

Article 3. Use Permissions

3.1 Global Use Matrix

3.1 Global Use Matrix

- A. Table 3-1: Use Matrix identifies the principal, temporary, and accessory uses allowed within each zoning district.
- B. Table 3-1 shall be applied according to the following key:

KEY	
P	Permitted (P) - Additional requirements apply when a number is indicated
SP	Specially Permitted (SP) - Additional requirements apply when a number is indicated
P/SP	Either permitted or specially permitted - As indicated by the number and the additional requirements
<i>(Blank)</i>	Prohibited

C. Certain uses within the table must meet required use standards within Article 13. A reference is provided in the "Use Standards" column of the Table 3-1. In the case of conflict of required standards (i.e., a cross reference is missing from the table, the numbering of standards in Article 13 has changed but not updated in the Table, etc.), Article 13 controls.

D. Certain use permissions in Table 3-1 have additional requirements when a number is indicated in the cell. A use is only allowed if it meets the noted requirements; if the use does not meet the requirement, a use variance is required. The following key identifies what these requirements are:

KEY	REQUIREMENT
1	Only in an existing legal dwelling as of the effective date of the Code and owner occupancy required
2	Only in an existing building as of the effective date of the Code
3	Only in an existing legal dwelling as of the effective date of the Code
4	Permitted up to 4 units; special permit for 5 or more units
5	Only in an existing two or more story building as of the effective date of the Code
6	Only when below second floor of multi-family dwellings larger than 20 units
7	Only when more than 500 ft from a residential use or residential district boundary
8	Permitted only when more than 500 ft from a district boundary; special permit required when within 500 ft of a district boundary
9	Only up to 2 repair bays
10	Only up to 3 repair bays
11	Only up to 4 repair bays
12	Only for 10 vehicle spaces or less in an existing legal parking lot; However, prohibited on a Neighborhood Local Street
13	Only in a completely enclosed building
14	Only in existing vehicle fueling stations as of the effective date of the Code
15	Only within an existing industrial building as of the effective date of the Code
16	No more than one use, per building on the property, regulated by the NYS Building Code as an A-2 use (i.e., uses intended for food and/or drink consumption)
17	Excludes buildings built as a public or semipublic use, such as churches, schools, and police or fire stations
18	For district requirements as to permitted or specially permitted, see Section 13.4.D
19	Permitted when on a rooftop; special permit required when on the ground
20	Permitted only in a fully enclosed building; special permit when not within a fully enclosed building
21	Located 30 feet or more from the edge of the Genesee River
22	Located within 30 feet of the edge of the Genesee River
23	Located when 100 feet or more from the edge of the Genesee River

E. Special considerations are granted for select existing buildings in the residential districts. Additional uses may be allowed as permitted or specially permitted, per Table 3-1, in the following circumstances:

1. An existing nonresidential or mixed-use building located in a residential district.
2. Adaptive reuse of local landmarks and buildings individually listed on the National Register of Historic Places (NRHP) and located in a residential district.

USER NOTE:

The district abbreviations in the Table are as follows:

Residential Districts

LDR Low-Density Residential District
MDR Medium-Density Residential District
HDR High-Density Residential District

Commercial and Mixed-Use Districts

BMU Boutique Mixed-Use District
NMU Neighborhood Mixed-Use District
FMU Flexible Mixed-Use District
RC Regional Commercial District

Downtown Mixed-Use District

DMU Downtown Mixed-Use District

VC Village Center Districts

HV Harbortown Village District
PMV Public Market Village District
CV Collegetown Village
MD Marina District

