

Article 8. Uses

- 8.1 GENERAL USE REGULATIONS
- 8.2 USE MATRIX
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- 8.4 PRINCIPAL USE DEFINITIONS AND STANDARDS
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8.1 GENERAL USE REGULATIONS

- A. No structure or land may be used or occupied unless allowed as a permitted use or special use, or by use variance within the zoning district.
- B. Any use that is not included in the use matrix and cannot be interpreted as part of a use within the matrix is prohibited in all districts.
- C. All uses must comply with the use standards of Section 8.4, when applicable, as well as all other regulations of this Ordinance.
- D. All uses must comply with any applicable federal and state ordinances and requirements, as well as any additional City ordinances.
- E. Certain uses are defined to include ancillary uses, which may be listed separately in the use matrix, when they provide necessary support and/or are functionally integrated into the principal use.
- F. All special uses require site plan review unless specifically indicated as exempt. In addition, section 13.5 may require site plan review for certain uses in all cases.

8.2 USE MATRIX

Table 8-A: Use Matrix identifies the principal and temporary uses allowed within each zoning district.

- A. P indicates that the use is permitted by-right in the district provided the use conforms to the definition and any applicable use standards of Section 8.4.
- B. S indicates that the use is a special use in the district and requires special use permit.
- C. For temporary uses, a T indicates the temporary use is allowed in the district and may require approval of a temporary use permit per the standards of Section 8.5.
- D. If a cell is blank, the use is not allowed in the district.

8.3 USE RESTRICTIONS

Additional use restrictions apply as follows. Additional restrictions on uses may be found in other sections of this Ordinance:

- A. Section 5.2.B includes additional use restrictions for uses within the INST-HTR District.
- B. Section 8.4.II includes additional use restrictions for multi-family dwellings within the UC District.

TABLE 8-A: USE MATRIX																							
See Section 8.4 for Use Definitions and Standards																							
<i>P = Permitted Principal Use // S = Special Use, Principal Use // T = Permitted Temporary Use</i>																							
PRINCIPAL USE	RR	SR	UR-1	UR-2	UR-3	UR-4	R-MHP	NCU	AC	UN T4	NC T5	UC T6	OMB	WRB	GC-U	GC-R	INST-ED	INST-HTR	INST-MP	INST-PR	IND-L	IND-G	IND-X
Adult Care Facility						S				S	S	S	P		S	S							
Adult Use											S	S										S	
Agriculture	P																						
Amusement Facility - Indoor											P	P		S	P								
Amusement Facility - Outdoor											S			S	S			S					
Animal Care Facility - Large Animal	P																	S					
Animal Care Facility - Small Animal with Outdoor Areas	S									S	S				S	S							
Animal Care Facility - Small Animal with No Outdoor Areas	P									P	P	P			P	P							
PRINCIPAL USE	RR	SR	UR-1	UR-2	UR-3	UR-4	R-MHP	NCU	AC	UN T4	NC T5	UC T6	OMB	WRB	GC-U	GC-R	INST-ED	INST-HTR	INST-MP	INST-PR	IND-L	IND-G	IND-X
Animal Grooming Establishment								P	S	P	P	P			P	P							
Art Gallery								P	P	P	P	P			P	P	P						
Artisan Live/Work								P	P	P													
Arts and Fitness Studio								P	P	P	P	P			P	P							
Bed and Breakfast	S	S	S	S	S	S		S	S	S			S										
Body Modification Establishment								P	P	P	P	P			P								
Broadcasting Facility TV/Radio-With Antenna																	P					P	
Broadcasting Facility TV/Radio-No Antenna								P	P	P	P	P			P	P	P					P	
Campground																					P		
Car Wash											S				S	S							
Cemetery	S			S	S															P			
Children's Home	S	S	S	S	S	S		S		S													

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Commercial Kitchen (Standalone)										P	P	S			P	P	P				P		
Community Center		S	S	S	S	S		P	P	P	P	P	P		P	P	P		P	P			
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Country Club	S															S				P			
Cultural Facility								P	P	P	P	P		P	P	P	P	S	P	P			
Day Care Center: Child Day Care Center								S	S	S	P	P	P		P	P	P		P				
Day Care Center: Small Day Care Center								S	S	P	P	S			P	P	P		P				
Day Care Home: Family Day Care Home	P	P	P	P	P	P		P	P	P	P												
Day Care Home: Group Family Day Care Home	P	P	S	S	S	S		S	S	P													
Day Care Home: Social Adult Day Care	S	S	S	S	S	S		S	S	S	S		P										
Dormitory																	P	S					
Drive-Through Facility											S				S	S							
Drug Treatment Clinic													S		S								
PRINCIPAL USE	RR	SR	UR-1	UR-2	UR-3	UR-4	R-MHP	NCU	AC	UN T4	NC T5	UC T6	OMB	WRB	GC-U	GC-R	INST-ED	INST-HTR	INST-MP	INST-PR	IND-L	IND-G	IND-X
Dwelling - Caretaker																		S					S
Dwelling – Historic Carriage House/Barn	S	S	S	S	S	S																	
Dwelling - Manufactured Home							P																
Dwelling - Multi-Family: Above the Ground Floor						P				P	P	P			P	P							
Dwelling - Multi-Family: Residential Only Structure						P				P	S	S			S	S							
Dwelling - Secondary Dwelling Unit					P	P		S	S	S													
Dwelling - Single-Family	P	P	P	P	P	P		P	P	P	P		P		P	S	S	S					
Dwelling - Single-Family - Attached					P	P		P	P	P	P		P		P	S	S						
Dwelling - Townhouse						P		P	P	P	P				S	S	S						

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Dwelling - Two-Family					P	P		P	P	P	P		P		P	S	S						
Eating and Drinking Establishment - More Than 40 Seats											P	P	S	P	P	P		S					
Eating and Drinking Establishment - 40 Seats or Less								P	P	P	P	P	S	P	P	P		S					
Educational Facility - Primary or Secondary	S	S	S	S	S	S											P						
Educational Facility - University or College											P	P					P						
Educational Facility - Vocational								S		S	P	P	P		P	P	P		P		P	P	
Extraction of Stone Sand Gravel - May Include Concrete Mix Plant, Asphalt Mix Plant																							P
Family-Type Homes for Adults	P	P	P	P	P	P		P	P	P	P						P						
Financial Institution										P	P	P	P		P	P	P					P	
Financial Institution, Alternative															S								
Food Bank																						P	
Food Pantry										P	P	P			P	P							
PRINCIPAL USE	RR	SR	UR-1	UR-2	UR-3	UR-4	R-MHP	NCU	AC	UN T4	NC T5	UC T6	OMB	WRB	GC-U	GC-R	INST-ED	INST-HTR	INST-MP	INST-PR	IND-L	IND-G	IND-X
Food Truck Park										S	S		S	S	S		S	S		S	S		
Freight Terminal																							S
Funeral Home					S										S	S							
Gas Station															S						S	S	
Golf Course/Driving Range	S																				P		
Greenhouse/Nursery	S														S	S					P		
Health Spa										S	S	S	S		S	S				S			
Heavy Equipment Sales, Service, and Storage																						S	S
Horse Race Track																		P					

