



PINE BLUFF
BOARD OF ZONING ADJUSTMENT
JULY 28, 2009
4:00 p.m.
Council Chambers

- I. CALL TO ORDER
- II. CONSIDERATION OF MINUTES: June 30, 2009
- III. OLD BUSINESS: None
- IV. NEW BUSINESS:
 1. Appeal of Zoning Administrator's Decision by Roy D. Smith DBA Wesco Construction Company concerning the use of 5036 Bobo Road as a commercial business.
- V. ADJOURNMENT

**RECOMMENDATION
TO THE
PINE BLUFF BOARD OF ZONING ADJUSTMENT**

SUBJECT: Appeal of Zoning Administrator’s Decision concerning the use of 5036 Bobo Road as a commercial business.

APPLICANT: Roy D. Smith DBA Wesco Construction Company

ZONING AND LAND USE:

ZONING:	North:	R-1 Residential	LAND USE:	North:	Single Family
	South:	R-1 Residential		South:	Vacant Acreage
	East:	R-1 Residential		East:	Vacant Acreage
	West:	R-1 Residential		West:	Single Family

REVIEW COMMENTS

- The applicant’s address is 5056 Bobo Road, however, the subject site is actually located on Womble Lane, which is a one-lane city street running south off Bobo Road. There is one house on the west side of the road before you get to the subject site. Womble Lane dead-ends into the subject site property.
- Land uses in the area include the home located north of the subject site, homes on Crest Drive located on Bobo Road just north of Womble Lane, a home just east of Womble Lane, and a home that backs up to the subject site that is accessed off Middle Warren Road. The other main use located on Bobo Road is a large church.
- This area is zoned R-1 Residential. This district is intended for use in new(er) single-family areas and for uses and uses permitted on review that would compliment and enhance the residential character of the area. Single family uses and uses that are accessory uses to the main use as a residential lot (storage buildings, home occupations, personal swimming pools, etc.) are permitted in the R-1 district. UPOR’s in the district are: Parks and playgrounds; public elementary schools; cemeteries; golf courses; tennis courts; public and semipublic uses; churches; garage apartments (occupied by relatives); day care family homes; and other uses deemed appropriate in the opinion of the planning commission which conform to the basic intent of this district, and which can be demonstrated to be equal to or less intense than other permitted uses in this district.
- The applicant is currently residing in the dwelling at the subject address. He is also operating a construction company at the site. It is our understanding that this industrial-type use began operation in 2002, after the applicant obtained a city permit to construct a large storage building for personal use on the site. He has been informed on several occasions that he is in violation of the zoning ordinance by operating a truck repair/contractors storage yard on the site in an R-1 zone, and he is

now trying to conform to the zoning ordinance by obtaining the proper zoning permits, which would require a UPOR, to operate said use on the site. The Zoning Official has determined that he cannot apply for a UPOR because the proposed use is not a listed UPOR in the R-1 zone and is much more intense than the uses that are listed, and therefore is not eligible as a UPOR in the zone. The applicant is requesting that the Board of Zoning Adjustment determine that the use he proposes and is currently operating, a contractors storage yard and associated repair, can be heard as a UPOR in the R-1 zone so he can come before the Planning Commission and request a UPOR to operate the use on the site. He also desires to have his business office at the address. The Zoning Official has stated that she cannot issue a permit for a home office on a site when there is an unresolved zoning violation at the site.

We are in agreement with the Zoning Official. If (1) a use is not a listed UPOR or (2) is not similar to a listed UPOR, or (3) is a use listed as permitted or a UPOR in another zone, it cannot be heard by the Planning Commission. The Zoning Official determines if a use is listed and also has latitude in determining whether an unlisted use is similar to one that is listed. Obviously (see paragraph 3 under Review Comments), the use is not listed as a UPOR, nor is it similar in any way to any of the uses listed. While the list of UPOR's in the R-1 zone contains a "catch all" phrase ("other uses deemed appropriate in the opinion of the planning commission which conform to the basic intent of this district, and which can be demonstrated to be equal to or less intense than other permitted uses in this district"), this phrase is included so that uses that the Zoning Ordinance does not list at all that meet the intent of the zone can be heard by the Planning Commission. It is our opinion that uses listed in other zones but not listed in the subject zone cannot be heard as UPOR's. In this case, the uses of truck repair and contractors storage yard are specifically listed as permitted uses in the I-1 Light Industrial Zone. By listing these uses in the I-1 Zone, this means that it is set forth in the Zoning Ordinance that these uses are appropriate for the I-1 zone. By listing them in the I-1 zone but not in the R-1 Zone, such uses are specifically excluded from being located in the R-1 zone.

