.

5 (j) When an official road plan has been adopted and filed as provided
6 for in § 14-17-207, the court, upon recommendation of the board, may enact
7 ordinances establishing setback lines on the major streets and highways as
8 are designated by the plan and may prohibit the establishment of any
9 structure or other improvements within the setback lines.

10 (k) When an official road plan has been adopted and filed as provided
11 for in § 14-17-207, the court, upon recommendation of the board, may enact
12 ordinances providing for the control of entry into any of the roads shown in
13 the official plan.

14 (l) Following the adoption of any subdivision, setback, or entry
15 control ordinances by the court, the county recorder shall not accept any
16 plat in the unincorporated area of the county not within the exercised extra-
17 territorial jurisdiction of a municipality for record without the approval of
18 the planning board. In counties with populations of three hundred thousand
19 (300,000) or greater, the county recorder shall not accept any plats in the
20 unincorporated area of the county without the county court's acceptance of
21 roads for perpetual maintenance and acceptance of any dedication of land for
22 public purposes.

23
24 SECTION 4. Arkansas Code § 14-56-417(b) is amended to read as follows:

25 (b)(1) The regulations controlling the development of land may
26 establish or provide for the minimum requirements as to:

27 (A) Information to be included on the plat filed for
28 record;

29 (B) The design and layout of the subdivision, including
30 standards for lots and blocks, street rights-of-way, street and utility
31 grades, consideration of school district boundaries, and other similar items;
32 and

33 (C) The standards for improvements to be installed by the
34 developer at his own expense such as street grading and paving; curbs,
35 gutters, and sidewalks; water, storm, ~~and,~~ sewer mains; street lighting; and
36 other amenities.

1 (2)(A) The regulations may permit the developer to post a
2 performance bond in lieu of actual installation of required improvements
3 before plat approval.

4 (B) They may provide for the dedication of all rights-of-
5 way to the public.

6 (3)(A) The regulations may govern lot or parcel splits, which is
7 the dividing of an existing lot or parcel into two (2) or more lots or
8 parcels.

9 (B) No deed or other instrument of transfer shall be
10 accepted by the county recorder for record unless the deed or other
11 instrument of transfer is to a lot or parcel platted and on file or
12 accompanied with a plat approved by the commission.

13 (4) The regulations shall establish the procedure to be followed
14 to secure plat approval by the commission.

15 (5)(A) The regulations shall require the developer to conform to
16 the plan currently in effect.

17 (B)(i) The regulations may require the reservation, for
18 future public acquisition of land for community or public facilities
19 indicated in the plan.

20 (ii) This reservation may extend over a period of
21 not more than one (1) year from the time the public body responsible for the
22 acquisition of reserved land is notified of the developer's intent.

23 (6) When a proposed subdivision does not provide areas for a
24 community or public facility based on the plans in effect, the regulations
25 may provide for reasonable dedication of land for such public or community
26 facilities, or for a reasonable equivalent contribution in lieu of dedication
27 of land, such contribution to be used for the acquisition of facilities that
28 serve the subdivision.

29
30 SECTION 5. Arkansas Code § 14-56-422 is amended to read as follows:
31 14-56-422. Adoption of plans, ordinances, and regulations.

32 All plans, recommended ordinances, and regulations shall be adopted
33 through the following procedure:

34 (1)(A) The planning commission shall hold a public hearing on
35 the plans, ordinances, and regulations proposed under this subchapter.

36 (B) Notice of public hearing shall be published in a

1 newspaper of general circulation in the city, at least one (1) time fifteen
 2 (15) days prior to the hearing.

3 (C) Notice by first class mail to the board of directors
 4 of all school districts affected by a proposed plan, ordinance, or regulation
 5 shall be provided sufficiently in advance to allow representatives of all
 6 affected school districts a reasonable opportunity to submit comments on any
 7 proposed plan, ordinance, or regulation.

8 (2) Following the public hearing, proposed plans may be adopted
 9 and proposed ordinances and regulations may be recommended as presented, or
 10 in modified form, by a majority vote of the entire commission.

11 (3) Following its adoption of plans and recommendation of
 12 ordinances and regulations, the commission shall certify adopted plans or
 13 recommended ordinances and regulations to the legislative body of the city
 14 for its adoption.

15 (4) The legislative body of the city may return the plans and
 16 recommended ordinances and regulations to the commission for further study or
 17 recertification or, by a majority vote of the entire membership, may, by
 18 ordinance or resolution, adopt the plans and recommended ordinances or
 19 regulations submitted by the commission. However, nothing in this subchapter
 20 shall be construed to limit the city council's authority to recall the
 21 ordinances and resolutions by a vote of a majority of the council.

22 (5) Following adoption by the legislative body, the adopted
 23 plans, ordinances, and regulations shall be filed in the office of the city
 24 clerk. The city clerk shall file, with the county recorder of the counties in
 25 which territorial jurisdiction is being exercised such plans, ordinances, and
 26 regulations as pertain to the territory beyond the corporate limits.

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