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Horse Stable, Commercial	S																	S		S			
Hospital													P				P						
Hotel - 20 or Less Guestrooms						S				S	P	P		S	P	P							
Hotel - More Than 20 Guestrooms											P	P			P	P							
Industrial Design								P	P	P	P	P			P	P	P				P	P	
Industrial - Artisan - No Outdoor Storage or Activity									P	P	P	P			P	P					P	P	
Industrial - Artisan - With Outdoor Storage or Activity									S	S	S	S			S	S					P	P	
Industrial - General																		P				P	
Industrial - Light																					P	P	
Inn	S	S	S	S	S	S				S	P	P	S	S	P	P							
Live Performance Venue									S	S	P	P		S			P				S		
Lodging House	S	S	S	S	S	S		S	S	S													
Manufactured Home Park							P																
PRINCIPAL USE	RR	SR	UR-1	UR-2	UR-3	UR-4	R-MHP	NCU	AC	UN T4	NC T5	UC T6	OMB	WRB	GC-U	GC-R	INST-ED	INST-HTR	INST-MP	INST-PR	IND-L	IND-G	IND-X
Marijuana Dispensary											S				S	S							
Marina	S													P							S		
Medical/Dental Office										P	P	P	P		P	P							
Micro-Production of Alcohol	S							S	S	S	P	P		S	P	P						P	
Neighborhood Commercial Establishment		S	S	S	S	S																	
Office								P	P	P	P	P	P		P	P	P		P				
Outdoor Dining								S	S	P	P	P		P	P	S		S					
Outdoor Storage Yard																						P	P
Park/Playground	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P			

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Parking Lot (Principal Use)																	P		P		P	P	
Parking Structure (Principal Use)											S	S	S		S		P	S	P		P	P	
Passenger Terminal											S				S	S			S				
Personal Service Establishment - 2,000sf or Less GFA								P	P	P	P	P	P	P	P	P							
Personal Service Establishment - More Than 2,000sf GFA										P	P	P		P	P	P							
Place of Worship	S	S	S	S	S	S	S	P	P	P	P	P	P		P	P	P						
Private/Social Club	S	S	S	S	S	S		P	P	P	P	P			P	P							
Reception Facility											S	S		S	S	S							
Research and Development																	P					P	P
Residential Care Facility						S				S	S	S	P		S	S							
PRINCIPAL USE	RR	SR	UR-1	UR-2	UR-3	UR-4	R-MHP	NCU	AC	UN T4	NC T5	UC T6	OMB	WRB	GC-U	GC-R	INST-ED	INST-HTR	INST-MP	INST-PR	IND-L	IND-G	IND-X
Retail Goods Establishment - 2,000sf or Less GFA								P	P	P	P	P		P	P	P							
Retail Goods Establishment- More Than 2,000sf GFA											P	P		P	P	P							
Rooming House, Small - Owner Occupied	P	P	P	P	P	P		P	P	P	P												
Rooming House, Small - Non-Owner	P	P	P	P	P	P		P	P	P	P												
Rooming House, Medium - Owner Occupied	S	S	S	S	S	S		S	S	S	S												
Rooming House, Medium - Non-Owner	S	S	S	S	S	S		S	S	S	S												
Rooming House, Large - Owner Occupied		S	S	S	S	S		S		S	S												
Rooming House, Large - Non-Owner		S	S	S	S	S		S		S	S												
Self-Storage Facility: Enclosed											S				S							P	P
Self-Storage Facility: Outdoor																						P	P
Shelter, Domestic Violence	P	P	P	P	P	P		P	P	P	P	P	P										

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Shelter, Emergency											S	S	P		P	P			P				
Shelter, Homeless											S	S	S		S	S							
Social Service Center								S	S	P	P	P	P		P	P	P		P				
Solar Energy System - Tier 3	S																S		S		S	S	
Specialty Food Service								P	P	P	P	P			P	P							
Transitional Living Facility			S	S	S	P				P	P	P											
Vehicle Dealership - Outdoor															S								
Vehicle Dealership - Enclosed Only											S				S								
Vehicle Operation Facility																					P	P	
Vehicle Rental - Outdoor															S								
Vehicle Rental - Enclosed Only											S	S			S								
Vehicle Repair/Service											S				S								
Warehouse																					P	P	
Wholesale Establishment																					P	P	
Wind Energy System	S																		S		S	S	
Wireless Telecommunications Facilities *Allowed subject to the standards of Section 8.4	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

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TEMPORARY USE	RR	SR	UR-1	UR-2	UR-3	UR-4	R-MHP	NCU	AC	UN T4	NC T5	UC T6	OMB	WRB	GC-U	GC-R	INST-ED	INST-HTR	INST-MP	INST-PR	IND-L	IND-G	IND-X
Farmers Market	T	T						T	T	T	T	T	T	T	T	T	T	T	T	T			
Farmstand	T	T	T	T	T	T		T	T	T				T	T	T	T	T	T	T			
Mobile Food Vendor								T	T	T	T		T	T	T	T	T	T	T	T	T	T	T
Real Estate Project Sales Office/Model Unit	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T						
Temporary Cell on Wheels (COW)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Temporary Contractor's Office and Contractor's Yard	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Temporary Manufactured Home Dwelling	T	T	T	T	T	T																	
Temporary Outdoor Entertainment	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T			
Temporary Outdoor Sales	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T			
Temporary Outdoor Storage Container	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T

8.4 PRINCIPAL USE DEFINITIONS AND STANDARDS

A. Adult Care Facility (ACF)

1. Definition

A facility that provides long-term, non-medical residential services to five or more adults who are substantially unable to live independently due to physical, mental, or other limitations associated with age or other factors. ACFs are not licensed to provide for nursing or medical care. ACFs include adult homes and assisted living facilities as defined and licensed by New York State.

2. Standards

- a. An ACF must be licensed by and follow all regulations established by New York State. For an ACF that operates as an assisted living facility, additional licenses are required by New York State.
- b. ACFs must meet the dimensional and design standards of multi-family dwellings.

B. Adult Use

1. Definition

A business that sells or disseminates explicit sexual material, and at which access to the public display of explicit sexual material is restricted to persons 18 years of age or older. An adult bookstore, adult cabaret, or adult motion picture theater are considered adult uses and are defined as follows:

a. Adult Retail

A business which offers for sale or rent 15% or more of materials any of the following: publications, books, magazines, periodicals, photographs, films, motion pictures, video cassettes, DVD, or other video reproductions, or other visual representations that depict or describe specified sexual activities or specified anatomical areas, or instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

b. Adult Arcade

A business where, for any form of consideration, one or more still or motion picture projectors, slide projectors or similar machines are used to show films, motion pictures, video cassettes, DVD, slides, computer generated graphics, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

c. Adult Cabaret

A business that features dancers, go-go dancers, exotic dancers or similar entertainers, or live entertainment, in which persons regularly appear in a state of nudity, or where live performances are characterized by the exposure of specified anatomical areas or by specified sexual activities. Adult cabaret establishments specifically exclude minors, or minors are specifically prohibited by statute or ordinance, regardless of whether any such business is licensed to sell alcoholic beverages.

d. Adult Motion Picture Theater

A business used for presenting motion pictures that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons.

e. Adult Hotel/Motel

A hotel or motel or similar business establishment that rents, leases or lets any room for less than a six hour period, or rents, leases or lets any single room more than twice in a 24 hour period.

f. Additional Related Definitions

The following definitions describe the sexually-oriented activities contained within the general definitions for the above adult uses:

i. Sexually Oriented Devices

Any artificial or simulated specified anatomical area or other device or paraphernalia that is designed in whole or part for specified sexual activities.

ii. Specified Anatomical Area

Less than completely and opaquely covered genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola, or human male genitals in a discernible turgid state, even if completely and opaquely covered.

iii. Specified Sexual Activities

Any activity that includes human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; or fondling or erotic touching of human genitals, pubic regions, buttocks, or female breasts, even if completely and opaquely covered.

