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ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTER 36 OF THE CODE OF
ORDINANCES OF THE CITY OF LITTLE ROCK, ARKANSAS, TO
PROVIDE FOR THE MODIFICATION OF VARIOUS PROCEDURES,
DEFINITIONS AND LAND USE REGULATIONS; AND FOR OTHER
PURPOSES.**

WHEREAS, it has been determined by the Little Rock Planning Commission that a regular review of this Chapter is appropriate; and

WHEREAS, the Planning Commission has determined that several modifications are appropriate at this time; and

WHEREAS, at its November 5, 2015, meeting, the Planning Commission voted to recommend approval of these proposed amendments;

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

SECTION 1. That various provisions of Chapter 36 of the Code of Ordinances of the City of Little Rock, Arkansas, be amended as follow:

Subsection (a). That Chapter 36, Section 36-3. definition of “bed and breakfast house” be amended to delete certain text and to then read as follows:

Bed and breakfast house means an owner occupied single-family residence which contains not more than five (5) guest rooms which for a fee may be occupied by a guest for no longer than fourteen (14) consecutive days.

Subsection (b). That Chapter 36, Section 36-545. be amended to provide for the addition of a new subsection (m) to read as follows:

(m) Any sign for which a sign permit has been issued must be erected within 180 days of the issuance of the permit, otherwise the sign permit shall be voided and the permit fee shall not be refunded.

Subsection (c). That Chapter 36, Section 36-543. (2) be amended to provide for the addition of new text and to then read as follows:

(2) Banners, feather flag banners, bow flag banners, pennants, festoons, searchlights, except as allowed in Section 36-557., Subsection (d).

1 **Subsection (d).** That Chapter 36, Section 36-543. be amended to provide for the addition of a
2 new Subsection (10) to read as follows:

3 (10) Inflatable or semi-inflatable devices which incorporate movement; i.e. dancing tubes.

4 **Subsection (e).** That Chapter 36, Section 36-512. (b) be amended to provide for the addition
5 of a new Subsection (9) to read as follows:

6 (9) Mobile Canteen Units.

7 **Subsection (f).** That Chapter 36, Section 36-348. be deleted in its entirety and replaced with
8 new text to read as follows:

9 **Section 36-348. Exceptions.**

10 Property, if for any reason, that cannot be developed without violating the standards of the
11 Design Overlay District shall be reviewed through the Planned Zoning District (PZD)
12 section of the Zoning Ordinance, with the intent to devise a workable development plan
13 which is consistent with the purpose and intent of the overlay standards. All variances to
14 the underlying zoning requirements shall be reviewed as per Article II, Division 2 Board
15 of Zoning Adjustment.

16 **Subsection (g).** That Chapter 36, Section 36-349. (e) be deleted in its entirety and replaced
17 with new text to read as follows:

18 **(e) Exceptions**

19 Property, if for any reason, that cannot be developed without violating the standards of the
20 Design Overlay District shall be reviewed through the Planned Zoning District (PZD)
21 section of the Zoning Ordinance, with the intent to devise a workable development plan
22 which is consistent with the purpose and intent of the overlay standards. All variances to
23 the underlying zoning requirements shall be reviewed as per Article II, Division 2 Board
24 of Zoning Adjustment.

25 **Subsection (h).** That Chapter 36, Section 36-390. be deleted in its entirety and replaced with
26 new text to read as follows:

27 **Section 36-390. Exceptions.**

28 Property, if for any reason, that cannot be developed without violating the standards of the
29 Design Overlay District shall be reviewed through the Planned Zoning District (PZD)
30 section of the Zoning Ordinance, with the intent to devise a workable development plan
31 which is consistent with the purpose and intent of the overlay standards. All variances to
32 the underlying zoning requirements shall be reviewed as per Article II, Division 2 Board
33 of Zoning Adjustment.

