

RULE



**Capitol Zoning District Commission
Little Rock, Arkansas**

**Adopted September 24, 1998
Amended March 25, 1999
Amended July 29, 1999
Amended December 2, 1999
Amended November 13, 2012**

ARTICLE ONE
AUTHORITY - PURPOSE

SECTION 1 - 101 TITLE

The Capitol Zoning District Master Plan (composed of the Capitol Zoning District Rule, Capitol Area Framework Master Plan, Mansion Area Framework Master Plan, Mansion Area Design Standards, Capitol Area Design Standards, Rehabilitation Standards, and General Standards) represents the legislation, intentions, design principles, and regulations of Act 267 of 1975, as amended. These regulations are the legally accountable component by which the regulatory aspects of the Act are implemented. These regulations shall be known and may be cited as the Capitol Zoning District Master Plan or the Capitol Zoning Rules.

SECTION 1 - 102 AUTHORITY

A. By Act 267 of 1975, as amended, the Seventieth General Assembly of the State of Arkansas created a Capitol Zoning District and a Capitol Zoning District Commission to supervise zoning within the district, to develop a Capitol Zoning District Master Plan and for other purposes.

B. The Capitol Zoning District Master Plan is the official comprehensive plan for coordinating physical development in the two district areas, the Capitol Area and the Mansion Area. This plan has been adopted according to the provisions of the Arkansas Administrative Procedures Act by the Capitol Zoning District Commission and registered with the Secretary of State as the legal document which transmits Act 267, as amended, into applicable regulations and administrative actions. Any questions concerning the intent of the legislation or zoning regulations will be directed to this plan for clarification.

C. Under Section 4 of Act 267 of 1975, as amended, (A.C.A. 22-9-308), the Commission is authorized to coordinate its Master Plan with city, county, and other area planning agencies and to enter into agreements with the City of Little Rock providing for mutual cooperation and joint regulation with the district with respect to planning and zoning, permission to build upon or otherwise use land, enforcement of building, safety and health codes and inspection to assure compliance. Such agreements between the City of Little Rock and the Commission may not cede the Commission's final authority over the matters entrusted to it by law.

D. The Capitol Zoning District Commission has exclusive authority over the zoning and regulation of all property within the Capitol Zoning District and no subdivision of the state has any zoning or control authority except as agreed upon by the Commission. Exempted from the above stated authority of the Capitol Zoning District Commission are properties owned by the state, and existing streets, alleys, utilities and/or the public right-of-way.

SECTION 1 - 103 PURPOSE

The Capitol Zoning District Rules establish special zoning regulations and design guidelines governing the development and use of land improvements within the Capitol Zoning District in accordance with the provisions of Act 267 of 1975, as amended; provide for regulations and non-conforming uses and structures; and provide for the administration and enforcement of the provisions of the Master Plan.

SECTION 1 - 104 SEVERABILITY

If, for any reason, any one or more portions of this Rule is held invalid, such judgment shall not affect or invalidate the remaining provisions of this Rule, but shall be confined to that specific statement and in no instance shall affect or prejudice the validity of the remaining portions of this Rule.

ARTICLE TWO
ADMINISTRATIVE RULES AND PROCEDURES

SECTION 2-101 ORGANIZATION

The Capitol Zoning District shall be regulated by a Capitol Zoning District Commission as set forth in Act 267 of 1975, as amended. The Capitol Zoning District Commission shall meet monthly (although it may meet more or less often, as conditions dictate) to hear matters concerning project proposals for major developments, requests for conditional use permits, requests for variances, requests for demolition or major modification of structures, requests for non-conforming use approval or renewal, appeals, summary reports on other requests, administrative matters, citizen communication, and other business as may come before the Commission.

SECTION 2-102 ADMINISTRATION

A. The administration and enforcement of the provisions of this Master Plan are the ultimate responsibility of the Capitol Zoning District Commission. The Capitol Zoning District Commission will enter into agreements with departments of the City of Little Rock relevant to the execution of this plan. However, nothing in these Rules should be construed as divesting the Capitol Zoning District Commission of any right to regulate development within the Capitol Zoning District in the manner described herein.

B. The Capitol Zoning District Commission shall consider the recommendations of all departments, boards and committees of the City of Little Rock related to the normal review and permit procedures of the city, in arriving at its decisions on development policy, procedures and daily administration. The Capitol Zoning District Commission shall also coordinate its agenda and business meetings with those of the City of Little Rock and its departments to facilitate prompt action on all applications where joint review by the City and the Capitol Zoning District Commission are required.

C. The Capitol Zoning District Commission shall employ a director and staff to establish procedures for coordinating with the City of Little Rock and administration of this Master Plan; to establish review procedures with the various commissions and departments of the state to promote coordination of state construction projects with the provisions of this Master Plan; to establish priorities and methods for continuing the Capitol Zoning District planning process; to explore new programs, approaches and funding sources for promoting development in the Capitol Zoning District; to prepare materials for consideration by the Capitol Zoning District Commission at its meetings; and to generally direct the day to day administration of the Capitol Zoning District Commission.

D. The staff will review all projects within the District and make recommendations to the Commission on development projects and permit applications. In addition, continual research and planning will be carried on to encourage coordinated, sensitive growth in the Capitol Area and the preservation of the neighborhood character in the Mansion Area. The Capitol Zoning District Director and staff shall have the authority to act on behalf of the Commission on certain permit applications and procedural matters to eliminate undue delay in the granting of permits which are in conformance with the provisions of this Master Plan pursuant to guidelines adopted by the Commission and revised from time to time. This comprehends, but is not limited to, any or all of the permits and matters described in Section 2-105 of this Rule (all of which shall be comprehended within the terms "permit" or "permits"), subject to the limitations set forth in said Section 2-105.

SECTION 2-103 ADVISORY COMMITTEES

The Capitol Zoning District Commission shall establish three standing advisory committees: the Capitol Area Advisory Committee, the Mansion Area Advisory Committee, and the Design Review Committee.

A. Membership, terms and officers

1. The Area Advisory Committees shall consist of at least nine (9) members, and Design Review Committee at least seven (7) members. The Capitol Zoning District Commission shall receive nominations from individuals, groups and organizations and shall appoint members with the concurrence of the committee majority. The commissioners shall be *ex-officio* members of each advisory committee.
2. The committees members' terms of office and qualifications shall be determined by the committee bylaws, which bylaws shall be approved by the Commission; however, the Advisory Committees, in prescribing the terms of office, shall endeavor to provide continuity by having the terms staggered. Members of the committees representing governments or organizations shall have terms conterminous with the terms of office within the governments or organizations they represent.
3. Each Advisory Committee shall elect a chairperson and a vice-chairperson, whose terms of office shall be at least one year. The duties of the chairperson shall be to call and to conduct the meetings. The director of the Capitol Zoning District Commission shall serve as secretary to each committee and shall furnish the Commission with the records of committee meetings. Additional duties may be assigned to these offices and other offices created by the advisory committee bylaws.

B. Meetings and reports

The Advisory Committees shall meet at least once a year and shall report their findings to the Capitol Zoning District Commission at least once a year. Additional meetings will be held as often as necessary to monitor the impact of the Capitol Zoning District Master Plan on the development within the Capitol Zoning District. The Advisory Committee meetings shall be open to the public and shall be held locations that afford the maximum opportunity for community participation.

SECTION 2-104 APPLICATION

A. All applications for permits shall be made through the procedures established by the Capitol Zoning District Commission using application forms or other information-gathering devices drafted and revised from time to time by the Director. If the application requires special consideration by, or presentation to the Capitol Zoning District Commission, the applicant will be so notified and instructed as to the date at which the application is to be considered by the Capitol Zoning District Commission.

B. No application for any permit or variance which has been denied by the Capitol Zoning District Commission will be accepted within one year of the date of denial.

C. Applications, reviews, permits and other requirements called for by this Rule are in addition to, and not in lieu of, those required by the City of Little Rock (including the MacArthur Park Historic District). However, in areas where the Commission has chosen not to exercise its authority, such as platting and subdivision of property, the ordinances of the City of Little Rock are controlling.

SECTION 2-105 PERMIT APPROVAL PROCEDURE

A. Capitol Zoning District Commission / City of Little Rock Agreement

Under a memorandum of agreement between the City of Little Rock and the Capitol Zoning District Commission dated November 7, 1977 and City of Little Rock Resolution Number 5,849, the City of Little Rock shall not issue the following permits for properties within the Capitol Zoning District without prior Capitol Zoning District Commission approval:

1. Building Permits
2. Sign Permits
3. Grounds Permits
4. Privilege Licenses
5. Demolition Permits
6. Certificates of Occupancy
7. Certificates of Compliance

All work performed within the Capitol Zoning District shall be in compliance with the Little Rock Code of Ordinances as it applies to construction, and may not be performed without a properly issued building permit. The Capitol Zoning District Commission shall have sole authority for acting on and issuing Conditional Use Permits and Variances.

B. Work Not Requiring a Permit

Ordinary maintenance (such as lawn mowing, shrub trimming, re-painting, etc) shall not be considered modifications and will not require a CZDC permit. Nor shall work affecting only the interior of a structure (such as plumbing, insulation, flooring, etc) require a CZDC permit.

C. Permits / Types - The Capitol Zoning District Commission or staff may issue the following permits:

1. Certificates of Appropriateness

a. A Certificate of Appropriateness must be obtained prior to effecting any major modification or addition to a structure, site or improvements within the District. *Major modifications* are those which substantially alter, from the public right-of-way, the appearance of a structure or site feature. Applications for major modifications requiring Commission review will first be scheduled for a review by the Design Review Committee which will make a recommendation regarding proposed work's appropriateness of the modification to the historical style of the structure and neighboring structures; compatibility with its architectural, historical or cultural significance and level of intactness; and its consistency with the goals of the Commission's Master Plan and Standards. Capitol Zoning staff may issue a Certificates of Appropriateness for major modifications only when:

- (i) The proposed changes substantially comply with all applicable review standards; or
- (ii) There is substantive and compelling evidence (photographic, documentary, or physical) to indicate the proposed work will return a property to a probable earlier appearance.

b. A Certificate of Appropriateness shall also be required for the erection of any new structure, including accessory structures, or site improvements, such as retaining walls, fences, ponds, gazebos, or pergolas. Movable items, such as furniture, shall not be considered structures or improvements. Applications for new construction requiring Commission approval will first be scheduled for a review by the Design Review Committee which will make a recommendation regarding proposed work's appropriateness in historical style in the context of adjoining or neighboring structures; and its consistency with the goals of the Commission's Master Plan and Standards. Capitol Zoning staff may issue Certificates of Appropriateness for new construction only when:

- (i) The proposed new construction is not a structure; and

(ii) The proposed changes substantially comply with all applicable review standards.

c. A Certificate of Appropriateness shall be required for the total or partial destruction of any structure, accessory structure or site improvement. Applications for demolition which require approval of the Commission, will first be scheduled for a review by the Design Review Committee which will make a recommendation regarding the architectural, historical or cultural significance of the structure or improvement; the impact of its demolition on the character of the neighborhood and the District and on the goals of the Master Plan; the physical and economic possibilities for its rehabilitation, taking into account the source of any alleged deterioration in the condition of the structure or improvement, i.e., whether the condition was caused or contributed to by neglect. Capitol Zoning staff may issue Certificates of Appropriateness for demolition only when:

(i) The structure, addition or site feature proposed for demolition is not historic and not the primary building on a site; or

(ii) The structure, addition or site feature has been determined to be an imminent and irreparable hazard to public safety by a city or state official responsible for such determinations, and staff agrees with the determination.

d. Under no circumstances will staff issue a Certificate of Appropriateness that will cause a property to become non-conforming, or that will serve to intensify a property's existing non-conformance, with the General Standards.

e. When considering an application for a Certificate of Appropriateness, the Commission shall consider any applicable review Standards and Master Plan goals, the recommendations offered by the committees and staff, as well as any public testimony or evidence presented at the public hearing.

