

ORDINANCE NO. _____

AN ORDINANCE WAIVING CERTAIN SECTIONS OF THE SUBDIVISION ORDINANCE (ORDINANCE NO. 7946) FOR CERTAIN REAL PROPERTY LOCATED AT 7810 BAUCUM PIKE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, TO ALLOW THE WAIVER OF PLATTING REQUIREMENTS; WAIVING CERTAIN SECTIONS OF THE ZONING ORDINANCE (ORDINANCE NO. 9263) TO ALLOW THE WAIVER OF LANDSCAPING REQUIREMENTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, application was made by Joey Stoll of CJS Enterprises, 11 Edenwood Lane, North Little Rock, Arkansas 72116, seeking a waiver of platting and landscaping requirements for certain real property located at 7810 Baucum Pike (see maps and site plans attached collectively hereto as Exhibit A); and

WHEREAS, a sign has been placed on the property, and notice has been given through the publication in a local newspaper of a public hearing to be held October 13, 2023 at 6:00 p.m. has been mailed to surrounding property owners.

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

SECTION 1: That the following sections of Article 1 of the Ordinance No. 7946 (“the Subdivision Ordinance”) are hereby waived for 7810 Baucum Pike, more particularly described as:

PART OF THE SPANISH LAND GRANT NO. 497 IN 1N-11 MPDA COMMENCING AT THE NW CORNER OF SAID SPANISH LAND GRANT NO. 497; THENCE S74*24'00"E ON THE NORTH LINE THEREOF 1267.8'; THENCE S15*36'00"W1584.10' TO A POINT ON THE SOUTH RIGHT-OF-WAY OF STATE HIGHWAY 165; THENCE S18*23'44"W1466.76' TO THE POB; THENCE S74*53'53"E1649.02' S18*22'51"W1592.32' TO THE NORTH BANK OF THE ARKANSAS RIVER; THENCE N40*47'11"W ALONG SAID NORTH BANK 1917.46'; THENCE N18*23'44"E515.24' TO THE POB TO THE CITY OF NLR, PULASKI COUNTY, AR

Section 1.2 – Requirements.

Any developer of land within the City and/or the Planning Area shall submit to the Commission; plats of the subdivision, plans for any site improvements, and plans for any development or significant alteration of land.

Section 1.5 – Jurisdiction and Application

C. Developments involving the construction of one or more buildings, together with

necessary drives and access ways, which is not subdivided into customary lots, blocks, and streets. A development, as defined herein, shall be considered a subdivision and subject to this ordinance. Plans for all such development shall be submitted to and approved by the Planning Commission, whether or not such plat is to be recorded, and no building permit shall be issued until such approval has been given.

SECTION 2: That the following section of Article 7 of the Subdivision Ordinance is hereby waived for 7810 Baucum Pike:

Section 7.19 – Development Site Plan Review

A development, including the construction of one or more buildings, together with the necessary drives and other access ways whether subdivided into customary lots or blocks or retained as a single parcel shall be considered through the Site Plan Review procedure by the Commission. Plans for such developments shall be submitted to the Commission for consideration, whether or not a plat is required and no building permits shall be issued until such approval has been obtained.

SECTION 3: That the following section of Article 19 of the Subdivision Ordinance is hereby waived for 7810 Baucum Pike:

Section 19.3 – Notification of Recordation

No building permits may be issued until a copy of the recorded final plat with all recording information has been presented to the Department of Community Planning.

SECTION 4: That the follow section of Article 20 of the Subdivision Ordinance is hereby waived for 7810 Baucum Pike:

Section 20.3 – Issuance of Building Permits

No building permit shall be issued for construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.

SECTION 5: That certain sections of Article 7 of Ordinance No. 9263 (“the Zoning Ordinance”) are hereby waived for 7810 Baucum Pike, attached hereto as Exhibit B.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 7: 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 8: That it is hereby found and determined that the waiver of the above-described sections 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:

ATTEST:


Council Member Linda Robinson

Diane Whitbey, City Clerk


Council Member Maurice Taylor

APPROVED AS TO FORM:

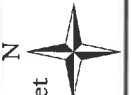

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

FILED <u>10:45</u> A.M. _____ P.M.
By <u>A. Fields</u>
DATE <u>11-7-23</u>
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas
RECEIVED BY <u>S. Wessery</u>



tabbles
EXHIBIT
A



0 500 1,000 2,000 Feet

Date: 10/25/2023
This map is not survey, accurate.