Once the zoning violation is resolved, the applicant will be able to have a business office on the site. The intensity of the business office will depend on how the zoning violation is resolved.

RECOMMENDATION

The Planning Staff recommends that the Zoning Official's Determination be upheld. Even though the City may not have diligently pursued the applicant's zoning violation resulting in the use existing on the site for almost seven years, this is not the issue before the Board. **The issue before the Board is simply whether or not a use such as currently exists on the subject site can be brought before the Planning Commission as a UPOR in the R-1 zone.** We feel that the Zoning Official acted correctly in her interpretation of the zoning ordinance that the use cannot be heard as a UPOR in the R-1 Residential zone.



PINE BLUFF
PLANNING COMMISSION
JULY 28, 2009
4:00 p.m.
Council Chambers

- I. CALL TO ORDER
- II. CONSIDERATION OF MINUTES: June 30, 2009
- III. OLD BUSINESS: None
- IV. NEW BUSINESS:
 1. Rezoning request by Sue Reed to rezone 5900 Sulphur Springs Road from R-1 Residential to R-4 Residential.
- V. COMMITTEE REPORTS
 - Street Renaming Guidelines
- VI. PLANNING DIRECTOR'S REPORT
 - Proposed Zoning Overlay District for University Drive and adjacent properties.
- VII. ADMINISTRATIVE MATTERS
- VIII. OPEN DISCUSSION
- IX. ADJOURNMENT

**RECOMMENDATION
TO THE
PINE BLUFF PLANNING COMMISSION**

SUBJECT: Rezoning request to rezone 5900 Sulphur Springs Road from R-1 Residential to R-4 Residential.

APPLICANT: Sue Reed

ZONING AND LAND USES:

ZONING:	North:	B-1 Neighborhood Commercial	LAND USE:	North:	Convenience Store
	South:	R-1 Residential		South:	Parcel with a Brick Home
	East:	R-1 Residential		East:	Existing Mobile Home
	West:	R-1 Residential		West:	Older Site Built Home

REVIEW COMMENTS

- The applicant desires to rezone the subject site from R-1 Residential to R-4 Residential in order to establish a double wide mobile home on the site. The site originally contained an older site-built home that was razed several years ago because of its condition. The site is now vacant.
- The immediate vicinity of the subject site is in mixed uses. This area was annexed in the mid-1980's, and most of the uses existed at the time of the annexation. Across Sulphur Springs Road from the site is a convenience store. Abutting the subject site on its west side is a mobile home; a mobile home has existed on this site prior to the annexation. Abutting the subject site on its east side is an older single family home. While there is not a structure located south of the subject site, this property is part of a parcel that contains a single family brick home. There is a small apartment complex located next to the convenience store that has been recently constructed. This site was rezoned at the request of the property owner when the property was annexed. Current planning staff would have recommended against this type of zoning. There is also a mobile home located on the corner of East Lake Drive and Sulphur Springs Road that has existed on the site since the 1970's. Most of the other land uses along Sulphur Springs Road in the area are single family site built homes. A new single family home is currently under construction two addresses west of the subject site.
- There are several reasons that the subject site should not be rezoned to R-4 Residential.
 - Most of the land uses in the vicinity of the subject site are single family site built homes. The viability of the subject site for a site built home is validated by the new construction occurring two lots away from the site. The two parcels in the area currently containing mobile homes have been used as mobile home sites since prior to the annexation, and as such are nonconforming uses. Just because there are currently two nonconforming mobile homes in the vicinity does not mean that this use should be expanded. We do not feel that rezoning the subject property to R-4, which allows mobile homes (single or double-wide)

and duplexes, would be beneficial to the single family site built homes in the area, which is currently the predominate use.

