

ORDINANCE NO. 2021-23

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE REGARDING
HOME BASED BUSINESSES**

**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 2021 Zoning
Amendment Ordinance.

Section Two: Zoning Ordinance Amended. The definition of "Home
Occupation" found in Section 3.0 is amended to read as follows:

Home Occupation

A use conducted entirely within an enclosed dwelling, which is clearly incidental and secondary to residential occupancy and does not change the character thereof. Specifically excluded is any activity involving building alterations, window display, construction features, equipment, machinery or outdoor storage, any of which is visible from off the lot on which located. Any occupation or profession carried on only by the inhabitants and which is conducted entirely within the main or accessory building; provided that no trading in merchandise is carried on and in connection with which there is no display of merchandise. No mechanical equipment is used or activity is conducted which creates any noise, dust, odor, or electrical disturbance beyond the confines of the lot on which said occupation is conducted.

The term "Home Occupation" may include, but is not limited to, the following uses:

Custom dressmaking, millinery, tailoring, sewing of fabrics for custom apparel and custom home furnishings.

Fabrication and/or assembly of handicraft articles, not involving heating, refining, chemical, or similar processes.

Laundering or pressing.

Professional office.

Rooming or boarding of not more than one (1) person.

Teaching or tutoring, limited to one (1) pupil at a time.

Beauty or Barber Shop.

The term "Home Occupation" shall not be interpreted to include any of the following uses: commercial kennel or stable, sales to customers on the premises, veterinary surgeon, commercial repair of automobiles, appliances, or similar items.

Section Three: Zoning Ordinance Amended. Section 4.3.1 of the Prairie

Grove Zoning Ordinance, the table of permitted uses for residential zones, is

hereby amended to read as follows:

4.3.1 Uses Allowed: ("P" indicates the use is permitted. "C" indicates the use is permitted only by issuance of a Conditional Use Permit¹. "N" indicates the use is prohibited.)

	<u>A-1</u>	<u>R-1</u>	<u>R-1.5</u>	<u>R1.75</u>	<u>R-2</u>	<u>R-3</u>
a. Single-family structure	P	P	P	P	P	P
b. two/three-family structure	N	N	N	N	P	P
c. Multi-family (>3) structure	N	N	N	N	N	P
d. Manufactured Home	C	N	N	N	P	P
e. Mobile Home	C	N	N	N	N	N
f. Churches and recreational bldg.	C	C	C	C	C	P
g. Public parks, playgrounds, recreational buildings	P	C	C	C	C	C
h. Private playgrounds & swimming	P	C	C	C	C	C
i. Hospitals and nursing homes	C	N	C	C	C	C
j. Libraries, museums (public)	C	C	C	C	C	C
k. Home occupations	P ²	P ²	P ²	P ²	P ²	<u>P²</u>
l. Public and private schools, and kindergartens	C	C	C	C	C	C
m. Child care center	C	C	C	C	C	C
n. Day care family home	C	C	C	C	C	C
o. Clubs, lodges, etc.	C	N	C	C	C	C
p. Golf courses, except commercial miniature golf	C	C	C	C	C	C

q.	Public utility sub & pump station ³	P	P	P	P	P	P
r.	Bed & Breakfast Inns	C	C	C	C	C	C
s.	Compatible accessory buildings ⁴	P	P	P	P	P	P
t.	More than 6 operable vehicles	P	C	N	N	N	N
u.	Residential Development						
	Sales Office (temporary)	N	C	C	C	C	C
w.	Communications Tower	C	N	N	N	N	N
x.	Small Cell Facility	C	C	C	C	C	C

1/ See Section 16.0 of this Regulation.

2/ See Section 10.0 of this Regulation.

3/ This use permitted if housed in buildings that harmonize with the character of the neighborhood and having adequate fences and other safety devices. Refer also to Section 2.5.3.

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: Zoning Ordinance Amended. Section 10 of the Prairie Grove

Zoning Ordinance is amended to read as follows:

10.0 OCCUPATIONS PERMITTED IN RESIDENTIAL STRUCTURES UTILIZED FOR RESIDENTIAL PURPOSES IN RESIDENTIAL DISTRICT

- 10.1 An occupation may be carried on in a residential structure in a residential use area only if such occupation meets all of the following conditions:
- 10.1.1 Does not involve the use of commercial vehicles.
 - 10.1.2 Does not require the use of more than two (2) rooms otherwise normally considered as living space.
 - 10.1.3 No alterations to the residential structure solely to accommodate the Home Occupation shall be allowed.
 - 10.1.4 Does not have a sign in excess of six (6) square feet to denote the business, occupation, or profession (and such sign must be attached to the structure). No illuminated signs shall be allowed.
 - 10.1.5 Does not involve the display of goods and services or on-site sales of goods
 - 10.1.6 Only one additional employee, not living in the residence, shall be allowed.
 - 10.1.7 No more than two customers at a time shall be allowed.
 - 10.1.8 Off-street parking, in addition to any required for normal residential use, shall be provided as follows:
one additional space for customers (if applicable)
one additional space for employee not living in the home (if applicable).
 - 10.1.9 The Home Occupation shall not create a nuisance to surrounding residents and neighbors including, without limitation, excessive odor, dust, smoke, vibration, noise, light, heat, glare or similar disturbances.
 - 10.1.10 The Home Occupation may not be sited in a garage if such garage is required to provide off-site parking required elsewhere in this Zoning Ordinance.

