

ORDINANCE NO. _____

AN ORDINANCE APPROVING A WAIVER REQUEST OF BUFFER REQUIREMENTS FOR CERTAIN REAL PROPERTY LOCATED ON WEST 39TH STREET, NORTHWEST OF ITS INTERSECTION WITH PIKE AVENUE, IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, a request has been made seeking a waiver of certain fencing buffer requirements for property located on West 39th Street, northwest of its intersection with Pike Avenue, in the City of North Little Rock, Arkansas (see letter with site map from Marlar Engineering Company attached hereto as Exhibit "A"); and

WHEREAS, the applicant, Marlar Engineering Co., Inc., appeared before the North Little Rock Planning Commission at a regularly scheduled meeting thereof held on January 10, 2017, and requested a waiver of the buffer requirement for an 8' wood privacy fence, allowing the owner to use the existing fence which had been in place on the subject property for years; and

WHEREAS, the waiver of the buffer requirement was reviewed and supported by the Planning Commission at its January 10, 2017 meeting (6 affirmative votes; 2 negative votes; 1 absent) with the Commission directing that the waiver request be sent to City Council for approval.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That a waiver of an 8' wood privacy fence buffer requirement for property located on West 39th Street, northwest of its intersection with Pike Avenue, is hereby approved, said property being more particularly described as follows:

Lot 5R, George E. Brown Addition to the City of North Little Rock, Pulaski County, Arkansas. (See map attached hereto as Exhibit "B".)

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 3: That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 4: It is hereby found and determined that the existing fencing on the subject property has been in place for a number of years and will provide an adequate buffer between the properties and that the waiver of the requirement as provided for

herein is immediately necessary in order to insure the proper and orderly growth of this land and the proper and orderly growth of the City of North Little Rock, Arkansas, and being necessary for the immediate preservation of the public health, safety and welfare, THEREFORE, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

Mayor Joe A. Smith

SPONSOR:

ATTEST:

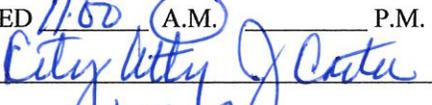
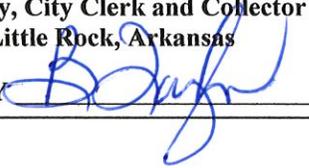

Alderman Steve Baxter

Diane Whitbey, City Clerk

APPROVED AS TO FORM:


C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED	11:00	A.M.	P.M.
By			
DATE	1-17-17		
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas			
RECEIVED BY			



MARLAR ENGINEERING CO., INC.
Consulting Civil Engineers & Land Surveyors

5318 John F. Kennedy Boulevard
North Little Rock, Arkansas 72116

Michael P. Marlar, P.E., PLS
Sarah Waggoner
Jason Bouwknecht
Jack Fleming, Hydrologist

Jan. 12, 2017

City of North Little Rock
300 Main Street
North Little Rock, AR 72114

RE: Buffer Waiver
Lot 5R, George E. Brown Addition
Brant Living Trust

Dear Mayor Joe Smith & Aldermen,

Please accept this letter to serve as our application for the above referenced submittal. We wish to have the buffer requirement of the 8' wood privacy fence between C-4 and R-3 zoned lots waived. The existing fence has been there for years and the owner and the owner plans on using the property like it has been used for many years. There is no plan to build anything on the lot.

Sincerely,
Marlar Engineering Co., Inc.

