

PROPOSED ORDINANCE AMENDMENTS

DRAFT 2
DATE November 5, 2015

ISSUE: The definition of *Bed and breakfast house* contains regulatory language that is not needed to be in the definition.

CURRENT ORDINANCE LANGUAGE: ()

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. This activity must obtain a special use permit in the permitted districts of R-1, R-2, and R-3 single-family and R-4 two-family districts.

STAFF REPORT: ()

The last sentence in the definition is not appropriate for inclusion in the definition and can lead to confusion. Each zoning district contains use regulations specifying what uses are permitted by-right, special use or conditional use.

SUGGESTED TEXT: ()

Amend the definition to eliminate the last sentence 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.

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ISSUE: There is currently no code requirement that a sign be erected within any specific time once a sign permit has been obtained.

CURRENT ORDINANCE LANGUAGE: (Section 36-342.1 (d)(1))

Section 36-545 contains the sign permit requirements but does not include any language regarding when the sign needs to be erected.

STAFF REPORT: ()

The Code does not currently contain any language requiring that a sign be erected within a specific timeframe once a sign permit has been obtained. This could lead to difficulties if a sign permit is issued, in effect "locking up" a site or area and prohibiting another business from being able to obtain a sign permit.

SUGGESTED TEXT: ()

Amend Section 36-545 to add another Subsection (k) to read as follows:

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

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ISSUE: New temporary sales devices that violate the City's sign code but are not satisfactorily
noted in the Code as prohibited.

CURRENT ORDINANCE LANGUAGE: ()

Section 36-543 lists prohibited signs and sales promotion devices.

STAFF REPORT: ()

The use of banner type devices that do not comply with the code and yet are not specifically noted has become a problem. The language needs to be more inclusive; specifically adding feather flag banners and bow flag banners. Additionally, the Code needs to specifically address prohibited inflatable devices which incorporate movement; dancing tubes.

SUGGESTED TEXT: ()

Amend Section 36-543 (2) to add feather flag banners and bow flag banners.

Amend Section 36-543 to add Subsection (10) to add inflatable devices which incorporate movement; i.e. dancing tube.

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ISSUE: The listing of commercial vehicles prohibited from being parked in residential zones does not include mobile canteen units.

CURRENT ORDINANCE LANGUAGE: ()

Section 36-512 (b) lists the commercial vehicles prohibited from being parked on residential properties.

STAFF REPORT: ()

Staff has had occasion to respond to complaints regarding mobile canteen units being parked on residential properties. The Code specifically lists a variety of prohibited commercial vehicles but does not specifically list mobile canteen units. At the time this section of the code was drafted, the Code did not have mobile canteen units as a defined use.

SUGGESTED TEXT: ()

Amend Section 36-512 (b) to add a new Subsection (9) to read as follows:

(9) Mobile Canteen Units.

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ISSUE: Requiring rezoning of a property through the PZD process when a variance is requested from the underlying zoning, not a specific provision of the Design Overlay District.

CURRENT ORDINANCE LANGUAGE: ()

The various DOD's include a statement that the DOD regulations overlay all other zoning districts so that any parcel of land lying in the overlay district shall also lie within one of the underlying zoning districts and will have requirements of both the DOD and the underlying zoning district.

STAFF REPORT: ()

Under the current ordinance language, a variance from the underlying zoning district requires rezoning the property to a PZD, even though the variance is not from a specific DOD requirement. This leads to an unnecessary and difficult process for what may be a very simple variance. The Hillcrest DOD and River Market DOD were previously revised to allow for Board of Adjustment review of minor variances and variances that are not from the specific provisions of the DOD.

SUGGESTED TEXT: ()

Amend the exceptions section of each DOD to read as follows:

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

PROPOSED ORDINANCE AMENDMENTS

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ISSUE: The Zoning Ordinance does not currently have specific definitions for or allowable zoning districts listed for small breweries or microbrewery-restaurants.

CURRENT ORDINANCE LANGUAGE: ()

There is no current ordinance language.

STAFF REPORT: ()

City Code does not have specific zoning definitions or use listings for small brewery or microbrewery-restaurants, a growing small business industry in Little Rock. Although staff has thus far addressed the several locations by interpreting the Code, it is best to have those uses defined and placed in the appropriate zoning districts.

SUGGESTED TEXT: ()

Staff recommends placing in the Code two new defined terms “small brewery” and “microbrewery restaurant” and then placing those uses in specific districts. The definitions will be modeled after the State of Arkansas regulations covering such uses as per ACA Title 3 (ACA § 3-1-101 et seq)

Proposed New Defined Terms

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

Brewery means an establishment operated under the definitions, terms and provisions of Arkansas Code ACA Title 3 (ACA § 3-1-101 et seq) which manufactures beer, malt and hard cider up to 45,000 barrels per year and which may sell products produced on site for on premises and off premises consumption. The establishment may include a restaurant (eating place inside as defined in this chapter).

Suggested Zoning Districts for Microbrewery or Microbrewery restaurant:

By right in UU, C-2, C-3, C-4 and I-2
Conditional use in C-1 and O-3

Suggested Zoning Districts for Brewery:

By right in I-2
Conditional use in O-3, C-1, C-2, C-3, C-4 and UU

PROPOSED ORDINANCE AMENDMENTS

DRAFT 2
DATE November 5, 2015

ISSUE: The Granite Mountain Corridor Design Overlay District contains references to standards for properties which front onto Confederate Blvd. which has now been renamed.

CURRENT ORDINANCE LANGUAGE: ()

Throughout the Granite Mountain Corridor Design Overlay District Section of the Code Section 36-434.1_ 36-434.9., there are references to the previous street name.

STAFF REPORT: ()

The Granite Mountain Corridor Design Overlay District has design criteria for properties fronting on Confederate and Springer, from Roosevelt Road south to the city limits. The criteria vary in some areas for properties fronting on Confederate or on Springer. On October 20, 2015 the Board of Directors renamed Confederate Blvd. to Springer Blvd. The Code needs to be amended to reflect the change in Street Name without changing any of the existing criteria.

SUGGESTED TEXT: ()

Make changes to the various sections of the Design Overlay District to reflect the change in Street Name. Indicate what is now indicated as “Confederate Blvd.” as “north of the railroad crossing located south of East 30th Street” and what is now indicated as “Springer Blvd.” as “South of the railroad crossing located south of East 30th Street” where there is a distinction in design criteria and Delete references to Confederate, leaving Springer where the reference includes both streets.

PROPOSED ORDINANCE AMENDMENTS

DRAFT 2
DATE November 5, 2015

ISSUE: There is currently no language in the Zoning Ordinance providing for the revocation of a home occupation found to be in violation of the Code.

CURRENT ORDINANCE LANGUAGE: ()

NONE

STAFF REPORT: ()

Staff has had occasion to be involved in enforcement matters related to a home occupation that is being operated in violation of the Code – established criteria for such uses. There is no procedure to allow for revocation of the home occupation meaning the only enforcement tool available is to issue notices and citations and to take the offender to court.

SUGGESTED TEXT: ()

Amend the home occupation provisions of Chapter 36, Section 36-253. (b) (6) to add a procedure where the Planning Commission may revoke the home occupation.