

Summary of Proposed Rule

On May 31, 2011 Pulaski County Circuit Court reversed a decision by the Capitol Zoning District Commission to allow the construction of a five-story building at 1417 W. 6th Street. The Court ruled that the Commission could not grant a height variance in the Capitol Area without also amending its Master Plan in accordance with the Administrative Procedures Act.

The Commission voted unanimously on June 28 to proceed with the rulemaking process.

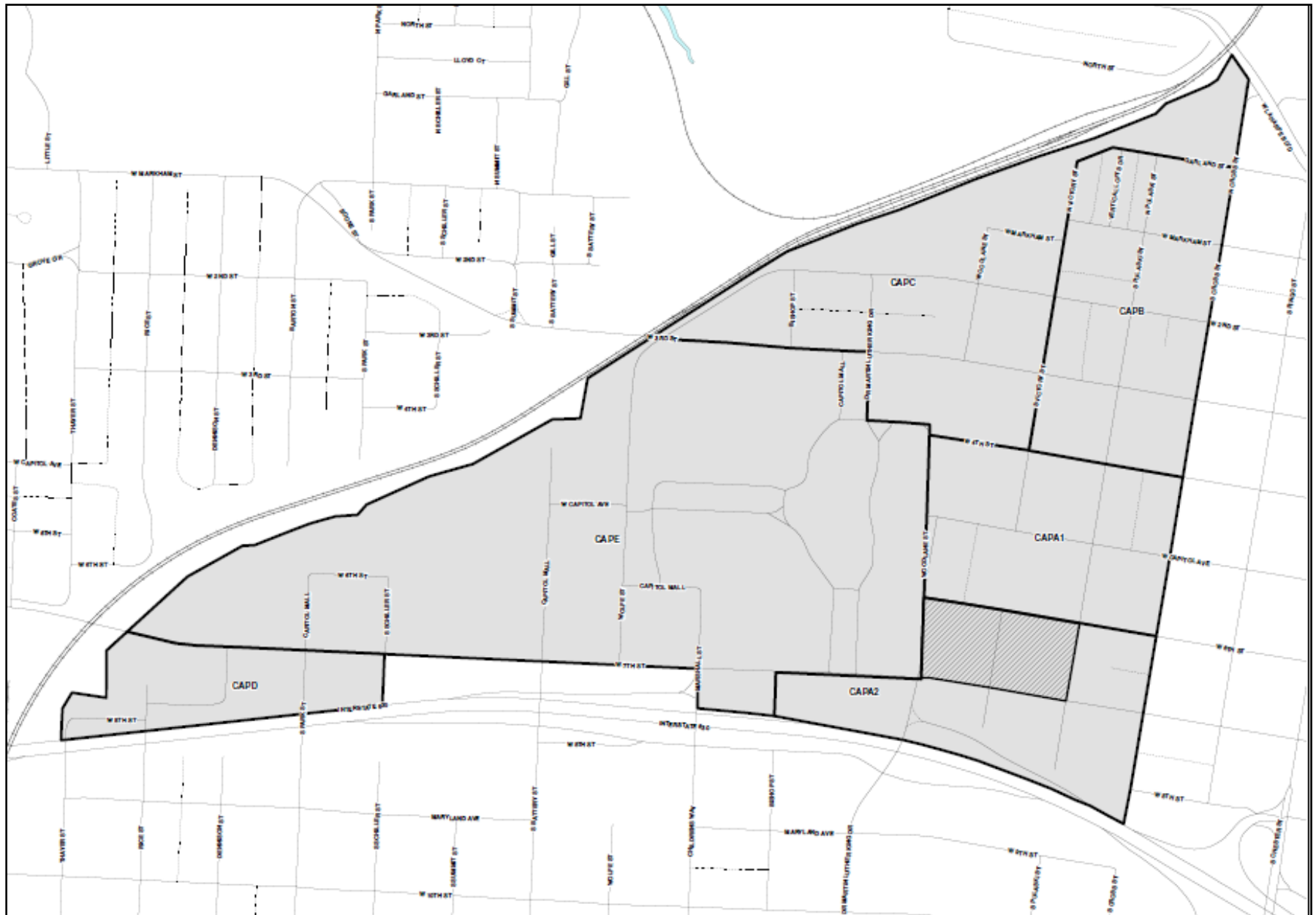
This proposed rule would rezone two square blocks (where the Commission has granted a series of height variances) from A2 to A1. Zone A1, currently confined to either side of Capitol Avenue, allows for buildings up to five stories or 75 feet without a variance.