- Even though the applicant states that she intends to place a double-wide mobile home on a concrete foundation if the property is rezoned, you cannot require her to implement the stated use. All permitted uses would be allowed on the site, which includes single wide mobile homes and duplexes. Neither of these uses would have a beneficial impact on the neighborhood, given that the primary uses in the general vicinity of the subject site are site built single family homes.
- The subject site contains about one-third of an acre. As a rule of thumb, properties that are requested to be zoned differently from surrounding property should contain about two acres (the size of a city block). Even though the property across the street is zoned B-1 Neighborhood Commercial, we feel that rezoning such a small amount of property to a completely different zone is still spot zoning because you are providing this property owner with unique zoning not provided to other properties in the area.
- One of the reasons the R-4 Residential zoning district was created (see Section 29-104 of the Zoning Regulations) is because many of the areas in the older part of the City contain small lots (25-feet to 40-feet wide). The setbacks of the R-4 zone are not as deep or wide in order that the existing lots can be used. This is a primary reason that mobile homes are allowed in the R-4 zone. Single wide mobile homes can fit on small lots with reduced setbacks. The subject site is over 80 feet wide and 210 feet deep. Since the subject lot and lots adjacent to it are all large lots, this area does not meet this test for R-4 Zoning.

A second test for R-4 zoning, as stated in Section 29-104, is if it can be established that the residential character of the neighborhood can best be preserved or improved by allowing a broader mix of residential uses. This area is well-developed and mostly well-maintained. Allowing additional types of residential uses in the area other than the use that most property owners in the area feel is appropriate (the most prevalent use, that of site built single family homes) is neither preserving or improving the neighborhood.

RECOMMENDATION

The Planning Staff feels that rezoning the subject site from R-1 Residential to R-4 Residential would violate the intent of the Zoning Ordinance. In addition, most of the uses that would be allowed on the site if the site was rezoned are not uses that are prevalent in the general vicinity of the area and could have a detrimental effect on the existing single family homes in the area as well as future development.

The staff recommends denial of the rezoning request.

UNIVERSITY DRIVE OVERLAY DISTRICT

A. INTENT AND PURPOSE

The University Drive Overlay District is established to enhance the quality and compatibility of development, to establish consistent architectural and design guidelines, to encourage the most appropriate use of land, and to implement the University Park Land Use Plan as adopted by the City of Pine Bluff. The District is deemed necessary to enhance the aesthetic and visual character of lands adjacent to University Drive, to provide both commercial and residential opportunities through innovative development techniques, to encourage homeownership, and to revitalize a depressed commercial and residential area of the City by promoting the unique assets of the area including the University of Arkansas at Pine Bluff, Lake Saracen, and Brumps Bayou.

The intent of the University Drive Overlay District is to create a medium-density urban neighborhood that offers people the opportunity to live, work, shop, and recreate in a pedestrian-friendly environment. University Drive's character, viability, quality, and functionality are important to the City of Pine Bluff because it is the City's primary thoroughfare serving north Pine Bluff and the University area and as such carries high numbers of local travelers and visitors. Therefore, a further purpose is to establish development and use standards that will promote the quality, scale, character, and type of development consistent with the corridor's high level of importance to the City. The goal shall be an economically healthy mixed-use neighborhood that features streetscapes, public spaces, and building forms that embody a unique sense of place.

Guidelines and strategies must be in place to protect the district from the negative impact of poorly planned or incompatible projects. Incompatible development has the potential to destroy the attributes that will attract people to the District.

B. DELINEATION OF DISTRICT

The boundaries of the University Drive Overlay District are shown on the official zoning map for the City of Pine Bluff. The Overlay District consists of six tiers, each providing distinct qualities that promote the purpose of the District.

TIER ONE - COMMERCIAL

The Commercial Tier (Tier One) is located generally on both sides of University Drive from U.S. 65 B (Martha Mitchell Expressway) north to John F. Kennedy Drive. It is also located on the east side of University Drive north of Jones Road. The Commercial Tier provides for many different types of business activities normally expected on a major street network without allowing those that do not further the intent of the District

TIER TWO – UNIVERSITY COMMERCIAL

The University Commercial Tier is located generally east of University Drive across from the primary campus of UAPB and west of Lake Saracen. The Tier contains some existing UAPB facilities and is scheduled to be the location of a new aquaculture facility developed by the University. It is expected that other University facilities that complement these activities will also be located within the Tier as well as office or other commercial facilities that may be developed by the University.

