

**City of Fayetteville Staff Review Form**

**2014-0576**

**Legistar File ID**

**1/6/2015**

City Council Meeting Date - Agenda Item Only  
N/A for Non-Agenda Item

Jeremy Pate 

12/19/2014

City Planning /  
Development Services Department

**Submitted By**

**Submitted Date**

**Division / Department**

**Action Recommendation:**

ADM 14-4896 Administrative Item (UDC AMENDMENT SMALL-SCALE PRODUCTION): Submitted by CITY PLANNING STAFF for revisions to the Unified Development Code, Chapters 151, 161, 162, and 166. The proposal is to modify the zoning code to create a new use unit for small-scale production including boutique/specialty manufacturing. The intent of the code change is to allow a broader range of non-residential uses throughout the City.

**Budget Impact:**

Account Number	Fund
Project Number	Project Title
<b>Budgeted Item?</b> <u>NA</u>	Current Budget        \$                    -
	Funds Obligated        \$                    -
	Current Balance        \$                    -
<b>Does item have a cost?</b> <u>No</u>	Item Cost
<b>Budget Adjustment Attached?</b> <u>NA</u>	Budget Adjustment
	Remaining Budget        \$                    -

V20140710

Previous Ordinance or Resolution # \_\_\_\_\_

Original Contract Number: \_\_\_\_\_

Approval Date: \_\_\_\_\_

Comments:

**MEETING OF JANUARY 6, 2015**

**TO:** Mayor and City Council

**THRU:** Don Marr, Chief of Staff  
Jeremy Pate, Development Services Director

**FROM:** Andrew Garner, City Planning Director

**DATE:** December 19, 2014

**SUBJECT: ADM 14-4896 Administrative Item (UDC AMENDMENT SMALL-SCALE PRODUCTION):** Submitted by CITY PLANNING STAFF for revisions to the Unified Development Code, Chapters 151, 161, 162, and 166. The proposal is to modify the zoning code to create a new use unit for small-scale production including boutique/specialty manufacturing. The intent of the code change is to allow a broader range of non-residential uses throughout the City.

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**RECOMMENDATION:**

Staff and the Planning Commission recommend approval of an ordinance to create a new use unit for small scale production including boutique/specialty manufacturing.

**BACKGROUND:**

Over the past several years the City has seen an influx of smaller start-up businesses operating out of residences, leasing small buildings or partial tenant spaces. In addition, a number of existing vacant buildings along commercial corridors have been adapted and re-used for a variety of non-residential uses not typically seen in commercial areas including churches, fitness studios, and light manufacturing/retail. There have been situations where a new or expanding business has either had to request a conditional use permit to operate in an existing commercial building, or been forced to an undesirable industrial area or a different community to find appropriate space to lease. A demand for small, light manufacturing tenant space has increased, including uses such as microbreweries.

To address these issues staff proposes the following changes to the Fayetteville Unified Development Code:

- Create a new use unit for small-scale commercial production that is limited in size.
- The new use unit includes uses such as boutique/specialty manufacturing (microbreweries, specialty food manufacturers, cabinet shop, etc.) and clean technology.
- These types of uses are not allowed by right in commercial and mixed use zoning districts. However, if these uses are limited in size they do not pose compatibility issues.
- The uses in the new use unit would generate similar land use impacts as a restaurant or general commercial use. The new use unit is allowed in the same zoning districts as a restaurant or general commercial use.

- Incorporating the new use unit into several zoning districts introduces additional variety of non-residential uses throughout the City encouraging mixed use, live/work/shop/play, redevelopment, and infill policy that is encouraged in the comprehensive land use plan.
- The proposed code amendments are a result of changing market conditions and will encourage economic development.

These changes introduce a variety of non-residential uses throughout various zoning districts. The non-residential uses include manufacturing which could potentially have a negative impact on adjoining properties if not limited in size. However, if limited in size these uses are appropriate and desired in more areas of the City than industrial properties. The overall intent is to provide increased variety and flexibility of non-residential goods, services, and employment centers in close proximity to residences and commercial uses.

**DISCUSSION:**

On December 8, 2014 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 6-0-0. Several local microbreweries and the Fayetteville Chamber of Commerce are in favor of the ordinance change.

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- The proposed code changes to UDC Chapters 151 (Definitions), 161 (Zoning), 162 (Use Units), and 166.25 (Commercial, Office and Mixed Use Design Standards), are shown in strikeout-highlight.
- December 8, 2014 Planning Commission staff report (including interviews with local brewers and Director of Arkansas Alcoholic Beverage Control Division).



## PLANNING COMMISSION MEMO

**TO:** Fayetteville Planning Commission

**FROM:** Andrew Garner, City Planning Director

**MEETING DATE:** December 8, 2014 (Updated December 9, 2014)

**SUBJECT:** **ADM 14-4896 Administrative Item (UDC AMENDMENT SMALL-SCALE PRODUCTION):** Submitted by CITY PLANNING STAFF for revisions to the Unified Development Code, Chapters 151, 161, 162, and 166. The proposal is to modify the zoning code to create a new use unit for small-scale production including boutique/specialty manufacturing. The intent of the code change is to allow a broader range of non-residential uses throughout the City.

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### RECOMMENDATION:

Staff recommends that the Planning Commission discuss and table **ADM 14-4896** until the January 12, 2015 meeting.

### PROJECT SYNOPSIS:

Staff proposes the following code changes:

- Create a new use unit for small-scale commercial production that is limited in size.
- The new use unit includes uses such as boutique/specialty manufacturing (microbreweries, specialty food manufacturers, cabinet shop, etc.) and clean technology.
- These types of uses are not allowed by right in commercial and mixed use zoning districts. However, if these uses are limited in size they do not pose compatibility issues.
- The uses in the new use unit would generate similar land use impacts as a restaurant or general commercial use. The new use unit is allowed in the same zoning districts as a restaurant or general commercial use.
- Incorporating the new use unit into several zoning districts introduces additional variety of non-residential uses throughout the City encouraging mixed use, live/work/shop/play, redevelopment, and infill policy that is encouraged in the comprehensive land use plan.
- The proposed code amendments are a result of changing market conditions and will encourage economic development.

### DISCUSSION:

Over the past several years the City has seen an influx of smaller start-up businesses operating out of residences, leasing small buildings or partial tenant spaces. In addition, a number of existing vacant buildings along commercial corridors have been adapted and re-used for a variety of non-residential uses not typically seen in commercial areas including churches, fitness studios, and light manufacturing/retail. There have been situations where a new or expanding business has either had to request a conditional use permit to operate in an existing commercial building, or

been forced to an undesirable industrial area or a different community to find appropriate space to lease. A demand for small, light manufacturing tenant space has increased, including uses such as microbreweries.

To address these issues staff proposes the following changes to the Fayetteville Unified Development Code. As described in the Project Synopsis, these changes introduce a variety of non-residential uses throughout various zoning districts. The non-residential uses include manufacturing which could potentially have a negative impact on adjoining properties if not limited in size. However, if limited in size these uses are appropriate and desired in more areas of the City than industrial properties. The overall intent is to provide increased variety and flexibility of non-residential goods, services, and employment centers in close proximity to residences and commercial uses.

The changes are proposed as follows:

1. Chapter 162 Use Units. Created a new *Use Unit 45, Small scale production*. The use unit includes the following.
  - All uses within Use Unit 42, Clean Technologies are included but they are limited by size to a maximum of 5,000 sq. ft. of gross floor area.
    - Use Unit 42 includes high tech research and development, and fabrication of alternative energy products.
  - Microbrewery/microwinery/microdistillery are allowable with a maximum gross floor area of 10,000 sq. ft. for the manufacturing portion of the facility and production less than 15,000 barrels per year<sup>1</sup>. Staff research and site visits indicate that microbreweries are very different than a typical manufacturing facility, with minimal impact to neighbors. Several local microbreweries are in facilities greater than 5,000 sq. ft. but less than 10,000 sq. ft. and are typically located in industrial areas or associated with a restaurant.
  - Boutique/specialty manufacturing limited by size to a maximum of 5,000 sq. ft. of gross floor area. This includes specialty food manufacturers with or without a retail store front, a coffee roasting facility, or other specialty manufacturers with minimal impacts to adjoining properties.
2. Chapter 151 Definitions. Add definitions for 'coffee roasting facility' and 'microbrewery'.
3. Chapter 166.25 Commercial, Office and Mixed Use Design and Development Standards. Added a requirement that non-residential developments classified as Use Unit 45 shall be subject to these standards. The types of uses allowed under Use Unit 45 are often associated with blank industrial buildings that would not be appropriate or compatible in a commercial setting.

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<sup>1</sup> The American Brewer's Association definition of microbrewery

4. Chapter 161 Zoning.

- Added Use Unit 45 as permitted or conditional use in the following zoning districts:

**Conditional Use**

NS, Neighborhood Services

R-O, Residential Office

**Permitted Use**

C-1, Neighborhood Commercial

CS, Community Services

C-2, Thoroughfare Commercial

UT, Urban Thoroughfare

C-3, Central Commercial

DC, Downtown Core

MSC, Main Street Center

DG, Downtown General

**RECOMMENDATION:**

**Staff recommends that the proposed code changes be discussed and tabled until the next Planning Commission meeting, January 12, 2015.** There is a relatively large volume of information to cover and staff wants to make sure all of the commissioners have had adequate time to review the proposal.

**Planning Commission Action:**     Tabled     Forwarded     Denied

**Meeting Date:** December 8, 2014

**Motion:** Winston

**Second:** Cook

**Vote:** 6-0-0

*Note: Forwarded with a recommendation for approval as proposed by staff.*

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- The proposed code changes to UDC Chapters 151 (Definitions), 161 (Zoning), 162 (Use Units), and 166.25 (Commercial, Office and Mixed Use Design Standards), are shown in strikeout-highlight.
- Summary of interviews with local brewers and Director of Arkansas Alcoholic Beverage Control Division
- Definitions of microbrewery from American Brewer's Association and Arkansas Alcoholic Beverage Control Division
- Public comment

# TITLE XV UNIFIED DEVELOPMENT CODE

## CHAPTER 151: DEFINITIONS

### CHAPTER 151: DEFINITIONS

Coffee roasting facility. A facility in which unprocessed, green, coffee may be sorted, roasted and processed, or packaged for use and consumption.

Microbrewery/microdistillery/microwinery. A establishment for the manufacture, blending, fermentation, processing, and packaging of no more than 15,000 barrels of alcoholic beverages per year. It may serve alcoholic beverages for sampling on the premises and may also have wholesale and resale for sales of alcoholic beverages produced on the premises.

**TITLE XV UNIFIED DEVELOPMENT CODE  
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## CHAPTER 161: ZONING REGULATIONS

### 161.01 Application of District Regulations

*Minimum regulations/exceptions.* The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly for each class or kind of structure or land, except as hereinafter provided:

- (A) *General.* No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the district in which it was located.
- (B) *Limitations.* No building or other structure shall hereafter be erected or altered:
  - (1) *Height/bulk.* To exceed the height or bulk;
  - (2) *Number of units.* To accommodate or house a greater number of units;
  - (3) *Lot area.* To occupy a greater percentage of lot area;
  - (4) *Setback/open spaces.* To have narrower or smaller rear setbacks, front setbacks, side setbacks, or other open spaces than herein required; or
  - (5) *Other.* In any other manner contrary to the provisions of this chapter.
- (C) *Independent compliance.* No part of a setback, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a setback, open space, or off-street parking or loading space similarly required for any other building.
- (D) *Effective date.* No setback or lot existing on June 29, 1970, shall be reduced in dimension or area below the minimum requirements set forth herein. Setbacks or lots created after June 29, 1970, shall meet at least the minimum requirements established by this chapter.
- (E) *Annexation.* All territory which may hereafter be annexed to the city shall be considered to be in District A-1 until the territory is rezoned as provided herein.
- (F) *Measuring setbacks.*

- (1) *Front.* Measured from the street right-of-way, or street right-of-way setback as required by the Master Street Plan.
- (2) *Side.* Measured from the side property line.
- (3) *Rear.* Measured from the rear property line.
- (4) *Corner.* A corner lot has two fronts and two sides.

(G) *Conditional Uses.* These uses are permissible if approved by the Planning Commission. See Chapter 163, Use Conditions.

(H) *Authorized construction/use.* Permits issued on the basis of plans and applications approved by the Zoning and Development Administrator or Planning Commission authorize only the use, arrangements, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction.

(Code 1965, App. A., Art. 3; Ord. No. 1747, 6-29-70; Code 1991, §160.016; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5425, 8-2-11)

### 161.02 Zoning Compliance And Business License

(A) *Required.* It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure until a business license has been issued by the Zoning and Development Administrator stating that the proposed use of the building or land conforms to the requirements of this chapter.

(B) *Conforming uses.* Uses permitted within the underlying zoning district shall be eligible for a business license, subject to §118 of the Fayetteville Code.

(C) *Nonconforming uses.*

- (1) Uses within the following use unit categories established prior to September 7, 2010 and operating in a zoning district that does not currently allow the use, are for the purposes of zoning compliance determined to be an existing nonconforming use, may continue to operate and are eligible to obtain a city business license. The exemption shall not be construed as relieving the owner or operator of such business from the regulations of the business license ordinance, including grounds for suspension and revocation, or

from any other applicable federal, state, or city regulations.

43	Animal boarding and training
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Use Units	
3	Public protection facilities
4	Cultural and recreational facilities
5	Government facilities
6	Agricultural
7	Animal husbandry
12	Limited business
13	Eating places
15	Neighborhood shopping goods
24	Home occupation
25	Offices, studios, and related services

- (2) Uses within the following use unit categories established prior to July 15, 2003 and operating in a zoning district that does not currently allow the use, are for the purposes of zoning compliance determined to be an existing nonconforming use, may continue to operate and are eligible to obtain a city business license. The exemption shall not be construed as relieving the owner or operator of such business from the regulations of the business license ordinance, including grounds for suspension and revocation, or from any other applicable federal, state, or city regulations.

