

ORDINANCE NO. ____

**AN ORDINANCE REPEALING ORDINANCE NO. 9399 TO REVOKE A
CONDITIONAL USE FOR AN ACCESSORY DWELLING UNIT
LOCATED AT 3123 NORTH OLIVE STREET IN THE CITY OF NORTH
LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES.**

WHEREAS, on September 27, 2021, the City Council of the City of North Little Rock, Arkansas ("the City") adopted Ordinance No. 9399 (attached hereto as Exhibit A), granting a conditional use of land for an accessory dwelling unit located at 3123 North Olive Street; 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 and/or required building permits 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 failed to obtain a building permit for the conditional use; and

WHEREAS, a legal advertisement of notice of a public hearing held September 10, 2024 at 4:00 p.m. was placed in the newspaper and notice was mailed to the applicant 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 (8 affirmative; 1 absent) on September 10, 2024.

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

SECTION 1: That Ordinance No. 9399, and the conditional use of land for an accessory dwelling unit located at 3123 North Olive Street, are hereby repealed.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.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 building permit was obtained for the previously 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 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:

ATTEST:



Mayor Terry C. Hartwick *By AF*

Diane Whitbey, City Clerk

APPROVED AS TO FORM:



Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

FILED	9:45	A.M.	_____	P.M.
By	A. Fields			
DATE	10.8.24			
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas				
RECEIVED BY	S. Ussery			



O-21-88

ORDINANCE NO. 9399

AN ORDINANCE GRANTING WAIVERS OF THE ZONING ORDINANCE TO ALLOW VARIANCES OF BUILDING REQUIREMENTS AND GRANTING A CONDITIONAL USE TO ALLOW AN ACCESSORY DWELLING UNIT IN AN R2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 3123 NORTH OLIVE STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, a request was duly made by Peggy J. Grenard, seeking variances to allow improvements on an existing building on the herein described land (see Construction Narrative attached hereto as Exhibit A), was duly considered and recommended for approval (8 affirmative votes; 1 against) by the North Little Rock Planning Commission at a regularly scheduled meeting held thereof on September 14, 2021.; and

WHEREAS, the applicant is also seeking a conditional use for property located at 3123 North Olive Street to allow an accessory dwelling unit in an R2 zone, which application was duly considered and approved (8 affirmative votes; 1 against) by the North Little Rock Planning Commission at a regularly scheduled meeting held on September 14, 2021.

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

SECTION 1: That the waivers to allow certain variances are hereby approved for the improvements of an existing building on property located at 3123 North Olive Street (more particularly described as Lot 11 and the North 1/2 of Lot 12, Block 30 in the Park Hill Addition to the City of North Little Rock, Pulaski County, Arkansas) (see maps attached hereto as Exhibit B) as follows:

- (a) The requirement for the structure to be 10 feet from the property lines is hereby waived.
- (b) The requirement for the structure to be built as a dwelling unit is hereby waived.

SECTION 2: That a Conditional Use is approved for an accessory dwelling unit in a R2 zone for the subject real property located at 3123 North Olive Street in the City of North Little Rock, Pulaski County, Arkansas.

SECTION 3: That this Conditional Use shall be subject to the following:

1. Building Codes: meet all residential building codes listed in Chapter 4, Section 1.1.1 of the North Little Rock Municipal Code.
2. Zoning Districts: only be permitted within R1, R2, R3, and R4 Zoning Districts.
3. Existing Dwelling: only be permitted on a platted lot with one (1) existing owner-occupied, single-family dwelling.
4. Lot Size: only be permitted on platted lots of nine thousand (9,000) square feet or greater.
5. Location: be located in the rear yard of the platted lot.

6. Setbacks: be located ten (10) feet from any other structure or property line. *(variance – existing structure sits 4' 5" from the side property line and 5' 5" from the rear property line.)*
7. Lot Coverage: be limited to no more than fifty (50) percent lot coverage of the rear yard buildable area.
8. Construction Limitation: only be permitted within a single-story structure designed and constructed for the intended use as an accessory dwelling unit and must contain kitchen and bath facilities to facilitate habitation independent from the principal building. *(variance – building is an existing accessory structure)*
9. Maximum Occupancy: be limited to an occupancy of one (1) family.
10. Number Allowed: be limited to one (1) accessory dwelling unit per platted lot.
11. Parking: provide one (1) off-street parking space that is located adjacent and abutting to the existing required parking lot area for the owner-occupied, single-family dwelling.
12. Utilities: require gas, water and electric utilities to be metered with the owner-occupied single-family dwelling.
13. Any structures located on the lot shall meet all applicable Federal, State, County, and City requirements and codes.