TIER THREE – MIXED USE COMMERCIAL-RESIDENTIAL

The Mixed-Use Commercial-Residential Tier is generally located south of Havis Street, north of King Street, west of Lake Saracen, and east of Cypress. It flanks the University Drive Tier One properties and provides an innovative design whereby commercial uses and residential uses exist harmoniously. Commercial facilities can be located alone or select commercial facilities (retail, restaurant, entertainment) can be located on the ground floor of a building and single or multi-family residences can be located on the second floor. This Tier expands both commercial and retail opportunities and is located so as to be able to take advantage of Lake Saracen.

TIER FOUR – MIXED USE RESIDENTIAL

Tier Four provides for mixed residential uses so as to offer a variety of income levels a selection of housing types, and that can exist harmoniously with surrounding tiers. Tier Four is generally described as being located south of Bell Street, north of Pullen Street, east of Cypress Street and west of Lake Saracen and Brumps Bayou. The Tier also flanks the commercial Tier One District. Within Tier Four, single family homes can be developed individually and/or Residential Planned Urban Developments that include both single family homes and low density multi-family residences can be permitted.

TIER FIVE – SINGLE FAMILY RESIDENTIAL

Tier Five is described as being generally located south of Fluker Street, east of Cypress Street north of Havis Street, and west of Short Cedar Street. This Tier provides strictly for single family residential development in order to bring opportunities for new housing development and homeownership. Its location near the University and its facilities also provides opportunities for new faculty housing.

TIER SIX – RECREATION

Tier Six is generally located in two sections: 1) north and east of an unnamed road by the University Chancellor residence, south of Jones Road, and west of the city limits line (extended), and 2) Brumps Bayou between U.S. 65B and Lake Saracen and also those properties within 75 feet on each side of the watercourse. This tier has been

developed in order to provide for limited recreational opportunities as well as to curb encroachment on sensitive environmental areas.

C. APPLICATION OF DISTRICT REGULATIONS

As its name implies, the Overlay District overlays several different zones currently established in the Pine Bluff Zoning Ordinance. The Overlay District includes many of the regulations of the underlying zone and also includes regulations developed specifically for the Overlay District. In some cases, the Overlay District may reduce or increase the requirements for setbacks, landscaping, or parking, and it may also modify, limit, or expand the uses permitted in the underlying zone in order to preserve or promote the character of the District, further the intent and goals of the District, and implement the University Park Land Use Plan. Other regulations regulating the development of land also apply. In cases where there is a conflict between the regulations of the University Park Overlay District and other sections of the zoning ordinance, the Overlay District shall take precedence.

OVERLAY DISTRICT LAND USES

	Tier One	Tier Two	Tier Three	Tier Four	Tier Five	Tier Six
Single family dwelling	N	N	N	P	P	N
Accessory structures	N	N	N	P	P	N
Home occupation	N	N	N	P	P	N
Residential Planned Urban Development (P-RUD)	N	N	N	UPOR	N	N
Mixed-Use Residential	N	N	N	UPOR	N	N
College education facilities and offices	P	P	N	N	N	N
Parks and recreation	N	P	N	N	N	P/UPOR
Mixed-Use Commercial-Residential	P	P	P	N	N	N
Retail outlets	P	N	P	N	N	N
Beauty shop and/or barbershop	P	N	N	N	N	N
Shoe repair shop	P	N	N	N	N	N
Tailor and/or seamstress shop	P	N	N	N	N	N
Clinic	P	N	N	N	N	N
Financial institutions	P	N	N	N	N	N
Theater	P	P	P	N	N	N
Professional office	P	P	P	N	N	N
Restaurant	P	P	P	N	N	N
Outdoor café	P	P	P	N	N	N
Drugstore	P	N	N	N	N	N
Grocery store	P	N	N	N	N	N
Cleaners and laundry	P	N	N	N	N	N
Personal services	P	N	N	N	N	N
Convenience store	P	N	N	N	N	N
Motel	UPOR	N	N	N	N	N
Landscape supply	UPOR	N	N	N	N	N
General office	P	P	P	N	N	N
Drive-in and fast food establishments	P	N	N	N	N	N
Drive-up window	P	N	N	N	N	N
Veterinary clinic with no outside kennels	P	N	N	N	N	N
Public and semi-public uses	UPOR	P	UPOR	N	N	N
Buildings taller than three stories	UPOR	UPOR	N	N	N	N
Existing churches and cemeteries	P	N	N	N	N	N

