8:30 a.m. – 9:00 a.m. Registration

9:00 a.m. – 9:15 a.m. Welcome and Opening Remarks
Mark Stodola, Mayor, Little Rock
President, Arkansas Municipal League

Planning is Important
Ken Wasson, Director of Operations
Arkansas Municipal League

9:15 a.m. – 10:15 a.m. Recent Legislative Action and Your Authority to Grow
Don Zimmerman, Executive Director
Arkansas Municipal League

10:15 a.m. – 10:30 a.m. BREAK

10:30 a.m. – Noon Getting Started and Going Forward
Jim vonTungeln, AICP
Planning/Zoning Consultant
Arkansas Municipal League

• The History, Purpose and Importance of Planning
• Establishing a Planning Commission
• Defining the Role of Your Planning Commission
• The Role of the Mayor & City Council

Noon – 12:45 p.m. LUNCH

12:45 p.m. – 1:15 p.m. How the State Geographic Information Office Can Assist
Shelby Johnson, Director
Arkansas Geographic Information Office
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<tr>
<th>Time</th>
<th>Session Title</th>
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<tr>
<td>1:15 p.m. – 1:45 p.m.</td>
<td>Importance of a Comprehensive Plan</td>
<td>Jim vonTungeln, AICP</td>
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<td>• Establishing Your Community Vision</td>
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<td>• Future Land Use Challenges</td>
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<td>1:45 p.m. – 2:15 p.m.</td>
<td>Implementing Your Plan vs. Regulating Your Plan</td>
<td>Jim vonTungeln, AICP</td>
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<td>• Building Codes</td>
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<td>2:15 p.m. – 2:45 p.m.</td>
<td>Old Buildings: What is Your Responsibility?</td>
<td>Patricia Blick, Assistant Director</td>
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<td>Arkansas Historic Preservation Program</td>
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<td>2:45 p.m. – 3:15 p.m.</td>
<td>New Concepts in Planning &amp; Zoning</td>
<td>Jim vonTungeln, AICP</td>
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<td>Arkansas Municipal League</td>
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<td>3:15 p.m.</td>
<td>Concluding Remarks</td>
<td>Mark Stodola, Mayor, Little Rock</td>
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<td>President, Arkansas Municipal League</td>
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Recent Legislative Actions and Your Authority to Grow
A Bill

SENATE BILL 138

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING ANNEXATION AND ENCLAVES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING ANNEXATION AND ENCLAVES.

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

SECTION 1. Arkansas Code § 14-40-501(a)(1)(A), concerning exceptions to annexation, is amended to read as follows:

(a)(1)(A)(i) Whenever the incorporated limits of a municipality have completely surrounded an unincorporated area, the governing body of the municipality may propose an ordinance calling for the annexation of the land surrounded by the municipality.

(ii) Subdivision (a)(1)(A)(i) of this section shall include situations in which the incorporated limits of a municipality have surrounded an unincorporated area on only three (3) sides because the fourth side is a boundary line with another state, a military base, a state park, or a national forest, a lake, or a river.

APPROVED: 02/18/2015
For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING A MUNICIPAL BOUNDARY LINE AND ANNEXATION; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING A MUNICIPAL BOUNDARY LINE AND ANNEXATION; AND TO DECLARE AN EMERGENCY.

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

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

14-40-207. Building situated or to be situated upon municipal boundary line — Option to choose municipal location.

(a)(1) A property owner who has a building that is currently situated upon the boundary line between two (2) municipalities may choose either one (1) of the municipalities as the legal location of the building.

(2) When the expansion of a building will result in the expansion's being situated upon the boundary line between two (2) municipalities, the property owner of the building may choose either one (1) of the municipalities as the legal location of the building if the property owner has first obtained the necessary authorizations or permits for expansion of the building from the municipality upon which the building is located before the expansion or the municipality upon which the building expansion will be located.

(b)(1) The property owner shall provide written notice to the
governing body of both municipalities as to which municipality is chosen
under subsection (a) of this section.

(2) The written notice to the chosen municipality shall include
a request for annexation into the chosen municipality.

(c) The property upon which the building is situated or will be
situated after expansion and up to two (2) acres of the property owner's
property surrounding the building and expansion shall be annexed into the
municipality chosen by the owner under subsection (a) of this section.

