

1 chapter and those uses and activities specified in Arkansas Code Title 14, Chapter 144, Research
2 Park Authority Act.

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4 All uses must be inside or enclosed except as specified below:

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6 (a) Eating places, bars and lounges shall be permitted to have an area of outdoor seating subject
7 to compliance with the following provisions:

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9 1. The area of outdoor seating shall not be located in the public right-of-way, nor shall it
10 obstruct pedestrian movement, fire lanes, access to any business or areas designated for
11 access by the physically impaired.
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13 2. The number of seats in the area of outdoor seating shall not exceed 50% of the number of
14 seats within the eating place, bar or lounge.
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16 3. Compliance with applicable state and county regulations.
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18 4. The area of outdoor seating shall not be located between the building occupied by the
19 eating place and adjacent residentially zoned properties.
20
21 5. This subsection shall not be deemed to permit signage or structural alterations such as
22 canopies or walls regulated elsewhere in this chapter.
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24 (b) Roof-top outdoor seating, bars or lounges and recreation areas ancillary to a permitted use
25 within the building.
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27 (c) Swimming pools and recreation areas that are ancillary to a permitted hotel, motel or
28 residential use.
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30 (d) Mobile canteen units when operated in compliance with current planning and development
31 regulations for such vehicles.
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1 **Subsection (c).** That Chapter 36, Section 36-2, be amended to provide for the
2 addition of new text to the current definition of “primary streets” and to then read as
3 follows:

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5 *Primary streets* means Capitol Avenue, Broadway, Byrd, Center, Chester, Commerce, Cross,
6 Cumberland, Louisiana, Main, Markham, 9th, President Clinton Avenue, River Market Avenue,
7 Scott, 7th (west of Center), Spring and State Streets.

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9 **Subsection (d).** That Chapter 36, Section 36-353 (c)(2), be amended to provide
10 for the deletion of the word “primary” and to then read as follows:

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12 (2) *Appearance.* Signs shall not exceed one-half (1/2) of a square foot of sign area for each
13 linear foot of street building frontage, not exceeding twenty-five (25) square feet per sign.

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17 **Subsection (e).** That Chapter 36, Section 36-353 (e)(1)(d), be amended to
18 provide for the deletion of the word “primary” and to then read as follows:

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20 d. The number of projecting signs shall be limited to one (1) sign per one hundred (100) feet of
21 street frontage per building.

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23 **Subsection (f).** That Chapter 36, Section 36-356 (d)(1), be deleted in its entirety
24 and replaced with new text to read as follows:

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26 (1) *Height regulations.* No building hereafter erected or structurally altered shall exceed a
27 height of sixty (60) feet. Building height shall be defined, for the purpose of the River
28 Market Design Overlay District, as the vertical distance from the highest point of the
29 centerline of abutting private and public street frontages to the highest point of the roof or
30 parapet wall. All structural embellishments as defined by Sec. 36-2 Definitions shall be
31 reviewed by the River Market Design Review Committee for compliance.

1 **Subsection (g).** That Chapter 36, Section 36-358 (a)(3), be amended to provide
2 for replacing “Commerce Street” with “River Market Avenue” and to then read as
3 follows:
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5 (3) River Market Avenue from President Clinton Avenue to Second Street shall be Acer X
6 Freemanii “Jeffersred, autumn blaze maple trees.
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8 **Subsection (h).** That Chapter 36, Section 36-362 (a)(2), be amended to provide
9 for the replacing “Commerce Street” with “River Market Avenue” and to then read as
10 follows:
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14 (2) Existing curb cuts on President Clinton Avenue, River Market Avenue, Sherman and Rock
15 Streets shall be removed or minimized to reduce conflict with pedestrian traffic.
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17 **Subsection (i).** That Chapter 36, Section 36-365 (a), be amended to provide for
18 replacing “Commerce Street” with “River Market Avenue” and to then read as follows:
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20 (a) *Corridors.* New construction shall be designed to preserve all view corridors including the
21 President Clinton Avenue corridor and the River Market Avenue corridor.
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23 **SECTION 2. Severability.** In the event any title, section, paragraph, item, sentence, clause,
24 phrase, or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such
25 declaration or adjudication shall not affect the remaining portions of the ordinance which shall remain
26 in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not
27 originally a part of the ordinance.
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29 **SECTION 3. Repealer.** All laws, ordinances, resolutions, or parts of the same that are
30 inconsistent with the provisions of this ordinance are hereby repealed to the extent of such
31 inconsistency.
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PASSED: _____

ATTEST:

APPROVED:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney

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