O-21-31

ORDINANCE NO. ____

AN ORDINANCE REPEALING ORDINANCE NO. 8839 TO REVOKE A CONDITIONAL USE FOR CERTAIN REAL PROPERTY LOCATED AT 2006 HIGHWAY 161 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, on September 12, 2016, the City Council of the City of North Little Rock, Arkansas ("the City") adopted Ordinance No. 8839 (attached hereto as Exhibit A), granting a conditional use of land to allow a used car lot at 2006 Highway 161 in North Little Rock; and

WHEREAS, Article 8, Section 8.1.3(C) of the North Little Rock Zoning Ordinance (Ordinance No. 9263) provides that applicants who are granted a conditional use must obtain a business license from the City within one year from date of approval, and failure to obtain a permit within the allotted time will result in notice of termination of the conditional use; and

WHEREAS, the owner of the above mentioned real property has not obtained a business license for the conditional use, and the North Little Rock Planning Department has mailed the owner a notice of revocation of their conditional use; and

WHEREAS, a legal advertisement of notice of a public hearing held April 13, 2021 at 4:00 p.m. was placed in the newspaper for a revocation hearing at the North Little Rock Planning Commission meeting; and

WHEREAS, the North Little Rock Planning Commission approved revocation of the conditional use (7 affirmative; 2 absent) on April 13, 2021.

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

SECTION 1: That Ordinance No. 8839, adopted September 12, 2016, granting a conditional use of land to allow a used car lot at certain real property located at 2006 Highway 161 is hereby repealed and the conditional use granted therein is hereby revoked.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.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 no business license was obtained for a granted conditional use, and there is an immediate need to revoke the conditional use in order to comply with the North Little Rock Zoning Ordinance and to return the herein stated real property

to its original status in order to insure the proper and orderly growth 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 Terry C. Hartwick

SPONSORS:

Terry C Hartwick

Mayor Terry C. Hartwick

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

FILED 10:40 A.M. _____ P.M.

By A. Fields

DATE 4-20-21

Diane Whitbey, City Clerk and Collector
North Little Rock, Arkansas

RECEIVED BY S. Lisserd

EXHIBIT
tabbies
A

O-16-59

ORDINANCE NO. 8839

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A CAR LOT IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 2006 HIGHWAY 161 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, application was duly made by Mr. Edwin Johnson, 2010 Martin Street, Little Rock, AR 72204, seeking a conditional use of land located at 2006 Highway 161 to allow a used car lot, which application was duly considered and approved (7 affirmative votes, 2 absent) by the North Little Rock Planning Commission at a regularly scheduled meeting thereof, held on August 9, 2016.

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 used car lot in a C-4 zone for the subject real property located at 2006 Highway 161 in the City of North Little Rock, Pulaski County, Arkansas, being more particularly described as follows:

Lots A and B, Miller's Addition to 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:

a) Hours of operation, 8:00 AM–6:00 PM Monday–Friday and 8:00 AM–7:00 PM Saturday.

b) All signs must comply with the sign ordinance. Any illegal signs shall be removed before a business license is issued.

c) Fences shall not be allowed in the front yard of the vehicle sales lot, except as mandated under Article 15 of the Zoning Ordinance.

d) Existing fences located in the front yard of the vehicle sales lot shall be removed, unless required when adjacent to residential use.

e) Six (6) foot privacy fence shall be required when vehicle sales lot abuts a residential use.

f) Vehicle sales lots shall not utilize barb wire or razor wire. Any existing barb wire or razor wire shall be removed.

g) There shall be a ratio of one (1) vehicle per every 450 square feet of open lot area. This ratio shall include sales, employee, and customer vehicles. Open lot area does not include any structures. This allows for 34 vehicles on the property at any one time.

h) 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.

i) 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.

j) All signage shall meet the requirements of Article 14 of the Zoning Ordinance.

k) No inoperable or wrecked vehicles shall be stored or sold from the sales lot. Vehicle sales lots 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.