2. Standards

a. Adult uses are recognized as having serious negative secondary effects such as increased crime rates, decreased property values, curtailed retail trade, deterioration of the quality of life, and spread of sexually transmitted diseases.

b. The adverse impacts are compounded when several establishments are concentrated under certain circumstances and in close proximity of one another, thereby having a deleterious effect upon the adjacent area. Special regulation of such uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood and, thereby, have a direct deleterious effect on the health, safety and general welfare of the City and its inhabitants. These supplemental regulations are for the purpose of preventing a concentration of this use in any one area.

c. No adult use is permitted within 2,500 feet from the nearest property line of any educational facility - primary or secondary, cultural facility, park/playground, or place of worship.

d. No adult use is permitted within 2,500 feet from the nearest property line of any other adult use.

e. In addition to the penalties of Article 20, a violation of this section is punishable by a fine not exceeding \$1,000, or by imprisonment not exceeding six months, or by both fine and imprisonment. Each day, or any portion thereof, in which any violation of this section is committed or continued constitutes a separate offense. In addition to these penalties, the City may institute any appropriate action or proceedings to enjoin the establishment or continuance of such use in violation of the provisions hereof, or take such other legal or administrative action deemed necessary or desirable to correct or abate such violation.

C. Agriculture

1. Definition

Land and associated structures used to grow crops and/or raise livestock for sale, personal food production, donation, and/or educational purposes. The agriculture use includes dormitories that are accessory to the principal activity of agriculture. Agriculture also includes the use of farmstands for the sale of crops grown on the premises.

2. Standards

A manufactured home used as a dwelling is permitted for farm workers within State-established Agricultural Districts.

D. Amusement Facility - Indoor

1. Definition

A facility for spectator and participatory uses conducted within an enclosed building, such as movie theaters, sports arenas, bowling alleys, tumbling centers, skating centers, roller rinks, escape room/physical adventure game facilities, and pool halls. Indoor amusement facilities do not include live performance venues. An indoor amusement facility may include uses such as, but not limited to, concession stands, eating and drinking establishments, and retail sales as ancillary uses.

E. Amusement Facility - Outdoor

1. Definition

A facility for spectator and participatory uses conducted outdoors or within partially enclosed structures, such as outdoor sports stadiums, batting cages, and miniature golf courses. An outdoor amusement facility may include uses such as, but not limited to, concession stands, eating and drinking establishments, and retail sales as ancillary uses. Outdoor amusement facilities do not include horse race tracks.

F. Animal Care Facility – Large Animal

1. Definition

An establishment that provides care for large animals, such as horses and cattle, including veterinary offices for the treatment of animals, where animals may be boarded during their convalescence. For those that do not treat animals on-site and no animals are brought to the office, such establishments are treated as an office use.

G. Animal Care Facility – Small Animal

1. Definition

An establishment which provides care for domestic animals, including veterinary offices for the treatment of animals, where animals may be boarded during their convalescence, animal training centers and clubs, and pet boarding facilities, where animals are boarded during the day and/or for short-term stays. An animal care facility - small animal may also include grooming services.

2. Standards

These standards do not apply to any animal shelters operated by a City agency.

- a. Animal care facilities with outdoor areas must locate outdoor exercise areas in the rear yard.
- b. Outdoor exercise areas for animal care facilities must provide covered areas over a minimum of 30% of the area to provide shelter against sun/heat and weather. A solid fence a minimum of six feet and a maximum of seven feet in height is required along the perimeter of all outdoor exercise areas.
- c. Animal care facilities must locate all overnight boarding indoors.
- d. All animal quarters and exterior exercise areas must be kept in a clean, dry, and sanitary condition.

H. Animal Grooming Establishment

1. Definition

An establishment that provides grooming services for domestic animals.

I. Art Gallery

1. Definition

An establishment that sells, loans and/or displays paintings, sculpture, photographs, video art, or other works of art. Art gallery does not include a cultural facility, such as a library or museum, which may also display paintings, sculpture, photographs, video art, or other works.

J. Artisan Live/Work

1. Definition

A structure combining a dwelling unit with arts-related activities, such as painting, photography, sculpture, music and film, principally used by one or more of the residents. If the use is allowed in the district, the dwelling may be combined with an arts and fitness studio (excluding any private exercise studios for private sessions with trainers and/or private classes), art gallery, artisan industrial (no outdoor storage or activity), or industrial design that is principally used by one or more of the residents. The property owner must obtain a building permit and/or certificate of occupancy to establish an Artisan Live/Work or to revert an Artisan Live/Work to a dwelling unit.

K. Arts and Fitness Studio

1. Definition

An establishment where an art or activity is taught, studied, or practiced such as dance, martial arts, photography, music, painting, gymnastics, pilates, or yoga. An arts and fitness studio also includes private exercise studios for private sessions with trainers and/or private classes; health clubs are not an arts and fitness studio, but rather a personal service establishment.

L. Bed and Breakfast

1. Definition

A converted single-family or two-family dwelling where a resident/owner provides lodging for less than 30 days for a daily fee in no more than five guest rooms and prepares meals for guests. A bed and breakfast may include dining facilities for the guests. A bed and breakfast may only result from the conversion of a single-family or two-family dwelling.

2. Standards

- a. A bed and breakfast is limited to a maximum of five guestrooms.
- b. The exterior of a bed and breakfast use must maintain its original appearance as a single-family or two-family dwelling. No parking may be located in front of the front building facade.
- c. Cooking equipment is prohibited in individual guestrooms. However, this does not include a mini-refrigerator, coffee maker, and/or a microwave, which are allowed.
- d. No retail sales are permitted with the exception of ancillary retail of related items, such as souvenirs, postcards, and snack items.
- e. No bed and breakfast may operate an eating and drinking establishment. Meals may only be served to registered guests.
- f. One sign, either freestanding, window, or wall, is permitted. Such sign may not exceed six square feet in sign area. Freestanding signs are limited to five feet in height and must be a minimum of five feet from any lot line.

M. Body Modification Establishment

1. Definition

An establishment that offers tattooing services, body piercing, and/or non-medical body modification. Body modification establishment does not include an establishment that offers only ear piercing as an ancillary service.

N. Broadcasting Facility - TV/Radio

1. Definition

A facility engaged in broadcasting and information relay services for radio and television signals, including studio facilities. A broadcasting facility may or may not include antennas to broadcast the signal.

O. Campground

1. Definition

Land used for camping in tents, camp trailers, travel trailers, or similar movable or temporary sleeping quarters.

2. Standards

- a. The minimum area for a campground is six acres.
- b. All campgrounds must be licensed by and follow all regulations established by New York State.

- c.** Management headquarters, recreational facilities, coin operated laundry facilities, cabins for counselors, overnight accommodations, living space, and other uses and structures customarily associated with the operation of a campground are permitted.
- d.** Storage of equipment must be within enclosed structures.
- e.** Year-round residency is prohibited at any campground. Use of camping units or recreational vehicles as a principal residence is prohibited. This excludes any structures erected for a caretaker or campground manager, which may be a year-round residency.
- f.** A 30 foot perimeter setback from the lot line of the campground is required. No structures or campsites are allowed within this setback. The perimeter setback must be landscaped with shrubs spaced sufficiently to form a continuous linear hedgerow at plant maturity, and one shade or evergreen tree planted at an average of one tree for every 30 linear feet. Preservation of existing vegetation is encouraged and may be substituted for the required plantings.

P. Car Wash

1. Definition

An establishment for the washing and cleaning of vehicles or other light duty equipment, whether automatic, by hand, or self-service. The car wash facility may be within an enclosed structure, an open bay structure, or similar configurations.

2. Standards

When a car wash abuts the lot line of a residential or residential mixed-use district, it must be screened along the applicable lot line as follows:

- a.** Along the rear lot line with a solid fence or wall, a minimum of six feet and a maximum of eight feet in height.
- b.** Along the interior side lot line with a solid fence or wall, a minimum of six feet and a maximum of eight feet in height up to the residential lot's front yard line. At the front yard line, the fence must be a minimum of 3.5 feet and a maximum of four feet.

