O-22-39

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 7 OF THE ZONING ORDINANCE (ORDINANCE NO. 9263) TO ADOPT A PROCESS FOR PAYMENT OF FEES IN LIEU OF PLANTING TREES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City of North Little Rock ("the City") currently requires trees to be planted under certain conditions under Article 7 of the Zoning Ordinance (Ordinance No. 9263); and

WHEREAS, it is in the best interests of the City and its residents to amend Article 7 of the Zoning Ordinance to provide for a fee in lieu where planting trees 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 7 of the Zoning Ordinance (Ordinance No. 9263) is hereby amended to add Section 7.2.6 as follows:

7.2.6 : Tree 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 planting trees.

A. The application will be reviewed by the Tree Board, which may recommend approval if:

    1. There are physical improvements present on the property that would prevent reasonable installation.
    2. There are other situations unique to the site that make the requirement to plant trees impracticable or unnecessary.

B. The in-lieu fee shall be $400 per tree. If the in-lieu fee is approved by the 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 planting trees within the Ward for which the in-lieu fee was collected. These expenditures may include, but are not limited to: the cost of the tree, delivery of the tree, prepping the land to plant the tree, and a watering system.

D. The tree(s) shall be planted on City owned property including; parks, rights-of-way, and public buildings.

E. If the Tree Board recommends approval of payment of a fee in lieu of planting tree(s), after the Planning Commission has reviewed the applicant's site plan, the request to pay

a fee in lieu of planting trees will be submitted to City Council for review, and may be approved by a resolution approved by a majority of the City Council.

F. The Finance Department shall set up four tree accounts, one for each Ward.

G. The expenditure of the account shall be determined by the NLR Tree Board.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.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

Council Member Debi Ross

Linda Robinson ae

Council Member Linda Robinson

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Fields ae

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