

ADDITIONAL BACKGROUND INFORMATION

ZONING AMENDMENT REQUEST

FROM **FORT SMITH
BREWING CO**

DATED SEPTEMBER 18, 2015

October 2014

Saddlebock Brewery

18244 Habberton Road

Springdale, AR 72764

479.419.9969

Owner: Steve

Steve's cell: 479.422.1797

steve@saddlebock.com

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 3rd 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 glassware 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. 1st St.

Rogers, AR 72756

479.636.2337

Lacie Bray, Director

lacie@ozarkbeercompany.com

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

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

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

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

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).

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

SMALL BREWERY INFORMATION

Required brewing equipment:

Average Sizes:

	<u>5bbl</u>	<u>10bbl</u>	<u>15bbl</u>	<u>20bbl</u>
Brewing Kettle	33sqft	72sqft	108sqft	150sqft
Fermenters	13sqft	17sqft	22sqft	28sqft
Brite Tanks	13sqft	21sqft	30sqft	42sqft
Hot/Cold Liquor Tank	-----	33sqft	50sqft	100sqft
Kegs	2.25sqft	same size for all brewing systems		
Walk-in Freezer for Storage	100sqft	same size for all brewing systems		

Space away from walls should be at least 2sqft each

A walk way between sets of tanks should be at least 120sqft

A storage area for grains, supplies etc should be at least 200sqft

A small canning or bottling line should be at least 120sqft

A keg system/cleaner should be at least 150 sqft

Keg, bottle, or can storage should be at least 400sqft

Research Brewing System should be at least 100sqft

Minimum total of space needed for non-brewing equipment: 1400sqft

These barrel sizes are assuming high ceilings. Many small commercial locations will have lower ceilings resulting in higher square footage taken up for shorter, fatter brewing equipment.

A Barrel(bbl) of beer is equal to 2 kegs or 250 pints on average

There are two types of beer: Ales & Lagers

Ales typically take 2 weeks to ferment and Lagers typically take 3-4 weeks to ferment

See exhibit below on Page 2 for calculations and examples of yearly production.

See the exhibits below on Page 3 for maximum yearly production based on barrel system and beers brewed per week.

Given the size of brewing equipment, nearly all microbreweries will not have anything larger than a 20 barrel system in 5000 square feet unless the location has ceiling heights in excess of 14 feet.

Brewing 5000 barrels in a year on a 20 barrel system with 6 beers on tap would require 10 fermenters and 6 brite tanks if all beers were ales. This would require a minimum of 1900 square feet. 2600 square feet would be more likely for this much equipment. Even more fermenters would be required if lagers are being brewed since they take longer to ferment. And even more space would be required assuming the ceilings are no higher than 10 or 12 feet as the larger brewing equipment tends to be short and wide under those ceiling heights. This is the bare minimum square footage and would not allow for tours; which are required to be provided according to certain brewing permits from the Arkansas Alcohol Beverage Control Administration.

With this knowledge, you can see that it is impossible to create a truly industrial facility with the amendment we are proposing. This amendment would allow for a unique business to be located in an area much more attractive to customers and tourists than an ugly industrial zoned warehouse district. By approving the amendment, the City of Fort Smith would be advancing economic development and offering small businesses, that manufacture and retail on-site, the opportunity to reach more customers and grow into community businesses.

Calculation of Annual Production

System Size (Brewhouse Size) x Number of brews per week x 50 weeks per year = Annual Production

Example : 10 Barrels (bbls) x 3 brews/week x 50 weeks/year = 1500 bbls/year

Calculation of No. of Fermenters Required

Desired Annual Production = No. of Fermenters (to meet desired annual production)
(Brewhouse Size x Vessel Cycles/year)

Sizing for a Brewpub – Example

Parameters:

“1000 barrels per year; 75% Ales, 25% Lagers”

50 brewing weeks / year

14 Day Ales / 28 Day Lagers with full fermentation in fermenters

Ales – 25 cycles / fermenter / year (50 brewing weeks / 2 week fermentation)

Lagers – 12.5 cycles / fermenter / year (50 brewing weeks / 4 week fermentation)

6 beers on tap

Calculate system size and number of fermenters

For example

3.5 barrel system 1000 barrels / year / 3.5 barrel system / 50 brewing weeks/year = 5.8 brews per week

7 barrel system 1000 barrels / year / 7 barrel system / 50 brewing weeks/year = 2.9 brews per week

10 barrel system 1000 barrels / year / 10 barrel system / 50 brewing weeks/year = 2 brews per week

15 barrel system 1000 barrels / year / 15 barrel system / 50 brewing weeks/year = 1.3 brews per week

Comment – One must look at the labor component in selecting a system size.

