



DARRYL MAHONEY
COUNTY JUDGE

December 28, 2021

To Whom It May Concern:

This memorandum relates to planning, zoning, development, doing business and permitting in Garland County, Arkansas.

Garland County does not have a Planning Board or Commission nor has the Quorum Court elected to assume the powers, duties and functions of a Planning Board or Commission, however, the Quorum Court has adopted several ordinances that relate to development issues in the unincorporated areas of the county.

The Department of Emergency Management (DEM) issues all new residential and commercial addresses. DEM is located at 401 Mid America Blvd., Hot Springs, AR, (501) 767-3911.

On May 24, 1990, the Quorum Court adopted Ordinance 0-90-8 which enacted flood damage prevention controls consistent with the regulations of the National Flood Insurance Program (NFIP). The county now requires all individuals and developers to apply for a conditional development permit through the Garland County Floodplain Administrator's office. However, if the development, or the property it is on, does not impact a flood hazard area, the Floodplain Administrator may issue an exemption for the development, and may not require compliance with the standards of the county's flood management regulations. Development in the flood hazard areas must be constructed to ensure that construction materials and methods will be used to minimize flood damage. Questions concerning the flood permit application process should be directed to the Garland County Floodplain Administrator's Office, (501) 767-3911.

In addition, the Quorum Court has adopted regulations which set forth the procedure and minimum standards of design for the construction of public roads to be turned over to the county for maintenance. See 0-98-17, 0-03-08, 0-13-55 and 0-13-65. These regulations set the minimum design standards to be followed by individuals, corporations and developers who wish to construct a road and turn the road over to the county for perpetual maintenance. A copy of these regulations is posted at www.garlandcounty.org. Also, persons, firms or corporations desiring to make a cut within the right of way of a county road must first obtain a permit or may be required to post a bond.

Several ordinances concerning the environment apply in the unincorporated areas of the county.

On September 9, 1996, the Quorum Court passed an Ordinance (0-96-29) requiring that junkyards, salvage yards, automobile graveyards or similar types of establishments be properly screened so they are not visible from highways and roadways.

The Quorum Court has also enacted a series of ordinances requiring residences and businesses to participate in Garland County's Solid Waste Collection Service. On December 9, 1996, the Garland County Solid Waste Management Ordinance of 1996 (0-96-36) was enacted. This Ordinance was established to regulate all solid waste generated by residents or commercial entities in the unincorporated areas of the county. Each residential and commercial unit or address shall participate in the solid waste collection program. To establish this service, contact the Environmental Services Department (House-to-House Pickup), (501) 622-3658.

In order to comply with state and federal regulations for Municipal Separate Stormwater Sewer (MS4), on April 12, 2004 the Quorum Court passed Ordinance 0-04-21 to approve the implementation and adoption of a Stormwater Management Plan (SWMP) and a Notice of Intent (NOI) to be submitted to and enforced by the Arkansas Department of Environmental Quality (ADEQ). Garland County requires all activity within the county that disturbs more than one acre but less than five acres in unplatted areas, or any lot in platted subdivisions, to have a Stormwater Pollution Prevention Plan (SWPPP) as part of the Stormwater Permit prior to work beginning. Areas larger than five acres may require both an ADEQ and a Garland County permit. The county's responsibility is to educate the public, review all MS4 permits, and monitor MS4 activities and assure the proper implementation of all required Best Management Practices (BMP) at each permitted site within the county.

Garland County does not have a zoning program, nor does it restrict the placement of manufactured housing on any unplatted parcel within the county. Garland County is not responsible for any restrictive covenants that have been placed upon the land.

Additional information may be found in the attached guideline to frequently asked questions.

Sincerely,



Darryl Mahoney
Garland County Judge

The following is a guideline for frequently asked questions related to permits in Garland County.

BUILDING CODES AND BUILDING PERMITS

- Garland County generally does not have building codes and does not issue building permits. However, there may be a bill of assurance or restrictive covenants in place that could affect how land is used and what may be constructed. Contact the Circuit Clerk's office to search for land restrictions, (501) 622-3630. Additionally, permits may be required by the City of Hot Springs if the property lies within the city limits or the one mile extra-territorial jurisdiction area surrounding the city. State Building Codes should also be consulted, (501) 682-1833.

