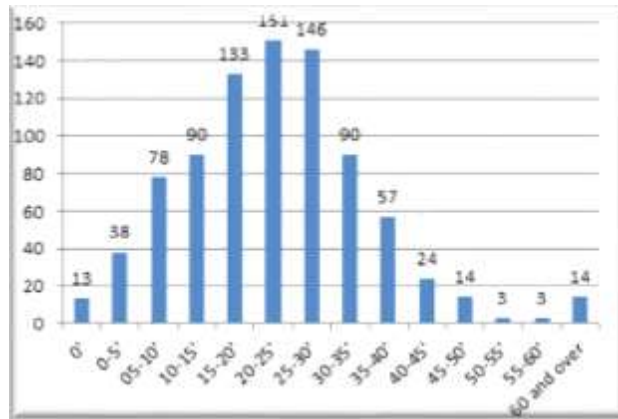


**CAPITOL ZONING DISTRICT COMMISSION
STAFF REPORT
2/8/18
BIM**



Petitioner: CZDC Director
Location: CZDC General Standards
Proposal: Increase allowable setback waivers

Description: This rule change would amend the definition of “setback” in the General Standards, to allow the Commission to reduce the required setback in any zone by 50% percent (currently 25%), under special circumstances and with review.

During the extensive discussions on setbacks in 2017, Commissioner Minyard prepared a chart, based on GIS data, showing that roughly half the structures in the Governor’s Mansion Area exhibit front yard setbacks between 15 and 30 feet, while the other half of developed lots had front yards outside of this range. Staff has observed that the Mansion Area’s high-style, architect-designed homes are more often those which exhibit deep front yards. Traditional working-class housing, on the other hand, was more likely to be built closer to the street, often on narrower lots. The revised rule would allow owners of narrow or irregular parcels additional flexibility in new construction, reflective of these traditional development patterns. This could serve, in the long-run, to yield a broader range of new housing options in downtown Little Rock.

Development on standard size lots (50’ wide and 140’ or 150’ deep) and larger parcels would still have to observe the regular setback requirements currently prescribed in the General Standards.

Previous Action: A request for reducing a setback was traditionally construed as an application for a variance. But a 2011 Attorney General’s opinion, and a subsequent Circuit Court decision, significantly changed the Commission’s practice of granting variances. The Commission adopted the current 25% waiver provision in May 2013 to allow it to approve developments with special circumstances, without rising to the level of scrutiny required of a variance.

Staff Recommendation: Staff recommends the Commission initiate rulemaking and release the proposal for public comment.

PROPOSED LANGUAGE

Capitol Zoning General Standards, Section 3-202 *Additional Zoning Requirements and Definitions* (page 30)

Z15. Setback A setback is the required space or yard, unenclosed from its lowest portion to the sky, from the property line to the nearest finished vertical surface of the main structure, not including the ordinary projection of architectural elements such as chimneys, eaves, sills, cornices, steps, unenclosed walkways, or ornamental features.

1. The Commission, with review, may reduce a required setback by ~~25%~~ **fifty percent (50%)** in cases where a lot is smaller than what is typical for the Area, is not accessible from an alley, or is otherwise irregular due to its shape or platting.

2. The front yard is that portion of a parcel which directly abuts a public street. In cases where a parcel 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.

Google Maps imagery



These circa 1900 Queen Anne style cottages were built on half-lots (37.5' x 100') at 1302 and 1304 West Second Street. Each property exhibits an approximately 15' front yard.



These circa 1950 Ranch style duplexes 1922 English Revival style J.P. Almand House in the 300 block of West Daisy Bates were all built on parcels just under 5,000 sf (roughly 2/3 of a standard downtown lot). Each house has a front yard between 12 and 15 feet.



These circa 1880 cottages at 214 and 218 W. 22nd Street each sit on a small, trapezoid-shaped lot. Both houses have a roughly 15 foot front yards.