Most properly sized brewpubs brew 2 – 3 times per week in their first couple of years of operation.

“For this example, either the 7 or 10 barrel system is recommended.”

Number of fermenters required

Projected: 750 bbls Ales (75%) & 250 bbls Lagers (25%)

For 7 barrel system

Ales —> 750 bbls / year / (7 bbls x 25 cycles/year) = 4.2 = 5 Fermenters

Lagers —> 250 bbls / year / (7 bbls x 12.5 cycles/year) = 2.8 = 3 Fermenters

Total —> 7 – 8 Fermenters to produce 750 bbls Ales and 250 bbls Lagers

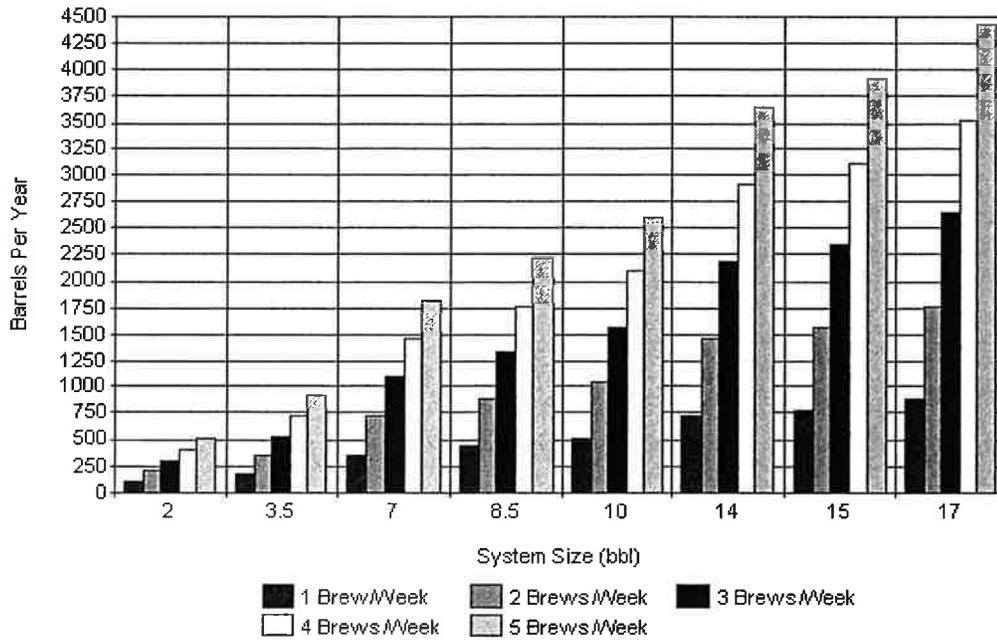
For 10 barrel system

Ales —> 750 bbls / year / (10 bbls x 25 cycles/year) = 3 Fermenters

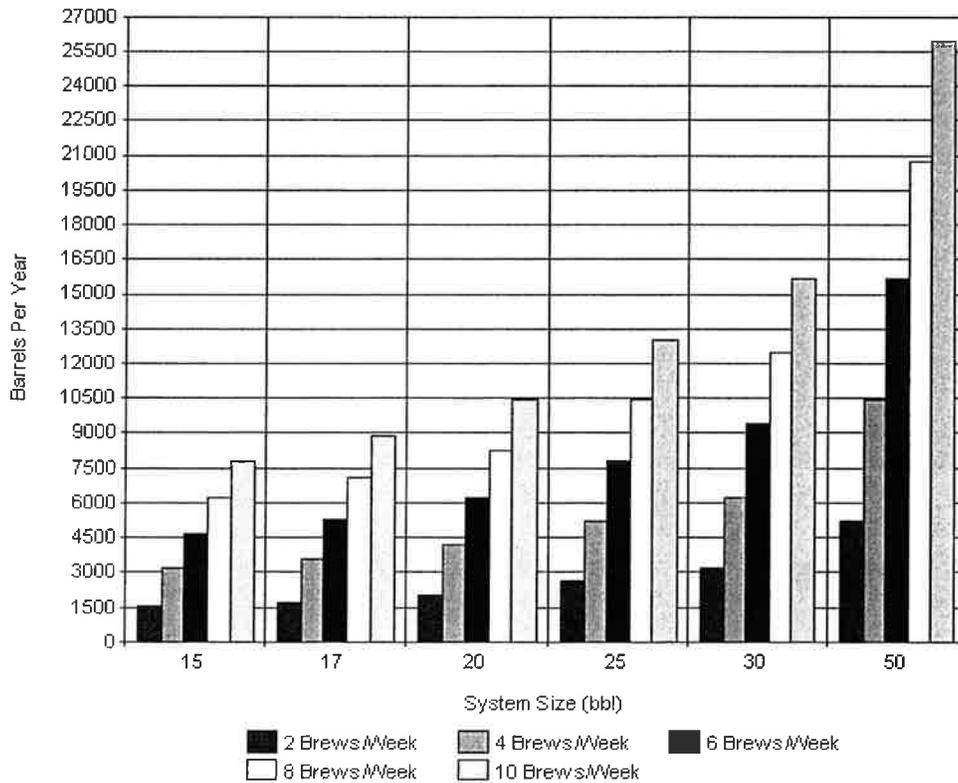
Lagers —> 250 bbls / year / (10 bbls x 12.5 cycles/year) = 2 Fermenters