l) Vehicle sales lot shall be maintained at all times.

m) Sales vehicles shall be locked and secured after business hours.

n) Sales vehicles shall not be used as storage.

o) Vehicle sales lot and any structures located on the lot shall meet all applicable Federal, State, County and City requirements and codes.

p) Business license to be issued after Planning Staff confirmation of requirements.

q) 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 all ordinances or parts of ordinance 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 a vehicle sales business is compatible with other businesses in the area and 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: 9/12/16

APPROVED:

Mayor Joe A. Smith

SPONSOR:

Alderman Maurice Taylor

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED 11:30 A.M. _____ P.M.
By City Atty Carter
DATE 9-6-16
Diane Whitbey, City Clerk and Collector
North Little Rock, Arkansas
RECEIVED BY L Bragga

Conditional Use # 2016-11

Ortho Map

1 inch = 40 feet

0 20 40 80 Feet

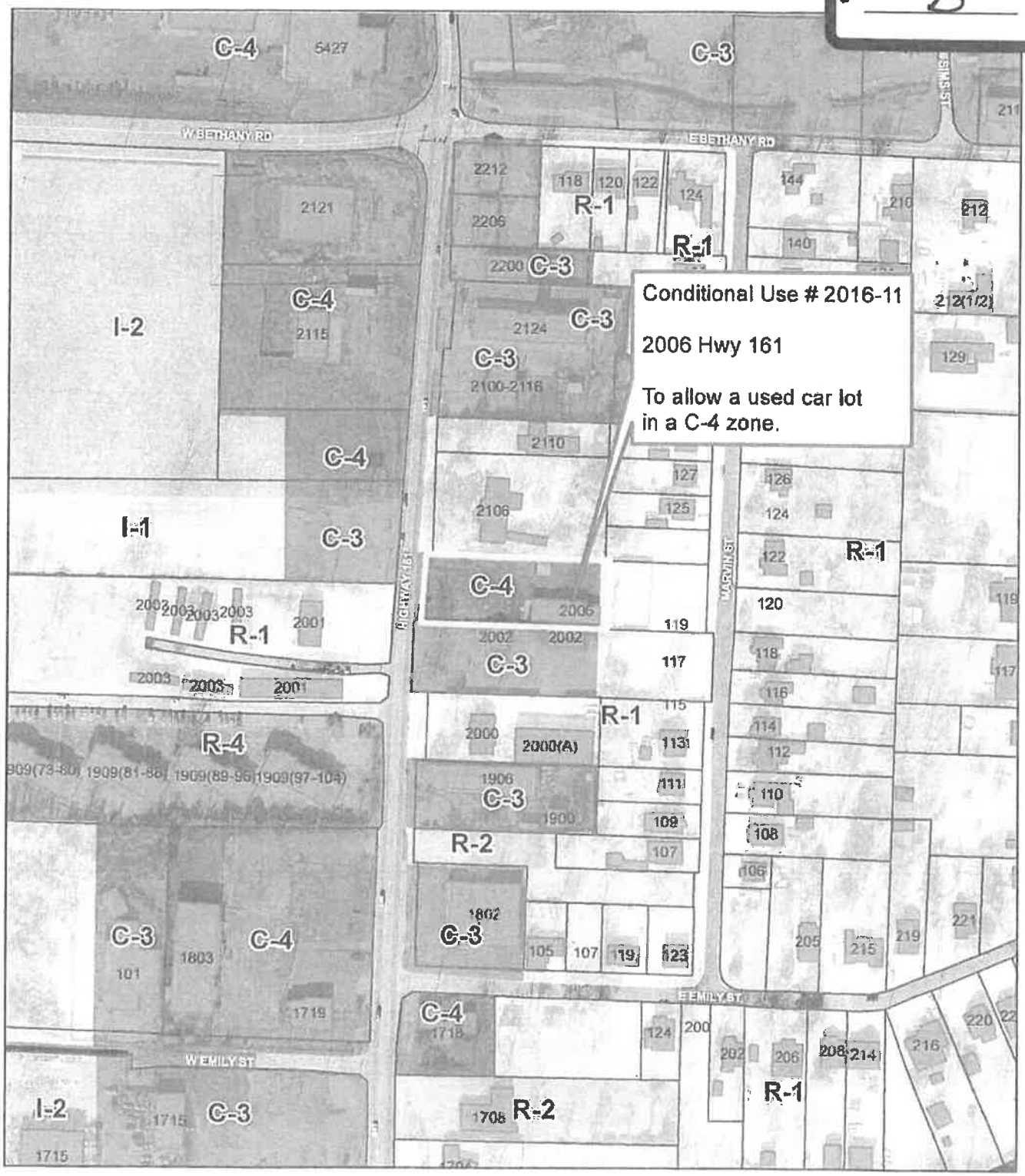
N W E S

Date: 6/29/2016

Map is not to survey accuracy

Conditional Use # 2016-11

EXHIBIT "B"



Zoning Map

1 inch = 200 feet

0 100 200 400 Feet

N W E S

Date: 6/29/2016

Map is not to survey accuracy

The City of
NORTH LITTLE ROCK
OFFICE OF COMMUNITY PLANNING
120 Main St. • North Little Rock, AR 72114-2134
Phone (501) 975-8835 • Fax (501) 975-8837

MEMORANDUM

To: **Jason Carter**

From: **Shawn Spencer**

Date: **08/31/2016**

Subject: **Legislation for the 09/12/2016 Council meeting**

Jason, please prepare an ordinance on the following request which was approved by the Planning Commission (7 affirmative votes, 2 absent) on 08/09/2016.

Conditional Use case #2016-11 to allow a car lot in a C-4 zone.

The location of the request is: 2006 HIGHWAY 161

