

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1286

5 By: Representative T. Bradford
6

For An Act To Be Entitled

8 AN ACT CONCERNING MUNICIPAL PLANNING COMMISSIONS; AND
9 FOR OTHER PURPOSES.
10
11

Subtitle

12 CONCERNING MUNICIPAL PLANNING
13 COMMISSIONS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 14-56-404 is amended to read as follows:
20 14-56-404. Planning commission created.

21 (a) (1) The legislative body of the municipality may create a planning
22 commission of not less than five (5) members, of whom at least two-thirds
23 (2/3) shall not hold any other municipal office or appointment except
24 membership in the board of adjustment or a joint planning agency.

25 (2) A city of the second class or an incorporated town may elect
26 by ordinance to allow the city council to serve as the planning commission
27 and board of adjustment under this subchapter.

28 (b) The legislative body may confer on the commission the powers
29 necessary to carry out the municipal plan.
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31 SECTION 2. Arkansas Code § 14-56-405 is amended to read as follows:
32 14-56-405. Appointment of members.

33 ~~(a)~~ Appointment and terms of the members of the planning commission
34 shall be as provided by city ordinance.

35 ~~(b) The legislative body of the municipality may appoint one third~~
36 ~~(1/3) of the membership of the commission from electors living outside the~~



1 ~~corporate limits of the municipality but within the recorded planning~~
 2 ~~jurisdiction of the municipality.~~

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 4 SECTION 3. Arkansas Code § 14-56-406 is amended to read as follows:
 5 14-56-406. Commission officers.

6 (a)(1) The planning commission shall designate one (1) of its members
 7 as chairman and select a vice chairman and such other officers as it may
 8 require.

9 (2) The mayor shall serve as the chairman of the planning
 10 commission if the city council is operating as the planning commission and
 11 board of adjustment under 14-56-404(a)(2).

12 (b) The terms of office of the chairman and other officers of the
 13 commission shall be as provided by the rules of the planning commission.

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 15 SECTION 4. Arkansas Code § 14-56-413 is amended to read as follows:
 16 14-56-413. Territorial jurisdiction.

17 (a)(1)(A) The territorial jurisdiction of the legislative body of ~~the~~
 18 city a city of the first class, a city of the second class, or an
 19 incorporated town having a planning commission, for the purpose of this
 20 subchapter, shall be exclusive and shall include all land lying within five
 21 (5) miles of the corporate limits.

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

27 (2)(A) ~~Cities~~ In addition to the powers under this subchapter,
 28 cities now having eight thousand (8,000) population or more and situated on
 29 navigable streams shall have the authority to administer and enforce ~~planning~~
 30 ~~and~~ zoning ordinances outside their corporate limits as follows:

31 (i) For cities of eight thousand (8,000) to fifty
 32 thousand (50,000) population, the jurisdictional area will be one (1) mile
 33 beyond the corporate limits;

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

1 (iii)(a) For cities of one hundred fifty thousand
 2 (150,000) population and over, the jurisdictional area will be three (3)
 3 miles beyond the corporate limits.

4 (b) Upon July 3, 1989, no city with a
 5 population in excess of one hundred fifty thousand (150,000) persons and
 6 which is situated on a navigable stream shall exercise any zoning authority
 7 outside the boundaries of the county wherein it is located without the
 8 approval of the quorum court of the county wherein the city is not located
 9 and the approval of the governing bodies of all other cities having zoning
 10 authority over the area.

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

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

16 (b)(1) The planning commission shall designate the area within the
 17 territorial jurisdiction for which it will prepare plans, ordinances, and
 18 regulations.

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

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