

1 INTERIM STUDY PROPOSAL 2017-028

2 State of Arkansas  
3 91st General Assembly  
4 Regular Session, 2017

As Engrossed: H3/14/17

**A Bill**

HOUSE BILL 1879

5  
6 By: Representative Lundstrum

7 Filed with: House Committee on City, County, and Local Affairs  
8 pursuant to A.C.A. §10-3-217.

9 **For An Act To Be Entitled**

10 AN ACT TO AMEND THE LAW CONCERNING THE APPROVAL OF  
11 LAND USE IN CERTAIN SITUATIONS; AND FOR OTHER  
12 PURPOSES.

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15 **Subtitle**

16 TO AMEND THE LAW CONCERNING THE APPROVAL  
17 OF LAND USE IN CERTAIN SITUATIONS.

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

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22 *SECTION 1. Arkansas Code § 14-56-305 is amended to read as follows:*  
23 *14-56-305. Conformance required – Exceptions.*

24 *(a)(1) When the ~~city council shall have~~ governing body of the*  
25 *municipality has laid off zones, it shall not be lawful for anyone to a*  
26 *person shall not construct or carry on within a given zone any business not*  
27 *authorized by the ordinance of the ~~city~~ municipality establishing ~~it~~ the*  
28 *zone, unless with special permission granted by the ~~council of the city~~*  
29 *governing body of the municipality, or by a commission which it may create*  
30 *for the purpose of determining whether an exception shall be made, in the*  
31 *particular instance.*

32 *(2)(A) Exceptions shall be made only for good cause.*

33 *(B)(i) If the governing body of the municipality or the*  
34 *commission created under subdivision (a)(1) of this section grants special*  
35 *permission or an exception within an agricultural or residential zone for an*  
36 *industrial or commercial zoning purpose, a special election on the question*

1 shall be held on the question of the industrial or commercial zoning special  
2 permission or exception.

3 (ii) The qualified electors of the area within one  
4 thousand yards (1,000 yds.) of the proposed industrial or commercial  
5 exception under subdivision (a)(2)(B)(i) of this section may vote on the  
6 question of the industrial or commercial special permission or exception  
7 question in the special election.

8 (b) In case of abuse, the adjacent property owners ~~shall have the~~  
9 ~~right to~~ may appeal to the ~~courts of chancery~~ circuit court to protect ~~their~~  
10 the property owners' property from depreciation ~~by reason of the setting up~~  
11 because of the exceptional business within the zone.

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13 /s/Lundstrum  
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16 Referred by the Arkansas House of Representatives

17 Prepared by: VJF  
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