

**TITLE XV UNIFIED DEVELOPMENT CODE  
CHAPTER 162: USE UNITS**

**162.01 ESTABLISHMENT/LISTING ..... 3**

**162.02 INTERPRETATION..... 12**

**162.03 CONDITIONS OF USE ..... 12**

**162.04 ENCLOSURE OF USES..... 12**

**162.05-162.99 RESERVED ..... 12**



**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	Offices, studios and related services
Unit 13	Eating places
Unit 14	Hotel, motel and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 17	Trades and services
Unit 18	Gasoline service stations & drive-in 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	Professional offices
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

(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.

Fayetteville Code of Ordinances

(2) *Included uses.*

Public and private facilities:	<ul style="list-style-type: none"> <li>•Antique shop</li> <li>•Airport, flying fields and heliport</li> <li>•Bed and breakfast facilities*</li> <li>•Campground</li> <li>•Plant nursery</li> <li>•RV sewage disposal facility</li> <li>•Solid waste disposal facility</li> <li>•Water recreation area</li> </ul>
Temporary facilities:	<ul style="list-style-type: none"> <li>•Carnival, circus, and tent revival*</li> <li>•Construction facility</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>•Sanitary landfill area</li> </ul>

(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.

TITLE XV. UNIFIED DEVELOPMENT CODE

(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 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. Offices, studios, and related services.*

(1) *Description.* Unit 12 consists of offices, studios, medical and dental labs and other compatible or supporting services and sales.

(2) *Included uses.*

Advertising agency	
Artist's studio	
Computing service	
Data processing service	
Drafting service	
Dental clinic	
Financial institution	
Funeral home	
Medical clinic	
Office buildings	
Social and welfare agencies	
Sale of supplies and equipment:	<ul style="list-style-type: none"> <li>•Architects and artists supplies</li> <li>•Business machines</li> <li>•Dental supplies</li> <li>•Medical and optical supplies</li> <li>•Office furnishings</li> </ul>
Scientific instruments	
Services:	<ul style="list-style-type: none"> <li>•Auto parking garage</li> <li>•Animal daycare (10 animals or less)</li> <li>•Blueprinting</li> <li>•Bail bonding agency</li> <li>•Employment agency</li> <li>•Photocopying</li> <li>•Printing</li> <li>•Ticket office, transportation and amusement</li> <li>•Travel agency</li> </ul>

Fayetteville Code of Ordinances

	•Veterinary small animal out-patient clinic
--	---

(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 areas.

(2) *Included uses.*

Retail Trade

Apparel and accessory	
Bicycle shop	
Bookstores	
Camera shop	
Cellular telephones and accessories	
Clothing	
Drugstore	
Florists	
Food:	<ul style="list-style-type: none"> <li>•Bakery</li> <li>•Food specialty stores</li> <li>•Dairy products</li> <li>•Grocery</li> <li>•Supermarkets</li> <li>•Delicatessen</li> <li>•Health food store</li> </ul>
Home furniture store	
Jewelry	
Hardware store	
Hobby shop	
Laundry-coin operated	
Leather goods and luggage	
News and magazine stand	
Optical goods	
Pet shop	
Picture framing, retail	
Radio and television store	
Record, tape, and cd shop	
Recreational Vehicle Sales (interior display only, no outdoor display/sales)	<ul style="list-style-type: none"> <li>•Scooter/Motorcycle</li> <li>•ATV</li> <li>•Personal watercraft</li> </ul>
Service establishment:	<ul style="list-style-type: none"> <li>•Dry cleaning</li> <li>•Barber and beauty shop (6 or fewer chairs)</li> <li>•Laundry</li> </ul>
Shoe	
Sporting goods	
Stationary store	
Tailoring	
Toy shop	
Video rental store	

(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 community-wide or regional market.

TITLE XV. UNIFIED DEVELOPMENT CODE

(2) *Included uses.*

Retail trade establishments:	<ul style="list-style-type: none"> <li>•Fur apparel</li> <li>•Millinery</li> </ul>
Automotive, marine craft establishment:	<ul style="list-style-type: none"> <li>•Auto accessory store</li> <li>•Boat and accessory store</li> <li>•Dry goods</li> <li>•Garden supply</li> </ul>
General Merchandise:	<ul style="list-style-type: none"> <li>•Department store</li> <li>•Mail order</li> <li>•Trading stamp redemption store</li> </ul>
Home furniture:	<ul style="list-style-type: none"> <li>•Appliances</li> <li>•China, glassware</li> <li>•Draperies, curtains</li> <li>•Floor coverings</li> <li>•Furniture</li> <li>•Music instruments</li> </ul>
Personal services:	<ul style="list-style-type: none"> <li>•Auto rental agency office</li> <li>•Barber and beauty shops (with more than 6 chairs)</li> <li>•Costume rental service</li> <li>•Detective service</li> <li>•Gunsmith</li> <li>•Interior decorating</li> <li>•Locksmith</li> <li>•Optician/Optomtrist</li> <li>•Photo finishing</li> <li>•Photographic studio</li> <li>•Picture framing</li> <li>•Reading rooms</li> <li>•Sign painting</li> <li>•Watch and jewelry repair</li> <li>•Weight loss center</li> </ul>
Transportation service:	<ul style="list-style-type: none"> <li>•Bus station</li> <li>•Express service</li> <li>•Helistop</li> <li>•Railway terminal</li> <li>•Taxicab station</li> </ul>

(Q) *Unit 17. Trades and services.*

(1) *Description.* Unit 17 consists of establishments engaged primarily in providing household and automotive 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.