Use Units	
2	City-wide uses by conditional use permit
14	Hotel, motel and amusement facilities
16	Shopping goods
17	Transportation trades and services
18	Gasoline service stations & drive in/drive through restaurants
19	Commercial recreation, small sites
20	Commercial recreation, large sites
21	Warehousing and wholesale
22	Manufacturing
23	Heavy industrial
27	Wholesale bulk petroleum storage facilities with underground tanks
28	Center for collecting recyclable materials
29	Dance halls
30	Extractive uses
31	Facilities emitting odors/handling explosives
32	Sexually oriented businesses
33	Adult live entertainment club or bar
34	Liquor stores
35	Outdoor music establishments
36	Wireless communications facilities
38	Mini-storage units
39	Auto salvage and junk yards
40	Sidewalk cafes
42	Clean technologies

- (3) Businesses operating in a zoning district that does not allow the use and that can not provide proof of their establishment in accordance with the criteria above are declared to be incompatible with permitted uses and shall not hereafter continue except in conformity with the regulations of the district in which it is located. These businesses shall not be eligible to obtain a city business license until or unless they are brought into compliance with the zoning district regulations.

(Code 1965, App. A., Art. 9(3), (5); Ord. No. 1747, 6-29-70; Code 1991, §§160.192, 160.194; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5425, 8-2-11)

**Cross reference(s)**--Enforcement, Ch. 153.

### 161.03 District R-A, Residential-Agricultural

- (A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

- (B) *Uses.*

- (1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training

- (2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

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(C) *Density.*

Units per acre	One-half
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(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5195, 11-6-08; Ord. 5238, 5-5-09; Ord. 5479, 2-7-12)

**161.04 District RSF-.5, Residential Single-Family – One Half Unit Per Acre**

(A) *Purpose.* A district having single-family detached residences on lots with a minimum size of two acres and a maximum gross density of approximately one-half unit per acre.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 24	Home occupations
Unit 36	Wireless communications facilities

Unit 44	Cottage Housing Development
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(C) *Density.*

Units per acre	One-half (approximately)
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(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot area minimum	71,438 Sq. Ft.
Land area per dwelling unit	71,438 Sq. Ft.

(E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Building height regulations.*

Building Height Maximum	45 ft.
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*Height regulations.* Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(G) *Building area.* None.

(Code 1991, §160.043; Ord. No. 3792, §4, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5462, 12-6-11)

**161.05 District RSF-1, Residential Single-Family – One Unit Per Acre**

(A) *Purpose.* A district having single-family detached residences on lots with a minimum size of one unit per acre. The district is designed to permit and encourage the development of very low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(C) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(D) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities

Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(E) *Density.*

Units per acre	1
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(F) *Bulk and area regulations.*

Lot width minimum	150 ft.
Lot area minimum	35,720 Sq. Ft.
Land area per dwelling unit	35,720 Sq. Ft.

(G) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(H) *Building height regulations.*

Building Height Maximum	45 ft.
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*Height regulations.* Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(I) *Building area.* None.

(Code 1965, §160.44; Ord. No. 3792, §4, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5462, 12-6-11)

**161.06 District RSF-2, Residential Single-Family – Two Units Per Acre**

(A) *Purpose.* To provide a single-family dwelling transition zone between single-family neighborhoods that have developed with larger lot sizes (one acre and over) and areas that have developed with smaller lot sizes (8,000 sq. ft.), and to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(C) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(D) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(E) *Density.*

Units per acre	2
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(F) *Bulk and area regulations.*

Lot width minimum	100 ft.
Lot area minimum	17,860 Sq. Ft.
Land area per dwelling unit	17,860 Sq. Ft.

(G) *Setback requirements.*

Front	Side	Rear
30 ft.	15 ft.	30 ft.

(H) *Building height regulations.*

Building Height Maximum	45 ft.
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*Height regulations.* Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(I) *Building area.* None.

(Code 1991, §160.045; Ord. No. 3792, §4, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5462, 12-6-11)

**161.07 District RSF-4, Residential Single-Family – Four Units Per Acre**

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

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(2) Conditional uses.

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(C) Density.

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) Bulk and area regulations.

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) Setback requirements.

Front	Side	Rear
15 ft.	5 ft.	15 ft.

(F) Building height regulations.

Building Height Maximum	45 ft.
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*Height regulations.* Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-

19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

**161.08 District RSF-7, Residential Single-Family – Seven Units Per Acre**

(A) *Purpose* The RSF-7 Residential District is designed to permit and encourage the development of detached dwellings in suitable environments.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(C) *Density.*

Single-family dwelling units per acre	7 or less
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(D) *Bulk and area regulations.*

(E) *Lot width minimum.*

Single-family	60 ft.
Two-family	60 ft.
Townhouse, no more than two attached	30 ft.

(F) *Lot area minimum.*

Single-family	6,000 sq. ft.
Two-family	6,000 sq. ft.
Townhouse, no more than two attached	3,000 sq. ft.

(G) *Land area per dwelling unit.*

Single-family	6,000 sq. ft.
Two-family	3,000 sq. ft.

Townhouse, no more than two attached	3,000 sq. ft.
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(H) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	15 ft.

(I) *Building height regulations.*

Building Height Maximum	45 ft.
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*Height regulations.* Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(J) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

(Code 1991, §160.046; Ord. No. 3792, §4, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

**Cross reference(s)**--Variance, Ch. 156.

### 161.09 District RSF-8, Residential Single-Family – 8 Units Per Acre

(A) *Purpose.* The RSF-8 Residential District is designed to bring historic platted development into conformity and to allow for the development of new single family residential areas with similar lot size, density, and land use as the historical neighborhoods in the downtown area.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(C) *Density.*

	By Right
Single-family dwelling units per acre	8 or less

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single-family	50 ft.
Two-family	50 ft.
Townhouse, no more than two attached	25 ft.

(2) *Lot area minimum.*

Single-family	5,000 sq. ft.
Two-family	5,000 sq. ft.

(3) *Land area per dwelling unit.*

Single-family	5,000 sq. ft.
Two-family	5,000 sq. ft.
Townhouse, no more than two attached	2,500 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	5 ft.

(F) *Height regulations.*

Building Height Maximum	45 ft.
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(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area, except when a detached garage exists or is proposed; then the area occupied by all buildings shall not exceed 60% of the total lot area.

(Ord. 4783, 10-18-05; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

### 161.10 District RT-12, Residential Two And Three Family

(A) *Purpose.* The RT-12 Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a development potential between low density and medium density with less impact than medium density development, to encourage the

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development of areas with existing public facilities and to encourage the development of a greater variety of housing values.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	12 or less
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(D) *Bulk and area regulations.*

	Single-family	Two-family	Three-family
Lot width minimum	60 ft.	70 ft.	90 ft.
Lot area minimum	6,000 sq. ft.	7,260 sq. ft.	10,890 sq. ft.
Land area per dwelling unit	6,000 sq. ft.	3,630 sq. ft.	3,630 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	20 ft.

(F) *Building height regulations.*

Building height maximum	30/45 ft.*
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\*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of 45 feet.

(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

(H) *Minimum buildable street frontage.* 50% of the lot width.

(Code 1965, App. A., Art. 5(IIA); Ord. No. 3128, 10-1-85; Code 1991, §160.032; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13; Ord. 5664, 2-18-14)

Cross reference(s)--Variance, Ch. 156.

**161.11 District RMF-6, Residential Multi-Family – Six Units Per Acre**

(A) *Purpose.* The RMF-6 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a low density that is appropriate to the area and can serve as a transition between higher densities and single-family residential areas.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	6 or less
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(D) Bulk and area regulations.

(1) Lot width minimum.

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three and more	90 ft.
Professional offices	100 ft.

(2) Lot area minimum.

Manufactured home park	3 acres
Lot within a Manufactured home park	4,200 sq. ft.
Townhouse:	
●Development	10,000 sq. ft.
●Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) Land area per dwelling unit.

Manufactured home	3,000 sq. ft.
Apartments:	
No bedrooms	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two or more bedrooms	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) Setback requirements.

Front	Side	Rear
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	25 ft.

Cross reference(s)--Variances, Ch. 156.

(F) Building height regulations.

Building Height Maximum	30/45 ft.*
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\*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet. Buildings or portions of the building set back greater than 10 feet from the master street plan

right-of-way shall have a maximum height of 45 feet.

Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) Building area. None.

(H) Minimum buildable street frontage. 50% of the lot width.

(Ord. No. 4325, 7-3-01; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13; Ord. 5664, 2-18-14)

**161.12 District RMF-12, Residential Multi-Family – Twelve Units Per Acre**

(A) Purpose. The RMF-12 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a moderate density that is appropriate to the area.

(B) Uses.

(1) Permitted uses.

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) Conditional uses.

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) Density.

Units per acre	12 or less
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(D) Bulk and area regulations.

(1) Lot width minimum.

Manufactured home park	100 ft.
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Lot within a manufactured home park	50 ft.
Single family	60 ft.
Two-family	60 ft.
Three and more	90 ft.
Professional offices	100 ft.

(2) Lot area minimum.

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouse: Development Individual lot	10,000 sq. ft. 2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) Land area per dwelling unit.

Manufactured home	3,000 sq. ft.
Apartments:	
No bedrooms	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two or more bedrooms	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) Setback requirements.

Front	Side	Rear
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	25 ft.

Cross reference(s)--Variances, Ch. 156

(F) Building height regulations.

Building Height Maximum	30/45 ft.*
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\*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of 45 feet.

Any building which exceeds the height of 20 feet shall be set back from any side boundary line of

an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) Building area. None.

(H) Minimum buildable street frontage. 50% of the lot width.

(Ord. No. 4325, 7-3-01; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

**161.13 District RMF-18, Residential Multi-Family – Eighteen Units Per Acre**

(A) Purpose. The RMF-18 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a medium density that is appropriate to the area.

(B) Uses.

(1) Permitted uses.

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) Conditional uses.

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) Density.

Units per acre	18 or less
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(D) Bulk and area regulations.

(1) Lot width minimum.

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three and more	90 ft.

Professional offices	100 ft.
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(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouse: Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land area per dwelling unit.*

Manufactured Home	3,000 sq. ft.
Apartments:	
No bedrooms	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two or more bedrooms	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	25 ft.

**Cross reference(s)** --Variances, Ch. 156.

(F) *Building height regulations.*

Building Height Maximum	30/45 ft.*
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\*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of 45 feet.

Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

(H) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. No. 4325, 7-3-01; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

**161.14 District RMF-24, Residential Multi-Family – Twenty-Four Units Per Acre**

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 25	Professional offices
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a Manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
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Lot within a mobile home park	4,200 sq. ft.
Townhouses:	
Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) Land area per dwelling unit.

Manufactured home	3,000 sq. ft.
Apartments:	
No bedroom	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two bedroom	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) Setback requirements.

Front	Side	Rear
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	25 ft.

Cross reference(s)--Variance, Ch. 156.

(F) Building height regulations.

Building Height Maximum	30/45/60ft.*
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\*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet, between 10-20 feet from the master street plan right-of-way a maximum height of 45 feet and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 60 feet.

Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) Building area. None.

(H) Minimum buildable street frontage. 50% of the

lot width.

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5079, 11-20-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5495, 4-17-12; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

**161.15 District RMF-40, Residential Multi-Family – Forty Units Per Acre**

(A) Purpose. The RMF-40 Multi-family Residential District is designated to protect existing high density multi-family development and to encourage additional development of this type where it is desirable.

(B) Uses.

(1) Permitted uses.

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) Conditional uses.

Unit 2	City-wide uses by CUP
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 24	Home occupation
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) Density.

Units per acre	40 or less
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(D) Bulk and area regulations.

(1) Lot width minimum.

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.
Professional offices	100 ft.

(2) Lot area minimum.

Manufactured home park	3 acres
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Lot within a manufactured home park	4,200 sq. ft.
Townhouses:	
Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.
Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) Land area per dwelling unit.

Manufactured home park	3,000 sq. ft.
Townhouses & Apartments	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(E) Setback requirements.

Front	Side	Rear
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	20 ft.

Cross reference(s)--Variance, Ch. 156.

(F) Building height regulations.

Building Height Maximum	30/45/60 ft.*
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\*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet, between 10-20 feet from the master street plan right-of-way a maximum height of 45 feet and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 60 feet.

Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) Building area. None.

(H) Minimum buildable street frontage. 50% of the lot width.

(Code 1965, App. A., Art. 5(IV); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81; Ord. No. 1747, 6-29-70; Code 1991, §160.034; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

## 161.16 Neighborhood Services

(A) Purpose. The Neighborhood Services district is designed to serve as a mixed use area of low intensity. Neighborhood Services promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control, the Neighborhood Services district is a residential zone.

(B) Uses

(1) Permitted uses

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Limited Business
Unit 24	Home occupations
Unit 41	Accessory dwelling units
Unit 44	Cottage Housing Development

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) Conditional uses

Unit 2	City-wide uses by conditional use
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk cafes
Unit 45	Small scale production

(C) Density.

Units per acre	10 or less
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(D) Bulk and Area

(1) Lot width minimum

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Single-family	35 feet
Two-family	70 feet
Three or more	90 feet
All other uses	None

(2) Lot area minimum.

Single-family	4,000 sq. ft.
Two-family or more	3,000 sq. ft. of lot area per dwelling unit
All other permitted and conditional uses	None

(E) Setback regulations

Front:	A build-to zone that is located between 10 and 25 feet from the front property line.
Side	5 feet
Rear	15 feet

(F) Building height regulations.

Building Height Maximum	45 ft.
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(G) Building area. On any lot, the area occupied by all buildings shall not exceed 60% of the total area of the lot.

(Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

**161.17 District R-O, Residential Office**

(A) Purpose. The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

(B) Uses.

(1) Permitted uses.

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 25	Offices, studios, and related services
Unit 44	Cottage Housing Development

(2) Conditional uses.

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities

Unit 4	Cultural and recreational facilities
Unit 11	Manufactured home park*
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies
Unit 45	Small scale production

(C) Density.