P=Permitted; N=Not Permitted; UPOR=Requires Planning Commission Approval

D. DESIGN AND DEVELOPMENT GUIDELINES - TIERS ONE, TWO, AND THREE

The purpose of the Design and Development Guidelines for Tiers One, Two, and Three is to encourage appropriate renovations to existing commercial structures and compatible new construction by promoting the use of building forms, materials, and site design that will improve the architectural and visual character of the University Drive corridor and to encourage private development to display some of the basic features of a pedestrian-oriented college and tourist corridor. Overlay conditions are intended to promote a continuous street front experience that engages the pedestrian and traveler and generates visual interest.

1. GENERAL REGULATIONS

- a. The development of any site in the University Drive Overlay District shall be in accordance with an approved site plan.
- b. Commercial and office uses shall be designed and operated so that neighboring residents are not exposed to offensive noise, especially from late-night activity. No amplified music shall be audible to neighboring residents. Common walls and ceiling/floors between residential and non-residential uses shall be constructed to minimize the transmission of noise and vibration.
- c. All outdoor lighting associated with commercial uses shall be designed so as not to adversely impact surrounding residential uses, while also providing a sufficient level of illumination for access and security purposes. Such lighting shall not blink, flash, oscillate, or be of unusually high brightness. Also, parking areas shall be illuminated so as to provide appropriate visibility and security during hours of darkness.
- d. All storage and work performed shall be conducted within a permanent opaque building that conforms to all provisions of the building design section of the Overlay District.
- e. Loading or service areas including refuse and recycling must be out of public view and must not front onto the street.
- f. No commercial use shall be designated or operated so as to expose residents to offensive odors, dust, electrical interference, and/or vibration.
- g. Residential, commercial, and office uses in a mixed-use development shall provide combined and private bulk sanitation service for the entire development.
- h. Electric and communications transformers shall be screened from public view through below grade installation, a hedge, or similar.

- i. All other mechanical equipment must be behind or on top of the building and screened from public view.
 - j. Signs shall be permitted in accordance with Section 22-36 of the City Code, except that roof signs, portable signs, and billboard and off-premise signs shall not be permitted.
 - k. Mixed use commercial-residential structures shall contain one or more of the following uses on the ground floor: retail; restaurant; cultural activities; entertainment; or similar uses. Residential units are not allowed on the ground floor of any mixed use commercial-residential development to ensure the commercial character of the corridors in the Overlay District.
 - l. Within qualifying mixed use commercial-residential structures, the minimum square footage for one bedroom residential units shall be 900 square feet, for two bedroom residential units 1,100 square feet, and for three bedroom residential units 1,300 square feet.
2. SITE DESIGN

In order to create a sense of enclosure and defined space, buildings shall be arranged so that they frame and define the fronting streets giving deliberate form to streets and sidewalk areas. Defining the street is done by ensuring that neighboring buildings are setback a similar distance visually from the right-of-way.

- a. Any building abutting a public right-of-way shall be oriented to the street. When a structure is to be located on a lot corner lot where one of the streets is University Drive, the structure shall face University Drive. The primary entry or entries for all ground-floor commercial units abutting the street shall open to the primary street, not to the interior of the site or to a parking lot. Entries on corner lots may be angled and/or recessed. Secondary entrances may face parking lots or other interior site areas.
- b. The front yard setback shall be sixteen feet (16') from the building to the property line. Structures shall not be set back farther than 16' without a Variance from the Board of Zoning Adjustment, or if a UPOR, site plan approval by the Planning Commission.
- c. An eight-foot (8') sidewalk shall be provided on University Drive and a minimum five-foot (5') driveway shall be provided on other streets. If a sidewalk is present on the site or in the street right-of-way abutting the site, but is of insufficient width, the additional sidewalk width shall be provided. The sidewalk may be constructed within the street right-of-way with the

permission of the Arkansas Highway and Transportation Department or the Pine Bluff Street Manager and according to the applicable regulations.