(d) Within sixty (60) days of receipt of the written notice under
subsection (b) of this section, the municipality chosen by the owner under
subsection (a) of this section shall coordinate with the Arkansas Geographic
Information Systems Office for preparation of legal descriptions and digital
mapping for the relevant area.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General
Assembly of the State of Arkansas that there are some property owners in
Arkansas with property that crosses the boundary of two (2) municipalities;
that the physical location of a building on the property is sometimes on the
boundary line, causing sales tax and other issues for the property owners;
and that this act is immediately necessary to ensure that there is clarity to
the property owner and to the municipalities as to which municipality is the
legal location of the property. Therefore, an emergency is declared to exist;
and this act being immediately necessary for the preservation of the public
peace, health, and safety shall become effective on:

(i) The date of its approval by the Governor;

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

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

/s/Neal

APPROVED: 03/29/2015
State of Arkansas
90th General Assembly
Regular Session, 2015

By: Representative Gates

For An Act To Be Entitled
AN ACT CONCERNING THE ANNEXATION OF TERRITORY UNDER
MUNICIPAL TERRITORIAL JURISDICTION; AND FOR OTHER
PURPOSES.

Subtitle
CONCERNING THE ANNEXATION OF TERRITORY
UNDER MUNICIPAL TERRITORIAL JURISDICTION.

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

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

14-40-207. Annexation of territory under municipal territorial
jurisdiction.

(a) If a municipality states its intent by resolution or ordinance to
annex a specifically defined territory, or portion of the territory, over
which it is exercising territorial jurisdiction under § 14-56-413, the
municipality shall initiate annexation proceedings within five (5) years of
the stated intent.

(b)(1) During the five (5) years under subsection (a) of this section,
the municipality may continue to exercise its territorial jurisdiction under
§ 14-56-413, including the defined territory specified within its intent to
annex.

(2) If the municipality does not initiate annexation proceedings
of the territory specified within its intent to annex within five (5) years
of the effective date of the resolution or ordinance under subsection (a) of
this section, the municipality is prohibited from again exercising
territorial jurisdiction over the territory specified within its intent to
annex for the next five (5) years.

/s/Gates

APPROVED: 03/31/2015
State of Arkansas

As Engrossed: H3/13/15

A Bill

HOUSE BILL 1886

By: Representative Lemons

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING ANNEXATION AND
MUNICIPAL SERVICES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING ANNEXATION
AND MUNICIPAL SERVICES.

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

SECTION 1. Arkansas Code Title 14, Chapter 40, Subchapter 20, is
amended to add an additional section to read as follows:

14-40-2006. Provision of municipal services.

In a municipal services matter under this subchapter, if a city or
incorporated town from which the inhabitants detached determines that the
scheduled services are available or became available to the detaching
inhabitants by the city or incorporated town to which the inhabitants were
annexed into, the inhabitants shall automatically be detached and annexed
back into the original city or incorporated town after the expiration of one
hundred eighty (180) days following the date the schedule of services became
available to the inhabitants and the inhabitants have not used the services.

/s/Lemons

APPROVED: 04/01/2015
Stricken language would be deleted from and underlined language would be added to present law.
Act 914 of the Regular Session

State of Arkansas
90th General Assembly
Regular Session, 2015

By: Senators Irvin, S. Flowers
By: Representative Bentley

For An Act To Be Entitled
AN ACT TO AMEND THE LAW CONCERNING THE FILING OF MAPS UPON ANNEXATION, CONSOLIDATION, DETACHMENT, INCORPORATION, OR UNINCORPORATION PROCEEDINGS; AND FOR OTHER PURPOSES.

Subtitle
TO AMEND THE LAW CONCERNING THE FILING OF MAPS UPON ANNEXATION, CONSOLIDATION, DETACHMENT, INCORPORATION, OR UNINCORPORATION PROCEEDINGS.

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

SECTION 1. Arkansas Code Title 14, Chapter 38, Subchapter 1, is amended to add an additional section to read as follows:
14-38-116. Map required with Arkansas Geographic Information Systems Office upon incorporation or unincorporation.
Before an entity undertakes an incorporation or unincorporation proceeding under this chapter, the entity shall coordinate with the Arkansas Geographic Information Systems Office for preparation of legal descriptions and digital mapping for the relevant incorporated or unincorporated areas.

