

PROPOSED ORDINANCE AMENDMENTS

DRAFT 2

DATE \_\_\_\_\_

ISSUE: The Code requirement to screen dumpsters does not currently include screening of recycling containers.

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CURRENT ORDINANCE LANGUAGE: ( Section 36-523(d) )

**Section 36-523. Screening required.**

(d) Dumpsters or trash containment areas shall be screened and the screen shall exceed the height of the dumpster or trash containment area by at least two (2) feet not to exceed eight (8) feet total height. This requirement may be modified as to location within the buffer when a circumstance unique to a site indicates that the screening will not serve its intended purpose and may, in some fashion, be inappropriate.

STAFF REPORT: ( )

On March 4, 2014, the Board of Directors passed Ordinance No. 20,854 mandating that multifamily housing residences of 100 or more units provide recycling. In some cases large recycling containers, similar to dumpsters, are being installed. Apart from that Ordinance other businesses have been installing recycling containers. Ordinance No. 20,854 gives direction on placement of the container but does not require screening, as is required for dumpsters. Staff believes the screening requirement should be expanded to include the recycling container.

SUGGESTED TEXT: ( Section 36-523(d) )

**Section 36-523. Screening required.**

(d) Dumpsters, trash containment areas and dumpster-type recycling containers shall be screened and the screen shall exceed the height of the dumpster or trash containment area by at least two (2) feet not to exceed eight (8) feet total height. This requirement may be modified as to location within the buffer when a circumstance unique to a site indicates that the screening will not serve its intended purpose and may, in some fashion, be inappropriate.

PROPOSED ORDINANCE AMENDMENTS

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ISSUE: The permitted uses in the UU Urban Use District do not include the uses proposed for the Technology Park. The District also does not permit ancillary outside uses associated with the growing number of hotels, motels and residential units being developed in the area; including swimming pools and recreation areas. Areas of outdoor seating are currently limited to restaurants and do not include bars or lounges.

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

(1) *Permitted uses.* Unless otherwise indicated, uses permitted shall include all those allowed in the residential districts, office districts and commercial districts as “permitted uses” in this chapter. All uses must be inside or enclosed except areas of outdoor dining as specified below.

Eating places shall be permitted to have an area of outdoor dining subject to compliance with the following provisions:

- a. The area of outdoor dining shall not be located in the public right-of-way, nor shall it obstruct pedestrian movement, fire lanes, access to any business or areas designated for access by the physically impaired.
- b. The number of seats in the area of outdoor dining shall not exceed 50% of the number of seats within the eating place.
- c. Compliance with applicable state and county health regulations.
- d. The area of outdoor dining shall not be located between the building occupied by the eating place and adjacent residentially zoned properties.
- e. This subsection shall not be deemed to permit signage or structural alterations such as canopies or walls regulated elsewhere in this chapter.

STAFF REPORT: ( )

The UU Urban Use District list of permitted uses include those uses allowed as “permitted uses” in the residential, office and commercial districts. The State law allowing the creation of the proposed Technology Park which is to be located downtown specifies certain research and development uses that are to be permitted. Currently, many of those uses are not specifically designated by the City’s somewhat dated zoning ordinance. Rather than create a definition for use and then list each use in an office or commercial district, staff believes it is appropriate to specify that within the UU district, those uses are permitted by referencing the State statute.

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STAFF REPORT: ( )

Additionally, there are a growing number of hotels, motels and residential uses in the UU district which have or desire to have outdoor ancillary uses such as a swimming pool or recreation area. The UU district specifies that most all uses are to be enclosed. Staff believes it is appropriate to accommodate those ancillary outdoor uses.

Lastly, the UU district does permit restaurants to have a limited area of outdoor dining. The current language does not take into consideration bars or lounges which might desire some outdoor seating or roof areas that might be used for outdoor seating and uses associated with a permitted uses within the building. Staff believes it is appropriate to make allowances for those ancillary uses.

SUGGESTED TEXT: ( Section 36-342.1(d)(1) )

(1) *Permitted uses.* Unless otherwise indicated, uses permitted shall include all those allowed in the residential districts, office districts and commercial districts as “permitted uses” in this chapter and those uses and activities specified in Arkansas Code Title 14, Chapter 144, Research Park Authority Act.

