

Article 13. Use Standards

- 13.1 Purpose**
- 13.2 Principal Use Standards: Residential Uses**
- 13.3 Principal Use Standards: Commercial and Industrial Uses**
- 13.4 Principal Use Standards: Other**
- 13.5 Principal Use Standards: Sexually Oriented Business Uses**
- 13.6 Accessory Use Standards**
- 13.7 Temporary Use Standards**
- 13.8 Use Definitions**

13.1 Purpose

A. The purpose of this Article is to place restrictions on specific uses, both permitted and specially permitted, because of potential impacts to surrounding properties. These restrictions are applied to a project to mitigate impacts including noise, off-site parking, traffic, unsightliness, odors, dust, and fumes. These standards promote the public health, safety, and character of the immediate neighborhood and the larger community.

B. For uses listed in this Article that require a special permit, the Planning Commission may waive any of the standards imposed by this Article when it finds such action is warranted by reason of the unique physical conditions of the particular property or by reason of the particular character of surrounding properties. When a use listed in this Article is a permitted use, a specially permit, from the Planning Commission is required to waive any of the requirements imposed by this Article. Prior to making a waiver determination, the Planning Commission shall evaluate the following factors when applying their respective standards:

1. The size and intensity of such use.
2. The capacity of adjacent and feeder streets to handle peak traffic loads and hazards created by the use.
3. The obstruction of light or air or the emission of noise, light, smoke, odor, gas, dust, or vibration in noxious or offensive quantities, and the distance between offensive processes and abutting properties.
4. The overall effect on property values and utilization of neighboring properties.
5. Unusual topography of the location, and the nature, location and height of buildings, walls, stacks, fences, grades, and landscaping on the site.
6. The extent, nature, and arrangement of parking facilities, entrances and exits.
7. Problems of fire and police protection.
8. Preservation and/or upgrading of the neighborhood character.
9. The availability of adequate sewer and water supply.
10. All other standards prescribed by these regulations.

13.2 Principal Use Standards: Residential Uses

A. Boarding House

1. For five or fewer sleeping units, if not owner-occupied, a property manager must be available 24 hours and the name and phone number must be posted inside the building.
2. For six or more sleeping units, there shall be a 24 hour property manager who resides within the dwelling unit; this includes dormitories.
3. No alteration to either the exterior or the interior of any principal or accessory structure shall be made which changes the character and appearance of the premises.

4. Only habitable rooms originally designed as bedrooms shall be used for lodging.
5. Boarding houses are subject to the standards for a multi-family dwelling within the district.

B. Bed and Breakfast Establishment

1. No alteration to either the exterior or the interior of any principal or accessory structure shall be made which changes the character and appearance of the residential premises.
2. Only rooms originally designed as bedrooms shall be used for guest lodging.
3. Cooking equipment is prohibited in individual guestrooms with the exception of minor appliances such as mini-refrigerators, coffee makers, and/or microwaves.
4. No bed and breakfast establishment may operate an eating and drinking establishment. Meals may only be served to registered guests.

C. Community Home

1. Within existing residential structures, only rooms originally designed as bedrooms shall be used for lodging.
2. As part of the certificate of zoning compliance process, the City shall be provided with the name and contact person of the service provider that sponsors the community home.
3. The name and phone number of the owner and service provider shall be posted inside the building.
4. Community homes are subject to the standards for a multi-family dwelling within the district.

D. Day Care Home

1. Permanently installed recreational equipment shall only be located in the rear and side yards.

E. Day Care Home, Adult

1. Permanently installed recreational equipment shall only be located in the rear and side yards.

F. Dwelling, Single-Family Attached and Single-Family Detached

1. A dwelling must have an open front porch or its primary entrance facing the street. A primary front entry must be a dominant feature visible from the street and an integral part of the structure, using architectural features such as raised steps and stoops, roof overhangs, or decorative railings to articulate the front façade.
2. Windows, entrances, porches, or other architectural features are required on all street-facing facades to avoid the appearance of blank walls.
3. Facades must maintain a minimum transparency of 10% on all street-facing facades, calculated on the basis of the entire area of the facade.
4. Front-loaded attached garages are limited to 50% of the width of the front building line or 22 feet in length, whichever is greater.
5. Front-loaded attached garages and/or attached carports must be located ten feet behind the front building facade of the structure. Garages must be located a minimum of 20 feet from the lot line from which access is taken.

G. Dwelling, Townhouse

1. Windows, entrances, porches, or other architectural features are required on all street-facing facades to avoid the appearance of blank walls.
2. Facades must maintain a minimum transparency of 10% on all street-facing facades, calculated on the basis of the entire area of the facade.

3. For a development that consists of multiple single-family attached developments, there must be a minimum separation of 15 feet between the endwalls. Where the front or rear wall of a one development faces the front or rear wall of another development, the minimum required separation between such structures must be 30 feet. Driveways and parking areas may be located within this minimum separation area.
4. Front-loaded attached garages and/or attached carports must be located ten feet behind the front building facade of the structure. Garages must be located a minimum of 20 feet from the lot line from which access is taken.
5. The development must be designed with consistent building materials and treatments that wrap around all facades that face and are visible from a public street or abut a lot line in a residential district or of a residential use. There must be a unifying architectural theme for the entire development, utilizing a common vocabulary of architectural forms, elements, materials, or colors in the entire structure.
6. Each townhouse development is limited to a maximum building length of 300 feet.
7. The following building materials are prohibited on any facade facing a street or any facade that faces a residential use. However, such materials may be used as decorative or detail elements for up to a total of 25% of the facade, or as part of the exterior construction that is not used as a surface finish material.
 - a. Plain concrete block
 - b. Mirrored glass
 - c. Exposed aggregate (rough finish) concrete wall panels
 - d. Exterior insulating finish systems (EIFS) installed lower than eight feet above grade on any building façade
 - e. Wood structural panel sheathing (e.g., plywood, OSB, particleboard, etc.)
 - f. Plastic, not including light transmitting plastic.
 - g. Vinyl
 - h. Metal panels unless they meet the following requirement: Metal panels (flat, textured, corrugated, batten, box rib, etc.) whether standalone, composite, or part of a layered or insulated panel, shall be permitted provided they are part of a complete, manufacturer warranted cladding system, including integral anchorage to structural supports. Steel panels shall be minimum US Standard 26 gauge.

H. Dwelling, Two-Family

1. A dwelling must have an open front porch or its primary entrance facing the street. A primary front entry must be a dominant feature visible from the street and an integral part of the structure, using architectural features such as raised steps and stoops, roof overhangs, or decorative railings to articulate the front façade.
2. Windows, entrances, porches, or other architectural features are required on all street-facing facades to avoid the appearance of blank walls.
3. Facades must maintain a minimum transparency of 10% on all street-facing facades, calculated on the basis of the entire area of the facade.
4. Front-loaded attached garages are limited to 50% of the width of the front building line or 22 feet in length, whichever is greater.
5. Front-loaded attached garages and/or attached carports must be located ten feet behind the front building facade of the structure. Garages must be located a minimum of 20 feet from the lot line from which access is taken.

I. Emergency Residential Facility

1. When located in a residential structure, only habitable rooms originally designed as bedrooms shall be used for lodging.
2. An emergency residential facility shall provide interior common areas totaling 20 square feet per bed or 150 feet, whichever is greater. Common areas may be provided in any habitable room or rooms that are available to all residents at all times.
3. Each emergency residential facility shall provide usable exterior open space, which may include any required yard area, of at least 50 square feet per bedroom, but not less than a minimum of 200 square feet.

J. Emergency Shelter

1. A property management plan shall be required which addresses how the operation will function. This plan shall describe the hours of operation and provisions for managing the safe gathering of clients/customers before opening and after closing of the facility.
2. An emergency shelter shall provide interior common areas totaling 20 square feet per bed or 150 feet, whichever is greater. Common areas may be provided in any habitable room or rooms that are available to all residents at all times.
3. Each emergency shelter shall provide usable exterior open space, which may include any required yard area, of at least 50 square feet per bedroom, but not less than a minimum of 200 square feet.

K. Hospice Residence

1. Only rooms originally designed as bedrooms shall be used for lodging.
2. In the LDR District, a hospice residence is limited to five bedrooms. In the MDR and HDR Districts, it is limited to eight bedrooms.
3. As part of the certificate of zoning compliance process, the applicant shall provide the City with the name and contact person of the service provider that sponsors the hospice residence.
4. The name and phone number of the owner and service provider shall be posted inside the building.

L. Live-Work Unit

1. Not more than one person who is not a member of the family residing on the premises shall be employed in the live-work unit.
2. No stock-in-trade shall be visible from the street.
3. There shall be no outdoor storage of equipment or materials.
4. One commercial vehicle shall be permitted, but it shall not be parked in the front yard.
5. No mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisance outside the residential or accessory structure shall be used.
6. No live-work unit shall be permitted which is noxious, offensive, or hazardous by reason of hours of operation, vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation, or other objectionable emissions.

M. Pocket Neighborhood Residential Development

1. General Development Standards

- b.** Pocket neighborhood residential development may take one of two forms:
 - i.** A development may be designed on individual lots of record.
 - ii.** A development may also be designed with multiple dwellings on a single lot of record.
- c.** A pocket neighborhood development requires the establishment of a homeowners association (HOA), property management company, or other designated managing entity approved by the City in place for the maintenance of all common elements.

2. Use Limitations

- a.** Only single-family detached, single-family attached, and two-family dwellings are permitted in a pocket neighborhood residential development.
- b.** Buildings for common facilities for use by the residents, such as laundry facilities, communal kitchens, and common rooms, are also permitted.

3. Development Standards

- a.** Pocket neighborhood residential development may be used for any development of four or more principal structures.
- b.** The following standards apply to the pocket neighborhood development as a whole:
 - i.** Along the lot lines of the development as a whole, a minimum setback of 15 feet is required.
 - ii.** Along the front lot line of the development as a whole, a setback of the average frontage of lots on the block is required. This setback may be adjusted up or down 20% from the average, but cannot exceed a difference of ten feet.
 - iii.** The development as a whole is limited to a maximum building coverage of 45%.
 - iv.** The development as a whole is limited to a maximum impervious surface coverage of 65%.
- c.** All buildings within the pocket neighborhood shall front on a street or a common open space.
- d.** Central common open space is required and shall meet the following standards:
 - i.** The minimum size of the central common open space is 3,000 square feet, or 500 square feet per dwelling unit, whichever is greater.
 - ii.** The central common open space shall maintain a minimum width of 50 feet, shall be contiguous and centrally located, and shall front on a public or private street.
 - iii.** A maximum of 30% of the central common open space may be hardscape.
- 4.** Once central common open space requirements are met, additional common open space within the development is permitted.
- 5.** Any part of a structure must be five feet from the back from any sidewalk or hardscape feature of the central common open space. This does not include steps, access ramp, and similar access features.
- 6.** Vehicular access to a parking area for a pocket neighborhood shall meet the following standards:
 - a.** One curb cut is permitted for every ten dwellings within a pocket neighborhood with a maximum of three for any pocket neighborhood development.

b. Required off-street parking may be provided on individual development sites for each dwelling within the pocket neighborhood, or in a shared parking area serving multiple dwellings on-site. Common parking areas may contain no more than ten spaces each and must be screened from abutting lots that are not part of the development. Parking may not be located between principal structures and the street, between a common area and a street, or within any required common area.

