

ORDINANCE NO. 2018- 7

AN ORDINANCE TO AMEND THE ANIMAL CONTROL 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 2018 Animal Control Amendments.

Section Two: Animal Ordinance Amended. Section 6.04.09(j) is amended to read as follows:

6.04.09 Redemption and Relinquishment Fees.

(j) An adoption fee of \$40.00 for any dog or \$20.00 for any cat shall be charged to anyone adopting an animal. In addition, a micro-chipping fee of \$15.00 for each animal adopted shall be charged. All animals adopted from the City of Prairie Grove Animal Shelter shall be neutered and micro-chipped prior to adoption. The fee for micro-chipping an animal not being adopted shall be \$20.00, and will only be allowed as employee time allows.

Section Three: Section 6.08.02 is amended to read as follows:

6.08.02 Keeping of Livestock. It shall be unlawful for any person, firm or corporation to keep any cattle, horse, mule, swine, sheep, goat, rabbit or poultry within the city: Except:

- (a) in areas zoned for agricultural or industrial uses, provided the animals are properly confined; or
- (b) when no more than two rabbits, chickens, ducks or geese are kept as pets; or
- (c) when chickens are kept pursuant to section 6.08.11; or
- (d) for animals kept for educational purposes (e.g. FFA, 4H).

Section Four: A new section 6.08.11 is added to read as follows:

6.08.11 Residential Chickens.

- (a) Female chickens only may be kept in areas zoned single-family residential (R-1, R-1.5, R-1.75). No roosters shall be allowed. All such animals shall be a breed that cannot fly or must have their wings clipped to prevent flight.
- (b) A maximum of 4 chickens shall be allowed on lots of 5,000 square feet or smaller. For lots larger than 5,000 square feet, one (1) additional bird shall be allowed for every 1,250 square feet, up to a maximum number of twenty (20) birds.
- (c) There shall be no outside slaughtering of birds.
- (d) Birds shall be supplied with sufficient good and wholesome food and water.
- (e) All fowl shall have a coop/roost that is constructed with a minimum of three (3) square feet per bird and, during daylight hours, birds shall have access to a secure enclosure/yard that is adequately fenced to protect them from predators. The coop/roost shall be kept in the side or rear yard, and is not permitted in the front yard area. Where a rear yard extends to an adjacent street, the birds shall not be permitted past the lot line on which the house sits.
- (f) The coop/roost structure shall not be located closer than 25 feet to any residential structure on an adjacent lot, and shall meet the building setbacks of the applicable zoning district.
- (g) The coop/roost structure shall be well ventilated and provide protection from the weather and predators. The coop/roost area must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors, attraction of flies or vermin, the creation of an environment otherwise injurious to the public health and safety, or that would obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property by members of the neighborhood, city or other persons. The owner shall provide for the storage and removal of manure. Stored manure to be used for composting shall be fully covered or placed in an enclosure. All manure not used for composting or fertilizing shall be removed and properly disposed.

- (h) Illegal fowl currently existing in the City shall not be "grandfathered" or permitted to remain after the effective date of this ordinance.
- (i) The City may further restrict or prohibit the keeping of fowl within residential districts, with a neighborhood or on a particular property if the City Council determines that fowl and created a public nuisance or public health issue.

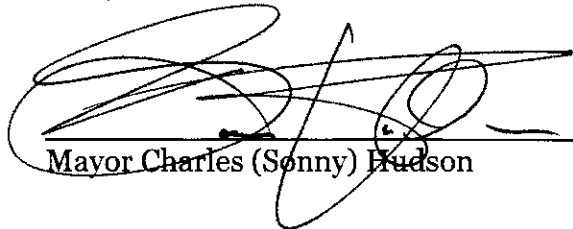
Section Five: Effective Date. This Ordinance shall become effective from and after 60 days following its posting unless an emergency clause is attached.

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.

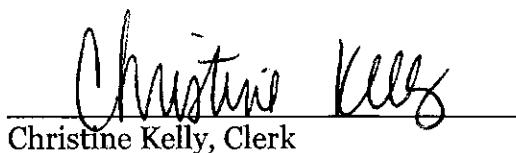
Section Seven: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

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 21 day of May 2018.


Mayor Charles (Sonny) Hudson

(Attest)


Christine Kelly, Clerk

ORDINANCE NO. 2018-8

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE REGARDING
YARD SALES.**

**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 Yard Sale Amendment.

Section Two: Municipal Code Amended. Following the passage of Ordinance 1992-18 regarding yard sales, it was codified as an amendment to the Zoning Ordinance. The City Council hereby declares it should be removed as an amendment to the zoning ordinance under section 14.08.01; and should be re-codified as a new section 4.36 Yard Sales.

Section Three: The new section 4.36, subsection A. Unlawful Conduct should further be amended to read as follows: "From and after the effective date of this section, it shall be unlawful for any person to conduct a sale from a yard, garage or carport situated in an R-1, R-1.5, R-1.75 or R-2 zone except as expressly allowed herein."