10.1.11 Regardless of any other requirements, such Home Occupation must comply with all Fire, Building and Safety Codes applicable within the State of Arkansas and the City of Prairie Grove.

~~10.2—A profession or service carried on in a residential structure or accessory building in a residential area at the time of the adoption of these regulations, which was lawfully established, but which does not conform to the use, area and bulk regulations for the district may be continued.~~

Section Five: Section 14.16.04 of Prairie Grove Municipal Code Amended.

Section 14.16.04 of the Prairie Grove Municipal Code is amended to read as follows:

14.16.04 Placement of Signs in an R District

1. One sign, not exceeding 8 square feet, is allowed per tax parcel.
2. One additional sign, not exceeding 6 square feet, attached to the building, shall be allowed when a home occupation is conducted at the property.
3. On unimproved lots at the entrance to a platted subdivision, the sign shall not exceed 32 square feet.
4. Signs may not be lit in residential areas

Section Six: Effective Date. This Ordinance shall become effective 60 days following its posting, unless an Emergency Clause is attached.

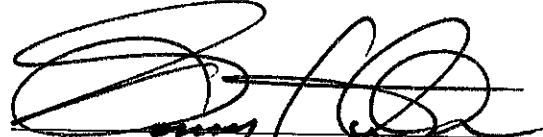
Section Seven: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.

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

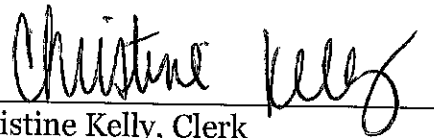
Section Nine: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be

affected thereby and all other provisions hereof shall remain in full force and effect.

Approved this 19 day of July 2021.


Charles (Sonny) Hudson, Mayor

(Attest)


Christine Kelly, Clerk

ORDINANCE NO. 2021-24

AN ORDINANCE TO APPROVE THE PRELIMINARY PLAT OF PHASE 2 OF THE WAGNON SPRINGS PUD SUBDIVISION.

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 Wagon Springs Phase 2 Preliminary Plat Approval Ordinance

Section Two: Preliminary Plat Approved. The Preliminary Plat of the Wagon Springs PUD, Phase 2, 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.

Section Three: Installation of Improvements Authorized. The developer is hereby authorized to begin installation of necessary improvements and prepare a final plat upon completion

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

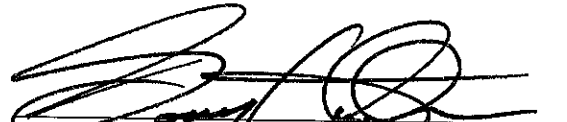
Section Five: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.

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

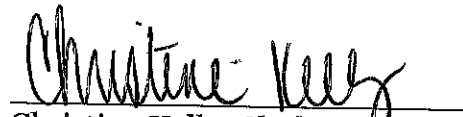
Section Seven: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid

shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Approved this 19th day of July 2021.


Charles (Sonny) Hudson, Mayor

(Attest)


Christine Kelly, Clerk

ORDINANCE NO. 2021-25

**AN ORDINANCE TO APPROVE THE FINAL PLAT OF THE KSDA, INC.
SUBDIVISION.**

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 South Neal Final Plat Approval Ordinance

Section Two: Final Plat Approved. The Final Plat of the KSDA, Inc. Subdivision on South Neal, 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 Streets and Easements Not Applicable. As an Informal Plat, there are no streets or easements being dedicated to public use and therefore, no acceptance is required.

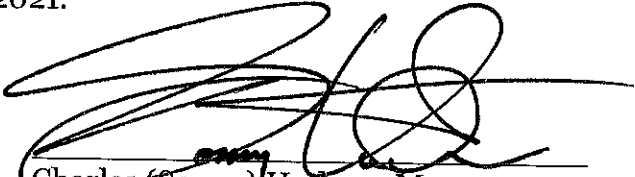
Section Four: Effective Date. This Ordinance shall become effective from and after 60 days of its passage.

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

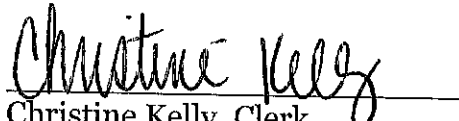
Section Seven: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain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

Approved this 19th day of July 2021.



Charles (Sonny) Hudson, Mayor

(Attest)



Christine Kelly, Clerk