2. Conditional Use Permits - The Commission may grant Conditional Use Permits to permit a use of land not permitted by right under the zoning applicable thereto, provided that the conditional use in question is permitted for that land under the Master Plan. A Conditional Use Permit may not be granted at the staff level.

3. Variances - The Commission may issue a Variance to grant relief from the literal provisions of the General Standards when it is demonstrated to the Commission's satisfaction that:

a. The proposal will be otherwise consistent with the goals of the Master Plan; and

b. The proposal will afford the least intrusive solution possible; and

c. (i) physical or topographical conditions unique to the land (such excessive slopes, natural features worthy of conservation, etc), which were not created or intensified by the applicant or a previous owner, will result in an extreme hardship if the literal requirements of the General Standards are applied, resulting in the deprivation of any reasonable use of the property; or

(ii) the preservation of a historic or archeological resource will result in an extreme hardship if the literal requirements of the General Standards are applied, resulting in the deprivation of any reasonable use of the property.

Under no circumstances shall the Commission grant a Variance to allow a use not identified as a permitted or conditional use within a given zone, nor to allow for building heights in the Capitol Area greater than the allowed maximums. A Variance may not be granted at the staff level.

4. Certificates of Economic Hardship - The Commission may issue a Certificate of Economic Hardship following the denial of a proposed modification to a historic property if it is demonstrated to the Commission's satisfaction that the literal requirements of the Rehabilitation Standards, if applied, will deprive the property owner of a reasonable economic return or beneficial use from the property, and the proposed work will be otherwise consistent with the applicable Design Standards and Master Plan.

a. An applicant may request a proposal be considered for a Certificate of Economic Hardship at the public hearing, immediately following the denial of a Certificate of Appropriateness for the subject property. An applicant may also choose to apply concurrently for a Certificate of Economic Hardship and a Certificate of Appropriateness.

b. If an applicant fails to avail themselves of either of the options above, the applicant may submit an application for a Certificate of Economic Hardship within fifteen (15) calendar days from the date of the notice of denial by the Commission. Such applications shall be subject to the same notice provisions applicable to all other permits.

c. It shall be incumbent on the applicant to demonstrate economic hardship to the Commission's satisfaction. The applicant for a Certificate of Economic Hardship shall submit the following information, as applicable, for the Commission to make a determination on the application:

- (i)** Estimate the cost of the proposed work and an estimate of any additional cost that would be incurred to comply with the Commission's Rules for changes necessary for the issuance of a Certificate of Appropriateness;
- (ii)** A written opinion from a professional engineer or architect, licensed to practice in Arkansas with experience in rehabilitation, as to the building's suitability for rehabilitation relative to its current structural condition and proposed new use. The opinion can be based on visual observation only and is not intended to declare a building "safe" or "unsafe", nor to be a comprehensive report on feasibility of rehabilitation.
- (iii)** Estimated market value of the property in its current condition; after completion of the work; after any changes recommended by the Commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use;
- (iv)** In the case of a proposed demolition, an estimate from a licensed architect or contractor, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility or rehabilitation or reuse of the existing building or structure on the property;
- (v)** Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between seller and buyer;

- (vi) If the property is income-producing, the annual gross income from the property for the previous two (2) years, itemized operating and maintenance expenses, and depreciation for the previous two (2) years; and annual cash flow before and after debt service, if any, during the same period;
- (vii) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
- (viii) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years;
- (ix) Assessed value of the property according to the two (2) most recent assessments;
- (x) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other; and,
- (xi) Information about plans prepared for the property, if a building or structure is demolished, including material on the timing and financing of the new construction.

d. The Commission may seek expert testimony on the foregoing and may request the submission of any other information reasonably considered necessary to make a determination as to whether the property does yield or may yield a reasonable economic return or beneficial use to the owner. If the Commission makes a finding of economic hardship, based on the evidence and information submitted, it shall grant a Certificate of Economic Hardship and give its approval for the work as proposed by the applicant. The Commission may choose not to grant approval if it determines the alleged hardship was created by the applicant.

5. Certificates of Compliance - Certificates of Compliance may be issued by the Capitol Zoning District Commission staff certifying that any minor modification, proposed land use, or other development has been reviewed under the applicable provisions of this ordinance and is in compliance with the requirements of this Rule.

- a.** Permits for minor modifications may be issued by the staff after a determination that such modifications are in compliance with the CZD Rules. *Minor modifications* are those which
 - (i) do not substantially alter the appearance, from the public right of way, of a structure, site or improvements; or
 - (ii) involve only replacing or repairing existing elements (such as like-kind window or roof replacements); or
 - (iii) involve only changes to a vehicular use area; or
 - (iv) involve only signage; or
 - (v) involve an accessory structure not visible from the public right of way; or
 - (vi) involve only installation of satellite dishes, antennas, and similar devices.

b. Permits for minor modifications may be issued by the staff after a determination that such modifications are in compliance with the CZD Rules

c. "Like-kind replacements" shall be defined as the replacement of an architectural feature with a feature identical to the original in materials, design, and functionality. For instance, replacement of damaged historic true divided light wood casement windows with new true divided light wood casement windows identical to the historic windows in the configuration of the panes, the dimensions of all defining elements such as panes, muntin, mullions, and sash, the reveal, and the materials.

d. Additionally, Certificates of Compliance may be issued by the Capitol Zoning staff certifying that a proposed land use is allowed by right.

6. Temporary Use Permit - A Temporary Use Permit may be issued to permit an activity and associated temporary signage that otherwise is not allowed by right.

a. Staff may issue a Temporary Use Permit for an activity that would otherwise require a Conditional Use Permit if staff determines the proposed activity substantially complies with the following standards:

(i) The proposed use or activity is so designated, located and proposed to be operated in such a manner that the public health, safety and welfare will be protected.

(ii) The proposed use or activity is compatible with and will not adversely affect other property in the area where it is proposed to be located.

(iii) The proposed use or activity would not exceed seven (7) days in duration.

(iv) All requirements of other public agencies would be met.

(v) Any associated signage would not be permanently affixed and would be removed in a timely fashion following the proposed use or activity.

b. If the Staff determines all of these standards will not be met, the application shall be scheduled for a Commission hearing. The Commission will also review all Temporary Use applications for activities which would otherwise be prohibited. The Commission may grant a Temporary Use Permit if it has been demonstrated to the Commission's satisfaction that the proposal is substantially consistent with the Master Plan. When reviewing requests for Temporary Use permits, the Commission shall consider the criteria above, as well as the impact of the proposed activity on the property, on neighboring properties, and the goals of the Master Plan.

D. The Commission may delegate to the Staff the drafting of such permits (including modifications and extensions) without additional review by the Commission. However, applicants may by letter request a review by the Commission of the denial of a permit by the Staff as inconsistent with the Commission's guidelines. The Commission may require that evidence of any permit be posted and maintained on the affected property on a form approved by the Commission. Unless extended after timely application, permits shall expire one (1) year after issuance if work is not commenced and diligently pursued within that time period. *For permits issued prior to October 5, 1998, the date of expiration shall be calculated under this rule as if the issuance date of the permit were the effective date of this amendment.*

E. In cases where more than 75% of the historic true divided light windows of one design in a structure are totally destroyed due to an act outside the owner's control, the CZDC staff may issue a Certificate of Appropriateness for the replacement of such windows with windows that are substantially identical to the historic windows in the configuration of the panes, the dimensions of all defining elements such as panes, muntin, mullions, and sash, the reveal, and sash and glazing materials. This includes the approval of double glazed simulated divided light windows which include a paintable fixed exterior applied muntin and a spacer bar dividing the double panes of glass if such windows appear substantially identical to the historic windows from the public way. The determination of whether a window appears substantially identical to the original shall be made by the CZDC staff after an inspection of the proposed replacement windows. In no case shall a new window be considered substantially identical if the linear dimensions of any element visible from the public right of way vary by more than 10% from the dimensions of the historic window it is to replace. For the purposes of this section, "an act outside the owner's control" shall not include normal deterioration due to weathering, insect infestation, or other similar maintenance issue.

F. Application Review Procedures

The following procedures shall be followed in the consideration of any permit requiring a public hearing under this Rule. All changes in the Capitol Zoning District will be evaluated according to the General Standards and the applicable Area Framework Plan. Changes to historic structures or site features shall be evaluated according to the Rehabilitation Standards for Historic Properties. Structures and site features 40 years or older are assumed to be historic, unless they have been significantly altered, and reversing the alteration(s) would be impossible or wholly unreasonable. (In some cases, structures or site features less than 40 years old may also be considered historic if they are of exceptional architectural or cultural significance.) The Commission may waive the Rehabilitation Standards for cause, in which case a proposed change to a historic structure or site feature shall be evaluated according to the applicable Design Standards. Changes to all other structures and site features, as well as new construction, shall be evaluated according to the applicable Design Standards.

1. Application

- a.** The applicant shall file an application form and any additional information requested by the Capitol Zoning District staff.
- b.** The Capitol Zoning District staff shall review the application and shall determine whether the requested permit can be issued by staff. If the permit can be issued by staff, according to section 2-105(C), staff shall issue the permit. If the request requires Commission approval, staff shall schedule a public hearing at the next regular meeting of the Capitol Zoning District Commission.
- c.** For an application requiring a public hearing, the applicant shall legally notify adjacent property owners as follows:
 - (i)** The applicant shall give not less than ten (10) calendar days written notice of the time, place and the date of the public hearing to all owners of record of property situated within 200 feet of the property for which the permit is requested. Staff may require an applicant to submit a list of surrounding property owners obtained from an abstract company. The notice shall be sent by certified mail to the last known address of such recorded owners(s). (The certified mail requirement may be waived by staff for applications for work on existing single-family and two-family structures.) The applicant shall file an affidavit showing compliance with these requirements. The affidavit shall have attached to it official evidence that states that the notices have been served as required.
 - (ii)** The affidavit required and the supporting exhibits required by the Commission's application procedures shall be filed with the Capitol Zoning District Staff no later than six (6) calendar days prior to the hearing date.

(iii) The applicant shall post the sign furnished at the time of filing at the front of the property so that it can be seen from the street, at least ten (10) calendar days before the hearing. If for any reason the sign should be destroyed or torn down, a replacement may be obtained from the Capitol Zoning District staff.

(iv) The applicant or a representative of the applicant is required to be present at the hearing in order to answer any questions that the Commission or interested parties may have.

(v) Non-compliance with the process described above may cause an application to be withheld and not considered at the appointed hearing time and may require the re-filing of the application and the re-notification of property owners.

2. Staff Report

In preparation for the hearing, a report by the Staff shall be prepared and submitted to the Commission recommending approval or denial of the permit. The Commission shall consider the staff report along with other evidence presented at the hearing. The Commission shall not be bound by the recommendations of the report.

