



PLANNING & ZONING WORKSHOP AGENDA

Wednesday, April 19, 2017

8:30 a.m. – 9:00 a.m.	Registration	
9:00 a.m. – 9:15 a.m.	Welcome and Opening Remarks	Harry Brown, Mayor, Stephens President, Arkansas Municipal League
9:15 a.m. – 9:30 a.m.	Acts of the Legislature and Your Authority to Grow	Don Zimmerman, Executive Director Arkansas Municipal League
9:30 a.m. – 10:30 a.m.	Getting Started and Going Forward <ul style="list-style-type: none">• Why Planning is Important• Understanding the Basics• Everyone has a Role	Jim vonTungeln, AICP Planning/Zoning Consultant Arkansas Municipal League
10:30 a.m. – 10:45 a.m.	BREAK	
10:45 a.m. – 11:15 a.m.	Land Use Mistakes to Avoid	Mike Mosley, Staff Attorney Arkansas Municipal League
11:15 a.m. – 11:45 a.m.	The Arkansas Geographic Information Office: How We Can Help	Shelby Johnson, Director Arkansas Geographic Information Office
11:45 a.m. – 12:15 p.m.	Planning for the 2020 Census	Allen Green, Partnership Specialist Census Bureau

12:15 p.m. – 1:00 p.m.

LUNCH

1:00 p.m. – 2:00 p.m.

**Comprehensive Planning is Important and
Issues Facing Today's Municipal Planner**

Jim vonTungeln, AICP
Planning/Zoning Consultant
Arkansas Municipal League

- Codes and Regulations
- Affordable Housing: Manufactured Housing, Tiny Houses and Zero Lot Lines
- Sign Regulations
- Becoming an Economic Engine
- Food Trucks/Uber

2:00 p.m. – 2:45 p.m.

**Infrastructure Planning:
Why it is Important**

Tab Townsell, Director
Metroplan

2:45 p.m. – 3:00 p.m.

Questions and Answers

Concluding Remarks

Harry Brown, Mayor, Stephens
President, Arkansas Municipal League

**Legislative Actions
and
Your Authority
to Grow**

14-56-413. Territorial jurisdiction.

(a) (1) (A) The territorial jurisdiction of the governing body of a municipality for the purpose of this subchapter shall not exceed the limits stated under this subsection.

(B) If the territorial limits of two (2) or more municipalities conflict, the limits of their respective territorial jurisdictions shall be a line equidistant between them, or as agreed on by the respective municipalities.

(2) In addition to the powers under this subchapter, cities now having eight thousand (8,000) population or more shall have the authority to administer and enforce planning ordinances outside their corporate limits as follows:

(A) For cities of eight thousand (8,000) to sixty thousand (60,000) population, the jurisdictional area will be one (1) mile beyond the corporate limits;

(B) For cities of sixty thousand (60,000) to one hundred fifty thousand (150,000) population, the jurisdictional area will be two (2) miles beyond the corporate limits; and

(C) (i) For cities of one hundred fifty thousand (150,000) population and greater, the jurisdictional area will be three (3) miles beyond the corporate limits.

(ii) Upon July 3, 1989, no city with a population in excess of one hundred fifty thousand (150,000) persons shall exercise any zoning authority outside the boundaries of the county wherein it is located without the approval of the quorum court of the county wherein the city is not located and the approval of the governing bodies of all other cities having zoning authority over the area.

(3) Cities having a population of eight thousand (8,000) persons or less:

(A) Shall have a jurisdictional area that does not exceed one (1) mile beyond the corporate limits; and

(B) Shall not exercise any zoning authority outside the corporate limits.

(4) Cities now having an eight thousand (8,000) population or more and situated on a navigable stream may administer and enforce zoning ordinances outside their corporate limits but may not exceed the territorial limits under subdivision (a)(2) of this section.

(5) The city populations will be based on the most recent federal decennial census.

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

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

HISTORY: Acts 1957, No. 186, §§ 3, 5; 1965, No. 134, § 1; 1965, No. 138, § 1; A.S.A. 1947, §§ 19-2827, 19-2829; Acts 1987, No. 56, §§ 1, 4; 1989, No. 94, § 1; 2011, No. 280, § 3; 2013, No. 1053, § 1.

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

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

A Bill

HOUSE BILL 1199

4
5 By: Representative Lundstrum
6 By: Senator J. Hendren

For An Act To Be Entitled

8
9 AN ACT TO AMEND THE LAW CONCERNING ANNEXATION OF
10 CITY-OWNED PARKS AND AIRPORTS; AND FOR OTHER
11 PURPOSES.

Subtitle

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15 TO AMEND THE LAW CONCERNING ANNEXATION OF
16 CITY-OWNED PARKS AND AIRPORTS.

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

20
21 SECTION 1. Arkansas Code § 14-40-204, concerning the annexation of
22 city-owned parks and airports, is amended to add an additional subsection to
23 read as follows:

24 (c) All city-owned parks with a minimum of thirty (30) acres and owned
25 by cities in this state having a population of not less than fifteen thousand
26 (15,000) and not more than eighteen thousand (18,000) and located in counties
27 having a population of not less than two hundred twenty thousand (220,000)
28 and not more than two hundred sixty thousand (260,000), according to the most
29 recent federal decennial census, are annexed to the cities owning the parks.



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

1 State of Arkansas

2 91st General Assembly

3 Regular Session, 2017

A Bill

HOUSE BILL 1655

4
5 By: Representative Davis

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING ANNEXATION WITHIN
9 ONE-HALF MILE OF A STATE PARK; AND FOR OTHER
10 PURPOSES.

Subtitle

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13 TO AMEND THE LAW CONCERNING ANNEXATION
14 WITHIN ONE-HALF MILE OF A STATE PARK.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19
20 SECTION 1. Arkansas Code § 14-40-205 is amended to read as follows:

21 14-40-205. Territory within one-half mile of state park.

22 (a) ~~None of the~~ The annexation laws of this state ~~shall have any~~
23 ~~application~~ do not apply in the area within one-half mile of the boundaries
24 of ~~any a~~ state park located in a county with a population in excess of three
25 hundred fifty thousand (350,000) ~~persons~~ unless ~~the~~;

26 (1) The annexation is approved by a majority of the voters
27 residing within ~~such the~~ one-half mile area, ~~the~~;

28 (2) The area to be annexed is on the opposite side of a
29 navigable river from the state park, ~~or the~~;

30 (3) The area to be annexed is on the opposite side of and south
31 of an existing railroad right-of-way from the state park; or

32 (4) The area to be annexed contains a public or private school.

33 (b)(1) ~~Any An~~ order of the county court issued in contradiction hereof
34 of this section is void if the order is issued after August 1, 1997.

35 (2) ~~However, if any A~~ county court order ~~was~~ issued after August
36 1, 1997, annexing an area on the opposite side of and south of an existing



1 railroad right-of-way from a state park, ~~then the county court order is~~
2 ~~declared~~ valid and not void.

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

1 State of Arkansas

2 91st General Assembly

3 Regular Session, 2017

A Bill

HOUSE BILL 1703

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5 By: Representatives Johnson, House, Farrer, Lemons, Brown

6 By: Senators J. English, E. Williams
7

For An Act To Be Entitled

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9 AN ACT TO AMEND THE LAW CONCERNING RESTRICTIONS OR
10 PROHIBITIONS ON THE USE OF PROPERTY NEAR A MILITARY
11 INSTALLATION; AND FOR OTHER PURPOSES.
12

Subtitle

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15 TO AMEND THE LAW CONCERNING RESTRICTIONS
16 OR PROHIBITIONS ON THE USE OF PROPERTY
17 NEAR A MILITARY INSTALLATION.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 14-56-426(a), concerning control of
23 property use near a military installation, is amended to read as follows:

24 (a) ~~Any A~~ city of the first class in this state within ~~which there~~
25 ~~lies, in whole or in part,~~ five (5) miles of an active-duty United States Air
26 Force military installation shall enact a city ordinance specifying that
27 within five (5) miles of the corporate limits, future uses on property ~~which~~
28 that might be hazardous to aircraft operation shall be restricted or
29 prohibited.
30

31 SECTION 2. Arkansas Code § 14-56-426(d)(1), concerning control of
32 property use near a military installation, is amended to read as follows:

33 (d)(1) The ordinance shall be consistent with recommendations ~~or~~
34 ~~studies made by the United States Air Force entitled in the Air Installation~~
35 Compatible Use Zone Study for Little Rock Air Force Base, Volumes I, II, and
36 III, dated April 2003 June 2011 and prepared by the United States Air Force.



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

1 State of Arkansas

As Engrossed: H3/17/17

2 91st General Assembly

A Bill

3 Regular Session, 2017

HOUSE BILL 1829

4
5 By: Representative Lundstrum

6
7 For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE PROVISION OF
9 WATER SERVICE TO A MUNICIPALITY BY A RURAL WATER
10 SERVICE; AND FOR OTHER PURPOSES.

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13 Subtitle

14 TO AMEND THE LAW CONCERNING THE PROVISION
15 OF WATER SERVICE TO A MUNICIPALITY BY A
16 RURAL WATER SERVICE.

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

20
21 SECTION 1. Arkansas Code § 14-208-102(a)(1), concerning the right to
22 acquire rural water service properties, facilities, and customers, is amended
23 to read as follows:

24 (a)(1)(A) Unless otherwise agreed between a municipality that owns or
25 operates a water service and a rural water service, the inclusion by
26 annexation of any part of the assigned service area of a rural water service
27 within the boundaries of any Arkansas municipality shall not in any respect
28 impair or affect the rights of the rural water service to continue operations
29 and extend water service throughout any part of its assigned service area
30 unless a municipality that owns or operates a water service elects to
31 purchase from the rural water service all customers, distribution properties,
32 and facilities located within the municipality reasonably utilized or
33 reasonably necessary to serve customers of the rural water service within the
34 annexed areas under this chapter, excluding water sources, treatment plants,
35 and storage serving customers outside the annexed areas.

36 (B) As used in this subdivision (a)(1), "continue



1 operations" means to continue setting meters, reading meters, and supplying
2 water.

3 (C) Under this section, a municipality has the exclusive
4 right with regard to water service provided by the rural water service to:

5 (i) Conduct inspections of the water system within
6 the municipality;

7 (ii) Issue and regulate permits for the water system
8 within the municipality; and

9 (iii) Regulate water service to property within the
10 corporate limits of the municipality, even if the water service is part of
11 the assigned service area of the rural water service.

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13 /s/Lundstrum
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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas

2 91st General Assembly

3 Regular Session, 2017

A Bill

HOUSE BILL 1841

4
5 By: Representative Johnson

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING ANNEXATION BY ONE
9 HUNDRED PERCENT (100%) PETITION; AND FOR OTHER
10 PURPOSES.

Subtitle

12
13 TO AMEND THE LAW CONCERNING ANNEXATION BY
14 ONE HUNDRED PERCENT (100%) PETITION.

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

19
20 SECTION 1. Arkansas Code § 14-40-609 is amended to read as follows:

21 14-40-609. Annexation by one hundred percent (100%) petition —

Definition.

22
23 (a) As used in this section, "city or town" means:

- 24 (1) A city of the first class;
25 (2) A city of the second class; and
26 (3) An incorporated town.

27 (b)(1) ~~An individual~~ Individuals who ~~owns~~ own property in a county
28 that is contiguous to a city or town may petition the governing body of the
29 city or town to annex the property that is contiguous to the city or town.

30 (2) The petition under subdivision (b)(1) of this section shall:

31 (A) ~~Shall be~~ Be in writing, ~~attested by the property owner~~
32 ~~or owners;~~

33 (B) Contain an attestation signed before a notary or
34 notaries by the property owner or owners of the relevant property or
35 properties confirming the desire to be annexed;

36 ~~(B)(C)~~ Shall contain Contain an accurate description of



1 the relevant property or properties; and

2 (D) Contain a letter or title opinion from a certified
 3 abstractor or title company verifying that the petitioners are all owners of
 4 record of the relevant property or properties;

5 (E) Contain a letter or verification from a certified
 6 surveyor or engineer verifying that the relevant property or properties are
 7 contiguous with the annexing city or town and that no enclaves will be
 8 created if the property or properties are accepted by the city or town; and

9 ~~(C)(F)~~ Include a schedule of services of the
 10 annexing city or town that will be extended to the area within three (3)
 11 years after the date the annexation becomes final.

12 (3) The petition shall be filed with the county assessor and the
 13 county clerk, and within fifteen (15) business days of the filing, the county
 14 assessor and the county clerk shall:-

15 ~~(A) Verify the identity of the petitioner or petitioners;~~

16 ~~(B) Verify that there are no property owners included in~~
 17 ~~the petition that do not wish to have their property annexed;~~

18 ~~(C) Verify that the property or properties are contiguous~~
 19 ~~with the city or town; and~~

20 ~~(D) Verify that no enclaves will be created if the~~
 21 ~~petition is accepted by the city or town~~ verify that the petition meets the
 22 requirements of subdivision (b)(2) of this section.

23 (c)(1) Upon completion of the ~~verifications of the petition by the~~
 24 ~~county assessor and the county clerk~~ requirements under subsection (b) of
 25 this section, the county assessor and the county clerk shall present the
 26 petition and ~~verifications~~ records of the matter to the county judge who
 27 shall review the petition and ~~verifications~~ records for accuracy.

28 (2) Within fifteen (15) days of the receipt of the petition and
 29 ~~verifications~~ records, the county judge shall:

30 (A) Review the petition and ~~verifications~~ records for
 31 completeness and accuracy;

32 (B) Determine that no enclaves will be created by the
 33 annexation;

34 (C) Confirm that the petition contains a schedule of
 35 services; and

36 (D) Issue an order articulating ~~these~~ the findings under

1 subdivisions (c)(2)(A)-(C) of this section and forward the petition and order
2 to the contiguous city or town; and

3 (E) Require at his or her discretion that the city or town
4 annex dedicated public roads and rights of way abutting or traversing the
5 property to be annexed.