7. Level A site plan review is required for a pocket neighborhood development.

N. Residential Care Dwelling

1. No residential care dwelling shall be located within 1/4 mile of any other existing residential care dwelling or community home, regardless of municipal boundary lines. This is measured from the lot lines of the residential care dwelling and includes any right-of-way.

O. Residential Care Facility

1. Residential care facilities are subject to the standards for a multi-family dwelling within the district.

13.3 Principal Use Standards: Commercial and Industrial Uses

A. Commercial Use, Indoor

1. When reoccupying an existing nonresidential building in a residential district, hours of operation are limited to 8:00AM to 11:00PM.
2. When reoccupying an existing nonresidential building in a residential district, loading and unloading shall be limited to the hours of 8:00AM to 6:00PM.
3. No use in a residential district shall occupy a floor area greater than 1,200 gross square feet. However, in the HV District, indoor commercial uses cannot exceed 2,500 square feet.
4. No use in a residential district shall have a posted occupancy limit of more than 45 people.
5. The portion of the building used for the commercial use shall be designed and maintained to prevent light, noise, vibration, odor, dust, smoke, or other emissions emanating from the use onto abutting uses, including as necessary to prevent such impacts, closing window and doors, screening window and doors, and installing proper ventilation or noise reduction equipment.

B. Car Wash

1. All vehicular access shall be prohibited on Neighborhood Local Streets.
2. All machine washing and machine drying operations shall be conducted within a building.
3. The building exit for automobiles that have completed the washing and machine drying process shall be set back a minimum of 50 feet from any lot line along abutting a street.
4. No washing, vacuuming, steam cleaning, waxing, polishing, or machine drying operation, and no building within which such operations are conducted, shall be permitted within 100 feet of a residential district. This is measured from the lot lines of the car wash and includes any right-of-way.
5. When abutting a lot line of a residential district or residential use, car washes shall be screened as follows:
 - a. A solid fence or wall, a minimum of six feet and a maximum of eight feet in height.
 - b. A perimeter landscape yard shall be provided and landscaped as follows:
 - i. The landscape yard shall be a minimum of five feet in width.
 - ii. One shrub, a minimum of three feet in height at maturity, is required every three linear feet.

- iii. One shade tree is required every 50 linear feet, but a minimum of one tree is required. Plantings must be placed inside the fence oriented to the interior of the lot.
- 6. All entrance and exit lanes and parking areas shall be surfaced with a paving material such as asphalt, cement, or other material that provides a durable and dustless surface and shall be graded and drained to dispose of all surface water accumulation.
- 7. Stacking spaces provided for car washes must be:
 - a. A minimum of nine feet in width, as measured from the outermost point of any bay entrance to the edge of the driveway, and 18 feet in length.
 - b. Stacking spaces must begin behind the vehicle located within car wash bay. Spaces must be placed in a single line behind each bay.

C. Craft Production

- 1. The portion of the building used for the craft production shall be designed and maintained to prevent light, noise, vibration, odor, dust, smoke, or other emissions emanating from the use onto abutting uses, including as necessary to prevent such impacts, closing window and doors, screening window and doors, and installing proper ventilation or noise reduction equipment.
- 2. Loading and unloading shall be limited to the hours of 8:00AM to 6:00PM.

D. Day Care Center

- 1. Permanently installed recreational equipment shall only be located in the rear and side yards.

E. Drive-Through Restaurant

- 1. Direct pedestrian access shall be provided from the public right-of-way to the principal building.
- 2. All elements associated with drive-through restaurant, including but not limited to service windows, vehicular queuing lanes, menuboards, and intercoms, shall be prohibited between any building façade that abuts a street and the street lot line. However, in the CV District the following shall apply:
 - a. All drive-through components shall be located in the rear yard.
- 3. In the CV and FMU Districts, drive-through restaurants are limited to the following hours of operation: 5:00AM to 11:00PM.
- 4. When abutting a lot line of a residential district or residential use, drive-through restaurants, including both the facility and queuing lanes, shall be screened as follows:
 - a. A solid fence or wall, a minimum of six feet and a maximum of eight feet in height.
 - b. A perimeter landscape yard shall be provided and landscaped as follows:
 - i. The landscape yard shall be a minimum of five feet in width.
 - ii. One shrub, a minimum of three feet in height at maturity, is required every three linear feet.
 - iii. One shade tree is required every 50 linear feet, but a minimum of one tree is required. Plantings must be placed inside the fence oriented to the interior of the lot.
- 5. When abutting a lot line of a residential district or residential use, no sound from intercoms shall be audible beyond a property line.

6. Stacking spaces provided for drive-through restaurants must be:
 - a. A minimum of nine feet in width, as measured from the outermost point of any service window or bay entrance, to the edge of the driveway, and 18 feet in length. In the case of a recessed service window, the measurement is taken from the building wall.
 - b. Stacking spaces must begin behind the vehicle parked at a final point of service exiting the drive through aisle, such as a service window (this does not include a drive-through sign). Spaces must be placed in a single line behind in each lane.
7. All drive-through lanes must be located and designed to ensure that they do not adversely affect traffic circulation on adjoining streets. Drive-through lanes on corner lots must not route exiting traffic into adjacent residential neighborhoods. However, in the CV District the following shall apply:
 - a. All ingress and egress shall be provided from a rear shared access drive.
8. A drive through lane must have bail out capability for all vehicles that enter the drive through lane. The bail out lane must be a minimum width of ten feet in width and run parallel to the drive through lane. If a bail out lane is also an interior access drive providing access to parking spaces, the bail out lane is limited to a one-way traffic pattern following the direction of the drive through lane.

F. Drive-Through Kiosk

1. All elements associated with a drive-through kiosk, including but not limited to service windows, vehicular queuing lanes, and intercoms, shall be prohibited between any building façade that abuts a street and the street lot line. However, in the CV District the following shall apply:
 - a. All drive-through components shall be located in the rear yard.
2. When abutting a lot line of a residential district or residential use, drive-through kiosks, including both the facility and queuing lanes, shall be screened as follows:
 - a. A solid fence or wall, a minimum of six feet and a maximum of eight feet in height.
 - b. A perimeter landscape yard shall be provided and landscaped as follows:
 - i. The landscape yard shall be a minimum of five feet in width.
 - ii. One shrub, a minimum of three feet in height at maturity, is required every three linear feet.
 - iii. One shade tree is required every 50 linear feet, but a minimum of one tree is required. Plantings must be placed inside the fence oriented to the interior of the lot.
3. When abutting a lot line of a residential district or residential use, no sound from intercoms shall be audible beyond the property line.
4. Stacking spaces provided for drive-through kiosks must be:
 - i. A minimum of nine feet in width, as measured from the outermost point of any service window or bay entrance, to the edge of the driveway, and 18 feet in length. In the case of a recessed service window, the measurement is taken from the building wall.
 - ii. Stacking spaces must begin behind the vehicle parked at a final point of service exiting the drive through aisle, such as a service window (this does not include a drive-through sign). Spaces must be placed in a single line in each lane.
5. All drive-through lanes must be located and designed to ensure that they do not adversely affect traffic circulation on adjoining streets. Drive-through lanes on corner lots must not route exiting traffic into adjacent residential neighborhoods. However, in the CV District the following shall apply:
 - a. All ingress and egress shall be provided from a rear shared access drive.

6. A drive through lane must have bail out capability for all vehicles that enter the drive through lane. The bail out lane must be a minimum width of ten feet in width and run parallel to the drive through lane. If a bail out lane is also an interior access drive providing access to parking spaces, the bail out lane is limited to a one-way traffic pattern following the direction of the drive through lane.

G. Entertainment, Indoor

1. In addition to the requirements established through Chapter 29 of the City Code, the following apply: The portion of the building used for entertainment shall be designed and maintained to prevent light, noise, vibration, odor, dust, smoke, or other emissions emanating from the use onto abutting uses, including as necessary to prevent such impacts, closing window and doors, screening window and doors, installing proper ventilation, and/or noise reduction equipment.

H. Firearms Sale, Manufacture, Storage, and Display

1. Chapter 47 controls over any other provision of this Zoning Code.

I. Hotel

1. Hotels shall have a 24 hour on-site manager.

2. Overnight occupancy of recreational vehicles, camper trailers, and tents at the property where the hotel is located is not allowed. Outdoor overnight sleeping of occupants or guests is prohibited.

J. Industrial, Light

1. In the residential districts:

a. The portion of the building used for the light industrial shall be designed and maintained to prevent light, noise, vibration, odor, dust, smoke, or other emissions emanating from the use onto abutting uses, including as necessary to prevent such impacts, closing window and doors, screening window and doors, and installing proper ventilation or noise reduction equipment.

b. Loading and unloading shall be limited to the hours of 8:00AM to 6:00PM.

2. In the BMU, NMU, FMU, and DMU Districts:

a. The portion of the building used for the light industrial shall be designed and maintained to prevent light, noise, vibration, odor, dust, smoke or other emissions emanating from the use onto abutting uses, including as necessary to prevent such impacts, closing window and doors, screening window and doors, and installing proper ventilation or noise reduction equipment.

b. Loading and unloading shall be limited to the hours of 8:00AM to 10:00PM.

K. Industrial, Heavy

1. No curb cuts or driveways shall be located within 150 feet of any residential district, planned development, or open space district lot line, as measured from the lot lines of the heavy industrial but excludes any right-of-way.

2. No trucks, tractors or trailers shall be maneuvered, parked, fueled, stored, loaded, or unloaded within 100 feet of any residential district lot line, as measured from the lot lines of the heavy industrial but excludes any right-of-way.