3. Public Hearing and Decision

The Commission may issue the permit(s) if it finds the proposal to be substantially consistent with the Master Plan. In reviewing the application, the Commissioners shall consider the application and base their decision upon the report of the Staff, the recommendations of the Design Review Committee, advice from Advisory Committees, impact of the proposal on the property, neighboring properties, the District as a whole, and the goals of the Master Plan and the evidence or testimony presented by the Applicants and other interested parties at the public hearing.

SECTION 2-106 ENFORCEMENT

Except in cases of Demolition by Neglect (see Section 2-107) any citizen of Arkansas may report to Staff, by written, verbal, or electronic communication, any potential violation of the Rules. Staff will investigate, in a timely fashion, every alleged violation reported. Staff will also regularly monitor the District for potential violations.

A. If the Staff finds that a property, building or other improvement may be in violation:

1. Staff shall notify the owner of record of this preliminary finding, stating the reasons therefore, and shall give the owner thirty (30) days from the date of notice to submit a proposal for work rectifying the specific concerns. The notice to the property owner shall also include information on possible financial incentives that may be available. Such notice shall be accomplished in the following manner:

a. By certified mailing to the last known address of owner; or

b. In the event that (a), above, is not successful, then such notice shall be attached to the building or improvements twice within a week.

2. If the owner fails to submit an application within thirty (30) days from the date of notice (described above), the Staff shall notify the owner in the manner provided above to appear at the next public hearing of the Commission. Staff shall present to the Commission at said public hearing the reasons for the notice, as well as any applicable evidence or expert testimony, and owner shall have the right to present any rebuttal thereto. If the owner fails to show adequate cause to stay further action, the Commission may determine that a violation exists and request appropriate injunctive relief or other legal remedies compelling corrective action, with its costs to constitute a lien against the property. The owner is not required to be present at the hearing for the Commission to find that a property is in violation.

3. An approved permit and arrangements to correct the underlying conditions shall stay proceedings under this section.

B. Staff may not accept applications from individuals or legal entities that own property or properties within the District on which one or more unresolved outstanding violations of the Rules exist, except applications to specifically address the outstanding violation(s). For unapproved demolitions of historic structures, staff may not accept applications for any work on, or any use of, the subject property, or any adjoining property under common ownership or control, for a period of five years, except applications to demolish or faithfully reconstruct the structure in question.

SECTION 2-107 DEMOLITION BY NEGLIGENCE

A. No owner or person with an interest in real property located within the District, including but not limited to Sole Proprietors, members of Limited Liability Companies and shareholders in closely held corporations, shall permit said property to fall into a state of disrepair. The owner or person with an interest in the real property in charge of any building or structure within the District shall keep in good repair all of the exterior portions of the structure and all interior portions which, if not so maintained, may cause the exterior portions of the structure to deteriorate, decay or become damaged or otherwise to fall into a state of demolition by neglect.

B. Demolition by neglect shall be defined as neglect in the maintenance of any building or improvements resulting in any one or more of the following:

- 1.** The deterioration of a building to the extent that it creates or permits a hazardous or unsafe condition as determined by the City of Little Rock.
- 2.** The deterioration of a building(s) characterized by one or more of the following:
 - a.** Those buildings which have parts thereof which are so attached that they may fall and injure members of the public or property.
 - b.** Deteriorated floor supports or floor supports insufficient to carry imposed loads with safety.
 - c.** Members of walls, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.
 - d.** Members of walls or other vertical supports that are insufficient to carry imposed loads with safety.
 - e.** Members of ceilings, roofs, ceilings and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.
 - f.** Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are insufficient to carry imposed loads with safety.
 - g.** Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.
 - h.** Any fault, defect, or condition in the building which renders the same structurally unsafe or not properly watertight.
- 3.** Action by the City or Fire Marshall relative to the safety or physical condition of any person.

C. Staff shall investigate and submit a report and recommendation to the Commission on whether a property is being demolished by neglect upon receipt of a written complaint alleging severe deterioration, decay, or disrepair from any three owners of separate properties within 200 feet of the subject property; or from one or more of the following entities:

1. Downtown Neighborhood Association
2. Quapaw Quarter Association
3. Historic Preservation Alliance of Arkansas
4. City of Little Rock
5. Arkansas Historic Preservation Program

If the Staff finds a property is being demolished by neglect, and the Commission concurs with Staff's finding, Staff will initiate the enforcement proceedings found in Section 2-106.

SECTION 2 - 108 NON-CONFORMING USES OF LAND AND STRUCTURES

A. Purpose

The purpose of this section is to establish regulations and limitations on the existence of uses and structures which were established prior to the effective date of this Rule and which do not conform to the provisions of this Rule. Such non-conformities may continue, but the provisions of this section are designed to curtail enlargement or expansions of such non-conformities and to encourage their eventual elimination, in order to preserve the integrity of the Capitol Zoning District and the regulations established by this Rule.

B. Uses of Land

1. Authority to Continue

Any lawfully existing non-conforming use of part or all of a structure, or any lawfully existing non-conforming use of land not involving a structure or involving a structure which is accessory to such use of land, may be continued, so long as it remains otherwise in conformance with the provisions of this section.

2. Ordinary Repair and Maintenance

Normal maintenance and incidental repairs or replacement, and installation or relocation of walls, partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a non-conforming use; provided, however, that this shall not be deemed to authorize any violation of the other subsections of this article.

3. Addition or Extension

A non-conforming use of land shall not be extended, expanded, enlarged or increased. Such activity shall include, but shall not be limited to:

a. Extension of such use to any structure or land area other than that occupied by such non-conforming use on the effective date of this Rule, or any amendment hereto which causes such use to become non-conforming.

b. Extension of such uses within a building or other structure or any portion of the floor area that was not occupied by such non-conforming use on the effective date of this Rule, or an amendment hereto which causes such to become nonconforming.

4. Relocations

No structure that is devoted in whole or in part to a non-conforming use shall be relocated in whole or in part to any other location on the same or any other lot, unless the entire structure and the use thereof shall thereafter conform to all the regulations of the zone in which such structure and use are located after being so relocated. No non-conforming use of land shall be relocated in whole or in part to any other location on the same or any other lot, unless such use shall thereafter conform to all regulations of the zone in which such use of land is located after being so relocated.

5. Change in Use

Existing lawful use of land which does not conform to the provisions of this Rule at the date of adoption may continue. In no case shall a change from one non-conforming use group to another non-conforming use group, or change from one use to another within the same use group be allowed nor permitted by the Capitol Zoning District Commission.

6. Abandonment or Discontinuance

When a non-conforming use of land or a non-conforming use of part or all of a structure is discontinued or abandoned for a period of 180 consecutive days (regardless of any reservation of an intent not to abandon and to resume such use), such use shall not thereafter be reestablished or resumed. Any subsequent use or occupancy of such land or structure shall comply with the regulations of the zone in which such land or structure is located.

C. Structures

1. Authority to Continue

Any non-conforming structure which is devoted to a use which is permitted in the zone in which such structure is located may be continued so long as it remains otherwise lawful, subject to the provisions of this section.

2. Damage or Destruction

In the event that any structure that is devoted in whole or in part to a non-conforming use or which is not in conformance with the CZD Design Guidelines is destroyed by fire, explosion or other casualty, or the public enemy, to the extent of more than fifty percent (50%) of the current replacement value immediately prior to such damage, such structure and use thereof shall thereafter conform to all regulations of the zone in which such structure and use are located. When such damage or destruction is fifty percent (50%) or less of the reasonable replacement value of the structure immediately prior to such damage, such structure may be repaired and reconstructed and used for the same purposes as it was before the damage or destruction; provided that such repair or reconstruction is commenced within six (6) months and completed within twelve (12) months of the date of such damage or destruction. In extenuating circumstances, the Capitol Zoning District Commission may grant an extension of that time period.

3. Relocation

No non-conforming structure shall be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zone in which such structure is located after being relocated.

4. Structural Alterations

A non-conforming building shall be structurally added to, reconstructed or extended only under the following conditions:

a. The use to which said building is put conforms to the zone in which it is located.

b. Any accessory building located on the lot conforms to all requirements of the Capitol Zoning District Commission and the Little Rock Building Code.

c. The total lot area occupied by a building after the erection, conversion, reconstruction or structural alteration and the lot area occupied by existing encroachments, extensions or the projections into a required yard space shall not exceed the total area allowed by this Rule for new construction.

d. No part of the existing non-conforming building shall encroach, extend or project into more than forty percent (40%) of any one side yard distance required by this article.

e. No part of the existing non-conforming building shall encroach, extend or project into more than thirty percent (30%) of either the front or rear yard distance required by this article.

f. No part of the existing non-conforming building shall encroach, extend or project into more than one yard (front, side or rear) space distance required by this article.

g. All erection, conversion, reconstruction or structural alteration shall fully conform to the yard space and all other applicable provisions of this article required for new construction.

SECTION 2 - 109 APPEALS

A. Any person aggrieved by actions of the Capitol Zoning District Commission staff in the administration of this Rule, may appeal within a reasonable time such action to the Capitol Zoning District Commission for reconsideration. Such appeal shall be made by filing with the Capitol Zoning District Commission a notice of appeal specifying the grounds thereof. All the papers constituting the record upon which the action appealed from is taken shall be provided by the Capitol Zoning District Commission. An appeal stays all proceedings in the furtherance of the action appealed from, unless the Capitol Zoning District Commission determines that, on the basis of available facts, a stay would cause peril to life or property. The Capitol Zoning District Commission shall fix a reasonable time for the hearing of the appeal, give due notice to the interested parties, and decide the same within a reasonable time.

B. Appeal of any decision of the Capitol Zoning District Commission shall be made to the Circuit Court of Pulaski County as set forth in Arkansas Act 267 of 1975, as amended, and under the procedures established by the Arkansas Administrative Procedures Act.

SECTION 2-110 AMENDMENTS TO THE CAPITOL ZONING DISTRICT MASTER PLAN & RULE

Amendments to the Capitol Zoning District Master Plan and the Capitol Zoning District Rule shall require compliance with the Arkansas Administrative Procedures Act (Act 434 of 1967, as amended).

SECTION 2 - 111 RELATION TO CITY OF LITTLE ROCK CODE OF ORDINANCES

The provisions of this Rule and the Capitol Zoning District Master Plan supersede all provisions of the city of Little Rock Code of Ordinances. However, unless specifically dealt with as provisions of this Master Plan, all other regulations, requirements and codes of the city of Little Rock shall continue to be in force in the Capitol Zoning District and are adopted by reference as a part of this Master Plan.

BYLAWS

CAPITOL ZONING DISTRICT COMMISSION

ARTICLE I: NAME

The name of this organization shall be called the Capitol Zoning District Commission, being an agency of the State of Arkansas.

ARTICLE II: PURPOSE

The purpose of these bylaws is to prescribe the organization of the Capitol Zoning District Commission and to establish orderly, equitable and expeditious procedures for the conduct of its affairs to the end that all may be informed and the public well served.

ARTICLE III: EFFECTIVE DATE

The effective date of these bylaws shall be upon adoption by the Capitol Zoning District Commission.

ARTICLE IV: AUTHORITY

Authorization for the Capitol Zoning District Commission is Act 267 of 1975, as amended by the General Assembly of the State of Arkansas.