6 (d)(1)(A) By ordinance or resolution, the city or town may grant the
7 petition and accept the property for annexation to the city or town.

8 (B) The city or town is not required to grant the petition
9 and accept the property petitioned to be annexed.

10 (2) The ordinance or resolution shall contain an accurate
11 description of the property to be annexed.

12 (3)(A) If the governing body of the city or town accepts the
13 contiguous property, the clerk or recorder of the city or town shall certify
14 and send one (1) copy of the plat of the annexed property and one (1) copy of
15 the ordinance or resolution of the governing body of the city or town to the
16 county clerk.

17 (B)(i) The county clerk shall forward a copy of each
18 document received under subdivision (d)(3)(A) of this section to the county
19 judge.

20 (ii) If the county judge determines the requirements
21 of this section have been complied with and the annexation is in all respects
22 proper, the county judge shall enter an order confirming the annexation.

23 (e) Upon receipt of the order of the county judge confirming the
24 annexation, the county clerk shall forward a copy of each document received
25 under subdivision (d)(3) of this section to the:

26 (1) Secretary of State, who shall file and preserve each copy;
27 and

28 (2) Director of the Tax Division of the Arkansas Public Service
29 Commission, who shall file and preserve each copy and notify all utility
30 companies having property in the city or town of the annexation proceedings.

31 (f)(1) Notwithstanding any other provisions in this chapter, thirty
32 (30) days after passage of the ordinance or resolution by the governing body
33 of the city or town under this section, the annexation shall be final and the
34 property shall be within the corporate limits of the city or town.

35 (2) The inhabitants residing in the newly annexed property shall
36 have and enjoy all the rights and privileges of the inhabitants within the

1 original limits of the city or town.

2 (g)(1) During the thirty-day period under subdivision (f)(1) of this
3 section, a cause of action may be filed in the circuit court of the county of
4 the annexation by a person asserting and having an ownership right in the
5 property objecting to the petition or by any person asserting a failure to
6 comply with this section.

7 (2) After the thirty-day period, an action under subdivision
8 (g)(1) of this section is not timely.

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

1 State of Arkansas

As Engrossed: H3/10/17

2 91st General Assembly

A Bill

3 Regular Session, 2017

HOUSE BILL 1949

4
5 By: Representative Boyd

6 *By: Senator Files*

7
8 **For An Act To Be Entitled**

9 AN ACT TO CLARIFY PROCEDURES FOR PROVIDING NOTICE OF
10 MUNICIPAL BOUNDARY CHANGES TO VARIOUS OFFICES FOR
11 PURPOSES OF RECORDKEEPING AND PROVIDING ACCURATE DATA
12 TO THE UNITED STATES CENSUS BUREAU; TO DECLARE AN
13 EMERGENCY; AND FOR OTHER PURPOSES.

14
15
16 **Subtitle**

17 AN ACT TO CLARIFY PROCEDURES FOR
18 PROVIDING NOTICE OF MUNICIPAL BOUNDARY
19 CHANGES; AND TO DECLARE AN EMERGENCY.

20
21
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23
24 SECTION 1. Arkansas Code § 14-39-101 is amended to read as follows:
25 14-39-101. Authority generally.

26 (a) The charters, and all the amendments thereto, of all municipal
27 corporations within this state designated as cities of the second class and
28 incorporated towns may be surrendered, all offices held thereunto abolished,
29 and the territory and inhabitants thereof remanded to the government of this
30 state in the manner provided in this chapter.

31 (b) Before a municipal corporation undertakes a surrender of charter
32 under this chapter, the municipal corporation shall coordinate with the
33 Arkansas Geographic Information Systems Office for preparation of legal
34 descriptions and digital mapping of the relevant territory.

35
36 SECTION 2. Arkansas Code Title 14, Chapter 40, Subchapter 1, is



1 amended to add an additional section to read as follows:

2 14-40-102. Notice to Secretary of State upon municipal boundary change
3 -- Definitions.

4 (a) As used in this section:

5 (1)(A) "Municipal boundary change" means an incorporation,
6 annexation, consolidation, detachment, surrender of charter, revocation of
7 charter, or municipal disincorporation under this subchapter, § 14-38-101 et
8 seq., or § 14-39-101 et seq.

9 (B) "Municipal boundary change" includes court orders,
10 amendments, and judicial corrections of boundaries or property descriptions;
11 and

12 (2) "Municipal corporation" means a city of the first class, a
13 city of the second class, or an incorporated town.

14 (b)(1) Within forty-five (45) days of the effective date of any
15 ordinance or resolution effecting a municipal boundary change under this
16 subchapter, § 14-38-101 et seq., or § 14-39-101 et seq., the city clerk shall
17 provide written notice, along with complete documentation, to the county
18 clerk of each county in which the territory is affected.

19 (2) Within thirty (30) days of receipt from a municipality, each
20 respective county clerk shall provide written notice to the Secretary of
21 State of filings and records related to the municipal boundary change as
22 required by statute or by the Secretary of State, to be kept by the county
23 clerk, and shall provide those records with notice delivered to the Secretary
24 of State.

25 (3)(A) Within fourteen (14) days of receipt of a summons,
26 complaint, circuit court order, or court judgment concerning a municipal
27 boundary change, each municipality shall notify in writing the Secretary of
28 State and the respective county clerk of each county in which the territory
29 is or may be affected.

30 (B) Upon receipt of notice of a court challenge, the
31 county clerk shall provide written notice to the Secretary of State of a
32 summons, complaint, circuit court order, or court judgment that may affect a
33 municipal boundary change.

34 (c) Absent notice of a court challenge, within thirty (30) days of
35 receipt of a notice of a municipal boundary change, the Secretary of State
36 shall forward appropriate notice and a copy of the appropriate records to

1 the:

- 2 (1) Arkansas Geographic Information Systems Office;
3 (2) Tax Division of the Arkansas Public Service Commission;
4 (3) Arkansas State Highway and Transportation Department; and
5 (4) Department of Finance and Administration.

6 (d) Within thirty (30) days of receipt of notice of a municipal
7 boundary change from the Secretary of State, the Arkansas Geographic
8 Information Systems Office shall provide notice and the appropriate
9 electronic records to the:

- 10 (1) Tax Division of the Arkansas Public Service Commission;
11 (2) Arkansas State Highway and Transportation Department; and
12 (3) Department of Finance and Administration.

13 (e) Within thirty (30) days of receipt of notice from the Arkansas
14 Geographic Information Systems Office or the Secretary of State of a
15 municipal boundary change, the Arkansas Public Service Commission shall file
16 and preserve the appropriate records and shall notify the entities under the
17 commission's jurisdiction that have property in the municipality of the
18 annexation.

19 (f) The Secretary of State may prescribe documents for providing
20 appropriate notice and may prescribe a mandatory form for providing
21 sufficient notice.

22
23 SECTION 3. Arkansas Code § 14-40-605 is amended to read as follows:
24 14-40-605. Confirmation of annexation.

25 (a) If no notice ~~shall be under § 14-40-604(b) is~~ given within thirty
26 (30) days from the making of the order of annexation by the county court, the
27 proceeding before the court shall in all things be confirmed, if the city or
28 incorporated town council shall accept by ordinance or resolution the
29 territory.

30 (b)(1)(A) If the council accepts the territory, and notifies the county
31 clerk of each county in which territory is affected, the county clerk shall
32 duly certify one (1) copy of the plat of the annexed territory and one (1)
33 copy of the order of the court and the resolution or ordinance of the
34 council.

35 (B) The county clerk shall forward a copy of each document
36 to the Secretary of State, who shall file and preserve them each copy. The

1 ~~clerk shall forward one (1) copy of the plat of the annexed territory and one~~
2 ~~(1) copy of the order of the court to the Director of the Tax Division of the~~
3 ~~Arkansas Public Service Commission, who shall file and preserve them and~~
4 ~~shall notify all utility companies having property in the municipality of the~~
5 ~~annexation.~~

6 (2) The county clerk shall forward a certified copy of the order
7 of the court to the council.

8
9 SECTION 4. Arkansas Code § 14-40-609(e), concerning providing notice of
10 annexation by one hundred percent (100%) petition, is amended to read as
11 follows:

12 (e) The county clerk shall forward a copy of each document received
13 under subdivision (d)(3) of this section to the:

14 ~~(1) Secretary of State, who shall file and preserve each copy;~~
15 ~~and~~

16 ~~(2) Director of the Tax Division of the Arkansas Public Service~~
17 ~~Commission, who shall file and preserve each copy and notify all utility~~
18 ~~companies having property in the city or town of the annexation proceedings.~~

19
20 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General
21 Assembly of the State of Arkansas that municipal boundary changes shall be
22 effective by December 31, 2017, and shall be reported to the United States
23 Bureau of the Census by May 31, 2018, to be assured of inclusion in the 2020
24 Federal Decennial Census; that there is a need for counties and
25 municipalities to give timely, complete, and accurate written notice to the
26 Secretary of State of municipal boundary changes to ensure an accurate
27 census; and that any modification to statutes after December 31, 2018, would
28 be ineffective in ensuring an accurate census in 2020. Therefore, an
29 emergency is declared to exist, and this act being immediately necessary for
30 the preservation of the public peace, health, and safety shall become
31 effective on:

32 (1) The date of its approval by the Governor;

33 (2) If the bill is neither approved nor vetoed by the Governor,
34 the expiration of the period of time during which the Governor may veto the
35 bill; or

36 (3) If the bill is vetoed by the Governor and the veto is

1 overridden, the date the last house overrides the veto.

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/s/Boyd

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

1 State of Arkansas

As Engrossed: H3/10/17

2 91st General Assembly

A Bill

3 Regular Session, 2017

HOUSE BILL 1950

4
5 By: Representative Boyd

6 By: Senator Files

7
8 **For An Act To Be Entitled**

9 AN ACT TO AMEND THE LAW CONCERNING INCORPORATION,
10 ANNEXATION, CONSOLIDATION, AND DETACHMENT PROCEDURES
11 FOR MUNICIPALITIES; TO REQUIRE AN EFFECTIVE DATE FOR
12 ANY MUNICIPAL BOUNDARY CHANGE; AND FOR OTHER
13 PURPOSES.

14
15
16 **Subtitle**

17 TO AMEND THE LAW CONCERNING THE EFFECTIVE
18 DATE OF MUNICIPAL BOUNDARY CHANGE
19 ACTIONS.

20
21
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23
24 SECTION 1. Arkansas Code Title 14, Chapter 38, Subchapter 1, is amended
25 to add an additional section to read as follows:

26 14-38-117. Effective date of incorporation required.

27 (a)(1) The county court order of incorporation affecting territory
28 under this chapter shall include the effective date upon which the petition
29 for incorporation is granted and the municipality is considered organized.

30 (2) County court orders that fail to include a specified
31 effective date in the order shall require using the date of the county
32 clerk's file mark as the effective date for all purposes.

33 (b) The effective date specified in the order of incorporation issued
34 under § 14-38-104 is the official effective date to be used by any county or
35 state official charged with recording, forwarding, maintaining, or
36 instituting the order of incorporation.



1 (c)(1) In the event of a circuit court challenge to the county court
2 order of incorporation, the final order of the circuit court shall specify a
3 change to the effective date, if any.

4 (2) In the absence of a specific attestation, the county court-
5 ordered effective date is the effective date.

6
7 SECTION 2. Arkansas Code Title 14, Chapter 40, Subchapter 1, is amended
8 to add an additional section to read as follows:

9 14-40-102. Effective date of annexation, consolidation, or detachment
10 required.

11 (a)(1) An annexation, consolidation, or detachment action that affects
12 territory under this chapter shall include in its ordinance or resolution the
13 date upon which the annexation, consolidation, or detachment is considered
14 final.

15 (2) An ordinance or resolution that fails to include a specified
16 effective date shall use the date of the municipal clerk or municipal
17 recorder file mark or attestation, whichever is later in time, as the
18 effective date for all purposes.

19 (b)(1) The date specified in the ordinance or resolution is the
20 official effective date of the annexation, consolidation, or detachment.

21 (2) An amendment to the ordinance or resolution shall carry its
22 own effective date or modification of the effective date.

23 (3) An amendment that fails to include a specified effective
24 date shall use the date of the municipal clerk or municipal recorder file
25 mark or attestation, whichever is later in time, as the effective date of the
26 amendment for all purposes.

27 (c)(1) If a municipality initiates an annexation, consolidation, or
28 detachment action under § 14-40-204 or § 14-40-501, the effective date shall
29 be specified.

30 (2) An ordinance or resolution that fails to include a specified
31 effective date shall use the date of the municipal clerk or municipal
32 recorder file mark or attestation, whichever is later in time, as the
33 effective date for all purposes.

34 (d) The effective date specified in an ordinance or resolution issued
35 under this chapter is the official effective date to be used by any county or
36 state official charged with recording, forwarding, maintaining, or

1 instituting the ordinance or resolution.

2 (e)(1) In the event of a circuit court challenge to a county court
3 order approving a municipal boundary change under this chapter, the final
4 order of the circuit court shall specify a change to the effective date, if
5 any.

6 (2) In the absence of a specific attestation, the municipally
7 designated effective date is the effective date.

8
9 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General
10 Assembly of the State of Arkansas that an urgent need exists to clarify the
11 official effective dates of municipal boundary actions, to aid the United
12 States Bureau of the Census in the bureau's decennial census counts, and to
13 maintain more accurate records regarding municipal boundary changes; and that
14 this act is immediately necessary to clarify the effective dates of municipal
15 boundary changes. Therefore, an emergency is declared to exist, and this act
16 being immediately necessary for the preservation of the public peace, health,
17 and safety, shall become effective on:

18 (1) The date of its approval by the Governor;

19 (2) If the bill is neither approved nor vetoed by the Governor,
20 the expiration of the period of time during which the Governor may veto the
21 bill; or

22 (3) If the bill is vetoed by the Governor and the veto is
23 overridden, the date the last house overrides the veto.