3. No vehicles or equipment accessory thereto shall operate engines or motors between the hours of 10:00P.M. and 8:00A.M. the following day unless parked more than 150 feet from any residential district lot line, as measured from the lot lines of the heavy industrial but excludes any right-of-way

L. Junkyard

1. In addition to the requirements below, junkyards are subject to Chapter 66 of the Municipal Code.
2. Junkyards shall be located at least 1,000 feet from any other abutting district lot line that is not the IND District, as measured from the lot lines of the junkyard.
3. Junkyard storage areas shall be located at least 500 feet from the lot line of any other abutting use other than a junkyard.
4. Curb cuts or driveways shall be limited to Industrial Local and Industrial Link Streets.
5. In the event that an objection is presented to the Manager of Zoning no later than 24 hours before the Planning Commission is scheduled to consider the special permit, which objection is duly signed and acknowledged by the owners of 20% or more of the total of all properties located within 1,000 feet of the subject property, measured from the lot lines of the junkyard and including any rights-of-way, or any other use within 500 feet of the junkyard, as measured from the lot lines of the junkyard, a special permit shall not be approved except by a three-fourths vote of the Planning Commission.

M. Motor Lodge

1. Motor lodges shall have a 24 hour on-site manager.
2. Overnight occupancy of recreational vehicles, camper trailers, and tents at the property where the motor lodge is located is not allowed. Outdoor overnight sleeping of occupants or guests is prohibited.

N. Outdoor Market

1. Any accessory entertainment, live or pre-recorded, is limited to the hours of 11:00AM to 7:00PM and up to twice per week.

O. Outdoor Storage (Principal Use)

1. The outdoor storage area shall be located a minimum of 30 feet from any lot line. No outdoor storage is permitted in the required front setback.
2. All lot lines abutting a district other than the IND District shall be screened by a solid masonry wall or fence a minimum of six feet to a maximum of eight feet in height.
3. Storage of any kind is prohibited outside the fence or wall.
4. No items stored within 50 feet of the fence may exceed the height of the fence or wall.

P. Parking Garage (Principal Use)

1. General Standards

- a. Parking garages shall be used exclusively for parking of passenger vehicles and other modes of personal transportation.
- b. Parking garages shall be equipped and controlled to discourage illegal parking, vandalism, and other unlawful or nuisance-creating activities.
- c. Parking garage design is subject to the requirements of Article 16.

2. Specific Height Limitations

Parking garages shall be subject to the maximum height of the district with the following exceptions:

- a. Within the BMU District, a parking garage may not exceed two levels above grade.
- b. Within the NMU District, a parking garage may not exceed four levels above grade.

Q. Parking Lot (Principal Use)

1. Parking lots shall be used exclusively for parking of passenger vehicles and other modes of personal transportation.
2. Parking lots shall be equipped and controlled to discourage illegal parking, vandalism, and other unlawful or nuisance-creating activities.
3. Parking lot design is subject to the requirements of Article 16.
4. Within the LDR and MDR Districts, parking lots are only allowed when abutting the lot line of any commercial or mixed-use district.

R. Pawnbroker

1. No pawnbroker shall be located within 1,000 feet of any other existing pawnbroker regardless of municipal boundary lines, as measured from the lot lines of the pawnbroker and including any right-of-way.

S. Recycling Center

1. Recycling centers located within 500 feet from a lot line of a residential district, open space district, or lot in residential use, as measured from the lot lines of the recycling center and including any right-of-way, are subject to the following restrictions:
 - a. All operations must be within a completely enclosed building.
 - b. All trucking and loading related to the operations must occur between 8:00A.M. and 6:00P.M.
 - c. No outdoor storage of collected materials.
 - d. No curb cuts or driveways that provide access from a Neighborhood Local Street shall be used or established.
2. Recycling centers located more than 500 feet from a lot line of a residential district, open space district, or lot in residential use, as measured from the lot lines of the recycling center and including any right-of-way, are subject to the following restrictions:
 - a. All operations must be within a completely enclosed building.
 - b. All trucking and loading related to the operations must occur between 8:00A.M. and 10:00P.M.
 - c. No outdoor storage of collected materials.
 - d. No curb cuts or driveways that provide access from a Neighborhood Local Street shall be used or established.

T. Self-Storage Facility: Climate-Controlled

1. Storage units cannot be used as a residence or place of business.
2. No plumbing connections are permitted in self-storage units.
3. All self-storage activities conducted exclusively indoors. Individual storage units may be accessed from inside the building only.
4. All facilities must meet the design standards of the district.
5. Access to loading areas must be located to the side or rear of the building.
6. For self-storage facilities that include both climate-controlled and outdoor facilities, both types of uses must first be allowed in the district.

U. Self-Storage Facility: Outdoor Access

1. Storage units cannot be used as a residence or place of business.
2. No plumbing connections are permitted in self-storage units.
3. Outdoor self-storage facilities should be oriented so that storage unit access doors do not face the public right-of-way. This standard does not apply in the IND District.
4. Outdoor self-storage facilities are allowed to include an area for storage of recreational vehicles. Storage areas for recreational vehicles must be located in the rear yard.
5. No storage of recreational vehicles is allowed within 25 feet of any rear or interior side lot line. No storage of recreational vehicles is allowed within 40 feet of any front or corner side lot line.
6. If storage areas for recreational vehicles are provided, they must be screened along interior side and rear lot lines with a solid fence or wall, a minimum of six feet and a maximum of eight feet in height.
7. Outdoor self-storage facilities must be a permanent building and cannot be constructed of shipping containers.
8. For self-storage facilities that include both enclosed and outdoor facilities, both types of uses must first be allowed in the district.

V. Shooting Range

1. In addition to the requirements set forth in Chapter 99 of the Municipal Code, shooting ranges shall be subject to the following requirements:
 - a. Shooting ranges shall be located at least 1,000 feet from any of the following district lot lines, as measured from the lot lines of the shooting range and including any right-of-way: residential districts, village center districts, OS District, DMU District, or the Genesee River.
 - b. Shooting ranges shall be located at least 500 feet from any of the following district lot lines, as measured from the lot lines of the shooting range and including any right-of-way: BMU, NMU, and FMU Districts.
 - c. In the event that an objection is presented to the Manager of Zoning no later than 24 hours before the Planning Commission is scheduled to consider the special permit, which objection is duly signed and acknowledged by the owners of 20% or more of the total of all properties located within 1,000 feet of the subject property, measured from the lot lines of the shooting range and including any rights-of-way, or any other use within 500 feet of the shooting range, as measured from the lot lines of the shooting range, a special permit shall not be approved except by a three-fourths vote of the Planning Commission.

W. Short-Term Whole-Dwelling Unit Rental

1. No alteration to either the exterior or the interior of the structure shall be made which changes the character and appearance of the residential premises.
2. Signs are prohibited.
3. The short-term whole-dwelling unit rental shall require a local manager/operator, available 24 hours per day. Local is defined as an office or residence located within 30 miles of the subject property.

X. Vehicle Body Work

1. Vehicle body work establishments shall be located at least 100 feet from the lot line of an abutting residential district or residential use, as measured from the lot lines of the vehicle body work establishment.
2. All repairs shall be performed within an enclosed principal building on the premises.

3. The portion of the building used for the body work repair shall be designed and maintained to prevent light, noise, vibration, odor, dust, smoke, or other emissions emanating from the use onto abutting uses, including as necessary to prevent such impacts, closing windows and doors, screening windows and doors, and installing proper ventilation or noise reduction equipment.
4. No outdoor storage of materials, merchandise, and equipment shall be permitted during nonbusiness hours. Storage of materials, merchandise, and equipment during nonbusiness hours shall take place within the principal building or within closed, secure containers, such as outdoor storage cabinets, with the exception of refuse and trash, which shall be stored in closed containers and in an area screened from view at all points on any public or private property or street when viewed from ground level. Outdoor storage may be permitted in RC and IND Districts subject to the requirements for accessory outdoor storage set forth in Section 13.6.
5. A fence that is a minimum of 60% open shall be located along any street lot line, with the exception of ingress/egress points. Such fence shall be a minimum of four feet to a maximum of six feet in height.
6. Sufficient screening shall be provided along all lot lines abutting a residential district or residential use as follows:
 - a. A solid fence or wall, a minimum of six feet and a maximum of eight feet in height.
 - b. One shrub must be planted for every three linear feet and spaced sufficiently to form a continuous linear hedgerow at plant maturity; plantings must be placed inside the fence oriented to the interior of the lot.
7. Accessory sales of no more than three vehicles at any one time are allowed only in FMU, RC, and IND Districts, provided vehicles on display for sale do not occupy any required parking spaces.
8. No partially dismantled or wrecked vehicle shall be stored for more than 72 hours outside of a completely enclosed building.

Y. Vehicle Operations Facility

1. Any portion of the building used for vehicle maintenance shall be designed and maintained to prevent light, noise, vibration, odor, dust, smoke, or other emissions emanating from the use onto abutting uses, including as necessary to prevent such impacts, closing windows and doors, screening windows and doors, and installing proper ventilation or noise reduction equipment. This requirement does not include any private fueling stations.
2. Sufficient screening shall be provided along all lot lines abutting a residential district or residential use as follows:
 - a. A solid fence or wall, a minimum of six feet and a maximum of eight feet in height.
 - b. One shrub must be planted for every three linear feet and spaced sufficiently to form a continuous linear hedgerow at plant maturity; plantings must be placed inside the fence oriented to the interior of the lot.

Z. Vehicle Repair

1. Vehicle repair establishments shall be located at least 100 feet from the lot line of an abutting residential district or residential use, as measured from the lot lines of the vehicle body work establishment.
2. All repairs shall be performed within an enclosed principal building on the premises.
3. The portion of the building used for the vehicle repair shall be designed and maintained to prevent light, noise, vibration, odor, dust, smoke, or other emissions emanating from the use onto abutting uses, including as necessary to prevent such impacts, closing windows and doors, screening windows and doors, and installing proper ventilation or noise reduction equipment.
4. No outdoor storage of materials, merchandise, and equipment shall be permitted during nonbusiness hours. Storage of materials, merchandise, and equipment during nonbusiness hours shall take place within the principal building or within closed, secure containers, such as outdoor storage cabinets, with the exception of refuse and trash, which shall be stored in closed containers and in an area screened from view at all points on any public or private property or street when viewed from ground level. Outdoor storage may be permitted in RC and IND Districts subject to the requirements for accessory outdoor storage set forth in Section 13.6.