Q. Cemetery

1. Definition

Land and structures reserved for the interring of human remains or the interring of animal remains. Cemeteries may include structures for performing religious ceremonies related to the entombment of the deceased, mortuaries, including the sales of items related to the internment of remains, and related accessory structures, such as sheds for the storage of maintenance equipment. Cemeteries may also include crematoriums and embalming facilities.

R. Children's Home

1. Definition

A residential facility that provides housing for and care to minors which exceeds the limitations of New York State definitions for group home or single-family residence.

2. Standards

All children's homes must be licensed by and follow all regulations established by New York State.

S. Commercial Kitchen (Standalone)

1. Definition

A certified shared commercial kitchen in which individuals or businesses prepare value-added food products and meals, usually paying an hourly or daily rate to lease a space shared by others.

2. Standards

All commercial kitchens must be licensed by and follow all regulations established by New York State.

T. Community Center

1. Definition

A facility used as a place of meeting, recreation, or social activity, that is open to the public and is not operated for profit, and offers a variety of educational and community service activities. As an ancillary function, a community center may also serve as a local “food hub” where regionally grown food, including value added food, can be grown and/or brought for distribution and sale.

U. Community Garden

1. Definition

Fruits, flowers, vegetables, or ornamental plants cultivated by a group of people rather than a single individual or single household.

2. Standards

a. Community gardens are limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity. It may also include community-gathering spaces for active or passive recreation but playground equipment is ancillary.

b. The keeping of livestock, chickens or other poultry, and any aquaculture is prohibited. Apiaries are permitted.

c. Greenhouses, including high tunnels/hoop-houses, cold-frames, and similar structures, are permitted to extend the growing season. Accessory structures, including but not limited to, sheds, gazebos, and pergolas, are also permitted. All accessory structures must be located a minimum of five feet from any lot line.

d. On-site composting is permitted.

e. Farmstands are permitted and are limited to sales of items grown at the site. Farmstands must be removed from the premises during the time of the year when the use is not open to the public. Only one farmstand is permitted per lot.

V. Country Club

1. Definition

An establishment open to members, their families, and invited guests organized and operated for social and recreation purposes and which has indoor and/or outdoor recreation facilities. A Country Club may include ancillary uses such as eating and drinking establishments, meeting rooms, and maintenance facilities.

W. Cultural Facility

1. Definition

A facility open to the public that provides access to cultural exhibits and activities including, but not limited to, museums, cultural or historical centers, non-commercial galleries, historical societies, and libraries. A cultural facility may include uses such as, but not limited to, retail sales of related items and eating and drinking establishments as ancillary uses.

X. Day Care Center: Child Day Care Center

1. Definition

A licensed facility where child day care is provided on a regular basis to more than six children for more than three hours per day per child for compensation or otherwise.

2. Standards

- a. Each day care center must be licensed by and follow all regulations established by New York State.
- b. A day care center must provide a pickup/drop off area. When a day care center is part of a multi-tenant retail center, the pickup/drop off area must not interfere with vehicle circulation in the parking lot, including blocking of the drive aisle.
- c. Day care centers must meet all city and state fire safety codes.

Y. Day Care Center: Small Day Care Center

1. Definition

A licensed facility where child day care is provided on a regular basis for three to six children for more than three hours per day per child for compensation or otherwise.

2. Standards

- a. Each day care center must be licensed by and follow all regulations established by New York State.
- b. A day care center must provide a pickup/drop off area. When a day care center is part of a multi-tenant retail center, the pickup/drop off area must not interfere with vehicle circulation in the parking lot, including blocking of the drive aisle.
- c. Day care centers must meet all city and state fire safety codes.

Z. Day Care Center: Family Day Care Home

1. Definition

A program caring for children for more than three hours per day per child in which child day care is provided in a family residence for three to six children.

2. Standards

- a. Each day care home must be licensed by and follow all regulations established by New York State.
- b. The exterior of a day care home must maintain its original appearance as a dwelling. No visitor parking may be located in the front yard.
- c. One sign, either freestanding, window, or wall, is permitted. Such sign may not exceed six square feet in sign area. Freestanding signs are limited to five feet in height and must be a minimum of five feet from any lot line.

AA. Day Care Home: Family Day Care Home, Group

1. Definition

A program caring for children for more than three hours per day per child in which child day care is provided in a family residence for seven to twelve children.

2. Standards

- a. Each day care home must be licensed by and follow all regulations established by New York State.
- b. The exterior of a day care home must maintain its original appearance as a dwelling. No visitor parking may be located in the front yard.
- c. One sign, either freestanding, window, or wall, is permitted. Such sign may not exceed six square feet in sign area. Freestanding signs are limited to five feet in height and must be a minimum of five feet from any lot line.

BB. Day Care Home: Social Adult Day Care

1. Definition

A structured, comprehensive program which provides functionally impaired individuals with socialization; supervision and monitoring; personal care; and nutrition in a protective setting during any part of the day, but for less than a 24-hour period.

2. Standards

- a. Social adult day care facilities must be licensed by and follow all regulations established by New York State.
- b. Facilities must meet all city and state fire and safety codes.

CC. Dormitory

1. Definition

A building designed and intended to be used principally for sleeping accommodations related to the other principal use on the site, such as an educational or public institution, or agricultural use, typically with a common kitchen and common gathering rooms for social purposes.

2. Standards

- a. All dormitories must be associated within a principal use.
- b. Dormitory rooms must be reserved for those working at or enrolled in the principal use, whether compensation is required or not.
- c. Dormitories are prohibited for use as hotels.
- d. Dormitories must meet all city and state fire safety codes.

DD. Drive-Through Facility

1. Definition

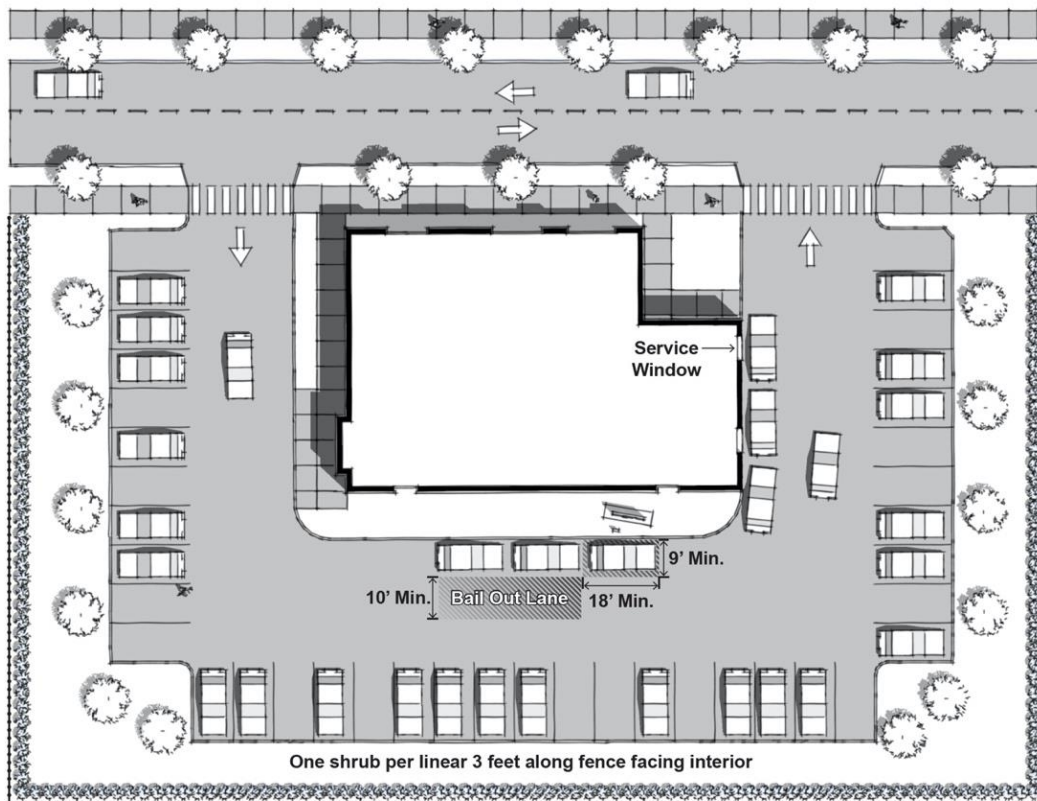
That portion of a business where business is transacted directly with customers via a service window that allows customers to remain in their vehicle. A drive-through facility must be approved separately as a principal use when in conjunction with another principal uses such as eating and drinking establishments and financial institutions. A standalone ATM is considered a drive-through facility for the purposes of this definition.