ARTICLE V: MEMBERSHIP

Membership of the Capitol Zoning District Commission shall be composed of nine (9) members who are resident electors of the State of Arkansas. One member shall be the designee of the Governor of Arkansas; one, the designee of the Secretary of State of Arkansas; and one, the designee of the Little Rock Department of Planning and Development. Six members shall be at-large members appointed by the Governor, of whom one must be black, one must be a resident or property owner of the Mansion area and one must be an owner of property within the Capitol area.

SECTION A: TERMS OF MEMBERSHIP

Designee members serve at the pleasure of their designating authorities. At-large members serve three (3) year terms.

SECTION B: VOTING RIGHTS

Each member, including the chairman, shall have one vote. In the absence of a designee member, the designating authority may designate another person to attend with full voting rights and privileges. In such cases, the designees shall declare themselves to the chairman at the beginning of the meeting. At-large members shall not be authorized to assign a designee or proxy.

SECTION C: TERMINATION OF MEMBERSHIP

Termination of membership shall occur when:

1. A letter of resignation is presented to the Governor or designating authority and copied to the chairman; or
2. A member fails to attend three (3) consecutive regular meetings without attending any intermediary called special meetings, and the Governor removes the member in accordance with the provisions of ACT 219 of 1997 or any subsequent amendments; or
3. The appointing authority fails to reappoint an at-large member upon completion of a term or terminates a designated member by appointing another person in the member's place.

ARTICLE VI: OFFICERS

The Capitol Zoning District Commission shall have a chairman, vice-chairman, and any other officers deemed necessary by the Commission. The Secretary shall be the Director of the Capitol Zoning District Commission, serving as an ex-officio member of the Commission.

SECTION A: SELECTION

The Governor’s designee shall serve as Chairman. In the event of the vacancy or discontinuance of the position of Director of the Capitol Zoning District Commission, the Chairman shall appoint a Secretary. All other officers shall be elected at the annual meeting from nominations submitted by membership. A majority vote of the Commission membership shall constitute election. Voting on an officer in which there is a contest shall be by written, secret ballot. In the event of a vacancy, the Chairman shall appoint a member to fill the unexpired term.

SECTION B: TERMS

The terms of office for officers other than chairman and secretary shall be one year. There is no limit on the number of terms an officer may serve.

SECTION C: DUTIES

Chairman

The chairman shall preside at all meetings and hearings of the Commission; appoint members of committees established by the Commission; sign all approved minutes and, when authorized, other documents assigned by the Commission.

Vice Chairman

The Vice Chairman shall preside over any meeting or hearing of the Commission in the absence or disability of the chairman and fulfill other duties assigned by the Commission.

Secretary

The Secretary shall attend all meetings of the Commission, its committees and advisory committees, providing advice on request and shall be responsible for:

- Seeing that minutes are recorded for each meeting;
- Carrying on routine correspondence;
- Seeing that the files of the Commission are maintained;
- Maintaining a record of the rules and policies of the Commission;
- Maintaining a record of the organization of the Commission and its staff;
- Preparing the agenda of items to be considered at each meeting;
- Attesting documents of the Commission;
- Maintaining a liaison between the City of Little Rock and the State of Arkansas;
- Preparing financial reports for the Commission; and
- Any other responsibility the Commission might assign.

ARTICLE VII : COMMITTEES

SECTION A: SPECIAL COMMITTEES

Special committees may be created by the Commission and charged with such duties as the Commission deems necessary or desirable. Such committees shall include at least one Commission member. Special Committees shall include at least one Commission member. Special committees shall submit a report to the chairman and shall be dissolved on such date as their particular function or task has been completed. The completion date may be established by the chairman.

SECTION B: ADVISORY COMMITTEES

The Capitol Zoning District Commission shall have (3) advisory committees: the Mansion Area Advisory Committee, the Capitol Area Advisory Committee and the Design Review Committee. Each advisory committee shall have its own bylaws to establish its purpose, organizational structure and manner of operation, so long as the Commission names its members and approves its bylaws and amendments thereto.

ARTICLE VIII: MEETINGS

The Commission shall, at the last regular meeting of each calendar year, adopt a schedule of regular meeting dates, including time and location, for the forthcoming year. The schedule shall normally consist of monthly meetings.

SECTION A: QUORUM

A quorum for the transaction of business shall consist of the majority of the Commission members.

SECTION B: MEETING NOTICES

The mailing or emailing of a copy of the regular agenda to each Commission member one week prior the date set for the regular meeting shall constitute notice of meeting.

SECTION C: RULES OF PROCEDURE

Parliamentary procedure shall be as prescribed in the latest edition of Robert's Rules of Order.

SECTION D: VOTING

Any matter business requiring action by the Commission may be presented by oral motion. *Passage of any motion shall require an affirmative vote of the majority of the full Commission membership for passage. Failure of a motion to grant a permit shall constitute a denial of the permit.* Action on permit applications shall be voted on by roll call vote and the minutes shall reflect the number of yeas, nays and abstentions, if any. Other matters may be voted on by voice vote and the minutes shall reflect the motion to be "passed" or "failed:

SECTION E: OPEN MEETINGS

All regular and special meetings of the Capitol Zoning District Commission shall be open to the public and public notice shall be given as required by the Arkansas Freedom of Information Act.

SECTION F: PUBLIC RECORD

All minutes of the Commission meetings and all certificates, permits, applications and other documents on which action has been taken by the Commission shall be open to the public according to the Arkansas Freedom of Information Act.

SECTION G: SPECIAL MEETINGS

Special meetings may be called by the Chairman or the Secretary or by a quorum of the Commission members. Notice of such meetings shall be given as Prescribed in Article VIII, Section B, unless such meeting is to be held within less than three (3) days, in which case notice by telephone will suffice.

SECTION H: EXECUTIVE SESSIONS

The Commission may, either before, during or after any meeting, sit in executive session or private session. No official business shall be transacted except privileged matters relating to personnel, pursuant to the exemption found in the Arkansas Freedom of Information Act.

SECTION I: ANNUAL MEETING

The Annual Meeting shall be held at the last meeting of each calendar year.

SECTION J: CONDUCT OF PERMIT APPLICATION HEARINGS

Public hearings for consideration of property permit applications shall be conducted in an orderly and rational manner. The order of hearing shall be as follows:

1. Announcement of subject
2. Finding of compliance with notice requirements.
3. Staff report to consist of a summary of the hearing topic, a report of staff findings and applicable advisory committee recommendations.
4. Presentation by applicant.
5. Questions and comments by Commissioners.
6. Public comment.
7. Rebuttal by applicant.
8. Staff recommendation.
9. Motion and vote by Commissioners

SECTION K: ABSENCE OF CHAIRMAN OR VICE CHAIRMAN

In the absence or disability of both the chairman and vice chairman at any Commission meeting or hearing, the member present with the longest continuous membership on the Commission shall act as chair during such meeting.

ARTICLE IX: AMENDMENTS

These bylaws may be amended or repealed by an affirmative vote of not less than a majority of the full membership of the Capitol Zoning District Commission.

ATTEST:

Date _____

Secretary _____

Chairman _____

Adopted by the Capitol Zoning District Commission on 12-22-77
Amended by the Capitol Zoning District Commission on 11-27-87
Amended by the Capitol Zoning District Commission on 10-25-90
Amended by the Capitol Zoning District Commission on 1-27-94
Amended by the Capitol Zoning District Commission on 2-26-98
Amended by the Capitol Zoning District Commission on 3-25-99
Amended by the Capitol Zoning District Commission on 11-13-2013

MATERIAL BELOW REPLACES PAGES 2 - 6 OF:

General Standards for the Capitol Zoning District

Capitol Area Zones

Zones	“A1 & “A2”	“B”	“C”	“D”
	Capitol Ave & Capitol vicinity	Northeast Neighborhood	Union Station Mixed Use	Industrial
Front Yard SB	0’-25’ SB except 25’ SB from streets adjacent to capitol complex	25’ Landscaped no parking	10’ min. res. SB Build-to-sidewalk for comm. 25’ SB from streets adjacent to Capitol complex	25’ landscaped SB no parking
Rear Yard SB	0’ SB except 25’ res. SB	25’ min. SB	0’ SB except 25’ res. SB	25’ SB
Side Yard SB	0’ SB except 4’ res. SB	4’ min. SB	0’ SB except 4’ single family res. SB	4’ SB
Min. Lot Area/D.U.	1200 S. F./ D. U.	1200 S. F./ D. U.	1200 S. F./ D. U.	2500 S. F./ D. U.
Max. F. A. R.¹	2.5:1.0	2.5:1.0	2.5:1.0	1.1:1.0
Height	3 stories or 45’ except 5 stories or 75’ along Capitol w/ height review	3 stories or 45’	3 stories or 45’ except 5 stories or 75’ w/ height review	3 stories or 45’
Permitted Uses²	Multifamily residential	Single and two family residential	Single, two family & multifamily residential; Hotel, motel & Amusement; Consumer goods & services	Single and two family Residential; Industrial
Conditional Uses	Single and two family residential; Hotel, motel & amusement; Consumer goods & services; Auto-oriented commercial	Multifamily residential; Hotel, motel & amusement; Consumer goods & services	Auto-oriented commercial	Multifamily residential; Consumer goods & Services; Auto-oriented commercial.

Professional Office, General Office, and Quiet Business are permitted use groups throughout the Capitol Area. Community Facilities I, II, & III are conditional use groups throughout the Capitol Area.

¹ See “Definitions” for F. A. R. definition

² See CZDC General Standards, “Use groups” Section, for specific uses allowed within each use group category.

Mansion Area Zones

Zones	“M”	“N”	“O”
	Residential	Neighborhood Residential & Commercial	General Business
Front Yard SB	25’ min. landscaped no parking ⁴	25’ min. landscaped no parking ⁴	Mandatory build-to-sidewalk
Side Yard SB	8’ min.	8’ min.	5’, if any
Rear Yard SB	25’ min.	25’ min.	5’, if any
Min. Lot Area/D.U.	2500 S. F./ D. U.	2500 S. F./ D. U.	1200 S. F./ D. U.
Min. Lot Area/D.U. w/ review	1200 S. F./ D. U.	1200 S. F./ D. U.	1200 S. F./ D. U.
Max. F. A. R. ¹	1.1 : 1.0	1.5 : 1.0	1.5 : 1.0
Maximum Height	2.5 stories or 35’ (whichever is less)	3 stories or 45’ (whichever is less)	3 stories or 45’ (whichever is less)
Permitted Uses ²		Professional Office	Professional Office Quiet business
Conditional Uses ²	Quiet Business ³ Professional Office ³ General Office ³	Community Facilities III General. office Quiet business Consumer goods & services ³	Community Facilities III General Office Hotel, motel, & amusement Consumer goods & services

Single Family and Two Family Residential are permitted use groups throughout the Mansion Area.

Multifamily Residential and Community Facilities I & II are conditional use groups throughout the Mansion Area.

¹ See The General Standards for F.A.R. definition

² See CZDC General Standards, “Use groups” Section, for specific uses allowed within each use group category.

³ When the preservation of a historic commercial or civic type building is involved.

⁴ The setback may be less than 25’ up to a minimum of 15’ where historic precedence exists on the block.

