

ORDINANCE NO. 2017-18

File# 2017-00030016

**AN ORDINANCE TO CLARIFY/CORRECT ORDINANCE 1997-17**

**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 Angus Street Closing Correction Ordinance.

Section Two: Ordinance 1997-17 Corrected. Ordinance 1997-17, that closed a portion of Angus Street, stated it was closing the street as it existed between Lots 4 and 6 of the Fidler Subdivision to the City of Prairie Grove. It should have stated it was closing the street as it existed between Lots 4 and 9 of the Fidler Subdivision to the City of Prairie Grove.

Section Three: Street Closed. The City Council of the City of Prairie Grove hereby finds that Angus Street, between Lots 4 and 9 of the Fidler Subdivision to the City of Prairie Grove has never been utilized, is no longer of any benefit to the public at large and its continued reservation for the public at large constitutes a continuing hardship to abutting property owners. Therefore, the City Council hereby vacates and abandons such dedicated street.

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or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.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.

### Changes to Zoning Ordinance Section 9.5

9.5 Paving Required for New Use. Any requirements in this Zoning Ordinance for the paving of any property within the City, shall be applied to any new or renewed use of a property, formerly existing as a non-conforming use, whenever any property has remained unoccupied by a resident or a non-functioning business for more than 90 days, unless the owner obtains a variance recommendation from the Board of Adjustment and the variance is granted by the City Council.

### Changes to Municipal Code Section 8.24.18

#### 8.24.18 Waivers

- (a) Whenever a residential drive in an area zoned Agricultural would exceed 100 feet in length, the owner may apply for a waiver from the requirement to pave the drive by filing an application for a variance with the Board of Adjustment.
- (b) The owner of property containing a previously non-conforming use regarding paving requirements (see 8.24.13) may petition the Board of Adjustment for a variance from the requirement to pave such previously non-conforming use as may be required by section 8.24.13 and the Zoning Ordinance Section 9.5. The Board of Adjustment shall make a recommendation to the City Council, who shall have the authority and discretion to grant or deny such variance.