2. Standards

- a. All drive-through facilities must provide a minimum of four stacking spaces per lane or bay, unless otherwise required by Article 10. Stacking spaces provided for drive-through uses 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 or car wash bay (this does not include a drive-through sign). Spaces must be placed in a single line behind each lane or bay.
- b. 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 or residential mixed-use neighborhoods.
- c. When a drive-through facility abuts the lot line of a residential or residential mixed-use district, it must be screened along the applicable lot line as follows:

- i. Along the rear lot line with a solid fence or wall, a minimum of six feet and a maximum of eight feet in height.
 - ii. Along the interior side lot line with a solid fence or wall, a minimum of six feet and a maximum of eight feet in height up to the residential lot's front yard line. At the front setback line, the fence may be reduced to a minimum of four feet.
 - iii. 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.
- d. 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.

DRIVE-THROUGH FACILITY



EE. Drug Treatment Clinic

1. Definition

A licensed facility authorized by the state to administer drugs including, but not limited to, methadone or suboxone, in the treatment, maintenance, or detoxification of persons.

2. Standards

- a. An indoor waiting area for intake and/or appointments is required. No queuing may occur outside.
- b. Security lighting is required. The lighting must be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the surrounding area.

- c. There must be a 1,000 foot separation between drug treatment clinics.
- d. A drug treatment clinic cannot be located within 1,000 feet of a residential or residential mixed-use district or within 1,000 feet of an educational facility – primary/secondary, or child day care center and small day care center.

FF. Dwelling - Caretaker

1. Definition

A dwelling associated with a nonresidential use, occupied by a person who oversees the nonresidential use.

2. Standards

- a. All caretaker dwellings must be associated with a principal use.
- b. Caretaker dwellings must be occupied by a caretaker employed or contracted by the principal use.
- c. Caretaker dwellings are prohibited for use as hotels or as principal dwelling units.

GG. Dwelling - Historic Carriage House/Barn

1. Definition

An outbuilding that was either a: 1) historic carriage house that historically served as storage of horse-drawn carriages and tack, and sometimes contained living quarters for grooms and coachmen, or 2) barn, which is a structure for the storage of farm products or feed, housed farm animals, and/or stored farm equipment, which has been converted into a second dwelling unit on the lot.

2. Standards

- a. Conversion of a historic carriage house or barn into a dwelling is only allowed on a lot with one single-family dwelling.
- b. Only historic carriage houses or barns listed or eligible for listing as historic properties on the local, state, or national historic register or are listed or eligible for listing as contributing properties to the historic district are eligible to be used as a second dwelling on the same lot as principal dwelling.
- c. A building permit is required to convert a historic carriage house or barn into a dwelling.
- d. Once a historic carriage house or barn has been approved for use as a second dwelling on the same lot as principal dwelling, any initial or future alterations to the structure require historic review approval by the Design Review Board, whether or not located in an Architectural or Historic Review Overlay District. Any alterations must meet building code and no alterations may increase the size of the historic carriage house. Once a historic carriage house or barn has been approved for use as a second dwelling, it cannot be expanded, which includes an increase to the building footprint or the gross floor area.
- e. One of the dwelling units must be occupied by the owner of the property.
- f. Use of a historic carriage house or barn as a dwelling on the same lot as principal dwelling requires the provision of one additional off-street parking space.

HH. Dwelling - Manufactured Home

1. Definition

A manufactured home dwelling is a prefabricated structure that is regulated by the U.S. Department of Housing and Urban Development (HUD), via the Federal National Manufactured Housing Construction and Safety Standards Act of 1974, rather than local building codes. A manufactured home is built in a factory on an attached chassis before being transported to a site. Manufactured homes include those transportable factory built housing units built prior to the Federal National Manufactured Housing and Safety Standards Act (HUD Code), also known as mobile homes. Modular homes, prefabricated homes, precision built, and other terms that refer to constructing sections of a home away from the building site, then delivering them to the intended site are not considered manufactured homes and refer to the method of construction.

II. Dwelling - Multi-Family

1. Definition

A structure containing three or more dwelling units developed in a single building used for residential occupancy. A multi-family dwelling does not include a townhouse dwelling.

2. Standards

a. Types of Multi-Family Dwellings

Multi-family dwellings are regulated as two types:

i. Multi-Family Dwelling - Above the Ground Floor

A multi-family dwelling where the ground floor is designed and used for nonresidential uses. Such a multi-family dwelling may contain an office for building management and a lobby area within the ground floor but such facilities cannot be located along any facade that abuts a public street.

ii. Multi-Family Dwelling - Residential Structure Only

A multi-family dwelling where all floors are designed and used for dwelling units.

b. Design Standards

The following design standards apply to new multi-family construction and to any additions to an existing structure existing as of the effective date of this Ordinance that exceed 30% or more of the existing structure's square footage, unless exempted by Planning Board or Design Review Board during site plan review or design review, as applicable.

i. Facades must be designed with consistent materials and treatments that wrap around all facades. 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.

ii. Building facades abutting a street or abutting the City Trail System must be articulated through the use of architectural elements to break up blank walls, add visual interest, and present a residential character. Such articulation must occur at intervals a maximum of 40 feet linear feet. Two or more of the following forms of building articulation must be incorporated:

(1) Modulation of the facade through the use of architectural features such as projections, indentations, overhangs, awnings, bays, canopies, and cornices. Building modulations must either project or be set back a minimum of two feet in depth, and must be a minimum of four feet in width.

(2) Provision of a balcony, bay window, patio, porch, terrace, or visually prominent ground-level entry within each interval.

(3) Changes in color, texture, or material. Such changes should occur at inside corners to convey solidity and permanence, and should not occur on a flat wall plane or an outside edge.

(4) Provision of lighting fixtures or other building ornamentation such as artwork, trellises, or green walls within each interval.

iii. A minimum transparency of 20% applies to any facade facing a street or abutting the City Trail System, and is calculated on the basis of the entire area of the facade.

iv. Development is subject to the public civic space requirements of Section 9.3.

v. Where private open space for residents is maintained along the City Trail System, any fencing that delineates the private open space from public space must be open fencing of at least 60% open design and no more than six feet in height. Privacy fencing is prohibited.

