ORDINANCE NO. ______

AN ORDINANCE TO PROHIBIT THE WITHDRAWAL AND USE OF GROUNDWATER ON CERTAIN LANDS IN LITTLE ROCK, ARKANSAS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the Board of Directors of the City of Little Rock, Arkansas (the “City”) is authorized and empowered under the provisions of Ark. Code Ann. § 14-55-102 to create ordinances to provide for the safety and preserve the health of the inhabitants thereof; and,

WHEREAS, the Board of Directors has determined that regulation of the use of groundwater beneath, safety and welfare; and,

WHEREAS, the City does not use groundwater as a source for public drinking water; and,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF LITTLE ROCK, ARKANSAS:

Section 1. Definitions.

(A) “Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

(B) “Property” shall generally mean the United States Army Reserve Center located at 1201 Bond Avenue, Little Rock, AR 72202, and more specifically that area described in Section 2 and includes any future subdivision or parcel of the Property.

Section 2. Identification of Lands Subject to the Regulations of this Ordinance. A legal description of the lands affected by this ordinance (i.e., the “Property”) is set forth on the attached Exhibit A and a depiction of such lands is set forth on the attached Exhibit B.

Section 3. Prohibition on Use of Groundwater.

(A) Prohibition of Use of Groundwater Within the Identified Area. The use of any and all currently existing groundwater wells within the identified area is prohibited for any purpose other than those exceptions listed in Section 3(B). All existing groundwater wells within the identified area, other than those excepted under Section 3(B), shall be closed and abandoned pursuant to applicable requirements within ninety (90) days of the effective date of this ordinance. The construction of new groundwater wells within the identified area is prohibited for any purpose other than those exceptions listed in Section 3(B).
(B) **Exceptions for Monitoring and Remediation.** This ordinance shall not apply to wells constructed or used for purposes of investigation, monitoring, removal, and/or remediation of any subsurface contamination or suspected subsurface contamination pursuant to an order of, or with the consent of, the City or any state or federal regulatory agency.

Section 4. **Restrictions on Future Use.**

(A) **Property Uses Restricted to Those Allowed by Current Zoning.** The Property is currently zoned I-2, Light Industrial District, as currently defined in Section 36-320 of the Little Rock Code of Ordinances. The Property shall hereafter be restricted to those uses that are identified as compatible with I-2 zoning as of the enactment of this ordinance regardless of whether the Property’s zoning, or the uses allowed thereunder, should change in the future. The current version of Section 36-320 of the Little Rock Code of Ordinances is attached as Exhibit C.

(B) Provided, however, that in no event, regardless of future zoning, shall the Property be used for any of the following purposes, as currently defined in Section 36 of the Little Rock Code of Ordinances:

a. A day nursery or day care center;
b. An adult day care center;
c. Any eating establishment;
d. A business school;
e. A commercial, trade, or craft school;
f. A bus station or terminal;
g. A hotel or motel;
h. A drive-in theatre;
i. A child care or other play facility.

Section 5. **Penalties for Violations and Noncompliance.** Any person who is found to have violated this ordinance shall be fined. The maximum fine per violation shall be Five Hundred Dollars ($500.00).

Section 6. A certified copy of this ordinance shall be filed with the Pulaski County Clerk.

Section 7. **Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase or word of this ordinance is declared or adjudged to be invalid or unconstitutional such declaration or adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional were not originally a part of the ordinance.

Section 8. **Repealer.** All laws, ordinances, resolutions, and parts of the same that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 9. The City has previously declared the importance of assuring the health, safety, and welfare of any person using the groundwater beneath certain lands in the City. The ability to assure the
compliance of all landowners with this regulation of the use of groundwater beneath certain lands in the
City is essential to the 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: January 20, 2015

ATTEST:                        APPROVED:

Susan Langley, City Clerk       Mark Stodola, Mayor

APPROVED AS TO LEGAL FORM:

Thomas M. Carpenter, City Attorney
Exhibit A

The affected area consists of all of Clinton Park Addition Blocks 16 and 17 and Lots 1 through 8. Block 18; and all parts of Bannockburn Street and all parts of Boundless Street lying south of East 12th Street closed and abandoned; and all parts of East 13th Street (abandoned) between Boundless Street and Inez Street (Hawkins).
Sec. 36-320. - I-2 light industrial district.

(a) Purpose and intent. The I-2, Light Industrial District, is designed to accommodate a wide range of industrial and related uses which conform to high development standards, Industrial establishments of this type may either be located in extensive areas devoted solely to these uses or may provide a buffer between commercial districts and other industrial uses which involve more objectionable influences. This section applies to such district. A primary objective of this district is the reservation of sufficient land at appropriate locations to accommodate both present and proposed needs of the city for industrial development. Residential development is excluded from this district, both to protect residents from an undesirable environment and to facilitate maximum efficiency of industrial activity. Community facilities and convenience trade establishments which provide needed services to the industrial uses are allowed in this district.

(b) Development criteria.