5. A fence that is a minimum of 60% open shall be located along any street lot line, with the exception of ingress/egress points. Such fence shall be a minimum of four feet to a maximum of six feet in height.
6. Sufficient screening shall be provided along all lot lines abutting a residential district or residential use as follows.
 - a. A solid fence or wall, a minimum of six feet and a maximum of eight feet in height.
 - b. One shrub must be planted for every three linear feet and spaced sufficiently to form a continuous linear hedgerow at plant maturity; plantings must be placed inside the fence oriented to the interior of the lot.
7. Accessory sales of no more than three vehicles at any one time are allowed only in FMU, RC, and IND Districts, provided vehicles on display for sale do not occupy any required parking spaces.
8. No partially dismantled or wrecked vehicle shall be stored for more than 72 hours outside of a completely enclosed building.

AA. Vehicle Sales

1. The vehicle sales area shall be setback a minimum of 50 feet from any abutting residential district lot line.
2. Outdoor vehicle sales areas shall be surfaced with a paving material such as asphalt, cement, or other material that provides a durable and dustless surface and shall be graded and drained to dispose of all surface water accumulation.
3. Storage of vehicles stocked by the dealership for sale or lease shall be permitted on a separate lot when such district, excluding the DMU District, allows vehicle sales. The dealership must own or lease such lot.
4. With the exception of the IND District, major repairs, including engine repair, body work, frame straightening, painting, upholstering, or similarly intensive repair work shall not be performed on the premises, and all other repairs shall be performed only within the principal building on the premises.
5. All storage of material, merchandise and equipment shall be within the principal building, with the exception of refuse and trash, which shall be stored in closed containers and in an area screened from view at all points on any public or private property or street when viewed from ground level.
6. When abutting a lot line of a residential district or residential use, vehicles sales shall be screened as follows:
 - a. A solid fence or wall, a minimum of six feet and a maximum of eight feet in height.
 - b. A perimeter landscape yard shall be provided and landscaped as follows:
 - i. The landscape yard shall be a minimum of five feet in width.
 - ii. One shrub, a minimum of three feet in height at maturity, is required every three linear feet.
 - iii. One shade tree is required every 50 linear feet, but a minimum of one tree is required. Plantings must be placed inside the fence oriented to the interior of the lot.
7. A fence that is a minimum of 30% open shall be located along any street lot line, with the exception of ingress/egress points and those areas of the parking lot used to display vehicles for sale along a street frontage.
8. No partially dismantled or wrecked vehicle shall be stored outside of a completely enclosed building.

BB. Vehicle Rental

1. Storage of vehicles stocked by the establishment for rent shall be permitted on a separate lot when such district, excluding the DMU District, allows vehicle sales. The dealership must own or lease such lot.
2. Vehicle storage areas shall be surfaced with a paving material such as asphalt, cement, or other material that provides a durable and dustless surface and shall be graded and drained to dispose of all surface water accumulation.
3. No repairs, other than minor repairs, shall be performed on the premises, and any such minor repairs shall be performed only within the principal building on the premises.
4. All storage of material, merchandise and equipment shall be within the principal building, with the exception of refuse and trash, which shall be stored in closed containers and in an area screened from view at all points on any public or private property or street when viewed from ground level.
5. When abutting a lot line of a residential district or residential use, vehicle rentals shall be screened as follows:
 - a. A solid fence or wall, a minimum of six feet and a maximum of eight feet in height.
 - b. A perimeter landscape yard shall be provided and landscaped as follows:
 - i. The landscape yard shall be a minimum of five feet in width.
 - ii. One shrub, a minimum of three feet in height at maturity, is required every three linear feet.
 - iii. One shade tree is required every 50 linear feet, but a minimum of one tree is required. Plantings must be placed inside the fence oriented to the interior of the lot.
6. A fence that is a minimum of 60% open shall be located along any street lot line, with the exception of ingress/egress points.

CC. Vehicle Fueling Station

1. Vehicle fueling station may also include any of the following activities:
 - a. Electric vehicles charging stations.
 - b. Retail dispensing or sales of automobile lubricants, including oil changing and chassis lubrication where substantial disassembly is not required.
 - c. Retail dispensing or sales of automobile coolants.
 - d. Hand or machine washing in a fully enclosed single bay auto wash.
 - e. Incidental repair or replacement of parts, such as windshield wiper blades, light bulbs, air filters, oil filters, batteries, belts, fuses and the like. Vehicle wrecking, vehicle repair, parking or storing of vehicles for hire, and the operation of more than one towing vehicle are not permissible incidental uses of a vehicle fueling station.
2. No outdoor storage of materials, merchandise, and equipment shall be permitted during nonbusiness hours. Storage of materials, merchandise and equipment during nonbusiness hours shall take place within the principal building or within closed, secure containers such as outdoor storage cabinets.
3. Refuse and trash may be stored outdoors at all times only if placed in closed containers located in an area screened from view at all points on any public or private property or street when viewed from ground level.

4. When abutting a lot line of a residential district or residential use, vehicle fueling stations shall be screened as follows:

- a. A solid fence or wall, a minimum of six feet and a maximum of eight feet in height.
- b. A perimeter landscape yard shall be provided and landscaped as follows:
 - i. The landscape yard shall be a minimum of five feet in width.
 - ii. One shrub, a minimum of three feet in height at maturity, is required every three linear feet.
 - iii. One shade tree is required every 50 linear feet, but a minimum of one tree is required. Plantings must be placed inside the fence oriented to the interior of the lot.

5. No partially dismantled or wrecked vehicle shall be stored outside of a completely enclosed building.

DD. Vehicle Storage - Impound Lot

1. Sufficient screening shall be provided as follows:

- a. Along the rear and interior side lot lines with a solid fence or wall, a minimum of six feet and a maximum of eight feet in height.
- b. One shrub must be planted for every three linear feet and spaced sufficiently to form a continuous linear hedgerow at plant maturity; plantings must be placed inside the fence oriented to the interior of the lot.

2. A fence, a minimum of six feet and a maximum of eight feet in height, and that is a minimum of 30% open shall be located along any street lot line, with the exception of ingress/egress points.

EE. Waste Station

1. All curb cuts or driveways shall be from an Industrial Local or Industrial Link Street.

2. The use shall be at least 2,000 feet from any residentially district, residential use, open space district, or the Genesee River, as measured from the lot lines of the waste station.

3. All refuse trucks and refuse trailers shall be empty of refuse when parked or stored on the premises.

4. Sufficient screening shall be provided as follows:

- a. Along the rear and interior side lot line with a solid fence or wall, a minimum of six feet and a maximum of eight feet in height.
- b. One shrub must be planted for every three linear feet and spaced sufficiently to form a continuous linear hedgerow at plant maturity; plantings must be placed inside the fence oriented to the interior of the lot.

5. A fence, a minimum of six feet and a maximum of eight feet in height, and that is a minimum of 30% open shall be located along any street lot line, with the exception of ingress/egress points.

13.4 Principal Use Standards: Other

A. Community Center

1. Permanently installed recreational equipment shall only be located in the rear and side yards.

B. Community Garden

1. Only one small storage shed no larger than 144 square feet and one small greenhouse no larger than 144 square feet is permitted.
2. The use of tires within the garden is not allowed.
3. Onsite composting of nitrogen-rich and carbon-rich biodegradable materials is permitted. The composting of non-biodegradable materials is prohibited including, but are not limited to: animal oils, fats, meats, bones; meat, poultry, or fish products; dairy products; fats, grease, or oils; human or animal waste; diapers; plastic, metal, or glass; charcoal ash; large wood material fire-starter logs; treated or painted wood; waxed or glossy paper; synthetic fibers; weeds, diseased, or invasive plants; black walnut tree leaves or twigs; yard trimmings treated with chemical pesticides.
4. No animals or livestock may be kept within a community garden.
5. Community gardens may offer sales of product grown on-site, as well as value-added products made with product grown on-site, but no on-site permanent structure may be used for sales.

C. Museum

1. Hours of operation for museums in LDR and MDR Districts shall be limited to 8:00AM to 8:00PM, except for events not exceeding 30 people, and offered a maximum of five times per year.
2. Loading and unloading in the LDR, MDR, and HDR Districts shall be limited to 8:00AM and 6:00PM.

D. Personal Wireless Telecommunication Facilities

Editor's Note:

When finalizing this article, we will add in the most current standards that the city has at that time.

E. Private Club or Lodge

1. A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship, educational facilities, or similar uses.
2. The bylaws of the organization must be submitted to the City upon establishment of the use.
3. In the HV District, a private club cannot exceed 2,500 square feet.

F. Public Utility

1. Any structure shall be set back not less than 25 feet from all property lines or the minimum setback requirements of the applicable zoning district, whichever is greater.
2. The storage of vehicles on the premises shall be prohibited.
3. Building design standards for the district apply to all buildings on the site, unless it can be shown that incorporating certain elements impacts operations and/ or creates a public safety issue. The Manager of Zoning shall approve the exceptions to design standards.
4. Sufficient screening shall be provided as follows:
 - a. Along the rear and interior side lot lines with a solid fence or wall, a minimum of six feet and a maximum of eight feet in height.
 - b. One shrub must be planted for every three linear feet and spaced sufficiently to form a continuous linear hedgerow at plant maturity; plantings must be placed inside the fence oriented to the interior of the lot.
5. A fence, a minimum of six feet and a maximum of eight feet in height, and that is a minimum of 30% open shall be located along any street lot line, with the exception of ingress/egress points.

6. No service or storage yard or building shall be permitted except as permitted for other uses in the district.
7. The level of noise emanating from such use shall not exceed 66 decibels (dB) by day and 45 dB by night measured at any lot line abutting a residential zoning district or residential use, if the residential use was established prior to the establishment of the utility.

G. Solar Energy System

1. The application for any approval of a solar energy system shall include:
 - a. A screening/landscaping plan that specifies the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system; and
 - b. A detailed safety plan specifying the measures that will be used to prevent public access to unsafe areas and to provide for emergency response, including but not limited to the location, height, materials, and colors of fencing and other barriers to access and a safety signage plan that contains the locations, sizes and text of signs that will be used to warn the public away from unsafe areas and that shall include the name and phone number of an official of the owner or operator who can be contacted in the event there is an emergency or any question about safety.
2. No element of the system shall reflect sunlight or glare onto a neighboring property, public right-of-way, or aircraft flight path.
3. All solar energy systems shall meet the district setbacks. Where a lot used for a solar energy system abuts the lot line of a residential district, residential use, or street, it must be setback a minimum of 50 feet from that lot line.
4. No grid-tied solar energy system shall be installed until evidence is provided that the owner is approved by the utility company to install the system.
5. The solar energy system shall be removed, at the owner's or operator's expense, within 180 days of determination by the Manager of Zoning that the system is no longer being maintained in an operable state of good repair or no longer supplying solar power.
 - a. Removal shall include solar collectors, cabling, electrical components, accessory structures, and any associated facilities below grade.
 - b. Disturbed earth shall be graded and reseeded, unless the Manager of Zoning approves a written request by the property owner that internal roads or other site improvements are not to be restored.
6. Solar energy projects that generate over 25 MW subject to review and permitting by the New Work Office of Renewable Energy Siting.