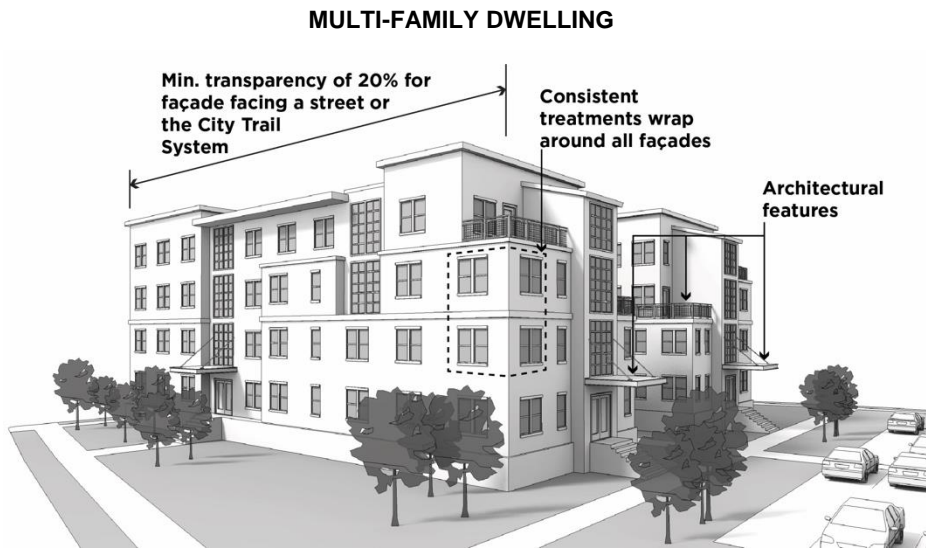
c. Prohibited Building Materials

i. The following building materials are prohibited on any facade:

- (1) Exterior insulating finish systems (EIFS)
- (2) T-111 composite plywood siding

ii. The following building materials are prohibited as a primary surface finish material on any facade. However, such materials may be used as decorative or detail elements for up to 25% of the facade, or as part of the exterior construction that is not used as a surface finish material, unless a review by the Design Review Board, prior to site plan review, approves a greater percentage of use of these materials.

- (1) Corrugated metal
- (2) Aluminum, steel or other metal sidings
- (3) Exposed aggregate (rough finish) concrete wall panels
- (4) Plastic
- (5) Vinyl
- (6) Plain concrete block



JJ. Dwelling - Secondary Dwelling Unit

1. Definition

An additional detached dwelling unit associated with and incidental to a principal single-family dwelling on the same lot. A secondary dwelling unit has separate cooking and sanitary facilities, with its own means of ingress and egress, and is a complete, separate dwelling unit.

2. Standards

- a. A secondary dwelling unit, when allowed by Table 8-A, is only allowed on lots that meet the standards for a two-family dwelling but where the only principal building on the site is a single-family dwelling.

- b.** The single-family dwelling may not be converted to a two-family dwelling if a secondary dwelling unit is on site. The conversion of any area within the single-family dwelling to an additional dwelling unit nullifies any permissions for a secondary dwelling unit.
- c.** Both the principal structure and the secondary dwelling unit must meet all district standards for a two-family dwelling with the exception of the following:
 - i.** A detached secondary dwelling unit is limited to the height restrictions for general accessory structures in Section 9.5.
 - ii.** The front building line of the secondary dwelling unit must be ten feet behind the front building line of the principal structure or ten feet behind required front setback line of the district, whichever is greater.
- d.** No more than one secondary dwelling unit is allowed per lot.
- e.** One of the dwelling units must be occupied by the owner of the property.
- f.** In no case may the building footprint of the secondary dwelling unit exceed 60% of the primary dwelling's building footprint or 1,000 square feet, whichever is less..
- g.** The secondary dwelling unit must be designed so that the appearance of the primary structure remains that of a single-family dwelling. The entrance to the secondary dwelling unit must be located in such a manner as to be unobtrusive from the same view of the structure that encompasses the entrance to the principal single-family dwelling.
- h.** The addition of a secondary dwelling unit requires the provision of one additional off-street parking space.

KK. Dwelling - Single-Family

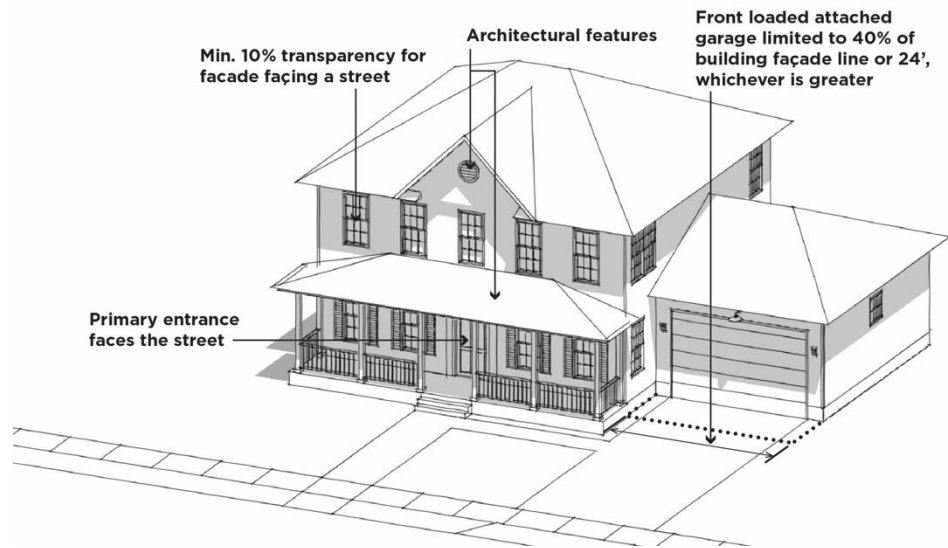
1. Definition

A structure containing only one dwelling unit on a single lot.

2. Standards

- a.** The dwelling must have a primary entrance from a facade facing the street. The front entry must be a dominant feature on the front elevation of a home and an integral part of the structure, using features such as porches, raised steps and stoops, or decorative railings to articulate the front facade. However, this standard does not apply to the RR and SR Districts.
- b.** Windows, entrances, porches, or other architectural features are required on all street-facing facades to avoid the appearance of blank walls.

SINGLE-FAMILY DWELLING



LL. Dwelling - Single-Family - Attached

1. Definition

A structure containing only one single-family dwelling unit on a single lot where it is attached at the interior side lot line by a party wall to another single-family dwelling. Each unit is on a separate lot and designed so that each unit has a separate exterior entrance and yard areas. A single-family - attached dwelling does not include a townhouse dwelling.

2. Standards

- a. The dwelling must have a primary entrance from a facade facing the street. The front entry must be a dominant feature on the front elevation of a home and an integral part of the structure, using features such as porches, raised steps and stoops, or decorative railings to articulate the front facade. However, this standard does not apply to the RR and SR Districts.
- b. Windows, entrances, porches, or other architectural features are required on all street-facing facades to avoid the appearance of blank walls.
- c. For single-family - attached dwellings, the interior side yard requirements do not apply to the interior side yard where the party wall for the structure is located.

MM. Dwelling - Townhouse

1. Definition

A structure consisting of three or more attached single-family dwelling units. Each dwelling unit extends from the foundation to the roof and is open on at least two sides. Each unit has a separate exterior entrance and yard areas. A townhouse dwelling does not include a multi-family dwelling.

2. Standards

a. Design Standards

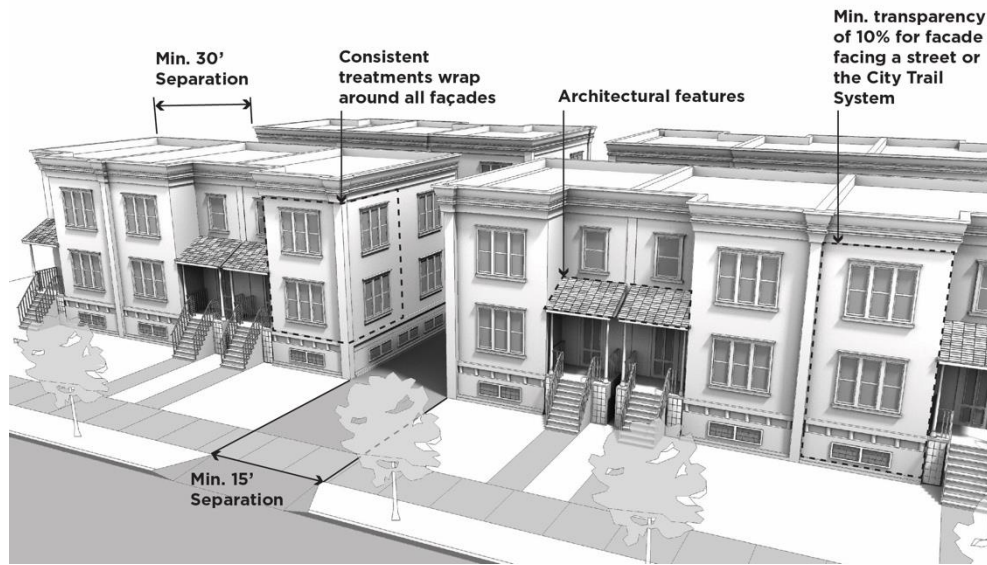
The following design standards new construction of townhouse developments and to any additions to a development existing as of the effective date of this Ordinance that exceed 30% or more of the existing structure's square footage, unless exempted by Planning Board or Design Review Board during site plan review or design review, as applicable.