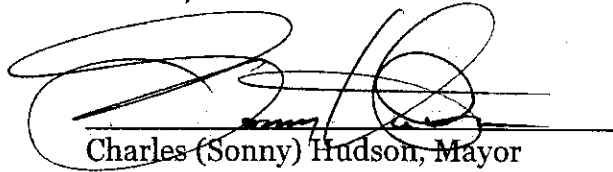
Section Four: Effective Date. This Ordinance shall become effective from and after 60 days of its posting, unless an Emergency Clause is affixed.

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.

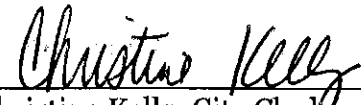
Section Six: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

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 21 day of May 2018.


Charles (Sonny) Hudson, Mayor

(Attest)


Christine Kelly, City Clerk

Markup

- A. Unlawful Conduct From and after the effective date of this section, it shall be unlawful for any person to conduct a sale from a yard, garage or carport situated in an R-1, R-1.5, R-1.75 or R-2 ~~or C-3~~ zone except as expressly allowed herein."

ORDINANCE NO. 2018-9

AN ORDINANCE TO AMEND 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 2018 Zoning Amendment 2.

Section Two: Definitions Amended. The following definitions in Section 3.0 are 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.

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.

Appurtenance

An improvement that is generally temporary in nature, such as above-ground swimming pools that are only erected during summer months.

Section Three: Rear Dwellings. A new section 4.3.2 is added to the Zoning Ordinance to read as follows:

4.3.2 Rear Dwellings

An accessory building may be built and utilized as a secondary, Rear Dwelling within Residential Zones if it meets the following conditions:

1. The structure must meet the requirements of Accessory Structures found under footnote 4 above in Section 4.3.1;
2. There are no square footage requirements;
3. The structure must be built to meet current residential building codes;
4. The structure must be permanent (no portable buildings may be utilized for residential uses);
5. The structure may only be occupied by family members or Wards under a legal guardianship of the persons residing in the primary structure on the property;
6. No compensation for residing in the Rear Dwelling may be paid to any person.

Section Four: Large-Scale Development Procedures Amended. The Prairie Grove Zoning Ordinance, APPROVAL PROCEDURES FOR LARGE-SCALE DEVELOPMENT PLANS, Section B Submission data, sub-sections (e) and (f) are amended to read as follows:

Markup

Accessory Building 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 buildings 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.

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.

Appurtenance

An improvement, ~~excluding accessory buildings, detached from the principal structure and located on the same lot. Examples include: TV satellite dishes, swimming pool, and ham radio transmitter tower.~~ that is generally temporary in nature, such as above-ground swimming pools that are only erected during summer months.

4.3.2 Rear Dwellings

(e) An architect's or engineer's stamp is required on the drawings, in accordance with State law.

(f) An Arkansas State Contractor's License is required, in accordance with State law.

Section Five:

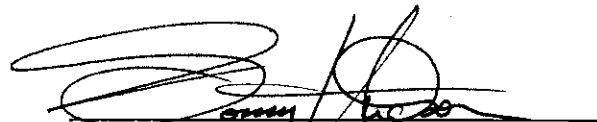
Section Six: Effective Date. This Ordinance shall become effective from and after 60 days of its posting, unless an Emergency Clause is affixed.

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 21 day of May 2018.


Charles (Sonny) Hudson Mayor

(Attest)


Christine Kelly, City Clerk

An accessory building may be built and utilized as a secondary, Rear Dwelling within Residential Zones if it meets the following conditions:

7. The structure must meet the requirements of Accessory Structures found under footnote 4 above in Section 4.3.1;
8. There are no square footage requirements;
9. The structure must be built to meet current residential building codes;
10. The structure must be permanent (no portable buildings may be utilized for residential uses);
11. The structure may only be occupied by family members or Wards under a legal guardianship of the persons residing in the primary structure on the property;

No compensation for residing in the Rear Dwelling may be paid to any person.

LARGE SCALE DEVELOPMENT

B. Submission data.

The large scale development plan shall include the following data:

Checklist/Requirements for Large Scale Developments

1. Boundary and legal description on submitted plat of survey.
2. Scale 1" = 100' or larger
3. Contours showing critical topography
4. Water courses, stream, ponds, or drainage ditches
5. Structures, existing and proposed
6. Existing roads, alleyways, Right of ways
7. Proposed drives, roads, alleys, or access lanes
8. Storm drainage proposal
9. Landscaping and green space
10. Parking areas, number of spaces, loading areas, handicap provisions
11. Sidewalks
12. Utilities & easements
13. Adjacent property owners
14. Engineered drainage calculations & recommendations
15. Location of signs and lighting