24
25 */s/Boyd*
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Stricken language would be deleted from and underlined language would be added to present law.

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

As Engrossed: S3/16/17

A Bill

SENATE BILL 541

5 By: Senator Hickey
6 By: Representative J. Williams
7

For An Act To Be Entitled

8
9 AN ACT CONCERNING MUNICIPAL INCORPORATION NEAR THE
10 BOUNDARIES OF AN EXISTING MUNICIPALITY; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

14
15 CONCERNING MUNICIPAL INCORPORATION NEAR
16 THE BOUNDARIES OF AN EXISTING
17 MUNICIPALITY.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 14-38-101(b)(1), concerning a petition for
23 incorporation, is amended to read as follows:

24 (b)(1) The court shall not approve the incorporation of ~~any a~~
25 municipality if any portion of the territory proposed to be embraced in the
26 ~~incorporated town shall lie within~~ lies within:

27 (A) ~~five (5)~~ Three (3) miles of an existing municipal
28 corporation and within the; or

29 (B)(i) The area in which that existing municipal
30 corporation is exercising its planning territorial jurisdiction, unless the
31 governing body of the municipal corporation has affirmatively consented to
32 the incorporation by written resolution.

33 (ii) If the area that seeks to be incorporated
34 contains a population that equals or exceeds five thousand (5,000) persons,
35 the consent of the governing body of the existing municipal corporation is
36 not required.



As Engrossed: S3/16/17

SB541

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/s/Hickey

 **DIGEST**
ARKANSAS
Voting Record

Bill Number: SB 140 (AR-17R)

Caption: Requires sales tax to be imposed on large-volume sellers that do not have a physical presence in the state.

Vote: H- 1 Third Reading and Final Passage

Date: 04/03/17

View: [Switch to Alphabetical](#)

AYES - 43

Allen, Fred(D); Beck, Rick(R); Blake, Charles(D); Boyd, Justin(R); Bragg, Ken(R); Branscum, David(R); Brown, Karilyn(R); Burch, LeAnne(D); Coleman, Bruce(R); Collins, Charlie(R); Cozart, Bruce(R); Dalby, Carol(R); Douglas, Dan(R); Eubanks, Jon(R); Farrer, Joe(R); Fielding, David(D); Fite, Charlene(R); Fite, Lanny(R); Flowers, Vivian(D); Gray, Michael John(D); Hammer, Kim(R); Henderson, Ken(R); Hillman, David(R); Hodges, Monte(D); Jett, Joe(R); Johnson, Bob(D); Love, Fred(D); Magie, Steve(D); McElroy, Mark(D); McGill, George(D); Murdock, Reginald(D); Nicks, Milton(D); Pitsch, Mat(R); Richey, Chris(D); Rushing, Laurie(R); Sabin, Warwick(D); Shepherd, Matthew(R); Tucker, Clarke(D); Walker, John(D); Warren, Les(R); Watson, Danny(R); Whitaker, David(D); Wing, Carlton(R)

NAYS - 50

Ballinger, Bob(R); Baltz, Scott(D); Barker, Sonia(R); Capp, Sarah(R); Cavanaugh, Frances(R); Davis, Andy(R); Deffenbaugh, Gary(R); Della Rosa, Jana(R); Dotson, Jim(R); Drown, Trevor(R); Eaves, Les(R); Ferguson, Deborah(D); Fortner, Jack(R); Gates, Mickey(R); Gazaway, Jimmy(R); Gonzales, Justin(R); Gray, Michelle(R); Hendren, Kim(R); Hodges, Grant(R); Holcomb, Mike(R); Hollowell, Steve(R); House, Douglas(R); Jean, Lane(R); Ladyman, Jack(R); Lowery, Mark(R); Lundstrum, Robin(R); Lynch, Roger(R); Maddox, John(R); Mayberry, Andy(R); McCollum, Austin(R); McNair, Ron(R); Meeks, David(R); Meeks, Stephen(R); Miller, Josh(R); Payton, John(R); Penzo, Clint(R); Petty, Rebecca(R); Pilkington, Aaron(R); Richmond, Marcus(R); Rye, Johnny(R); Smith, Brandt(R); Sorvillo, Jim(R); Speaks, Nelda(R); Sturch, James(R); Sullivan, Dan(R); Tosh, Dwight(R); Vaught, DeAnn(R); Wardlaw, Jeff(R); Williams, Jeff(R); Womack, Richard(R)

PRESENT-NOT-VOTING - 7

Armstrong, Eddie(D); Bentley, Mary(R); Douglas, Charlotte(R); Ferguson, Kenneth(D); Gillam, Jeremy(R); Leding, Greg(D); Lemons, Tim(R)

ABSENT - 0

Democrat

Republican

Independent



The Basics of Urban Planning In Arkansas

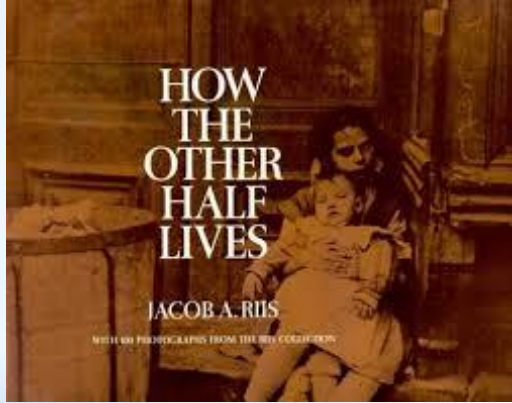
Presented By:
Jim von Tungeln, AICP



Legal Foundation



Truth is: our cities weren't always beloved



Urban Planning – Our Heritage

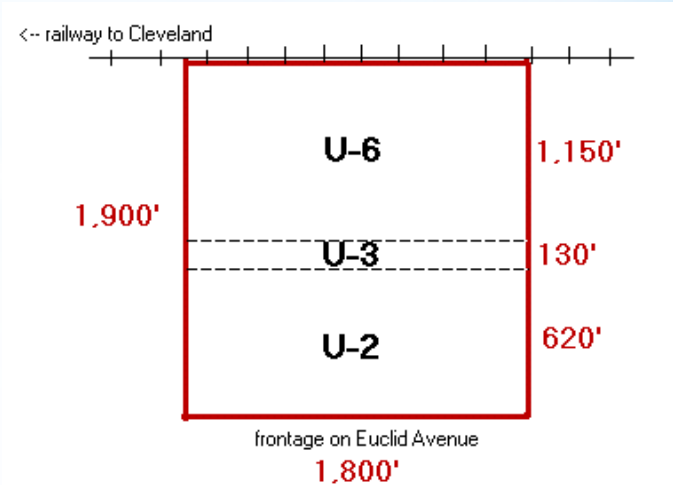


Urban Planning – Our Heritage

Village of Euclid, Ohio vs Ambler Realty Co.



▼ Cleveland ▼



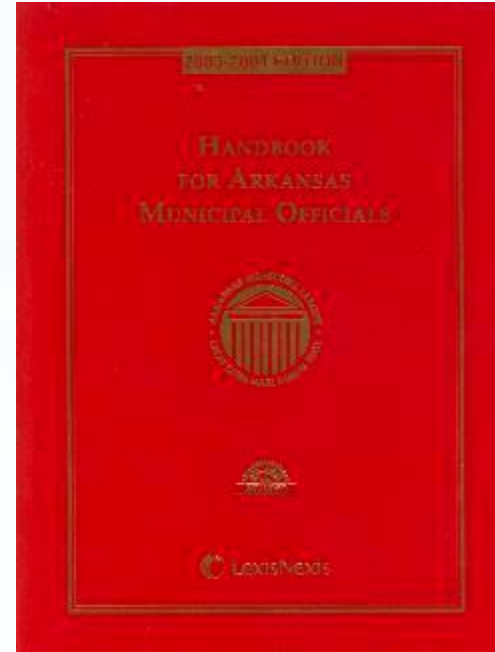
▲ Euclid ▲



Urban Planning – Legal Basis

Act 186 of 1957

Arkansas Code
Annotated 14-
56-401-426



Act 1187 of 2011

SECTION 2. Arkansas Code § 14-43-602 is amended to read as follows:

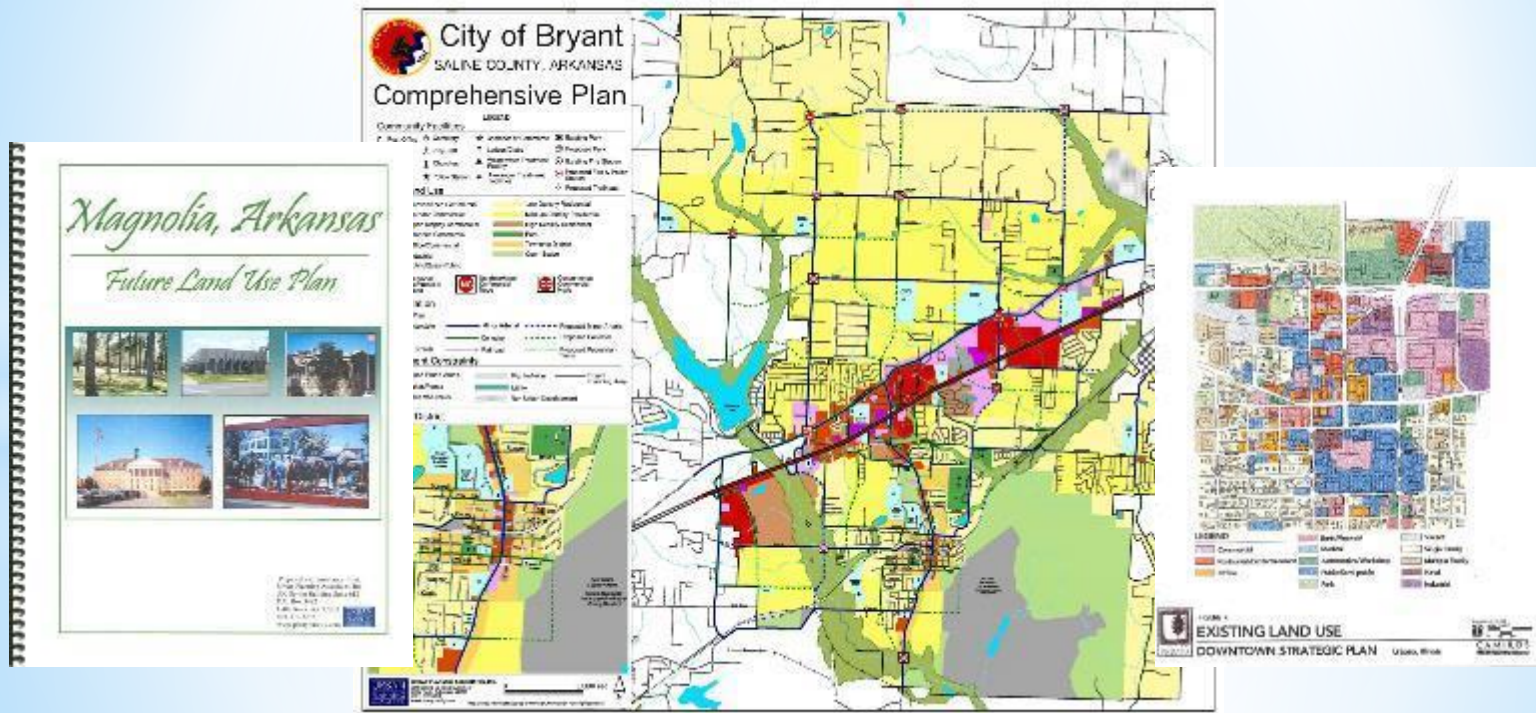
14-43-602. Authority generally.

Any city of the first class (a) A municipality is authorized to perform any function and exercise full legislative power in any and all matters of whatsoever nature pertaining to its municipal affairs including, but not limited to, the power to tax.

(b) The rule of decision known as Dillon's Rule is inapplicable to the municipal affairs of municipalities.



