

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 83rd General Assembly  
3 Regular Session, 2001  
4

*As Engrossed: H3/20/01*

## A Bill

Act 1198 of 2001  
SENATE BILL 173

5 By: Senator Bisbee  
6 By: *Representatives Holt, Verkamp*  
7

### For An Act To Be Entitled

8  
9  
10 AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE  
11 TITLE 14, CHAPTER 56, SUBCHAPTER 3, TO REGULATE  
12 THE USE OF LANDS IN CITIES THAT BECOME ADJACENT  
13 AND CONTIGUOUS TO ONE ANOTHER TO REQUIRE THAT  
14 LAND USES WITHIN THE BOUNDARY AREAS OF EACH CITY  
15 ARE COMPATIBLE; AND FOR OTHER PURPOSES.  
16

### Subtitle

17  
18 TO REGULATE THE USE OF LANDS IN CITIES  
19 THAT BECOME ADJACENT AND CONTIGUOUS TO  
20 ONE ANOTHER TO REQUIRE THAT LAND USES  
21 WITHIN THE BOUNDARY AREAS ARE  
22 COMPATIBLE.  
23

24  
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
26

27 SECTION 1. Arkansas Code Title 14, Chapter 56, Subchapter 3 is amended  
28 to add an additional section to read as follows:

29 14-56-306. Land use in adjacent and contiguous cities to be compatible.

30 (a) If municipalities become adjacent and contiguous to one another  
31 through annexation or other procedures, then lands or properties within the  
32 boundary area of each municipality shall only be zoned for land uses which are  
33 compatible with the zoned land uses of the adjoining lands or properties, even  
34 if the adjoining lands or properties are located outside the corporate limits  
35 or are located within the corporate limits of another municipality.

36 (b) Adjoining lands within the boundary area shall remain zoned with a

1 compatible land use until the governing body of each municipality which is  
 2 adjacent and contiguous to the boundary area adopts a resolution agreeing to a  
 3 change in the zoning of the lands or properties that adjoin one another and  
 4 stating that the re-zoning to a land use which is not compatible will not  
 5 adversely impact the adjoined land or property.

6 (c) As used in this section, unless the context otherwise  
 7 requires:

8 (1) "Adjacent and contiguous" means any time the corporate limits  
 9 of one municipality come in contact with the boundaries of the corporate  
 10 limits of another municipality or if the boundaries of one municipality extend  
 11 to within one thousand (1,000) feet of the corporate limits of another  
 12 municipality;

13 (2) "Boundary area" means the area of land along the municipal  
 14 boundary that is:

15 (A) Inside the municipality and within one thousand (1,000)  
 16 feet of the municipality's corporate boundary that is adjacent and contiguous  
 17 to another municipality; and

18 (B) Outside the municipality, but within the planning and  
 19 zoning jurisdiction of the municipality and also within one thousand (1,000)  
 20 feet of the municipality's corporate boundary that is adjacent and contiguous  
 21 to another municipality;

22 (3) "Compatible land use" means any use of lands, buildings, and  
 23 structures which is harmonious to the uses and activities being conducted on  
 24 the adjoining lands and properties and which does not adversely affect or  
 25 unreasonably impact any use or enjoyment of the adjoined land. A compatible  
 26 land use includes a land use authorized by the municipal zoning ordinance for  
 27 the zone that is the equivalent to, or that is as nearly equivalent as  
 28 possible, to a land use authorized by the municipal zoning ordinance; and

29 (4) "Municipality" means a city of the first or second class or  
 30 an incorporated town.

31 (d) This section shall apply to municipalities with planning  
 32 commissions and zoning ordinances authorized under §§ 14-56-401 - 14-56-425  
 33 and shall apply to any other municipal zoning regulations authorized by  
 34 Arkansas law.

35 (f) Notwithstanding anything contained in subsections (a) through (e)  
 36 of this section, this section shall not apply to any property if the owners of

1 the property have sought to have services extended to the property pursuant to  
2 § 14-40-2002 prior to the effective date of this section.

3  
4 SECTION 2. Emergency Clause. It is found and determined by the Eighty-  
5 third General Assembly of the State of Arkansas that Act 779 of 1999 created  
6 many situations whereby municipal boundary areas were changed rapidly and the  
7 proper coordination of land use regulations between municipal jurisdictions is  
8 nearly impossible; that urban areas of northwest Arkansas are developing  
9 rapidly and creating conflicts between the land uses in different  
10 municipalities growing into one another; that situations where zoning  
11 regulations create incompatible land uses are a hardship on property owners in  
12 these boundary areas; and that this act should have immediate effect to  
13 prevent any further undue burden on those landowners. Therefore an emergency  
14 is declared to exist and this act being immediately necessary for the  
15 preservation of the public peace, health and safety shall become effective on  
16 the date of its approval by the Governor. If the bill is neither approved nor  
17 vetoed by the Governor, it shall become effective on the expiration of the  
18 period of time during which the Governor may veto the bill. If the bill is  
19 vetoed by the Governor and the veto is overridden, it shall become effective  
20 on the date the last house overrides the veto.

21 */s/ Bisbee, et al.*

22  
23  
24 APPROVED: 3/30/2001