 **SD2023-63 Blue Rock**

SMAN CLUB INC
DEED NO.
.885

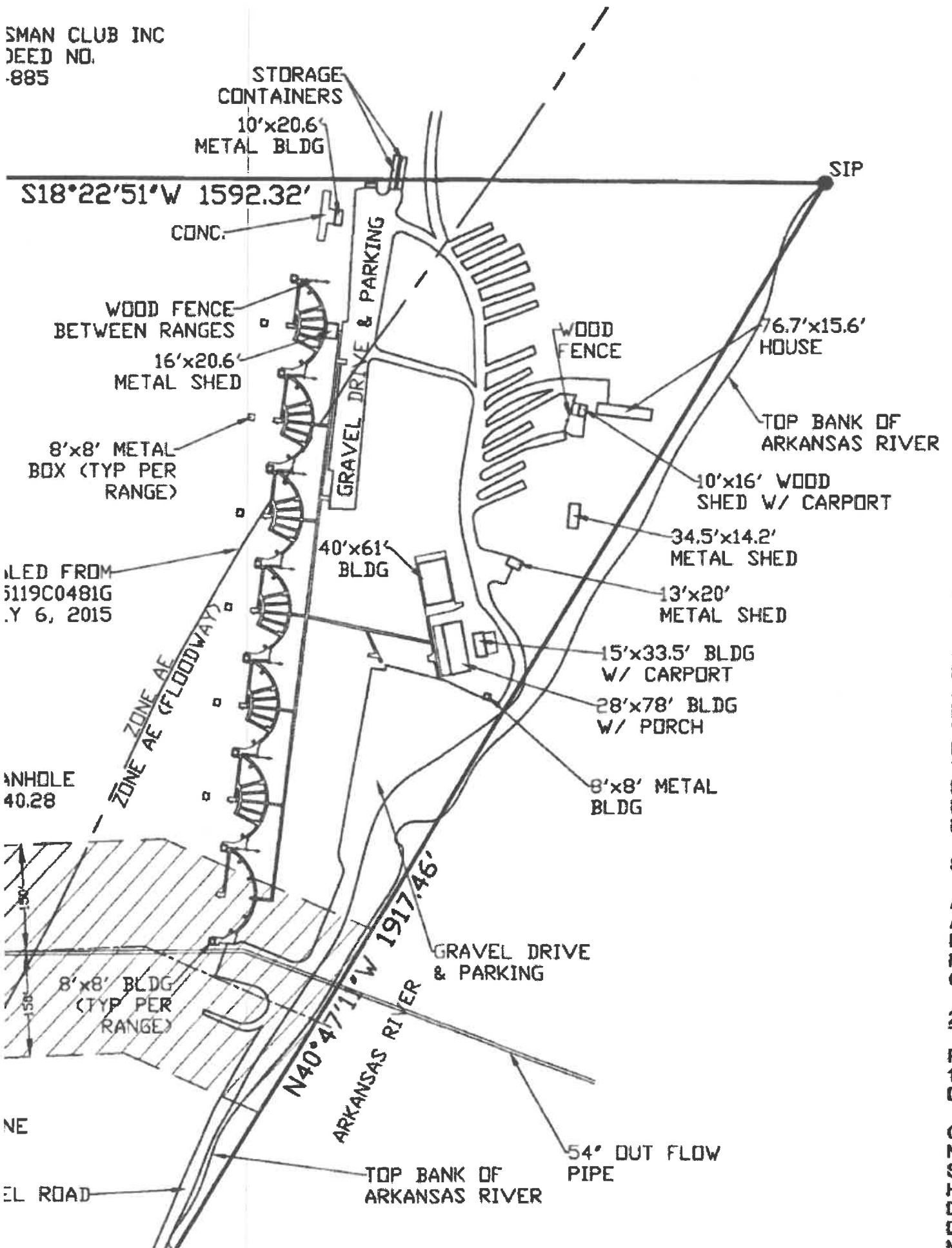


EXHIBIT B

Section 7.2 – Specific Requirements

7.2.1 : Parking Lot Shading

- A. Trees from Table B or C shall be included in all new and expanded parking areas, and trees from Table D shall be used if beneath overhead power lines.
- B. Trees shall be planted at one (1) tree per six (6) parking spaces.
- C. Trees shall be irrigated by an automatic underground irrigation system.
- D. Trees ten (10) feet from the edge of parking area may serve for the parking lot shading requirements, but may not satisfy more than fifty (50) percent of the overall requirement for the parking lot or area.
- E. Trees shall be two and one-half (2.5) inch caliper or greater at time of planting. Caliper shall be measured at three (3) feet above the ground surface.
- F. Only trees from the approved planting list will count toward any requirements unless approved by the Planning Commission.
- G. All trees located within the parking area shall be planted in curbed landscape islands. The minimum size of a curbed landscape island, per tree, shall be at least eight (8) feet wide and at least eighteen (18) feet deep.

7.2.2 : Landscaping Strips

- A. Landscape strips shall be required along all front, side, and rear yards adjacent to parking areas, driveways, or vehicle maneuvering areas.
 - 1. Front yard landscape strips shall be at least four (4) feet in width unless facing a street, in which case, the strip shall be at least six (6) feet in width.
 - 2. Side and rear yard landscape strips shall be at least four (4) feet in width unless facing a street, in which case, the strip shall be at least six (6) feet in width.
- B. A continuous screen of shrubs shall be required for any landscape strip adjacent to any parking area. Only shrubs from the approved planting list will count toward this requirement, unless approved by the Planning Commission. Shrubs shall be eighteen (18) inches in height at planting and be planted a maximum three (3) feet apart and shall be irrigated by an automatic underground irrigation system.
- C. Ground covers from Table J, grass, or mulch of shredded bark or stone shall be applied in all landscaped areas to reduce moisture loss and to improve the appearance of plantings near streets.

7.2.3 : Street Trees

