

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

As Engrossed: H2/21/11

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.
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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 § 14-56-406 is amended to read as follows:
32 14-56-406. Commission officers.

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

36 (2) The mayor shall serve as the chairman of the planning



1 commission if the city council is operating as the planning commission and
2 board of adjustment under 14-56-404(a)(2).

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

5
6 *SECTION 3.* Arkansas Code § 14-56-413 is amended to read as follows:

7 14-56-413. Territorial jurisdiction.

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

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

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

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

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

28 (iii)(a) For cities of one hundred fifty thousand
29 (150,000) population and over, the jurisdictional area will be three (3)
30 miles beyond the corporate limits.

31 (b) Upon July 3, 1989, no city with a
32 population in excess of one hundred fifty thousand (150,000) persons and
33 which is situated on a navigable stream shall exercise any zoning authority
34 outside the boundaries of the county wherein it is located without the
35 approval of the quorum court of the county wherein the city is not located
36 and the approval of the governing bodies of all other cities having zoning

1 authority over the area.

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

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

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

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

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13 /s/T. Bradford
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