(2) *Included uses.*

Retail trade establishments, general:	<ul style="list-style-type: none"> <li>•Automotive sales, service and repair, including body shop *</li> <li>•Buses</li> <li>•Manufactured home sales</li> <li>•Motorcycle sales, including service and repair</li> <li>•Truck sales, including service and repair</li> <li>•Trailer sales, camping, hauling, travel</li> <li>•Used car lots</li> <li>•Farm supplies and equipment and repair</li> </ul>
General merchandise establishment:	<ul style="list-style-type: none"> <li>•Direct selling</li> </ul>
Merchandise vending machine operations	
Institutional furniture and furnishings	
Marine craft, sales & service:	<ul style="list-style-type: none"> <li>•Boats and accessories</li> </ul>
Medical and orthopedic appliances	
Personal help:	<ul style="list-style-type: none"> <li>•Animal hospital</li> <li>•Animal daycare</li> <li>•Auctioneer</li> <li>•Bindery</li> <li>•Body piercing</li> <li>•Cabinetmaker</li> <li>•Frozen food locker</li> <li>•Drapery service</li> <li>•Linen supply and industrial laundry</li> <li>•Packing and crating</li> <li>•Rug cleaning</li> <li>•Tattoo services</li> <li>•Taxidermist</li> <li>•Tool sharpening repair service</li> <li>•Armature rewinding</li> <li>•Auto wash</li> <li>•Electrical repair service</li> <li>•Furniture repair</li> <li>•Motor repair</li> <li>•Radio and television repair</li> <li>•Reupholstery</li> <li>•Rug repair</li> </ul>

(R) *Unit 18. Gasoline service stations and drive-in 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 restaurant *

Fayetteville Code of Ordinances

(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 and ice establishments:	<ul style="list-style-type: none"> <li>•Bottled gas</li> <li>•Fuel dealer</li> <li>•Fuel oil</li> <li>•Ice house</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>•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>•Water well drilling</li> <li>•Housing for caretakers</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.

TITLE XV. UNIFIED DEVELOPMENT CODE

(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	<ul style="list-style-type: none"> <li>•Tirecapping</li> </ul>
Wrecking and demolition services	
Apparel products:	<ul style="list-style-type: none"> <li>•Industrial leather belting</li> </ul>
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:	<ul style="list-style-type: none"> <li>•Paperboard containers</li> </ul>
Petroleum and related industries:	<ul style="list-style-type: none"> <li>•Coal yard</li> <li>•Lubricating oils and greases</li> </ul>
Primary metal industry:	<ul style="list-style-type: none"> <li>•Foundry</li> </ul>
Stone products	
Housing for caretakers	

(X) *Unit 24. Home occupation.*

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

conducted in a dwelling unit, and generates motor vehicle traffic to the dwelling unit. Only those residing in the dwelling unit are employed by the home occupation.

(2) *Included uses.*

Home child care, no more than six children	
Instructional services:	<ul style="list-style-type: none"> <li>Art</li> <li>Crafts</li> <li>Dance</li> <li>Music</li> <li>Tutoring</li> </ul>
Professional services:	<ul style="list-style-type: none"> <li>Architects</li> <li>Insurance agents</li> <li>Lawyers</li> <li>Real estate agents</li> <li>Accountants</li> <li>Editors</li> <li>Publishers</li> <li>Graphic designers</li> <li>Travel agents</li> </ul>
Repair services:	<ul style="list-style-type: none"> <li>Clocks and watches</li> <li>Computers</li> <li>Electronic devices</li> <li>Lawnmowers</li> <li>Small appliances</li> <li>Small engines</li> </ul>

(Y) *Unit 25. Professional offices.*

(1) *Description.* Unit 25 consists of small professional offices that are compatible with medium and high density residential areas.

(2) *Included uses.*

Doctor's office (no more than four doctors)
Dentist's office (no more than four dentists)
Insurance sales
Studio for teaching any of the fine or liberal arts
Photography studio
Welfare agencies
Architect
Engineer
Attorney
Accountant
Business or management consultant
Realtor
Broker
Interior decorator

Fayetteville Code of Ordinances

(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.
- (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 warehousing:	Livestock 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	

TITLE XV. UNIFIED DEVELOPMENT CODE

(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.*

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

Fayetteville Code of Ordinances

environmental impacts, create new technologies or improve the productive and responsible use of natural resources.

Ord. 5203, 12-2-08; Ord. 5195, 11-6-08; Ord. 5226, 3-3-09; Ord. 5238, 5-5-09)

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

Alternative Energy Fabrication and Storage Components:	<ul style="list-style-type: none"> <li>•Wind</li> <li>•Solar</li> <li>•Fuel cells</li> <li>•Batteries</li> <li>•Hybrid systems</li> </ul>
Fabrication or Production of Materials:	<ul style="list-style-type: none"> <li>•Nano Technologies</li> <li>•Solar panels</li> <li>•Computer components, such as microchips</li> <li>•Advanced packaging</li> </ul>
Research and Development:	<ul style="list-style-type: none"> <li>•Monitoring and control systems</li> <li>•Energy infrastructure management</li> <li>•Energy efficiency management</li> <li>•Materials and recycling management</li> <li>•Transportation logistics</li> <li>•Environmental cleanup and safety</li> <li>•Scientific or high tech research laboratories</li> </ul>

**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)

*(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

(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;

**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, 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**