

A.C.A. § 22-3-306

22-3-301. Construction.

- (a) This subchapter shall be construed liberally. The enumeration of any object, purpose, method, manner, power, or thing shall not be deemed to exclude like or similar objects, purposes, methods, manners, powers, or things.
- (b) This subchapter shall be the complete and sole authority for the accomplishment of the purpose of the subchapter.

History

Acts 1975, No. 267, §§ 11, 12; A.S.A. 1947, §§ 5-244, 5-244n.

22-3-302. Purpose — Creation.

(a) To promote the general welfare of the state with respect to the State Capitol and to promote the general welfare of the property owners of the area as described in this subchapter, an improvement and comprehensive community zoning district, to be called the “Capitol Zoning District”, is created, which district shall embrace all that portion of land situated in Little Rock, Pulaski County, State of Arkansas, within the following-described boundaries: Beginning at the point where the centerline of 10th Street intersects the eastern edge of the right-of-way of the Missouri Pacific and Rock Island Railroad Line, thence northeast along the southern boundary of that right-of-way to the point where the centerline of Cross Street, extended northeast, intersects that right-of-way, thence south along the centerline of Cross Street to the point where that line intersects the northern edge of the Wilbur Mills Freeway (I-630), surveyed by the Arkansas Department of Transportation, thence westward along the northern edge of the Wilbur Mills Freeway (I-630), as surveyed by the Arkansas Department of Transportation, to the point of the beginning.

(b)

(1) In addition to the area described in subsection (a) of this section, the Capitol Zoning District also shall include an area surrounding the Governor's Mansion, which is located at 18th and Center Streets in the City of Little Rock, Pulaski County, Arkansas, within the following-described boundaries: Beginning at a point on the southwestern corner of 13th and Cumberland Streets, in the City of Little Rock, Pulaski County, Arkansas, proceeding south along the western side of Cumberland Street to the northwest corner of 16th and Cumberland Streets, and then proceeding west along the northern boundary of 16th Street to a point where the centerline of the alleyway between Scott and Cumberland Streets, extended northward, intersects that northern boundary, thence, south along the centerline of the alleyway, or an imaginary line bisecting the blocks between Cumberland and Scott Streets, to the southern boundary of 22nd Street, and thence west along that southern boundary to a point where an imaginary line bisecting the block between Scott and Main Streets intersects that southern boundary, thence south along that imaginary line to a point where the centerline of Roosevelt Road extended eastward intersects that imaginary line, then west along the centerline of Roosevelt Road to the centerline of Chester Street, thence north along the centerline of Chester Street to the centerline of 20th Street, thence east along the centerline of 20th Street, to a point where the centerline of the alleyway between

Gaines and State Streets intersects the centerline of 20th Street, thence north along the centerline of the alleyway, or an imaginary line bisecting the blocks between Gaines and State Streets, to a point where that centerline intersects the southern boundary of 13th Street, thence east along the southern boundary of 13th Street to the point of the beginning.

(2) In addition, the Capitol Zoning District may in the future be further extended by a two-thirds vote of the Capitol Zoning District Commission to include the area in the following-described boundaries: Beginning at the centerline of Chester Street where it intersects with the centerline of 20th Street proceeding north along the centerline of Chester Street to I-630; thence east along the southern boundary of I-630 to the intersection of the centerline of Commerce Street; thence south along the centerline of Commerce Street to a point where it intersects the centerline of 24th Street; thence east along the centerline of 24th Street to I-30; thence south along the western boundary of I-30 to the intersection of the centerline of Roosevelt Road; and thence west along the centerline of Roosevelt Road to the point of intersection with the imaginary line that bisects the block between Scott and Main Streets.

History

Acts 1975, No. 267, § 2; 1979, No. 917, § 2; A.S.A. 1947, § 5-236; Acts 2001, No. 1798, § 1; 2017, No. 707, § 79.

22-3-303. Capitol Zoning District Commission.

(a) There is created within the Division of Arkansas Heritage of the Department of Parks, Heritage, and Tourism the “Capitol Zoning District Commission”.