Total —> 5 Fermenters to produce 750 bbls Ales and 250 bbls Lagers

BREW PUB ANNUAL PRODUCTION RANGE



MICROBREWERY ANNUAL PRODUCTION RANGE



To use this chart pick the size of brewery you are looking for then choose how many brews per week you wish to do and correspond that with the barrels per year on the left hand side of the chart.

ORDINANCE NO. 5735

AN ORDINANCE AMENDING TITLE XV: 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 BOTIQUE 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.

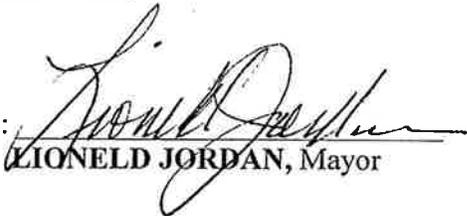
Section 5: That the City Council of Fayetteville, Arkansas hereby amends Chapter 166: Development by repealing the first paragraph of §166.25(B) and replacing it with the following language:

§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 20th day of January, 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
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">•Specialty food manufacturers with or without a retail store front•Coffee roasting facility•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



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323

Text File

File Number: 2014-0576

Agenda Date: 1/20/2015

Version: 1

Status: Passed

In Control: City Council

File Type: Ordinance

Agenda Number: B. 2

AMEND CHAPTERS 151, 161, 162 and 166 (ADM 14-4896 UDC AMENDMENT SMALL-SCALE PRODUCTION):

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.

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

Division / 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
Budgeted Item? <u>NA</u>	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance \$ -
Does item have a cost? <u>No</u>	Item Cost
Budget Adjustment Attached? <u>NA</u>	Budget Adjustment
	Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: 1-20-15

Comments:



CITY COUNCIL AGENDA MEMO

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.

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.

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 year¹. 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.

¹ 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	Permitted Use
NS, Neighborhood Services	C-1, Neighborhood Commercial
R-O, Residential Office	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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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	Slidewalk 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
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 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
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 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
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 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
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 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
Unit 45	Small scale production

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.*

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

(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"> •Airport, flying fields and heliport •Bed and breakfast facilities* •Campground •Community Recycling Drop-off Facility •Plant nursery •RV sewage disposal facility •Solid waste disposal facility
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Fayetteville Code of Ordinances

(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.

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)	•Specialty food manufacturers with or without a retail store front •Coffee roasting facility •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

(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,

166.25 Commercial, Office and Mixed Use Design And Development Standards

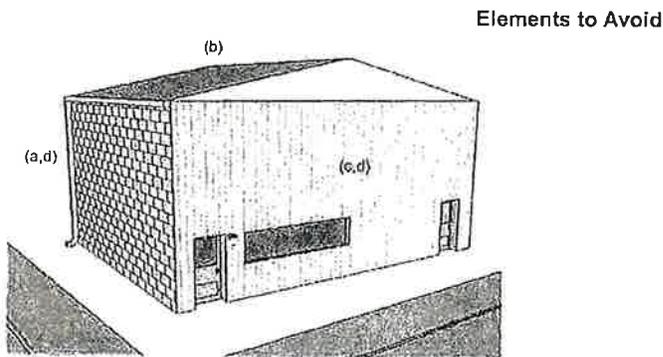
(A) Purposes.

- (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;



- (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.