1 **Subsection (i).** That Chapter 36, Section 36-421. be deleted in its entirety and replaced with
2 new text to read as follows:

3 **Section 36-421. Exceptions.**

4 Property, if for any reason, that cannot be developed without violating the standards of the
5 Design Overlay District shall be reviewed through the Planned Zoning District (PZD)
6 section of the Zoning Ordinance, with the intent to devise a workable development plan
7 which is consistent with the purpose and intent of the overlay standards. All variances to
8 the underlying zoning requirements shall be reviewed as per Article II, Division 2 Board
9 of Zoning Adjustment.

10 **Subsection (j).** That Chapter 36, Section 36-434.9. be deleted in its entirety and replaced with
11 new text to read as follows:

12 **Section 36-434.9. Exceptions.**

13 Property, if for any reason, that cannot be developed without violating the standards of
14 the Design Overlay District shall be reviewed through the Planned Zoning District (PZD)
15 section of the Zoning Ordinance, with the intent to devise a workable development plan
16 which is consistent with the purpose and intent of the overlay standards. All variances to
17 the underlying zoning requirements shall be reviewed as per Article II, Division 2 Board
18 of Zoning Adjustment.

19 **Subsection (k).** That Chapter 36, Section 36-434.34. be deleted in its entirety and replaced
20 with new text to read as follows:

21 **Section 36-434.34. Exceptions.**

22 Property, if for any reason, that cannot be developed without violating the standards of the
23 Design Overlay District shall be reviewed through the Planned Zoning District (PZD)
24 section of the Zoning Ordinance, with the intent to devise a workable development plan
25 which is consistent with the purpose and intent of the overlay standards. All variances to
26 the underlying zoning requirements shall be reviewed as per Article II, Division 2 Board
27 of Zoning Adjustment.

28 **Subsection (l).** That Chapter 36, Section 36-3. be amended to provide for the addition of two
29 (2) new use definitions “*Brewery*” and “*Microbrewery or Microbrewery Restaurant*” to be placed
30 in the alphabetically appropriate locations in Section 36-3. to read as follows:

31 *Brewery* means an establishment operated under the definitions, terms and provisions of
32 Arkansas Code ACA Title 3 (ACA § 3-1-101 et seq) which manufactures beer, malt and
33 hard cider up to 45,000 barrels per year and which may sell products produced on site for

1 on premises and off premises consumption. The establishment may include a restaurant
2 (eating place inside as defined in this chapter).

3 *Microbrewery or Microbrewery Restaurant* means an establishment operated under the
4 definitions, terms and provisions of Arkansas Code ACA Title 3 (ACA § 3-1-101 et seq)
5 which manufactures beer, malt and hard cider up to 20,000 barrels per year and which may
6 sell products produced on site for on premises and off premises consumption. The
7 establishment may include a restaurant (eating place inside as defined in this chapter).

8 **Subsection (m).** That Chapter 36, Section 36-281. (b) (3) be amended to add and separately
9 list “Brewery” and “Microbrewery or Microbrewery Restaurant” to the listing of conditional uses.

10 **Subsection (n).** That Chapter 36, Section 36-299. (c) (2) be amended to add and separately
11 list “Brewery” and “Microbrewery or Microbrewery Restaurant” to the listing of conditional uses.

12 **Subsection (o).** That Chapter 36, Section 36-300. (c) (1) be amended to add “Microbrewery
13 or Microbrewery Restaurant” to the listings of permitted uses.

14 **Subsection (p).** That Chapter 36, Section 36-300. (c) (2) be amended to add “Brewery” to the
15 listing of conditional uses.

16 **Subsection (q).** That Chapter 36, Section 36-301. (c) (1) be amended to add “Microbrewery
17 or Microbrewery Restaurant” to the listing of permitted uses.

18 **Subsection (r).** That Chapter 36, Section 36-301. (c) (2) be amended to add “Brewery” to the
19 listing of conditional uses.

20 **Subsection (s).** That Chapter 36, Section 36-302. (c) (1) be amended to add “Microbrewery
21 or Microbrewery Restaurant” to the listing of permitted uses.

22 **Subsection (t).** That Chapter 36, Section 36-302. (c) (2) be amended to add “Brewery” to the
23 listing of conditional uses.

24 **Subsection (u).** That Chapter 36, Section 36-320. (c) (1) be amended to add “Brewery” and
25 “Microbrewery or Microbrewery Restaurant” to the listing of permitted uses.

