

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H3/14/17

A Bill

HOUSE BILL 1879

By: Representative Lundstrum

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE APPROVAL OF
LAND USE IN CERTAIN SITUATIONS; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE APPROVAL
OF LAND USE IN CERTAIN SITUATIONS.

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

SECTION 1. Arkansas Code § 14-56-305 is amended to read as follows:

14-56-305. Conformance required – Exceptions.

(a)(1) When the ~~city council shall have governing body of the~~ municipality has laid off zones, it shall not be lawful for anyone to a person shall not construct or carry on within a given zone any business not authorized by the ordinance of the ~~city~~ municipality establishing ~~it the zone,~~ unless with special permission granted by the ~~council of the city governing body of the municipality,~~ or by a commission which it may create for the purpose of determining whether an exception shall be made, in the particular instance.

(2)(A) Exceptions shall be made only for good cause.

(B)(i) If the governing body of the municipality or the commission created under subdivision (a)(1) of this section grants special permission or an exception within an agricultural or residential zone for an industrial or commercial zoning purpose, a special election on the question shall be held on the question of the industrial or commercial zoning special permission or exception.



(ii) The qualified electors of the area within one thousand yards (1,000 yds.) of the proposed industrial or commercial exception under subdivision (a)(2)(B)(i) of this section may vote on the question of the industrial or commercial special permission or exception question in the special election.

(b) In case of abuse, the adjacent property owners ~~shall have the right to~~ may appeal to ~~the courts of chancery~~ circuit court to protect ~~their~~ the property owners' property from depreciation ~~by reason of the setting up~~ because of the exceptional business within the zone.

/s/Lundstrum