



Metropolitan Area Planning Commission

City of Jonesboro Planning Department

1/28/2016

Extraterritorial Jurisdiction Boundary Questions:

1. **Benefits to the Citizens:**

Assures compatibility of platted property (Upon Transfer/Recording) to comply with basic and minimum subdivision requirements. Assures that annexed land will be permissible and worthy of building permit.

2. Several annexations have occurred where the right-of-way occurred on a County Road; however contiguous property was brought into the City Limits with the access not being adequate.
3. Drainage has been a contributor this problem. Connectivity is always a priority see Master Street Plan comments below:
 - a. The *Master Street Plan of Jonesboro, Arkansas (Plan)* is the official guide for the City of Jonesboro, Arkansas (City) and the Jonesboro Metropolitan Area Planning Commission (MAPC) in making decisions regarding land development proposals and street improvements within its planning jurisdiction. The *Plan* is designed to provide for the orderly growth and development of the City, particularly concerning the future location and function of its street system.
 - b. The street system strongly influences land use patterns and urban activities. Likewise, the type and intensity of land development influence the operation of the street system. For this reason, decisions that affect land use and the street system should be guided by a general plan for the City, and the overall goals and objectives of this general plan should be realized by conformance with the plan and with the enforcement of zoning, subdivision and other regulations adopted by the City.

Without exercising our extra-territorial rights, we cannot provide this orderly growth.

- c. City Council needs to adopt a map that delineates the land for which we are claiming extra-territorial rights and file that map with the county recorder. We cannot place rules regarding drainage, construction standards, zoning, etc. on these extra-territorial lands. We are limited to road layout, right-of-way dedication, and platting requirements.

Examples of Other Arkansas Cities Regarding Extraterritorial Jurisdiction Control:

Q: What gives the City of Fort Smith the right to extend extra territorial jurisdiction in this area?

Under Arkansas State Statutes, Fort Smith may extend its zoning jurisdiction two miles outside of its city limits. Because of the location of the Cities of Bonanza and Greenwood, Fort Smith will not be extending zoning jurisdiction the full two miles. Instead, the limit will stop where the Greenwood and Bonanza districts begin. Cities also have the right to extend subdivision control within five miles of their city limits. The cities of Fort Smith, Greenwood and Bonanza have already extended this control to a certain extent.

Q: What is the difference between subdivision control and zoning control?

Under subdivision control, the way the subdivision is designed (roads, utilities, building lots) are controlled. The zoning control being considered will regulate the actual use of the land.

Q: Will the extra territorial zoning affect my property taxes or any other tax that I pay?

No, this will have no effect on property taxes, sales tax, utility franchise tax or any other type of tax.

Q: Will the extra territorial zoning affect the school my children attend?

No, the zoning does not alter school district boundaries. Some children currently in the city limits of Fort Smith are not in the Fort Smith school district and attend the Greenwood Schools.

Q: Does this mean my property is about to be annexed?

No, this is about zoning and regulating land uses near the City, not about annexation.

Q: Does this mean that I will be required to obtain building permits?

No, building permits will not be required. However, in order to administer the zoning uses, a land use permit will be required.

Q: How does this affect my current land uses or the way I use my property?

This does not affect your current land uses. You can continue any existing land use that currently exists, such as residential or commercial activities.

Q: Does this mean I will never be able to change the use of my property?

No. However, any changes in property uses (for example, from residential to commercial) will require the property owner to apply for a zoning change. This process will include notice to surrounding property owners and a public hearing before the Fort Smith

Planning Commission and Board of City Directors. The zone change request will be approved or denied based on the merits of the request.

Q: Does Sab. County have zoning and does this overlap with the proposed zoning by the city?

Sebastian County has no zoning or land use controls. Arkansas law delegates zoning and subdivision control to cities such as Fort Smith, Greenwood and Bonanza.

Q: What is zoning?

Zoning promotes orderly growth by dividing property into zones. Within those zones the character and location of buildings and grounds are regulated. Some objectives of these regulations include the following:

1. Stabilization and conservation of property values.
2. Protection of streets, schools and utilities from overloading.
3. Provide locations for each land use which are properly related to traffic, utilities and other land uses.
4. Separating conflicting types of traffic by the proper relation of land uses.

Q: What services will the City provide with the extra territorial zoning?

The City of Fort Smith will help to regulate land uses in the extra territorial zoning district, which will help to protect and maintain property values. Currently no entity or persons assist with the regulation of land uses in the unincorporated areas of the County. No other City services such as police or fire will be provided.

Q: How could my property values be improved with zoning?

