

CHAPTER 3: USE UNITS

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CHAPTER 3: USE UNITS

3.01 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 4, Use Conditions and Chapter 5 Supplemental Regulations.

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| Unit 1 | City-wide uses by right |
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| Unit 38 | Mini-storage units |
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| 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.

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| Agricultural, forestry, and fishery: | <ul style="list-style-type: none"> •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.

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(2) *Included uses.*

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| Public and private facilities: | <ul style="list-style-type: none"> •Airport, flying fields and heliport •Bed and breakfast facilities* •Campground •Plant nursery •RV sewage disposal facility •Solid waste disposal facility •Water recreation area |
| Temporary facilities: | <ul style="list-style-type: none"> •Carnival, circus, and tent revival* •Construction facility •Real estate sales office (located at a specific location in an underdeveloped subdivision and operated for the purpose of developing said subdivision) |

(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.*

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

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|-------------------------------------|---|
| 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"> •Elementary •Junior High •Senior High |
| Swimming pool | |
| Tennis court | |
| Theater | |

(E) *Unit 5. Government facilities.*

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

(2) *Included uses.*

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| 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.

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(2) *Included uses.*

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

(G) *Unit 7. Livestock*

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

(2) *Included uses.*

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

(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.*

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| Single-family dwellings |
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(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.*

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| 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.*

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| 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.*

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| Manufactured home park * |
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(L) *Unit 12. Limited business. **

(1) *Description.* Unit 12 consists of small-scale establishments offering commercial goods and services that are accessible for the convenience of individuals living in residential districts, while compatible in size, scale and appearance with the surrounding neighborhood. These uses shall be subject to the regulations in Chapter 5. All uses classified under Unit 12 must be within a building containing 3,000 square feet or less.

(2) *Included uses.*

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

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| | <ul style="list-style-type: none"> •Consultant •Doctor •Dentist •Engineer •Insurance Sales •Interior Designer •Optometrist •Realtor •Welfare agency |
| Studios for (Maximum gross floor area of 3000 square feet) | <ul style="list-style-type: none"> •Art •Dance •Music •Photography •Pottery •Martial Arts |

(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.*

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| 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.*

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| 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. All uses classified under Unit 15 must be within a building containing 25,000 square feet or less.

(2) *Included uses.*

Retail Trade

| | |
|---|---|
| Personal services | <ul style="list-style-type: none"> •Barber/Salon •Laundry facility •Dry cleaning •Tailoring |
| Retail | <ul style="list-style-type: none"> •Apparel and accessory •Bakery, pastry shops •Bicycle shop •Bookstores •Coffee shop •Delicatessen •Drugstore •Electronics •Florists •Food specialty stores •Furniture and Home Décor •Grocery •Hardware store •Health food store •Hobby/craft shop •Ice cream •Jewelry/watch sales and repair •Meat market •Music instruments •News and magazine stand •Optical goods •Pet shop •Photography Studio •Picture framing •Shoe store •Sporting goods •Stationary store •Toy store •Video rental |
| Vehicular Sales (interior display only) | <ul style="list-style-type: none"> •Automobile •ATV/Motorcycle •Boat/PWC |

(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.

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(2) *Included uses.*

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| Neighborhood Shopping Goods | All uses within Unit 15 are also permitted within Unit 16, without restriction to size |
| General Merchandise: | <ul style="list-style-type: none"> •Department store •Mail order |
| Home/Office: | <ul style="list-style-type: none"> •Appliances •China, glassware •Draperies, curtains •Floor coverings •Furniture |
| Personal services: | <ul style="list-style-type: none"> • Animal daycare •Costume rental service •Detective service •Gunsmith •Interior decorating •Locksmith •Office supplies •Sign painting •Watch and jewelry repair •Weight loss center •Animal hospital •Auctioneer •Bindery •Linen supply and industrial laundry •Rug cleaning, repair •Tattoo and piercing •Taxidermist •Tool sharpening, repair •Electrical repair service •Furniture repair, refinishing |
| Retail | <ul style="list-style-type: none"> • Apparel and accessory •Auto accessory store •Boat and accessory store •Dry goods •Garden supply |

Unit 17. Transportation trades and services.

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

(2) *Included uses.*

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| Retail trade establishments, general: | <ul style="list-style-type: none"> •Automotive sales, •Marine craft sales, repair •Body shops/garages •Motorcycle sales, repair •Truck sales •Trailer, camping, hauling, travel, sales •Used car lots •Farm supplies and equipment and repair •Lawn equipment sales, repair |
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| General merchandise establishment | |
| Merchandise vending machine operations | •Sales and repair |
| Personal help: | <ul style="list-style-type: none"> •Packing and crating •Auto wash •Motor repair |
| Transportation service: | <ul style="list-style-type: none"> •Bus station •Express service •Helistop •Railway terminal •Taxicab station •Car rental |

(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.*

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

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

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

(2) *Included uses.*

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

(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.*

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| Amusement park * |
| Drag strip |

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| 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.*

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

(V) Unit 22. Manufacturing.

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

(2) *Included uses.*

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

(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.*

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

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| Primary metal industry: | •Foundry |
| Stone products | |
| Housing for caretakers | |

(X) Unit 24. Home occupation.

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

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| Home child care, no more than six children | |
| Instructional services: | Art Crafts Dance Music Tutoring |
| Professional services: | Architects Insurance agents Lawyers Real estate agents Accountants Editors Publishers Graphic designers Travel agents Engineers Interior Design |
| Repair services: | Clocks and watches Computers Electronic devices Lawnmowers Small appliances Small engines |

(Y) Unit 25. Studios, offices and related services.

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

(2) *Included uses.*

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| Medical Clinic: | • Dentist's office/clinic • Doctor's office/medical clinic |
| Professional office: | • Accountant • Architect • Attorney • Broker • Engineer |
| Services: | • Advertising agency • Animal daycare (10 animals or less) • Bail bonding agency • Business or management consultant • Computing service • Data processing service • Drafting service • Employment agency • Financial institution • Funeral home |

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| | • Insurance sales • Interior decorator • Photocopying or printing • Realtor • Social and welfare agencies • Veterinary small animal out-patient clinic |
| Studios: | • Photography studio • Studio for teaching any of the fine or liberal arts |

(Z) Unit 26. Multi-family dwellings.

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

(2) *Included areas.*

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| 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.*

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| Wholesale bulk petroleum storage facilities with underground storage tanks |
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(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.*

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| Center for collecting recyclable materials |
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(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.*

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| 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.*

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

(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.*

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| Manufacturing Uses: | Chemical and allied products | |
| | Food and kindred products: | <ul style="list-style-type: none"> •Animal fats and oils rendering •Beverages distilling •Meat slaughtering and packaging |
| | 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 | Inner tubes Tires | |

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| plastic products: | | |
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(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 sexual activities or anatomical areas.
- (2) *Included uses.*

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| 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.*

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

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

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

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| Liquor Stores * |
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(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.*

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| Outdoor music establishments * |
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(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.*

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| Wireless telecommunications facilities * | Antennas Accessory buildings Accessory development Cellular towers Horns Microwave dishes Monopoles |
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(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.*

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| Manufactured homes * |
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(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.*

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| Sidewalk Cafes |
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(OO) Unit 41 *Accessory Dwelling Units*

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

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| Accessory Dwelling Units * |
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(PP) Unit 42 *Clean Technologies**

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

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

3.02 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 Planning Commission 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.

3.03 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.

3.04 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.