SECTION 2. Arkansas Code Title 14, Chapter 40, Subchapter 1, is amended to add an additional section to read as follows:
Before an entity undertakes an annexation, consolidation, or detachment proceeding under this chapter, the entity shall coordinate with the Arkansas Geographic Information Systems Office for preparation of legal descriptions and digital mapping for the relevant annexation, consolidation, and detachment areas.

SECTION 3. Arkansas Code § 15-21-504, concerning the duties, responsibilities, and authority of the Arkansas Geographic Information Systems Board, is amended to add an additional subsection to read as follows:

(n)(1) The board shall provide mapping services to an entity undertaking an:

(A) Annexation, consolidation, or detachment proceeding under § 14-40-101; or

(B) Incorporation or unincorporation proceeding under § 14-38-116.

(2) The Arkansas Geographic Information Systems Office shall submit a consolidated report of changes in legal boundaries because of an annexation, consolidation, detachment, incorporation, or unincorporation proceeding on an annual basis to the United States Census Bureau's Boundary and Annexation Survey.

/s/Irvin

APPROVED: 04/01/2015
State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: 3/17/15

A Bill

SENATE BILL 305

By: Senators J. Cooper, Burnett
By: Representatives Wallace, B. Smith

For An Act To Be Entitled
AN ACT TO AMEND THE LAW CONCERNING ANNEXATIONS BY ONE
HUNDRED PERCENT (100%) PETITION; AND FOR OTHER
PURPOSES.

Subtitle
TO AMEND THE LAW CONCERNING ANNEXATIONS
BY ONE HUNDRED PERCENT (100%) PETITION.

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

SECTION 1. Arkansas Code Title 14, Chapter 40, Subchapter 6, is
amended to add an additional section to read as follows:
14-40-6c9. Annexation by one hundred percent (100%) petition.
(a) As used in this section, "city or town" means:
(1) A city of the first class;
(2) A city of the second class; and
(3) An incorporated town.
(b)(1) An individual who owns property in a county that is contiguous
to a city or town may petition the governing body of the city or town to
annex the property that is contiguous to the city or town.
(2) The petition under subdivision (b)(1) of this section:
(A) Shall be in writing, attested by the property owner or
owners;
(B) Shall contain an accurate description of the relevant
property or properties; and
(C) Shall include a schedule of services of the annexing
city or town that will be extended to the area within three (3) years after
the date the annexation becomes final.

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

(A) Verify the identity of the petitioner or petitioners;
(B) Verify that there are no property owners included in
the petition that do not wish to have their property annexed;
(C) Verify that the property or properties are contiguous
with the city or town; and
(D) Verify that no enclaves will be created if the
petition is accepted by the city or town.

c(1) Upon completion of the verifications of the petition by the
county assessor and the county clerk, the county assessor and the county
clerk shall present the petition and verifications to the county judge who
shall review the petition and verifications for accuracy.

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

(A) Review the petition and verifications for completeness
and accuracy;
(B) Determine that no enclaves will be created by the
annexation;
(C) Confirm that the petition contains a schedule of
services; and
(D) Issue an order articulating these findings and forward
the petition and order to the contiguous city or town.

(d)(1)(A) By ordinance or resolution, the city or town may grant the
petition and accept the property for annexation to the city or town.
(B) The city or town is not required to grant the petition
and accept the property petitioned to be annexed.
(2) The ordinance or resolution shall contain an accurate
description of the property to be annexed.

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

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

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

and

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

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

(2) The inhabitants residing in the newly annexed property shall have and enjoy all the rights and privileges of the inhabitants within the original limits of the city or town.

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

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

/s/ J. Cooper

APPROVED: 04/02/2015

02-10-2015 08:33:58 KLC024
Planning In Arkansas

The Basics of Urban Planning In Arkansas

Presented By:
Jim von Tungeln, AICP
TODAY’S OUTLINE
I keep six honest serving-men
(They taught me all I knew);
Their names are What and Why and When
And How and Where and Who.
I send them over land and sea,
I send them east and west;
But after they have worked for me,
I give them all a rest.
- Rudyard Kipling
From “I Keep Six Honest Serving Men”
THE HOW
THE COMMON LAW

common knowledge, known by most
common law /-
England as dis
canon or eccle
England, based
statute law. As disti
Truth is: our cities weren’t always beloved
Urban Planning – Our Heritage
Urban Planning – Our Heritage