DEFINITIONS

The following terms as used in this section have the following meanings unless the context clearly indicates otherwise;

Accessory building, structure or use "Accessory building, structure, or use" means a building, structure or use located upon the same lot as the principal building, structure, or use to which it is related. Accessory structures and uses are allowed by right in conjunction with all allowed or permitted single family or two family residential uses provided that those structures and uses are clearly incidental to the permitted principal uses.

A. Accessory Uses Accessory uses permitted are as follows:

1. Domestic Quarters, provided said quarters are used only by person employed on the premises and not for commercial purposes
2. Accessory buildings, including, but not limited to garage storage facilities, children's playhouses, and greenhouses
3. Swimming pools, courts for racquet games, and other recreational uses, provided that the use is otherwise in full compliance with the Capitol Zoning District Master Plan and the Little Rock Code of Ordinances
4. Home Occupations in compliance with this ordinance (Note: The Capitol Zoning District Commission shall have final authority in determining the particular uses that may be defined as Home Occupations.)
5. Signs in compliance with this ordinance

B. Structures Accessory Structures must comply with the following requirements:

1. An accessory building or structure may occupy not more than thirty percent of the required rear yard
2. All single and two family residences shall be separated from accessory structures by a distance of not less than six (6) feet.
3. No accessory building or structure shall be allowed in the front yard setback but in the side or rear yard setbacks, they shall maintain at least a three (3) foot setback from any property line. Where said rear yard abuts a dedicated alley, no setback shall be required from said alley.

Adult Uses As defined herein, an Adult Bookstore, Adult Paraphernalia Store, Adult Motion Picture Theatre Establishment, or an Establishment Which Displays Live Nudity, or any other business or establishment characterized by an emphasis depicting, describing or related to sexual conduct or sexual excitement for prurient purposes. Uses which combine any or all of the uses described above and classed under "Adult Uses" in this section shall constitute an adult use if the floor area or inventory stock items cumulatively amount to more than ten percent (10%) of the establishment's total floor area or inventory stock.

Adult Bookstore: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other material, which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement for prurient purposes. For purposes of this paragraph, "substantial or significant portion of stock" shall mean more than ten percent (10%) of the subject establishment's inventory stock, or more than ten percent (10%) of subject premise's gross floor area.

Adult Paraphernalia Store: An establishment having as a substantial or significant portion of its stock devices, objects, tools, or toys, excluding clothing, which are distinguished by their association with sexual activity for prurient purposes, including sexual conduct or sexual excitement. For purposes of this paragraph, "substantial or significant portion of stock" shall mean more than ten percent (10%) of the subject establishment's inventory stock, or more than ten percent (10%) of subject premise's gross floor area.

Adult Motion Picture Theatre: An enclosed building used for presenting material motion picture films, video cassettes, cable television, slides or any other such visual material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement for prurient purposes, and to which minors under the age of 18 would not be admitted according to the system of ratings put forward by the Motion Picture Association of America.

Adult Video Stores: An establishment having a substantial or significant portion of its stock in trade for sale or rent, movies, videos, and similar audio/visual media, which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement for prurient purposes, or which, if exhibited for theatrical release, to which minors under the age of 18 would not be admitted according to the system of ratings put forward by the Motion Picture Association of America. For purposes of this paragraph, "substantial or significant portion of stock" shall mean more than ten percent (10%) of the subject establishment's inventory stock, or more than ten percent (10%) of subject premise's gross floor area.

Establishment Which Displays Live Nudity: An establishment which provides live entertainment for its patrons, which includes the display of nudity, including full frontal or rear nudity, or both, or the display for the primary or secondary genitalia of either sex for prurient purposes.

Building Coverage "Building Coverage" means the ratio of the total building area on a lot to the total area of the lot.

Building Height (Permitted) A. Permitted Height: The height permitted without review within the Capitol Zoning District shall be forty-five feet, except in Zone "M" where the maximum height is thirty-five feet.

1. The height of the building is determined as described hereafter: The highest vertical distance obtained under any roof element. Said vertical distance shall be measured from the highest point of the coping of a flat roof, or from the highest point of a mansard roof, or from the mean elevation between the ridge and eave of the gable of a sloped roof to the median elevation of a point on the final grade five feet (5') away from the foundation, or to a reference datum of the natural grade prior to site disruption for construction, whichever yields a greater dimension.

2. Exceptions to the permitted height shall only occur as allowed in Conditional Height and as approved by the CZDC using the height review procedures described below. Under no circumstances shall a structure exceed seventy five feet as measured using the procedure defined in section (1) above.

B. Three Story Limit: Buildings which are constructed under the permitted height of the district may have no more than three stories or portions thereof above grade, except in Zone “M” where buildings may have no more than two and one-half stories above grade. Buildings allowed, through height review, to exceed the permitted height, may have no more than five stories or portions thereof above grade. Appurtenances which meet the definition and requirements of “Appurtenances” below may exceed the height limit on new structures, with Commission review.

C. Non-Conformity to Seventy-Five Foot Limit: No addition to that portion of the building exceeding the current seventy five foot height limitation is allowed for structures erected at a height conforming to the height limitations applicable at the time of their erection which are now non-conforming as to height. Appurtenances which meet the definition and requirements of “Appurtenances” below may exceed the seventy five foot height limit, with Commission review, on structures made non-conforming by these rules.

D. Non-Conformity to Permitted Height: There shall be no increase in the highest point of the floor area of buildings greater than the permitted height but less than seventy five feet in height, unless approved under Conditional Height Section below. Appurtenances which meet the definition and requirements of “Appurtenances” below may, with Commission review, exceed the permitted height on structures made non-conforming by these rules.

Building Height (Conditional)

A. Thirty Feet of Additional Building Height Permitted: Building height may be increased by up to thirty feet in Zones A1 and C upon a finding by the CZDC that the proposed height is in conformance with the provisions of this section and the Design Standards for the Capitol Area.

B. Setbacks for the Thirty Feet of Additional Building Height When Permitted: In Zone A1, along Capitol Avenue, in order to protect the view of the State Capitol Building and Dome, any additions to the permitted height must be set back fifty feet from Capitol Avenue.

C. Slopes Greater Than 10 Percent: On slopes greater than 10 percent in Zone C, the building height may exceed the permitted height but under no circumstances shall a structure exceed seventy five feet.

Building Height (Appurtenances) Appurtenances mean architectural features not used for human occupancy, consisting of spires, belfries, cupolas or dormers; silos; parapet walls, and cornices without windows and necessary mechanical equipment usually carried above the roof level having no more than twenty-five percent roof coverage, including, without limitation, chimneys, ventilators, skylights, antennas, microwave dishes, and solar systems

A. Appurtenances: Appurtenances may be added under the following circumstances:

1. The addition of an appurtenance to a building is permitted if it does not cause building height to exceed the height allowed in this section, considering, for this purpose only, the uppermost point of the appurtenance to be the uppermost point of the roof.

2. The CZDC may approve additions of appurtenances to buildings causing a building height to exceed the maximum permitted height if ALL the following standards are met:

a. There is a functional need for the appurtenance

b. The functional need cannot be met with an appurtenance at a lesser height; and

c. Visible materials and colors are compatible with the building to which the appurtenance is attached.

d. All appurtenances are consistent with the applicable Design Standards

3. No appurtenance may have usable floor area except for mechanical equipment installations; have more than twenty five percent coverage of the roof area of the building; or be more than sixteen feet in height. For the purposes of this paragraph, “coverage” means the total area enclosed by the screening and “roof area” means outside top covering of a building which is parallel to the ground.

4. All mechanical equipment is screened from view, regardless of the height of the building, unless in the opinion of the CZDC such screening conflicts with the function of the mechanical equipment. The CZDC will determine if the screening of the equipment is adequate in form, materials, and color based on the following criteria:

a. Screening is consistent with the building design, colors, and materials

b. Screening placed on the portion of the roof which is least visible from adjacent streets and properties;

c. Screening is consistent with the applicable Design Standards

d. The height of the screen is the minimum appropriate to adequately screen the mechanical equipment; and

e. Screening does not increase the apparent height of the walls of the building. The use of parapet walls to screen mechanical equipment is discouraged. The height of parapet walls should be the minimum necessary to screen mechanical equipment.

Dwelling Unit (D.U.) For the purposes of these regulations, a D.U. consists of a habitable unit occupied by no more than three persons unrelated by blood, marriage, adoption, or other verifiable familial relationship.

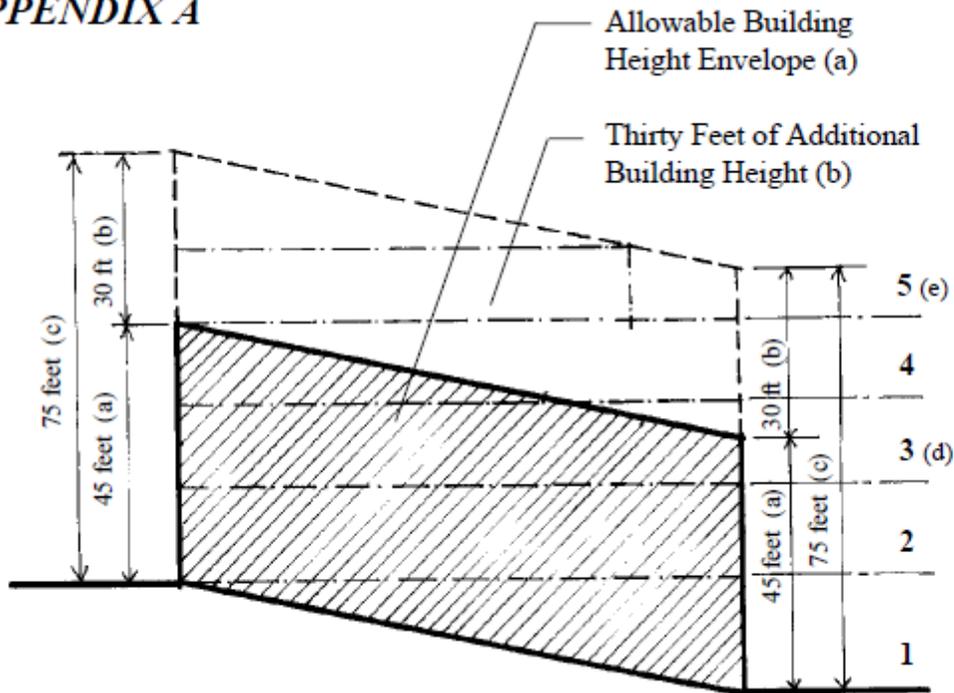
Floor Area "Floor Area" means the total square footage of all levels included within the outside walls of a building or portion thereof, (but excluding courts and uninhabitable areas below the first floor level).

Floor Area Ratio (FAR) "Floor Area Ratio (FAR)" means the ratio of the floor area of a building to the area of the lot on which the building is situated. This calculation excludes structured parking, balconies, and decks.