The legal description of the request is: Lots A and B, Miller's Addition, City of NLR, Pulaski County, Arkansas

Conditions:

1. Hours of Operation shall be 8AM – 6PM Monday – Friday and 8AM – 7PM Saturday
2. All signs must comply with the sign ordinance. Any illegal signs shall be removed before a business license is issued.
3. Fences shall not be allowed in the front yard of a vehicle sales lot, except as mandated under Article 15 hereof.
4. Existing fences located in the front yard of a vehicle sales lot shall be removed, unless required when adjacent to residential use.
5. Six foot privacy fence shall be required when vehicle sales lot abuts a residential use.
6. Vehicle sales lots shall not utilize barb wire or razor wire. Any existing barb wire or razor wire shall be removed.

7. There shall be a ratio of one vehicle per every 450 square feet of open lot area. This ratio shall include sales, employee, and customer vehicles. Open lot area does not include any structures. This allows for 34 vehicles on the property at any one time.

8. 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.

9. 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.

10. All signage shall meet the requirements of Article 14 of the zoning ordinance.

11. No inoperable or wrecked vehicles shall be stored or sold from the sales lot. Vehicle sales lots 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.

12. Vehicle sales lot shall be maintained at all times.

13. Sales vehicles shall be locked and secured after business hours.

14. Sales vehicles shall not be used as storage.

15. Vehicle sales lot and any structures located on the lot shall meet all applicable Federal, State, County and City requirements and codes.

16. Business license to be issued after Planning Staff confirmation of requirements.

17. 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.

