

**RECOMMENDATION
TO THE
PINE BLUFF PLANNING COMMISSION**

SUBJECT: Amending the Zoning Ordinance by creating the HD-1 5th Avenue Historic District Zone.

The Historic District Committee of the Planning Commission, Joe Clement and Jesse Kearney, met with Jerre George, Allan Skinner, and Robert Tucker to discuss the recommendations of the Committee that were discussed during the July Planning Commission meeting. The parties came to an agreement concerning changes and uses appropriate to the new HD-1 zone to be included in the ordinance creating the new zone. The attached ordinance shows the original ordinance to be considered by the Commission along with the proposed changes to the ordinance. The proposed changes are shown in **bold** type.

PROPOSED
HD-1 5TH AVENUE HISTORIC DISTRICT

- A. General Description and Intent. This District is intended to preserve the existing development pattern and distinctive character of the 5th Avenue Historic District while promoting the development of new buildings and uses that are compatible with and that will complement the character of the district.
- B. Procedure. All applicants desiring to develop a land use, construct an addition or modification to an existing land use, or construct an accessory structure or use including fences and screens shall first apply for a Preliminary Zoning Permit from the Inspection and Zoning Department. An approved Preliminary Zoning Certificate shall indicate that the proposed use, addition, and/or modification as submitted by the applicant meets the regulations contained in this chapter and allows the applicant to proceed with gaining approval of the request from the Pine Bluff Historic District Commission. The Preliminary Zoning Certificate does not authorize the applicant to begin any construction, addition, or modification requested in the application. No Final Zoning Permit authorizing alterations in the exterior of a structure within the boundaries of this District and no Final Zoning Permit authorizing construction of a new building or other structure within the boundaries of this District shall be granted unless approval has been granted by the Pine Bluff Historic District Commission. It is not intended by this chapter to grant the Pine Bluff Historic District Commission jurisdiction over zoning or use permit matters other than in the area of design review.
- C. Permitted Uses. The following uses are permitted in this district:
- (1) Single family residential. Single family residential uses may also be located in the same structure as any other permitted use.
 - (2) Duplex.
 - (3) Bed and breakfast houses.
 - (4) Professional offices, provided that no merchandise or merchandising services are sold on the premises, except such as are incidental or accessory to the principal permissible use. No more than ten percent (10%) of the space of any office may be used for incidental merchandising unless approved by the Planning Commission.
 - (5) Antique shops.
 - (6) Art studios.
 - (7) Photography studios.
 - (8) Caterer
 - (9) Beauty shop/barbershop.**
 - (10) Shoe repair shop.**
 - (11) Tailor shop/seamstress shop.**
 - (12) Clinic, limited to a single medical or veterinary practitioner.**
 - (13) Accessory buildings and uses customarily incidental to the above uses.

- (14) Guest houses of not more than 700 square feet are permitted as an accessory structure to a single family residence and shall be located in the rear yard only or above an existing or approved garage.
- (15) **At the time of the effective date of this section, any use existing on a lot located within the boundaries of the HD-1 District that does not fall under one of the categories listed as a permitted use shall be allowed to continue as a permitted use. In addition, this existing use can be expanded up to 25% of the footprint of the existing structure provided that all height, area, and parking regulations set forth in this section are met. Expansion requests greater than 25% must receive a Use Permit on Review.**

An existing use falling under this sub-paragraph will be allowed to be rebuilt in the event it is damaged or destroyed, however in the event a structure is 100% destroyed, all height, area, and parking regulations set forth in this section shall be met if the use is to be continued. Further, upon application to rebuild a damaged or destroyed building, if the expense of such restoration exceeds fifty (50) percent of the replacement cost of the building or structure at the time such damage occurred, the applicant shall present verifiable written evidence that the structure and use existed at the time of the effective date of this section. Applications submitted without such evidence will not be approved.