Village of Euclid, Ohio vs Ambler Realty Co.
Urban Planning – Legal Basis
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.
Planning in Arkansas

First – We Plan

Then – We regulate
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
THE WHO
Planning In Arkansas

THE WHO

Stakeholders

- Visitors to the City
- City Residents
- City Departments
- Potential Investors
- Development Professionals
- Business Owners
- Future Residents
- City Council
Planning in Arkansas

Standard of Review – One

Legislative
Standard of Review – Two

Administrative
The Subdivision Code

“A primary purpose of these provisions is to ensure that a landowner’s plat will be objectively measured against the concrete standards of the subdivision ordinance in effect.”
- Arkansas Supreme Court, Richardson v. City of Little Rock

Planning Commission Workshop
Planning In Arkansas

Standard of Review – Three

Judicial
THE SCARY THING ABOUT VARIANCES

AT LEAST 99.9999 PERCENT ARE GRANTED FOR INCONVENIENCE
Planning in Arkansas

THE WHERE
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
Planning In Arkansas

The Planning Area

Is carved from the territorial jurisdiction and allows Planning and development control.

Interesting Note: 95 percent of the population of Arkansas lives within the territorial jurisdiction of a city or town.
The Comprehensive Plan

- Is not a legal document
- Is not a zoning ordinance
- Sets out municipal policy
- Is action oriented
- Is long range in nature
- Should guide planning decisions
- Provides a defense against litigation
THE WHAT
Planning In Arkansas

Efficiency and economy in the process of development
The appropriate and best use of land
Convenience of traffic and circulation of people and goods
Planning in Arkansas

Safety from fire and other dangers
Planning in Arkansas

Adequate light and air in the use and occupancy of buildings

Sometimes a whole family was crowded into a single room.
Planning in Arkansas

Healthful and convenient distribution of population
Good civic design and arrangement
Adequate public utilities and facilities
Wise and efficient expenditure of funds
THE WHEN

Hint: Whenever you need to.
THE WHY

Have we considered “The Whyness” of it?
Planning In Arkansas

Does it pass the “BankPresident’s rule?”
Planning In Arkansas

Is it the least restrictive alternative?

Simplify
Less is the new more
Planning In Arkansas

Is it efficient?

The Local Government Efficiency Machine

Taxpayer sits on pneumatic cushion (A) forcing air through a tube (B) blowing balloon (C) into candle (D). Exploding balloon scatters dog (E) which pulls leach (F) dropping ball (G) on teeter totter (H). Launching plans (I) which tilts lever (J). Then pitcher (K) pours water onto plant (L) causing it to grow which pulls string attached to hand (M) that lifts the wallet (N).
Planning In Arkansas

Can it be misinterpreted?

As proposed by the project sponsor.  As specified in the project request.  As designed by the senior analyst.

As produced by the programmers.  As installed at the user's site.  What the user wanted.
Planning In Arkansas

Does it pass the smell test?
And finally ... Does it serve a legitimate planning purpose?

Remember... Your job is to protect the health, safety, welfare and morals of your community.
SOME CLOSING THOUGHTS
Remember Miles Law

Where you stand depends on where you sit.
New Urbanism: a prettier face on the same subject.
New Urbanism: beauty in the eyes of the beholder.
Planning as good government
Connecting the dots: a complicated process
Questions?
Shelby Johnson

Shelby Johnson is a native Arkansan who serves as the State Geographic Information Officer. He received his B.A. in Geography from the University of Arkansas in Fayetteville. As the director of the Arkansas Geographic Information Office, he’s required to report directly to the Governor of the state. He formerly worked as a Research Specialist at the Center for Advanced Spatial Technologies at the University of Arkansas. Overall, Shelby has been gathering education and experience in the GIS field for over 20 years. Shelby has held several leadership roles in Arkansas and was instrumental in organizing the State Land Information Board; which was later renamed the State GIS Board. He is responsible for assisting the State GIS Board in building a coordinated GIS system to meet the needs of the people of Arkansas. He is also currently serving as a Director at Large on the Executive Committee of the Mid-America GIS Consortium. Shelby served on the NSGIC Board of Directors from 2001 to 2005. In 2001, he was selected to participate in the prestigious “LeadAR” program that grooms outstanding adults in Arkansas for future leadership roles. He was also selected to serve on a research committee of the National Academy of Science in developing a national vision for a landownership database of the United States. In 2007, he was honored with a Life Time Achievement Award by the Arkansas GIS Users Forum for his contribution to the GIS community. Shelby, his lovely wife Belinda, and their son Luke live in Little Rock, Arkansas. In his spare time, Shelby’s love for the outdoors takes over. This is when he enjoys riding his bike, racing his motorcycles, and kayaking.
Tax Parcels - the Foundation of Municipal Geography
What are Framework Data?
The Things *everybody* needs…

