

ORDINANCE NO. 2018-19

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE TO CLARIFY
REQUIREMENTS REGARDING PORTABLE STRUCTURES.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE
GROVE, ARKANSAS, THAT:**

Section One: Title. This Ordinance shall be known as the 2018 Zoning
Amendment 3.

Section Two: Definitions Amended. The following definition in Section
3.0 is amended to read as follows:

Accessory Structure or Use

A subordinate structure located on the same lot with the main structure, (except in the case of off-street parking space) or a subordinate use of land, either of which is customarily incidental to the main structure or the principal use of the land.

Storage buildings, garages and carports, hobby shops and similar facilities, either portable or affixed to a permanent foundation, ham radio towers, and swimming pools, both below-ground and above-ground when some type of permanent structure is affixed (e.g. decking) are examples of accessory structures. Where a substantial part of the wall of the accessory structure is a part of the wall of the main building or where an accessory structure is attached to the main building in a substantial manner, as by a roof, such accessory structure shall be counted as a part of the main structure.

A portable accessory structure is one not affixed to any footing, foundation or any other method of securing it to the ground in a semi-permanent fashion.

An accessory use includes, but is not limited to the following:

Keeping of domestic animals for personal enjoyment or household use, but not including a commercial stable or kennel.

Domestic or agricultural storage.

Home occupation (See definition in this Section.)

Incinerator or compost shed incidental to a principal use.

Storage of merchandise normally carried in stock in connection with a commercial or manufacturing use.

Accessory signs.

Section Three: Section 4.3.1 Amended. Footnote 4 to Section 4.3.1 of the

Zoning Ordinance is amended to read as follows:

4/ Accessory Structures & Uses shall be subject to the applicable use conditions set forth in the zoning district within which they fall and to the following general conditions:

- (1) All accessory structures shall be located on the rear two thirds (2/3) of the lot.
- (2) Buildings greater than one-hundred and sixty (160) square feet shall be located at least eight (8) feet from any existing dwelling or dwelling under construction.
- (3) Non-portable structures shall be located at least eight feet (8') from any interior lot line but shall not infringe on any easement or right-of-way.
- (4) Regardless of size, accessory structures on a corner lot, shall not project in front of the front building line required on any adjacent lot, nor closer than twenty-five feet (25') from the street right-of-way line from which vehicular access is gained.
- (5) No portable buildings exceeding one hundred sixty square feet (160 SF) are allowed.
- (6) A portable structure may be placed within a utility easement or established setback line, however the property owner agrees to move any such structure at their expense to allow utility easement access; and ensures the building will not cause any adverse affect on neighboring properties.

Section Four: Section 4.4.2 Amended. Section 4.4.2 of the Zoning Ordinance, is amended to delete the following Note at the end thereof:

Note: Portable accessory buildings meeting the size requirement hereinabove may encroach into the setback lines in all residential districts, subject to property

owners agreement to move said structure at their own expense to allow utility easement access.

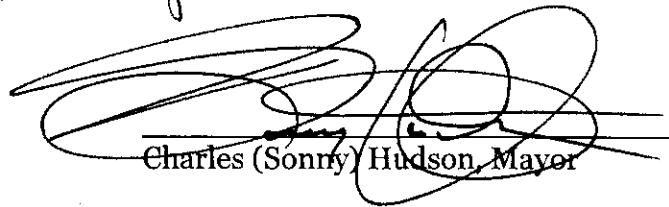
Section Five: Effective Date. This Ordinance shall become effective from and after 60 days of its posting, unless an Emergency Clause is affixed.

Section Six: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.

Section Seven: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

Section Eight: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Approved this 20 day of August 2018.


Charles (Sonny) Hudson, Mayor

(Attest)


Christine Kelly, City Clerk

Markup

Accessory Structure or Use

A subordinate structure located on the same lot with the main structure, (except in the case of off-street parking space) or a subordinate use of land, either of which is customarily incidental to the main structure or the principal use of the land.

Storage buildings, garages and carports, hobby shops and similar facilities, either portable or affixed to a permanent foundation, ham radio towers, and swimming pools, both below-ground and above-ground when some type of permanent structure is affixed (e.g. decking) are examples of accessory structures. Where a substantial part of the wall of the accessory structure is a part of the wall of the main building or where an accessory structure is attached to the main building in a substantial manner, as by a roof, such accessory structure shall be counted as a part of the main structure.