Mike Marlar, PE
President

MPM/jb

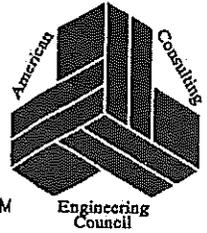
Enclosures





MARLAR ENGINEERING CO., INC.
 Consulting Civil Engineers & Land Surveyors

5318 JOHN F. KENNEDY BOULEVARD
 NORTH LITTLE ROCK, ARKANSAS 72116

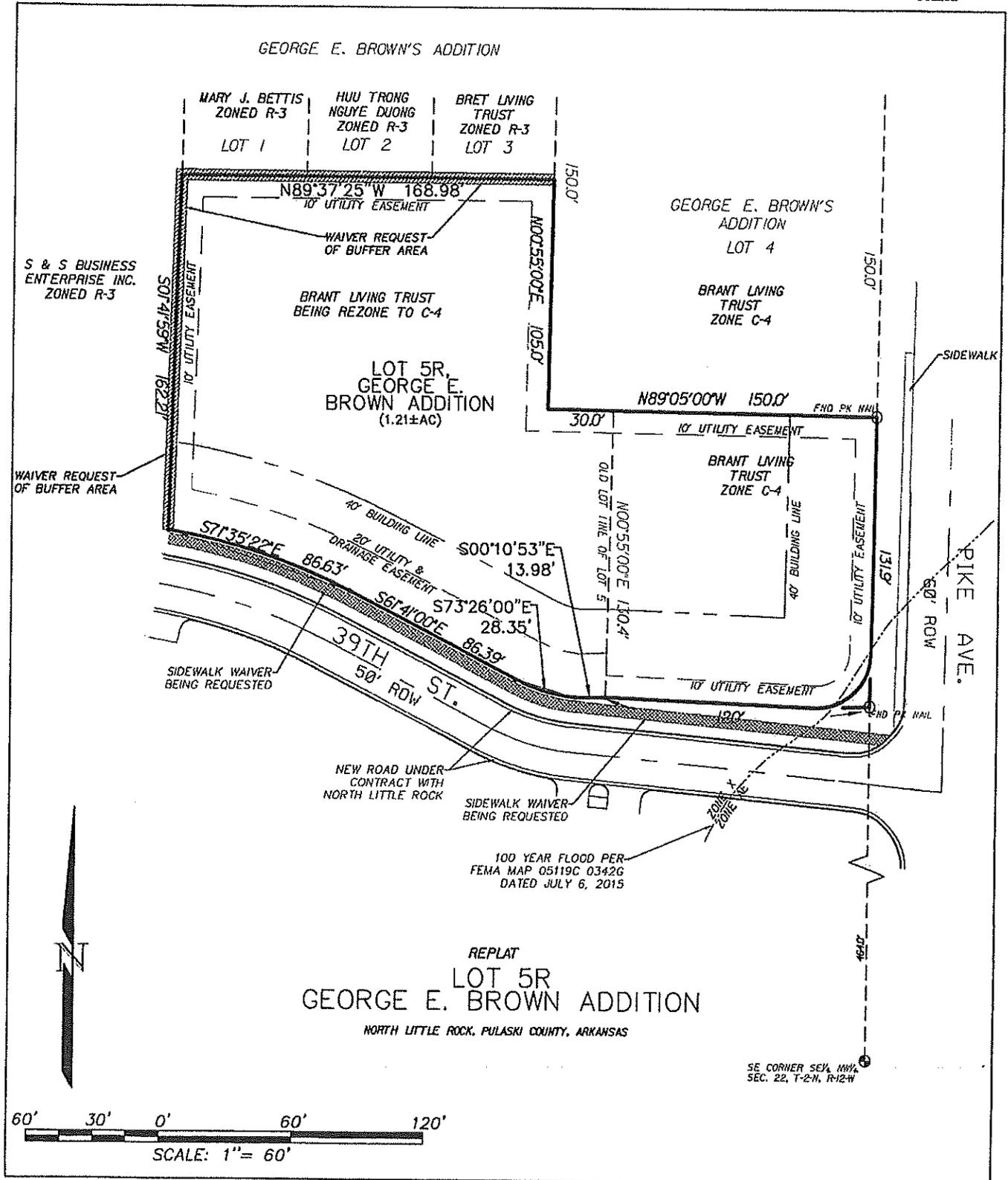


PHONE (501) 753-1987

FAX (501) 753-1993

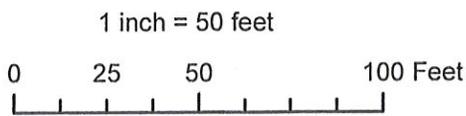
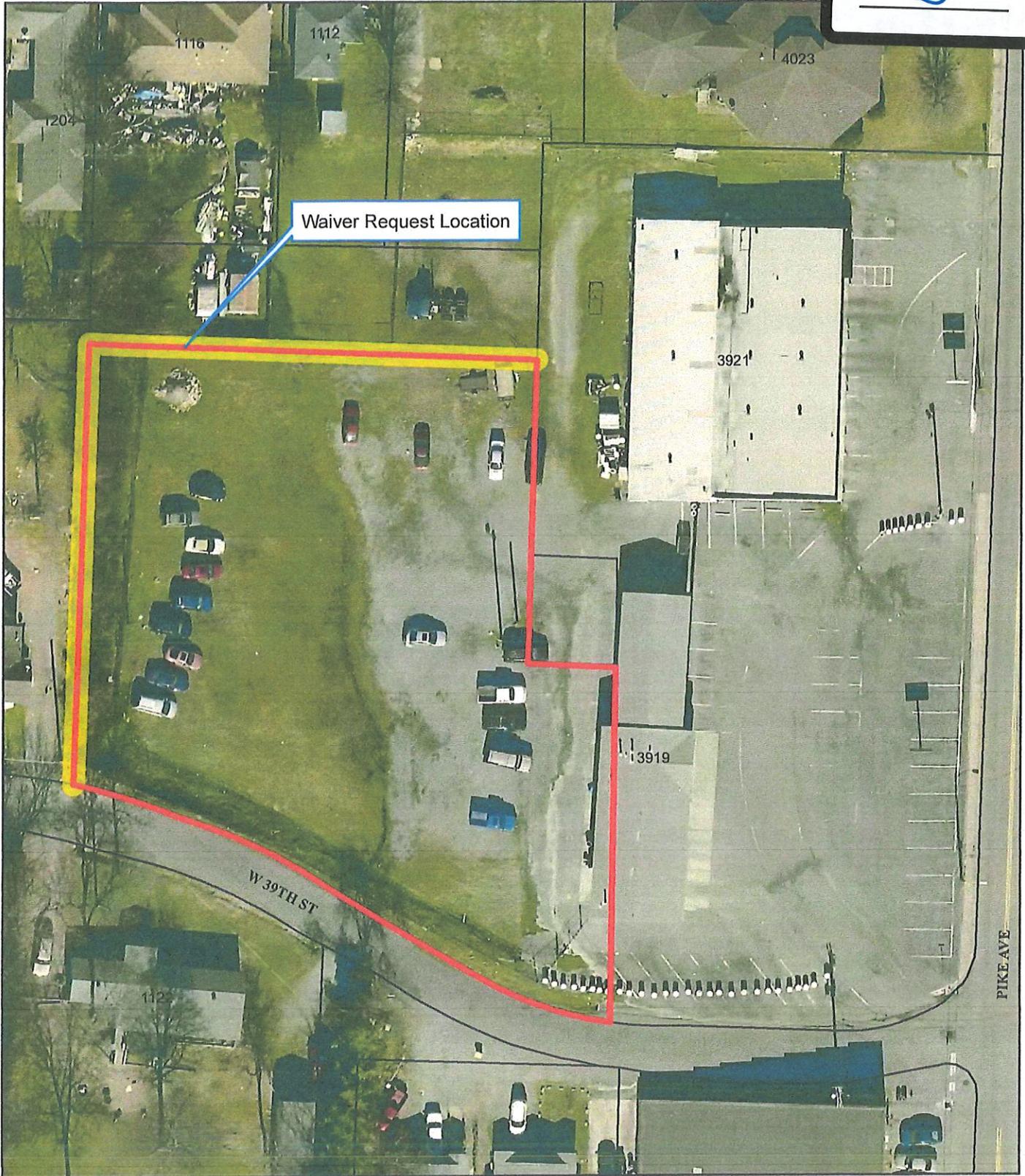
WWW.MARLAR-ENG.COM

Engineering Council



Rezone Case #2017-2

EXHIBIT
"B"



Date: 1/12/2017