Units per acre	24 or less
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(D) Bulk and area regulations.  
(Per dwelling unit for residential structures)

(1) Lot width minimum.

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.

(2) Lot area minimum.

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouses:	
Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.
Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) Land area per dwelling unit.

Manufactured home	3,000 sq. ft.
Townhouses & apartments:	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(E) Setback regulations.

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Front, in the Hillside Overlay District	15 ft.
Side	10 ft.
Side, when contiguous to a residential district	15 ft.

Side, in the Hillside Overlay District	8 ft
Rear, without easement or alley	25 ft.
Rear, from center line of public alley	10 ft.
Rear, in the Hillside Overlay District	15 ft.

(F) *Building height regulations.*

Building Height Maximum	60 ft.
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*Height regulations.* Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

(Code No. 1965, App. A., Art. 5(x); Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.041; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4726, 7-19-05; Ord. 4943, 11-07-06; Ord. 5079, 11-20-07; Ord. 5195, 11-6-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

### 161.18 District C-1, Neighborhood Commercial

(A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 25	Offices, studios, and related services
Unit 44	Cottage Housing Development
Unit 45	Small scale production

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 16	Shopping goods
Unit 34	Liquor stores
Unit 35	Outdoor music establishments*
Unit 36	Wireless communications facilities*
Unit 40	Sidewalk Cafes

Unit 42	Clean technologies
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(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	None
Side, when contiguous to a residential district	10 ft.
Rear	20 ft.

(F) *Building height regulations.*

Building Height Maximum	56 ft.*
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\*Any building which exceeds the height of 20 feet shall be setback from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1965, App. A., Art. 5(V); Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.035; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

### 161.19 Community Services

(A) *Purpose.* The *Community Services* district is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities

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Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development
<b>Unit 45</b>	<b>Small scale production</b>

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density. None*

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
All others	None

(2) *Lot area minimum. None*

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	56 ft.
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(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

**161.20 District C-2, Thoroughfare Commercial**

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store
Unit 44	Cottage Housing Development
<b>Unit 45</b>	<b>Small scale production</b>

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density. None.*

(D) *Bulk and area regulations. None.*

(E) *Setback regulations.*



Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	None
Side, when contiguous to a residential district	15 ft.
Rear	20 ft.

(F) *Building height regulations.*

Building Height Maximum	75 ft.*
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\*Any building which exceeds the height of 20 feet shall be set back from a boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

(Code 1965, App. A., Art. 5(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4727, 7-19-05; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; 5353, 9-7-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

**161.21 Urban Thoroughfare**

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted uses*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods

Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory Dwellings
Unit 44	Cottage Housing Development
Unit 45	Small scale production

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) Lot width minimum

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(2) Lot area minimum. None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building height regulations.*

Building Height Maximum	56/84 ft.*
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\*A building or a portion of a building that is located between 10 and 15 ft. from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of 84 feet.

Any building that exceeds the height of 20 feet shall be set back from any boundary line of a single-family residential district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

**161.22 District C-3, Central Commercial**

(A) *Purpose.* The Central Commercial District is designed to accommodate the commercial and related uses commonly found in the central business district, or regional shopping centers which provide a wide range of retail and personal service uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 18	Gasoline service stations & drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
Unit 44	Cottage Housing Development
<b>Unit 45</b>	<b>Small scale production</b>

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 17	Transportation trades and services
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities

Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None

(E) *Setback regulations.*

	Central Business District	Shopping Center
Front	5 ft.	25 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.	50 ft.
Side	None	None
Side, when contiguous to a residential district	10 ft.	25 ft.
Rear, without easement or alley	15 ft.	25 ft.
Rear, from center line of a public alley	10 ft.	10 ft.

(F) *Building height regulations.*

Building Height Maximum	56/84 ft.*
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\*A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of 84 feet.

(Code 1965, App. A., Art. 5(VII); Ord. No. 2351, 6-21-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.037; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4727, 7-19-05; 4863, 5-02-06; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13)

**161.23 Downtown Core**

(A) *Purpose.* Development is most intense, and land use is densest in this zone. The downtown core is designed to accommodate the commercial, office, governmental, and related uses commonly found in the central downtown area which provides a wide range of retail, financial, professional office, and governmental office uses. For the purposes of Chapter 96: Noise Control, the Downtown Core district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
Unit 44	Cottage Housing Development
<b>Unit 45</b>	<b>Small scale production</b>

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 29	Dance Halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	None
Rear	5 ft.
Rear, from center line of an alley	12 ft.

(F) *Minimum buildable street frontage.* 80% of lot width.

(G) *Building height regulations.*

Building Height Maximum	56/168 ft.*
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\*A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of 168 feet.

(Ord. 5028, 6-19-07; Ord. 5029, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

**161.24 Main Street/Center**

(A) *Purpose.* A greater range of uses is expected and encouraged in the *Main Street/Center*. The *Center* is more spatially compact and is more likely to have some attached buildings than *Downtown General* or *Neighborhood Conservation*. Multi-story buildings in the *Center* are well-suited to accommodate a mix of uses, such as apartments or offices above shops. Lofts, live/work units, and buildings designed for changing uses over time are appropriate for the *Main Street/Center*. The *Center* is within walking distance of the surrounding, primarily residential areas. For the purposes of Chapter 96: Noise Control, the *Main Street/Center* district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
Unit 44	Cottage Housing Development
<b>Unit 45</b>	<b>Small scale production</b>

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall

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need approval when combined with pre-approved uses.

10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling (all unit types)	18 ft.
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(2) *Lot area minimum.* None.

(E) *Setback regulations.*

Front	A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	None
Rear	5 ft.
Rear, from center line of an alley	12 ft.

(F) *Minimum buildable street frontage.* 75% of lot width.

(G) *Building height regulations.*

Building Height Maximum	56/84 ft.*
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\*A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of 84 feet.

(Ord. 5028, 6-19-07; Ord. 5029, 6-19-07; Ord. 5042, 8-07-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-

**161.25 Downtown General**

(A) *Purpose.* *Downtown General* is a flexible zone, and it is not limited to the concentrated mix of uses found in the *Downtown Core* or *Main Street / Center*. *Downtown General* includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than *Neighborhood Conservation*. There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the *Downtown General* district is a residential zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development
Unit 45	Small scale production

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling (all unit types)	18 ft.
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(2) *Lot area minimum.* None.

(E) *Setback regulations.*

Front	A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	None
Rear	5 ft.
Rear, from center line of an alley	12 ft.

(F) *Minimum buildable street frontage.* 50% of lot width.

(G) *Building height regulations.*

Building Height Maximum	56 ft.
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(Ord. 5028, 6-19-07; Ord. 5029, 6-19-07; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

### 161.26 Neighborhood Conservation

(A) *Purpose.* The *Neighborhood Conservation* zone has the least activity and a lower density than the other zones. Although *Neighborhood Conservation* is the most purely residential zone, it can have some mix of uses, such as civic buildings. *Neighborhood Conservation* serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the *Neighborhood Conservation* district is a residential zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities

Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Limited Business *
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 44	Cottage Housing Development

(C) *Density.* 10 Units Per Acre.

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single Family	40 ft.
Two Family	80 ft.
Three Family	90 ft.

(2) *Lot area minimum.* 4,000 Sq. Ft.

(E) *Setback regulations.*

Front	A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	5 ft.
Rear	5 ft.
Rear, from center line of an alley	12 ft.

(F) *Building height regulations.*

Building Height Maximum	45 ft.
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(Ord. 5128, 4-15-08; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

### 161.27 District I-1, Heavy Commercial And Light Industrial

(A) *Purpose.* The Heavy Commercial District is designed primarily to accommodate certain commercial and light industrial uses which are compatible with one another but are inappropriate in other commercial or industrial districts. The Light Industrial District is designed to group together a wide range of industrial uses, which do not produce objectionable environmental influences in their operation and appearance. The regulations of this district are intended to provide a degree of compatibility between uses permitted in this district and those in nearby residential districts.

(B) *Uses.*

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(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 6	Agriculture
Unit 13	Eating places
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 25	Offices, studios and related services
Unit 27	Wholesale bulk petroleum storage facilities with underground storage tanks
Unit 42	Clean technologies

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 43	Animal boarding and training

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front, when adjoining A or R districts	50 ft.
Front, when adjoining C, I, or P districts	25 ft.
Side, when adjoining A or R districts	50 ft.
Side, when adjoining C, I, or P districts	10 ft.
Rear	25 ft.

(F) *Height regulations.* There shall be no maximum height limits in I-1 District, provided, however, that any building which exceeds the height of 25 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 25 feet.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(VIII); Ord. No. 2351, 6-2-77; Ord. No. 2430, 3-21-78; Ord. No. 2516, 4-3-79; Ord. No. 1747, 6-29-70; Code 1991, §160.039; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10; Ord. 5472; 12-20-11)

**161.28 District I-2, General Industrial**

(A) *Purpose.* The General Industrial District is designed to provide areas for manufacturing and industrial activities which may give rise to substantial environment nuisances, which are objectionable to residential and business use.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 5	Government Facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 23	Heavy industrial
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 31	Facilities emitting odors and facilities handling explosives.
Unit 36	Wireless communications facilities
Unit 38	Mini-storage Units
Unit 39	Auto salvage and junk yards

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front, when adjoining A or R districts	100 ft.
Front, when adjoining C, I or P districts	50 ft.
Side, when adjoining A or R districts	50 ft.
Side, when adjoining C, I or P districts	25 ft.
Rear	25 ft.

(F) *Height regulations.* There shall be no maximum height limits in I-2 Districts, provided, however, that any building which exceeds the height of 25 feet shall be setback from any boundary line of any residential district a distance of one foot for each foot of height in excess of 25 feet.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(IX); Ord. No. 2351, 6-21-77; Ord. No. 2516, 4-3-79; Ord. No. 1747, 6-29-70; Code 1991, §160.040; Ord. No. 3971, §2, 5-21-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10)

**161.29 District P-1, Institutional**

(A) *Purpose.* The Institutional District is designed to protect and facilitate use of property owned by larger public institutions and church related organizations.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	30 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	20 ft.
Side, when contiguous to a residential district	25 ft.
Rear	25 ft.
Rear, from center line of public alley	10 ft.

(F) *Height regulations.* There shall be no maximum height limits in P-1 Districts, provided, however, that any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 60 % of the total area of such lot.

(Code 1965, App. A., Art. 5(XI); Ord. No. 2603; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.042; Ord. No. 4100, §2 (Ex. A), 6-16-

98; Ord. No. 4178, 8-31-99; Ord. 5073, 11-06-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10)

**161.30 District E-1, Extraction**

(A) *Purpose.* The Extraction District is designed to provide areas for the commercial removal of natural accumulations of sand, clay, silt, gravel, rock, and any mineral where such removal may cause groundwater problems, noise, dust, traffic problems, erosion, and safety concerns.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 30	Extractive uses

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
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(C) *Density.* None.

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Lot width minimum	The proposed development shall have at least 200 feet of frontage on a state road or other adequate means of access compatible with sound land use planning principles.
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(2) *Lot area minimum.*

Lot area minimum	10 acres
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(E) *Setback regulations.*

From all property lines (including street frontage) when contiguous to all R districts	200 ft.
From all property lines (including street frontage) when contiguous to P, A, C, and I districts	100 ft.

(Code 1991, §160.047; Ord. No. 3546, 4-16-91; Ord. No. 4100, §2 (Ex. A), 6-16-98, Ord. No. 4178, 8-31-99; Ord. 5312, 4-20-10)

**161.31 Reserved**

(Code 1991, §160.048; Ord. No. 3821, §1, 3-5,8-9-94; Ord. No. 38-06, 6-28-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord.

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No. 4128, §1, 12-15-98; Ord. 4725, 7-19-05; Ord. 4784, 10-18-05; Ord. 5312, 4-20-10; Ord. 5526, 9-18-12)

**Cross reference(s)**—Appeals, Ch. 155; Variances, Ch. 156.

**161.32 Planned Zoning District**

(A) *Applicability.* To be considered for a Planned Zoning District, the applicant shall meet all of the following criteria:

(1) *Location.* Any property located within the city limits is eligible for a Planned Zoning District. Upon City Council approval, an owner or developer of a specific piece of property located within the City's designated planning area may be authorized to submit a Planned Zoning District application in conjunction with an annexation request, but final approval of the PZD will not be effective until said property is annexed into the City of Fayetteville.

(2) *Size.* There shall be no minimum or maximum tract size for a PZD application.

(B) *Purpose.* The intent of the Planned Zoning District is to permit and encourage comprehensively planned zoning and developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development. The City Council may consider any of the following factors in review of a Planned Zoning District application.

(1) *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.

(2) *Compatibility.* Providing for compatibility with the surrounding land uses.

(3) *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.

(4) *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.

(5) *No negative impact.* Does not have a negative effect upon the future development of the area;

(6) *Coordination.* Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.

(7) *Open space.* Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.

(8) *Natural features.* Maximum enhancement and minimal disruption of existing natural features and amenities.

(9) *Future Land Use Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the Future Land Use Plan.

(10) *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.

(11) *Recognized zoning consideration.* Whether any other recognized zoning consideration would be violated in this PZD.

(C) *Rezoning.* Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 154, Amendments.

(1) Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and zoning standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of zoning standards and a specific master plan.

(2) All uses identified within §162 Use Units of the Unified Development Code may be allowed as permissible uses or conditional uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.