Industrial District

IND Industrial District

Open Space District

OS Open Space District

Overlay Districts

O-C Overlay Commercial District

Table 3-1: Use Matrix																		
**KEY FOR SPECIAL CONSIDERATIONS - Existing Buildings in Residential Districts (Sec. 3.1.E): NR/MU = Existing Nonresidential or Mixed-Use Building in Residential Districts AR = Adaptive Reuse of Local Landmarks & Buildings Individually Listed on the NRHP & Located in Residential Districts																		
KEY FOR COLOR CODE	P	Permitted (P) - Additional requirements when a number is indicated		SP	Specially Permitted (SP) - Additional requirements when a number is indicated		P/SP	Either P or SP - As indicated by the number & additional requirements		(Blank)	Prohibited							
	Zoning Districts													**Special Considerations		Use Standards		
	LDR	MDR	HDR	BMU	NMU	FMU	DMU	RC	IND	PMV	HV	CV	MD	O-C	OS	NR/MU	AR	
Principal Use: Residential Uses																		
Boarding House	SP 1	SP 1	SP	SP	SP	SP	SP	SP		SP 1	SP 1,21			SP		SP	SP	Sec. 13.2.A
Bed and Breakfast Establishment	P	P	P	P 2	P 2	P 2	P	P 2		P	P 21			P		P	P	Sec. 13.2.B
Community Home	P 3	P 3	P	SP	SP	SP	P	P		P 3	P 3					SP	SP	Sec. 13.2.C
Day-Care Home	P	P	P	P 2	P 2	P 2	P	P 2		P 2	P 23			P		P	P	Sec. 13.2.D
Day-Care Home, Adult	P	P	P	P 2	P 2	P 2	P	P 2		P 2	P 23			P		P	P	Sec. 13.2.E
Dwelling, Multi-Family		P/SP 4	P	P	P	P	P	P	SP 5	P	SP	P	P			P	P	
Dwelling, Single-Family Attached	P	P	P	P	P	P	P	P		P	P 21		P					Sec. 13.2.F
Dwelling, Single-Family Detached	P	P	P	P 3	P 3	P 3	P 2	P 3		P 2	P 23						P	Sec. 13.2.F
Dwelling, Townhouse	P	P	P	P	P	P	P	P		P	P 21		P					Sec. 13.2.G
Dwelling, Two-Family		P	P	P 2	P 2	P 2	P 2	P 2	SP 3	P 2	SP 23						P	Sec. 13.2.H
Dwelling Unit(s) within a Mixed-Use Building			P	P	P	P	P	P	SP 2	P	P 21	P	P	P		P	P	
Emergency Residential Facility			SP		SP 2	SP 2	SP 2	P	SP 5									Sec. 13.2.I
Emergency Shelter						SP 2		P	SP 5									Sec. 13.2.J
Hospice Residence	P	P	P	P 3	P 3	P 3	P 3	P 3	SP 3	P 3	P 3,23			P 3			SP	Sec. 13.2.K
Live-Work Unit	SP	SP	P	P	P	P	P	P	SP 5	P	P 21			P		P	P	Sec. 13.2.L
Pocket Neighborhood Residential Development	SP	SP	SP							SP	SP							Sec. 13.2.M
Residential Care Dwelling	SP 3	SP 3	P 3	P 3	P 3	P 3	P 3	P 3		P 3	SP 3					P	SP	Sec. 13.2.N
Residential Care Facility		SP	SP	P	P	P	P	P	SP 5	P	SP					P	SP	Sec. 13.2.O

Table 3-1: Use Matrix

****KEY FOR SPECIAL CONSIDERATIONS - Existing Buildings in Residential Districts (Sec. 3.1.E):**

NR/MU = Existing Nonresidential or Mixed-Use Building in Residential Districts

AR = Adaptive Reuse of Local Landmarks & Buildings Individually Listed on the NRHP & Located in Residential Districts