A significantly detrimental land use could move next to your property which could affect your standard of living and your property values. As an example, imagine a heavy commercial, industrial or multi-family project being placed next to your property. Currently there are no governmental entities or regulations to prevent this from happening.

Q: Will other City Ordinances such as pet leash laws and the discharge of firearms be enforced?

No, the only City Ordinances that would be enforced are those that regulate land uses and controls.

Q: What if I have additional questions, concerns or comments?

You can contact the City of Fort Smith Planning Department at 784-2216 or at our e-mail address planning@fortsmithar.gov

Q: Can I operate a business from my house?

A Home Occupation may be permitted with limitations by Planning Commission approval. Please read the City's regulations for a Home Occupation and contact the Planning Division if you need further assistance.

Q: Do I need a business license?

The City of Fort Smith requires every business to have a license. The Planning Division must approve the zoning before a business inside the city limits can open for operation. This process is to verify that the business is allowed to operate in a specific zoning district. Following the zoning check, the location will be subject to certain life and safety code inspections. Please contact the Planning Division if you require further assistance.

Q: What does the zoning of my property allow?

The zoning of a property indicates the uses permitted on your property, where buildings and other structures may be located, how large a building can be, and other pertinent land use regulations adopted by the City. The zoning restrictions can be found in the Unified Development Ordinance. Please visit the Planning Division for more information.

Q: What is my property zoned?

The City's shows the zoning of each property inside the city limits. Please visit this [link](#)

Q: Where can I find a meeting agenda?

The Planning Division posts agendas and meeting minutes for the Planning Commission on the Planning Commission website. If you cannot find a specific meeting, please contact the planning division for assistance.

Arkansas State Code:

14-56-413. Territorial jurisdiction.

(a) (1) (A) The territorial jurisdiction of the governing body of a municipality for the purpose of this subchapter shall not exceed the limits stated under this subsection.

(B) If the territorial limits of two (2) or more municipalities conflict, the limits of their respective territorial jurisdictions shall be a line equidistant between them, or as agreed on by the respective municipalities.

(2) In addition to the powers under this subchapter, cities now having eight thousand (8,000) population or more shall have the authority to administer and enforce planning ordinances outside their corporate limits as follows:

(A) For cities of eight thousand (8,000) to sixty thousand (60,000) population, the jurisdictional area will be one (1) mile beyond the corporate limits;

(B) For cities of sixty thousand (60,000) to one hundred fifty thousand (150,000) population, the jurisdictional area will be two (2) miles beyond the corporate limits; and

(C) (i) For cities of one hundred fifty thousand (150,000) population and greater, the jurisdictional area will be three (3) miles beyond the corporate limits.

(ii) Upon July 3, 1989, no city with a population in excess of one hundred fifty thousand (150,000) persons shall exercise any zoning authority outside the boundaries of the county wherein it is located without the approval of the quorum court of the county wherein the city is not located and the approval of the governing bodies of all other cities having zoning authority over the area.

(3) Cities having a population of eight thousand (8,000) persons or less:

(A) Shall have a jurisdictional area that does not exceed one (1) mile beyond the corporate limits; and

(B) Shall not exercise any zoning authority outside the corporate limits.

(4) Cities now having an eight thousand (8,000) population or more and situated on a navigable stream may administer and enforce zoning ordinances outside their corporate limits but may not exceed the territorial limits under subdivision (a)(2) of this section.

(5) The city populations will be based on the most recent federal decennial census.

(b) (1) The planning commission shall designate the area within the territorial jurisdiction for which it will prepare plans, ordinances, and regulations.

(2) A description of the boundaries of the area shall be filed with the city clerk and with the county recorder.

Fayetteville, AR:

In August 2001, the Northwest Arkansas Regional Planning Commission coordinated with the cities of Fayetteville, Greenland, Johnson and Farmington to revise the Planning Area boundaries for each jurisdiction. The Planning Area is comprised of the city corporate limits and a portion of the extraterritorial jurisdiction, which extends up to 2.5 miles from the corporate limits. The total planning area is approximately 89 square miles, 55 square miles in the Fayetteville city limits and 34 square miles in the Planning Area outside the city limits. The City of Fayetteville's expansion within the Planning Area is restricted by the immediate proximity of the cities of Springdale and Johnson to the north, Farmington and Greenland to the south. MSA Map Arkansas 2010 population: 2,926,229

www.accessfayetteville.org/government/planning/City_Plan_2030 2-3 The role the City plays in administering and serving these two areas varies. Within the corporate limits, the City may exercise a full range of development controls and administrative functions. Within the extraterritorial jurisdiction, the City exercises joint subdivision authority with Washington County