

O-11-64

ORDINANCE NO. 8372

**AN ORDINANCE AMENDING ORDINANCE NO. 7697 (THE NORTH LITTLE ROCK ZONING ORDINANCE) TO DEFINE AND ADD A SECTION ON COMMUNITY GARDENING; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

WHEREAS, the City of North Little Rock ("the City") duly adopted Ordinance No. 7697 to regulate zoning in accordance with Ark. Code Ann. § 14-56-416 and has amended the same from time to time (hereafter the "Zoning Ordinance"); and

WHEREAS, application was duly made by the City seeking certain amendments to the Zoning Ordinance, specifically to Section 2.2 to define "Community Garden" and to add a new section on Community Gardening, which application was duly considered and approved (6 affirmative votes; 3 absent) by the North Little Rock Planning Commission at a regularly scheduled meeting thereof held on September 13, 2011.

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

SECTION 1: That the Zoning Ordinance is hereby amended to *add* the following under **Section 2.2 – Definitions**:

**Community Garden** – The use of land primarily for the cultivation of fruits, vegetables, plants, flowers, honey and herbs along with accessory and appurtenance structures by multiple users.

SECTION 2: That the Zoning Ordinance is hereby amended to *add* the following section under **Article Twelve – Special Provisions**:

**Section 12.28 – Community Gardening**

- A. Intent, Goal, and Objective: The intent of this section is to allow community gardening and limited agricultural activity to build social connections; offer recreation, education, and economic development opportunities; to provide open space; and to generate a local food source.
- B. Registered Community Gardens are permissible uses of property in all zones and no rezoning or variance is required to initiate a registered community garden. All Community Gardens must be registered with the City listing the property owner and the gardening coordinators contact information.
- C. Registered Community Gardens may include the following features:
  1. Water meters shall be allowed to serve registered community gardens.

2. There shall be no retail sales allowed at registered community garden except plants, whole fresh produce, and honey grown or produced on the site.
  3. Accessory support buildings and structures allowed on registered community garden lots include tool sheds, hoop houses, greenhouse, compost bins, and bee hive structures so long as the combined area of all accessory buildings and structures shall not exceed 15 percent of the garden lot. These accessory structures are restricted from the front property line and the established front yard setback for the zone and no closer than 5' of any side or rear lot line. Permits are required for sheds, hoop houses and greenhouses. Any permit issued for an accessory building located in the Argenta Historic District shall have approval from the district before applying for a permit.
  4. Appurtenance structures allowed on registered community garden lots include benches, raised beds, seasonal farm stands, cold frames, row covers, garden art, rain barrels, sinks, irrigation systems, or other agricultural related item.
  5. No more than two beehives shall be allowed on registered community garden lots smaller than one acre in size.
  6. Fences up to a height of four feet are allowed around the perimeter of a registered community garden. A permit is required for fences. Any permit issued for a fence located in the Argenta Historic District shall have approval from the district before applying for a permit.
  7. No more than 10% of the lot may be used for off-street parking.
- D. The property owner shall be responsible for restoring the property and features allowed under the registered community gardening provision are to be removed when the gardening function is abandoned for a period of 12 months.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

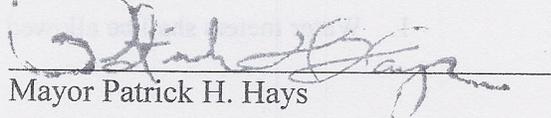
SECTION 4: That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 5: It is hereby found and determined that the above amendment to the North Little Rock Zoning Ordinance adding policies for community gardens is necessary in order to insure the proper and orderly growth and economic 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:

9-26-11

APPROVED:

  
Mayor Patrick H. Hays

SPONSOR:

Beth White  
Alderman Beth White

ATTEST:

Diane Whitbey  
Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter  
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>9-20-11</u>
<b>Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas</b>
RECEIVED BY <u>J. Marshall</u>

O-11-68

ORDINANCE NO. 8381

**AN ORDINANCE AMENDING SECTION 12.28.C.6 OF ORDINANCE NO. 7697 (THE NORTH LITTLE ROCK ZONING ORDINANCE) TO ADD RESTRICTIONS ON FENCES FOR COMMUNITY GARDENS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

WHEREAS, the City of North Little Rock ("the City") duly adopted Ordinance No. 7697 to regulate zoning in accordance with Ark. Code Ann. § 14-56-416 and has amended the same from time to time (hereafter the "Zoning Ordinance"); and

WHEREAS, there is a need for additional regulations on fencing, including types of materials allowed to be used, for Community Gardens.

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

SECTION 1: Section 12.28.C.6 of the Zoning Ordinance is hereby amended as follows:

**Section 12.28 – Community Gardening**

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C. Registered Community Gardens may include the following features:

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6. Permanent fences up to a height of four feet are allowed around the perimeter of a registered community garden. Fencing shall not encroach into a site triangle. Chicken wire, plastic construction fencing, warning barriers, netting and other like materials shall not be used as permanent fencing. A permit is required for fences. Any permit issued for a fence located in the Argenta Historic District shall have approval from the district before applying for a permit.

*Editor's Note: Added text denoted by underline.*

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4: 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.

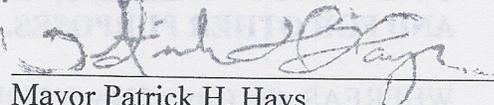
SECTION 5: It is hereby found and determined that the above amendment to the North Little Rock Zoning Ordinance for community gardens is necessary in order to

insure the proper and orderly growth and economic 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.

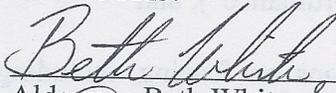
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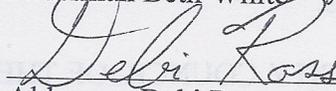
10-10-11

APPROVED:

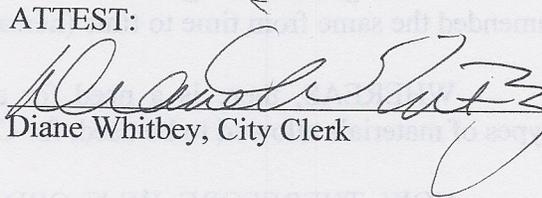
  
\_\_\_\_\_  
Mayor Patrick H. Hays

SPONSORS:

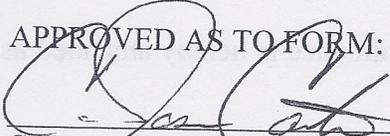
  
\_\_\_\_\_  
Alderman Beth White

  
\_\_\_\_\_  
Alderman Debi Ross

ATTEST:

  
\_\_\_\_\_  
Diane Whitbey, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED	<u>11:05</u>	A.M.	_____	P.M.
By	<u>City Atty. Carter</u>			
DATE	<u>10-4-11</u>			
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas				
RECEIVED BY	