**INVESTING IN ARKANSAS’ SPATIAL DATA INFRASTRUCTURE**

- **Orthophoto investment:**
  - ~$1.2M/year
  - Provides a uniform base map “foundation” for state and counties.

- **Parcel investment:**
  - ~$7.5M over 5 years
  - Provides efficient property tax assessment and collection; enhanced revenue for education and a key tool for economic development.

- **Road data investment:**
  - $200K/year
  - Provides reliable E911 operations, streamlined sales tax collection and a more efficient flow of goods and services across the state.

- **Political/Administrative Boundary investment:**
  - $75K/year
  - Provides accurate school assignment, streamlined sales tax allocation, accurate municipal tax collection from utilities.
TAX PARCELS

• Why invest?
  – Baseline for property ownership and addresses
  – Current rate of progress is inadequate
    • “Have” and “have not” counties

• Benefits:
  – Economic development and business recruitment
  – Real property discovery for Assessors
  – Automation of agricultural assessment based on soils
  – Municipal Planning
    • “Where should the fire station get built?”
TAX PARCELS

• Finish the state
  – Approximately 70% of parcels have been automated
    • 40 of 75 counties are complete  1.54 million polygons
    • 65 of 75 counties have started

• Parcel Mapping Grant Program
  – Provide funding support to counties
    • To start work
    • To complete work that has started
    • To standardize existing parcels
  – Work closely with Assessment Coordination Dept (ACD)
    • ACD mandate for mapping to facilitate “fair and efficient” valuation?
    • Provide one-time funding through cooperative process
Tax Parcels by Assessment Type
Parcels by Assessment Type
Questions?

• Arkansas GIS Office
• shelby.johnson@arkansas.gov
• 501-682-2767
• gis.arkansas.gov
Patricia M. Blick

Patricia moved to Little Rock in 2010 to take the position of Certified Local Government Coordinator in the federal programs division of the Arkansas Historic Preservation Program. This past August, she was promoted to Assistant Director, AHPP.

She possesses a bachelor’s degree in economics from James Madison University in Harrisonburg, Virginia and a master’s degree in American Studies with a concentration in historic preservation from the George Washington University in Washington, DC.

Prior to taking the position with AHPP she has held historic preservation jobs at the local, state, and federal level including Mt. Vernon, the home of George Washington, the White House Historical Association, the US Army, the Maryland Historical Trust, Historic Annapolis Foundation and the City of Annapolis. She is currently serving on the Board of the National Alliance of Preservation Commissions and was elected to serve as secretary.
CHALLENGES, TOOLS & STRATEGIES: DEALING WITH HISTORIC RESOURCES IN YOUR JURISDICTION

PATRICIA M. BLICK
ASSISTANT DIRECTOR
ARKANSAS HISTORIC PRESERVATION PROGRAM
CHALLENGES/PROBLEMS

• Abandoned Buildings
• Vacant buildings
• Damaged buildings
• Buildings deemed “unsafe” or “not up to code”
• Condemned buildings
• Unauthorized/unpermitted work underway
ABANDONED BUILDINGS
VACANT BUILDINGS
DAMAGED BUILDINGS
UNSAFE, NON-CODE COMPLIANT OR CONDEMNED BUILDINGS
UNSAFE VACANT BUILDINGS
UNSAFE VACANT BUILDINGS
VACANT BUILDINGS: FIRE THREAT
WORK UNDERWAY WITHOUT PERMITS?
UNPERMITTED OR UNAUTHORIZED WORK UNDERWAY
TOOLS AVAILABLE

Arkansas Fire Prevention Code: Volume II Building
Most Current is 2012 Edition
Section 3401.2 Maintenance. Buildings and structures, and parts thereof, shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by this code shall be maintained in conformance with the code edition under which installed. The owner or the owner’s designated agent shall be responsible for the maintenance of the buildings and structures. To determine compliance with this subsection, the building official shall have the authority to require a building or structure to be reinspected. The requirements of this chapter shall not provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.
TOOLS AVAILABLE: PINE BLUFF