- i. Windows, entrances, porches, or other architectural features are required on all street-facing facades to avoid the appearance of blank walls.
- ii. Facades must be designed with consistent materials and treatments that wrap around all facades. 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.
- iii. Building facades abutting a street or abutting the City Trail System must be articulated through the use of architectural elements to break up blank walls and add visual interest.
- iv. A minimum transparency of 10% applies to any facade facing a street or abutting the City Trail System, and is calculated on the basis of the entire area of the facade.
- v. A minimum separation of 15 feet between townhouse dwellings within a larger development that contains multiple townhouse dwellings. However, where the front or rear wall of the townhouse development faces the front or rear wall of another townhouse development, the minimum required separation between such developments must be 30 feet. Driveways and parking areas may be located within this minimum separation area.
- vi. Development is subject to the public civic space requirements of Section 9.3.
- vii. Where private open space for residents is maintained along the City Trail System, any fencing that delineates the private open space from public space must be open fencing of at least 60% open design and no more than six feet in height. Privacy fencing is prohibited.

b. Prohibited Building Materials

- i. The following building materials are prohibited on any facade:
 - (1) Exterior insulating finish systems (EIFS)
 - (2) T-111 composite plywood siding
- ii. The following building materials are prohibited as a primary surface finish material on any facade. However, such materials may be used as decorative or detail elements for up to 25% of the facade, or as part of the exterior construction that is not used as a surface finish material, unless a review by the Design Review Board, prior to site plan review, approves a greater percentage of use of these materials.
 - (1) Corrugated metal
 - (2) Aluminum, steel or other metal sidings
 - (3) Exposed aggregate (rough finish) concrete wall panels
 - (4) Plastic
 - (5) Vinyl
 - (6) Plain concrete block

TOWNHOUSE DWELLING



NN. Dwelling - Two-Family

1. Definition

A structure containing two dwelling units on a single lot.

2. Standards

- a. The dwelling must have at least one front entry from a facade facing the street. The front entry must be a dominant feature on the front elevation of a home and an integral part of the structure, using features such as porches, raised steps and stoops, or decorative railings to articulate the front facade. However, this standard does not apply to the RR and SR Districts.
- b. Windows, entrances, porches, or other architectural features are required on all street-facing facades to avoid the appearance of blank walls.

OO. Eating and Drinking Establishment

1. Definition

An establishment where food and/or drinks are prepared and provided to the public for on-premises consumption by seated patrons, carry-out, and/or delivery service. Restaurants and bars are considered eating and drinking establishments.

PP. Educational Facility - Primary or Secondary

1. Definition

A public, private, or parochial facility that offers instruction at the elementary, junior high, and/or high school levels. A pre-school may also be included as part of an elementary school.

QQ. Educational Facility - University or College

1. Definition

A facility for post-secondary higher learning that grants associate or bachelor degrees. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. Educational facilities – university or college include ancillary uses such as dormitories, cafeterias, eating and drinking establishments, retail sales, indoor or outdoor recreational facilities, and similar uses.

RR. Educational Facility - Vocational

1. Definition

A facility that offers instruction in industrial, clerical, computer, managerial, automotive, repair (electrical, plumbing, carpentry, etc.), or commercial skills, or a business conducted as a commercial enterprise, such as a school for general educational development or driving school. Educational facility - vocational also applies to privately operated schools that do not offer a complete educational curriculum.

SS. Extraction of Stone Sand Gravel - May Include Concrete Mix Plant, Asphalt Mix Plant

1. Definition

A site and any associated equipment and structures for the extraction of stone, sand, and gravel, including rock crushing and screening. This use may also include on-site concrete mix plants and asphalt mix plants.

TT. Family-Type Home for Adults (FTHA)

1. Definition

A private dwelling, licensed by the state, where the owner provides an atmosphere of household living for adults 18 years of age with physical or developmental disabilities, or because of advanced age, that do not require skilled medical and nursing services. A FTHA is limited to a maximum of four residents unrelated to the provider.

2. Standards

- a. A FTHA must be operated by a resident of the dwelling.
- b. Each FTHA must be licensed by and follow all regulations established by New York State.
- c. The exterior of a FTHA must maintain its original appearance as a dwelling. No visitor parking may be located in the front yard.
- d. No sign is permitted.

UU. Financial Institution

1. Definition

A bank, savings and loan, credit union, or mortgage office. Financial institution also includes check cashing establishments and currency exchanges.

VV. Financial Institution, Alternative

1. Definition

A financial service provided outside a traditional banking institution. An alternative financial institution includes payday loans, tax refund anticipation loans, car title loans, and cash for gold establishments.

2. Standards

There must be a 1,000 foot separation between alternative financial institutions.

WW. Food Bank

1. Definition

A non-profit organization that collects and distributes food to hunger relief organizations. Food is not distributed to those in need from a food bank.

XX. Food Pantry

1. Definition

A non-profit organization that provides food directly to those in need. Food pantries receive, buy, store, and distribute food. Food pantries may also prepare meals to be served at no cost to those who receive them. A food pantry may be an ancillary use of a place of worship, social service center, and/or homeless shelter.

YY. Food Truck Park

1. Definition

The use of land designed to accommodate food truck vendors offering food and/or beverages for sale to the public, which may include seating areas for customers.

2. Standards

- a. A food truck park requires site plan review approval by the Planning Board. Such requirement cannot be waived.
- b. A commissary for the use of food truck vendors is permitted.
- c. There must be a designated manager of the lot that is responsible for the orderly organization of food truck vendors, the cleanliness of the site, and the compliance with all rules and regulations during business hours. Such information must be clearly posted on the lot.
- d. The area must be kept clear of litter and debris at all times. Waste receptacles and/or recycling bins must be provided.
- e. A minimum of 20% of the food truck park lot area must be shared common area, not including any food truck sites and vehicle parking spaces. The common area should be designed for customer use, which includes elements such as seating areas, restroom facilities, and lawn and landscaped areas.
- f. Food truck parks may be standalone uses or may be located on a property with another principal use. These properties must be designed to be able to accommodate all required development standards for all principal uses.
- g. No temporary use permits for individual food truck vendors are required within food truck parks.

ZZ. Freight Terminal

1. Definition

A processing node for freight, such as a trucking terminal.

AAA. Funeral Home

1. Definition

An establishment where the dead are prepared for burial display and for rituals before burial or cremation, including chapels for the display of the deceased and the conducting of rituals before burial or cremation, and crematoriums.

BBB. Gas Station

1. Definition

An establishment where fuel for vehicles is stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. A gas station may also include ancillary retail uses, and solar and/or electric charging stations.