A portable accessory structure is one not affixed to any footing, foundation or any other method of securing it to the ground in a semi-permanent fashion.

An accessory use includes, but is not limited to the following:

Keeping of domestic animals for personal enjoyment or household use, but not including a commercial stable or kennel.

Domestic or agricultural storage.

Home occupation (See definition in this Section.)

Incinerator or compost shed incidental to a principal use.

Storage of merchandise normally carried in stock in connection with a commercial or manufacturing use.

Accessory signs.

4/ Accessory Structures & Uses shall be subject to the applicable use conditions set forth in the zoning district within which they fall and to the following general conditions:

(1) All accessory structures shall be located on the rear two thirds (2/3) of the lot.

(2) Buildings greater than ~~two hundred~~ one-hundred and sixty (200-160) square feet shall be located at least ~~ten~~ eight (10 8) feet from any existing dwelling or dwelling under construction. ~~This separation shall be a minimum of eight feet (8') for smaller structures.~~

(3) Non-portable structures shall be located at least eight feet (8') from any interior lot line but shall not infringe on any easement or right-of-way.

(4) ~~If~~ Regardless of size, accessory structures on a corner lot, shall not project in front of the front building line required on any adjacent lot, nor closer than twenty-five feet (25') from the street right-of-way line from which vehicular access is gained.

(5) No portable buildings exceeding one hundred sixty square feet (160 SF) are allowed.

(6) A portable structure may be placed within a utility easement or established setback line, however the property owner agrees to move any such structure at their expense to allow utility easement access; and ensures the building will not cause any adverse affect on neighboring properties.

4.4.2 Minimum Yard, Single family (in feet)..

	A-1	R-1	R-1.5	R1.75	R-2	R-3
a. Front	35	25	25	25	25	25
b. Side (minimum)	15	10	8	5	5	5
c. Side (street)	25	25	25	25	25	25
d. Rear	10	10	10	10	10	10

~~Note: Portable accessory buildings meeting the size requirement hereinabove may encroach into the setback lines in all residential districts, subject to property owners agreement to move said structure at their own expense to allow utility easement access.~~

ORDINANCE NO. 2018-20

AN ORDINANCE TO AUTHORIZE DOING BUSINESS WITH COUNCIL MEMBER RICK CLAYTON.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE GROVE, ARKANSAS:

SECTION ONE: Statement of Prior History. Council Member Rick Clayton owns and operates Clayton Tile, Inc., a flooring provider and installer in Prairie Grove, Arkansas. The City occasionally has need for flooring work on public buildings.

SECTION TWO: Authorization to Conduct Business with Clayton Tile, Inc. The City recognizes that Rick Clayton has been elected to sit on the City Council and that there is a public policy that discourages municipal contracts with public officials. Nevertheless, the Council feels that it would be unfair to prohibit him from conducting business with the City. Therefore, the City Council hereby authorizes the City to conduct business with Clayton Tile, Inc. when the cost of such transaction is below the \$20,000.00 threshold requiring competitive bidding; and when the City obtains quotes from at least two other flooring providers and the price from Clayton Tile, Inc. is equal to or less than competitors. This Ordinance is adopted pursuant to A.C.A. § 14-42-107(b)(1).

SECTION THREE: Section 3.04.06 Repealed. Section 3.04.06 of the Prairie Grove Municipal Code is hereby repealed.

SECTION FOUR: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.

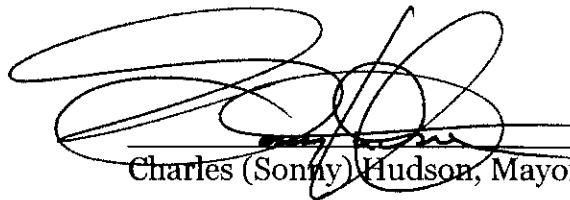
SECTION FIVE: Saving Clause. Nothing herein shall be deemed to affect any

rights or obligations existing at the time of the passage of this ordinance.

SECTION SIX: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.


SECTION SEVEN: Effective Date. This Ordinance shall take effect 60 days following its posting.

APPROVED this 20 day of August 2018.



Charles (Sonny) Hudson, Mayor

(Attest)



Christine Kelly, Clerk

ORDINANCE NO. 2018-21

**AN ORDINANCE TO AMEND REQUIREMENTS FOR CLEAR
SIDEWALKS AND FOR OTHER PURPOSES.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE
GROVE, ARKANSAS, THAT:**

Section One: Title. This Ordinance shall be known as the 2018 Sidewalk Amendment.