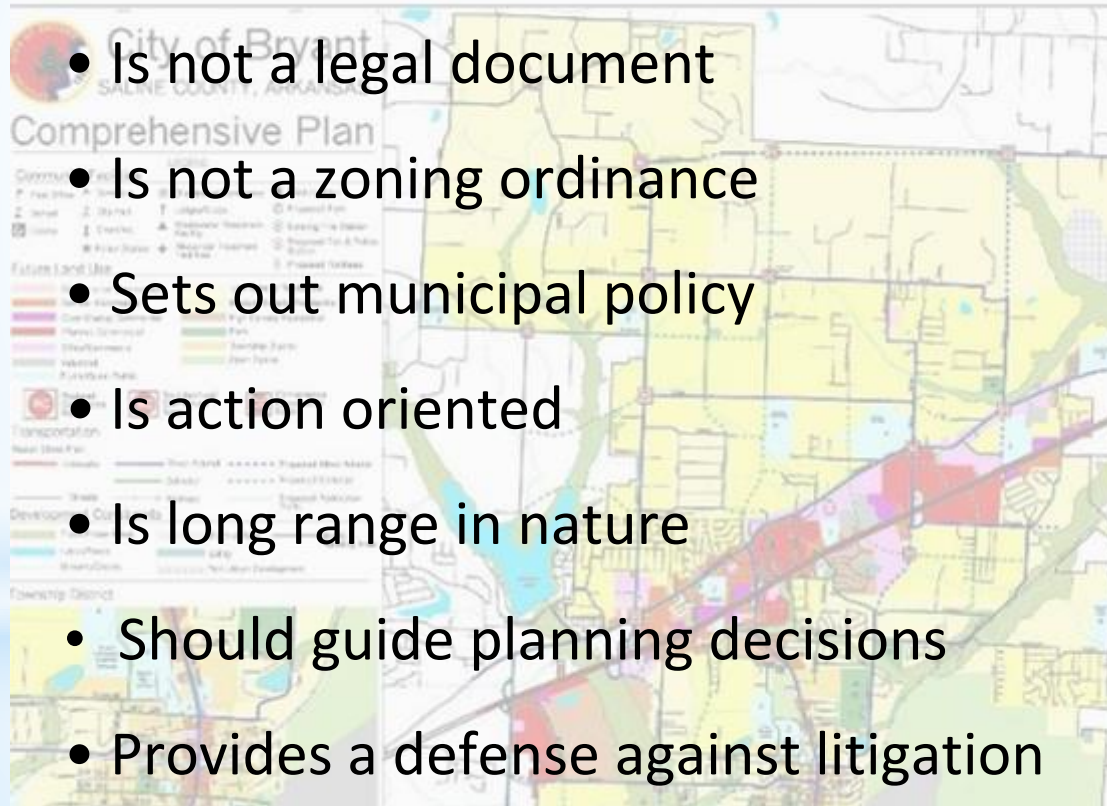
From Euclid: First – We Plan



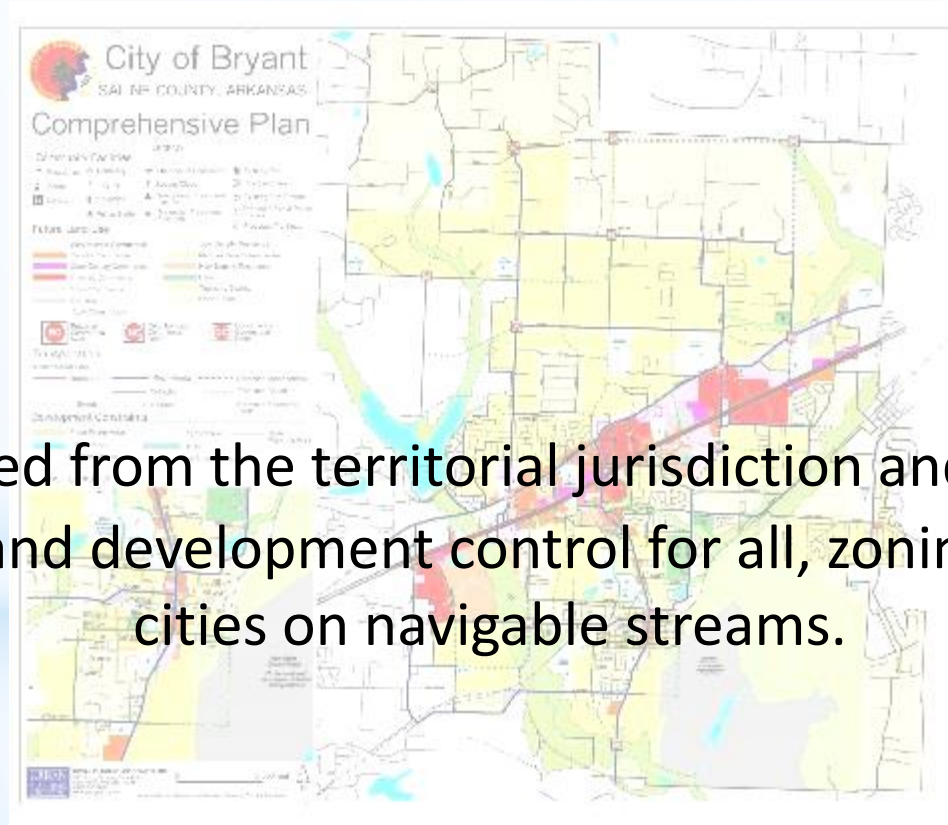
Then – We regulate



The Comprehensive Plan



The Planning Area



Is carved from the territorial jurisdiction and allows Planning and development control for all, zoning for some cities on navigable streams.



The Planning Area

Act 1053:

Reduces the Territorial Jurisdiction for Municipalities from the current five miles to:

- One Mile for cities up to 60,000
- Two miles for cities between 60,000 and 150,000
- Three miles for cities over 150,000

Allows zoning outside the city within the territorial jurisdiction for cities above 8,000 on navigable streams.

And: Removes the word “exclusive” from the authority of a municipality within the territorial jurisdiction



The Planning Process

- Develop a community vision
- Identify issues
- Set goals and policies
- Prepare plans
- Draft programs to implement plan
- Evaluate potential impacts
- Review and adopt plan
- Adopt methods to implement plan
- Administer programs
- Review and revise



Whom Do We Serve?





The Planning Commission: Three Roles



Standard of Review – One Legislative



Standard of Review – Two

Administrative



Standard of Review – Three Judicial



Codes and Regulations



Act 1002 of 2015

Private Property Protection Act

AKA – AR Takings Act

Stricken language would be deleted from and underlined language would be added to present law.
Act 1002 of the Regular Session

1 State of Arkansas *As Engrossed: S3/17/15, H3/24/15*
2 90th General Assembly **A Bill**
3 Regular Session, 2015

SENATE BILL 757

4
5 By: Senators J. Hendren, Files, Hester
6

For An Act To Be Entitled

7
8 AN ACT TO RESTRICT THE ABILITY OF LOCAL GOVERNMENTS
9 AND OTHER ENTITIES TO REGULATE PRIVATE PROPERTY
10 RIGHTS; TO PROTECT PRIVATE PROPERTY RIGHTS; TO CREATE
11 THE PRIVATE PROPERTY PROTECTION ACT; TO REGULATE THE
12 POWER OF EMINENT DOMAIN BY CERTAIN PUBLIC UTILITIES;
13 TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
14

Subtitle

15
16 TO RESTRICT THE ABILITY OF LOCAL
17 GOVERNMENTS AND OTHER ENTITIES TO
18 REGULATE PRIVATE PROPERTY RIGHTS; AND TO
19 DECLARE AN EMERGENCY.
20

21
22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. DO NOT CODIFY. Legislative findings.

26 The General Assembly finds that:

- 27 (1) From time to time, state and local regulatory programs have
28 the effect of reducing the market value of private property;
29 (2) When state and local regulatory programs reduce the market
30 value of private property and do not abate through their implementation a
31 public nuisance affecting the public health, safety, morals, or general
32 welfare, it is fair and appropriate that the state or the locality compensate
33 the property owner for the loss in market value of the property caused by the
34 implementation of the regulatory program;
35 (3) Compensation to the property owner is also fair and



- Exemptions

- (B) "Regulatory program" includes without limitation moratoriums on growth, aesthetic or scenic districts, environmental districts, overlay districts, green space ordinances, landscape ordinances, tree ordinances, land use planning programs, and zoning programs by a governmental unit when the regulatory program is *not designed to carry out or protect the adopted plans of a governmental unit that are designed to protect the health, safety, or welfare of the citizens.*

- Law does **NOT** apply to:

- (12) An action taken by a governmental unit: Under its *police power* to make laws and regulations for the benefit of its communities;
- (15) An action by a municipality unless the regulatory program has effect in the *territorial jurisdiction* of the municipality, excluding annexation, and that enacts or enforces a regulatory program that does not impose identical requirements or restrictions in the entire territorial jurisdiction of the municipality.



Some New Issues



Tiny Houses

*What are they?

* > 400 sq. ft - SMALL



Tiny Houses

- What are they?
- < 400 sq. ft – TINY



Tiny Houses

- What are they?



Tiny Houses

- What are they not?



Tiny Houses

- What are they not?



- Manufactured Homes



Tiny Houses

Approaches to regulating them

- Fire Code
 - 220 sq. ft. - 2 people
 - add 100 sq. ft. for each additional person
- Accessory Dwelling Units
- Zoning – **NOT RECOMMENDED!!!**



Signs



Reed
vs
Town of
Gilbert



Signs



Signs

Content Based Regulations Test

Does your sign code allow for “Real Estate Signs?”

Your sign code is very likely illegal.

No one really knows where this is headed!

Maintain a good relationship with your city attorney. She can save your bacon. Or “he,” whatever the case may be.



The Future? Who knows?

- Food Trucks/Uber – Type Businesses
- Things like ... Driverless Vehicles
- Declining Retail Base/Reduced Revenue
- Your city and economic development
- It all adds up to: need for diligence and training, so ...



Congrats to you all!





www.greatcitiesgreatstate.com

Arkansas Municipal League





Thinking about **annexation**
for **population**?

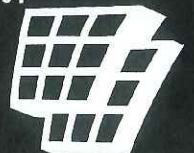
County **City**

Get it **done** before the end
of **2018**.

ANNEXATION MAPPING ACA 14-40-101

**ARKANSAS
GIS OFFICE**

agio.all@arkansas.gov
gis.arkansas.gov
(501) 682-2767



BOUNDARY CHANGES CHART

	City Initiated		Citizen Initiated			
	Special Election Annexation	Detachment	Detachment	Consolidation	100% Annexation Method	Petition
Relevant Statutes	ACA § § 7-11-201, 7-11-203--205, 14-40-301--304	ACA § § 14-40-1901--1903	ACA § 14-40-608	ACA § § 7-11-201, 7-11-203--205, 14-40-1201--1213	ACA § 14-40-609	ACA § § 14-38-103, 14-40-601--606
Steps	City council creates authorized document	City council passes resolution, files certified copy thereof and petition with county court	Landowner notifies city	Petition filed with clerk and/or recorder of larger city's government (up to 10 extra days if petition insufficient)	Petition filed with county clerk and assessor	Petition filed with county court
	Authorized document filed with county clerk	Notice of hearing published in newspaper (15-30 days)	City passes ordinance (up to 30 days)	Petition presented to larger city's government	County clerk and assessor verify petition (1-15 days)	Clerk files petition, court sets date for hearing
	Special election held (60-70 days minimum following filing)		City sends relevant documents to county clerk	Council passes ordinance approving consolidation	Petition presented to county judge, who issues order (1-15 days)	Court holds hearing (1-30 days after clerk files petition)
	County clerk certifies election results, files with SoS (up to 15 days)		County clerk sends relevant documents to SoS, Director of Tax Division of Arkansas Public Services Commission	Petition presented to county court, which calls for special election	City council passes ordinance	Court enters order
	Wait 30 days (or until entry of final order if annexation challenged in court)			Special election held (60-70 days minimum from date filed with county court)	Annexation effective (30 days, if no judicial challenge)	Wait 30 days (or until entry of final order if annexation challenged in court)
	Annexation effective			Election results returned to and declared by county court		Annexation effective
				Consolidation effective (up to 18 months following declaration)		
Minimum Total Time (allow for longer time to account for municipal and county government action and possible litigation)	91-115 days	15-30 days	1-30 days	With delay: 618-628 days; without delay: 70-80 days (calculations assume extra 10 days to fix insufficient petition)	32-60 days	31-60 days

The 2020 Census Stakeholder Engagement Meeting

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Census
2020



A Message from the Director...

*Marilyn A. Sanders
Chicago Regional Director*

The Chicago Region is pleased to share our plans for the upcoming 2020 Census, Geographic Partnership Programs and our Current Survey Regional data collection activities. We look forward to this opportunity to meet and engage our partners in support of our 2020 Census mission: to conduct a census of population and housing and disseminate the results to the President, the states and the American people. Our goal is to count everyone once, only once, and in the right place!

We want to share the many opportunities available for you to be engaged and to partner with the region. We promise to listen to your valuable input. With your assistance and support, we will take every opportunity to work in concert with each of the eight states in our region: Arkansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri and Wisconsin. As the operational design for the 2020 Census is still being tested and not yet finalized, it is important to keep in mind the purpose of the 2020 Census and how the data will be used in the future.

Please accept my sincere thanks to each of you for attending and hosting this crucial meeting with the Chicago Region's 2020 Census Leadership Team. I am certain you will find the information shared informative and staff from the Chicago Regional Office 2020 Census Team responsive to your questions. We are available as a resource and engaged at every level to achieve a complete count of the population in our Region.

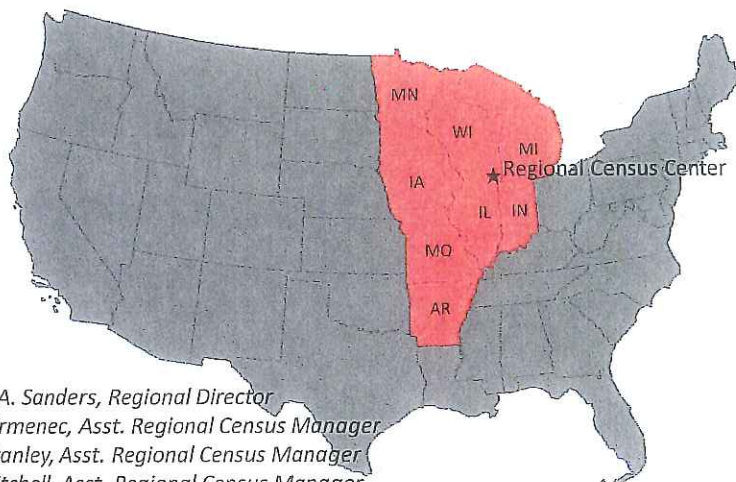
Please feel free to email me or contact me by telephone or schedule a meeting if you desire. I can be reached at marilyn.a.sanders@census.gov or 630-288-9301. Looking forward to the 2020 Census Experience!