H. Urban Farm

1. The regulations of Chapter 30 of the City Code shall apply in addition to the regulations of this section.
2. No permanent agricultural building may be greater than 500 square feet.
3. Season lengthening facilities, such as high tunnels and hoop houses, are allowed up to 500 square feet total for all facilities.
4. Urban farms may include farmstands that offer sales of product grown on-site, as well as value-added products made with product grown on-site.
5. Use of pesticides is prohibited.
6. Apiaries (keeping of bees) are permitted.
7. Keeping of livestock is permitted in accordance with Chapter 30 of the City Code, in addition to the following:

- a. All structures for the keeping of animals shall be located 100 feet from any lot line.
- b. All manure may only be stored in appropriate containers. The containers shall be located at least 250 feet from any from any lot line. A pile containing putrescible refuse and/or manure is prohibited. Spreading of manure is prohibited.
- c. No slaughtering of animals is allowed.

I. Wind Energy Conversion System

1. Setbacks for Wind Turbines

a. General

A ground-mounted wind turbine shall be set back from all lot lines and overhead utility lines a minimum distance equal to one and one-tenth (1.1) times the height of the wind turbine. Turbine setbacks shall be measured from the center of the wind turbine base. With respect to an overhead utility line that provides service only to a single building or a single parcel of land, the setback requirement shall be met if the turbine is placed so that no portion of a rotor blade extends closer than five feet to the utility line.

b. Residential

With respect to residential districts, a wind turbine, including a wind turbine located in a residential district, shall be set back from any abutting residential district lot line a minimum distance equal to two times the height of the wind turbine. In the case of a wind turbine that does not exceed 35 feet in height that is located in a residential district, the wind turbine shall be set back at least 15 feet from all lot lines, and no portion of a rotor blade shall extend closer than five feet to any lot line.

2. Height

The height of a ground-mounted wind turbine shall be limited by the setback requirements of this section. The height of a rooftop or other building-mounted wind turbine shall not exceed the maximum permitted building height for the property by more than 20%.

3. Lighting

Wind turbines shall not be illuminated except as required by the Federal Aviation Administration or other applicable governmental entities.

4. Structural Design

- a. Wind turbines shall be designed to meet all requirements of the Building Code of the State of New York and the City of Rochester and all other applicable state and federal regulations.
- b. To prevent unauthorized climbing, climbing pegs must be removed from the lower ten feet of the turbine, or ladder access must be restricted. All access doors to wind turbines and electrical equipment must be locked or fenced, as appropriate, to prevent entry by unauthorized persons.

5. Aesthetic Design

Wind turbines must be a non-obtrusive and non-reflective color, such as white or off-white. The facility owner or operator must maintain the paint on wind turbines at all times in good repair. Non-essential appurtenances may not be affixed to any wind turbine, including, but not limited to, wireless or radio

6. Signs

No signs shall be located on or around a wind turbine except for necessary warning signs or informational signs located at or near ground level.

7. Operation

- a. During normal operation, wind turbines may not exceed five dBA over ambient sound as measured at the closest neighboring inhabited dwelling in existence at the time of application for the wind farm. This sound level may be exceeded during short-term events, such as utility outages and storms.
- b. A wind turbine may not cause shadow flicker to fall upon any window of an inhabited dwelling that exists at the time of application for the wind farm.

- c. A wind turbine must employ preventive measures to eliminate any deleterious effects of ice throw.

8. Wind Energy Projects Over 25 MW

Wind energy projects that generate over 25 MW subject to review and permitting by the New Work Office of Renewable Energy Siting.

9. Termination of Use

A wind energy system that has reached the end of its useful life must be removed within six months of such determination. A wind energy system is considered to have reached the end of its useful life when it has been inoperable for six consecutive months. Foundations must be removed and the site restored.

13.5 Principal Use Standards: Sexually Oriented Business

A. Sexually Oriented Business. An adult arcade, adult cabaret, adult movie theater, adult retail store, adult retail store - limited, and/or escort agency

1. Purpose

The purpose of this section is to regulate sexually oriented businesses to promote the health, safety, morals and general welfare of the citizens of the City. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any speech, including sexually oriented speech. Similarly, this section is not intended to effect the restriction or denial of access by adults to speech protected by the First Amendment and New York Constitution, or to deny access by the distributors and exhibitors of sexually oriented speech to their intended market. Neither is the intent nor effect of this section to condone or legitimize the distribution of obscene material.

2. Single Adult Use Per Location

There shall only be one sexually oriented business permitted on a single premises.

3. Measurement

a. Stock-In-Trade

The number of items in stock in the sales and display area at the time of a site inspection. The number of sexually oriented items shall be calculated as a percentage of total items.

b. Sales and Display Area

The entire interior floor space of a business establishment devoted to sales and display, including aisles, measured in square feet at the time of a site inspection. The floor space devoted to sales and display of sexually oriented materials shall be calculated as a percentage of total sales and display area.

- i. Where sexually oriented materials are physically separated from other materials by an eight-foot wall, the separate sales and display area (including any aisles) shall be compared to the total sales and display floor area.

- ii. Where floor area includes a mixture of sexually oriented material with any other material, it shall be counted as sexually oriented. Any such area shall include 1/2 of the area of any aisles adjacent to the display or sales of sexually oriented materials.

4. Supplemental Standards

a. Adult Arcade, Adult Cabaret, or Adult Retail Store

An adult arcade, adult cabaret, or adult retail store shall be licensed by the City of Rochester and operated in accordance with Chapter 98 of the City Code.

b. Adult Movie Theater

An adult movie theater shall be licensed by the City of Rochester and operated in accordance with Chapter 98 of the City Code. All aisles shall have theater runway and aisle lighting that illuminates the entire floor surface of the aisle at a level of not less than 0.2 footcandle.

c. Adult Retail Store - Limited

- i. A limited adult retail store shall be operated in accordance with Chapter 98 of the City Code.
- ii. The store shall separate all sexually oriented material from other sales and display areas using an opaque wall at least eight feet in height. Such an area shall incorporate a management-controlled system of access to ensure that only persons over the age of 18 years are allowed to enter.
- iii. The owner or operator shall have the affirmative duty to prevent the public display of sexually oriented material at or within the portions of the business open to the general public.
- iv. The store shall not advertise or hold itself out in any forum as "X...", "adult," "sex," or otherwise as a sexually oriented business.

5. Separation Requirements

a. Measurement

The following separation requirements shall be measured from the lot line of a sexually oriented business to the lot line of a protected use (item b below) or other sexually oriented business listed below. Where a multi-tenant facility such as a shopping center is involved, measurement shall occur from the boundary of the leasehold interest instead of the lot line.

b. Protected Uses

For the purpose of measuring separation from sexually oriented businesses, "protected uses" include the following:

- i. Public and semipublic uses, except police and fire stations
- ii. Outdoor entertainment
- iii. Places of worship
- iv. Museum

c. Distance Requirements

i. Limited Adult Retail Store or Escort Agency

- (A) Distance from any protected use: None
- (B) Distance from any residential district: None
- (C) Distance from any other limited adult retail store or escort agency: None
- (D) Distance from any other sexually oriented business: None

ii. Adult Arcade, Adult Cabaret, Adult Movie Theater, and Adult Retail Store

- (A) Distance from any protected use: 1,000 feet
- (B) Distance from any residential district: 500 feet
- (C) Distance from any other limited adult retail store or escort agency: None

iii. Distance from any other sexually oriented business: 1,000 feet.

6. Specific Nonconforming Use Provisions

A sexually oriented business lawfully operating in conformance with this section and Chapter 98 shall not be rendered a nonconforming use by the location, subsequent to its lawful establishment and licensing (if required), of a protected use listed in item 5.b of this section which results in a violation of the distance requirements in this section.

13.6 Accessory Use Standards

A. Drive-Through Facility

1. All elements associated with drive-through facility, including but not limited to service windows, vehicular queuing lanes, and intercoms, shall be prohibited between any building facade that faces a street. However, in the CV District the following shall apply:
 - a. All drive-through components shall be located in the rear yard.
2. When abutting a lot line of a residential district or residential use, drive-through facilities shall be screened as follows:
 - a. A solid fence or wall, a minimum of six feet and a maximum of eight feet in height.
 - b. A perimeter landscape yard shall be provided and landscaped as follows:
 - i. The landscape yard shall be a minimum of five feet in width.
 - ii. One shrub, a minimum of three feet in height at maturity, is required every three linear feet.
 - iii. One shade tree is required every 50 linear feet, but a minimum of one tree is required. Plantings must be placed inside the fence oriented to the interior of the lot.
3. If abutting a lot line in a residential district or residential use, no sound from intercoms shall be audible beyond the property line.
4. Stacking spaces provided for drive-through facilities must be:
 - i. A minimum of nine feet in width, as measured from the outermost point of any service window or bay entrance, to the edge of the driveway, and 18 feet in length. In the case of a recessed service window, the measurement is taken from the building wall.
 - ii. Stacking spaces must begin behind the vehicle parked at a final point of service exiting the drive through aisle, such as a service window (this does not include a drive-through sign). Spaces must be placed in a single line behind in each lane.
5. All drive-through lanes must be located and designed to ensure that they do not adversely affect traffic circulation on adjoining streets. Drive-through lanes on corner lots must not route exiting traffic onto a Neighborhood Local Street. However, in the CV District the following shall apply:
 - a. All ingress and egress shall be provided from a rear shared access drive.
6. A drive through lane must have bail out capability for all vehicles that enter the drive through lane. The bail out lane must be a minimum width of ten feet in width and run parallel to the drive through lane. If a bail out lane is also an interior access drive providing access to parking spaces, the bail out lane is limited to a one-way traffic pattern following the direction of the drive through lane.

B. Entertainment, Limited

1. The entertainment or music must be accessory to the principal use and may not in any way constitute the primary function of the operation.
2. The specific type of entertainment or music must be listed on the limited entertainment center license that is issued pursuant to Chapter 29, Amusements and Entertainment, of the Municipal Code.
3. There will be only one performer or performance group.

