O-22- 40

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 9 OF THE SUBDIVISION ORDINANCE (ORDINANCE NO. 7946) TO ADOPT A PROCESS FOR PAYMENT OF FEES IN LIEU OF SIDEWALK CONSTRUCTION; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City of North Little Rock ("the City") currently requires the construction sidewalks under certain conditions under Section 9.11 of the Subdivision Ordinance (Ordinance No. 7946) ; and

WHEREAS, it is in the best interests of the City and its residents to amend Article 9 of the Subdivision Ordinance to provide for an in-lieu fee where sidewalk construction is not practicable or necessary.

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

SECTION 1: That Article 9 of the Subdivision Ordinance (Ordinance No. 7946) is hereby amended to add Section 9.12 as follows:

9.12 Sidewalk In-Lieu Fee. An applicant may submit an application to the Planning Department to allow the applicant to pay an in-lieu fee instead of constructing sidewalks.

A. The application will be reviewed by the City Engineer, who may recommend approval if:

   1. There are no existing or planned sidewalk networks in the area;
   2. There are physical improvements present along an existing or proposed street that would prevent reasonable installation; or
   3. There are other situations unique to the site that make the requirement to construct sidewalks impracticable or unnecessary.

B. The proposed in-lieu fee shall be determined by the City Engineer, based on the applicable City standards in effect at the time of application; or the City Engineer may require the applicant's engineer to provide a cost estimate, subject to review and approval by the City Engineer, to determine the cost to perform the work. If the in-lieu fee is approved by City Council, the fee shall be paid prior to plat recording or issuance of a building permit.

C. All in-lieu fees paid shall be used for sidewalks within the Ward for which the in-lieu fee was collected. These expenditures may include, but are not limited to the: construction of new sidewalks and/or repair and maintenance of an existing sidewalk.

D. If the City Engineer recommends approval of payment of a fee in lieu of construction of sidewalks, after the Planning Commission has reviewed the applicant's site plan, the request to pay a fee in lieu of construction of sidewalks will be submitted to City Council for final review, and may be approved by a resolution approved by a majority of the City Council.

E. The Finance Department shall set up four sidewalk accounts, one for each Ward.

F. The expenditure of the four accounts shall be determined by the two Council Members of the Ward and the City Engineer.

SECTION 2: 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: That it is hereby found and determined that the adoption of fees in lieu of sidewalk construction as provided for herein is to be in the best interests of the City, and is immediately necessary 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

SPONSOR:

Debi Ross

Council Member Debi Ross

Linda Robinson

Council Member Linda Robinson

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Fields

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY

FILED 11:55 **A.M.** _____ **P.M.**

By E. Lee - Attorney's Office

DATE 5-17-22

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

RECEIVED BY S. Ussery