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Chicago Region



Marilyn A. Sanders, Regional Director
 Gail A. Kremenec, Asst. Regional Census Manager
 Debra Stanley, Asst. Regional Census Manager
 Mark Mitchell, Asst. Regional Census Manager
 Ellisa Johnson, Partnership Coordinator

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Today's Agenda

2020 Census Plan and Schedule
 Geographic Partnership Opportunities
 Partnership and Engagement

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The 2020 Census

Count Everyone, Only Once, in the Right Place

The 2020 Census: A New Design for the 21st Century

Motivate People to Respond

Conduct a nation-wide communications and partnership campaign

- Maximize outreach using traditional and new media
- Target ads to specific audiences
- Work with trusted sources to inspire participation



TELEPHONE
AND PAPER SELF-
RESPONSE

INTERNET SELF-RESPONSE

NONRESPONSE
FOLLOWUP

Count the Population

Collect data from all households, including group and unique living arrangements

- Make it easy for people to respond anytime, anywhere
- Encourage people to use the new online response option
- Use the most cost-effective strategy to contact and count nonrespondents
- Knock on doors only when necessary
- Streamline in-field census-taking

Establish Where to Count

Identify all addresses where people could live

IN-FIELD

IN-OFFICE



- Conduct a 100% review and update of the nation's address list
- Minimize field work with in-office updating
- Use multiple data sources to identify areas with address changes
- Get local government input



Release Census Results

Process and Provide Census Data

- Deliver apportionment counts to the President by December 31, 2020
- Release counts for redistricting by April 1, 2021
- Make it easier for the public to get data



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The 2020 Census

Schedule

Date	Milestone
✓ November 18, 2011	Begin 2020 Census Program
✓ September 30, 2015	Deliver 2020 Census Operational Plan
✓ June 30, 2016	Federal Register Notice of Proposed Residence Criteria and Residence Situations for the 2020 Census
✓ September–November 2016	Conduct the Second Round of Tribal Consultations
✓ January 2017	Begin Local Update of Census Addresses (LUCA) Program (including Appeals Process)
March 31, 2017	Deliver 2020 Census Topics to Congress
April 1, 2018	Deliver 2020 Census Questions to Congress
April 1, 2020	2020 Census Day
December 31, 2020	Deliver Apportionment Counts to the President
March 31, 2021	Complete Delivery of Redistricting Counts to the States
September 29, 2023	Complete 2020 Census Program

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Why allocate your limited resources to Census programs?

- Political Power
 - Census is constitutionally mandated for re-apportionment of Congress
 - Census results are used for Redistricting at national, state, and local levels.
- Money/Economic Impact
 - \$400 Billion/year is distributed using Census numbers (\$4 Trillion over the decade).



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Boundary and Annexation Survey BAS

What is It?

An *annual* survey of all governments to collect legal boundaries in effect on January 1st of the BAS year.

Why Should Governments Participate?

The boundaries that *the Census Bureau has on record* are used to tabulate data for:

- Decennial Census (year ending in 0)
- Economic Censuses (years ending in 2, 7)
- Population Estimates Program (annually)
- American Community Survey (annually)



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Boundary and Annexation Survey (BAS)



If Census place boundary (**blue**) is not corrected to align with the accurate locally-sourced place boundary (**red**) then housing units may be misallocated.



Annual BAS Schedule:

December/January – program information sent to participants

January 1 – Date that Annexations must be legally in effect

March 1 – submission deadline for Population Estimates program and ACS

May 31 – submission deadline for changes to be included in subsequent BAS materials



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Local Update of Census Addresses

LUCA

What is It?

A once-a-decade-opportunity for eligible governments to review their address list that will be used to conduct the Decennial Census

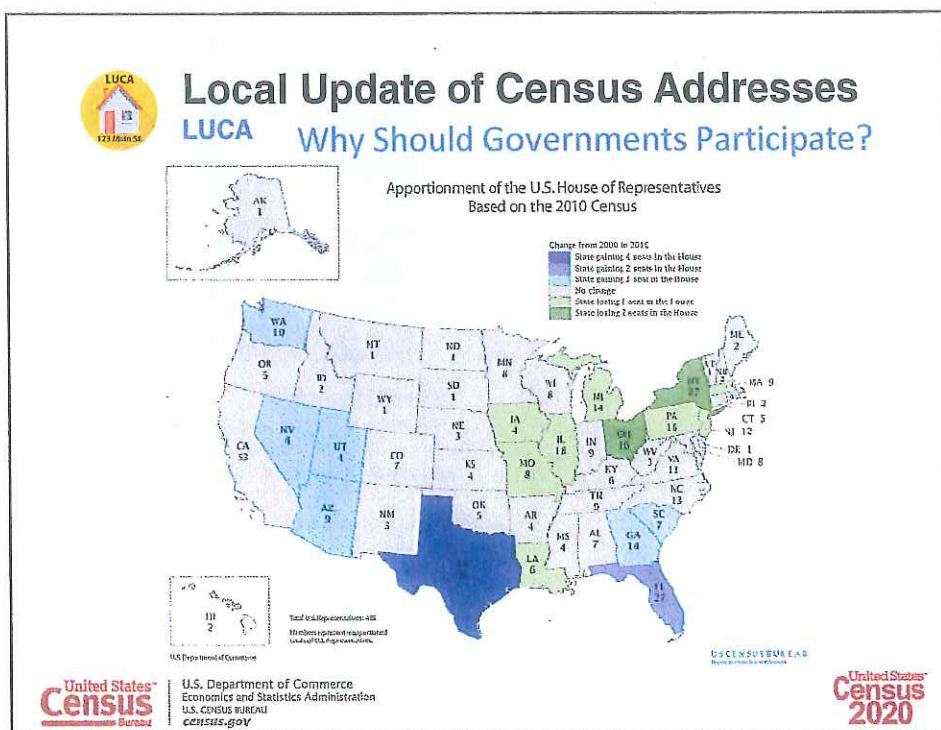
Why Should Governments Participate?

To ensure that the Census Bureau has a complete and accurate address list for the jurisdiction for the 2020 Census



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Local Update of Census Addresses (LUCA)

- Voluntary program that occurs every ten years in advance of decennial Census.
- Local Government is almost always the best source of address data (Geographic Information Systems [GIS], E911, Property Tax Assessors, and/or Utility Services, etc...)
- Before we count people, we need an accurate list of the living quarters where we need to count them.
- Accurate Address List = Accurate Population Count

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Local Update of Census Addresses

LUCA Schedule

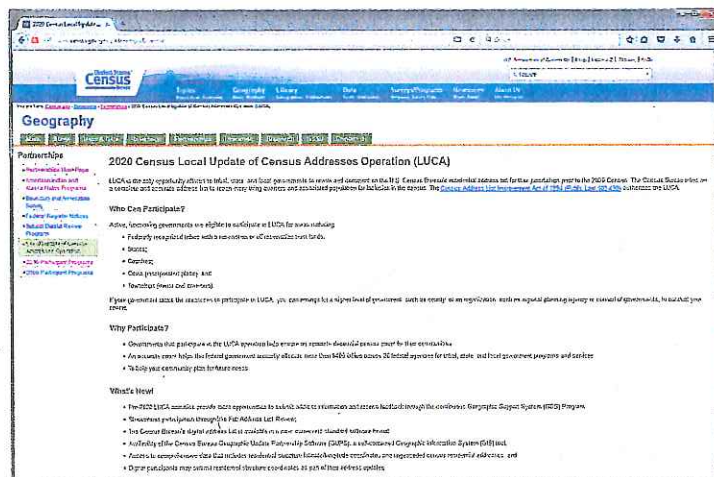
Date	Activity
✓ January 2017	Advance Notice mailed to HEOs and other governmental unit contacts Housing unit counts by block available for governments
✓ March 1	Deadline for BAS response (1 st Deadline)
March-December 2017	LUCA Promotional Workshops
July 2017	LUCA Invitation and Registration Materials mailed to HEOs
October 2017	LUCA Technical Workshops begin
December 15 2017	Deadline for LUCA Registration
February-April 2018	Participants review and update the Census Bureau's address list (120 day review period from receipt of materials)
August-September 2019	Census Bureau delivers LUCA participant feedback
April 1, 2020	2020 Census Day



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<http://www.census.gov/geo/partnerships/luca.html>
(check this website for updates)



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Community Partnership and Engagement Program

- Motivate diverse communities toward greater participation in the Census and increase self-response
- Outreach to populations with historically low response rates and undercounts
- Count everyone once, only once, and in the right place



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Community Partnership and Engagement Program Complete Count Committees

- Volunteer committee established by local government entities
- Develops and implements plans to increase participation in the 2020 Census for their areas



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Complete Count Committees

- Opportunity to “tailor” the Census outreach and messaging to most effectively influence local communities.
- Involve all constituent groups, and use “trusted voices” of community leaders to encourage self-response.
- Start thinking about who should be members of your Complete Count Committee.

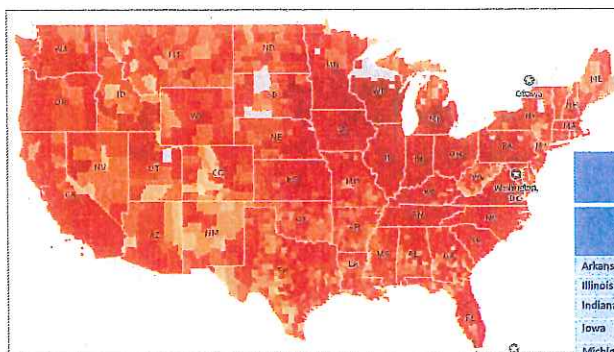
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Participation Rate: 2010

By State



Legend: n/a 0% 21 41 51 61 67 73 79 85 91

STATE	2010 Rate	Rank
Arkansas	69%	38
Illinois	76%	11
Indiana	79%	3
Iowa	79%	3
Michigan	78%	5
Minnesota	81%	2
Missouri	74%	24
Wisconsin	82%	1
United States	74%	NA

<http://www.census.gov/censusexplorer/2010ratemap.html>

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Bureau

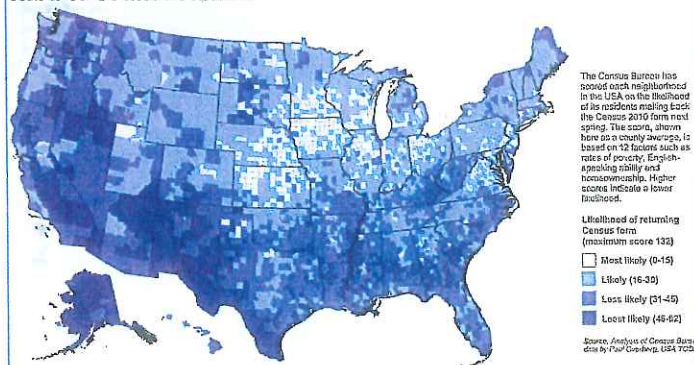
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2020

Community Partnership and Engagement Program Targeted Outreach to Hard-to-Count Populations

- Support through community leaders
- Raise census awareness among HTC populations
- Overcome community fears through awareness, education, motivation, and community events

Hard-to-count counties



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2020


Prepare for the 2020 Census

- The 2020 Census has started.
- Prepare to receive LUCA materials in February 2018 (line-items in your budgets, identify human and other technical resources so that you can successfully participate).
- Coordinate your LUCA participation with other governments.
- Identify your Point of Contact for:
 - LUCA
 - Complete Count Committees

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Census
2020



United States Census 2020 Indiana

Home

Why the Census Matters

2020 Operations Plan

Local Update of Census Addresses (LUCA)

Research & Testing

Response Rates

In the News

Counting Down to Census Day: April 1, 2020

This site is for Hoosiers by Hoosiers to provide timely information on Census 2020.

An accurate census count is vital to obtain federal funding for:

Economic Development

Public Health

Education

Medical Research

Housing

Research

Time to start thinking about the address list

The **Local Update of Census Addresses (LUCA)** program is the only opportunity offered to local governments to review and count on the Census Bureau's residential address list. Eventual workshops will begin in March 2017.


What can Hoosiers do to ensure everyone living in Indiana is counted?

- Promote local outreach
- Identify hard-to-count populations
- Work closely with populations that are reluctant to be counted (unhoused, youth, immigrants, etc.)
- Create publicity (through local media, word of mouth, etc.)


In the news

- **Counting down to Census Day** - The 2020 U.S. Census is just around the corner.
- **How Indiana is making the 2020 Census count** - A look at how the state is preparing for the 2020 Census.
- **Keynote U.S. Census for the 2020 Census** - A look at the state's role in the 2020 Census.

As a partner in the National Census Program, the state of Indiana is committed to ensuring that everyone living in Indiana is counted. The Indiana State Census Program is a national effort to ensure that everyone living in Indiana is counted. The Indiana State Census Program is a national effort to ensure that everyone living in Indiana is counted. The Indiana State Census Program is a national effort to ensure that everyone living in Indiana is counted.



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The 2020 Census Key Activities

- | | |
|------|---|
| 2017 | <p>Topics to Congress – by March 31, 2017</p> <p>Local Update of Census Addresses – Invitations sent to governmental entities to participate in review of our Master Address File and is complete in 2018</p> |
| 2018 | <p>2018 End-to-End Test (April 1st Census Day)</p> <p>Question Wording to Congress – by March 31, 2018</p> |
| 2019 | <p>Partnership Program – Launch of the partnership program</p> <p>Complete Count Committees – Formation of committee's should be complete</p> |
| 2020 | <p>Advertising – Begins in early 2020</p> <p>Census Day – April 1, 2020</p> <p>Nonresponse Follow-up – Begins in late April and continues until late June/early July</p> <p>Apportionment Counts to the President – by December 31, 2020</p> |
| 2021 | <p>Redistricting Counts to the States – by March 31, 2021</p> |

Resources

2020 Information: <http://www.census.gov/2020census>

LUCA: <https://www.census.gov/qeo/partnerships/luca.html>

Geographic Partnerships: <https://www.census.gov/qeo/partnerships/>



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Questions?