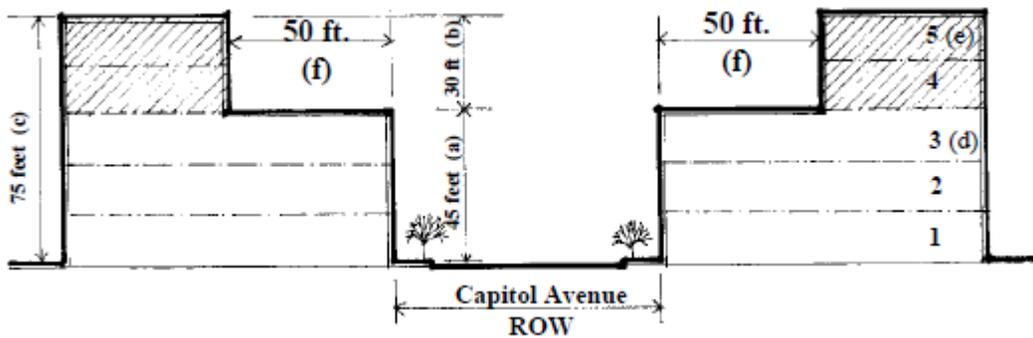
Front Yard The Front Yard is that portion of a building lot which directly abuts a public street and/or right-of way. In cases where a building lot is located on the corner of two intersecting streets, the narrowest portion of the lot contiguous to the public street will be defined as the front yard.

Mean Slope For the purposes of calculating the slope of a site for a height exception, the slope shall be the median slope as calculated along the long axis of a parcel.

APPENDIX A



SLOPES GREATER THAN 10% in ZONE “C”



SETBACKS @ CAPITOL AVENUE

NOTES:

- (a) Permitted Height of Forty Five (45) feet
- (b) Thirty (30) Feet of Additional Building Height (allowed only in Zones A1 and C and only upon Height Review approval by the CZDC)
- (c) Seventy five (75) maximum height (allowed only in Zones A1 and C and only upon Height Review approval by the CZDC)
- (d) Buildings which are constructed under the permitted height may have no more than three (3) stories
- (e) Buildings allowed, through Height Review, to exceed the permitted height, but under no circumstances greater than Seventy Five (75) feet, may have no more than five (5) stories
- (f) Thirty (30) Feet of Additional Building Height, upon approvals outlined in Note (b) above, shall be set back Fifty (50) Feet from Capitol Avenue

MATERIAL BELOW REPLACES PAGE 9 OF:

General Standards for the Capitol Zoning District

USE GROUPS

The permitted uses of land within the Capitol Zoning District are listed herein by use groups, and these use groups are permitted only within the specific zones as indicated and within the limits of the zones as shown on the maps included in both the Capitol and Mansion Area Framework Master Plans. Specific uses and the use groups under which they are listed are identified below and are referenced throughout the Framework Master Plans.

U.1 COMMUNITY FACILITIES I

- Airway beacon or marker
- Bus passenger depot (not in public r.o.w.)
- Civil Defense and related activities facility
- Electric regulating substation
- Electric utility mains and distribution facilities and apparatus (not in public r.o.w.)
- Fire protection and related activities facilities
- Flood control works
- Gas pipeline right of way
- Gas pressure control station
- Petroleum pipeline or pressure control station
- Pipeline right of way or pressure control station, not elsewhere classified
- Police protection and related activities facility
- Railroad passenger terminal
- Railroad right of way (excluding switching and marshaling yards)
- Rapid rail transit or street railway right of way
- Rapid rail transit or street railway terminal (not in public street r.o.w.)
- Sewage pressure control station
- Taxicab stand or dispatching station
- Telephone exchange station, relay tower or r.o.w.
- Telegraph transmitting or receiving station or r.o.w.
- Television or radio transmitting station or relay tower
- Water pipeline r.o.w., treatment plant, storage facility or pressure control station

U.2 COMMUNITY FACILITIES II

- Church, Synagogue, or Temple, including Sunday School facilities
- College, junior college, professional school or university (public or equivalent private)
- Community center (public)
- Eleemosynary institution, philanthropic institution
- Library (private, non-profit and public)
- Museum or Art Gallery
- Nursery school, day nursery, kindergarten
- Parish house, parsonage, rectory or manse
- Park, playground, playfield or tot lot (public)
- School, elementary (public or equivalent private)
- School, secondary (public or equivalent private)
- Studio: Ballet, Dance, Drama Fine Arts, Music Language

- Swimming pool (public)
- Tennis courts (public)
- Theatrical group
- Zoological gardens (public)
- Meeting or reception facility
- Tour Home (private)

U. 3 COMMUNITY FACILITIES III

- Club or lodge (private non-profit)
- Convalescent, maternity or nursing home Rehabilitation institution
- Foster family care, institution or agencies
- Home for the elderly
- Hospital; general
- Hospital; restricted to mental, narcotics or alcoholic patients, sanitarium
- Mental institution
- Orphanage
- Home or Shelter for battered women and/or children
- Modeling school and studio
- Fraternity or sorority house
- Boarding or rooming house
- School (private), Barber, Beauty, Business, Commercial, Real Estate, Art, Correspondence, Stenographic, Trade or Vocational (excluding manual training, shopwork or repair maintenance of machinery or mechanical equipment)
- Residential care or assisted living facility

U. 4 SINGLE FAMILY RESIDENTIAL (One D.U.)

- Single family detached dwelling
- Home occupation (accessory use) - see Section U.14 of this chapter for required conditions.

U.5 TWO FAMILY RESIDENTIAL (Two D.U.)

- Two family dwelling
- Detached duplex
- Home occupation (accessory use) - see standards at end of this chapter

MATERIAL BELOW REPLACES PAGE 15 - 19 OF:

General Standards for the Capitol Zoning District

P.1 Requirement There shall be provided for each use in any zone the number of off street parking spaces required for that use as listed in Section P.15, "Required Parking Spaces by Use."

P.2 Standing and Loading Space On the same premises with every building hereafter erected or structurally altered and occupied by uses involving the receipt or distribution by vehicles of materials, or merchandise, or people, there shall be provided and maintained adequate space for standing, loading and unloading in order to avoid undue interference with public use of the street or alley. The minimum off street loading space required shall include a loading space which measures twelve (12) feet by thirty (30) feet with a fourteen (14) foot height clearance for every 20,000 square feet of floor and land area involved in the use of the property. This required off-street loading space shall be in addition to an area or means adequate for egress, ingress and maneuvering.

P.3 Combined Facilities Off-street parking facilities required for two or more similar uses located on the same building site may be combined and used jointly, provided however that the total number of offstreet parking spaces shall not be less than the sum of requirements for the various individual uses computed separately.

P4. Parking Reductions A parking reduction of up to 20% of the required parking for commercial developments, industrial developments and mixed use developments may be granted by staff if each of the following criteria is met: (1) The parking needs of the use or uses will be adequately served; (2) If a mix of residential uses with either office or retail uses is proposed, the parking needs of all uses will be accommodated through shared parking; (3) If joint use of common parking areas is proposed, varying time periods of use will accommodate proposed parking needs; and (4) The applicant provides an acceptable proposal for an alternate modes of transportation program, including a description of existing and proposed facilities and assurances that the use of alternate modes of transportation will continue to reduce the need for on-site parking on an ongoing basis. The Commission may approve an additional 20% reduction (for a total reduction of 40%) with review. In such reviews, the applicant must demonstrate to the Commission's satisfaction that: (5) The pattern and character of development in the vicinity is consistent with the request for reduced parking; (6) The use is intended to attract residents, employees, and/or visitors who are likely to avail themselves of alternate modes of transportation; and (7) The reduction requested will not cause unreasonable hazard to pedestrian or vehicular traffic in the vicinity. The Commission may further reduce, or waive entirely, the requirement for off-street parking to accommodate a new use in a block predominantly comprised of historic commercial-style buildings if the Commission is satisfied the above criteria will be substantially met.

P5. Prohibition on Use of Right-of-Way for Provision of Required Parking No portion of any public right-of-way shall be considered as fulfilling or partially fulfilling the parking requirements of this section, except to accommodate a new use in a block predominantly comprised of historic commercial-style buildings, in which case the Commission may consider street parking adjacent to the location in question.

P.6 Expansions When a building or structure erected prior to or after the effective date of this document shall undergo any increase in number of dwelling units, gross floor area, seating capacity, number of employees, or other unit of measure used in determining required parking facilities, and when said increase would result in a requirement for additional parking facilities, such additional facilities shall be accordingly provided as a condition for obtaining a building permit or privilege license. In computing the number of spaces required for such a building, however, only the increase in unit of measure shall be considered.

P7. Location of Required Parking All parking spaces provided pursuant to this section shall be on the same lot with the building or within three hundred (300) feet thereof. The distance to any off-site parking area shall be measured between the nearest point of the parking area or facility and the nearest public entrance of the building said parking area or facility is to serve. (No off-site parking spaces shall be counted towards any required parking spaces for the disabled.) Off-site parking shall not comprise more than twenty-five (25) percent of the total number of spaces required in this section. The Commission may approve an additional 25% (for a total of 50% off-site parking) with review. In such cases, applicants for additional off-site parking must demonstrate to the Commission's satisfaction that: (1) The right to use the proposed off-site parking area(s) is established by ownership, easement, or similarly executed covenant or agreement; (2) The proposed off-site parking area(s) is accessible by public sidewalk or other improved pedestrian access-way; (3) The request will not cause unreasonable hazard to pedestrian or vehicular traffic in the vicinity; and (4) Adequate signage, in accordance with these Standards, will be provided at the off-site parking area to identify the facility which it serves.

P8. Pavement Requirements Every parcel of land which, after the effective date of this document, is changed to a parking area, automobile, other vehicle or trailer sales or storage area, or automobile or motor vehicle service station, garage or other vehicular use area shall be paved where subject to wheeled traffic. The minimum pavement requirement shall be as follows: One and one-half inches asphaltic concrete hot mix with a five inch compacted base, or a four inch concrete slab, and shall have appropriate bumper guards where needed. Innovative state of the art porous paving systems are encouraged and will be evaluated on a case by case basis. Any land being paved to accommodate parking for a new use should not exceed 110% of the area required for parking and maneuvering. The Commission may allow an applicant to pave up to 150% of the area required if it is demonstrated to the Commission's satisfaction that: (1) The pattern and character of development in the vicinity is consistent with the request for additional parking; and (2) Paving the additional area will be sufficiently mitigated by the use of porous or semi-permeable paving systems, additional landscaping beyond the minimum required, or other innovative mitigation measures. A proposal to pave an area larger than 150% of the minimum required for parking and maneuvering will be considered a request for parking as the principle use on the entire portion of land proposed to exceed the minimum requirements.

P.9 Parking Design for Standard Size Cars The following four parking angles are allowed with their respective width and depth dimensions for stalls and maneuvering areas:

TYPE	WIDTH	DEPTH	MANEUVERING AREA
Parallel	22 ft.	9 ft.	11 ft.
Right Angle	9 ft.	20 ft.	20 ft.
60 Degree Angle	9 ft.	18 ft.	20 ft.
45 Degree Angle	9 ft.	18 ft.	16 ft.

P.10 Parking Spaces for the Disabled The requirements for disabled and accessible parking set forth in the Little Rock Code of Ordinances, as it existed on September 30, 2012, shall be in full force and effect erecting, constructing, enlarging or otherwise altering or improving a vehicular use area.

P.11 Permanency of Spaces Provided Any off-street parking or loading space established prior to the effective date of this document and which is used or intended to be used in connection with any main building, structure or use, or any spaces designed and intended to comply with the requirements of this document for any such main building or structure erected after such effective date, shall hereafter be maintained so long as said building or structure remains, unless the owner provides and maintains in another location an equivalent number of required spaces in conformance with the provisions of this document. Any conveyance of such parking or loading space, or transfer of interest therein, by the owner of the property served thereby without a simultaneous conveyance or transfer of the property served thereby to the same guarantee or transferee or without suitable provisions being made in another location for the maintenance of an equivalent number of required spaces in conformance with the provisions hereof, shall be in violation of this document.