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

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

1. The area of outdoor seating shall not be located in the public right-of-way, nor shall it obstruct pedestrian movement, fire lanes, access to any business or areas designated for access by the physically impaired.
2. The number of seats in the area of outdoor seating shall not exceed 50% of the number of seats within the eating place, bar or lounge.
3. Compliance with applicable state and county regulations.
4. The area of outdoor seating shall not be located between the building occupied by the eating place and adjacent residentially zoned properties.
5. This subsection shall not be deemed to permit signage or structural alterations such as canopies or walls regulated elsewhere in this chapter.

(b) Roof-top outdoor seating, bars or lounges and recreation areas ancillary to a permitted use within the building.

(c) Swimming pools and recreation areas that are ancillary to a permitted hotel, motel or residential use.

(d) Mobile canteen units when operated in compliance with current planning and development regulations for such vehicles.

PROPOSED ORDINANCE AMENDMENTS

DRAFT 2

DATE \_\_\_\_\_

ISSUE: The definition of Primary Streets in the UU Urban Use area does not include President Clinton Avenue or River Market Avenue which were East Markham Street and Commerce Street when the current language was adopted.

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CURRENT ORDINANCE LANGUAGE: ( Section 36-2 )

*Primary streets* means Capitol Avenue, Broadway, Byrd, Center, Chester, Commerce, Cross, Cumberland, Louisiana, Main, Markham, 9<sup>th</sup>, Scott, 7<sup>th</sup> (west of Center), Spring, and State Streets.

STAFF REPORT: ( )

Within the UU district, several streets are designated as “primary streets”. The district regulations specify that ground mounted mechanical systems and trash pickup be oriented away from primary streets. Additionally, drive-in or drive-through facilities are not to be visible from or take directed access from primary streets. The current definition of primary streets does not include President Clinton Avenue or River Market Avenue which were previously East Markham and Commerce when the definition was created. Those streets names need to be added.

SUGGESTED TEXT: ( Section 36-2 )

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

PROPOSED ORDINANCE AMENDMENTS

DRAFT 2

DATE \_\_\_\_\_

ISSUE: There is potential confusion regarding the placement of allowable wall signs and projecting signs in the River Market District. Wall sign area and the number of projection signs are dictated by "primary street building frontage" in the DOD.

CURRENT ORDINANCE LANGUAGE: ( Section 36-353 (c)(2) and 36-353 (e)(1) d )

**Sec. 36-353. Signs.**

(c) *Wall signs located on or facing public street rights of ways or private streets.*

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

(e) *Projecting signs.*

(1) *Location.*

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

STAFF REPORT: ( )

In the River Market DOD, the area of allowable wall signage is determined by the linear feet of "primary street building frontage" and the number of allowable projecting signs is determined by the linear feet of "primary street frontage per building ". This can lead to confusion since "primary streets" are a specific number of streets in the UU zoning district, which includes the River Market area. Read strictly, it would appear that wall signs and projecting signs are not permitted unless they front on one of these specifically named streets. That was not the intent. The intent was to mirror the language elsewhere in the code which dictates size and placement of building signage based on the area of the building façade facing street frontage.

SUGGESTED TEXT: ( Section 36-2 )

**Sec. 36-353. Signs.**

(c) *Wall signs located on or facing public street rights of ways or private streets.*

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

(e) *Projecting signs.*

(1) *Location.*

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

PROPOSED ORDINANCE AMENDMENTS

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DATE \_\_\_\_\_

ISSUE: The River Market Design Review Committee is recommending approval of a proposal to change the way building height is measured in the River Market Design Overlay District.

CURRENT ORDINANCE LANGUAGE: ( Section 36-356 (d)(1) )

**Sec. 36-356. Building form.**

(d) *Style and form*

(1) *Height regulations.* No building hereafter erected or structurally altered shall exceed a height of sixty (60) feet.