Marilyn A. Sanders, Regional Director Marilyn.A.Sanders@census.gov
Gail A. Krmenec, Asst. Regional Census Manager Gail.A.Krmenec@census.gov
Debra Stanley, Asst. Regional Census Manager Debra.A.Stanley@census.gov
Mark Mitchell, Asst. Regional Census Manager Mark.S.Mitchell@census.gov
Ellisa Johnson, Partnership Coordinator Ellisa.Johnson@census.gov
Craig Best, Geographer Craig.Duane.Best@census.gov
Linda Gray, Geographer Linda.K.Gray@census.gov

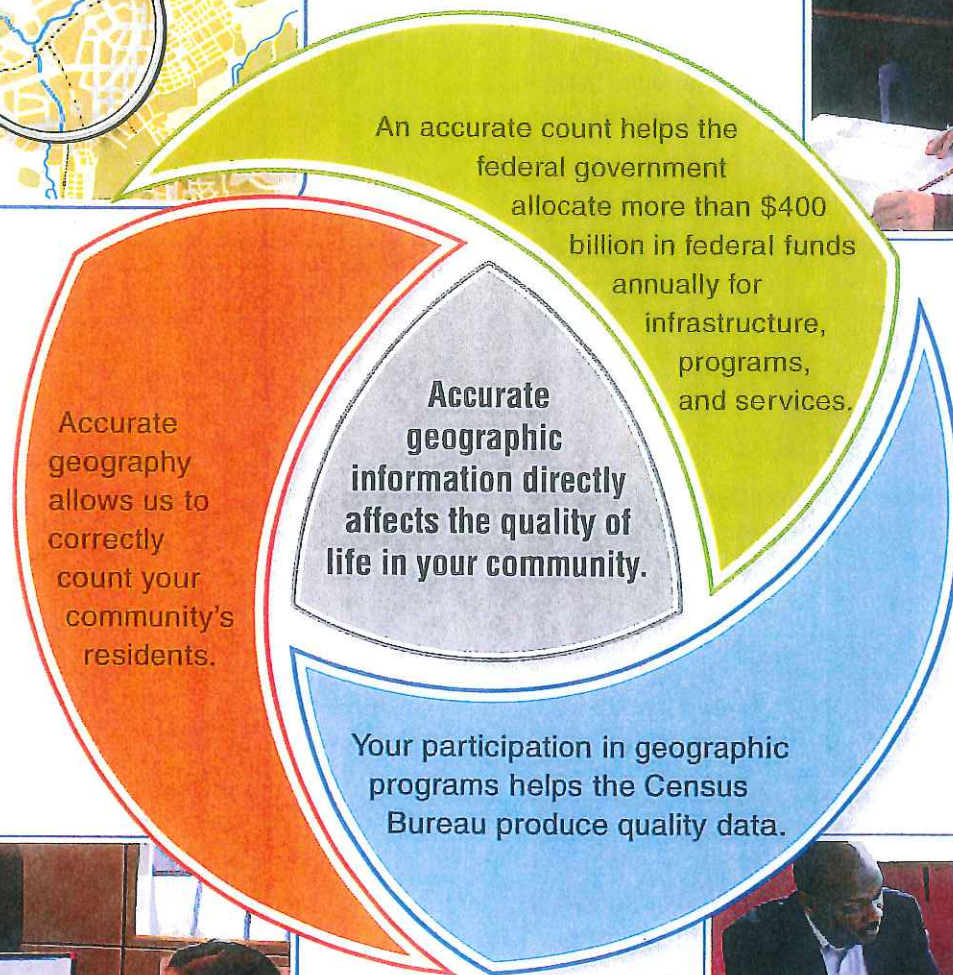
Daniel Aguirre, Partnership Specialist Daniel.Aguirre@census.gov
Kelly Campbell, Partnership Specialist Kelly.B.Campbell@census.gov
Emily Carlson, Partnership Specialist Emily.L.Carlson@census.gov
Allen Green, Partnership Specialist Allen.D.Green@census.gov
Margie Williams, Partnership Specialist Marqie.B.Williams@census.gov



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Accurate Geography Is the Starting Point for Accurate Data



Why are geographic partnership programs important?

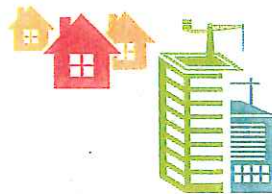
A map is a map is a map, right? Actually, no! For every type of geography—such as cities or census tracts—there's a unique type of data. Each of the following geographic partnership programs focus on a different set of geography that enables the Census Bureau to profile every community as accurately as possible.



Boundary and Annexation Survey (BAS)

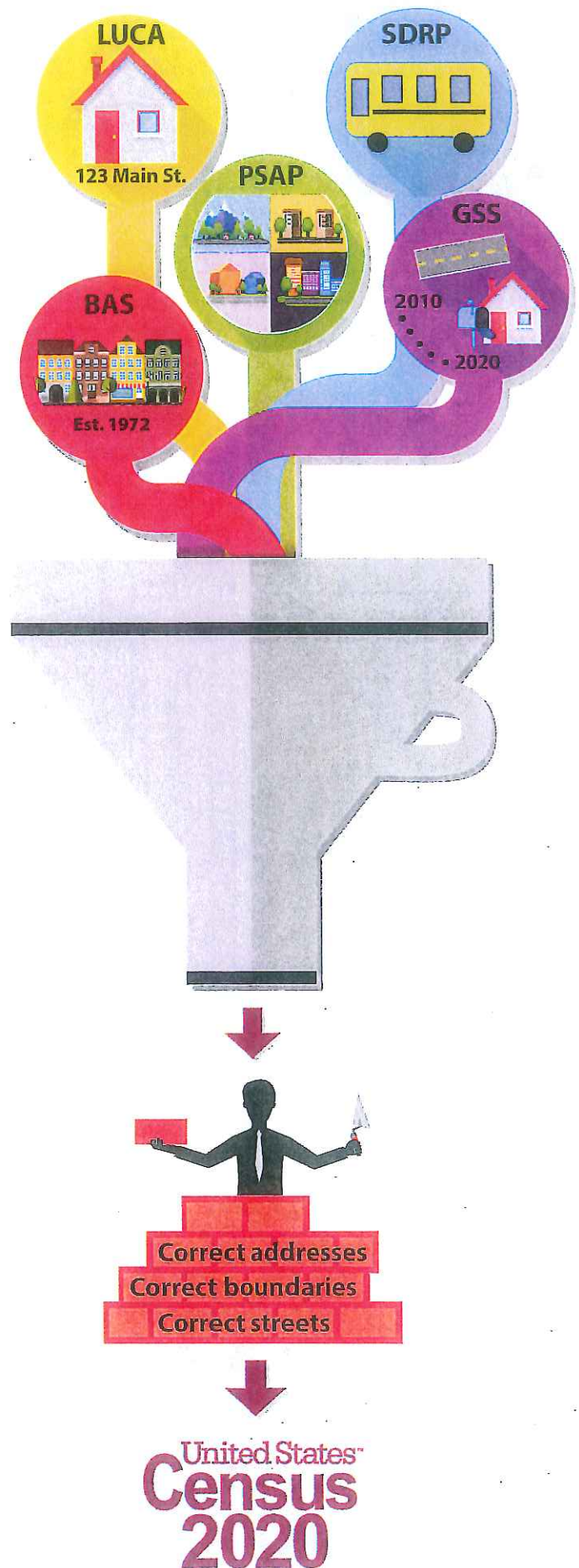
The BAS program requests that local, county, state, and tribal governments review and update their legal boundaries every year in the Census Bureau's geographic database. A community's legal boundaries determine its official data from the 2020 Census, American Community Survey, and Population Estimates Program.

It's up to each government to report its legal boundaries through the BAS; no other federal agency collects these data, nor is there a standard collection of this information at the state level.



The Boundary Validation Program (BVP) directly follows the 2020 BAS. The BVP is the final opportunity for the highest elected officials to review their official legal boundaries before the 2020 Census tabulation.

The **BAS** program occurs **every year, beginning in December**. The **BVP** program occurs **every 10 years, with the next cycle beginning in early 2020**. For more information, visit www.census.gov/programs-surveys/bas.html. Contact us at geo.bas@census.gov or 1-800-972-5651 or at geo.aiana@census.gov or 1-800-796-3748 (for American Indians and Alaska Natives).





Local Update of Census Addresses (LUCA)

During the decennial census, the Census Bureau uses address lists and maps to count people where they live. The Census Bureau needs accurate address data to ensure an accurate 2020 Census count. The LUCA program invites local, state, and tribal officials to review, update, and correct the Census Bureau's address lists and maps before the 2020 Census.

Participating in the LUCA program is a once-a-decade opportunity to review the Census Bureau's addresses and maps for your government.

The **LUCA** program occurs **every 10 years**, with the next cycle **beginning in early 2017**. For more information, visit www.census.gov/geo/partnerships/luca.html. Contact us at geo.2020.luca@census.gov or 1-844-344-0169.



Participant Statistical Areas Program (PSAP)

Legally defined geographic areas are important, but they're not the only kinds of geography for which local governments need data. The PSAP helps local, regional, and tribal governments fill in their data gaps by defining statistical boundaries, including tribal statistical boundaries, in their community where no legal boundaries exist. These boundaries define how their communities will get data from the 2020 Census and the next decade of American Community Surveys.

You know your community's geography best. By participating in the PSAP, you can make sure that local, state, and federal agencies have good demographic data about your community for planning and funding.

The **PSAP** program occurs **every 10 years**, with the next cycle **beginning in fall 2018**. For more information, visit www.census.gov/geo/partnerships. Contact us at geo.psap@census.gov or 301-763-1099.



School District Review Program (SDRP)

In the SDRP, state officials review and update school district boundaries, grade ranges, and official names in the Census Bureau's geographic database.

Participating in the SDRP is important because the boundaries and information updated in the SDRP allows the Census Bureau to create detailed data by school district, which is used by the National Center for Education Statistics to allocate Title I funding to school districts.

The **SDRP** program occurs **every 2 years**, with the next cycles **beginning in August 2017 and August 2019**. For more information, visit www.census.gov/geo/partnerships/sdrp.html. Contact us at geo.school@census.gov or 301-763-1099.



Geographic Support System (GSS)

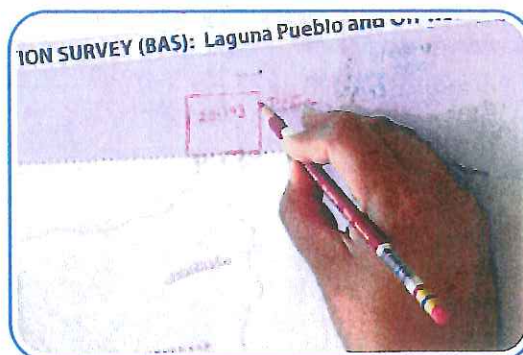
The GSS program encourages local, state, and tribal governments to send addresses and road data to the Census Bureau throughout the decade. This program is important because you can report new addresses, which allows these addresses to be included in the American Community Survey and Population Estimates Program.

The **GSS** is a **continuous** program. For more information, visit www.census.gov/geo/gssi/index.html. Contact us at geo.gss.initiative@census.gov.

How do I review and update geography?

Reviewing and updating geography through these programs is easy. The Census Bureau provides multiple free, user-friendly methods to help you do so.

- **User-friendly software**—The Census Bureau offers a free, customized Geographic Information Systems (GIS) tool for people who don't have geographic training or are not GIS users. You can use the Geographic Update Partnership Software (GUPS) to review and update geography and address lists for your community.
- **GIS (BAS, LUCA)**—If you're an experienced GIS user, you can use your own GIS to review and update Census Bureau shapefiles and the LUCA address lists.
- **Paper maps (BAS, LUCA)**—You can request Census Bureau paper maps of your community and update them using colored pencils.
- **Paper address lists (LUCA)**—LUCA participants can request paper address lists for their government.



You don't have to be an expert geographer to participate!

We want to help you take full advantage of the Census Bureau's geographic partnership programs, so you can get the most useful data about your community. All of the geographic partnership programs offer free in-person and online training. Please check the program Web sites for training information.

Will the Census Bureau contact my government for all of these programs?

For BAS, LUCA, and PSAP, we will contact the highest elected official of your government, as well as a community planner, clerk, administrator, or other person who will complete the work.

For SDRP, we will contact the state Title I coordinator. Local communities can work with their state Title I office to get school district updates to the Census Bureau.

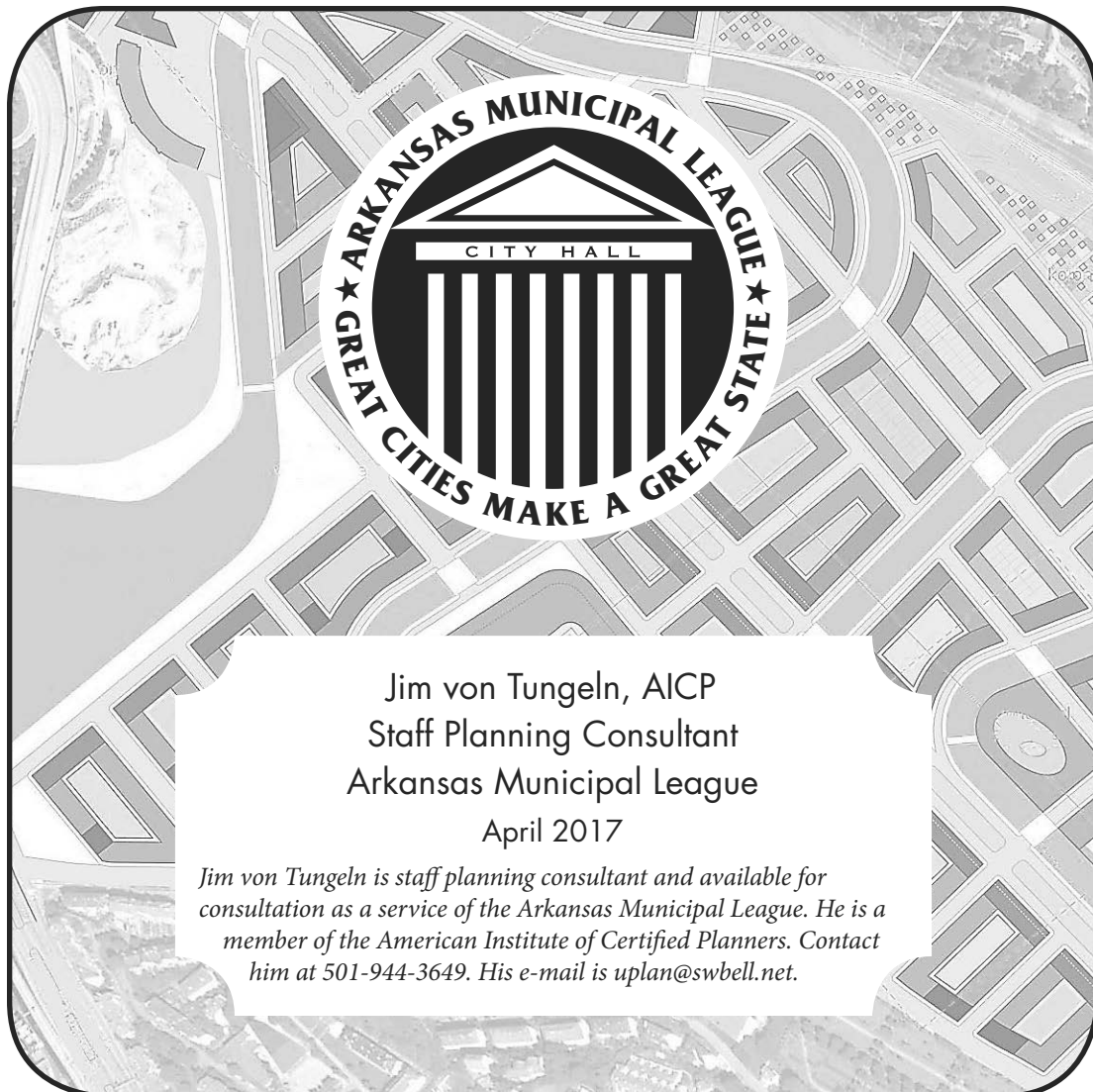


To see the existing boundaries that we have on file for your community, visit the Census Bureau's online map application at <http://tigerweb.geo.census.gov>.