P.12 Landscaping and Screening Requirements The landscaping and screening requirements set forth in the Little Rock Code of Ordinances, as it existed on September 30, 2012, shall be in full force and effect when erecting, constructing, enlarging or otherwise altering or improving a vehicular use area. The Commission may approve reductions, on a case-by-case basis, for required landscaping not adjacent to a public right of way.

P.13 Parking Lot Lighting Standards Lighting levels should be designed in accordance with the Illuminating Engineer's Society (IES) Standards for the recommended activity level for pedestrian security and to avoid light trespassing for the adjacent property owner or public right of way. Light poles not to exceed 35'.

P.14 Residential Parking Utilization of front yard areas for parking is prohibited. The location of one or more vehicles in the front yard area of any residential dwelling for 3 or more days in a given month shall be considered "utilization of the front yard area for parking", and shall constitute a violation of the Capitol Zoning District Rules unless a valid temporary use permit has been issued for this parking use. For the purposes of this section, "front yard" shall mean any area of a front yard or corner lot side yard which is not paved. "Paved" means treated or covered with concrete, asphalt, or other similar material and maintained in such a manner as to provide a mud-free and dustless surface. No front yard area which is not paved as of the date of adoption of this provision shall be paved without a valid permit from the Capitol Zoning District Commission. Nothing in this article shall be construed to allow paving or parking in excess of that allowed by any other CZDC regulation.

P.15 Required Parking Spaces By Use

USE

REQUIRED PARKING SPACES

1. COMMUNITY FACILITIES I

Bus passenger depot (not in public r.o.w.)	1 per 500 gross sq. ft. of floor area
Electric regulating substation	1 per employee
Electric utility mains and distribution facilities and apparatus (not in public r.o.w. easements)	as required
Police protection and related activities facility	1 per employee
Fire protection and related activities facility	1 per employee
Railroad passenger terminal	1 per 500 gross sq. ft. of floor area
Rapid rail transit or street railway terminal (not in public street r.o.w.)	1 per employee
Taxicab stand or dispatching station	as required
Telephone exchange station, relay tower, or right of way	1 per employee
Telegraph transmitting or receiving station or right of way	1 per employee
Television or radio transmitting station or relay tower	1 per employee
Water pipeline right of way, treatment plant, storage facility or pressure control station	1 per employee

2. COMMUNITY FACILITIES II

Church, synagogue, or temple, including Sunday School facilities	1 for each 3 seats of main auditorium
College, junior college, professional school or university (public or equivalent private)	1 per 3 seats for patron use
Community center (public)	1 per 200 gross sq. ft. of floor area
Eleemosynary institutions, philanthropic institution	1 per 400 gross sq. ft. of floor area
Library, private and public	1 per 400 gross sq. ft. of floor area
Museum or art gallery	1 per 200 gross sq. ft. floor area
Nursery school, daycare, or kindergarten	1 per employee
Parish house, parsonage, rectory or manse	2 per dwelling unit
School, elementary (public or equivalent private)	1 per employee
School, secondary (public or equivalent private)	1 per employee plus 1 per 500 gross sq. ft. of floor area

Studio: ballet, dance, drama, fine arts, music, language and modeling	1 per 100 gross sq. ft. of floor area or 1 per 25 sq. ft. of classroom or studio space or 1 per 2 students enrolled, whichever is greater.
Swimming pool (public)	1 per 400 gross sq. ft. of pool and deck area
Theatrical group	1 per 400 gross sq. ft. of floor area
Tennis courts (public)	1.5 per court
Zoological gardens (public)	1 per 400 gross sq. ft. of floor area
Meeting facility or tour home	1 per 300 gross sq. ft. of floor area
3. COMMUNITY FACILITIES III (INSTITUTIONAL)	
Club or lodge, (private non-profit)	1 per 200 gross sq. ft. of floor area
Convalescent, maternity or nursing home and assisted living facilities.	1 per 3 beds
Rehabilitation institution	1 per 400 gross sq. ft. of floor area
Foster family care, institution or agencies	1 per employee
Hospital (general) and those restricted to mental, narcotics or alcoholic patients or sanatorium	1 per 3 beds
Mental institution	1 per employee
Orphanage	1 per employee
Home or shelter for battered women and/or children	1 per 400 gross sq. ft. of floor area
Fraternity or sorority house, boarding or rooming house	1 per bedroom
School (private): barber, beauty, business, commercial, real estate, art, correspondence, stenographic, trade, modeling or vocational	1 per 100 gross sq. ft. of floor area or 1 per 25 sq. ft. of studio space or 1 per 2 students enrolled, whichever is greater.
Residential care facility	1 per 400 gross sq. ft. of floor area.
4. RESIDENTIAL	
Single family dwelling	1 per dwelling unit
Two family dwelling and multi-family dwelling	1 per 1 bedroom unit, 1.5 per 2 bedroom unit or more
Bed and breakfast house	1 per guest room , plus 1 for residence
5. PROFESSIONAL OFFICES AND GENERAL OFFICES	
For all uses in these use groups	1 per 350 gross sq. ft. of floor area.

6. HOTEL, MOTEL AND AMUSEMENT

Commercial arena or auditorium*	1 per 3 seats
Billiard or pool parlor*	1 per 200 gross sq. ft. of floor area
Bowling alley*	3 per alley
Dance hall*	1 per 200 gross sq. ft. of floor area
Eating places providing dancing or entertainment*	1 per 200 gross sq. ft. of floor area
Gym or fitness center*	1 per 200 gross sq. ft. of floor area
Hotel or Motel*	1 per guest room
Motion picture theatre*	1 per 3 seats
Swimming pool; commercial (exempted from enclosure)	1 per 200 gross sq. ft. of pool
Tavern, night club, or semi-private club*	1 per 200 gross sq. ft. of floor area
Tennis court; commercial (exempted from enclosure)	2 per court
Arcade*	1 per 200 gross sq. ft. of floor area

***Enclosure of uses required.** Every use in this group unless specifically exempted in the list of uses, shall be operated in its entirety within a completely enclosed structure.

MATERIAL BELOW REPLACES PAGES 23 - 28 OF:

General Standards for the Capitol Zoning District

S.1 PURPOSE It is the purpose of these provisions to regulate signage within the Capitol Zoning District to prohibit unsafe, inadequately maintained, improperly sited, and aesthetically obtrusive signs which detract from the health, safety, welfare, convenience and enjoyment of the area's residents, property owners and visitors. The Capitol Zoning District is unique in its combination of historic residential and commercial buildings. It possesses tradition, charm and character, and serves as a visible reminder of the cultural and historical development of Little Rock. It is the intent of the ordinance to preserve and enhance the elements of the historical and traditional nature of this district through the design of the signs located therein.

S.2 SCOPE These provisions shall deal with all signs except traffic control signs erected by government agencies. All signs which are located on or attached to the exterior of buildings or otherwise intended to be visible from the exterior of buildings are to be regulated by the provisions of this ordinance. These provisions do not regulate signage content but only height, area, location of signs and sign structure.

S.3 DEFINITIONS The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them:

- **Abandoned sign:** a sign displayed for a period of 30 days or more which no longer correctly directs or exhorts any person or which no longer advertises a bona fide business, lessor, owner, project or activity conducted or product available on the premises. The property owner will be responsible for removal of said abandoned sign.
- **Animated sign;** any sign which includes action or motion. This term does not refer to flashing or changing, all of which are separately defined.
- **Banners, Pennants,** any animated, rotating, fluttering or non-stationary device made of flexible materials designed to attract attention.
- **Background area;** the entire area of a sign on which copy could be placed, but does not include a permanent building surface.
- **Building face or wall;** all window and wall area of a building in one (1) plane or elevation.
- **Changing sign (automatic);** a sign such as an electronically or electrically controlled (public service time, temperature and date sign, message center or reader board) where different copy changes are shown on the same lamp bank.
- **Copy;** the wording or graphics on a sign surface.
- **Directional Sign;** a. A sign, permanently erected or permitted in the public right-of-way or private property by the City of Little Rock, Pulaski County, State of Arkansas, or other governmental agency to denote the name of any thoroughfare, the route to any city, town, educational institution, public building, historic place, shrine, hospital, to direct and regulate traffic, to denote any railroad crossing, bridge or other transportation or transporting company for the direction and/or safety of the public. b. An on-premise temporary sign which contains information regarding the time and place of regular meetings of civic or religious groups.
- **Directory Sign;** a sign listing only the names and/or use, or location of more than one business, activity or professional office conducted within a building, group of buildings or commercial center.
- **Existing Sign;** any sign that was erected, mounted or displayed prior to the adoption of the Capitol Zoning District Ordinance.
- **Facade;** the entire building wall, including principle street wall face, and parapet, fascia, windows, doors, canopy and roof on any complete elevation.
- **Face of sign;** the entire area of a sign on which copy could be placed; the area of a sign which is e (1) direction as projected on a plane.
- **Fixed Projecting Sign;** a sign, other than a flat sign, which extends outward for more than six (6) inches from the facade of any building and is rigidly attached thereto.

- **Flashing Sign;** any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light means of animation, or an externally mounted light source. Automatic changing signs such as public service time, temperature and date signs or electronically controlled message centers are classed as “flashing signs.”
- **Free standing sign;** a sign supported by a sign structure secured in the ground and which is wholly independent of any building, fence, vehicle or other support.
- **Frontage;** the length of the property line of any one premise’s parcel serving as a public right-of-way.
- **Ground level;** immediate surrounding grade.
- **Height of sign;** the vertical distance measured from the surrounding grade to the highest point of the sign.
- **Off-premises sign;** any sign located or proposed to be located at any location other than within the same platted parcel of land on which the specific business or activity being promoted or conducted. For purposes of this article, easements and other appurtenances shall be considered to be outside such platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an offpremises sign. Signs identifying public service, religious or civic club organization not to exceed four (4) square feet as approved by the Capitol Zoning District Staff are exceptions to this definition.
- **Owner;** any person having a vested or contingent interest in the property in question.
- **Non-conforming sign;** any sign which has a valid permit, was erected or displayed prior to the effective date of the Capitol Zoning District Ordinance or any subsequent amendment hereto and does not conform with the provisions of this section.
- **Premises;** an area of land with its appurtenances and buildings which, because of its unity of use, may the smallest conveyable unit of real estate.
- **Right-of-way;** the right-of-way as indicated on the official city master street plan.
- **Roof line;** the lowest edge of the main roof.
- **Setback;** the minimum horizontal distance between either the face of the curb, the edge of the he right-of-way line and the sign structure as specified in a particular section of this chapter.
- **Sign;** any written identification or description, with or without illustration or other device, illuminated or non-illuminated, which is exposed to the view of potential clients or customers and/or the general public, is located on public or private property, outside of buildings, and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any such identification or description affixed or attached to a window and visible from a public right-of-way, or any emblem, painting, banner, pennant or placard designed to advertise, identify or convey information, except the following: **1.** illustrations or devices with a primarily artistic purpose, or with no writing, such as public art installations or wall murals; **2.** national and state flags, or flags depicting a school, college, or sports team, or religious or political affiliations, banners marking a holiday or season, or other similar flags or banners; and **3.** decorative devices or emblems displayed on a residential mailbox, porch, or lawn. For the purpose of removal, signs shall also include all sign supporting structures.
- **Sign area;** the square foot area enclosed in the smallest rectangle encompassing the sign face. With respect to signs which are composed of individual symbols, letters, figures, illustrations, message, forms or panels, sign area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, and frame around the sign and “cutouts” or extensions, but shall not include any supporting structure or bracing. The area shall be computed as including the maximum number of faces viewable from any single ground position as follows: **1.** Double faced sign - one face counted. **2.** “V” sign with 45 degree or greater angle - two faces counted.
- **Sign structure;** any structure which supports, has supported or is capable of supporting a sign, including decorative cover.
- **Street;** a public dedicated thoroughfare which affords the principal means of access to abutting property.
- **Temporary sign;** a sign which is not permanent and is permitted for a specific time period.