STAFF REPORT: ( )

In 2010, the height was increased in the River Market Design Overlay District (DOD) from four stories in height or a total height of 48 feet to a total height of 60 feet. The removal of the listing of number of floors was also removed from the UU Urban Use zoning at the time. It was thought that the listing of both variables was ambiguous. These new regulations of 60 feet maximum let owners and architects set and vary the heights of individual floors as long as they stayed under the 60 feet maximum. This review and possible ordinance revision will not change the 60' maximum height, but modify how to measure height in this DOD.

The City of Little Rock Municipal Code in Sec 36-2. Definitions defines height as follows:

Building height means the vertical distance as measured through the central axis of the building from the elevation of the lowest finished floor level to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between the eaves and ridge of a gable, hip or a gambrel roof. This definition shall not be deemed to include church steeples, bell towers, antennas, chimneys, or other similar structural embellishments.

The Hillcrest DOD is the only area that measures height differently. It is measured as follows in **Sec. 36-434.11 Definitions:**

Grade plane. A reference plane representing the average of finished ground level adjoining the building at exterior walls. The reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building. A minimum of four (4) points, each from a different side of the building, shall be used in this calculation.

**Sec. 36-434.14.** - Single-family and two-family developments. (Hillcrest DOD) Building height and ridge-line elevations. Maximum building height shall be thirty-nine (39) feet, measured from the "grade plane" to the ridge-line of the highest roof surface. In addition, new buildings and additions shall be constructed to an elevation that is within one story of the adjacent residential structures.

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STAFF REPORT: (        )

**Sec. 36-434.15.** - Multifamily and nonresidential developments. (Hillcrest DOD) Height. Maximum building height shall be thirty-nine (39) feet, measured from the "grade plane" to the ridge line of the highest roof surface or parapet wall.

Under the typical definition of building height in Little Rock, finished below-grade space counts toward the overall building height. Under the Hillcrest definition, the focus is more on what is visible above the grade of the property. Under the proposal supported by the River Market DRC and Staff, buildings in the DOD could have below grade finished space not count toward building height.

SUGGESTED TEXT: (        )

**Sec. 36-356. Building form.**

(d) *Style and form*

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

PROPOSED ORDINANCE AMENDMENTS

DRAFT 2

DATE \_\_\_\_\_

ISSUE: There are references to Commerce Street in the River Market Design Overlay District provisions regarding landscaping, curb cuts and view corridors. Commerce Street has been renamed River Market Avenue.

CURRENT ORDINANCE LANGUAGE: ( )

**Sec. 36-358. Landscaping.**

- (a) *Plant materials.*
- (3) Commerce Street from President Clinton Avenue to Second Street shall be Acer X Freemanii "Jeffersred," autumn blaze maple trees.

**Sec. 36-362. Curb cuts.**

- (a) *Location.*
- (1) New curb cuts on President Clinton Avenue are prohibited.
- (2) Existing curb cuts on President Clinton Avenue, Commerce, Sherman and Rock Streets shall be removed or minimized to reduce conflict with pedestrian traffic.

**Sec-36-365. Views.**

- (a) *Corridors.* New construction shall be designed to preserve all view corridors including the President Clinton Avenue corridor and the Commerce Street corridor.

STAFF REPORT: ( )

Within the River Market District Design Overlay District provisions, there are still references to Commerce Street. On March 2, 2010, Commerce Street, from President Clinton Avenue south to East Capitol Avenue, was renamed River Market Avenue. These sections of the River Market DOD need to be amended to reflect the new street name.

SUGGESTED LANGUAGE: (        )

**Sec. 36-358. Landscaping.**

(a) *Plant materials.*

(3) River Market Avenue from President Clinton Avenue to Second Street shall be Acer X Freemanii “Jeffersred,” autumn blaze maple trees.

**Sec. 36-362. Curb cuts.**

(a) *Location.*

(1) New curb cuts on President Clinton Avenue are prohibited.

(2) Existing curb cuts on President Clinton Avenue, River Market Avenue, Sherman and Rock Streets shall be removed or minimized to reduce conflict with pedestrian traffic.

**Sec. 36-365. Views.**

(a) *Corridors.* New construction shall be designed to preserve all view corridors including the President Clinton Avenue corridor and the River Market Avenue corridor.