KEY FOR COLOR CODE	P	Permitted (P) - Additional requirements when a number is indicated		SP	Specially Permitted (SP) - Additional requirements when a number is indicated		P/SP	Either P or SP - As indicated by the number & additional requirements		(Blank)	Prohibited								
	Zoning Districts											**Special Considerations		Use Standards					
	LDR	MDR	HDR	BMU	NMU	FMU	DMU	RC	IND	PMV	HV	CV	MD	O-C	OS	NR/MU	AR		
Principal Use: Commercial & Industrial Uses																			
All Commercial Uses, Indoor: Unless otherwise specified below in this section or in this Table			P 6	P	P	P	P	P	P 5	P	P 21/ SP 22	P	P	P	P 2,16		P 16,17	P	Sec. 13.3.A
Animal Care Facility			P	P	P	P	P	P	P 5	P	P 21	P	P	P					
Car Wash						SP		P											Sec. 13.3.B
Craft Production				SP	P	P	P	P	P	P	P 21	P				SP	SP		Sec. 13.3.C
Day Care Center	SP	SP	P	P	P	P	P	P	P	P	P 21	P	P	P 2		SP	SP		Sec. 13.3.D
Drive-Through Restaurant						SP		P				SP							Sec. 13.3.E
Drive-Through Kiosk						SP		P											Sec. 13.3.F
Entertainment, Indoor					P	P	P	P		P	P 21/ SP 22	P	P						Sec. 13.3.G
Entertainment, Outdoor					SP	P	SP	P		P	SP	SP	SP		SP				
Firearms Sale, Manufacture, Storage, and Display								SP	SP										Sec. 13.3.H
Hotel				SP	SP	SP	P	P		P	P 21	P	P			SP	SP		Sec. 13.3.I
Industrial, Light				SP 2	SP 2	P	P	P	P	P						SP 15			Sec. 13.3.J
Industrial, Heavy									P										Sec. 13.3.K
Junkyard									SP										Sec. 13.3.L
Kennel				SP	SP	P/SP 20	SP	P/SP 20	SP	SP		SP	SP	SP		SP	SP		
Marina					P	P	P				P		P		SP				
Motor Lodge								P			P 21								Sec. 13.3.M
Outdoor Market	SP	SP	SP	SP	SP	SP	P	P		P	SP		SP		SP				Sec. 13.3.N
Outdoor Recreation			SP		SP	P	SP	P		P	SP				SP				
Outdoor Storage						SP 7		SP	P/SP 8	SP	SP								Sec. 13.3.O
Parking Garage			SP		SP	P	SP	P	P	SP	SP	SP	SP						Sec. 13.3.P
Parking Lot	SP	SP	SP	SP	SP	P	SP	P	P	SP	SP	SP	SP						Sec. 13.3.Q
Pawnbroker						SP		SP											Sec. 13.3.R
Recycling Center					SP	SP		SP	P/SP 8										Sec. 13.3.S
Second Hand Dealer				SP	SP	P	P	P	P 5	P	P 21	P							

Table 3-1: Use Matrix

****KEY FOR SPECIAL CONSIDERATIONS - Existing Buildings in Residential Districts (Sec. 3.1.E):**
NR/MU = Existing Nonresidential or Mixed-Use Building in Residential Districts
AR = Adaptive Reuse of Local Landmarks & Buildings Individually Listed on the NRHP & Located in Residential Districts

KEY FOR COLOR CODE	P	Permitted (P) - Additional requirements when a number is indicated														SP	Specially Permitted (SP) - Additional requirements when a number is indicated														P/SP	Either P or SP - As indicated by the number & additional requirements														(Blank)	Prohibited	
	Zoning Districts																	**Special Considerations		Use Standards																												
	LDR	MDR	HDR	BMU	NMU	FMU	DMU	RC	IND	PMV	HV	CV	MD	O-C	OS	NR/MU	AR																															
Principal Use: Commercial & Industrial Uses (continued)																																																
Self-Storage, Climate Controlled			SP 5			P	P 7	P	P 5		P 21									Sec. 13.3.T																												
Self-Storage, Outdoor Access								P	SP											Sec. 13.3.U																												
Shooting Range									SP 5											Sec. 13.3.V																												
Short-Term Whole-Dwelling Unit Rental			P	P	P	P	P	P		P	SP 21	P	P							Sec. 13.3.W																												
Vehicle Body Work								SP	P											Sec. 13.3.X																												
Vehicle Operations Facility									P											Sec. 13.3.Y																												
Vehicle Rental					SP 12	SP	P 13	P	P		SP 14									Sec. 13.3.Z																												
Vehicle Repair				SP 9	SP 10	SP 11	P 13	P	P 9		SP 12									Sec. 13.3.AA																												
Vehicle Sales						SP	P 13	SP	P											Sec. 13.3.BB																												
Vehicle Fueling Station				P 14	P 14	SP		SP	SP		SP 18									Sec. 13.3.CC																												
Vehicle Storage - Impound Lot						SP			P											Sec. 13.3.DD																												
Waste Station									SP											Sec. 13.3.EE																												
Principal Use: Other Uses																																																
Boat Launch, Motorized						SP	SP				P		P		SP																																	
Boat Launch, Non-Motorized	SP	SP	P	P	P	P	P	P	P		P		P	SP	P																																	
Clinic, Outpatient			SP	P	P	P	P	P	P 5		P 21						SP	SP																														
College/University					P	P	P	P	P 5		P 21	P							P																													
Community Center	SP	SP	P	P	P	P	P	P		P	P						P	P		Sec. 13.4.A																												
Community Garden	P	P	P							P	P								P	Sec. 13.4.B																												
Educational Facility	SP	SP	SP	SP	SP	SP	SP	SP	P 5	P	P 21					SP	SP	SP																														
Hospital						SP	SP	SP																																								
Museum	SP	SP	SP	P	P	P	P	P		P	P 21/ SP 22		P	SP	SP	SP	SP	SP		Sec. 13.4.C																												
Personal Wireless Telecommunication Facility	P/SP 18	P/SP 18	P/SP 18	P/SP 18	P/SP 18	P/SP 18	P/SP 18	P/SP 18	P/SP 18	P/SP 18	P/SP 18	P/SP 18	P/SP 18	P/SP 18	P/SP 18	P/SP 18	P/SP 18	P/SP 18	P/SP 18	Sec. 13.4.D																												
Place of Worship	SP	SP	P	P	P	P	P	P	P 5	P	P 21							P	P																													
Private Club or Lodge						P	SP	P	P 5		P 21/ SP 22								SP	Sec. 13.4.E																												
Public and Semipublic Use	SP	SP	SP	P	P	P	P	P	P 5	P	P 21/ SP 22		P			SP	SP	SP																														
Public Utility	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Sec. 13.4.F																												