- **Time and temperature sign;** an electrical sign utilizing lights going on and off periodically to display the local current time and temperature.
- **Traffic directional sign;** any sign which aids the flow of traffic.
- **Use;** the purpose for which a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.
- **Wall sign;** a sign attached to or erected against the wall of a building with the face parallel to the plane of the building wall or attached to the structure as approved by the design review commission.
- **Window Treatment Sign;** any sign which is attached to or forms part of any blinds, shades or other window treatment.
- **Zoning lot;** a lot which is part of a sub-division or parcel of land, the map of which has been recorded in the office of The County Recorder.

S.4 SIGNAGE REVIEW CRITERIA These provisions do not regulate the specific content of permanently affixed signage (except explicit graphics or language, as defined below in S.7B), but only height, area, and location of signs and sign structure. Signs will be evaluated using these criteria:

1. Compatibility with surrounding properties and streetscape
2. Height, height/width ratio, total area, and location
3. Materials and lighting
4. Method of installation or attachment

S.5 SIGNAGE REQUIREMENTS

A. Signs in Capitol Area “A1”, “A2”, “C” and “D” Zones

1. One (1) wall sign not to exceed twenty-four (24) square feet. Wall signs shall be located on a vertical surface of the building including canopies, wing walls, etc., but not higher than the eave or rafter line of the wall on which located.
2. One (1) ground-mounted sign not to exceed twenty-four (24) square feet. Height not to exceed six (6) feet. (Edge of sign shall be set back a minimum of 5' from all property lines.)
3. Wall sign on another wall of premises or in combination with sign on wall containing the major entrance, in lieu of a ground-mounted sign, not to exceed 36 square feet.
4. Any activity which has more than 300 feet of frontage on public street may display one (1) additional ground sign for each 300 feet of frontage in excess of the first 300 feet of frontage. However, no activity may display a ground sign within 250 feet of any other ground sign displayed by; the same activity. Height not to exceed six (6) feet.
5. Illumination shall be indirect, not interfere with or distract traffic flow and be no greater than 300 footlamberts of luminance.

B. Capitol Area signs in "B" Zone and Mansion Area signs in “N” and “O” Zones

1. One (1) wall mounted sign 18 square feet plus 2 square feet for each 10 feet that the building sets behind the property line *not* to exceed 28 square feet. Wall signs shall be located on a vertical surface of the building including canopies, wing walls, etc., but not higher than the eave or rafter line of the wall on which located.
2. One (1) ground mounted sign not to exceed 18 square feet. Any activity which has more than 300 feet of frontage on public street may display one (1) additional ground sign for each 300 feet of frontage in excess of the first 300 feet of frontage. However, no activity may display a ground sign within 250 feet of any other ground sign displayed by the same activity. Height not to exceed six (6) feet. Edge of sign shall be set back a minimum of 5' from all property lines.

3. Wall sign on another wall of premises or in combination with sign on wall containing the major entrance, in lieu of a ground mounted sign, not to exceed 36 square feet.

4. Illumination shall be indirect and not interfere with or distract *traffic* flow and not be greater than 300 footlamberts of luminance.

C. Mansion Area signs in “M” Zone for uses other than Single-Family and Two- Family Residential.

1. One (1) wall mounted sign not to exceed six (6) square feet or one (1) on premise ground mounted sign not to exceed six (6) square feet. Height not to exceed six (6) feet.

2. For single family and two family residential, no commercial advertising is allowed, only signs denoting the name and address of the occupants or complex are allowed. Maximum allowable area shall not exceed one (1) square foot. Illumination shall be indirect and not greater than 50 footlamberts of luminance.

3. Any community facility which has more than 300 feet of frontage on public street may display one (1) additional ground sign for each 300 feet of frontage in excess of the first 300 feet of frontage. However, no activity may display a ground sign within 250 feet of any other ground sign displayed by the same activity. Height not to exceed six (6) feet.

4. Illumination shall be indirect and not interfere with or distract traffic flow and not be greater than 100 footlamberts of luminance.

S.6 OFF-PREMISE SIGNS No off-premise signs shall be allowed within the Capitol Zoning District except for those public, quasi-public or institutional signs specifically approved by the Capitol Zoning District Commission.

S.7 OTHER SIGNS

A. The following signs, not addressed in S.5, are allowed by right

1. Building Mounted projecting signs: Allowed within the Capitol Area only, provided that the sign is approved by the Capitol Zoning District Commission after a public hearing and due consideration. Building mounted projected signs shall be less than eighteen (18) square feet in area and constructed as to present a theme or to enhance the historic character of a building. The mounting of the sign shall not project more than five (5) feet and shall not obstruct pedestrian traffic. Certificates of Appropriateness for projecting signs may also be approved by the Commission, on a case-by-case basis, in Zone “O”.

2. Parking Directional Signs: All Use Groups except single-family residential and two-family residential are allowed one parking directional sign per entry/ exit to a parking area. Maximum area shall be two (2) square feet; maximum height shall be six (6) feet and must not physically obstruct traffic or vision.

3. Parking Regulation Signs: All Use Groups except single family residential and two family residential are allowed one parking regulation sign per entry/ exit to a parking area. Maximum area shall be four (4) square feet and maximum height shall be six (6) feet. In addition, one identification sign per parking space shall be permitted not to exceed 0.5 square feet in area and two (2) feet in height.

4. Delivery Signs: All Use Groups except single family and two family residential are allowed one (1) building mounted wall sign to denote entry or delivery points. Maximum area shall be four (4) square feet.

5. Service or Product Advertising Signs: Allowed for the following Use Groups: Automobile Oriented Commercial; Hotel, Motel and Amusement; Quiet Business; Consumer Goods and Services; Industrial. One (1) building mounted wall sign shall be allowed to advertise products, services, sales, specials, etc., not to exceed ten (10) square feet in area.

6. Construction Sign (Temporary): Allowed, One (1) sign not to exceed twenty (20) square feet in area and six (6) feet in height. Construction signs may be erected at the time construction begins and shall be removed within ten (10) days after final inspection.

7. Political Sign (Temporary): Allowed; Erected up to one hundred twenty (120) days prior to the election date and removed within ten (10) days after election.

8. Real Estate Sign (Temporary): Allowed, One (1) sign per zoning lot, not to exceed twenty (20) square feet in area and six (6) feet in height, to be removed within two (2) weeks after conveyance of property or occupancy. All real estate signs shall indicate that the said property is subject to regulations under Capitol Zoning.

9. Holiday Signs (Temporary): Allowed, Wall mounted signs celebrating all national and religious holidays are allowed to be erected two (2) weeks before and two (2) weeks after.

10. Home Occupation Signs: shall be limited to the home occupation and shall not exceed one (1) square foot and shall only have the owner's and/or company name and occupation displayed on the sign. Such signs shall be non lighted in two color and wall mounted.

11. Historic Plaque to be wall mounted and not to exceed one (1) square foot.

12. Directory signs shall not exceed the following sizes: Twelve and one-half (12 1/2); square feet when visible within seventy-five (75) feet of any public right-of-way. Twenty-five (25) square feet when visible seventy-five (75) feet or more from public right-of-way.

B. The following signs are prohibited within the Capitol Zoning District:

1. Trailer Signs

2. Signs on Fences, Utility Poles, or Natural Elements

3. Banners, Pennants, Light Strings, Oscillating, Rotating Flashing Lights, etc. flood lights that interfere with or distract traffic

4. Signs Creating Traffic Hazard

5. Signs Placed Without Property Owner's Permission

6. Vehicle Signs which are illuminated or extend past the factory built body, except for those on public transit and emergency vehicles

7. Signs Not Permanently Attached

8. Abandoned Signs

9. Roof Signs

10. Marquee Signs

11. Time and Temperature Signs (prohibited in Mansion Area Only)

12. Animated Signs

13. Projecting Signs (prohibited in Mansion Area Zones M & N only)

14. Portable Signs.

15. Window Treatment Signs

Any sign, picture, publication, display of explicit graphics or language or other advertising which is distinguished or characterized by emphasis depicting or describing sexual conduct or sexual activity, displayed in windows, or upon any building, or visible from sidewalks, walkways, roads, highways, or a public area is prohibited in any location. This section is not to be construed to apply to signage which constitutes political speech.

S.8 ADMINISTRATION OF SIGN REGULATIONS No sign, other than those allowed for one and two family residential uses, those wall-mounted signs allowed for individual occupants of multi-family residential uses, those temporary signs not specifically required to have a permit, those signs on products, product containers, and product dispensers and public informational and safety signs shall be erected, relocated or otherwise altered in height or size without securing an appropriate permit from the Capitol Zoning District Commission.

S.9 NON-CONFORMING SIGNS

All signs which became non-conforming as a result of the 1998 Capitol Zoning Master Plan shall be removed by the owner or lessee or made to conform. The Commission may, on a case by case basis, approve Certificates of Appropriateness for the installation of the following non-conforming signs:

1. Historic signs reinstalled at their original locations in the District, or replicas of such signs.
2. Historic signs relocated from elsewhere, to facilitate the preservation of such signs.

MATERIAL BELOW REPLACES PAGE 9 OF:

Rehabilitation Standards for Historic Properties

ABOUT THIS DOCUMENT

The following document applies to the treatment of all historic properties within the jurisdiction of the Capitol Zoning District Commission. This includes properties within the Capitol Area and the Mansion Area. The standards address treatment of existing historic features, repair of deteriorated details and replacement of missing elements.

In addition, design standards for new construction and site improvements for the relevant zone may also apply to a specific project. Furthermore, underlying policies for these design standards are presented in the Master Plans for the Capitol and Mansion Areas.

An asterisk adjacent to a statement in the text indicates that it is a standard that will not be waived by the Capitol Zoning District Commission for historic structures or site features built during the District's period of significance, except as an Economic Hardship. For other historic structures or site features, these standards may be waived if it is demonstrated to the Commission's satisfaction that such a waiver will not adversely affect the historic integrity of the property or the surrounding neighborhood. Other text, without an asterisk, will also be considered in the Commission's reviews, but may be waived if it is demonstrated to the Commission's satisfaction that such a waiver will not adversely affect the historic integrity of the surrounding neighborhood.



A check mark with an illustration indicates that it is an example of an appropriate treatment.



An "x" mark with an illustration indicates that it is an example of an inappropriate treatment.

The letter "R" precedes each of these standards, to indicate that it is a part of the Rehabilitation Standards document.