Sponsor: M. Taylor

Applicant: Edwin Johnson, 2010 Martin St., Little Rock, AR 72204, 501-951-1555

cc: City Clerk, Taylor

file

Conditional Use # 2016-11

Ortho Map

1 inch = 40 feet

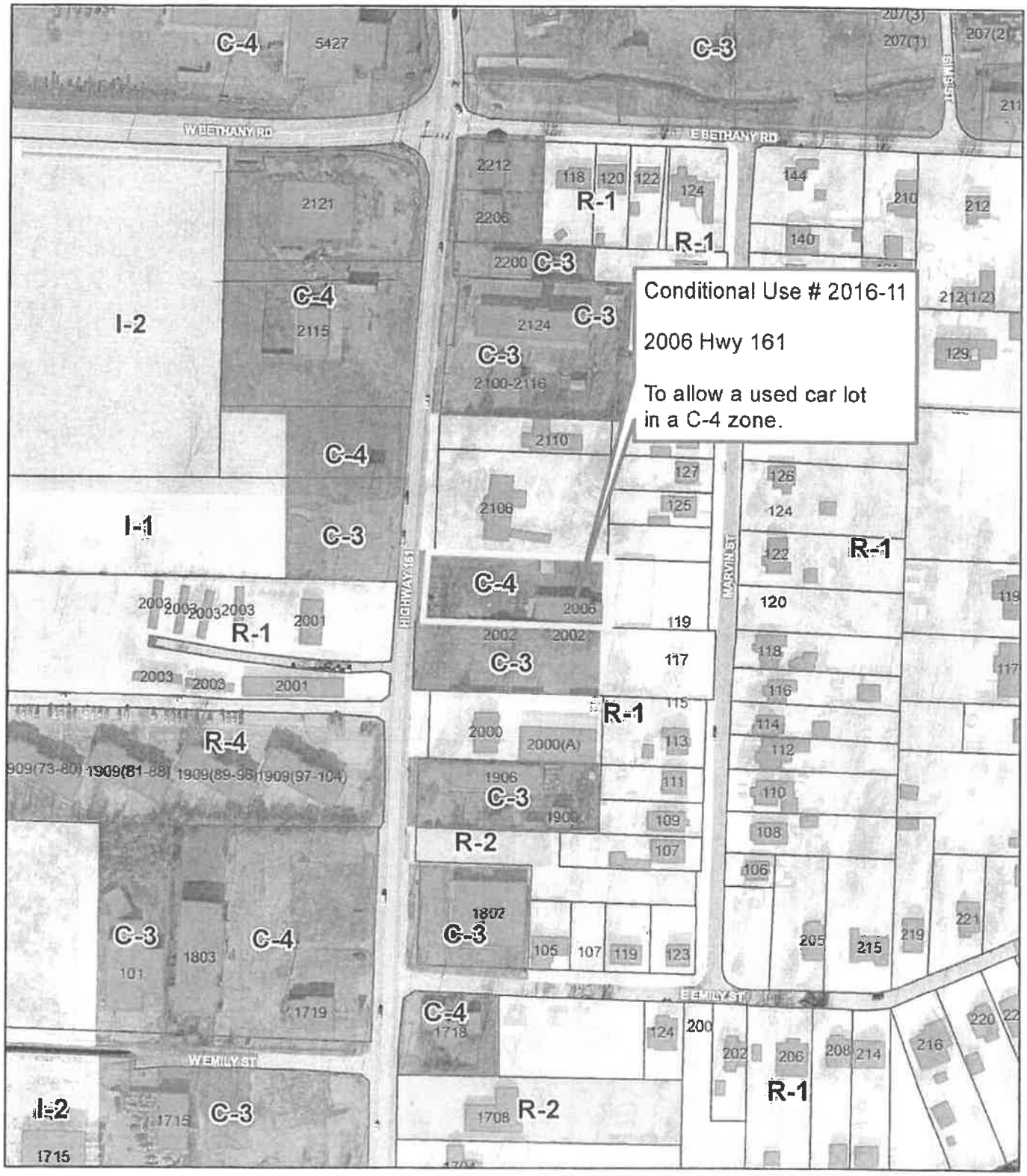
0 20 40 80 Feet

N W E S

Date: 6/29/2016

Map is not to survey accuracy

Conditional Use # 2016-11



Zoning Map

1 inch = 200 feet

0 100 200 400 Feet

N W E S

Date: 6/29/2016

Map is not to survey accuracy