

ORDINANCE NO. _____

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A CAR LOT IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 3809 HIGHWAY 161 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; APPROVING CERTAIN WAIVER REQUESTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, application was duly made by Mr. Joseph Kim, 501 Gamble Road, Little Rock, AR 72211, seeking a conditional use of land located at 3809 Highway 161 (the "Subject Property"), which application and request of waivers was duly considered and approved (9 affirmative votes) by the North Little Rock Planning Commission at a regularly scheduled meeting thereof held on June 14, 2016; and

WHEREAS, the Subject Property is fenced in a manner that is not permitted under the City's current regulations, but surrounded by tall shrubbery that is preferable to compliant fencing.

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

SECTION 1: That a conditional use is approved for a car sales lot in a C-4 zone for the subject real property located at 3809 Highway 161 in the City of North Little Rock, Pulaski County, Arkansas, (the "Subject Property") being more particularly described as follows:

Lot 11, Fairfax Survey in the City of North Little Rock, Pulaski County, Arkansas. (See Exhibits "A" and "B" attached hereto.)

SECTION 2: That this conditional use shall be subject to the following conditions set forth in Section 12.26.B of the Zoning Ordinance:

- a) Vehicle sales lot and any structures located on the lot shall meet all applicable Federal, State, County and City requirements and codes.
- b) Six foot wood privacy fence shall be required when vehicle sales lot abuts a residential use. Fences shall not extend beyond the front building line of the abutting residential use.
- c) Vehicle sales lot shall not utilize barb wire or razor wire. Any existing barb wire or razor wire shall be removed.
- d) There shall be a ratio of one vehicle per every 450 square feet of open lot area. This allows for a maximum of 32 vehicles. This ratio shall include

sales, employee and customer vehicles. Open lot area does not include any structures.

- e) All exterior vehicle sales lot lighting, located on a building or free standing, shall be shielded and directed downward. Lighting shall be directed away from abutting residential uses.
- f) Sales vehicles shall be displayed on one of the following surfaces: asphalt paving or concrete. Asphalt paving shall meet the standards of the City Engineer. Sales vehicles shall not be displayed on grass or gravel surfaces.
- g) All signage shall meet the requirements of Article 14 of the Zoning Ordinance.
- h) No inoperable or wrecked vehicles shall be stored or sold from the sales lot. Vehicle sales lot shall not store inoperable or wrecked vehicles, nor any parts thereof, as those terms are defined under the North Little Rock Property Maintenance and Nuisance Abatement Code.
- i) Vehicle sales lot shall be maintained at all times.
- j) Sales vehicles shall be locked and secured after business hours.
- k) Sales vehicles shall not be used as storage.
- l) Business license to be issued after Planning Staff confirmation of requirements.
- m) The applicant/business license holder understands that failure to comply with these conditions may result in loss of the Conditional Use and/or loss of Business License and/or removal of Electric Power Meter.

SECTION 3: That waivers of the following established conditions are hereby approved for the Subject Property:

- (a) The front yard fence is allowed to stay due to security concerns.
- (b) Rather than replacing the fence at the rear of the Subject Property with one that complies with city requirements, the applicant may maintain the existing slatted chain link fence and nearby shrubbery to serve as a buffer for the existing residence.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 5: 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 6: It is hereby found and determined that a car sales lot as described herein is compatible with other businesses in the area and will not detract from the appearance of the neighborhood; that the conditional use of the above-described land is immediately necessary in order to insure the proper and orderly growth and development of this land and 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:

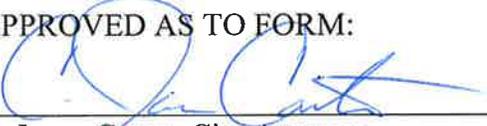
ATTEST:



Alderman Debi Ross 

Diane Whitbey, City Clerk

APPROVED AS TO FORM:



C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED <u>11:55</u> A.M. _____ P.M.
By <u>City Atty Carter</u>
DATE <u>6-21-16</u>
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas
RECEIVED BY <u>S. Ussey</u>