- d. Front yards between the sidewalk and the building shall be treated as a plaza or courtyard with appropriate landscaping and streetscaping, including one street tree for each thirty (30) feet of width of the property, and at least one bench and one trash receptacles to enhance the pedestrian environment. Outdoor dining areas and public art where applicable are encouraged at building fronts and may be located on private property in the front yard between the sidewalk and the building.
- e. Parking shall be as set forth in Article V Division 2 of this Chapter and in accordance with the regulations in this Section. Parking shall be located in the rear yard of properties. If rear yard parking is not possible due to irregularly shaped parcels then parking in the side yard shall also be permitted. Driveways shall be at least twenty (20) feet in width. Rear yard parking on property adjacent to or impacting Lake Saracen is subject to approval by the Planning and Zoning staff, and alternative parking location, number of spaces, or type of surface may be required or negotiated by the staff.
- f. Only one (1) curb cut is allowed per property, or in the case of a corner lot, one curb cut on each street. If adjacent properties have a shared drive agreement, a second curb cut may be allowed on each property if the property is over 200 feet in width.
- g. Shared parking lots and drives between adjacent properties are encouraged. Properties with approved shared parking or shared parking and drive agreements receive a ten percent (10%) reduction in the required number of parking spaces.
- h. One (1) non-pine shade tree shall be planted every 10 parking spaces. The planter island shall have a minimum of one hundred (100) square feet.
- i. A six-foot (6') minimum side setback maintained as green space is required between a building and the side property lines. It is also required between side-yard parking facilities and the side property lines and between a driveway servicing the rear yard parking and the side property lines, except when adjoining property owners are utilizing the same driveway or sharing parking facilities. The side yard setback between a building and a public right-of-way shall be sixteen feet (16') maintained as green space. Side yard setbacks abutting public right-of-ways shall contain one (1) street tree for every thirty (30) feet of depth of the property and at least one (1) bench and one (1) trash receptacle.
- j. As a method to maximize green space in the corridor, adjacent property owners should coordinate green space between lots so that smaller segments

of green space can be combined to create large open space areas. Pedestrian walkways through parking areas to the sidewalk/main entrance are encouraged.

- k. A twenty-five foot (25') setback is required where the rear property line directly abuts a residential zoned property not located within the Overlay District or properties located in Tier Four and Tier Five. Parking may occur within the required 25' setback as long as a screening fence or wall not less than six (6) feet in height is installed within the required buffer. Said screen shall be constructed in accordance with Section 29-138 of this Chapter.
 - l. Pedestrian lighting fixtures shall be installed as per the grid system developed for the University Park Overlay District on file in the Inspection and Zoning Department. are required every thirty (30) feet on the properties abutting a street right-of-way to be located in the front yard or street side setback. Placement and style shall be approved by the Planning and Zoning Staff.
 - m. A parking lot lighting plan shall be developed and submitted for approval with the development application. The lighting plan shall incorporate safety design along with lighting for pedestrian walkways. All outdoor lighting fixtures shall be designed, installed, located and maintained such that all direct illumination is kept within the boundaries of the fixture owner's property.
3. BUILDING DESIGN
- a. Maximum building height shall be forty-five (45) feet.
 - b. Pitched roof styles are encouraged. Flat roof styles are allowed because they are the traditional style of the historical buildings contained within the UAPB campus; decorative cornice lines shall be incorporated to clearly identify the top of the building.
 - c. In two story or higher structures, the upper and lower facades shall be clearly delineated using architectural elements to create a recognizable base, middle and top of the building.
 - d. Awnings or a change in the roofline shall be used as a way to define the entry of buildings facing right-of-ways. Awnings may protrude into the front yard setback.
 - e. Storefronts shall incorporate display windows, transoms, and/or entrances that account for at least fifty percent (50%) of the ground level of the building.
 - f. Recessed doorways may not be recessed more than five feet from the front façade unless a courtyard, café, window display, or similar space is provided between the doorway and the sidewalk.

- g. The upper stories of all street-facing facades shall contain at least thirty percent (30%) opening through the use of windows, bays, porches, or other similar architectural elements. These openings shall not exceed seventy-five percent (75%) of the street-facing facades.
- h. Exterior finishes shall be primarily natural wood siding, masonry, stone, stucco, or a combination of these. No visible portion of a building wall shall be constructed of corrugated material, sheet metal, or barren and unfinished cinder block. Standing seam metal roofs are acceptable.