4. No dedicated stage nor dance area will be provided, nor will any permanent or temporary change to the approved floor plan be made to accommodate the use. For purposes of this section, "approved floor plan" is defined as the floor plan, seating plan, or other drawings and information that served as the basis for the establishment's latest building permit and maximum occupancy determinations issued pursuant to Chapter 39, Building Code, of the Municipal Code.
5. No cover charge or fee will be collected.
6. The entertainment or music must end no later than one hour prior to closing time.
7. In the CV District the following shall apply:
 - a. Limited entertainment is permitted between the hours of 6:00AM and 2:00AM and specially permitted from 2:00 AM to 6:00 AM.
 - b. All limited entertainment must be within a fully enclosed building.

C. Home Occupation

1. Stock-in-trade shall be contained within the permitted portion of the floor area for the home occupation and shall not be visible from the street.
2. There shall be no outdoor storage of equipment or materials used for the home occupation.
3. One commercial vehicle shall be permitted in connection with any home occupation, and it shall be parked in a garage or the rear yard.
4. No mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisance outside the residential or accessory structure shall be used.
5. No home occupation shall be permitted which is noxious, offensive, or hazardous by reason of hours of operation, vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation, or other objectionable emissions.
6. In residential districts, one sign of not more than two square feet in area placed on the building no higher than the first story of the principal structure is allowed with a permit.
7. Instruction for no more than five attendees shall be allowed.
8. Not more than one person who is not a member of the family residing on the premises shall be employed in the home occupation.

D. Outdoor Animal Care Area

1. Animal care facilities shall locate exterior pens, runs, training, and exercise areas to the side or rear of the building.
2. All exterior areas shall be completely fenced to contain all animals on the lot.
3. Exterior exercise areas must provide covered areas over a minimum of 20% of the exterior area to provide shelter against sun/heat and weather.
4. No exterior areas may be used for overnight boarding.

E. Outdoor Sales and Display

1. All outdoor display of merchandise shall be located adjacent to the principal structure and not in drive aisles, loading zones, or fire lanes. It may be located in a parking lot so long as any required parking spaces remain available for use.
2. No display may be placed within three feet of either side of an active door, or within 15 feet directly in front of an active door.
3. A minimum clear width for pedestrian traffic of eight feet shall be provided and maintained along any interior private sidewalk.

F. Outdoor Seating/Activity Area

1. Outdoor seating/activity areas are limited to the hours of 5:00AM to 11:00PM.
2. However, in the CV District the following shall apply:
 - a. Outdoor seating/activity areas are a permitted accessory use between the hours of 5:00AM to 11:00PM.
 - b. Outdoor seating/activity areas are a specially permitted accessory use between the hours of 11:00PM to 2:00AM.

G. Outdoor Storage

1. The outdoor storage area shall be located a minimum of 30 feet from any lot line. No outdoor storage is permitted in the required front setback.
2. All lot lines abutting a district other than the IND District shall be screened by a solid masonry wall or fence not less than six feet nor more than eight feet in height.
3. Storage of any kind is prohibited outside the fence or wall.
4. No items stored within 50 feet of the fence may exceed the height of the fence or wall.

13.7 Temporary Use Standards

A. Farmers Market

1. The timeframe of a farmers market, including number of days per week and overall duration of the event, will be determined and approved as part of the certificate of zoning compliance. The certificate of zoning compliance may be issued on a yearly basis.
2. A management plan, required as part of the application, shall demonstrate the following:
 - a. The on-site presence of a representative of the farmers market during hours of operation who directs the operations of vendors participating in the market.
 - b. An established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance when open to the public.
 - c. A general site plan including vendor stalls, parking areas, visitor facilities, such as any seating areas and restrooms, and all ingress and egress points to the site.
 - d. A lighting plan describing all temporary lighting to be installed.
 - e. Provision for waste removal.
 - f. The days and hours of all operations, including vendor set-up and take-down times.
3. Any accessory entertainment, live or pre-recorded, is limited to the hours of 11:00AM to 7:00PM.

B. Food Trucks, Trailers, and Vending Carts

1. In addition to the requirements of Section 60 of the City Code, the following standards apply to food trucks, trailers, and vending carts that locate on private property as an individual temporary use. When food trucks, trailers, and vending carts are included as part of another temporary use, such as a temporary outdoor entertainment event, they are approved as part of that use but are still subject to items d through h below.

- a. The timeframe, including number of days per week and overall duration of the event, will be determined and approved as part of the certificate of zoning compliance.
- b. The temporary use will be evaluated on the basis of the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact, including noise, on other properties.
- c. If the mobile food truck, trailer, or cart operator is not the owner of the site where the truck, trailer, or cart will be located, written permission from the property owner must be submitted as part of certificate of zoning compliance application.
- d. The lot must be kept clear of litter and debris at all times.
- e. Outdoor seating may be provided on the site, but no seating may be permanently installed.
- f. A permanent water or wastewater connection is prohibited.
- g. Electrical service may be provided only by temporary service or other connection provided by an electric utility, or an on-board generator.
- h. Drive-through service is prohibited.

C. Mobile Retail Vendor

1. These standards apply to individual mobile retail vendors that locate on private property as an individual temporary use. When mobile retail vendors are included as part of another temporary use, such as a temporary outdoor entertainment event, they are approved as part of that use but are still subject to items d through f below.

- a. The timeframe of a temporary mobile retail sales use, including number of days per week and overall duration of the event, will be determined and approved as part of the certificate of zoning compliance.
- b. The temporary use will be evaluated on the basis of the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact, including noise, on other properties.
- c. If the mobile retail vendor operator is not the owner of the site where the truck or trailer will be located, written permission from the property owner must be submitted as part of the application.
- d. The lot must be kept clear of litter and debris at all times.
- e. Electrical service may be provided only by temporary service or other connection provided by an electric utility, or an on-board generator.
- f. Drive-through service is prohibited.

D. Real Estate Project Sales Office

1. A temporary standalone real estate sales office shall be subject to the following:

- a. Limited to one temporary standalone real estate sales office, which shall not be located in any required setback.
- b. Closed and removed within 30 days after the substantial sale or lease of the units of the development.

2. Temporary real estate sales offices within one of the units of the development shall be closed within 30 days after the sale or rental of the last unit of the development.

3. These standards do not apply to permanent leasing offices.

E. Temporary Contractor Facilities

1. Temporary contractor facilities are only allowed incidental to a construction project.
2. All contractor facilities must be removed within 45 days of completion of the construction project. Phased projects shall apply for successive certificate of zoning compliance for each phase.
3. The site must be restored to its original condition.
4. If the site is not owned by the contractor, written permission from the property owner must be submitted as part of the certificate of zoning compliance application.

F. Temporary Entertainment and/or Sales Event

1. The timeframe of a temporary entertainment and/or sales event, including number of days per week and overall duration of the event, will be determined and approved as part of the certificate of zoning compliance. The certificate of zoning compliance may be issued on a yearly basis.
2. Temporary entertainment and/or sales events in the residential districts is restricted to those events associated with and conducted by an institutional use within the district, such as a place of worship and educational facility, and must take place entirely on the lot containing the institutional use.
3. A management plan is required and must be approved as part of the certificate of zoning compliance application that demonstrates the following:
 - a. An estimate of the daily number of attendees.
 - b. General layout of performance or sales areas, visitor facilities, such as any seating areas and restrooms, parking areas, and all ingress and egress points to the site.
 - c. An established set of operating rules addressing the governance structure of the event, hours of operation, maintenance, and security requirements.
 - d. The on-site presence of a manager during the event.
 - e. Provision for waste removal and for recycling.
 - f. The days and hours of operation, including set-up and take-down times.
 - g. A description of crowd control and security measures.
 - h. For outdoor events, a lighting plan describing all temporary lighting to be installed.
 - i. A parking and loading management plan.
4. Any temporary structures must be removed within three days of conclusion of the event.
5. No expansion into public right-of-way is allowed without additional required approvals.

13.8 Use Definitions

A. Principal Use Definitions: Residential Uses

Boarding House. A dwelling that offers lodging for 30 consecutive days or more within sleeping units for compensation, with or without meals, and not occupied as a single-family unit. Individual sleeping units are let by the owner or operator to non-family members with no more than two persons per unit. This includes dormitories, and fraternity and sorority houses. Boarding house does not include owner-occupied premises with two or fewer roomers.

Bed and Breakfast Establishment. An owner-occupied and owner-operated dwelling unit originally designed as a residential structure, where only bedrooms are used for providing overnight accommodations for less than 30 consecutive days at a time, and, at minimum, a morning meal is provided. The dwelling unit is the owner's primary residence and at least one bedroom within the unit is reserved for the owner's exclusive personal use.

Community Home. A building arranged or used for lodging and not occupied as a single-family unit, where the building is owned or operated by a New York State (NYS) registered organization that provides services to residents such as counseling, training, rehabilitation, or peer support, either on-site or off-site, where residents occupy individual sleeping units. A community home shares a kitchen. Occupants do not need 24 hour supervised room, board, and care, and are capable of living independently. Examples of community homes include transitional housing and sober homes.

Day Care Home. An operator-occupied dwelling unit where care for children is provided.

Day Care Home, Adult. A program caring for up to six adults for more than three hours per day per person in which day care is provided in an operator-occupied dwelling unit.

Dwelling, Multi-Family. A building that contains three or more dwelling units.

Dwelling, Single-Family Attached. Two adjoining dwelling units each on their own lot, each of which is separated from the others by one or more unpierced walls extending from ground to roof.

Dwelling, Single-Family Detached. A structure that contains one dwelling unit and is surrounded by open space or yards and having no roof, wall, or floor in common with any other dwelling unit.

Dwelling, Townhouse. A row of three or more adjoining dwelling units each on their own lot, each of which is separated from the others by one or more unpierced walls extending from ground to roof.

Dwelling, Two-Family. A structure that contains two dwelling units.

Dwelling Unit(s) within a Mixed-Use Building. Dwelling units located above ground-floor nonresidential uses or located behind ground-floor nonresidential uses. In the case of dwelling units located behind ground-floor nonresidential uses, the ground-floor residential uses cannot be located along any street frontage.

Emergency Residential Facility. A short-term residential facility operated by a provider, other than a residential care facility, community home, or emergency shelter, which provides temporary accommodations to more than four persons, with 24 hour on-site supervision. For the purpose of this definition, "provider" shall mean a government agency, private, or nonprofit organization which provides, or contracts with recognized community organizations to provide, emergency or temporary shelter for less than one month.

Emergency Shelter. A short-term residential facility operated by a provider, other than an emergency residential facility, residential care facility, or community home, which provides temporary accommodations to more than four persons for less than 24 hours, with supervision during hours of operation. For the purpose of this definition, "provider" shall mean a government agency, private, or nonprofit organization which provides, or contracts with recognized community organizations to provide, emergency or temporary shelter for less than 24 hours per day.