(3) *Residential density.* Residential densities shall be determined on the basis of the following considerations:

(a) The densities of surrounding development;

(b) The densities allowed under the current zoning;



- (c) The urban development goals and other policies of the city's Future Land Use Plan;
  - (d) The topography and character of the natural environment; and
  - (e) The impact of a given density on the specific site and adjacent properties.
- (4) **Building setback.** There shall be no minimum building setback except as may be determined by the Planning Commission and City Council during review of the zoning plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. Greater setbacks may be established by the Planning Commission or City Council when it is deemed necessary to provide adequate separation from adjacent properties.
- (5) **Building height.** There shall be no maximum building height except as may be determined by the Planning Commission and City Council during the review of the zoning plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission or City Council when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.
- (6) **Building area.** The Planning Commission and City Council shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

(Ord. No. 4434, §1 (Ex. A), 11-19-02; Ord. 4717, 7-5-05; Ord. 4764, 09-20-05; Ord. 4783, 10-18-05; Ord. 5312, 4-20-10; Ord. 5675, 4-1-14)

### **161.33-161.99 Reserved**

(Ord. 4930, 10-03-06 repealed and re-adopted the entire chapter

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CHAPTER 162: USE UNITS**

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**CHAPTER 162: USE UNITS**

**162.01 Establishment/Listing**

The various use units referred to in the zoning district provisions are herein listed in numerical order. Within the use units, the permitted uses are ordinarily listed in alphabetical order. In these use units where there is a preliminary descriptive statement (which may mention specific uses) in addition to the detailed list of uses, the detailed list shall govern. The asterisk (\*) next to a specific use indicates that the use has special conditions as required by Chapter 163, Use Conditions and Chapter 164 Supplemental Regulations.

Unit 1	City-wide uses by right
Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 13	Eating places
Unit 14	Hotel, motel and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 17	Transportation Trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 23	Heavy industrial
Unit 24	Home occupation
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 27	Wholesale bulk petroleum storage facilities with underground storage tanks
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 30	Extractive uses
Unit 31	Facilities emitting odors & facilities handling explosives
Unit 32	Sexually oriented business
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 37	Manufactured homes
Unit 38	Mini-storage units
Unit 39	Auto salvage and junk yards
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 42	Clean technologies
Unit 43	Animal boarding and training
Unit 44	Cottage Housing Development
Unit 45	Small scale production

(A) Unit 1. City-wide uses by right.

- (1) *Description.* Unit 1 consists of public uses, essential services, agricultural uses, open land uses, and similar uses which are subject to other public controls or which do not have significantly adverse effects on other permitted uses and are, therefore, permitted as uses of right in all districts.
- (2) *Included uses.* Public facilities of the types embraced within the recommendations of the Comprehensive Land Use Plan.

Agricultural, forestry, and fishery:	<ul style="list-style-type: none"> <li>•Field crop farms</li> <li>•Fishery</li> <li>•Forest</li> <li>•Fruit, tree, and vegetable farm</li> </ul>
Essential services located in public right-of-way:	<ul style="list-style-type: none"> <li>•Fire alarm box</li> <li>•Fire hydrant</li> <li>•Passenger stop for bus</li> <li>•Police alarm box</li> <li>•Sidewalk</li> <li>•Street, highway, and other thoroughfare</li> <li>•Street signs, traffic signs, and signals</li> <li>•Utility mainline, local transformer and station, and similar facilities customarily located in public right-of-way</li> </ul>
Recreation and related use:	<ul style="list-style-type: none"> <li>•Arboretum</li> <li>•Historical marker</li> <li>•Park area</li> <li>•Parkway</li> <li>•Wildlife preserve</li> </ul>
Water facilities:	<ul style="list-style-type: none"> <li>•Reservoir, open</li> <li>•Watershed</li> <li>•Conservation or flood control project</li> </ul>

(B) Unit 2. City-wide uses by conditional use permit.

- (1) *Description.* Unit 2 consists of uses which may be conducted anywhere in the territorial jurisdiction, but which can be objectionable to nearby uses and are therefore permitted subject to conditional use permits in all districts.
- (2) *Included uses.*

Public and private facilities:	<ul style="list-style-type: none"> <li>•Airport, flying fields and heliport</li> <li>•Bed and breakfast facilities*</li> <li>•Campground</li> <li>•Community Recycling Drop-off Facility</li> <li>•Plant nursery</li> <li>•RV sewage disposal facility</li> <li>•Solid waste disposal facility</li> </ul>
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Temporary facilities:	<ul style="list-style-type: none"> <li>•Water recreation area</li> <li>•Carnival, circus, and tent revival*</li> <li>•Commercial facilities</li> <li>•Real estate sales office (located at a specific location in an underdeveloped subdivision and operated for the purpose of developing said subdivision)</li> <li>•School and church facility</li> </ul>
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(C) Unit 3. Public protection and utility facilities.

(1) Description. Unit 3 consists primarily of public protection and utility equipment which:

- (a) Is ordinarily not located in the street right-of-way and can be significantly objectionable to nearby residential, commercial, and light industrial uses;
- (b) Have requirements for specific locations or are needed to serve residential neighborhood or local areas; and
- (c) Are, therefore, permitted only on review.

(2) Included uses.

Facilities of Public Service Corporations:	<ul style="list-style-type: none"> <li>•Electric regulating station</li> <li>•Pressure control station</li> <li>•Transmission station for tower, radio, telegraph, telephone, television</li> </ul>
Other utility and protective facilities:	<ul style="list-style-type: none"> <li>•Airway beacon</li> <li>•Public utility maintenance building, warehouse, or storage building</li> <li>•Water pipeline rights-of-way, sewer or water treatment plant, water storage facility</li> </ul>
Railroad rights-of-way	
Communications and utility transmission line rights-of-way	

(D) Unit 4. Cultural and recreational facilities.

(1) Description. Unit 4 consists of cultural and recreational uses to serve the residents of the community.

(2) Included uses.

Auditorium, stadium	
Art gallery, museum	
Cemetery	
Child care center, nursery school *	

Church	
College or university	
Community center	
Crematorium	
Dormitory	
Eldercare	
Hospital	
Mausoleum	
Playfield, playground	
Private club or lodge	
School:	<ul style="list-style-type: none"> <li>•Elementary</li> <li>•Junior High</li> <li>•Senior High</li> </ul>
Swimming pool	
Tennis court	
Theater (legitimate)	

Cross-reference(s)--Parking and Loading, Ch. 172.

(E) Unit 5. Government facilities.

(1) Description. Unit 5 consists of the main facilities of government agencies.

(2) Included uses.

City or county jail
Courts of law
Fire station
Governmental agencies and offices
Library
Police station
Post office
Detention Home

(F) Unit 6. Agriculture.

(1) Description. Unit 6 consists of agricultural uses and services and certain other uses suitable for location near, but not in, a residential district.

(2) Included uses.

Agricultural uses and services:	Farm:	<ul style="list-style-type: none"> <li>•Egg</li> <li>•Truck</li> </ul>
	Services:	<ul style="list-style-type: none"> <li>•Hay baling</li> <li>•Smoking, curing and selling of smoked or cured poultry and livestock</li> <li>•Sorting, packing and selling of fruits, vegetables and flowers</li> <li>•Threshing</li> </ul>

(G) Unit 7. Animal husbandry.

(1) Description. Unit 7 consists of livestock raising and related activities which are

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ordinarily objectionable to other uses and require, therefore, a buffer strip when abutting a C or R District.

(2) *Included uses.*

Animal farms for show, breeding, and training	
Farms with livestock	
Livestock services:	<ul style="list-style-type: none"> <li>•Animal hospitals</li> <li>•Shipping of livestock</li> <li>•Training of horses</li> <li>•Veterinarian's treatment areas</li> </ul>
Recreational uses:	<ul style="list-style-type: none"> <li>•Guest ranch</li> <li>•Riding stable *</li> <li>•Rifle range</li> <li>•Rodeo ground</li> </ul>

(H) *Unit 8. Single-family dwellings.*

(1) *Description.* Unit 8 is provided in order that single-family dwellings may be located in appropriate residential areas.

(2) *Included uses.*

**Single-family dwellings**

(I) *Unit 9. Two-family dwellings.*

(1) *Description.* Unit 9 is provided in order that two family attached dwellings may be located in appropriate residential areas.

(2) *Included uses.*

Duplexes
Townhouse dwellings, no more than two attached units
Two-family dwellings

(J) *Unit 10. Three-family dwellings.*

(1) *Description.* Unit 10 is provided in order that three-family attached dwellings may be located in appropriate residential areas.

(2) *Included use.*

Townhouse development, no more than three attached units
Three-family dwellings
Tri-plexes

(K) *Unit 11. Manufactured home park. \**

(1) *Description.* Unit 11 consists of a separate use of manufactured home parks in order that they may be located in appropriate residential areas.

(2) *Included uses.*

**Manufactured home park \***

**Cross reference(s)**--Use Conditions, Ch. 163; Manufactured homes and Manufactured home Parks, Ch. 175.

(L) *Unit 12. Limited business.*

(1) *Description.* Unit 12 consists of small-scale establishments offering commercial goods and services that are accessible for the convenience of individuals living in residential districts, while compatible in size, scale and appearance with the surrounding neighborhood. These uses shall be subject to the regulations in Chapter 164. All uses classified under Unit 12 must be within a building containing 3,000 square feet or less.

(2) *Included uses.*

Personal Services: (Maximum gross floor area of 1500 square feet)	<ul style="list-style-type: none"> <li>•Day care</li> <li>•Dry Cleaning</li> <li>•Salon/Barber shop</li> <li>•Tailoring</li> </ul>
Specialized Retail: (Maximum gross floor area of 2000 square feet)	<ul style="list-style-type: none"> <li>•Antique/home decor sales</li> <li>•Apparel</li> <li>•Art/architectural supplies</li> <li>•Bakery, Pastry shops</li> <li>•Bicycle Shops</li> <li>•Book store</li> <li>•Coffee shop</li> <li>•Delicatessen</li> <li>•Drugstore</li> <li>•Food specialty stores</li> <li>•Florist</li> <li>•Grocery</li> <li>•Hardware</li> <li>•Health food store</li> <li>•Hobby /Craft Stores</li> <li>•Ice cream</li> <li>•Meat Market</li> <li>•Restaurant/café</li> <li>•Small appliance repair</li> <li>•Stationary Store</li> <li>•Toy store</li> <li>•Video rental</li> </ul>
Professional Offices: (Maximum gross floor area of 3000 square feet)	<ul style="list-style-type: none"> <li>•Accountant</li> <li>•Architect</li> <li>•Attorney</li> <li>•Broker</li> <li>•Business/Mgmt Consultant</li> <li>•Doctor</li> <li>•Dentist</li> <li>•Engineer</li> <li>•Insurance Sales</li> <li>•Interior Designer</li> <li>•Optometrist</li> <li>•Realtor</li> </ul>

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Studios for: (Maximum gross floor area of 3000 square feet)	<ul style="list-style-type: none"> <li>•Welfare agency</li> <li>•Art</li> <li>•Dance</li> <li>•Music</li> <li>•Photography</li> <li>•Pottery</li> </ul>
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(M) Unit 13. Eating places.

(1) *Description.* Unit 13 is established that eating places, excluding drive-ins and those that provide dancing and entertainment, can be located as needed without necessarily introducing other commercial uses.

(2) *Included uses.*

Eating places, other than drive-ins, which do not provide dancing or entertainment
Restaurants
Café's

(N) Unit 14. Hotel, motel, and amusement facilities.

(1) *Description.* Unit 14 consists of hotels, motels, and certain types of amusement facilities.

(2) *Included uses.*

Hotel
Membership lodge
Motel
Motion picture theater
Night club, not providing dancing or outdoor music
Tavern, not providing dancing or outdoor music

(O) Unit 15. Neighborhood shopping goods.

(1) *Description.* Unit 15 includes a variety of frequently purchased commercial goods, where convenience of location is more important than comparative shopping. These uses are grouped in limited areas while prohibiting all others not necessary near the residential districts. All uses classified under Use Unit 15 must be within a building containing 25,000 square feet or less.

(2) *Included uses.*

Personal services	<ul style="list-style-type: none"> <li>•Barber/Salon</li> <li>•Dry cleaning</li> <li>•Laundry facility</li> <li>•Tailoring</li> </ul>
Retail	<ul style="list-style-type: none"> <li>•Apparel and accessory</li> <li>•Bakery, pastry shops</li> <li>•Bicycle shop</li> <li>•Bookstores</li> </ul>

	<ul style="list-style-type: none"> <li>•Coffee shop</li> <li>•Delicatessen</li> <li>•Drugstore</li> <li>•Electronics</li> <li>•Florists</li> <li>•Food specialty stores</li> <li>•Furniture and Home Decor</li> <li>•Grocery</li> <li>•Hardware store</li> <li>•Health food store</li> <li>•Hobby/craft shop</li> <li>•Ice cream</li> <li>•Jewelry/watch sales and repair</li> <li>•Meat market</li> <li>•Music instruments</li> <li>•News and magazine stand</li> <li>•Optical goods</li> <li>•Pet shop</li> <li>•Photography Studio</li> <li>•Picture framing</li> <li>•Shoe store</li> <li>•Sporting goods</li> <li>•Stationary store</li> <li>•Toy store</li> <li>•Video rental</li> </ul>
Vehicular Sales (interior display only)	<ul style="list-style-type: none"> <li>•Automobile</li> <li>•ATV/Motorcycle</li> <li>•Boat/Personal Watercraft (PWC)</li> </ul>

(P) Unit 16. Shopping goods.

(1) *Description.* Unit 16 consists of stores selling retail goods which are ordinarily purchased less frequently and often have a city-wide or regional market.