E. DESIGN AND DEVELOPMENT GUIDELINES - TIER FOUR

The purpose of the Design and Development Guidelines for Tier Four is to provide for mixed use residential development that complements the design of the commercial and mixed use commercial-residential zones, allows for creative residential design instead of limiting such design to a single residential type or income, and provide an expanded population base to assist in supporting the businesses located in the Overlay District.

1. GENERAL REGULATIONS

- a. Single family homes and single family home developments (new subdivisions or re-plats) shall be developed in accordance with the underlying district regulations.
- b. Accessory structures for all dwellings shall be constructed of the same materials and have the same appearance as the primary use. Accessory structures must be located in the rear yard, except that detached garages may be located in the side yard next to the primary structure.
- c. Condominiums, garden homes, duplexes, triplexes, and fourplexes shall be allowed only as a part of a Residential Planned Urban Development (R-PUD) that contains at least 72,000 square feet of land and where at least fifty percent (50%) of the number of housing units to be developed are single family homes.

2. SITE DESIGN OF R-PUDS

- a. The design and appearance of all structures contained in the R-PUD and their relation to each other and the adjacent Tiers or zoning classifications will be an element considered by the Planning Commission in determining whether to approve the proposed RPUD.

- b. Different types of housing (e.g. single family, duplex) shall be mixed within the R-PUD and not be clustered with like structures
- c. The structures in the R-PUD may be located on individual lots, or be part of a platted development utilizing basic footprints for structure locations with the remaining properties surrounding these footprints belonging to a Property Owners Association or similar body.
- d. When individual lots are utilized, the following minimum area requirements shall apply:
 - 1) Lots for single family homes shall contain 7,200 square feet.
 - 2) Lots for two-family units shall contain 8,400 square feet.
 - 3) Lots for three and four-family units shall contain 9,400 and 10,400 square feet respectively.
 - 4) All setbacks required shall be those of the underlying district.
 - 5) Parking for each dwelling unit shall be two paved spaces per dwelling unit. No parking shall be allowed in the front yard setback. Parking for each unit shall be covered and be attached to or located to the side or rear of the unit(s). The main entry to the dwelling shall not be through the garage or carport.
 - 6) No building shall exceed two and one-half (2 1/2) stories nor shall it exceed thirty-five (35) feet in height. The height shall be measured from the finished floor level (FFL).
- e. When the footprint option is selected, the property contained within the R-PUD must be re-platted as one individual lot and the following requirements shall apply:
 - 1) Front, rear, and perimeter side yard setbacks shall be those of the underlying district.
 - 2) Building separation shall be ten (10) feet or as required by the Pine Bluff Fire Department.
 - 3) Parking for each unit shall be those of the individual lots set forth in the previous paragraph.
 - 4) Common access driveways running in front of or behind the structures may be utilized if permitted by the Planning Commission.

- 5) A property owners association (POA) or similar body agreement shall be submitted with the R-PUD and shall include among other things the methods for care and upkeep of all common lands within the R-PUD..

E. DESIGN AND DEVELOPMENT GUIDELINES - TIER FIVE

The purpose of the Design and Development Guidelines for Tier Five is to provide for single family residential development and homeownership opportunities and to provide an expanded population base to assist in supporting the businesses located in the Overlay District.

1. GENERAL REGULATIONS

- a. Single family homes shall be developed in accordance with the underlying district regulations.
- b. Accessory structures for single family dwellings shall be constructed of the same materials and have the same appearance as the primary use. Accessory structures must be located in the rear yard, except that detached garages may be located in the side yard next to the primary structure.

F. DESIGN AND DEVELOPMENT GUIDELINES - TIER SIX

The purpose of the Design and Development Guidelines for Tier Six is to provide for recreational opportunities while protecting environmentally sensitive areas.

1. GENERAL REGULATIONS

- a. Park development permitted within the Tier Six areas include passive park uses such as benches, picnic tables, and walking trails.
- b. Any type of development other than passive park improvements to be implemented by anyone other than the City of Pine Bluff shall require UPOR approval by the Planning Commission.
- c. Parking applicable to the type of recreational development will be required based on the recreational facility site plan and shall be approved by the planning and zoning staff. Any parking lot development shall be accomplished or approved by local government street or road departments and shall include such Best Management Practices as necessary to protect both Lake Saracen and Brumps Bayou from stormwater runoff.

