

1 **Section 36-348. Exceptions.**

2 Property, if for any reason, that cannot be developed without violating the standards of the
3 Design Overlay District shall be reviewed through the PZD, Planned Zoning District, section of the
4 Zoning Ordinance, with the intent to devise a workable development plan which is consistent with
5 the purpose and intent of the overlay standards. All variances to the underlying zoning
6 requirements shall be reviewed as per Article II, Division 2 Board of Zoning Adjustment.

7 **Subsection (e).** That Chapter 36, Section 36-349. (e) be deleted in its entirety and replaced
8 with new text to read as follows:

9 (e) Exceptions

10 Property, if for any reason, that cannot be developed without violating the standards of the
11 Design Overlay District shall be reviewed through the PZD, Planned Zoning District,
12 section of the Zoning Ordinance, with the intent to devise a workable development plan
13 which is consistent with the purpose and intent of the overlay standards. All variances to
14 the underlying zoning requirements shall be reviewed as per Article II, Division 2 Board
15 of Zoning Adjustment.

16 **Subsection (f).** That Chapter 36, Section 36-390. be deleted in its entirety and replaced with
17 new text to read as follows:

18 **Section 36-390. Exceptions.**

19 Property, if for any reason, that cannot be developed without violating the standards of the
20 Design Overlay District shall be reviewed through the PZD, Planned Zoning District, section of the
21 Zoning Ordinance, with the intent to devise a workable development plan which is consistent with
22 the purpose and intent of the overlay standards. All variances to the underlying zoning
23 requirements shall be reviewed as per Article II, Division 2 Board of Zoning Adjustment.

24 **Subsection (g).** That Chapter 36, Section 36-421. be deleted in its entirety and replaced with
25 new text to read as follows:

26 **Section 36-421. Exceptions.**

27 Property, if for any reason, that cannot be developed without violating the standards of the
28 Design Overlay District shall be reviewed through the PZD, Planned Zoning District, section of the
29 Zoning Ordinance, with the intent to devise a workable development plan which is consistent with
30 the purpose and intent of the overlay standards. All variances to the underlying zoning
31 requirements shall be reviewed as per Article II, Division 2 Board of Zoning Adjustment.

32 **Subsection (h).** That Chapter 36, Section 36-434.9. be deleted in its entirety and replaced with
33 new text to read as follows:

1 **Section 36-434.9. Exceptions.**

2 Property, if for any reason, that cannot be developed without violating the standards of the
3 Design Overlay District shall be reviewed through the PZD, Planned Zoning District, section of the
4 Zoning Ordinance, with the intent to devise a workable development plan which is consistent with
5 the purpose and intent of the overlay standards. All variances to the underlying zoning
6 requirements shall be reviewed as per Article II, Division 2 Board of Zoning Adjustment.

7 **Subsection (i).** That Chapter 36, Section 36-434.34. be deleted in its entirety and replaced
8 with new text to read as follows:

9 **Section 36-434.34. Exceptions.**

10 Property, if for any reason, that cannot be developed without violating the standards of the
11 Design Overlay District shall be reviewed through the PZD, Planned Zoning District, section of the
12 Zoning Ordinance, with the intent to devise a workable development plan which is consistent with
13 the purpose and intent of the overlay standards. All variances to the underlying zoning
14 requirements shall be reviewed as per Article II, Division 2 Board of Zoning Adjustment.

15 **Subsection (j).** That Chapter 36, Section 36-3. be amended to provide for the addition of two
16 (2) new use definitions “*Brewery*” and “*Microbrewery or Microbrewery Restaurant*” to be placed
17 in the alphabetically appropriate locations in Section 36-3. to read as follows:

18 *Brewery* means an establishment operated under the definitions, terms and provisions of
19 Arkansas Code ACA Title 3 (ACA § 3-1-101 et seq) which manufactures beer, malt and
20 hard cider up to 45,000 barrels per year and which may sell products produced on site for
21 on premises and off premises consumption. The establishment may include a restaurant
22 (eating place inside as defined in this chapter).

23 *Microbrewery or Microbrewery Restaurant* means an establishment operated under the
24 definitions, terms and provisions of Arkansas Code ACA Title 3 (ACA § 3-1-101 et seq)
25 which manufactures beer, malt and hard cider up to 20,000 barrels per year and which may
26 sell products produced on site for on premises and off premises consumption. The
27 establishment may include a restaurant (eating place inside as defined in this chapter).

28 **Subsection (k).** That Chapter 36, Section 36-281. (b) (3) be amended to add and separately
29 list “*Brewery*” and “*Microbrewery or Microbrewery Restaurant*” to the listing of conditional uses.

30 **Subsection (l).** That Chapter 36, Section 36-299. (c) (2) be amended to add and separately list
31 “*Brewery*” and “*Microbrewery or Microbrewery Restaurant*” to the listing of conditional uses.

32 **Subsection (m).** That Chapter 36, Section 36-300. (c) (1) be amended to add “*Microbrewery*
33 or *Microbrewery Restaurant*” to the listings of permitted uses.