FLOODPLAIN PERMITS

- Garland County requires a floodplain permit for any new construction or significant remodeling in the county. There is no charge for the permit. Contact Department of Emergency Management, Floodplain Administrator, (501) 767-3911.

ADDRESSING

- Addresses for new construction or unaddressed existing structures are issued through the Department of Emergency Management/911 Administrative Office, (501) 767-3911.

DISTURBANCES OF SOIL, STORM WATER RUNOFF AND WORK NEAR BODIES OF WATER

- Contact the Environmental Inspections Division, (501) 609-9067.

INSTALLATION OF CABLES, TRENCHING, OR BORING OF COUNTY ROADS

- Contact the County Judge's office, (501) 622-3600.

DRIVEWAYS AND CULVERTS

- For issues with County roads, contact the Road Department, (501) 767-9174; for State roads contact the Arkansas Highway and Transportation Department, (501) 545-7643.

SEPTIC SYSTEM PERMITS AND INQUIRES

- Contact the Health Department Inspections Division, (501) 624-3394.

BUSINESS PERMITS

- Garland County does not issue a business license or permit and generally does not have specific business related restrictions. However, new businesses should be aware of ancillary issues such as the obligation to assess business property for tax collection. Information is available from the Garland County Assessor, (501) 622-3730.

- Corporate entities or DBAs may desire to register with the County Clerk's Office, (501) 622-3610.
- The City of Hot Springs imposes an annual occupation tax on businesses operating within city limits. The City of Hot Springs also has some other limited business regulations, which can be obtained from the city's Public Information Office, (501) 321-6806.
- There may also be a franchise tax imposed by the State of Arkansas for corporate entities. That information is available from the Arkansas Secretary of State, (501) 682-1010.
- Businesses should also be aware of the potential sales tax requirements, which can affect include remote sellers. Information regarding sales tax can be obtained from the Arkansas Department of Finance & Administration, (501) 682-7104.

SHORT-TERM RENTALS AND VACATION RENTALS

- Garland County does not specifically regulate short-term rentals and vacation rentals. There is no county licensing requirement or associated fees. The county does require a statement as to whether a property will be used for short-term or vacation rentals when an address application is filed. The county has no regulations regarding minimum and maximum occupancy. Property owners and users should be aware that state fire codes may limit occupancy and use of some structures. The county has no specific zoning regulations that would limit the locations of short term rentals and vacation rentals. However, subdivisions and property owners' associations may have bills of assurance and restrictive covenants that limit or prevent such use. Garland County has enacted a parking and traffic control ordinance (O-21-32) that may impact such use. Property owners and users should also be aware of the county's noise ordinance, codified at Garland County Code, Sec. 30-3. The county supports the quiet use and enjoyment of private property, but property owners and users should be aware that the noise and traffic/parking ordinances will be enforced by the Garland County Sheriff's Office and violators will be prosecuted.

TOWERS AND ANTENNAS

- Garland County does not specifically regulate towers and antennas. The Federal Communication Commission, (888) 225-5322; the Federal Aviation Administration, (866) 835-5322; and the City of Hot Springs (501) 321-6806, should be contacted for information on their respective regulations.
- Garland County does not require permits for replacement or additions to existing cell sites within Garland County boundaries. There may be an exception if it is located within the limits of the City of Hot Springs or the one-mile territorial jurisdiction surrounding the City of Hot Springs. Contact Hot Springs Planning Department, (501) 321-6856.

SIGNS

- Garland County regulates off-premises signs along scenic roadways and adjacent to construction corridors. See Sec. 46-28 and 46-29 of the Garland County Code, which can be viewed at www.garlandcounty.org.

FIREARMS, SALE, POSSESSION AND DISCHARGE

- Garland County generally does not directly regulate the sale, possession and discharge of firearms and there are no county permits required. However, it is conceivable that discharge of firearms in certain situations could violate the county's noise ordinance, codified at Garland County Code, Sec. 30-3. Additionally, discharge of a firearm is regulated in Hot Springs Village, a private, gated community that encompasses portions of Garland and Saline Counties. The Garland County ordinance, codified at Garland County Code, Sec. 27-1, applies only to the areas within Garland County. These code sections can be viewed at www.garlandcounty.org. There are many state and federal laws and regulations regarding the sale, possession and discharge of firearms. Contact the appropriate state or federal agency for more information.