Connect With Us



2017 Planning & Zoning Workshop Supplemental Readings



Dig a little deeper—You may find gold

By Jim von Tungeln

Laws passed during the last legislative session present new challenges for Arkansas municipalities. This includes the planning function, so the laws bear examining. What lessons may emerge from the new statutes? What dangers lurk? What benefits may be hidden beneath a superficial glance? We attempt, herein, to answer these questions and more.

First the major lesson learned lies in the fact that a more restrictive legislative attitude faces city government for the near future. This new approach arises partly from a national trend toward distrust of government in general. There is nothing we can do about that except to practice good government to the best of our ability,

communicate this to our clientele, and wait for the storms to pass.

On the other hand, the attitude partly stems from overreach. As municipalities strive to deal with the complex challenges of the 21st Century, more complex solutions follow. Well-meaning though the solutions may be, they can and do alarm some people. This alarm then produces a backlash that results in restrictive statutory remedies, remedies that result in broad repercussions, including the dreaded “Law of Unintended Consequences.”

The answer is that times call for caution in our planning and regulatory efforts. Good government means



After all the new issues, conflicts, problems, and regulations affecting the conduct of government, the sun still continues to rise over our Capitol City and the other great cities and towns of our state.

analyzing potential plans from every point of view imaginable. Further, it involves analyzing the impact of plans and regulations on all segments of society. In short, the enactment of regulations should include the justification for those regulations. In the end, this may benefit us all. Let's see how.

First, we examine Act 1002 of the 90th General Assembly of Arkansas, entitled The Private Property Protection Act. It provides relief when "... implementation of a regulatory program by a governmental unit has permanently reduced by at least twenty percent of the fair market value of the real property."

A legal analysis of this act is beyond our scope or level of expertise. The League's legal staff is available for that. For our purposes here, let us just examine one of the "exemptions" to the above-cited provision. The exemptions were added to the pending bill during a period of analysis and compromise between the bill's sponsor and the League.

What specific exemption draws our attention? There are some 17 and the diligent elected official will examine and consider each of them. But, for the planning function, we focus on the one that exempts a provision made by a municipality "... under its police power to make laws and regulations for the benefit of its communities." Earlier versions of the bill lacked this provision.

This exemption comes from the so-called "police powers," or powers that enable your city to enact and enforce measures that protect the health, safety, welfare, and morals of the community. They form the very foundation of urban planning, zoning, and development activities in our nation's cities and counties. They also account for the constant reminder, in this column and in League training sessions on planning, that we "plan first and then regulate to implement those plans." Basing regulations on clearly defined plans is the best and most effective way to ensure that our regulatory process indeed addresses the health, safety, and welfare of our communities.

So, as we often put it these days, the "bottom-line" is that Act 1002 forces us to do something we should have been doing all along. It's funny how things work out sometimes.

What, then, is different? We can't predict what the full implementation of this law will mean until it has been "seasoned" with use, misuse, and legal settlements. For the present, we recommend that prudent planners, commissioners, staff, and elected officials carefully document the exact protections that a proposed plan or regulation will afford the health, safety, welfare, and morals of the community. Would a regulation imposed on private property, but designed to protect an entire community meet the standard? For example, would a regulation prohibiting a property owner from operating

a business involving large transport trucks on residential streets in a residential neighborhood meet the "police power" standard? One would think so.

On the other hand, would a regulation mandating that new homes in a city be of a certain size or larger prevail in court? Let's assume that smaller homes would otherwise meet the provisions of the Arkansas State Fire Code. We can't predict the legal outcome, but it might prove hard to convince a jury that such an arbitrary restriction would benefit the health, safety, and welfare of the community.

In summary, be careful, analytical, and realistic in deference to the provisions of Act 1002. When in doubt, seek legal advice before acting.

The other act we should mention is Act 975, called the Religious Freedom Restoration Act, or RIFRA. Those attending the 81st Convention of the League recently will be familiar with it. Again, we won't delve into the monumental legal implications of this act. Suffice it to say that the act prevents a government from substantially burdening a person's exercise of a long-standing religious belief, unless application of the burden to the person is: 1. In furtherance of a compelling governmental interest; and 2. The least restrictive means of furthering that compelling governmental interest.

The experienced professional, staff person, or elected official should immediately realize that this act will require additional care in exercising planning and regulation. Time will tell us more about the sort of care and analysis it warrants. For the present, our best advice is to understand that the act does not support any particular religion or deity thereof. Any question of a proposal's legitimacy should be left to legal counsel.

The idea that could be taken from his act lies, it would seem, in the phrase "least restrictive means of furthering [a] governmental interest." This may very well provide a good basis in the design of any regulation dealing with urban planning. Had it been followed in the past, perhaps we might have avoided some of the laws that have been proposed recently regarding the local regulation of land use and development.

Perhaps, then, we can use some concepts of these statutes, therefore, to enhance good government in our cities. Let us bear in mind the immortal words of William Shakespeare: "There is nothing either good or bad, but thinking makes it so."



Jim von Tungeln is staff planning consultant and available for consultation as a service of the Arkansas Municipal League. He is a member of the American Institute of Certified Planners. Contact him at 501-944-3649. His website is www.planyourcity.com.

Planning's brave new world

By Jim von Tungeln

Municipal planning in our state is evolving into a more demanding environment, and a more focused one. The alert elected official will understand this and proceed accordingly. As cities increasingly act to implement the plans they create, it is important that they do planning the right way in the first place. What determines the right way depends on the city. This month we take a look at some alternatives.

It is important to note that the increased focus comes from several sources. First, public administrators have always encountered—probably since the first huts were constructed along the Tigris River—more needs than revenue to meet those needs. In modern times, it is particularly important that citizens trust their local government to use scarce resources wisely. A time-honored method of achieving such trust rests upon citizen-involved planning.

Also, the last two sessions of our General Assembly produced legislation affecting the way municipalities plan. Prudence dictates that we assume future sessions will produce additional attention and that our efforts don't raise unnecessary issues.

Another important consideration is that sound planning saves money and effort. As Abraham Lincoln once said, "Give me six hours to chop down a tree and I will spend the first four sharpening the axe." Savings may result from a careful analysis of alternative scenarios and their estimated costs. Or, they may help us prevent costly mistakes in our development patterns. Finally, they might result from less litigation and its cost. I'm sure the League's legal staff will agree with that.

As discussed previously, the planning of our communities must, in the future, concentrate on the proposed benefits to the health, safety, welfare, and morals of the people, what our attorney friends call our "police power." Galloping off wildly beyond the protection of these standards may create problems. With that said, let us look at some of the types of plans we might employ.

Traditionally, we have referred to a city's "Comprehensive Plan." This approach usually involved attention to future land use, traffic patterns, and the anticipated need for community facilities. A community is free to add other elements and to concentrate on those it feels are most important. Some experts believe this approach suffers from a limited scope and may produce



No matter what form the plan takes, it should be citizen-based. Here, a resident of Batesville presents ideas generated during a public work session at which local citizens planned the future of their community.

static and unimaginative results. It is still, though, the most recognized approach and the one with which the courts may be most familiar.

Closely attuned to that approach is the “General Plan.” The name suggests that this approach may be less exacting and detailed. As such, it offers flexibility to property owners, planning commissions, and elected officials. Such flexibility may, on the other hand, produce outcomes that appear to be the result of non-planning.

Then there is what I call the “If We Had a Billion Dollars Plan.” These are usually produced by college students or consultants from far, far away. In either case, economic reality may be a missing element. These plans are useful for stirring our imagination and may help us consider dreams that, mired in local considerations, we might not envision. The important fact to remember is that the actual provisions of these plans seldom, if ever, come to exist unless a billion dollars falls from the sky into the city’s bank account. Even then, the legal framework of private property rights could short-circuit the fulfillment of all the pretty pictures.

The currently fashionable “Form-Based Plan,” relies heavily on urban design and combines the plan with the development of specific properties. The enacting code may be enacted as a stand-alone one or as an alternative code to be selected for use by the developer. As the name implies, this approach concentrates more on the form—size, shape, bulk, and design—of specific areas. It also allows much more emphasis on mixed-uses as opposed to the single-use method typical of most future land-use plans and their implementing codes. Its use involves the belief by planners that they know exactly what the people of the area desire in terms of their built environment, a dicey proposal in our state.

A method that ties the act of planning closely to the act of governing employs the “Policy-based Plan.” Beginning with the development of policies allows much more interaction with citizens at a modest initial cost. Proponents also believe that well-reasoned and clear policies make the development of plans much easier and less costly to produce. It also provides a good method by which the public can hold the city accountable to adopted standards. This may be a good approach for municipalities with limited financial resources.

By now, the astute reader may have concluded that a reasonable approach for any city might be a hybrid plan, or what the old-timers might have called “A Duke’s Mixture,” named after a popular low-priced tobacco of the early 1900s. It is perfectly permissible, even desirable, to use the best elements of several approaches.

If a community is not located in a high population-growth area, planning might concentrate on creating a better living environment for the residents who are living there. This would suggest a plan concentrating on the improvement of the physical appearance of the area. It would also include measures designed to prevent non-appropriate development that could mar the city’s chances for attracting new residents.

On the other hand, cities that are experiencing rapid growth may grapple with the demands of increased traffic and demands on public services. Planners there may feel as if they are riding on the back of an alligator speeding down a roaring river. Rapid changes may not allow time for detailed plans. So a policy approach may be the fastest and most effective manner of dealing with growth that might otherwise become unmanageable.

It is important that a community design an approach that will address its identified issues. We might call this “planning to plan.” Your Municipal League can help you with this preliminary work.

Above all, it is vital that a city plan within its specific constraints and opportunities. In short, facing reality may be the most difficult aspect of planning for the future. A good rule of thumb is to “fix the basics first.” This argues against the “Build It and They Will Come Plan.” As a speaker at the recent League Convention advised with regard to retail development: Don’t plan beyond the realities of your community.

If all this sounds difficult, that’s because it is. Practicing good government is more difficult, but far less costly, than the alternative. And, after all the maps and all the pretty pictures are finished, good urban planning is nothing more or less than good government.



Jim von Tungeln is staff planning consultant and available for consultation as a service of the Arkansas Municipal League. He is a member of the American Institute of Certified Planners. Contact him at 501-944-3649. His website is www.planyourcity.com.

Wrapping up a long year—bits and pieces

By Jim von Tungen

As the year draws to a close, time allows for review of what has happened in the past and ruminating on what might happen in the future. To those ends, we might observe that we are living in interesting times. Some say that is a blessing. Some say that is a curse. Let us just say that it is, well, interesting. It may become more so.

Of course one may only guess what the future holds. We aren't even quite sure yet what the past implied. As for urban planning, we start with the most confusing current issue, one that marries the past with the future. It involves the strange case, recently decided by the U.S. Supreme Court, called *Reed v. the Town of Gilbert Arizona*. Our limited pay scale only allows a brief synopsis and a call for caution. Elected officials should seek legal help for actual solutions.

Here are some facts. A city official cited a church for temporary signs, posted on Sunday mornings, bearing the church name and the time and location of their next service. It seems that the town placed different restrictions on signs according to their purpose, i.e. their content. The term "ideological signs" appears in the ruling.

The city cited the church for exceeding the time limits for displaying temporary directional signs and for failing to include an event date on the signs. When the two parties failed to reach an accommodation, the church filed suit, claiming that the town's sign ordinance, restricting size, duration, and location of temporary directional signs violated the right to free speech.

Of course SCOTUS ruled against the town. In doing so, there are those who say it mimicked the using of two barrels of double-nought buckshot to kill a gnat. Now no one is quite sure what a city may regulate with its sign ordinance as pertains to the information printed thereon.

At the heart of the matter is the concept of "content neutrality." Legal experts tell us that content-neutral regulations are also called "time, place, and manner restrictions," as the regulation seeks not to limit any particular type of speech, but merely to regulate the circumstances under which the speech may take place.

Some of the issues are familiar to those who have dealt with statements such as "We want to prohibit those little wire-signs that advertise cell phones, tax preparation assistance, or insurance, but we don't need to prohibit the ones that announce Little League tryouts."



It may be unconstitutional to call such signs in the street right-of-way "directional" signs. They are just signs of a certain size and type in a certain location. Seek legal guidance.

In a similar fashion, banners across major thoroughfares are extremely dangerous and to be avoided at all costs, except when they announce the time and date of the city's annual festival.