Hospice Residence. A residential dwelling operated for the purpose of providing care to more than two but not more than eight hospice patients, pursuant to Article 40 of the Public Health Law, and as defined in Section 4002 of said law.

Live-Work Unit. A dwelling unit or sleeping unit in which no more than 50% of the dwelling unit includes a nonresidential use that is operated by the resident.

Pocket Neighborhood Residential Development. A pocket neighborhood allows for residential development and/or cohousing options in a manner that organizes dwellings around shared spaces, designed as a cohesive whole. A pocket neighborhood may also contain shared facilities for residents of the development, such as a communal kitchen, laundry areas, or recreation and gathering spaces.

Residential Care Facility. A building or group of buildings, a facility, or a residence that is licensed by New York State and in which nursing care, medical services, and other related services are provided to more than 16 residents who reside on a 24 hour basis in a supervised environment. This use includes nursing homes, assisted living, rehabilitation center, and hospice care. It does not include hospital, residential care dwelling, and hospice residence.

Residential Care Dwelling. A dwelling that is licensed by New York State and in which nursing care, medical services, and other related services are provided to 16 or fewer residents who reside on a 24 hour basis in a supervised environment. The term excludes facilities subject to New York State Mental Hygiene Law § 41.34. Residential care dwelling shall not include a clinic, institution, hospital, nursing home, convalescent home, hospice residence, school, child day-care center, adult day-care center, nursery school, dormitory, emergency residential facilities, community home, boarding house, or other similar use. The term shall not be applied to owner-occupied premises with two or fewer roomers.

B. Principal Use Definitions: Commercial and Industrial Uses

Commercial Use, Indoor. A commercial activity involving the sale of goods or services, carried out for profit, which is within a completely enclosed building and not listed individually within Table 3-1: Use Matrix in Article 3. This includes, but is not limited to, retail goods establishments, personal services, office uses, rental services, and eating and drinking establishments.

Animal Care Facility. An establishment which provides care for domestic animals, including veterinary offices for the treatment of animals, where animals may be boarded during their convalescence, pet grooming facilities, animal training centers and clubs, and facilities where animals are boarded during the day. Animal care facilities do not include animal breeders. Animals boarded for overnight and short-term stays are limited to three or fewer animals; however, this does not apply to veterinary clinics.

Car Wash. Any building or premises, or portion thereof, the use of which is devoted to the business of washing automobiles for a fee, whether by automated cleaning devices or otherwise.

Craft Production. Craft-related industrial processes within a completely enclosed building involving manufacturing, production, assembly, plant growing, and/or repair that includes a showroom or retail space open to the public.

Day Care Center. Any non-residential establishment where care for children or adults is provided and is not considered a day care home or adult day care home.

Drive-Through Restaurant. A restaurant that, by design of physical facilities, provides food/beverages to customers who remain in a motor vehicle.

Drive-Through Kiosk. A business where transactions only occur directly with customers via a service window or other configuration where customers remain in their vehicle. This does not include drive-through restaurants.

Entertainment, Indoor. A commercial facility for indoor theatrical or musical performances, concerts, athletic contests or games, exhibitions, or shows, including a disc jockey or a dedicated dance floor, which is offered, operated, presented, or exhibited to the public. This definition does not include municipal or school auditoriums.

Entertainment, Outdoor. A commercial facility for outdoor theatrical or musical performances, concerts, athletic contests or games, exhibitions, or shows, including a disc jockey or a dance floor, which is offered, operated, presented or exhibited to the public.

Firearms Sale, Manufacture, Storage, and Display. Any establishment engaged in the sale, manufacture, storage, and/or display of firearms

Hotel. A commercial facility that provides sleeping accommodations and customary lodging services for a fee, without benefit of a residential lease or rental agreement. Related accessory uses may include, but are not limited to, meeting facilities, restaurants, bars, fitness rooms, and recreational facilities for the use of guests. Hotel does not include a motor lodge.

Industrial, Light. The assembly, manufacture, fabrication, processing, agriculture, aquaculture, or other handling of products, the operation of which is conducted solely within a building or group of buildings, and which does not include an on-site retail component, the outdoor storage of materials and does not create a nuisance from noise, vibration, odor, dust, smoke, observable gas or fumes, or other observable atmospheric pollutants beyond the exterior walls of the building where the use is conducted. This includes warehousing and wholesale distribution of products manufactured on site and products manufactured off site. Light industrial may also include a showroom, accessory sales of products related to the items manufactured or stored on-site, and/or outdoor storage for materials related to processes on-site. This does not include vehicle repair.

Industrial, Heavy. Any factory, shop, yard warehouse, mill or other nonresidential premises utilized in whole or in part for the processing, preparation, production, containerizing, storage or distribution of goods, wares, commodities, parts, materials, electricity and the like. The processing, preparation and production activities customarily deal with man-made or raw materials and other manufactured items which are altered, restored or improved by the utilization of biological, chemical or physical actions, tools, instruments, machines or other such similar natural, scientific or technological means. Heavy Industrial processes and treatments include but are not limited to such operations as mixing, crushing, cutting, grinding and polishing; casting, molding and stamping; alloying and refining; assaying, cleaning, coating and printing; and assembling and finishing, and handling of any waste products and materials. Also includes any indoor or outdoor place or premises where trucks, tractors and/or trailers park or are assigned, stationed, fueled, stored, loaded or unloaded. Heavy industrial may also include a showroom, accessory sales of products related to the items manufactured or stored on-site, and/or outdoor storage for materials related to processes on-site.

Junkyard. Any lot where waste, including non-putrescible rubbish, trash, garbage, refuse, scrap, or discards, both man-made and natural, is temporarily or permanently present for the purposes of bailing, collection, sorting, recovery, recycling, exchange, storage, reduction, transfer, metal processing, incineration or disposal, including auto wrecking yards, house-wrecking yards and scrap processing yards.

Kennel. A facility where four or more dogs and/or cats over the age of six months are boarded for overnight and short-term stays. This does not apply to veterinary clinics. Kennel also includes animal breeders. ACF as permitted where All Comm Use Indoors; Specially permit Kennel where ACF

Marina. Small boat harbor or boat basin providing dockage, supplies and services for small pleasure craft.

Motor Lodge. A building or group of buildings that provides sleeping accommodations and customary lodging services for a fee, without benefit of a residential lease or rental agreement for compensation, for primarily automobile transients and which has individual entrances from the outside of the building for a minimum of 25% of the rooms located therein. Motor lodge does not include a hotel.

Outdoor Market. An outdoor site, where individual stalls or spaces are provided on a short-term basis for vendors to display, buy, sell, exchange, or deal in produce, food, and new or used goods.

Outdoor Recreation (Principal Use). Commercial recreational uses conducted in open or partially enclosed or screened facilities. Typical uses include, but are not limited to, driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and outdoor racquet courts.

Outdoor Storage (Principal Use). The placing, maintaining, or keeping of commercial or industrial equipment/materials, or contractor storage, including equipment/materials used for construction, building trades, landscaping, paving, heating, plumbing, roofing, and/or excavation in a place other than within a fully enclosed building. Construction vehicles parked in a legal parking space is not considered outdoor storage. Storage of unlicensed vehicles is not considered outdoor storage.

Parking Garage (Principal Use). A parking deck, structure, or building, or part thereof, used or intended to be used only for the parking and storage of vehicles at one or more levels, and not for commercial repair work or vehicle-related services of any kind.

Parking Lot (Principal Use). A grade-level surface area used exclusively for the parking and storage of vehicles and not for commercial repair work or vehicle-related services of any kind.

Pawnbroker. Any business or location in which a collateral loan broker, as defined in Article 5 of the New York State General Business Law, is operating.

Recycling Center. Any building or portion of a building in which recyclable material, limited to paper, cans, glass, plastic, cardboard, or the like, is redeemed, collected, stored, or processed in an enclosed building for the purpose of marketing the material for use as raw material in the manufacturing process of new, reused or reconstituted products.

Second Hand Dealer. A business required to be licensed as a secondhand dealer in accordance with Municipal Code Chapter 96, Secondhand Dealers, excluding vehicle-related dealers.

Self-Storage Facility: Climate-Controlled. A facility for the storage of personal property where individual renters control and access individual storage spaces located within a fully enclosed building that is climate controlled. Accessory retail sales of related items, such as moving supplies, and facility offices may also be included.

Self-Storage Facility: Outdoor Access. A facility for the storage of personal property where individual renters control and access individual storage spaces and where each storage unit has individual access from the outdoors, and which may have areas available for accessory outdoor storage. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included.

Shooting Range. An indoor place or range for shooting and discharging firearms at a target. Outdoor shooting ranges are prohibited in the City.

Short-Term Whole-Dwelling Unit Rental. The rental of a whole dwelling unit and/or individual rooms within a single dwelling unit for rent to guests for periods of less than 30 consecutive days, where the property owner does not reside within the dwelling unit.

Vehicle Body Work. Vehicle repair that includes body work, frame straightening, painting, and similar repair activities within an enclosed building.

Vehicle Operations Facility. A facility for the dispatch, storage, and maintenance of emergency medical care vehicles, taxicabs and similar for hire vehicles, school buses, utility vehicles, delivery vehicles, and similar vehicles. Vehicle operations facility does not include storage of vehicles associated with government public works or public safety facilities.

Vehicle Repair. Engine repair, upholstery, steam cleaning, electrical work, tune-ups, muffler/exhaust systems service, tire service and all other passenger vehicle repair activities within an enclosed building.

Vehicle Sales. Any building, land area or other premises used for the display, rental, or sale of new or used automobiles, motorcycles, trucks, trailers, or boats, but not including any repair work other than warranty and other repair service conducted as an accessory use on such premises. An office structure shall be located on the same lot as the vehicle sales or an adjacent lot.

Vehicle Rental. An establishment or service that rents automobiles, vans, and trucks, including incidental parking and servicing of rental vehicles.

Vehicle Fueling Station. Any building, land area or other premises, or portion thereof, used or intended to be used for retail dispensing or sales of automobile fuels.

Vehicle Storage - Impound Lot. A facility that provides outdoor storage for towed vehicles that are to be claimed by titleholders or their agents, including facilities owned and used by governmental authorities.

Waste Station. A completely enclosed building or buildings where putrescible and nonputrescible materials are stored, treated, or transferred from one kind of transportation to another, for future movement to a landfill, recycling processor, or other resource/waste facility.

C. Principal Use Definitions: Other

Boat Launch, Motorized. A place from which a motorized boat is placed in a waterway.

Boat Launch, Non-Motorized. A place from which a non-motorized boat is placed in a waterway.