4 buildings in collapsed since February 20, 2014

As a result, the City has already begun executing the following plan of action:

1. City Fire Marshal conducts inspections of historic properties
2. Fire Marshal’s findings are presented to the City’s Planning and Zoning Department for review
3. If there are problems with a structure, the owner will be notified and instructed to fix the problems.
4. If problems are not fixed, fines are levied
5. If necessary, building is condemned
TOOLS AVAILABLE: HOT SPRINGS
TOOLS AVAILABLE: HISTORIC DISTRICT DESIGNATION

Historic District Overlays: In Arkansas 19 Communities with Local Historic District Commissions with design review authority.

Some of the Historic District Commissions include:
Minimum Maintenance requirements
Demolition by Neglect provisions
MINIMUM MAINTENANCE-HDC AUTHORITY

The owner or other person having legal custody of any building or structure within an historic district shall keep the structure properly maintained and repaired. It will be the responsibility of such owners to repair a structure if it is found to have deterioration, including but not limited to:

• The deterioration of exterior walls or other vertical supports
• The deterioration of external chimneys
• The deterioration of roofs or other horizontal members
• The deterioration or crumbling of exterior plasters or mortar;
• The ineffective waterproofing of exterior walls, roofs, foundations, including broken windows or doors;
• The peeling of paint, rotting, holes and other forms of decay
• The lack of maintenance of surrounding environment, e.g., fences, gates, sidewalks, steps, signs, ancillary structures, and landscaping;
• The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions;

The Commission shall notify the property owner of any violations of these maintenance requirements by mail giving details of the violation along with a time period for remedy of the violation and consequences of failure to remedy the violation.

(Morrilton Historic District Ordinance)
DEMOLITION BY NEGLECT: HDC AUTHORITY

• No owner or person with an interest in real property designated as an historic landmark or within an historic district shall permit said property to fall into a serious state of disrepair, so as to result in the deterioration of any exterior feature which would, in the judgment of the Historic District Commission, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself.

   (Russellville Historic District Ordinance)
STRATEGIES TO EMPLOY

Collaboration between departments

- Fire Marshal notifies building officials when yearly inspections are undertaken
- Tie business licenses to yearly inspections by Fire Marshal and or Building Inspectors
- Historic District Commissions document conditions and changes, necessary to pursue violation of minimum maintenance standards, demolition by neglect
- MBWA: Manage by walking around. Eyes and ears on the street, look for evidence that unpermitted work is underway
STRATEGIES: EYES ON THE STREET
(MANAGEMENT BY WALKING AROUND)
STRATEGIES: EYES ON THE STREET
(MANAGEMENT BY WALKING AROUND)
STRATEGIES, CONTINUED

Follow through is critical (whether or not you have an historic district)

1. Violations are identified

2. Work with city attorney to cite municipal infraction in accordance with city code
   (if you don’t have a city attorney, get with the Municipal League for assistance)

3. Issue citation

4. Plan court date, in accordance with city code

5. Goal is compliance. If it is possible to make the building safe, get owner to do it. If they won’t do it, encourage them to sell the building to someone who will make the needed repairs

6. Sometimes, demolition may be necessary to rectify the situation

7. Not doing anything is not an option
INCENTIVES FOR HISTORIC PROPERTIES=$$$$

Historic Preservation Restoration Grants: Option 1 up to $10K to make corrections to property to get listing on the National Register of Historic Places (2:1 cash match)

Historic Preservation Restoration Grants: Option 2 for non-profits and governments, minimum $15K (2:1 cash match)-National Register listed

State Historic Tax Credits: Income Producing Property, spend $25K receive 25% in state tax credit up to $500,000 project cost = $125,000 tax credit-National Register listed

Non-income Producing Property, spend $25K receive 25% in state tax credit up to $100,000 project cost = $25,000 tax credit-National Register listed

Federal Income Tax Credit: Income Producing Property, meet adjusted basis, no limit 20% of project cost-National Register listed

Federal Income Tax Credit: Income Producing Property, non-residential, meet adjusted basis, no limit, 10% of project cost, NOT National Register listed-built 1936 or earlier
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