The issues become much more problematic when we find that a residential property owner may or may not put up a small wooden sign in her yard, according to whether or not the placement or non-placement satisfies some governmental interest. The sign may state that the property is for sale, that the owner sells multi-level marketing supplies, that the owner plans to vote for someone, or that she intends write a book someday. She might even announce that she plans to kick up her heels while her husband is away at deer camp.

At any rate, the city has no say over the content as long as it doesn't violate any defensible prohibitions such as such as libel, obscenity, threats, and such. Imagine the explosion within the real estate community or from political candidates if the city simply opts for no yard signs at all.

In a commercial setting, those small signs in the street right-of-way that point the way to a hotel entrance



A sign code should limit regulation to the time, place, and location of the church signs. Consult an attorney to see if yours meets the standard.

now can only be allowed or disallowed without restrictions on what they may say. They may say the hotel is this way or that away or they may advertise Burma Shave. Their content shall not be the city's concern. Now we are beginning to see the complex repercussions of the ruling.

Justice Alito did, in a concurring opinion, offer some "rules" that would not constitute content-based restrictions. They include:

- Rules regulating the size of signs
- Rules regulating the locations in which signs may be placed
- Rules distinguishing between lighted and unlighted signs
- Rules distinguishing between signs with fixed messages and electronic signs with messages that change
- Rules distinguishing between the placement of signs on commercial and residential property
- Rules distinguishing between on-premise and off-premise signs
- Rules restricting the total number of signs allowed per mile of roadway
- Rules imposing time restrictions on signs advertising a one-time event

These aren't offered here as guidance. Rather, they provide an indication that one justice recognized the right of a municipality to adopt and enforce sign regulations that address the health, safety, welfare, and morals of the community and further a compelling governmental interest.

Advice? As mentioned above, seek immediate legal assistance. It would seem that time is of the essence since plaintiff's attorneys have already begun filing lawsuits

in some states, claiming that even without specific damages, citizens might sue, claiming that their city's sign ordinance "chills" the prospect of their First Amendment rights. And remember that a judgment against your city, no matter how small or insignificant, could trigger substantial attorney fees to be borne by the taxpayers.

The implications seem serious enough to warrant repealing, until sample codes are forthcoming, those provisions of a sign code that do not specifically meet one or more of Justice Alito's "rules."

This brings to mind another year-end reminder. If your planning commission has not reviewed development regulations in light of private property protection rights, it is vital to do so. Local ordinances should, among other things, fall within the "police power" of the community. Attorneys tell us that the best way to achieve this is to make sure that they, once again, protect the health, safety, welfare, and morals of the citizens. The best way to do this is to make sure that the regulations carry out or protect the provisions of a plan or plans prepared with citizen involvement and legal oversight.

Life in the municipal world becomes more complicated with the passing of each day. We can all be thankful for the guidance and assistance provided by the staff of your Arkansas Municipal League. Where would we be without them?



Jim von Tungeln is staff planning consultant and available for consultation as a service of the Arkansas Municipal League. He is a member of the American Institute of Certified Planners. Contact him at 501-944-3649. His website is www.planyourcity.com.



LIBRARY OF CONGRESS, JOHN VACHON (1914-1975) PHOTOGRAPHER.

Housing: changing views—changing issues

By Jim von Tungeln

In America, urban planners have concerned themselves with housing since European settlers first landed on its shores. The concerns have evolved, as has our approach to planning itself. The need for shelter is a basic one, so it is good that we consider past and present issues as well as our current thinking about them. The results may surprise us.

Early urban planning concerns by European settlers stayed simple. They centered on the need for protection against the original inhabitants of what is now the United States. Planners, such as they were, viewed a home as a rudimentary shelter, behind walls, without frills, or fancy adornments—a place where one could “get in out of the cold.”

As investors in the new world created planned settlements, they included provisions for parks and open space to make room for increasingly spacious and attractive homes. The resultant neighborhoods remain favored tourist spots today, but are not known for affordable housing.

Eventually, cities of size and substance emerged. This brings us to the stage of our history we might term “urban abhorrence” as opposed to urban planning. Many Americans agreed with the sentiments of third president, Thomas Jefferson who, in a letter to fourth president, James Madison, wrote, “I think our governments will remain virtuous for many centuries as long as they are chiefly agricultural; and this will be as long as there shall be vacant lands in any part of America. When they get piled upon one another in large cities, as in Europe, they will become corrupt as in Europe.” This was hardly an endorsement of urban housing.

Never one to make sure he wasn’t misunderstood, he also opined, “The mobs of great cities add just so much to support of pure government as sores do to the strength of the human body.” As observed by Leonardo Vazquez, AICP in the February 20, 2006, edition of the magazine *Plantizen*: “... Jefferson was able to hard-wire an anti-urban bias into the culture of the United States. Consider the U.S. Constitution. What power does it give

to cities and towns? None... In fact, the Constitution doesn't even mention cities and towns...."

So, dense urban centers remained largely despised and neglected until the turn of the 20th Century when the problems of crowded housing, poverty, and squalor appeared in such works as *How the Other Half Lives*, a seminal book by written by Jacob Riis and studied by progressive politicians like President Theodore Roosevelt. With such quotes as "The slum is the measure of civilization," Riis and others raised the conscience of America. At the same time, the so-called "City Beautiful Movement," spawned by the grandeur of the Columbian Exposition of 1893, convinced many in our country that cities could be appealing places in which to live.

Skip forward past the Great Depression and World War Two, and we come to a time in which housing became a permanent part of urban planning. The Housing Act of 1949 (42 USC §§ 1441-1490r [1994]) sought the "realization as soon as feasible of the goal of a decent home and suitable living environment for every American family."

The standard for housing was "decent, safe, and sanitary." We set a goal that a family was expected to spend no more than 30 percent of its adjusted income for housing costs. This proved laudable but difficult to achieve, as reports now show that the number of renters paying upward of 50 percent of their income for housing has risen by 2.5 million since the recent recession and 6.7 million over this decade.

Housing concerns thus lead us in new directions, both from a personal and planning perspective. Homeowners increasingly view their home as an investment that must be protected. At the same time, neighborhood revitalization becomes more difficult. As Jay Hall, RM, one of Arkansas's premier residential real estate appraisers observes, "New home buyers of today want a turn-key property. They are not like the generation before, where one took pride in buying a 'fixer-upper.'"

Such expectations and choices no doubt contributed to the "housing bust" of recent years. As of the first quarter of 2015, the U.S. rate of negative equity among mortgaged homeowners was 15.4 percent. The impact of this on existing neighborhoods is another issue for planners and residents alike.

Meanwhile, new subdivision residents protect themselves by stringent private codes but seek governmental assistance in keeping commercial development and lower-priced developments from appearing nearby. Economic segregation provides another set of challenges for those planning a stable urban environment.

Added to the present direction away from governmental action in improving life, current trends don't bode well for older, existing, neighborhoods, particularly

in cities far away from high-growth areas. Some in our state have seen such little housing construction in the last 20 years that no homebuilders currently practice the craft in their localities.

Other areas prosper, but see different challenges looming. Troy Galloway, AICP, community and economic development director of Bentonville, provided the following report:

"Bentonville continues to experience strong residential growth adding around 1,200 to 1,400 new residents per year. This growth requires in the neighborhood of 400 to 500 new residential units per year. The majority of this new housing remains suburban in nature on quarter to half-acre size lots with values ranging predominately from \$250,000 to \$300,000. This is hardly in the affordable range for most middle income wage earners."

This raises the issue of where entry-level workers will find housing in the future, an issue in other areas of planning as well. For example, if first-time workers cannot live where they work, what sort of transportation system will we need to get them there? It, and the other challenges outlined above, suggest that the solutions require more analysis than we've seen before, including how to ensure a stable housing mix.

Bentonville finds itself fortunate also in the area of rental housing, adding anywhere from 300 to 500 units some years. Galloway adds: "This cyclical nature allows time for the new units to be absorbed into the market even where our multi-family vacancy rates average less than five percent typically. Prices range widely from around \$500 per month on the lower end to upwards of \$1,200 for a few of the higher end products."

These figures reflect sound planning. Many contentious planning and zoning battles of recent years involve multi-family housing development, the largest portion of it rental properties. With a sustainable rate of home ownership in our country just above 60 percent, the resistance to rental housing poses one of the most serious issues in planning for affordable housing. In many of our cities, the number of poor renters is growing, but the supply of new affordable housing is dropping.

We may gather, then, that housing issues depend largely on location. And, as our oft-quoted public administration adage called "Miles Law" might apply to housing: "Where you stand depends on where you sit." We should all hope to sit in healthy cities.



Jim von Tungeln is staff planning consultant and available for consultation as a service of the Arkansas Municipal League. He is a member of the American Institute of Certified Planners. Contact him at 501-944-3649. His website is www.planyourcity.com.

A charming tiny house in the Quapaw Quarter area of Little Rock



“Tiny house” phenomenon challenges cities

By Jim von Tungeln

Housing remains one of the thorniest issues for urban planners, one that evades any effort to find common agreement. Oh, there is the vaguely stated intent to “promote affordable housing” in almost every urban plan, but seldom is there any consensus as to how to achieve that intention. Often, a proposal for affordable housing will last only until planners announce whose back yard it will face.

Further, the market will sometimes decide to accomplish the feat on its own, and both planners and elected officials may land in the middle of a fight. That is happening now in some places with a phenomenon known as “tiny houses.”

First, allow a slight digression. Recent issues about housing size revolved around large homes that didn’t fit the scale of the neighborhood in which they sat. We called them “McMansions.” It seems that a family would fall in love with a charming neighborhood of older homes with pronounced architectural character, albeit too small for a modern “with-it” family.

Before anyone realized it, two or more of the smaller homes had been razed to make way for a monstrosity so out of character with the neighborhood that the previous ambience disappeared. We called it—at least I did—“Charmacide.”

Now, it’s a different picture in a different frame, as cities are scurrying to deal with homes at the opposite end of the size-scale. They call them tiny houses. And when they say tiny, they mean tiny. Whereas the typical American home is around 2,200 square feet, the typical tiny house is between 100 and 400 square feet. And, according to a June 25, 2015, *Washington Post* article by Nina Patel, “America is having a big love affair with tiny houses.”

Patel mentions some reasons tiny house owners cite for this love affair: “...financial and emotional freedom, a greener lifestyle, the satisfaction of building one’s own refuge.” Of course there are more practical reasons, including care and maintenance. It’s hard to imagine needing a maid or a gardener to help keep up a 400-square-foot home on a small lot.

Actually, for middle-income America, large homes are a more recent phenomenon than small homes. Following World War II, many cities saw the development of homes as small as 800 square feet, cramped by today’s standards but suitable for raising families at the time. In fact, many of our state’s (now retired) teachers, public servants, physicians, attorneys, and corporate executives grew up in such homes. We must also note that, unfortunately, not all returning veterans, specifically minorities, enjoyed access to such homes, even under the GI Bill.

Back to the present, while living in a small, if not tiny, dwelling was once an economic necessity, today it may well be a choice. Just ask the couple that, according to a news story, just beat out 250 other prospective buyers to purchase a 350-square-foot home in Greenwich Village, N.Y., for \$850,000. Other testimonials by tiny house devotees indicate a choice of love, not necessity.

If the movement grows in strength, your city will see the appearance of such homes. In fact, some have, as the accompanying photographs indicate. The question will then be asked, “How shall we accommodate them in our land use regulations?” It’s a good question with a deceptively simple answer. Handle them as you handle every other dwelling.

The next question, and I have been asked this already, is: “Can we set a minimum size requirement for housing?” That is trickier. Most planners I know don’t recommend it, although there reportedly are cities in other states that have done exactly that. Most planners believe that such restrictions properly lie in the area of private covenants rather than public regulations. Personally, I would hate to be asked to appear as an “expert witness” to justify a city’s arbitrary size limitation on private homes. What figure would be defensible from a public health, safety, and welfare standard? I have no idea.

That having been said, the Arkansas State Fire Code does offer some guidance. While it doesn’t specify a minimum size for a dwelling, it does specify other requirements that, cumulatively, would require a size of slightly less than 300 square feet.

This brings us to the next issue. In preparing to handle tiny houses, remember the state fire code. In the *Washington Post* article mentioned earlier, several examples were discussed and it is not likely that all could have satisfied our state’s code. Another recent publication, this time a website offering, advised those wishing to live in a tiny house in an urban setting to seek, “... a progressive city that would amend its building code to accommodate tiny houses.”

Well, you can’t do that in our state. The Arkansas State Fire Code is our state building code and it is a state law that covers every property. A city can adopt a more, but not less, stringent code. Even if a city adopts no code at all, it remains bound by the state code.

What cities can do is mandate a minimum lot size. Those in most cities of our state are quite spacious when compared to those of states in the more crowded northern and eastern areas of the country. It’s interesting to note that railroad surveyors prepared many of the original plats of Arkansas cities. That resulted in the large number that feature 25-foot-wide lots, a size that must have been common in the surveyor’s hometown. Today, moving away from “large-lot mania,” architects



Street view of a tiny house on a corner block in Little Rock’s legendary Hillcrest Neighborhood.

are designing quite livable dwellings on lots as small as 25 feet in width, albeit with the necessity of rear-yard parking.

It is also worth noting that many cities, some in our state, allow second dwellings such as so-called “mother-in-law flats” on individual lots. This is becoming a common use for tiny houses, even in new subdivisions with otherwise strict protective covenants.

So, don’t get exercised about tiny houses. We will talk about them further at the 82nd Convention. Check out the examples included here and consider them another layer of charm for your town. Who knows? You may someday see me and my family in one. I think of this occasionally when I recall that happy day I drove into “The City” to take my first job in planning, with all my earthly possessions in the trunk and back seat of one car.



Jim von Tungeln is staff planning consultant and available for consultation as a service of the Arkansas Municipal League. He is a member of the American Institute of Certified Planners. Contact him at 501-944-3649. His website is www.planyourcity.com.



Arkansas Municipal League

P.O. Box 38

North Little Rock, AR 72115-0038

501-374-3484

www.arml.org