26 **Subsection (v).** That Chapter 36, Section 36-434.2. be amended to delete certain text and to
27 then read as follows:

28 **Sec. 36-434.2. Boundaries.**

29 The District shall include all parcels located on Springer Boulevard to a distance of 300
30 feet of each side of the right-of-way of Highway 365, from the City Limits on the south
31 and east to Roosevelt Road on the north and west.

32 **Subsection (w).** That Chapter 36, Section 36-434.4. be deleted in its entirety and replaced with
33 new text to then read as follows:

34 **Sec. 36-434.4. Setback.**

1 North of the railroad crossing located south of East 30th Street, the setback shall be fifteen
2 (15) feet. South of the railroad crossing located south of East 30th Street, the setback shall
3 be twenty-five (25) feet.

4 **Subsection (x).** That Chapter 36, Section 36-434.6. (1) and (2) be amended to delete certain
5 text and to add new text to then read as follows:

6 (1) *North of the railroad crossing located south of East 30th Street.* Sidewalk shall be eight
7 (8) feet wide and may be constructed at the curb. All walks, curbs, gutters and tree
8 grate frames shall be concrete.

9 Rather than a green strip along the road, there shall be a paved “tree zone” with
10 minimum four (4) X four (4)-foot tree well including grate. The remaining four (4)
11 feet are to be kept clear for pedestrian movement.

12 (2) *South of the railroad crossing located south of East 30th Street.* Pedestrian/bike path
13 rather than sidewalk shall be constructed at the property line. Path paved width shall
14 be eight (8) feet.

15 Swales along Springer Blvd. shall be at a 3:1 slope and designed to retain (hold) water
16 during large storm events. The swale shall be vegetated with “cells” to reduce water
17 velocity. Swale design and construction shall be reviewed and approved by the
18 Arkansas State Highway & Transportation Department.

19 **Subsection (y).** That Chapter 36, Section 36-434.7. (2) be amended to provide for the deletion
20 of certain a text and to then read as follows:

21 (2) Surface parking is to be located behind or adjacent to the structure, never between the
22 building and abutting street. Service/loading areas shall not be located facing Springer
23 Boulevard. They shall be designed on the side or rear of buildings.

24 **Subsection (z).** That Chapter 36, Section 36-253. (b) (6) be amended to provide for the
25 addition of a new subsection “e” to read as follows:

26 **e. Revocation procedure.**

27 Any approved home occupation may, upon review and action by the Planning Commission,
28 be revoked. Revocation proceedings may be initiated by staff. The Planning Commission
29 may revoke the home occupation if it is determined that the use approved under the home
30 occupation is being conducted in a manner contrary to the original approved application,
31 being conducted in a manner in violation of the provisions of this chapter or contrary to
32 any other laws of the City.

33 Notice shall be delivered to the business operator, either by delivery in person or by
34 certified mail, giving notice of the alleged violation and setting a time and date to appear

1 before the Planning Commission to show cause why the approved home occupation should
2 not be revoked.

3 The Planning Commission shall have final authority. Appeals from the action of the
4 Planning Commission shall be filed with the Board of Directors through the Office of the
5 City Clerk. The content of the appeal filing shall consist of:

6 (1) A cover letter addressed to the mayor and board of directors setting forth the request.
7 This filing shall occur within thirty (30) days of the action by the planning commission.

8 Once an approved home occupation is revoked, notice of the revocation shall be sent to the
9 City Finance Department and the Business License shall be revoked.

10 **SECTION 2. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase, or
11 word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or
12 adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and effect
13 as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the ordinance.

14 **SECTION 3. Repealer.** All laws, ordinances, resolutions, or parts of the same that are inconsistent
15 with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

16 **PASSED: January 19, 2016**

17 **ATTEST:**

APPROVED:

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19 _____
20 **Susan Langley, City Clerk**

_____ **Mark Stodola, Mayor**

21 **APPROVED AS TO LEGAL FORM:**

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23 _____
24 **Thomas M. Carpenter, City Attorney**

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