Table 3-1: Use Matrix

****KEY FOR SPECIAL CONSIDERATIONS - Existing Buildings in Residential Districts (Sec. 3.1.E):**

NR/MU = Existing Nonresidential or Mixed-Use Building in Residential Districts

AR = Adaptive Reuse of Local Landmarks & Buildings Individually Listed on the NRHP & Located in Residential Districts

KEY FOR COLOR CODE	P	Permitted (P) - Additional requirements when a number is indicated		SP	Specially Permitted (SP) - Additional requirements when a number is indicated		P/SP	Either P or SP - As indicated by the number & additional requirements								(Blank)	Prohibited	
	Zoning Districts																**Special Considerations	
	LDR	MDR	HDR	BMU	NMU	FMU	DMU	RC	IND	PMV	HV	CV	MD	O-C	OS	NR/MU	AR	
Principal Use: Other Uses (continued)																		
Solar Energy System	SP	SP	SP	P/SP 19	P/SP 19	P	P/SP 19	P	P	P/SP 19	P/SP 19		P/SP 19	SP	P/SP 19	SP	SP	Sec. 13.4.G
Urban Farm	SP	SP	SP			SP				P								Sec. 13.4.H
Wind Energy Conversion System	SP	SP	SP	P/SP 19	P/SP 19	P	P/SP 19	P	P	P/SP 19	P/SP 19		P/SP 19	SP	P/SP 19	SP	SP	Sec. 13.4.I
Principal Use: Sexually Oriented Business Uses																		
Adult Arcade						SP		P										Sec. 13.5.A
Adult Cabaret						SP		P										Sec. 13.5.A
Adult Movie Theater						SP		P										Sec. 13.5.A
Adult Retail Store						P		P										Sec. 13.5.A
Adult Retail Store - Limited					P	P		P										Sec. 13.5.A
Adult Video Viewing Booth						SP		P										Sec. 13.5.A
Escort Agency						SP		P										Sec. 13.5.A
Accessory Uses																		
Drive-Through Facility					P	P		P				P						Sec. 13.6.A
Entertainment, Background	P	P	P	P	P	P	P	P		P	P	P	P	P		P	P	
Entertainment, Limited				P	P	P	P	P		P	P 21/ SP 22	P	P	SP		SP	SP	Sec. 13.6.B
Home Occupation	P	P	P	P	P	P	P	P		P	P	P	P	P		P	P	Sec. 13.6.C
Outdoor Animal Care				SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP		Sec. 13.6.D
Outdoor Sales and Display				P	P	P	P	P	P	P	P 21/ SP 22	P	P	P		P	P	Sec. 13.6.E
Outdoor Seating/Activity Area				P	P	P	P	P	P	P	P	P/SP	P	P		P	P	Sec. 13.6.F
Outdoor Storage						SP		P	P	P	SP	SP						Sec. 13.6.G
Temporary Uses																		
Farmers Market	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			Sec. 13.7.A
Food Trucks, Trailers, and Vending Carts	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			Sec. 13.7.B
Mobile Retail Vendor				P	P	P	P	P	P	P	P	P	P	P				Sec. 13.7.C
Real Estate Project Sales Office	P	P	P	P	P	P	P	P	P	P	P	P	P	P				Sec. 13.7.D
Temporary Contractor Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P				Sec. 13.7.E
Temporary Entertainment and/or Sales Event	P	P	P	P	P	P	P	P	P	P	P	P	P	P				Sec. 13.7.F