Section Two: Section 9.32.01(b) Amended. From and after the effective date of this Ordinance, Section 9.32.01 subsection (b) shall be amended to read as follows:

(b) Within the Central Business District zoning classification, all property owners adjacent to a public sidewalk shall keep a minimum width of 48" of sidewalk free of any obstruction. Outside of the Central Business District zoning classification, the entire width of public sidewalks must be kept free of any obstruction.

Section Three: Effective Date. This Ordinance shall become effective from and after 60 days of its posting.

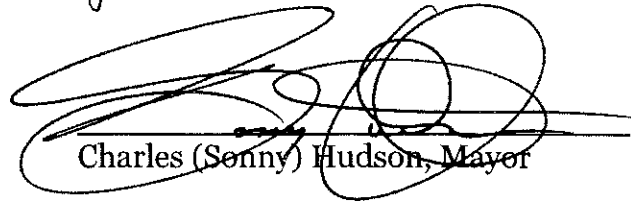
Section Four: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.

Section Five: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

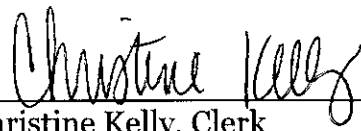
Section Six: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then

only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Approved this 20 day of August 2018.


Charles (Sonny) Hudson, Mayor

(Attest)


Christine Kelly, Clerk

MARKUP

Within the Central Business District zoning classification, all property owners adjacent to a public sidewalk shall keep a minimum width of ~~36"~~ 48" of sidewalk free of any obstruction. Outside of the Central Business District zoning classification, the entire width of public sidewalks must be kept free of any obstruction.

ORDINANCE NO. 2018- 22

**AN ORDINANCE TO APPROVE THE FINAL PLAT OF THE
BARTHOLOMEW SUBDIVISION AND TO PROVIDE FOR THE REZONING
OF CERTAIN LANDS IN PRAIRIE GROVE, ARKANSAS CURRENTLY
OWNED BY, MODIFICATION OF THE ZONING MAP, AND AMENDMENT
OF THE ZONING ORDINANCE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE GROVE,
ARKANSAS, THAT:

Section One: Title. This Ordinance shall be known as the Bartholomew
Subdivision Final Plat Approval and Rezone Ordinance

Section Two: Final Plat Approved. The Final Plat of the Bartholomew
Subdivision, as submitted by the developer and approved by the Prairie Grove
Planning Commission, is hereby approved and the Mayor and Clerk are
authorized to affix their names and the seal of the City thereto. This subdivision
meets the definition of an "Informal Plat" under the Prairie Grove Subdivision
Ordinance Section 2.18 and is being processed as a Final Plat approval without
the need for preliminary plats or concept approval.

Section Three: Acceptance of Right-of-Way. The City hereby accepts the
grant of right-of-way to the City as shown on the Plat for public use.

Section Four: Property Rezoned. From and after the effective date hereof,
the following described real estate in the City of Prairie Grove, currently owned
by [owner], is hereby changed in zoning classification from A-1 (Agricultural) to
R-1 (Residential):

A part of the Northwest Quarter of the Northeast Quarter of Section 12, Township 15 North, Range 32 West, Washington County, Arkansas, being more particularly described as follows, to-wit: beginning at an existing rebar marking the Northeast corner of said forty-acre tract and running thence S02°27'20"W 354.49', thence N89°15'06"W 240.79' to an existing rebar, thence N02°08'13"E 355.54', thence S88°59'29"E 242.74' to the point of beginning, containing 1.97 acres, more or less, subject to that portion in Blackburn road right-of-way on the North side, subject to that portion in Viney Grove Road right-of-way on the East side of herein described tract and also subject to all other easements and rights-of-way of record.

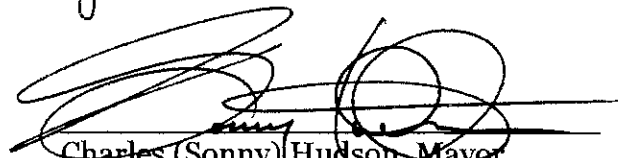
Section Five: Effective Date. This Ordinance shall become effective from and after 60 days of its passage.

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Section Eight: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Approved this 20 day of August 2018.


Charles (Sonny) Hudson, Mayor

(Attest)


Christine Kelly, Clerk