

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 84th General Assembly  
3 Regular Session, 2003  
4

As Engrossed: H2/27/03 S4/15/03

# A Bill

HOUSE BILL 1456

5 By: Representative Elliott  
6 By: Senator Steele  
7  
8

## For An Act To Be Entitled

10 AN ACT TO AUTHORIZE THE CAPITOL ZONING DISTRICT  
11 COMMISSION TO CHARGE FEES FOR ISSUING PERMITS FOR  
12 IMPROVEMENTS AND TO IMPOSE AND COLLECT CIVIL  
13 PENALTIES FOR VIOLATIONS OF THE COMMISSION'S  
14 REGULATIONS; AND FOR OTHER PURPOSES.

### Subtitle

16 TO ALLOW THE CAPITOL ZONING DISTRICT  
17 COMMISSION TO CHARGE FEES FOR ISSUING  
18 PERMITS FOR IMPROVEMENTS AND TO IMPOSE  
19 AND COLLECT CIVIL PENALTIES FOR  
20 VIOLATIONS OF COMMISSION REGULATIONS.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 *SECTION 1. Arkansas Code § 22-3-303, concerning the powers generally*  
27 *of the Capitol Zoning District Commission, is amended to add an additional*  
28 *subsection to read as follows:*

29 *(f)(1) Beginning in January 2004, and each January of each year after,*  
30 *the commission shall hold a meeting within the district, open to all*  
31 *residents of the district, to attend and discuss the activities of the*  
32 *commission and its staff.*

33 *(2) The commission and staff shall present information at the*  
34 *annual meeting about the activities of the commission and staff during the*  
35 *previous year and their plans for any activities for the coming year.*

36 *(3) The annual meeting shall contain a time period for public*



1 comments from residents within the district and a notice of the meeting shall  
2 be published in a newspaper in general circulation within the district once a  
3 week for two (2) consecutive weeks at least twenty (20) days before the date  
4 of the meeting.

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6 SECTION 2. Arkansas Code § 22-3-306 is amended to read as follows:

7 22-3-306. Authority of commission over property within district -  
8 Permits.

9 (a) ~~After~~ Except to the extent that the commission and the City of  
10 Little Rock agree to the civil enforcement of the commission's regulations  
11 under § 22-3-308, after the adoption of the comprehensive master zoning plan,  
12 the Capitol Zoning District Commission shall have exclusive authority over  
13 the zoning and regulation of the utilization of all property within the  
14 Capitol Zoning District, and no planning or zoning authority or jurisdiction  
15 of any subdivision of the state shall have any zoning or control authority  
16 except as agreed upon by the commission.

17 (b)(1) After the adoption by the commission of the comprehensive  
18 master zoning plan, the commission shall have the authority to approve or  
19 disapprove the location and design of any improvements to be placed upon any  
20 land within the district, and no improvements shall be placed upon any land  
21 within the district unless the design and proposed location shall be approved  
22 by the commission.

23 (2) Such improvements shall include, but not be limited to,  
24 buildings including additions and alterations, parking lots and facilities,  
25 and all other construction whatsoever, except that the word "improvements"  
26 shall not include existing streets, alleys, or utilities and shall not  
27 include maintenance, service, or improvement thereof.

28 (c)(1) After the adoption by the commission of the comprehensive  
29 master zoning plan, no improvement of any nature nor any change of land use  
30 shall commence within the district without a permit issued by the Capitol  
31 Zoning District Commission.

32 (2)(A) Each application for permit shall be accompanied by an  
33 application fee of not more than one hundred dollars (\$100), as set by the  
34 commission.

35 (B) However, if a commission permit duplicates a permit  
36 required by the City of Little Rock, then the commission shall waive the

1 commission's permit fee.

2 (d) Within the Capitol Zoning District, a legally existing use,  
3 building, or structure that exists at the time of the adoption of the plans  
4 and regulations authorized by this subchapter, but not in conformity with  
5 such plans and regulations, may be continued but shall not be extended or  
6 structurally altered without the approval of the Capitol Zoning District  
7 Commission.

8 (e)(1)(A) To the extent that the commission and the City of Little  
9 Rock agree to the civil enforcement of the commission's regulations under §  
10 22-3-308, the commission may request that the city impose a civil penalty on  
11 a person or an entity within the district up to two hundred fifty dollars  
12 (\$250) to enforce the violation of the commission's rules and regulations.

13 (B) After the initial violation, each day of violation  
14 afterward is a separate violation and the penalty is not to exceed one  
15 hundred dollars (\$100) per day after the initial violation.

16 (C) However, if a violation is corrected within a  
17 timeframe set by the commission, the city shall waive the civil penalty.

18 (2) After a hearing conducted in accordance with the Arkansas  
19 Administrative Procedure Act, if the commission determines that a person or  
20 entity has violated any provision of this subchapter or any regulation  
21 promulgated by the commission under this subchapter, the commission may  
22 request an enforcement action by the city to impose a civil penalty on the  
23 person or entity not to exceed the amounts prescribed in subdivision (e)(1)  
24 of this section.

25 (3) Any person aggrieved by an action of the commission  
26 requesting the imposition of a civil penalty may appeal the decision in the  
27 manner and under the procedures prescribed under the Arkansas Administrative  
28 Procedure Act for judicial review of administrative decisions.

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30 SECTION 3. Arkansas Code § 22-3-308 is amended to read as follows:  
31 22-3-308. Coordination by commission with other agencies.

32 (a) The Capitol Zoning District Commission is authorized and  
33 encouraged to coordinate the comprehensive master zoning plan, to the  
34 greatest extent it deems practical, with city, county, and other area  
35 planning agencies.

36 (b)~~(1)~~ The commission may enter into agreements with the City of

1 Little Rock providing for mutual cooperation and joint regulation within the  
2 district with respect to planning and zoning; permission to build upon or  
3 otherwise use land; the enforcement of building, safety, and health codes and  
4 inspection to ensure compliance therewith; and other matters within the  
5 jurisdiction of the Capitol Zoning District Commission.

6 ~~(2) Such agreements between the City of Little Rock and the~~  
7 ~~commission may not cede the commission's final authority and responsibility~~  
8 ~~over the matters entrusted to it by law.~~

9 (c) Upon an agreement between the City of Little Rock and the  
10 commission and the adoption of a municipal ordinance, the city may impose a  
11 civil penalty on a person or an entity within the district up to two hundred  
12 fifty dollars (\$250) to enforce the commission's rules and regulations that  
13 the city shall adopt by ordinance.

14  
15 SECTION 4. Arkansas Code Title 22, Chapter 3, Subchapter 3 is amended  
16 to add an additional section to read as follows:

17 22-3-314. Capitol Zoning District Fund.

18 (a) There is created a cash fund entitled the Capitol Zoning District  
19 Fund, that is to be maintained in a depository bank or banks as may be  
20 designated from time to time by the Capitol Zoning District Commission.

21 (b)(1) All application permit fees, civil penalties imposed, and all  
22 income, interest, and earnings on the fund, are declared to be cash funds to  
23 be used solely for paying the administrative costs of issuing permits for  
24 improvements and for the operations and maintenance of the commission.

25 (2) The cash funds shall not be a part of the State Treasury for  
26 any purpose, including, without limitation, the provisions of Arkansas  
27 Constitution, Article 5, § 29, Article 16, § 12, or Arkansas Constitution,  
28 Amendment 20, or any other constitutional or statutory provision.

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30 /s/ Elliott  
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