(2) *Included uses.*

NEIGHBORHOOD SHOPPING GOODS	ALL USES WITHIN UNIT 15 ARE ALSO PERMITTED WITHIN UNIT 16, WITHOUT RESTRICTION TO SIZE
General Merchandise:	<ul style="list-style-type: none"> <li>•Department store</li> <li>•Mail order</li> </ul>
Merchandise vending machine operations	<ul style="list-style-type: none"> <li>•Sales and repair</li> </ul>
Home/Office:	<ul style="list-style-type: none"> <li>•Appliances</li> <li>•China, glassware</li> <li>•Draperies, curtains</li> <li>•Floor coverings</li> <li>•Furniture</li> </ul>
Personal services:	<ul style="list-style-type: none"> <li>•Animal daycare</li> <li>•Animal hospital</li> <li>•Auctioneer</li> <li>•Bindery</li> <li>•Body piercing</li> </ul>

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	<ul style="list-style-type: none"> <li>•Costume rental service</li> <li>•Detective service</li> <li>•Electrical repair service</li> <li>•Furniture repair, refinishing</li> <li>•Gunsmith</li> <li>•Interior decorating</li> <li>•Linen supply and industrial laundry</li> <li>•Locksmith</li> <li>•Office supplies</li> <li>•Rug cleaning, repair</li> <li>•Sign painting</li> <li>•Tattoo and piercing</li> <li>•Taxidermist</li> <li>•Tool sharpening, repair</li> <li>•Watch and jewelry repair</li> <li>•Weight loss center</li> </ul>
Retail	<ul style="list-style-type: none"> <li>• Apparel and accessory</li> <li>•Auto accessory store</li> <li>•Boat and accessory store</li> <li>•Dry goods</li> <li>•Garden supply</li> </ul>

(Q) Unit 17. Transportation trades and services.

(1) *Description.* Unit 17 consists of establishments engaged primarily in providing vehicular sales, service and maintenance, and similar services which fulfill recurrent needs of residents of nearby areas, but are generally incompatible with primary retail districts because they break the continuity of retail frontage. Uses also include those that require transport of persons or materials on a regular basis.

(2) *Included uses.*

RETAIL TRADE ESTABLISHMENTS, GENERAL:	<ul style="list-style-type: none"> <li>•AUTOMOTIVE SALES,</li> <li>•BODY SHOPS/GARAGES</li> <li>•FARM SUPPLIES AND EQUIPMENT AND REPAIR</li> <li>•LAWN EQUIPMENT SALES, REPAIR</li> <li>•MARINE CRAFT SALES, REPAIR</li> <li>•MOTORCYCLE SALES, REPAIR</li> <li>•TRUCK SALES</li> <li>•TRAILER, CAMPING, HAULING, TRAVEL, SALES</li> <li>•USED CAR LOTS</li> </ul>
Personal help:	<ul style="list-style-type: none"> <li>•Auto wash</li> <li>•Motor repair</li> <li>•Packing and crating</li> </ul>
Transportation service:	<ul style="list-style-type: none"> <li>•Bus station</li> </ul>

	<ul style="list-style-type: none"> <li>•Car rental</li> <li>•Express service</li> <li>•Helistop</li> <li>•Railway terminal</li> <li>•Taxicab station</li> </ul>
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(R) Unit 18. Gasoline service stations and drive-in/drive through restaurants

(1) *Description.* Gasoline service stations and drive-in restaurants can be significantly objectionable to nearby uses, so, therefore, have been allowed only in districts where necessary to provide this use.

(2) *Included uses.*

Gasoline service station *
Self-service auto wash (in conjunction with a gasoline service station) *
Drive-in /drive through restaurant *

(S) Unit 19. Commercial recreation, small sites.

(1) *Description.* Unit 19 consists of commercial amusements which ordinarily do not require large sites and often seek location in or near developed commercial areas.

(2) *Included uses.*

Billiard and pool parlor
Bowling alley
Slot car track
Skating rink
Video arcade
Indoor theater

**Cross reference(s)**--Parking and Loading, Ch. 172.

(T) Unit 20. Commercial recreation, large sites.

(1) *Description.* Unit 20 consists of commercial recreation facilities which are usually conducted out-of-doors, on large sites, and in undeveloped, outlying parts of the city. Uses in this unit have an adverse effect on certain other uses, in that they are often noisy and are large traffic generators.

(2) *Included uses.*

Amusement park *
Drag strip
Drive-in theater
Fairgrounds
Fishing dock
Go-cart track
Golf range, golf course
Miniature golf
Race track



Zoo

(U) Unit 21. Warehousing and wholesale.

(1) *Description.* Unit 21 includes warehousing, wholesaling and trucking of the type which is usually located to serve the central business district and is easily serviced by rail and highway transportation.

(2) *Included uses.*

Building material establishments:	<ul style="list-style-type: none"> <li>•Air conditioning</li> <li>•Building materials</li> <li>•Electrical supply</li> <li>•Glass</li> <li>•Heating equipment</li> <li>•Lumber</li> <li>•Paint</li> <li>•Plumbing supplies</li> <li>•Wallpaper</li> </ul>
Fuel establishments:	<ul style="list-style-type: none"> <li>•Bottled gas</li> <li>•Fuel dealer</li> <li>•Fuel oil</li> </ul>
Monument, including processing	
Service establishments: Building service	<ul style="list-style-type: none"> <li>•Disinfecting and exterminating service</li> <li>•Janitorial service</li> <li>•Window cleaning service</li> </ul>
Service establishments: Contract construction service	<ul style="list-style-type: none"> <li>•Air conditioning</li> <li>•Building construction</li> <li>•Carpentry</li> <li>•Cesspool cleaning</li> <li>•Concrete</li> <li>•Decorating</li> <li>•Electrical</li> <li>•Furnace cleaning</li> <li>•Heating</li> <li>•Heavy construction</li> <li>•Housing for caretakers</li> <li>•Impound Yard</li> <li>•Masonry</li> <li>•Oil well drilling</li> <li>•Painting</li> <li>•Paper Hanging</li> <li>•Plastering</li> <li>•Plumbing</li> <li>•Roofing</li> <li>•Sheet metal</li> <li>•Stonework</li> <li>•Tile setting</li> <li>•Towing Business</li> <li>•Water well drilling</li> </ul>
Trucking establishments	
Vending machines	
Warehouses	
Wholesale establishments	

(V) Unit 22. Manufacturing.

(1) *Description.* Unit 22 consists of industrial uses which usually generate some adverse environmental effects and for this reason they should be located away from uses which do not produce adverse effects.

(2) *Included uses.*

Fabricated metal products:	<ul style="list-style-type: none"> <li>•Cutlery engraving</li> <li>•Fire control equipment</li> <li>•Guns and related equipment</li> <li>•Machinery</li> <li>•Tanks</li> <li>•Transportation equipment, including body shops</li> </ul>
Fabricated structural products:	<ul style="list-style-type: none"> <li>•Air conditioning and cooling apparatus</li> <li>•Fabricated wire products</li> <li>•Fire control equipment</li> <li>•Hardware products</li> <li>•Heating apparatus</li> <li>•Metal cans</li> </ul>
Miscellaneous manufacturing:	<ul style="list-style-type: none"> <li>•Athletic goods</li> <li>•Amusements</li> <li>•Musical instruments</li> <li>•Plated ware</li> <li>•Silverware</li> <li>•Sporting goods</li> <li>•Toys</li> <li>•Textile products</li> <li>•Housing for caretakers</li> </ul>

(W) Unit 23. Heavy industrial.

(1) *Description.* Unit 23 consists of uses which cause the greatest adverse environmental effects because of odor, noise, unsightliness, air pollution and explosions.

(2) *Included uses.*

Manufacturing uses:	<ul style="list-style-type: none"> <li>•Fabricated metal products</li> <li>•Primary metal industries</li> <li>•Textile mill products</li> </ul>
Processing and sales:	<ul style="list-style-type: none"> <li>•Scrap metal</li> <li>•Refuse</li> </ul>
Repair service	•Tirecapping
Wrecking and demolition services	
Apparel products:	•Industrial leather belting
Clay products	
Food and allied products	
Furniture and allied products	
Glass products	
Lumber and wood products:	<ul style="list-style-type: none"> <li>•Millware products</li> <li>•Plywood products</li> <li>•Prefabricated structural wood</li> <li>•Veneer products</li> <li>•Wooden container</li> </ul>
Paper and allied products:	•Paperboard containers
Petroleum and related industries:	<ul style="list-style-type: none"> <li>•Coal yard</li> <li>•Lubricating oils and greases</li> </ul>
Primary metal industry:	•Foundry
Stone products	
Housing for caretakers	

(X) Unit 24. Home occupation.

(1) *Description.* Unit 24 consists of businesses for which financial compensation is received,

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conducted on a residential property, and which generates motor vehicle traffic to the residential property. Only those residing on the property may be employed by the home occupation.

(2) *Included uses.*

Home child care, no more than six children	
Instructional services:	Art Crafts Dance Music Tutoring
Professional services:	Architects Insurance agents Lawyers Real estate agents Accountants Editors Publishers Graphic designers Travel agents
Repair services:	Clocks and watches Computers Electronic devices Lawnmowers Small appliances Small engines
Sales of home produced agriculture products:	Produce Eggs Honey or beeswax products Jams or jellies Milk and milk products Other products that may be home grown or home made on this property

(Y) *Unit 25. Offices, studios and related services.*

(1) *Description.* Unit 25 consists of offices, studios, medical and dental labs, and other supporting services and sales.

(2) *Included uses.*

Medical Clinic:	• Dental office/clinic • Medical office/clinic
Professional office:	• Accountant • Architect • Attorney • Broker • Engineer • Realtor
Sale of supplies and equipment	• Architecture, drafting, and art supplies • Office furnishings and supplies • Medical, optical, and dental supplies • Scientific instruments
Services:	• Advertising agency • Animal daycare (10 animals or

	less) • Auto parking garage • Bail bonding agency • Business or management consultant • Computing service • Consultant • Data processing service • Drafting service • Employment agency • Financial institution • Funeral home • Insurance sales • Interior decorator • Photocopying or printing • Social and welfare agencies • Travel agency • Veterinary small animal out-patient clinic
Studios:	• Artist's studio • Photography studio • Studio for teaching any of the fine or liberal arts

(Z) *Unit 26. Multi-family dwellings.*

(1) *Description.* Unit 26 is provided in order that multi-family dwellings and more than three attached units may be located in appropriate residential areas.

(2) *Included areas.*

Apartments
Convalescent home
Dormitory
Fraternity/Sorority houses
Multi-family attached dwellings
Rooming/boarding house
Townhouse, more than three attached units

(AA) *Unit 27. Wholesale bulk petroleum storage facilities with underground storage tanks.*

(1) *Description.* Unit 27 is provided in order that wholesale bulk petroleum storage facilities with underground storage tanks may be located in the appropriate industrial areas.

(2) *Included uses.*

Wholesale bulk petroleum storage facilities with underground storage tanks
--

(BB) *Unit 28. Center for collecting recyclable materials.*

(1) *Description.* Unit 28 is provided in order that centers for collecting recyclable material may be located in appropriate commercial and industrial areas.

Fayetteville Code of Ordinances

(2) *Included uses.*

Center for collecting recyclable materials
--

(CC) *Unit 29. Dance halls. \**

(1) *Description.* Unit 29 is provided in order that establishments that provide areas for dancing may be located in an appropriate environment and as not to negatively impact adjacent properties.

(2) *Included uses.*

Bars providing area for dancing
Dance halls
Restaurants providing area for dancing
Taverns providing area for dancing

(DD) *Unit 30. Extractive uses.*

(1) *Description.* Unit 30 consists of extractive uses which generate substantial nuisances and adverse environmental effects.

(2) *Included uses.*

Mining:	<ul style="list-style-type: none"> <li>•Coal and ores</li> <li>•Clay, sand and silt</li> <li>•Rock and gravel</li> <li>•Other minerals</li> <li>•Petroleum extraction</li> <li>•Natural gas extraction</li> </ul>
Other:	<ul style="list-style-type: none"> <li>•Rock crushing</li> <li>•Sorting and washing of earth products</li> </ul>

(EE) *Unit 31. Facilities emitting odors and facilities handling explosives. \**

(1) *Description.* Unit 31 consists of facilities which are heavy industrial in nature, but which have the potential to have adverse effects such as odor or the potential for explosions

(2) *Included uses.*

Manufacturing Uses:	Chemical and allied products	
	Food and kindred products:	<ul style="list-style-type: none"> <li>•Animal fats and oils rendering</li> <li>•Beverages distilling</li> <li>•Meat slaughtering and packaging</li> </ul>
	Paper and allied products	
	Rubber and plastic products	
Processing and sales:	Explosives	
Wholesale and	Livestock	

warehousing:	stockyards	
	Explosive materials	
Apparel products:	Leather tanning	
Chemical and allied products:	Any process likely to emit odor or have the potential for explosion	
Paper and allied products:	Building paper and board	•Paper
Petroleum and related industries:	Bulk station and terminal	
Rubber and miscellaneous plastic products:	Inner tubes Tires	

(FF) *Unit 32. Sexually oriented business.*

(1) *Description.* Unit 32 consists of adult arcades, adult bookstores or adult video stores, adult cabarets, adult motion picture theaters, or adult theaters whose inventory, merchandise or performances are characterized by a preponderance of "specified sexual activities" or "specified anatomical areas" all as more fully set forth in Ordinance No. 4024, §123.26, as may be amended from time to time.

(2) *Included uses.*

Adult arcade
Adult bookstore
Adult video stores
Adult cabarets
Adult motion picture theaters
Adult theaters

(GG) *Unit 33. Adult live entertainment club or bar.*

(1) *Description.* Unit 33 includes fixed places of business selling or dispensing alcoholic beverages including private clubs which emphasize and seek through one or more dancers to arouse or excite the patron's sexual desires.

(2) *Included uses.*

Semi-nude club or bar
Exotic dance club or bar
Go-Go dance club or bar
Strip club or bar
Gentlemen's club or bar

(HH) *Unit 34. Liquor Stores. \**

(1) *Description.* Unit 34 includes fixed places of business licensed by the Arkansas Alcoholic Beverage Control Board to sell alcoholic beverages for off-premise consumption.

(2) *Included uses.*

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Liquor Stores \*

- (II) Unit 35. Outdoor music establishments. \*
- (1) Description. Unit 35 includes any business or establishment that has a garden, patio, rooftop or premises not wholly enclosed by solid walls and fully roofed in which amplified or loud music is played that could be audible at nearby residences or businesses.
- (2) Included uses.

Outdoor music establishments \*

- (JJ) Unit 36. Wireless Telecommunications Facilities.
- (1) Description. A land use facility that transmits and/or receives electromagnetic signals for the purpose of transmitting analog or digital voice or data communications.
- (2) Included uses.