(1) Uses shall be provided entirely within enclosed buildings. Outdoor storage of equipment, materials or merchandise, however, is allowed provided they are screened by a six-foot opaque barrier, except when such merchandise consists of airplanes, automobiles, boats, mobile homes, travel trailers or motorhomes, motorcycles, buses or trucks or wheeled or tracked industrial vehicles. In those instances where the provisions of this section conflict with the landscape ordinance or the buffer regulations of the zoning ordinance, the landscape ordinance shall apply.

(2) The side and rear-yard setbacks will be adjusted to accommodate those tracts of land provided with rail service.

(c) Use regulations.

(1) Permitted uses. Permitted uses are as follows:

   a. Ambulance service headquarters post.
b. Airport or landing field.
c. Animal pound or kennel.
d. Appliance repair.
e. Auction—General merchandise.
f. Auto auction.
g. Auto glass muffler shop.
h. Automobile, motorcycle display, sales and service.
i. Auto or truck rental and leasing.
j. Auto parts and accessories.
k. Auto paint or body rebuilding shop.
l. Auto repair garage.
m. Banks and savings and loans.
n. Building material sales (open).
o. Bottled gas, bulk storage of nonflammable or nonhazardous.
p. Bottled gas, sales and service.
q. Bus or truck storage or garage.
r. Cabinet or woodworking shop.
s. Car wash.
t. Clothing manufacturing.
u. Contractor or maintenance yard.
v. [Reserved].
w. Day nursery or day care center.
x. Day care center, adult.
y. Eating place with drive-in service.
z. Eating place without drive-in service.
aa. Feed store.
bb. Fire station.
c. Furniture repair store.
dd. Hauling and storage company.
e. Home center.
ff. Job printing, lithographer, printing or blueprinting plant.
gg. Laboratory.
hh. Laboratory manufacturing.
ii. Landscape service.
jj. Laundry, industrial.
kk. Lawn and garden center, enclosed.
ll. Lawn and garden center, open display.
mm. Light fabrication and assembly process.
nn. Lumberyard.
oo. Machine or welding shop.
pp. Machinery sales and service.
qq. Miniwarehouse.
rr. Mobile home sales.
ss. Motor freight terminal.
tt. Office equipment sales and service.
uu. Office (general and professional).
vv. Office warehouse.
ww. Parking (commercial lot or garage).
xx. Photography studio.
yy. Plant nursery.
zz. Plumbing, electrical, heating or air conditioning shop.
aaa. Railroad passenger station.
bbb. Recycling facility, automated.
ccc. Recycling facility (MFR)
ddd. School, business.
eee. School, commercial, trade or craft.
fff. Secondhand store, used furniture or rummage shop.
ggg. Service station
hhh. Small engine repair.
iii. Studio (broadcasting or recording).
jjj. Swimming pool sales and supply.
kkk. Taxidermist.
lll. Taxi office.
mmm. Taxi service facility.
nnn. Tool and equipment rental (inside).
ooo. Tool and equipment rental (outside).
ppp. Truck or tractor sales or repair.
qqq. Warehousing and wholesaling.
rrr. Wood products manufacturing.
sss. Mobile canteen units when operated in compliance with current planning department
regulations for such vehicles.

(2) Conditional uses. Conditional uses are as follows:

a. Agricultural products processing.
b. Bus station and terminal
c. Crematorium.
d. Hotel or motel.
e. Industrial uses not listed (enclosed).
f. Racetrack.
g. Recycling facility (MRF) outside.
h. Retail uses not listed.
i. Slaughterhouse, closed facility.
j. Theater (drive-in).
k. Upholstery shop, furniture.
l. Upholstery shop, auto.
m. Hazardous or medical waste disposal facility.
n. Tire retreading and recapping.

(3) Accessory uses. Accessory uses are as follows:

a. Sleeping quarters for drivers or crew.
b. Vehicle maintenance or repair.

d) Height regulations. No building hereafter erected or structurally altered shall exceed a height of
forty-five (45) feet.

e) Area regulations.

(1) Front yard. There shall be a front yard having a depth of not less than fifty (50) feet.
(2) Side yard. There shall be a side yard on each side of the building having a width of not less than
fifteen (15) feet.
(3) Rear yard. There shall be a rear yard having a depth not less than twenty-five (25) feet.
(4) *Lot area regulations.* There shall be a lot area of not less than fourteen thousand (14,000) square-feet. In addition, there shall be a lot width of not less than one hundred (100) feet.

(Code 1961, Ch. 43, § 7.104.2; Ord. No. 15,247, § 1, 2-17-87; Ord. No. 15,553, § 1i, w, oo, 9-20-88; Ord. No. 15,703, § 1h, 7-5-89; Ord. No. 16,116, § 1(e), (ii), (nn), 11-19-91; Ord. No. 16,157, § 1, 1-21-92; Ord. No. 16,437, § 3, 6-9-93; Ord. No. 16,441, § 2, 7-6-93; Ord. No. 16,861, § 1(e), (n), (aa), (gg), 3-21-95; Ord. No. 17,305, § 1(g), (h), (z), (ff), (bbb), 11-7-96; Ord. No. 18,324, § 1(p), (hh), (pp), (tt), (uu), 8-1-00; Ord. No. 19,438, §§ 1(l), 1(m), 11-15-05; Ord. No. 20,894, § 10, 6-17-14)