

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 as 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.