

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: 5/4/23

A Bill

SENATE BILL 547

5 By: Senator Hester
6 By: Representative R. Scott Richardson
7

For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS LAW TO PERMIT A PROPERTY
10 OWNER TO CHOOSE THE MUNICIPAL DEVELOPMENT REGULATIONS
11 FOR CERTAIN PROPERTY THAT IS LOCATED WITHIN MORE THAN
12 ONE MUNICIPALITY; AND FOR OTHER PURPOSES.
13

Subtitle

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16 TO PERMIT A PROPERTY OWNER TO CHOOSE THE
17 MUNICIPAL DEVELOPMENT REGULATIONS FOR
18 CERTAIN PROPERTY THAT IS LOCATED WITHIN
19 MORE THAN ONE MUNICIPALITY.
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21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

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

26 14-56-104. Property within multiple municipalities – Option to choose
27 municipal development regulations.

28 (a)(1) A property owner who has contiguous and substantial property
29 within more than one (1) municipality and who plans to obtain a permit for
30 the development of a permitted use for the contiguous property may choose the
31 development regulations for one (1) municipality where a substantial portion
32 of the property lies to apply for the entire project.

33 (2) The total area of contiguous and substantial property under
34 subdivision (a)(1) of this section shall not exceed one hundred (100) acres.

35 (b)(1) The property owner shall provide written notice as to which
36 development regulations the property owner has chosen for the project under



1 subsection (a) of this section to:

2 (A) The governing body of each municipality in which the
3 property is located; and

4 (B) Each property owner whose property is within five hundred
5 feet (500') of the property subject to the development regulations that are
6 chosen.

7 (2) The development regulations shall be:

8 (A) Those that are adopted by the municipality under
9 Chapter 56 of this title; and

10 (B) Other locally adopted regulations or codes pertaining
11 to the use or development of land or construction of structures under
12 applicable state or federal law, including without limitation floodplain,
13 stormwater, and applicable building and trade codes.

14 (c)(1) The written notice to each municipality and property owner
15 under subdivision (b)(1) of this section shall:

16 (A) Identify the contiguous property;

17 (B) Identify the particular project;

18 (C) Identify the particular permits that are being sought;

19 and

20 (D) Be signed by the owner of the property.

21 (2) The written notice shall be filed in the office of the city
22 recorder or clerk of each municipality.

23 (d)(1) The municipality whose development regulations are chosen by
24 the property owner under subsection (a) of this section shall adopt a
25 resolution that shall identify the:

26 (A) Property to be covered by the development regulations;

27 (B) Particular project; and

28 (C) Particular permit or permits that are sought.

29 (2) The project for the property that is identified by the
30 resolution shall be controlled by the development regulations of the
31 municipality that is chosen.

32 (3) The owner of the property shall not be permitted to add
33 additional property from other municipalities to the project.

34
35 /s/Hester

36 **APPROVED: 4/13/23**