Wireless telecommunications facilities *	Antennas Accessory buildings Accessory development Cellular towers Horns Microwave dishes Monopoles
--	---

- (KK) Unit 37. Manufactured Homes.
- (1) Description. Unit 37 is provided in order that manufactured homes may be located in appropriate residential areas.
- (2) Included uses.

Manufactured homes \*

- (LL) Unit 38 Mini-storage units
- (MM) Unit 39 Auto salvage and junk yards
- (NN) Unit 40. Sidewalk Cafes.

- (1) Description. Unit 40 is provided in order that sidewalk cafes may be located in appropriate commercial areas.
- (2) Included uses.

Sidewalk Cafes

- (OO) Unit 41 Accessory Dwelling Units

- (1) Description. Unit 41 includes accessory dwelling units.
- (2) Included uses.

Accessory Dwelling Units \*

- (PP) Unit 42 Clean Technologies
- (1) Description. Unit 42 consists of uses that fabricate or produce goods and services that greatly reduce or eliminate negative environmental impacts, create new technologies or improve the productive and responsible use of natural resources.

Alternative Energy Fabrication and Storage Components:	•Wind •Solar •Fuel cells •Batteries •Hybrid systems
Fabrication or Production of Materials:	•Nano Technologies •Solar panels •Computer components, such as microchips •Advanced packaging
Research and Development:	•Monitoring and control systems •Energy infrastructure management •Energy efficiency management •Materials and recycling management •Transportation logistics •Environmental cleanup and safety •Scientific or high tech research laboratories

- (QQ) Unit 43. Animal Boarding and Training.
- (1) Description. Unit 43 consists of services such as animal boarding, training, kennels, outdoor animal daycare and related activities which have outdoor space for animal exercise and other activities and may therefore result in noise and aesthetic impacts and may pose compatibility issues when adjacent to commercial or residential uses without adequate buffers in place.
- (2) Included uses.

Animal boarding
Animal training
Kennels
Outdoor animal daycare
Outdoor dog runs
Other outdoor animal activity

*(RR) Unit 44. Cottage Housing Development.*

- (1) *Description.* Unit 44 is provided in order that cottage housing developments are permitted by right in multi-family zoning districts and by Conditional Use Permit in single family zoning districts.
- (2) *Included uses.*

Cottage Housing Developments

***(SS) Unit 45. Small scale production***

- (1) *Description.* Unit 45 is provided in order that increased variety and flexibility of non-residential goods, services, and employment centers may be provided in close proximity to residences and commercial uses. These uses may have adverse impacts because of high traffic, delivery vehicles, noise, or odors and may pose compatibility issues if they are not limited in size.
- (2) *Included uses.*

<b>Unit 42. Clean technologies</b>	All uses within Unit 42 are permitted with a maximum gross floor area of 5,000 square feet
<b>Microbrewery; microwinery; microdistillery</b>	Maximum gross floor area of 10,000 square feet for the manufacturing portion of the facility and production of less than 15,000 barrels per year
<b>Boutique/specialty manufacturing (maximum gross floor area of 5,000 square feet)</b>	<ul style="list-style-type: none"> <li>•Specialty food manufacturers with or without a retail store front</li> <li>•Coffee roasting facility</li> <li>•Other specialty manufacturers that have minimal impacts to adjoining properties compared with what is typically generated by similar uses within the designated zoning district, as determined by the Zoning and Development Administrator</li> </ul>

(Code 1965, App. A., Art. 6 (A), (F); Ord. No. 329, 10-1-85; Ord. No. 3165, 2-4-86; Ord. No. 3341, 3-15-

88; Ord. No. 1747, 6-29-70; Code 1991, §§118.01, 160.055; Ord. No. 3546, 4-19-91; Ord. No. 3792, §§2, 3, 5-17-94; Ord. No. 3870, §1 (Ex. A), 2-21-95; Ord. No. 3909, §1, 7-18-95; Ord. No. 3971, §§3, 4, 5-21-96; Ord. No. 4024, §3, 3-18-97; Ord. No. 4034, §§1, 2, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4376, §5 (Ex. E), §6 (Ex. F), 3-5-02; Ord. No. 4423, §1 (Ex. A), 10-02-02, Ord. 4728, 7-19-05; Ord. 4913, 8-15-06; Ord. No. 4919, 09-05-06; Ord. 4930, 10-03-06; Ord. 4946, 11-21-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5203, 12-2-08; Ord. 5195, 11-6-08; Ord. 5226, 3-3-09; Ord. 5238, 5-5-09; Ord. 5312, 4-20-10; Ord. 5312, 4-20-10; Ord. 5338, 8-3-10; Ord. 5339, 8-3-10; Ord. 5352, 9-7-10; Ord. 5462, 12-6-11, Ord. 5668, 3-18-14)

**Cross reference(s)**--Use Conditions, Ch. 163; Supplementary District Regulations, Ch. 164.

**162.02 Interpretation**

- (A) In each use unit division, permitted uses are set forth in the division entitled "Included uses." In the event of a conflict between such divisions and the "description" divisions, the former shall prevail.
- (B) In any case where there is a question as to whether or not a particular use is included in a particular use unit, the Zoning and Development Administrator shall decide. A use shall not be interpreted as being in any use unit if it is specifically listed in another unit in this chapter.

(Code 1965, App. A., Art. 6(B); Ord. No. 1747, 6-29-70; Ord. No. 2181, 1-6-76; Code 1991, §160.056; Ord. No. 4100, §2 (Ex. A), 6-16-98)

**162.03 Conditions Of Use**

- (A) A use shall be subject to the provisions of the district in which the use is permitted. Certain uses shall be subject to additional conditions set forth separately herein. Reference will be made in the chapter to conditions applicable to a particular use in the unit where the use is listed.
- (B) Uses which are permitted both as principal and accessory uses shall be subject to the conditions set forth for the use as a principal use.

(Code 1965, App. A., Art. 6 (C); Ord. No. 1747, 6-29-70; Code 1991, §160.057; Ord. No. 4034, §6, 4-14-97; Ord. No. 4100, §2 (Ex. A) 6-16-98)

**162.04 Enclosure Of Uses**

Where so specified in a use unit listing, a use shall be operated only within a fully enclosed structure. The excepting of certain districts from this requirement with respect to certain uses does not indicate that such uses are necessarily permitted in such districts. In districts where enclosure of use is required,

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accessory off-street parking and loading shall be exempted from this enclosure requirement.

(Code 1965, App. A., Art. 6 (E); Ord. No. 1747, 6-29-70;  
Code 1991, §160.059; Ord. No. 4100, §2 (Ex. A), 6-16-98)

**162.05-162.99 Reserved**

## 166.25 Commercial, Office and Mixed Use Design And Development Standards

(A) *Purposes.*

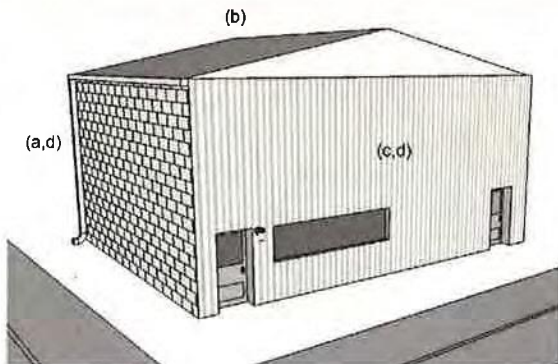
- (1) To protect and enhance Fayetteville's appearance, identity, and natural and economic vitality.
- (2) To address environmental concerns which include, but are not limited to, soil erosion, vegetation preservation, and drainage.
- (3) To protect and preserve the scenic resources distributed throughout the city which have contributed greatly to its economic development, by attracting tourists, permanent part-time residents, new industries, and cultural facilities.
- (4) To preserve the quality of life and integrate the different zones and uses in a compatible manner.
- (5) To address the issues of traffic, safety, and crime prevention.
- (6) To preserve property values of surrounding property.
- (7) To provide good civic design and arrangement.

(B) *Applicability.* These design and development standards apply to commercial developments, office developments, **developments classified as Use Unit 45, Small scale production**, those parts of a Planned Zoning District or other mixed use developments with commercial and office elements and to industrial developments within the I-540 Overlay District.

(C) *Building Exterior Appearance and Design Standards.* The following exterior development standards and design element guidelines shall be followed:

- (1) The elements to avoid or minimize include:
  - (a) Unpainted concrete precision block walls;
  - (b) Square "boxlike" structures;
  - (c) Metal siding which dominates the principal facade;
  - (d) Large blank, unarticulated wall surfaces;

### Elements to Avoid



- (2) A development which contains more than one building should incorporate a recurring, unifying, and identifiable theme for the entire development site, without replicating the building multiple times.
- (3) A development should provide compatibility and transition between adjoining developments.

- (4) All structures shall be architecturally designed to have front facades facing all adjacent street and highway rights-of-way, and shall include at least one prominent entry-way on the principal façade(s).
- (5) All buildings should be constructed of wood, masonry, or other similar durable material.

(D) *Site Development and Design Standards.*

- (1) *Site coverage.* A maximum of 80% of the development site may be covered by the ground floor of any structure, parking lots, sidewalks, and private streets and drives or any other impermeable surface. Properties located within the Downtown Master Plan boundary are exempt from this requirement.
- (2) *Driveways.* Shared drives and cross access between properties shall be encouraged to adjacent developed and undeveloped properties.
- (3) Mechanical and utility equipment and refuse containers shall be screened if visible from the highway/street right-of-way or from residential property as set forth below:
  - (a) *Mechanical and utility equipment.*
    - (i) All mechanical and utility equipment located on the wall and/or on the ground shall be screened with vegetation, by incorporating screening into the structure, or by utilizing paint schemes that complement the building and screen the equipment.
    - (ii) All roof mounted utilities and mechanical equipment shall be screened by incorporating screening into the principal structure utilizing materials and colors compatible with the supporting building.
  - (b) *Refuse containers.* Refuse containers shall be screened with materials that are compatible with and complementary to the principal structure, with access to the refuse containers not visible from the street. Containers may be screened from view by the principal structure; by a permanent walled or fenced enclosure; or with appropriate vegetation, planted at a density and size sufficient to be view obscuring immediately from the date of planting; so long as the screening is maintained and loose trash does not litter the ground or become an environmental nuisance.
- (4) Outdoor storage of material and equipment shall be screened if visible from the highway/street right-of-way or from residential property as set forth below:
  - (a) At the expense of the owner or lessee of the property, and in all zones, the following uses shall be completely surrounded by a view obscuring fence or by view obscuring vegetation, or a combination of the two, of sufficient height to prevent the view of the premises from vehicular and pedestrian traffic on adjacent streets: outdoor storage yards, including but not limited to, auto salvage yards, scrap metal yards, used furniture yard and garbage dumps.
  - (b) Where vegetation is used to meet the requirements of this subsection, the vegetation shall be planted at a density sufficient to become view obscuring within two years from the date of planting. If vegetation planted under this subsection does not become view-obscuring within two years, a view-obscuring fence shall be installed.
  - (c) *Exceptions:* The outdoor display of materials or equipment solely for sale or lease, such as automobiles, seasonal garden supplies, etc. shall not be required to be screened as set forth in subsection (a) above.
- (5) *Non-residential uses adjacent to residential uses.* The Planning Commission or Planning Division may require non-residential uses, including parking lots associated with said uses, to be screened from adjacent residential uses, as set forth below:
  - (a) A buffer strip, fence, or screen wall that is required shall be constructed and maintained on the zoning lot containing or proposed to contain such use, in accordance with provisions of this chapter.
  - (b) *Buffer Strip.* The purpose of the buffer strip is to provide separation and enclosure of uses. The landscaped buffer strip shall consist of a strip of land at least 8 feet wide adequately landscaped with approval of the Urban Forester, entirely on the zoning lot which is required to provide the buffer strip, and so located as to serve as an effective buffer between the use required to provide the buffer strip and other



property for whose protection the buffer strip is required. The buffer strip should extend along the full length of the boundary separating the zoning lot from such other property, or from the street, as the case may be.

- (c) *Fence required.* The purpose of the fence is to enclose uses. Required fences shall not be less than six (6) feet high, constructed of good, substantial material, of first-class workmanship, and so erected as to resist wind pressure, ensure public safety, and present a neat, attractive uniform appearance.
  - (d) *Screen required.* The purpose of the screen is to conceal uses. Screening shall mean a view obscuring fence, view obscuring berm, view obscuring architectural treatment, or view obscuring vegetation, or combination thereof, of sufficient height to prevent the view of the screened items from vehicular and pedestrian traffic on adjacent streets, and from residential property. Vegetation shall be planted at a density sufficient to become view obscuring within two years from the date of planting.
- (6) *Mini-storage.* At the expense of the owner of the property, all storage units and storage yards for mini-storage created under Use Unit 38 shall be required to be screened by view obscuring vegetation when the storage yards or the storage units have common property lines with any residential use or zone and when they have frontage on any public street. Vegetation used for screening purposes shall be planted at a density sufficient to become view obscuring within two years from the date of planting and it shall be the responsibility of the property owner to maintain the screening throughout the life of the use of the property as mini-storage.
- (E) *Design review.*
- (1) *Submittals.* The following drawings, information, and plans shall be submitted to the Planning Commission or Planning Division for design review and approval with the associated development application, when applicable;
    - (a) *Elevations.* Color rendered elevation drawings of all building facades and a description of external building materials. Labels and dimensions, where applicable, shall accompany changes in texture, plane, material or color.
    - (b) *Materials sample.* A sample of exterior materials to be used for the proposed structure that indicates texture, color and type of materials.
    - (c) *Landscaping.* Proposed landscaping to be used as screening shall be shown on the tree preservation plan and landscape plan.
  - (2) *Build out.* Upon approval of a development, or issuance of a building permit, build-out of the project shall conform to the drawings, information, and plans approved.
    - (a) *Amendments.* Amendments to the drawings, information, and plans shall be submitted to the planning division. Amendments which are determined to be insignificant or minor may be approved by the Planning Division. Significant amendment shall be approved by the Planning Commission when approval was given through the large scale development process, or by the planning division when approval was given through the building permit process.
    - (b) *Review.* Amendments shall be considered using the same standards as the initial design approval.
    - (c) *Noncompliance.* Failure to build-out the project according to the approved drawings, information, and plans, or approved amendments thereto, shall render the large scale development approval, or the building permit approval void.

