

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1416

By: Representative Keet

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE §14-56-404 TO CREATE A JOINT CITY-COUNTY LAND USE AND ZONING COMMITTEE; TO AMEND ARKANSAS CODE §14-56-413 TO REQUIRE THOSE CITIES EXERCISING LAND USE ZONING JURISDICTION OUTSIDE THEIR CORPORATE LIMITS TO FOLLOW THE REQUIRED PROCEDURES; AND TO AMEND ARKANSAS CODE §14-56-422 TO ESTABLISH THE PROCEDURES UNDER WHICH THE COMMITTEE MAY ACT ON ZONING AND VARIANCES AND PROVIDE INPUT TO THE PLANNING PROCESS AFFECTING THOSE AREAS OUTSIDE THE CORPORATE LIMITS OF THE CITY; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code §14-56-404 is hereby amended to read as follows:

"14-56-404. Planning commission created. (a) (1) The legislative body of the municipality may create a planning commission of not less than five (5) members, of whom at least two-thirds (2/3) shall not hold any other municipal office or appointment except membership in the board of adjustment or a joint planning agency.

(2) The legislative body may confer on the commission the powers necessary to carry out the municipal plan.

(b) (1) The legislative body of the municipality having a planning commission and exercising its authority to enforce and administer its zoning ordinances outside its corporate limits shall create a joint city-county land use zoning committee which shall have the authority to originate, develop and submit proposed land use plans and changes in land use zoning for those areas outside the corporate limits of the city to the legislative body for action. The committee shall recommend all plans, ordinances and regulations for those territories outside the corporate limits of the city to the legislative body

of the city for their approval.

(2) The joint city-county land use zoning committee shall consist of five (5) members. Three (3) members of the committee shall be residents of the unincorporated areas of the county in which the city is located and two (2) members of the committee shall be residents of the city. The three (3) county members shall be appointed by the county judge of the county and confirmed by the quorum court and shall be appointed so as to represent varying geographic areas of the county where zoning is being enforced. If a county planning commission has been established in the county, one (1) of the county committee members shall be a member of the county planning commission. Otherwise, the county committee members shall be residents of the unincorporated areas outside the city's corporate limits affected by the zoning jurisdiction of the city. The two (2) city committee members shall be appointed by the legislative body of the city and shall be residents of the city exercising its authority over the areas outside its corporate limits. One (1) of the city committee members shall be appointed from among the membership of the city planning commission and the other member shall be from the planning staff of the city and shall serve as secretary for the committee. The terms of the members of the committee and the chairman of the committee shall be provided for by city ordinance."

SECTION 2. Arkansas Code §14-56-413 is hereby amended to read as follows:

"14-56-413. Territorial jurisdiction. (a) (1) (A) The territorial jurisdiction of the legislative body of the city having a planning commission, for the purpose of this subchapter, shall be exclusive and shall include all land lying within five (5) miles of the corporate limits.

(B) If the corporate limits of two (2) or more municipalities of the first or second class are less than ten (10) miles apart, the limits of their respective territorial jurisdictions shall be a line equidistant between them, or as agreed on by the respective municipalities.

(2) (A) Cities now having eight thousand (8,000) population or more and situated on navigable streams shall have the authority to administer and enforce planning and zoning ordinances outside their corporate limits as follows:

(i) For cities of eight thousand (8,000) to fifty thousand (50,000) population, the jurisdictional area will be one (1) mile

beyond the corporate limits;

(ii) For cities of fifty thousand (50,000) to one hundred fifty thousand (150,000) population, the jurisdictional area will be two (2) miles beyond the corporate limits;

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

(B) The city populations will be based on the latest available United States census data.

(C) The provisions of this subdivision (a)(2) shall not restrict the powers of any city currently exercising the authority authorized under this subdivision.

(3) Cities having planning commissions and exercising their authority to enforce and administer zoning ordinances outside their corporate limits as permitted by this section shall exercise that authority only after all land use plans and zoning regulations for those areas outside the corporate limit of the city have been approved by the legislative body of the city after being submitted by the joint city-county land use zoning committee created under Arkansas Code §14-56-404.

(b) (1) The legislative body of the city shall designate the area within the territorial jurisdiction for which the planning commission will prepare plans, ordinances, and regulations and the extraterritorial area that will be served by the joint city-county land use zoning committee.

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

(3) The legislative body of the city shall administer and enforce all subdivision regulations."

SECTION 3. Arkansas Code §14-56-422 is hereby amended to read as follows:

"14-56-422. Adoption of plans, ordinances, and regulations. (a) All plans, recommended ordinances, and regulations shall be adopted through the following procedure:

(1) (A) The planning commission shall hold a public hearing on the plans, ordinances, and regulations proposed under this subchapter.

(B) Notice of public hearing shall be published in a newspaper of general circulation in the city, at least one (1) time fifteen (15) days

prior to the hearing.

(2) Following the public hearing, proposed plans may be adopted and proposed ordinances and regulations may be recommended as presented, or in modified form, by a majority vote of the entire commission.

(3) Following its adoption of plans and recommendation of ordinances and regulations, the commission shall certify adopted plans or recommended ordinances and regulations to the legislative body of the city for its adoption.

(4) The legislative body of the city may return the plans and recommended ordinances and regulations to the commission for further study or recertification or, by a majority vote of the entire membership, may, by ordinance or resolution, adopt the plans and recommended ordinances or regulations submitted by the commission. However, nothing in this subchapter shall be construed to limit the authority of the legislative body of the city to amend or recall the ordinances and resolutions by a vote of a majority of the council.

(5) Following adoption by the legislative body, the adopted plans, ordinances, and regulations shall be filed in the office of the city clerk. The city clerk shall file, with the county recorder of the counties in which territorial jurisdiction is being exercised such plans, ordinances, and regulations as pertain to the territory beyond the corporate limits.

(b) Provided, however, all plans, recommended ordinances, and regulations pertaining to the territories beyond the corporate limits shall be adopted by the legislative body of the city only after first being considered and recommended by the joint city-county land use and zoning committee. The committee shall consider those plans, ordinances and regulations through the following procedure:

(1) (A) The committee shall hold a public hearing on the plans, ordinances, and regulations proposed for the territories outside the corporate limits;

(B) Notice of public hearing shall be published in a newspaper of general circulation in the city and county, at least one (1) time fifteen (15) days prior to the hearing.

(2) Following the public hearing, proposed plans may be adopted and proposed ordinances and regulations may be recommended as presented, or in modified form, to the legislative body of the city by a majority vote of the

entire committee.

(3) The legislative body of the city may return the plans and recommended ordinances and regulations to the committee for further study or further modification or, by a majority vote of the entire membership, may, by ordinance or resolution, adopt or amend the plans and recommended ordinances or regulations submitted by the committee.

(4) The city planning commission staff shall provide technical assistance to the joint city-county land use and zoning committee on any proposed plans, ordinances, and regulations which may be submitted to the committee.

(5) Any land use plans and zoning ordinances and regulations in place in the territorial jurisdictions outside the city limits shall remain in effect until acted upon by the joint city-county land use and zoning committee."

SECTION 4. All provisions of this act of general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.