- A. Trees from Table B shall be spaced every thirty (30) feet to achieve the required number of trees; trees from Table C shall be spaced every twenty-five (25) feet; or trees from Table D shall be used if beneath overhead power lines and spaced every fifteen (15) feet.
- B. Trees shall be irrigated by an automatic underground irrigation system.
- C. Trees shall be two and one-half (2.5) inch caliper or greater at time of planting. Caliper shall be measured at three (3) feet above the ground surface.
- D. Only trees from the approved planting list will count toward any requirements, unless approved by the Planning Commission.

7.2.4 : Buffers Between Dissimilar Uses

Buffers shall be established with new development activity to reduce the impact on existing neighborhoods and uses. The buffer provisions apply: (a) when different land uses or Zoning Districts abut each other, or (b) when different land uses or Zoning Districts are separated by rights-of-way of twenty (20) feet or less. Buffer area dimensional requirements shall be:

- A. Trees two (2) inches or greater caliper, measured three (3) feet from the ground, shall not be removed from a required buffer. These trees shall be protected, and if damaged during development shall be replaced with a Class A – Full Screen type tree.
- B. A required buffer shall not be used for accessory structures, garbage or trash collection, parking, or any other functional use.
- C. The required buffer area depth shall not include any easements.
- D. Each side and rear yard buffer areas shall be five (5) percent of the lot width and depth. Buffer areas shall not be less than six (6) feet or greater than forty (40) feet.
- E. Under certain conditions the Planning Commission shall require, up to a one hundred (100) foot buffer when a new development or expansion of regional shopping center, major activity center or industrial district abuts an existing single-family, residential neighborhood.
- F. A larger buffer area shall be required by the Planning Commission, between residential areas and commercial areas when the commercial development abuts a major roadway to reduce ambient noise levels.

7.2.5 : Tree Planting for Single-Family and Two-Family Dwellings

- A. Tree plantings shall be required for all new Single-Family and Two-Family dwellings.
- B. One (1) tree shall be required for each lot and to be located within ten (10) feet of the front property line.

Trees shall be two and one-half (2.5) inch caliper or greater at time of planting. Caliper shall be measured at three (3) feet above the ground surface.