(F) *Variances.* (See Chapter 156.)

(Ord. 5526, 9-18-12)

**October 2014**  
**Saddlebock Brewery**  
**18244 Habberton Road**  
**Springdale, AR 72764**  
**479.419.9969**  
**Owner: Steve**  
**Steve's cell: 479.422.1797**  
**steve@saddlebock.com**

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**Interview by Andrew Garner, City Planning Director**

How many barrels per year do you produce?

*A barrel is 31 gallons, we're growing a lot and our numbers are changing month by month. In the 3<sup>rd</sup> quarter of this year we reported 700-800 barrels, we will probably have around 2,000 barrels for the year. We did 1,000 barrels in 2013.*

What is the total square footage of your facility?

*Our building was built to be a brewery so it is much more efficient than if someone were leasing a facility. We have 5,000 sq. ft. in the 'barn' on three floors. The barn is a structure that we built specifically for our brewing facility. As part of the conditional use permit through the county for our business the structure was intended to look like a barn to fit in to the rural setting of the area. Across the street from the barn we have a warehouse for storage and cold storage which is about 10,000 sq. ft. for a total of 15,000 sq. ft.*

Describe your daily and weekly business operations in terms of number of employees, customers, truck traffic:

*We get some sort of truck traffic in every day. Today we only had one UPS truck delivering a package. Our biggest deliveries are grain, usually 2-3 deliveries per week with a full size semi-truck. We buy from the pallet and load from a lift gate onto a dock. We buy glasswear bottles, glasses, and kegs. We have about 22 employees (part and full-time) including drivers and others offsite including sales guys in Little Rock and elsewhere. We have some part-time girls that do serving in the tasting room. We are looking to expand with a restaurant in the future.*

Have you received many complaints from surrounding businesses or neighbors about your business, if so, what were the complaints?

*Never had any complaints from any neighbors. When we asked for a conditional use permit for outdoor music one of the neighbors was opposed to the request and he lived about a mile away. Microbreweries have a tasting room which is basically a small bar. The products produced from these types of facilities is typically a higher quality and more expensive product than you would see in a regular bar. We do not see the types of college-age bar crowd that are looking for cheap beer in these types of facilities so it is usually pretty calm and quiet. We close the tasting room at 9 p.m.*

Do you see any potential problems with the City of Fayetteville modifying the zoning code to introduce microbreweries/small breweries into commercial areas of the City?

*Water usage and wastewater usage can be a problem. To produce 1 gallon of beer requires 4-6 gallons of water. We fall under ADEQ for rinsing down tanks. ADEQ classified me as industrial. If ADEQ classified me as commercial we could put our waste underground (in their septic system). I have to have all of my*

*wash down water and other water carted offsite at a high expense because it cannot be put underground into our septic system and there is not a sewer system out here (in unincorporated county). You have to use cooling water in the brewing process and we keep that water and store it in an insulated tank for re-use. At Tim's on the square they will run their water off into the street (the cooling water and wastewater) which I believe is against the law and in the winter the wastewater has formed ice on the sidewalk and street where they dump it which has been a problem.*

Do you have any specific recommendations as to how many barrels per year the City's code should specify for microbreweries?

*If the brewers are too big it can be pretty unsightly if it is a 20,000 sq. ft. facility without any windows or doors in a downtown area. A general number of around 5,000 barrels should be sufficient.*

Do you have any other recommendations or comments?

*In general these types of facilities will be really popular and people will want to come and see the facilities, try the product, and hang out. They are great for tourism.*

*He also discussed legislative changes related to alcoholic beverages that will likely be upcoming in the next session and he is involved in some sort of committee at the state level for these changes.*

Would you be willing to attend a Planning Commission meeting to speak in favor of this code change?

10-20-2014

Phone Interview with Ozark Brewing Company

Ozark Beer Co.

1700 s. 1<sup>st</sup> St.

Rogers, AR 72756

479.636.2337

Lacie Bray, Director

[lacie@ozarkbeercompany.com](mailto:lacie@ozarkbeercompany.com)

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Interview by Andrew Garner, City Planning Director

How many barrels per year do you produce?

*-1,400 barrels this year; 3,500 barrels hopefully next year.*

*-We have a 15 barrel brewhouse and W. Mountain Brewery has a 3 barrel brewhouse.*

*-Once you hit 10,000 barrels you will hit a different level of facility where you have to have a much larger number of employees, a human resources department to manage employees, etc.*

What is the total square footage of your facility?

*About 7,000 sq. ft. which will allow expansion of our current production.*

Describe your daily and weekly business operations in terms of number of employees, customers, truck traffic:

*A truck coming every couple of weeks to deliver grain. We have about 5 full-time employees and some part-time staff in the tasting room.*

Have you received many complaints from surrounding businesses or neighbors about your business, if so, what were the complaints?

*No, not really. Most of the time when breweries are a large size they are in industrial areas. Some people complain about the smell of brewing, some people like the smell.*

Do you see any potential problems with the City of Fayetteville modifying the zoning code to introduce microbreweries/small breweries into commercial areas of the City?

*Smell of brewing is an issue to some people*

Do you have any specific recommendations as to how many barrels per year the City's code should specify for microbreweries?

*No*

Do you have any other recommendations or comments?

*Look at the City of Denver and the City of Boulder*

Would you be willing to attend a Planning Commission meeting to speak in favor of this code change?

10-27-2014

Core Brewing and Distilling Co.

2470 N. Lowell Rd.

Springdale, AR 72764

479.372.4300

Interview/tour and site visit with Jesse Core, CEO

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Interview by Andrew Garner, City Planning Director

How many barrels per year do you produce?

*3,000 now, but we are expanding rapidly and our current facility has a capability of 20,000 max. production.*

What is the total square footage of your facility?

*20,000 sq. ft. We started with 5,000 sq. ft. in 2010 with only one suite, and have continued to expand over the last four years.*

Describe your daily and weekly business operations in terms of number of employees, customers, truck traffic:

*24 employees. Large semi-trucks come in several times a week to drop off grain and supplies and other trucks come in and out to haul off the used grain and distribute products. We are the largest micro-brewery in Arkansas or Oklahoma right now.*

Have you received many complaints from surrounding businesses or neighbors about your business, if so, what were the complaints?

*No complaints. We are well liked by the neighbors and the community. There hasn't been any issues here. Employees from businesses in the area enjoy coming down and hanging out, enjoying a beer. There shouldn't be any problems with the facility with proper planning such as enough parking and loading areas.*

Do you see any potential problems with the City of Fayetteville modifying the zoning code to introduce microbreweries/small breweries into commercial areas of the City?

*No problems. Microbreweries are very unique and different than other industries that create a lot of impacts. They are huge for the advertising and promotion of a community. The impacts of these types of facilities are minimal, different than other heavy industry. The general public are invited, and they love to come in and see the facilities, talk to the brewers, and enjoy a craft product. They are great for a community.*

*One potential issue is that if the waste products (used grains) are not disposed of quickly it can start to stink. This can be handled with basic good management. After we use our grains in the brewing process we have farmers lined up that come pick it up and use it for compost on the farms. It is a sustainable process. However, I could see it being a problem if it is a hot summer day and used grain sits outside and the farmer forgets to come pick it up. If a restaurant were immediately downwind they might not like the smell.*

Do you have any specific recommendations as to how many barrels per year the City's code should specify for microbreweries?

*Open it up, don't put specific limitations on them because they will be great for your community.*

Do you have any other recommendations or comments?

*It would be appropriate when these types of facilities are in a commercial area that the street façade be required to look nice. That is typically what these types of facilities will do anyway because they are cool buildings that invite the public in.*

Would you be willing to attend a Planning Commission meeting to speak in favor of this code change?

yes

10-20-2014

Apple Blossom Brewing Company

1550 East Zion Road. Suite 1

479.287.4344

Ching Mong, owner/partner

[appleblossombrewingco@gmail.com](mailto:appleblossombrewingco@gmail.com)

---

**Interview by Andrew Garner, City Planning Director**

How many barrels per year do you produce?

*Not sure, they only sell their product on site and in growlers at this point but would like to expand.*

What is the total square footage of your facility?

*Restaurant, brewhouse, and patio is a total 11,000 sq. ft.; brewhouse is about 1,500 sq. ft.*

Describe your daily and weekly business operations in terms of number of employees, customers, truck traffic:

*No different than a restaurant at this point because they do not sell or distribute beer offsite.*

Have you received many complaints from surrounding businesses or neighbors about your business, if so, what were the complaints?

*No complaints. He discussed that complaints from the brewer, or about the brewing operation, would vary depending on the volume you produce. Right now we are only in-house, we don't sell out of house and don't have any issues.*

Do you see any potential problems with the City of Fayetteville modifying the zoning code to introduce microbreweries/small breweries into commercial areas of the City?

*Easy access in and out of the facility especial if it is a large volume brewer.*

Do you have any specific recommendations as to how many barrels per year the City's code should specify for microbreweries?

*No*

Do you have any other recommendations or comments?

*It would be a good idea to make it easier for microbreweries to be located in commercial areas without having to have additional special permits or zoning changes.*

Would you be willing to attend a Planning Commission meeting to speak in favor of this code change?

*Yes*

**10-??-2014**

**Phone Interview with Fossil Cove Brewing Co.**

**1946 N. Birch Ave.**

**Fayetteville, AR 72703**

**479.445.6050**

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**Interview by Andrew Garner, City Planning Director**

(left messages, calls not returned)

How many barrels per year do you produce?

What is the total square footage of your facility?

*3,600 sq. ft. (from business license)*

Describe your daily and weekly business operations in terms of number of employees, customers, truck traffic:

Have you received many complaints from surrounding businesses or neighbors about your business, if so, what were the complaints?

Do you see any potential problems with the City of Fayetteville modifying the zoning code to introduce microbreweries/small breweries into commercial areas of the City?

Do you have any specific recommendations as to how many barrels per year the City's code should specify for microbreweries?

Do you have any other recommendations or comments?

Would you be willing to attend a Planning Commission meeting to speak in favor of this code change?



**10-20-2014**

**Phone Interview with**

**Arkansas Department of Finance and Administration - Alcoholic Beverage Control Division**

**Michael Langley, Director**

**Interview by Andrew Garner, City Planning Director**

Definition of microbrewery

Mr. Langley described the threshold for microbreweries as currently regulated by the state:

1. Microbrewery/restaurant allows for production of less than 5,000 barrels per year but the product must be sold at the restaurant in a retail, not wholesale, setting.
2. Small brewer allows for production of less than 20,000 barrels per year for wholesale.

The state will likely change these definitions in the next legislative session. These definitions appear to be fairly outdated for current practices. These definitions were approved when there were very few small brewers/microbreweries in the state. The American Brewer's Association defines a microbrewery as allowing production of less than 15,000 barrels per year, different than the state, that does not specifically define a microbrewery like the ABA.

Land use impacts

Mr. Langley discussed the impact and complaints/issues that ABC has had with these types of uses. In general the smaller brewers are very compatible in commercial and restaurant settings. They very rarely, if ever, receive complaints from any neighbors. The types of complaints for microbreweries have been limited to noise associated with people in the restaurant/bar setting. Problems encountered with microbreweries have not been associated with the land use or impact of the breweries, but centered around the businesses not complying with environmental regulations and asking for forgiveness instead of permission. In general he was supportive of code changes to allow microbreweries in commercially zoned areas and feels that the impact is no more than that of a typical restaurant. He also discussed the positive effect on tourism in a community that microbreweries can bring, which is a major benefit to a community that should be considered.

11-07-14

Fayetteville Visitor's Bureau

Jessie Leonard, Communications Manager

Fayetteville Ale Trail

[jleonard@experiencefayetteville.com](mailto:jleonard@experiencefayetteville.com)

**Interview with Andrew Garner, City Planning Director**

Tell me about the Fayetteville Ale Trail?

*It is a tour of local breweries. We have created a passport with the breweries on the passport and customers go around to each brewery to have their passport stamped. Six are on the tour now, one more in Bentonville opening very soon so there will be seven.*

How many visitor's per year are attributed to the Fayetteville Ale Trail or breweries in general?

*We launched the program last August. We have printed over 20,000 passports, given out about 19,500 passports since we started the program and are starting to print more. We can't sell anything related to it. But, we have a little incentive if each brewery has stamped the passport we will give the customers a little bottle opener, etc. We get requests all the time from people all of the country for the passports.*

What are some of the benefits of micro-breweries?

*It is a big up and coming trend in the tourism industry. We found we were having so many visitors requesting the information on local breweries that we started the Ale Trail program. It is a unique attraction because you are meeting the brewer, taking a tour, and sampling the product. They are great assets to the community. All of the local brewers we work with are all super-involved in the community. For example the employees at Fossil Cove all go down the trails on Friday and pick up trash. From our perspective it is a great benefit.*

Would you be willing to attend a Planning Commission meeting to speak in favor of this code change?

yes

STATISTICS**CRAFT BEER INDUSTRY MARKET SEGMENTS**

There are four distinct craft beer industry market segments: brewpubs, microbreweries, regional craft breweries and contract brewing companies.

**Microbrewery**

A brewery that produces less than 15,000 barrels (17,600 hectoliters) of beer per year with 75 percent or more of its beer sold off-site. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and, directly to the consumer through carry-outs and/or on-site tap-room or restaurant sales.

View list of [U.S. Microbreweries](#)

**Brewpub**

A restaurant-brewery that sells 25 percent or more of its beer on site. The beer is brewed primarily for sale in the restaurant and bar. The beer is often dispensed directly from the brewery's storage tanks. Where allowed by law, brewpubs often sell beer "to go" and /or distribute to off site accounts. Note: BA re-categorizes a company as a microbrewery if its off-site (distributed) beer sales exceed 75 percent.