SECTION 4: That all ordinances or parts of ordinance in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 5: 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 6: It is hereby found and determined that the conditional use as described herein is compatible with other businesses in the area and 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:

9/27/2021

APPROVED:


Mayor Terry C. Hartwick

SPONSOR:


Council Member Debi Ross

ATTEST:


Diane Whitbey, City Clerk


Council Member Nathan Hamilton

APPROVED AS TO FORM:

Amy Beckman Fields
Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kl

FILED	10:45	A.M.	P.M.
By	A. Fields		
DATE	9.21.21		
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas			
RECEIVED BY	J.L. Sier		

EXHIBIT

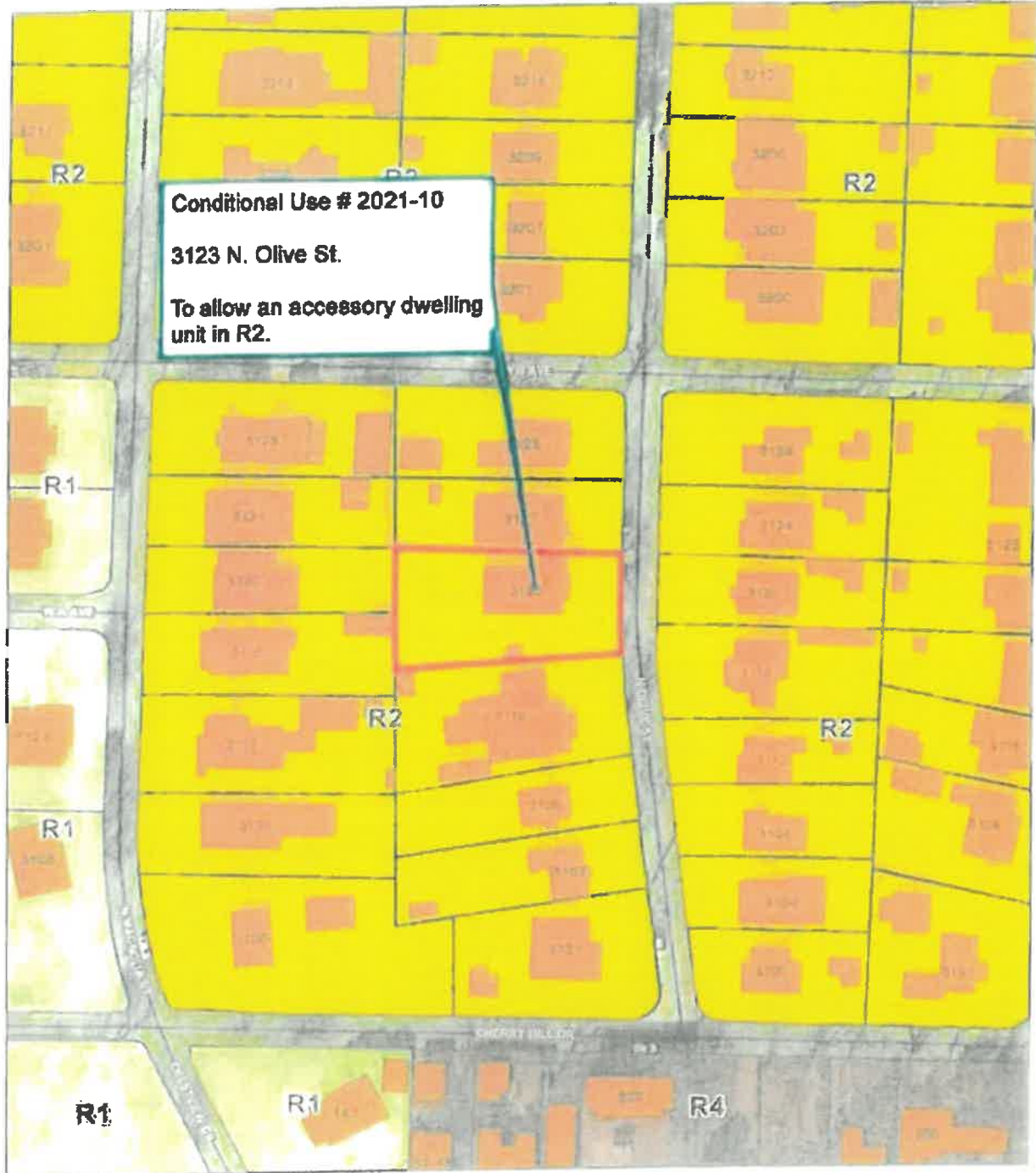
B

Conditional Use # 2021-10

Conditional Use # 2021-10

3123 N. Olive St.

To allow an accessory dwelling unit in R2.



Zoning Map

1 inch = 100 feet

0 45 90 180 Feet



Date: 7/20/2021

Map is not to survey accuracy

Conditional Use # 2021-10



OrthoMap

1 inch = 30 feet

0 15 30 60 Feet



Date: 7/20/2021

Map is not to survey accuracy

LOT 11 AND THEN 1/2 OF LOT 12, BLOCK 30, PARK HILL ADDITION TO THE CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS.

ZONING DISTRICT: R2



PLAN NORTH