34 **Subsection (n).** That Chapter 36, Section 36-300. (c) (2) be amended to add “*Brewery*” to the
35 listing of conditional uses.

1 **Subsection (o).** That Chapter 36, Section 36-301. (c) (1) be amended to add “Microbrewery
2 or Microbrewery Restaurant” to the listing of permitted uses.

3 **Subsection (p).** That Chapter 36, Section 36-301. (c) (2) be amended to add “Brewery” to the
4 listing of conditional uses.

5 **Subsection (q).** That Chapter 36, Section 36-302. (c) (1) be amended to add “Microbrewery
6 or Microbrewery Restaurant” to the listing of permitted uses.

7 **Subsection (r).** That Chapter 36, Section 36-302. (c) (2) be amended to add “Brewery” to the
8 listing of conditional uses.

9 **Subsection (s).** That Chapter 36, Section 36-320. (c) (1) be amended to add “Brewery” and
10 “Microbrewery or Microbrewery Restaurant” to the listing of permitted uses.

11 **Subsection (t).** That Chapter 36, Section 36-434.2. be amended to delete certain text and to
12 then read as follows:

13 **Sec. 36-434.2. Boundaries.**

14 The District shall include all parcels located on Springer Boulevard to a distance of 300 feet of
15 each side of the right-of-way of Highway 365, from the City Limits on the south and east to
16 Roosevelt Road on the north and west.

17 **Subsection (u).** That Chapter 36, Section 36-434.4. be deleted in its entirety and replaced with
18 new text to then read as follows:

19 **Sec. 36-434.4. Setback.**

20 North of the railroad crossing located south of East 30th Street, the setback shall be fifteen (15)
21 feet.

22 South of the railroad crossing located south of East 30th Street, the setback shall be twenty-five
23 (25) feet.

24 **Subsection (v).** That Chapter 36, Section 36-434.6. (1) and (2) be amended to delete certain
25 text and to add new text to then read as follows:

26 (1) *North of the railroad crossing located south of East 30th Street.* Sidewalk shall be eight
27 (8) feet wide and may be constructed at the curb. All walks, curbs, gutters and tree
28 grate frames shall be concrete.

29 Rather than a green strip along the road, there shall be a paved “tree zone” with
30 minimum 4 X 4 foot tree well including grate. The remaining four (4) feet are to be
31 kept clear for pedestrian movement.

32 (2) *South of the railroad crossing located south of East 30th Street.* Pedestrian/bike path
33 rather than sidewalk shall be constructed at the property line. Path paved width shall
34 be eight (8) feet.

1 Swales along Springer Boulevard shall be at a 3:1 slope and designed to retain (hold)
2 water during large storm events. The swale shall be vegetated with “cells” to reduce
3 water velocity. Swale design and construction shall be reviewed and approved by the
4 State Highway Department.

5 **Subsection (w).** That Chapter 36, Section 36-434.7. (2) be amended to provide for the deletion
6 of certain a text and to then read as follows:

7 (2) Surface parking is to be located behind or adjacent to the structure, never between the
8 building and abutting street. Service/loading areas shall not be located facing
9 Springer Blvd. They shall be designed on the side or rear of buildings.

10 **Subsection (x).** That Chapter 36, Section 36-253. (b) (6) be amended to provide for the
11 addition of a new subsection “e” to read as follows:

12 **e. Revocation procedure.**

13 Any approved home occupation may, upon review and action by the Planning
14 Commission, be revoked. Revocation proceedings may be initiated by staff. The Planning
15 Commission may revoke the home occupation if it is determined that the use approved
16 under the home occupation is being conducted in a manner contrary to the original
17 approved application, being conducted in a manner in violation of the provisions of this
18 Chapter or contrary to any other laws of the City.

19 Notice shall be delivered to the business operator, either by delivery in person or by
20 certified mail, giving notice of the alleged violation and setting a time and date to appear
21 before the planning commission. At the hearing before the planning commission, the
22 burden is on the business operator to prove that the home occupation is in strict compliance
23 with city ordinances in order to avoid revocation.

24 The Planning Commission shall have final authority. Appeals from the action of the
25 Planning Commission shall be filed with the Board of Directors through the Office of the
26 City Clerk. The content of the appeal filing shall consist of:

27 (1) A cover letter addressed to the mayor and board of directors setting forth the request.

28 This filing shall occur within thirty (30) days of the action by the Planning
29 Commission. At any appeal before the Board of Directors, the burden is on the business
30 operator to prove that the home occupation is in strict compliance with City Ordinances in
31 order to avoid revocation.

32 Once an approved home occupation is revoked, notice of the revocation shall be sent
33 to the City Finance Department and the Business License shall be revoked.

34 **SECTION 2. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase, or
35 word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or

1 adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and effect
2 as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the ordinance.

3 **SECTION 3. Repealer.** All laws, ordinances, resolutions, or parts of the same that are inconsistent
4 with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

5 **PASSED: February 2, 2016**

6 **ATTEST:**

APPROVED:

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Susan Langley, City Clerk

Mark Stodola, Mayor

10 **APPROVED AS TO LEGAL FORM:**

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Thomas M. Carpenter, City Attorney

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