

ORDINANCE NO. 448

AN ORDINANCE AMENDING CERTAIN ORDINANCES OF THE CITY OF BARLING, ARKANSAS INCLUDING ORDINANCE NO. 272, AND ORDINANCE NO. 281 SO AS TO PERMIT THE ESTABLISHMENT, INSTALLATION AND MAINTENANCE OF PRIVATE STREETS WITHIN PLANNED ZONING DISTRICTS IN THE CITY OF BARLING, ARKANSAS PROVIDED SPECIFIC TECHNICAL STANDARDS ARE SATISFIED

BE IT ENACTED AND ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF BARLING, ARKANSAS, that

ARTICLE 1 PURPOSE, AUTHORITY, AND JURISDICTION

Section 1 PURPOSE

Upon recommendation from the Planning Commission for the City of Barling (the “***City***”) and following careful consideration of the subject matter, the Board of Directors for the City of Barling (the “***Board***”) finds that planned zoning districts, if developed in accordance with stipulated technical criteria, specifications, and standards approved by the Planning Director, the Planning Commission, and this Board (the “***PZD Standards***”) serve as an important means to promote the City’s present and future needs as well as provide for the safety, morals, order, convenience, prosperity, and general welfare of the citizens of this City.

Section 2 AUTHORITY

Act 186 of 1957, Arkansas Code Annotated 14-56-403 et seq. empowers cities of the first and second class to adopt and enforce plans for the coordinated, adjusted, and harmonious development of the municipality and its environs and to amend the same from time to time.

Section 3 JURISDICTION

The adoption and regulation of planned zoning districts within the territorial jurisdiction of the City is within the purview of this Board.

ARTICLE II LEGAL STATUS

Section 1 CLARIFICATION OF AS TO EXISTING ORDINANCES AND REGULATIONS

- A. Ordinance No. 434 passed and approved on June 14, 2016 amended certain ordinances of the City to permit and allow for separate planned zoning districts within the City known as planned zoning districts (“***Planned Zoning District***” or “***Planned Zoning Districts***” as the context so requires).

- B. Ordinance No. 272 (Master Street Plan) and Ordinance No. 281 (Land Subdivision and Development Standards City of Barling Arkansas) require streets constructed in a subdivision to the City be within publicly dedicated easements or street rights-of-way. This Board finds that private streets should be permitted within a Planned Zoning District so long as they conform to the approved PZD Standards.
- C. While all Planned Zoning Districts within the City must be constructed and developed in accordance with the PZD Standards approved by this Board, it is the intent and policy of this Board to permit private streets within a Planned Zoning District.
- D. Ordinance No. 272 establishing a Master Street Plan for the City is amended to allow for and permit the installation and maintenance of private streets within a Planned Zoning District so long as they are constructed in accordance with the PZD Standards. With regard to approved Planned Zoning Districts only, to the extent there is a conflict between the standards and requirements set forth in Ordinance No. 272 and the PZD Standards, the PZD Standards shall control.
- E. Ordinance No. 281 adopts land subdivision and development standards for the City and is amended in all respects to allow for the installation and maintenance of private streets within Planned Zoning Districts that meet or exceed the PZD Standards. To the extent there is a conflict between the standards and requirements set forth in Ordinance No. 281 and the PZD Standards, the PZD Standards shall control for all purposes

Section 2
SEVERABILITY

The provisions of this ordinance are declared to be severable and a decision by any court of competent jurisdiction that any section, phrase, or provision of this ordinance or any application thereof is illegal, invalid, or unconstitutional, shall not affect the legality, validity, or constitutionality of the remaining provisions or applications of this ordinance.

ARTICLE III
OTHER
Section 1
REPEAL IF CONFLICT

All parts of the ordinances, resolutions, regulations, and parts thereof for the City in conflict with this Ordinance are repealed to the extent of such conflict.

Section 2

PUBLICATION

Following adoption, this Ordinance shall be published in a newspaper of general circulation in the City, at least one time.

Section 3
EMERGENCY CLAUSE

It is declared that planned zoning districts must be permitted within the City as soon as possible to accommodate the needs of the City, its citizens, its inhabitants, and persons residing in any area to be served by a planned zoning district, without which the life, health, safety, and welfare thereof are jeopardized, and that the implementation of this Ordinance and the taking of the other actions authorized by this Ordinance are necessary for the accomplishment thereof. It is declared that an emergency exists and this Ordinance being necessary for the immediate preservation of the public peace, health, and safety shall take effect and be in force from and after its passage.

PASSED AND APPROVED this ____ day of _____, 2018.

APPROVED: Wally Gattis, Mayor

Attest:

ATTEST: City Clerk

CERTIFICATE

The undersigned, City Clerk of the City of Barling, Arkansas, certifies that the foregoing pages are a true and correct copy of **Ordinance No. 448**, adopted at a regular session of the Board of Directors of the City of Barling, Arkansas, held at the regular meeting place in the city at 5:30 o'clock p.m. on the ____ day of _____, 2018.

GIVEN under my hand and seal on this ____ day of _____, 2018.

City Clerk

(SEAL)

Approved as to form:

Matthew Ketcham, City Attorney