View list of [U.S. Brewpubs](#)

**Contract Brewing Company**

A business that hires another brewery to produce its beer. It can also be a brewery that hires another brewery to produce additional beer. The contract brewing company handles marketing, sales and distribution of its beer, while generally leaving the brewing and packaging to its producer-brewery (which, confusingly, is also sometimes referred to as a contract brewery).

**Regional Craft Brewery**

An independent regional brewery with a majority of volume in "traditional" or "innovative" beer(s).

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**Regional Brewery**

A brewery with an annual beer production of between 15,000 and 6,000,000 barrels.

View list of [U.S. Regional Breweries](#)

**Large Brewery**

A brewery with an annual beer production over 6,000,000 barrels.

View list of [U.S. Large Breweries](#)

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## Title 2, Subtitle B | Definitions

### Section 2.5.1

**“Microbrewery-Restaurant”** means any establishment in which beer is both brewed and sold at retail in a restaurant setting under the same ownership in the same building or attached buildings. The operation of the microbrewery-restaurant shall be a limited exception to the three-tier system as defined in other parts of these Regulations. A microbrewery-restaurant establishment shall be allowed to brew beer or other malt beverage products, as defined in ACA § 3-5-1202, and such beer or malt beverage products may be brewed in one or more varieties to be served in the restaurant operated at the same premises. The microbrewery-restaurant shall be limited to a production of 5000 barrels of malt beverage products per year, with each barrel having a volume of thirty-one (31) gallons. The beer or malt beverage brewed at the microbrewery operation shall only be sold at the restaurant maintained at the same premises, as defined in Act 611 of 1991 and shall be dispensed at such restaurant for on premises consumption only. The restaurant may purchase beer from other

manufacturers of beer as set forth in that Act for sale and dispensing at the restaurant operation. (Amended 8-15-01)

### **Section 2.5.2**

**"Arkansas Native Brewer"** means any small brewery or microbrewery-restaurant permitted under the provisions of Act 1805 of 2003, as amended. A small brewery permitted under this law shall have the authority to manufacture and sell beer and malt beverages not to exceed an aggregate quantity of 30,000 barrels per year. The small brewery may sell to wholesalers, to retail license holders and other small brewery license holders, or to the consumer at the brewery facility. In addition, under the provisions of Act 1459 of 2009 the operator of a small brewery may serve complimentary samples of beer produced by the small brewery or by another licensed small brewery and may sell at retail by the drink or by the package beer produced by the small brewery or produced by another small brewery if all sales occur in a wet territory. Authorized sales as described above may occur at the small brewery location property, any small brewery – off premise retail site or at fairs and food and beer festivals as described in Act 1459. If the small brewery determines that it wishes to sell its own products to another small brewery, or to retail license holder it shall obtain a small brewery wholesale permit. A microbrewery-restaurant operator who operates under the Arkansas native brewer permit may manufacture beer and malt beverages in an aggregate quantity not to exceed 5000 barrels per year. The microbrewery-restaurant may sell to wholesalers, to other retail dealers or to the consumer at the microbrewery-restaurant for consumption either on or off the premises. The microbrewery restaurant must obtain a separate retail permit that authorizes the sale of wine for on premises consumption at the property. Off premises sales are limited to those brand name products which are produced at the permitted facility. Native brewer permittees may sell their beer and malt beverage products for on or off premises consumption during all legal operating hours of the business in which the business is normally and legally conducted, on any day of the week, unless otherwise prohibited by law, if the native brewer provides tours and provides that only sealed containers are removed from the premises. (Amended 8-19-09)

<http://www.dfa.arkansas.gov/offices/abc/rules/Pages/title2SubtitleB.aspx>

accessed 10/20/2014

**Garner, Andrew**

---

**From:** Buddy Black <buddy@arkansasbusinessbrokers.com>  
**Sent:** Monday, November 24, 2014 3:26 PM  
**To:** Garner, Andrew  
**Subject:** Ordinance change

I think this is a positive step and I would use this to show potential customers of smaller business.

--

Buddy Black  
Cantrell-Griffin Business Brokers  
5100 S. Thompson  
Springdale, AR 72764  
Cell 479-236-7800  
Ph. 479-521-8529  
Fax 479-927-4486  
[buddy@arkansasbusinessbrokers.com](mailto:buddy@arkansasbusinessbrokers.com)  
<http://www.arkansasbusinessbrokers.com>

## Garner, Andrew

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**From:** jesse@corebeer.com  
**Sent:** Monday, November 24, 2014 10:29 AM  
**To:** Garner, Andrew  
**Subject:** RE: City of Fayetteville Ordinance Change for Microbreweries

Excellent stuff Andrew. Cheers, Jesse

Take Pride!

-----  
Jesse Core, MBA, PMP  
Founder, Core Brewing & Distilling Co.  
www.CoreBeer.com  
jesse@corebeer.com  
479-879-2469  
www.FaceBook.com/CoreBrew

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----- Original Message -----

**Subject:** City of Fayetteville Ordinance Change for Microbreweries  
**From:** "Garner, Andrew" <agarner@fayetteville-ar.gov>  
**Date:** Mon, November 24, 2014 10:23 am  
**To:**  
**Cc:** "Garner, Andrew" <agarner@fayetteville-ar.gov>

Northwest Arkansas microbrewery industry:

I have interviewed several of you about potential changes to City of Fayetteville laws regarding microbreweries. These potential changes would reclassify a certain size microbrewery from industrial to commercial, allowing this use in commercial and industrial areas of Fayetteville, where they are currently only allowed in industrial areas. We value your input on this potential code change. This topic (among others) will be discussed at a Planning Commission meeting on December 8, 2014, 5:30 p.m., in room 219 of Fayetteville City Hall (113 W. Mountain Street). Feel free to attend and speak at the meeting, or provide your comments in a response to this email.

Thank you for your time,  
Andrew

**Andrew Garner, AICP**  
City Planning Director  
City of Fayetteville, Arkansas  
479.575.8262  
[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

**Garner, Andrew**

---

**From:** Apple Blossom Brewing Co. <appleblossombrewingco@gmail.com>  
**Sent:** Wednesday, November 26, 2014 10:49 AM  
**To:** Garner, Andrew  
**Subject:** Re: City of Fayetteville Ordinance Change for Microbreweries

Thank you! We'll be there!

Cheers,  
Sammie Stephenson  
Apple Blossom Brewing Company

On Mon, Nov 24, 2014 at 10:23 AM, Garner, Andrew <[agarner@fayetteville-ar.gov](mailto:agarner@fayetteville-ar.gov)> wrote:

Northwest Arkansas microbrewery industry:

I have interviewed several of you about potential changes to City of Fayetteville laws regarding microbreweries. These potential changes would reclassify a certain size microbrewery from industrial to commercial, allowing this use in commercial and industrial areas of Fayetteville, where they are currently only allowed in industrial areas. We value your input on this potential code change.

This topic (among others) will be discussed at a Planning Commission meeting on December 8, 2014, 5:30 p.m., in room 219 of Fayetteville City Hall (113 W. Mountain Street). Feel free to attend and speak at the meeting, or provide your comments in a response to this email.

Thank you for your time,

Andrew

**Andrew Garner, AICP**

City Planning Director

City of Fayetteville, Arkansas

[479.575.8262](tel:479.575.8262)

[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)



## Garner, Andrew

---

**From:** Chung Tan <CTan@fayettevillear.com>  
**Sent:** Sunday, December 07, 2014 9:42 PM  
**To:** Garner, Andrew  
**Cc:** Steve Clark  
**Subject:** RE: ordinance for small scale production/manufacturing

Hi Andrew:

Thanks for the opportunity to comment on this ordinance change.

We commend you and your division for seeing the need for this change. From the chamber's standpoint, this is a positive change. By allowing small manufacturing/assembly/production uses in certain commercial uses,

- 1) we are meeting and responding to emerging demands/trends such as microbreweries, and micro-enterprises
- 2) by doing so, we continue to build our ecosystem to support entrepreneurship
- 3) we are adding back some "industrial" uses into the inventory. This helps to balance some of the "industrial" spaces we lost from the inventory when we approved rezoning requests in the past.
- 4) Last but not least, this could help to offer a buffer zone between residential to retail to office/semi-commercial/production to industrial.

Hope this helps.

Chung

---

**From:** Garner, Andrew [mailto:agarner@fayetteville-ar.gov]  
**Sent:** Monday, November 24, 2014 10:35 AM  
**To:** Chung Tan  
**Subject:** ordinance for small scale production/manufacturing

Chung,

A couple of weeks ago I mentioned to you that the City Planning Division is looking at an ordinance change that would allow small manufacturing/production uses in certain commercial areas, where they are currently only allowed in industrial-zoned property. This would open up re-use of existing commercial buildings for uses such as a microbrewery, small cabinet shop, or other low intensity manufacturing/production businesses.

We value the chamber's input on this potential code change. This item will be discussed at a Planning Commission meeting on December 8, 2014, 5:30 p.m., in room 219 of Fayetteville City Hall (113 W. Mountain Street). Feel free to attend and speak at the meeting, or provide your input in a response to this email.

Thanks,  
Andrew

**Andrew Garner, AICP**  
City Planning Director  
City of Fayetteville, Arkansas  
479.575.8262

[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

**ADM 14-4896  
EXHIBIT "A"**

*§162.01 (SS) Unit 45. Small scale production*

(1) *Description.* Unit 45 is provided in order that increased variety and flexibility of non-residential goods, services, and employment centers may be provided in close proximity to residences and commercial uses. These uses may have adverse impacts because of high traffic, delivery vehicles, noise, or odors and may pose compatibility issues if they are not limited in size.

(2) *Included uses.*

Unit 42. Clean technologies	All uses within Unit 42 are permitted with a maximum gross floor area of 5,000 square feet
Microbrewery; microwinery; microdistillery	Maximum gross floor area of 10,000 square feet for the manufacturing portion of the facility and production of less than 15,000 barrels per year
Boutique/specialty manufacturing (maximum gross floor area of 5,000 square feet)	<ul style="list-style-type: none"><li>•Specialty food manufacturers with or without a retail store front</li><li>•Coffee roasting facility</li><li>•Other specialty manufacturers that have minimal impacts to adjoining properties compared with what is typically generated by similar uses within the designated zoning district, as determined by the Zoning and Development Administrator</li></ul>

**ORDINANCE NO.**

AN ORDINANCE AMENDING TITLE IV: UNIFIED DEVELOPMENT CODE OF THE CITY OF FAYETTEVILLE, TO AMEND CHAPTERS 151, 161, 162 AND 166 TO CREATE A NEW USE UNIT FOR SMALL SCALE PRODUCTION INCLUDING BOUTIQUE AND SPECIALTY MANUFACTURING AND TO PLACE THIS NEW USE UNIT IN APPROPRIATE ZONING DESIGNATIONS.

**WHEREAS**, City of Fayetteville Planning Staff has identified a need for a new use unit to allow for small scale specialty manufacturing; and

**WHEREAS**, recent trends in the manufacturing of handmade and craft products are directed towards smaller scale and locally produced products; and

**WHEREAS**, the current zoning and development code does not currently specifically address these types of small scale operations; and

**WHEREAS**, Planning Staff has determined that these types of uses, if scaled appropriately, are compatible with neighborhood land uses.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of Fayetteville, Arkansas hereby adds the following definitions to Chapter 151: Definitions:

*Coffee roasting facility.* A facility in which unprocessed green coffee may be sorted, roasted and processed or packaged for use and consumption.

*Microbrewery/microdistillery/microwinery.* An establishment for the manufacture, blending, fermentation, processing and packaging of no more than 15,000 barrels of alcoholic beverages per year. It may serve alcoholic beverages for sampling on the premises and may also have wholesale and resale for sales of alcoholic beverages produced on the premises.

Section 2: That the City Council of Fayetteville, Arkansas hereby amends Chapter 161: Zoning Regulations by inserting Use Unit 45, Small Scale Production as a Conditional Use in the following Zoning Districts:

161.16 NS, Neighborhood Services  
161.17 R-O, Residential Office

Section 3: That the City Council of Fayetteville, Arkansas hereby amends Chapter 161: Zoning Regulations by inserting Use Unit 45, Small Scale Production as a Permitted Use in the following Zoning Districts:

161.18 C-1, Neighborhood Commercial  
161.19 CS, Community Services  
161.20 C-2, Thoroughfare Commercial  
161.21 UT, Urban Thoroughfare  
161.22 C-3, Central Commercial  
161.23 DC, Downtown Core  
161.24 MSC, Main Street Center  
161.25 DG, Downtown General

Section 4: That the City Council of Fayetteville, Arkansas hereby amends Chapter 162: Use Units by inserting Use Unit 45, Small Scale Production as shown on Exhibit "A" attached hereto and made a part hereof.

Section 5: That the City Council of Fayetteville, Arkansas hereby amends Chapter 166: Development by repealing the first paragraph of §166.25(B) and replacing it with the following language:

§166.25(B) *Applicability.* These design and development standards apply to commercial developments, office developments, Small Scale Production, those parts of a Planned Zoning District or other mixed use developments with commercial and office elements and to industrial developments within the I-540 Overlay District.

PASSED and APPROVED this    day of    , 2015.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN**, Mayor

By: \_\_\_\_\_  
**SONDRA E. SMITH**, City Clerk/Treasurer

**ADM 14-4896  
EXHIBIT “A”**

*§162.01 (SS) Unit 45. Small scale production*

(1) *Description.* Unit 45 is provided in order that increased variety and flexibility of non-residential goods, services, and employment centers may be provided in close proximity to residences and commercial uses. These uses may have adverse impacts because of high traffic, delivery vehicles, noise, or odors and may pose compatibility issues if they are not limited in size.

(2) *Included uses.*

Unit 42. Clean technologies	All uses within Unit 42 are permitted with a maximum gross floor area of 5,000 square feet
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