(b) The commission shall have nine (9) members, as follows:

(1) The Governor, or his or her designee, who shall be chair;

(2) The Secretary of State, or his or her designee;

(3) Four (4) resident electors of this state, to be designated by the Governor and who shall serve three-year terms, one (1) of whom shall be a black;

(4) The director of the city planning staff of the City of Little Rock, or his or her designee;

(5) One (1) resident elector of this state who shall be a resident of and an owner of property within the Governor's Mansion area of the Capitol Zoning District, to be designated by the Governor, and who shall serve a three-year term; and

(6) One (1) resident elector of this state who shall be an owner of property or the designee of an owner of property within the State Capitol area of the Capitol Zoning District, to be designated by the Governor, and who shall serve a three-year term.

(c) The Director of the Capitol Zoning District Commission shall serve as the disbursing officer for the commission.

(d) Members of the commission shall receive no pay for their services, but may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.

(e)

(1) The commission is authorized to employ a director in consultation with the Secretary of the Department of Parks, Heritage, and Tourism and within legislative appropriation.

(2) The commission shall have the authority to enter into contracts of any lawful nature, and to do any and all acts necessary to effect the purposes of this subchapter.

History

Acts 1975, No. 267, § 1; 1979, No. 917, § 1; A.S.A. 1947, § 5-235; Acts 1989, No. 787, § 1; 1993, No. 1223, § 5; 1993, No. 1265, § 1; 1997, No. 250, § 215; 1997, No. 262, § 1; 1997, No. 1350, § 37; 1999, No. 1508, § 7; 2019, No. 910, § 5680; 2021, No. 534, § 1.

22-3-304. Zoning authority of Capitol Zoning District Commission.

The Capitol Zoning District Commission is authorized broad scope in its zoning authority to include, but not be limited to, the following:

- (1) Restrictions on the height, number of stories, and size of buildings;
- (2) Percentage of lots that may be occupied;
- (3) Use of structures and land;
- (4) Population density;
- (5) Amount of open space;
- (6) Parking areas; and
- (7) Restriction of noisy and polluting processes or those endangering the health and safety of the citizens of the zoning district.

History

Acts 1975, No. 267, § 8; A.S.A. 1947, § 5-242.

22-3-305. Master plan.

- (a) The Capitol Zoning District Commission, using professional and technical assistance as it deems necessary, shall make, adopt, maintain, and revise, from time to time, an official master comprehensive plan for the Capitol Zoning District for the purpose of bringing about coordinated physical development in accordance with the present and future needs of the district.
- (b) The master plan will be developed so as to preserve the dignity of the Capitol Building and Governor's Mansion, ensure efficient expenditure of public funds, and promote the safety, convenience, and general well-being of the district's inhabitants and property owners.
- (c) The master plan should include, among other things, rules relative to the location and character of roads and other transportation routes, utility services, parks, buildings, and other construction within the district.
- (d) The commission may adopt the plan in whole or in part and may subsequently amend the adopted plan in whole or in part.
- (e) After the adoption of the master comprehensive plan, the commission shall file a copy with the office of the Secretary of State for the inspection of the public.

History

Acts 1975, No. 267, § 3; A.S.A. 1947, § 5-237; Acts 2019, No. 315, § 2347.

22-3-306. Authority of Capitol Zoning District Commission over property within Capitol Zoning District — Permits.

(a) After the adoption of the comprehensive master zoning plan, the Capitol Zoning District Commission shall have exclusive authority over the zoning and regulation of the utilization of all property within the Capitol Zoning District, and no planning or zoning authority or jurisdiction of any subdivision of the state shall have any zoning or control authority except as agreed upon by the commission.

(b)

(1) After the adoption by the commission of the comprehensive master zoning plan, the commission shall have the authority to approve or disapprove the location and design of any improvements to be placed upon any land within the district, and no improvements shall be placed upon any land within the district unless the design and proposed location shall be approved by the commission.

(2) Such improvements shall include, but not be limited to, buildings, including additions and alterations, parking lots and facilities, and all other construction whatsoever, except that the word “improvements” shall not include existing streets, alleys, or utilities and shall not include maintenance, service, or improvement thereof.

(c) After the adoption by the commission of the comprehensive master zoning plan, no improvement of any nature nor any change of land use shall commence within the district without a permit issued by the commission.

(d) Within the district, a legally existing use, building, or structure that exists at the time of the adoption of the plans and rules authorized by this subchapter, but not in conformity with such plans and rules, may be continued but shall not be extended or structurally altered without the approval of the commission.

History

Acts 1975, No. 267, § 5; A.S.A. 1947, § 5-239; Acts 2019, No. 315, § 2348.

22-3-307. Adoption of rules by Capitol Zoning District Commission.