D. Uses Permitted upon Review and Approval of the Planning Commission. The Planning Commission may limit the scope of the proposed use or impose special conditions relating to such considerations as the site plan, screening or parking as a condition for approval of the following uses or any other uses it deems appropriate for the protection of the public health, safety, and welfare:

- (1) Restaurants, excluding drive-in or fast food establishment.
- (2) Second-hand stores.
- (3) Florist.
- (4) Specialty food store or gift shop. General retail shops or stores shall not be permitted.
- (5) Up to four (4) Condominium units contained in a single converted home and in a single new construction structure where the structure furthers the intent of the Historic District, after consultation with the Pine Bluff Historic District Commission.
- (6) **Drugstore.**
- (7) **Grocery store.**
- (8) **Satellite facility for a commercial cleaners and laundry. This facility accepts items to be dry cleaned or laundered that are taken to another location for actual dry-cleaning or laundering. Dry cleaning and laundry activities shall not occur on site.**
- (9) **Social clubs and fraternal organizations.**
- (10) **Small publishing companies.**
- (11) **Small scale plant nurseries.**
- (12) **Expansion of uses in excess of 25% (of the footprint of the structure) of uses existing at the time of the effective date of this section that do not fall under one of the categories listed as a permitted use. Upon application to expand a use over**

25% of the footprint, the applicant shall present verifiable written proof that the structure and use existed at the time of the effective date of this section.

- (13) Other uses, including uses listed in other districts, which are deemed appropriate in the opinion of the Planning Commission. In order to submit an application under this paragraph, the Zoning Administrator and City Planner must determine that the proposed use conforms to the basic intent of this district and can be demonstrated to be equal to or less intense than other permitted uses in this district.

E. Height and area requirements. The following height, area, and structure regulations apply to this district:

- (1) Height requirements. A building shall have a maximum height of two (2) stories or thirty-five (35) feet. The height shall be measured from the finished floor level. Additional height may be approved by the board of zoning adjustment as recommended by the Pine Bluff Historic District Commission.
- (2) Area requirements.
- (a) Lots shall be a minimum of 60 feet in width and a minimum square footage of 7,200 square feet. Lots existing at the time of the effective date of this chapter that have less width and/or square footage may be used when all other requirements of this chapter can be met.
- (b) Front yard setbacks shall be appropriate to the street on which the subject site is located, determined as being the distance from the front property line that prevails in 75% of the developed parcels on the street.
- (c) Side yard setbacks shall be of a width of not less than five (5) feet. The side yard on the street side of each corner shall not be less than twenty (20) feet. A variance to the side yard street setback may be given if, in the opinion of the Pine Bluff Historic District Commission the setback is necessary for the enhancement of the 5th Avenue Historic District and the setback will not interfere with potential future street widening or visibility.
- (d) Setbacks for accessory buildings shall be a minimum of five (5) feet from any property line and shall be located only in side and rear yards.

F. Parking Requirements. Parking shall be provided in accordance with provisions of article V. division 2. Guest houses shall require one (1) additional parking space. All new construction shall be designed so that parking facilities are located in the rear yard. When an existing use is converted to a different permitted use, any new parking that is required shall be located in the rear yard. Parking for uses other than single family, duplex, or guest house may also be allowed on a vacant lot adjacent to an existing or proposed use, however, such parking shall not be allowed in the front yard setback and shall be appropriately landscaped after review by the Historic District Commission and Zoning and Planning staff. A variance

for the reduction or location of parking as required by this section may be requested for properties in the 5th Avenue Historic District, however, the Board of Zoning Adjustment is not required to grant any parking variance requested.

G. Protection of Trees.

In order to recognize the contribution of shade trees and certain flowering trees to the overall character of the district and to aid in the preservation and protection of such trees, variances to the requirements contained in E. and F. (Area and Parking Requirements) of this Section may be approved by the Board of Zoning Adjustment if such variances promote the protection of existing trees and still meet the intent of this section and its regulations.