Clinic, Outpatient. A facility other than a hospital, where medical, mental health, surgical and other personal health services are provided exclusively on an outpatient basis by a group of physicians working in cooperation and sharing the same facilities. An outpatient clinic typically operates beyond standard medical office hours and may provide emergency treatment. An outpatient clinic may include educational aspects such as medical instruction and/or training as well as house a lab, radiology, pharmacy, rehabilitation, and other similar services as accessory uses.

College/University. A facility for post-secondary higher learning that grants associate, bachelor, master, and/or doctoral degrees. Such facilities may include ancillary uses such as research facilities, dormitories, cafeterias, restaurants, retail sales, childcare facilities, indoor or outdoor recreational facilities, stadiums, and similar uses.

Community Center. A building or structure and related facilities operated by a community-based group, government agency or organization on a nonprofit basis, the primary function of which is the provision of personal and other services to individuals, families and groups. Services may include information, socializing, recreation, education, culture and counseling but shall exclude the provision of sleeping quarters, except for one caretaker dwelling unit to be used for security and maintenance purposes.

Community Garden. An operation in which residents grow food and/or ornamental plants and create community-building spaces. Produce is consumed by local households or donated to community organizations. Community gardens may offer a small amount of their product to be sold to support garden operation costs, but no onsite permanent structure is used for sales. Community gardens may include small-scale composting systems, low tunnels and temporary season extension equipment, water barrels, and other catchment/irrigation systems.

Educational Facility. The use of a building or structure, or a portion thereof, by six or more persons at any one time for Pre-K through 12th grade education, vocational education, or technical education. This does not include a day care center, day-care home, or adult day-care home.

Hospital. Facilities for medical or surgical care to people, primarily in-patient overnight care, and including related facilities such as laboratories, outpatient facilities, cafeterias, retail sales, and similar uses. Hospital also includes psychiatric hospitals.

Museum. An institution, building, room, or specified area for preserving, exhibiting, demonstrating, or interpreting art, history, culture, or nature or scientific objects or ideas.

Personal Wireless Telecommunication Facilities. Facilities for the provision of commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services, including but not limited to antennas, telecommunications towers and accessory facilities.

Place of Worship. A structure owned and/or used by a religious organization for worship, religious training, and/or accessory religious education.

Private Club or Lodge. A building and related facilities owned or operated by a corporation, association, or group of persons for social, educational, and/or recreational purposes of members regularly paying dues, but not primarily for profit nor to render a service which is customarily carried on as a business.

Public and Semipublic Use. Uses operated by a public or semipublic body such as public libraries, fire and public safety buildings, parks, and governmental buildings.

Public Utility. Any facility and infrastructure used for the generation, transmission, storage, or distribution of electric energy, natural or manufactured gas, water, stormwater, cable television, internet, telephone services, or wastewater, between the point of generation and the end user. A public utility includes utility operation facilities where all activity occurs indoors.

Solar Energy System. A complete design or assembly consisting of a solar energy collector and other components for the transformation, processing, storage, transmission, and/or distribution of photovoltaic solar energy for the purposes of space heating and cooling, electricity supply, and/or water heating.

Urban Farm. An operation in which food and other agricultural products are grown primarily for sale. Sales may occur on- or off-site. Urban farms may be community-driven or sole proprietorships, and either not-for- or for-profit. Keeping of livestock and apiaries (bees) as ancillary to growing operations may be part of an urban farm.

Wind Energy Conversion System. A system of components which converts the kinetic energy of the wind into electrical or mechanical power and which comprises all necessary components, including energy storage, power conditioning, control systems, transmission systems (where appropriate) and structural support systems, to provide electricity or mechanical power for residential, commercial, industrial, utility or governmental use. The height of the WECS is the height of the actual tower plus 1/2 the rotor diameter on horizontal axis installations and, on vertical axis installations, the distance from the base of the tower to the top of the unit.

D. Principal Use Definitions: Sexually Oriented Businesses

Sexually Oriented Business. An adult retail store, limited adult retail store, adult arcade, adult cabaret, adult movie theater, and/or escort agency.

1. **Adult Arcade.** Any business enterprise that offers or maintains one or more adult video viewing booths.
 - a. **Adult Video Viewing Booth.** Coin- or slug-operated, or electronically or mechanically controlled, still- or motion-picture machines, projectors, or other image-producing devices which present visual or audio material of any kind which is characterized by its emphasis on the description or depiction of specified anatomical areas or specified sexual activities and which are designed to be viewed by five or fewer persons per machine at any one time or are located in a room or booth of less than 150 square feet. No part of this definition shall be construed to permit more than one person to occupy an adult video viewing booth at any time.
2. **Adult Cabaret.** Any business enterprise which regularly features or offers to the public, customers or members, performances by persons who appear nude or seminude or live performances that are characterized by their emphasis on the exposure, depiction or description of specified anatomical areas or the conduct or simulation of specified sexual activities.
3. **Adult Movie Theater.** Any business enterprise which regularly features or offers to the public the presentation of motion-picture films, movies or sound recordings which are characterized by their emphasis on the description or depiction of specified anatomical areas or specified sexual activities and which are presented to a common audience of more than five persons in an enclosed common area or are presented in a common area of more than 150 square feet.
4. **Adult Retail Store.** A business enterprise that meets any of the following tests:
 - a. Offers for sale or rental items from any two of the following categories:
 - i. Sexually oriented materials;
 - ii. Lingerie; or
 - iii. Leather goods which are marketed or presented in a context to suggest their use in connection with specified sexual activities.
 - b. Offers for sale sexually oriented toys and novelties, except a business enterprise which devotes less than 10% of its stock-in-trade and sales and display area to sexually oriented materials, with all sexually oriented toys and novelties separated from other sales and display areas by an opaque wall at least eight feet in height with a management-controlled system of access to ensure that only persons over the age of 18 years are allowed to enter the area;
 - c. Devotes more than 10% of its stock-in-trade or sales and display area to sexually oriented materials without having all sexually oriented materials separated from other sales and display areas by an opaque wall at least eight feet in height with a management-controlled system of access to ensure that only persons over the age of 18 years are allowed to enter the area;
 - d. Devotes more than 40% of its stock-in-trade or sales and display area to sexually oriented materials; or
 - e. Advertises or holds itself out in signage visible from the public right-of-way as "X...", "adult," "sex" or otherwise as a sexually oriented business.

5. Adult Retail Store - Limited. Any business enterprise which offers for sale or rental sexually oriented materials and which devotes at least 10% and not more than 40% of its stock-in-trade or sales and display area to sexually oriented materials, provided that:

- a. The following items are not also offered for sale:
 - i. Lingerie; or
 - ii. Leather goods which are marketed or presented in a context to suggest their use in connection with specified sexual activities.
- b. All sexually oriented materials are separated from other sales and display areas by an opaque wall at least eight feet in height with a management-controlled system of access to ensure that only persons over the age of 18 years are allowed to enter the area; and
- c. The business enterprise does not advertise or hold itself out in signage visible from the public right-of-way as "X...", "adult," "sex" or otherwise as a sexually oriented business.

6. Escort Agency. A person or business enterprise that furnishes, offers to furnish, or advertises to furnish, for consideration, escorts who perform any escort services in the City. An escort agency that advertises or holds itself out in signage visible from the public right-of-way as "X...", "adult", or "sex" are considered an adult retail store.

E. Accessory Use Definitions

Drive-Through Facility. That portion of a business where transactions occur directly with customers via a service window or other configuration that allows customers to remain in their vehicle. Drive-through restaurants and drive-through kiosks are considered principal uses and regulated per Section 13.3.

Entertainment, Background. Prerecorded music played as a matter of routine and completely secondary to the principal use of a nonresidential establishment, which is not audible beyond the property line of the establishment premises between the hours of 10:00 p.m. and 8:00 a.m. and not audible at a distance of 50 feet beyond such property line between the hours of 8:00 a.m. and 10:00 p.m.

Entertainment, Limited. Any live or recorded entertainment or music, other than background entertainment, including but not limited to karaoke, that is completely secondary to the principal use.

Home Occupation. A business, profession, occupation, or trade and conducted for gain or support entirely within a residential dwelling, or a structure accessory thereto by, which is incidental and secondary to the use and occupies no more than 15% of the floor area of the dwelling unit and is owned and operated by a resident of the dwelling unit. No alteration of the principal residential building is made which changes the character and appearance as a dwelling.

Outdoor Animal Care Area. Outdoor areas reserved for the use of animals kept on-site accessory to a commercial animal care establishment, such as exercise pens, runs, training, and exercise areas.

Outdoor Sales and Display. Part of a lot used for outdoor sales and/or display of goods accessory to the principal use.

Outdoor Seating/Activity Area. An outdoor seating/activity area as an accessory use is located outside the permanent enclosed area, and is used for seating, for food and/or beverage consumption, and/or participatory activities such as trivia or skill games like darts. This includes, but is not limited to, areas such as patios, decks, rooftops, and open areas.

Outdoor Storage. The storage of materials, supplies, equipment, vehicles, and similar items outdoors in conjunction with the principal use of land.

F. Temporary Use Definitions

Farmers Market. The temporary use for the sale of a variety of fresh fruits, flowers, vegetables, or ornamental plants, and other locally produced farm and food products, including value-added products, directly to consumers from farmers or from vendors that have taken such items on consignment for retail sale.

Food Trucks, Trailers, and Vending Carts. A motor vehicle, food trailer towed by another vehicle, or a vending cart designed and equipped to prepare and sell food and/or beverages directly to consumers. It does not include wholesale food distributors.

Mobile Retail Vendor. A motor vehicle, or trailer towed by another vehicle, designed and equipped to sell goods directly to consumers. It does not include wholesale distributors.

Real Estate Project Sales Office. A residential unit, commercial space, or standalone structure that is temporarily used as a sales or leasing office within a development project.

Temporary Contractor Facilities. A temporary, portable, or modular structure utilized as a watchman's quarters, construction office, equipment shed, or similar structure during construction or demolition activities. This may also include a contractor's staging area where materials and equipment are temporarily stored in conjunction with a construction or demolition project.

Temporary Entertainment and/or Sales Event. One or a combination of the following events:

- 1. Temporary Entertainment Event.** A temporary entertainment event, such as the performance of live music, revue, or play within an outdoor space. Temporary entertainment event includes festivals, carnivals/circuses, temporary worship services, and others.
- 2. Temporary Sales Event.** A temporary sales event where goods are sold, such as consignment auctions, arts and crafts fairs, flea markets, temporary vehicle sales, and holiday sales, such as firework stands, Christmas tree lots, and pumpkin sales lots. This temporary use category does not include garage sales, which are regulated by Section 62-13 of the City Code.