

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: 5/4/23
A Bill

SENATE BILL 547

By: Senator Hester
By: Representative R. Scott Richardson

For An Act To Be Entitled

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

Subtitle

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

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

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

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

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

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

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



subsection (a) of this section to:

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

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

(2) The development regulations shall be:

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

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

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

(A) Identify the contiguous property;

(B) Identify the particular project;

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

and

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

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

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

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

(B) Particular project; and

(C) Particular permit or permits that are sought.

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

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

/s/Hester

APPROVED: 4/13/23