- (a) Receipt for filing fee paid to the city.
- (b) A copy of the large scale development plan submittal checklist (1 – 15) with all items checked or status noted is required with all submissions.
- (c) Drawings to scale not smaller than one inch equals 100 feet indicating all required information. Ten copies must be submitted according to the TAC review schedule provided by the planning authority.
- (d) Owner name and address and building usage for verification with zoning requirements.
- (e) An architect's or engineer's stamp is required on the drawings ~~when the building cost is \$150,000.00 or greater (less land costs) or on multi-family housing including five or more units.~~ in accordance with State law.
- (f) ~~If project costs exceed \$20,000.00 a~~An Arkansas State Contractor's License is required, in accordance with State law.
- (g) Storm drainage design must meet minimum drainage requirements as determined by a licensed professional engineer and reviewed by the City and/or the City's engineer. Drainage design shall result in no additional run-off than existing at time of development or a determination by an engineer that any additional run-off will not impact any downstream properties or land. Drainage improvements must be indicated on the plans and a drainage report will accompany plans. An engineer's certified calculations must be provided for all improvements. Improvements must be completed and certified by the engineer of record or prior to issuance of a certificate of occupancy.
- (h) Developments within a flood plain or flood way must provide flood plain data certified by an engineer or architect and must meet all FEMA requirements for new construction in flood plains or flood ways.
- (i) Where applicable, verify impact of development with the airport zoning and hazard map. Notification of the FAA may be necessary prior to construction.
- (j) Provide a signature list on the drawing for approvals. Included should be the planning commission, city water and sewer department, fire department, police department, airport manager, street department, state highway department, gas company, electric power company, phone company, TV cable service and the building inspection division.
- (k) Address of property. Obtain or verify address with the building inspection division. Address must be indicated on the building before a certificate of occupancy will be issued.
- (l) Legal description of property. Exact dimensions must be indicated. Attach survey when possible.
- (m) Vicinity map indicating major streets and landmarks.
- (n) Zoning classification of the subject property and each adjacent property.
- (o) Indicate the location of all existing and proposed buildings. Provide dimensions for all buildings and dimensions from the building roof overhangs to property lines and to adjacent buildings.
- (p) For residential buildings, provide the number of units and the number of bedrooms per unit.

- (q) For buildings other than residential, provide the gross floor area, and if multiple-use, the floor area devoted to each type of use.
- (r) Indicate the location, dimensions and arrangements of parking areas and loading areas. Indicate traffic flow patterns.
- (s) Indicate the number of parking spaces required and the number provided. Handicap spaces provided must meet local, state and ADA requirements.
- (t) Indicate the location from property lines, width and distance between curb cuts for any drive entrances.
- (u) Indicate the location from property lines and R.O.W. lines, sizes and heights of any existing or proposed signage. A supplemental permit is required for any signage.
- (v) Indicate the location of existing and proposed utility lines, septic fields and utility easements, including fire hydrants.
- (w) Indicate the location and type of trash removal service. Screening is required for any trash dumpster locations.
- (x) Indicate the locations of new sidewalks as required by this chapter. Sidewalks must be installed or cash bond posted prior to issuance of the certificate of property.
- (y) Indicate the location of all nonresidential trailers to be used on or for a project. Trailers must be removed within five days of issuance of the certificate of occupancy or at the expiration of the trailer permit provided by the planning commission.
- (z) Indicate all other site improvements, if any.
- (aa) Provide plans indicating proposed landscaping and site grading. Indicate the type, number and location for all plants. Landscaping and green space provisions are required to meet the provisions of this chapter. Landscaping must be installed or cash bond posted and a two-year guarantee provided on all plant materials prior to issuance of the certificate of occupancy.
- (bb) Existing trees that will remain after development and will not be endangered by the development may qualify as part of the landscape requirements. Qualification must be verified with the planning authority office. Removal of trees not directly affected by construction or development shall be approved during the Large Scale Development Review.
- (cc) Indicate the location of landscape buffer zones, screening fences or screening walls, where required. Requirement should be verified with the planning authority of the City.
- (dd) Developer may be required to upgrade existing city streets bordering the property. Street improvements must meet city standards and additional right-of-way, if required, must be dedicated according to the city street master plan. Street improvements and R.O.W. dedication must be completed or cash bond posted prior to issuance of the certificate of occupancy. Required street improvements may be based on anticipated additional traffic generated by the development, traffic safety concerns, pedestrian safety, and visibility.
- (ee) New construction, drives and curb cuts on state and federal highways will require written approval of the state highway and transportation department. Copies of the approval must be provided to the planning authority office with the LSDP submission.

- (ff) Three sets of building plans shall be submitted to the building inspection division two weeks prior to a request for building permit.
- (gg) The large-scale development plan approval letter issued by the planning authority must be signed by the owner and a copy submitted to the building inspection division prior to issuance of a building permit.
- (hh) All commercial developments that include plumbing and all public food service establishments require the review and approval of the state health department. The approval letter from that department is required prior to issuance of a building permit.
- (ii) large scale development plans are valid for one year after approval by the planning commission.
- (jj) During submittal of plans applicant (or their engineer) shall determine if they are subject to Storm water run-off permits or requirements as established by ADEQ. Developments required by ADEQ to develop plans for storm water management must show proof of those permits prior to issuance of a permit for construction.

Submission fees.

To initiate planning authority office services, a large-scale development plan submission will require a fee payment of \$500.00 payable to the city at the time the plan is submitted to the planning authority office.