

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE REPEALING ORDINANCE NO. 8448 TO REVOKE A CONDITIONAL USE FOR CERTAIN REAL PROPERTY LOCATED AT 4108 MACARTHUR DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

WHEREAS, on May 29, 2012, the City Council of the City of North Little Rock, Arkansas (the "City") adopted Ordinance No. 8448, granting a conditional use of land for auto sales located at 4108 MacArthur Drive in North Little Rock; and

WHEREAS, Article 16, Section 16.5 of the North Little Rock Zoning Ordinance (Ordinance No. 7697) provides that applicants who are granted a conditional use must obtain a business license 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 has not obtained a business license for the conditional use, and the North Little Rock Planning Department has mailed the owner a notice of revocation of their conditional use; and

WHEREAS, the applicant who requested the conditional use and the current property owner were notified via mail of a revocation hearing held on February 12, 2019 at 4:00 p.m. at the North Little Rock Planning Commission meeting; and

WHEREAS, the North Little Rock Planning Commission approved revocation of the conditional use (7 affirmative, 2 absent) on February 12, 2019.

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

SECTION 1: That Ordinance No. 8448, adopted May 29, 2012, granting a conditional use of land for auto sales at certain real property located at 4108 MacArthur Drive is hereby repealed and the conditional use granted therein is hereby revoked.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.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 business license was obtained for a 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 to 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:

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\_\_\_\_\_  
Mayor Joe A. Smith

SPONSORS:

ATTEST:

*Joe A. Smith*  
Mayor Joe A. Smith *by AT*

\_\_\_\_\_  
Diane Whitbey, City Clerk

APPROVED AS TO FORM:

*Amy Beckman Fields*  
Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/cf

FILED <u>11.25</u> A.M. _____ P.M.
By <u>Amy Fields CA</u>
DATE <u>3/9/19</u>
<b>Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas</b>
RECEIVED BY _____