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, 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 follows:

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 36-512. (b) be amended to provide for the addition of a new subsection (9) to read as follows:

(9) Mobile Canteen Units.

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

Property, if for any reason, that cannot be developed without violating the standards of the Design Overlay District shall be reviewed through the PZD, Planned Zoning District, 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.

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

(e) Exceptions

Property, if for any reason, that cannot be developed without violating the standards of the Design Overlay District shall be reviewed through the PZD, Planned Zoning District, 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.

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

Section 36-390. Exceptions.

Property, if for any reason, that cannot be developed without violating the standards of the Design Overlay District shall be reviewed through the PZD, Planned Zoning District, 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.

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

Section 36-421. Exceptions.

Property, if for any reason, that cannot be developed without violating the standards of the Design Overlay District shall be reviewed through the PZD, Planned Zoning District, 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.

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

Property, if for any reason, that cannot be developed without violating the standards of the Design Overlay District shall be reviewed through the PZD, Planned Zoning District, 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.

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

Section 36-434.34. Exceptions.

Property, if for any reason, that cannot be developed without violating the standards of the Design Overlay District shall be reviewed through the PZD, Planned Zoning District, 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.

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

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).

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).

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

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

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

Subsection (n). That Chapter 36, Section 36-300. (c) (2) be amended to add “Brewery” to the listing of conditional uses.
Subsection (o). That Chapter 36, Section 36-301. (c) (1) be amended to add “Microbrewery or Microbrewery Restaurant” to the listing of permitted uses.

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

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

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

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

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

Sec. 36-434.2. Boundaries.

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

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

Sec. 36-434.4. Setback.

North of the railroad crossing located south of East 30th Street, the setback shall be fifteen (15) feet.

South of the railroad crossing located south of East 30th Street, the setback shall be twenty-five (25) feet.

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

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

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

(2) South of the railroad crossing located south of East 30th Street. Pedestrian/bike path rather than sidewalk shall be constructed at the property line. Path paved width shall be eight (8) feet.
Swales along Springer Boulevard shall be at a 3:1 slope and designed to retain (hold) water during large storm events. The swale shall be vegetated with “cells” to reduce water velocity. Swale design and construction shall be reviewed and approved by the State Highway Department.

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

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

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

e. Revocation procedure.

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

Notice shall be delivered to the business operator, either by delivery in person or by certified mail, giving notice of the alleged violation and setting a time and date to appear before the planning commission. At the hearing before the planning commission, the burden is on the business operator to prove that the home occupation is in strict compliance with city ordinances in order to avoid revocation.

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

(1) A cover letter addressed to the mayor and board of directors setting forth the request.

This filing shall occur within thirty (30) days of the action by the Planning Commission. At any appeal before the Board of Directors, the burden is on the business operator to prove that the home occupation is in strict compliance with City Ordinances in order to avoid revocation.

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

SECTION 2. 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 was not originally a part of the ordinance.

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

PASSED: February 2, 2016

ATTEST:                        APPROVED:

_____________________________________  _____________________________________
Susan Langley, City Clerk          Mark Stodola, Mayor

APPROVED AS TO LEGAL FORM:

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Thomas M. Carpenter, City Attorney