

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

As Engrossed: H3/14/17

# A Bill

HOUSE BILL 1879

5 By: Representative Lundstrum  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE APPROVAL OF  
9 LAND USE IN CERTAIN SITUATIONS; AND FOR OTHER  
10 PURPOSES.  
11

## Subtitle

12  
13  
14 TO AMEND THE LAW CONCERNING THE APPROVAL  
15 OF LAND USE IN CERTAIN SITUATIONS.  
16  
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

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

21 *14-56-305. Conformance required – Exceptions.*

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

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

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



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

(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