(a) The Capitol Zoning District Commission shall have the power and authority to prescribe such rules concerning procedure before it and concerning the exercise of its functions and duties as it shall deem proper.

(b) Prior to the adoption of any zoning rules or amendments thereto, the commission shall hold a public hearing thereon pursuant to the rules of the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

History

Acts 1975, No. 267, § 5; A.S.A. 1947, § 5-239; Acts 2019, No. 315, § 2349.

22-3-308. Coordination by Capitol Zoning District Commission with other agencies.

(a) The Capitol Zoning District Commission is authorized and encouraged to coordinate the comprehensive master zoning plan, to the greatest extent it deems practical, with city, county, and other area planning agencies.

(b)

(1) Subject to the requirements of due process and consistent with any applicable federal restrictions and regulations as in effect on January 1, 2013, the commission may enter into agreements with the City of Little Rock providing for mutual cooperation and joint regulation within the Capitol Zoning District with respect to:

(A) Planning and zoning;

(B) Permission to build upon or otherwise use land;

(C) Enforcement through stop work orders, citations, fines, and inspection to ensure compliance of building, safety, zoning, and health codes; and

(D) Other matters within the jurisdiction of the commission.

(2)

(A) Except to the extent enforcement by the City of Little Rock is authorized in this section, an agreement under subdivision (b)(1) of this section between the City of Little Rock and the commission does not cede the commission's final authority and responsibility over the matters entrusted to it by law.

(B) All enforcement actions undertaken by the City of Little Rock under this section shall require authorization by the commission prior to the commencement of the enforcement action.

(3)

(A) A violation of the commission's rules is enforceable in Little Rock District Court in the same manner as the enforcement of a violation of a municipal ordinance.

(B) Subdivision (b)(3)(A) of this section applies only to violations that occur on or after August 16, 2013, and does not apply to work in place prior to August 16, 2013.

History

Acts 1975, No. 267, § 4; A.S.A. 1947, § 5-238; Acts 2011, No. 520, § 1; 2013, No. 1338, § 1; 2019, No. 315, § 2350.

22-3-309. Capitol Zoning District Commission's power to institute and defend legal actions.

(a) The Capitol Zoning District Commission shall constitute a body corporate for purposes of instituting and defending litigation to enforce its rules, decisions, and orders; and it may, in its name, institute or defend actions in its own behalf, or in behalf of the owner or owners of any property within the district, to enjoin any breach or violation thereof.

(b) No bond shall be required of the Capitol Zoning District Commission in any action for the issuance of any temporary or permanent order, or on an appeal.

(c) The Attorney General shall be the legal adviser to the Capitol Zoning District Commission in the same capacity as he or she is to other boards and commissions.

History

Acts 1975, No. 267, § 6; A.S.A. 1947, § 5-240; Acts 2019, No. 315, § 2351.

22-3-310. Appeal of Capitol Zoning District Commission action.

(a) A person aggrieved by a rule, decision, or order of the Capitol Zoning District Commission may appeal the action to the Pulaski County Circuit Court under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(b) The filing of an appeal shall in no respect suspend the operation of any rule, decision, or order, nor shall the Secretary of the Department of Parks, Heritage, and Tourism or the Pulaski County Circuit Court order any suspension without a full hearing.

(c) This section does not preclude enforcement of the commission's rules by the City of Little Rock in Little Rock District Court under an agreement with the commission under § 22-3-308.

History

Acts 1975, No. 267, § 7; A.S.A. 1947, § 5-241; Acts 2013, No. 1338, § 2; 2016, No. 228, § 4; 2019, No. 315, §§ 2352, 2353; 2019, No. 910, § 5681; 2021, No. 534, § 2.

22-3-311. Report by Capitol Zoning District Commission to Legislative Council.

The Capitol Zoning District Commission shall submit a written summary of its actions and progress to the Legislative Council as requested by the Legislative Council.

History

Acts 1975, No. 267, § 9; A.S.A. 1947, § 5-243.

22-3-312. Sale of property within Capitol Zoning District — Notice.

(a) A person who sells real property within the Capitol Zoning District shall notify the purchaser that the real property is within the district and shall provide the purchaser with a summary of the Capitol Zoning District Commission's restrictions on property in the district and the duties and responsibilities of owners of property in the district.

(b) The summary required by this section shall be prepared by the commission.

History

22-3-313. [Repealed.]