This rule change would relax the agency's height regulations for these two square blocks in the Capitol Area (between 6th and 7th Streets, from Woodlane to Pulaski). The current rule allows for a maximum of three stories. The revised rule would allow for new buildings to be constructed up to five stories in height.

Capitol Area zoning map (current rule)



Shaded blocks proposed for rezoning from A2 to A1



Capitol Area zoning map (mark-up)



Capitol Area zoning chart (current rule)
General Standards, page 2; Capitol Area Master Plan, Appendix B

Capitol Area Zones

Zones	"A1" & "A2"	"B"	"C"	"D"
	Capitol Ave & S. of Capitol	Northeast Neighborhood	Union Station Mixed Use	Industrial
Front Yard SB	0'-25' SB except 25' SB from streets adjacent to capitol complex	25' Landscaped no parking	10' min. res. SB Build-to-sidewalk for comm. 25' SB from streets next adjacent to capitol complex	25' landscaped SB no parking
Rear Yard SB	0' SB except 25' res. SB	25' min SB	0' SB except 25' res. SB	25' SB
Side Yard SB	0' SB except 4' res. SB	4' min. SB	0' SB except 4' single family res. SB	4' SB
Min. Lot Area/ D.U.	1200 S.F./ D.U.	1200 S.F./ D.U.	1200 S.F./ D.U.	2500 S.F./ D.U.
Max F.A.R. ¹	2.5:1.0	2.5:1.0	2.5:1.0	1.1:1.0
Height	3 stories or 45' except 5 stories or 75' along Capitol w/ height review	3 stories or 45'	3 stories or 45' except 5 stories or 75' w/ height reviews	3 stories or 45'
Permitted Uses ²	Multi family res. Prof. and Genl. Office Quiet business	Single family and two family residences Prof and Genl. Office Quiet business	Single family, two family and multi-family res. hotel, motel, amusement, prof. and genl. offices, consumer goods and services, quiet business	Single family and two family residences, industrial, prof. and genl. office, quiet business
Conditional Uses	Single family and two family residences Comm. Fac. II & III hotel, motel, amusement, consumer goods & services, auto-oriented comm.	Multi-family res. Comm. Fac. II & III hotel, motel, amusement, consumer goods & services.	Comm. Fac. II & III auto oriented comm.	Multi-family res., consumer goods & services, auto-oriented comm.

1. See page 5, for "Definitions" for F.A.R. definition.

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

Proposed change to Zoning chart (markup)
 General Standards, page 2; Capitol Area Master Plan, Appendix B

(substitute text “along Capitol” with “in A1”)

Capitol Area Zones

Zones	"A1" & "A2"	"B"	"C"	"D"
	Capitol Ave & S. of Capitol	Northeast Neighborhood	Union Station Mixed Use	Industrial
Front Yard SB	0'-15' SB except 25' SB from streets adjacent to capitol complex	25' Landscaped no parking	10' min. res. SB Build-to-sidewalk for comm. 25' SB from streets next adjacent to capitol complex	15' landscaped SB no parking
Rear Yard SB	0' SB except 15' res. SB	15' min SB	0' SB except 15' res. SB	15' SB
Side Yard SB	0' SB except 4' res. SB	4' min. SB	0' SB except 4' single family res. SB	4' SB
Min. Lot Area/ D.U.	1200 S.F./ D.U.	1200 S.F./ D.U.	1200 S.F./ D.U.	1500 S.F./ D.U.
Max F.A.R. ¹	2.5:1.0	3.5:1.0	2.5:1.0	1.1:1.0
Height	3 stories or 45' except 5 stories or 75' along Capitol w/ height review	3 stories or 45'	3 stories or 45' except 5 stories or 75' w/ height reviews	3 stories or 45'
Permitted Uses ²	Multi family res. Prof. and Genl. Office Quiet business	Single family and two family residences Prof and Genl. Office Quiet business	Single family, two family and multi-family res. hotel, motel, amusement, prof. and genl. offices, consumer goods and services, quiet business	Single family and two family residences, industrial, prof. and genl. office, quiet business
Conditional Uses	Single family and two family residences Comm. Fac. II & III hotel, motel, amusement, consumer goods & services, auto-oriented comm.	Multi-family res. Comm. Fac. II & III hotel, motel, amusement, consumer goods & services.	Comm. Fac. II & III auto oriented comm.	Multi-family res., consumer goods & services, auto-oriented comm.

in A1 →