2. Standards

- a. Fuel pumps must be located a minimum of 20 feet from any lot line.
- b. All gas stations, as measured from lot line to lot line, may not be located within:
 - i. 500 feet of an educational facility - primary or secondary, park/playground, place of worship,
 - ii. 500 feet of the following specific uses: fire station, public library, theater.
 - iii. 500 feet of the following specific uses: other place of public assembly as defined by the New York State Uniform Fire Prevention and Building Code.

- iv. 250 feet of ingress or egress ramps to limited access highways.
 - v. 250 feet of a residential or residential mixed-use district.
- c. In the Industrial Districts, public use gas stations are prohibited. Gas stations are restricted to the use of fueling the fleet of the principal use on-site, whether or not for compensation.

CCC. Golf Course/Driving Range

1. Definition

A tract of land design with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, snack-bar, and pro-shop as ancillary uses. A driving range may be designed as a standalone facility or included as part of a golf course, which is defined as a tract of land equipped with distance markers, clubs, balls, and tees for practicing the hitting of golf balls. A country club may include a golf course and/or driving range, in which case the uses together are considered a country club.

DDD. Greenhouse/Nursery

1. Definition

An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are propagated and sold, and may include gardening and landscape supplies and products, such as hardware, garden tools and utensils, and other related items for sale. If such activities are primarily indoors with limited or no outdoor component (growing, displays, storage, sales), then such use is considered a retail goods establishment.

2. Standards

In the RR District, a greenhouse / nursery is subject to the following additional limitations:

- a. The indoor display of retail goods and point of sale area shall be limited to a maximum of 1000 square feet and shall be clearly and demonstrably ancillary to the propagation of horticultural and floricultural goods.

EEE. Health Spa

1. Definition

An establishment providing baths or similar treatment to the public in association with Saratoga Springs mineral waters.

FFF. Heavy Equipment Sales, Service, and Storage

1. Definition

Sales, service/repair, and storage establishments for heavy-duty vehicles and equipment, such as those designed for executing construction tasks.

GGG. Horse Race Track

1. Definition

A facility built for the racing of horses that includes grandstands or concourses. A race track may also include concession stands, eating and drinking establishments, and retail sales as ancillary uses within the facility.

HHH. Horse Stable, Commercial

1. Definition

A building, or multiple buildings, designed for the keeping and maintenance of horses.

2. Standards

- a. The minimum lot size is two acres.
- b. A maximum of three horses may be maintained on a two acre lot. Additional lot area of 20,000 square feet is required for each additional horse over eight months of age on lots up to ten acres in area. Lots of ten or more acres are not subject to a minimum lot area per horse. When more than one principal use is located on the lot, with the

exception of a single-family dwelling, the lot area required for such second principal use cannot be included in the calculation of lot area required for each horse; similarly the lot area required for each horse cannot be calculated as lot area for the second principal use.

- c. The following activities are permitted as part of the operation of a commercial horse stable:
 - i. Horse auctions.
 - ii. Horse breeding.
 - iii. Horse clinics.
 - iv. Horse demonstrations and exhibitions (horse shows), which may be conducted without a temporary use permit. This exclude spectator sport horse racing, which is prohibited. Such events may be subject to a special event permit per the City Code.
 - v. Boarding horses.
 - vi. Equine therapy.
 - vii. Renting horses for recreational riding.
 - viii. Riding lessons.
- d. Horse stables must meet the following:
 - i. An inside stall is provided for each horse.
 - ii. Box stalls are available for all horses stabled.
 - iii. All stalls must have feeders and water available.
- e. Stalls must be cleaned daily.

III. Hospital

1. Definition

Facilities for primary health services and medical or surgical care to people, primarily in-patient, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, dormitories, or educational facilities, and ancillary uses such as, but not limited to, cafeterias, eating and drinking establishments, retail sales, and similar uses.

JJJ. Hotel

1. Definition

A commercial facility that provides sleeping accommodations for a fee and customary lodging services. Related ancillary uses include, but are not be limited to, meeting facilities, eating and drinking establishments, and recreational facilities for the use of guests.

2. Standards

- a. Hotels of 20 or less rooms must front on an arterial street.

KKK. Industrial Design

1. Definition

An establishment for the research, design, and brand development of products for future production. Industrial design integrates the creative fields of art, science, and/or engineering to determine and define a product's form and features in advance of the physical act of making a product. An industrial design establishment may create mockups or limited prototypes, but may not manufacture products from the premises.

LLL. Industrial - Artisan

1. Definition

Artisan-related crafts and industrial processes that are more intensive uses, such as small-scale metalworking, glassblowing, furniture making, and small-scale food production that includes preparation, processing, canning, or packaging of food products. Micro-production of alcohol and specialty food production are regulated separately from craft industrial. An artisan industrial use may also include ancillary sales of products created on-site.

MMM. Industrial - General

1. Definition

The manufacture, fabrication, processing, reduction, and/or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, and/or appearance, and incidental storage, sales, and distribution of such products. General industrial uses may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users. These industrial uses typically have outdoor storage areas.

NNN. Industrial - Light

1. Definition

Research and development activities, and the manufacture, fabrication, processing, reduction, and/or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, and/or appearance, where such activities are conducted wholly within an enclosed building. A light industrial use may also include a showroom, ancillary sales of products related to the items manufactured or stored on-site, and/or ancillary outdoor storage.

OOO. Inn

1. Definition

A single-family dwelling that provides lodging for less than 30 days for a daily fee in no more than eight guest rooms that is not owner-occupied.

2. Standards

- a. An inn must front on an arterial street.
- b. An inn is limited to a maximum of eight guestrooms.
- c. The exterior of an inn use must maintain its original appearance as a single-family dwelling. No parking may be located in front of the front building facade.
- d. Cooking equipment is prohibited in individual guestrooms. However, this does not include a mini-refrigerator, coffee maker, and/or a microwave, which are allowed.
- e. No inn may operate an eating and drinking establishment. Meals may only be served to registered guests and at private events.
- f. One sign, either freestanding, window, or wall, is permitted. Such sign may not exceed six square feet in sign area. Freestanding signs are limited to five feet in height and must be a minimum of five feet from any lot line.

PPP. Live Performance Venue

1. Definition

A facility for the presentation of live entertainment, including musical acts, including disc jockeys (DJs), theatrical plays, stand-up comedy, and similar performances. Performances are scheduled in advance and tickets are required for admission and available for purchase in advance, though tickets may be purchased at the venue's box office on the day of the performance. A live performance venue is only open to the public when a live performance is scheduled. A live performance venue may include classroom space utilized during hours it is not open to the public for a performance. A live performance venue may include concession stands, including sale of alcohol, but only when it is open to the public for a performance. A live performance venue does not include any adult use.

RRR. Lodging House

1. Definition

A single-family dwelling that provides lodging for less than 30 days for a daily fee in no more than five guest rooms that does not meet the definition of bed and breakfast.

2. Standards

- a. The exterior of a lodging house must maintain the appearance as a single-family dwelling. No parking may be located in front of the front building facade.
- b. Cooking equipment is prohibited in individual guestrooms. However, this does not include a mini-refrigerator, coffee maker, and/or a microwave, which are allowed.
- c. No lodging house may operate an eating and drinking establishment. Meals may only be served to registered guests.
- d. One sign, either freestanding, window, or wall, is permitted. Such sign may not exceed six square feet in sign area. Freestanding signs are limited to five feet in height and must be a minimum of five feet from any lot line.

SSS. Manufactured Home Park

1. Definition

A parcel of land with single control or unified ownership that has been planned and improved for the placement of manufactured homes for residential use.

TTT. Marijuana Dispensary

1. Definition

An establishment where consumers can legally purchase cannabis and cannabis products.

2. Standards

- a. All marijuana dispensaries must comply with all New York State regulations, and any local ordinances and codes.
- b. There must be a 1,000 foot separation between marijuana dispensaries.

UUU. Marina

1. Definition

A facility with navigable water access for docking or storage of boats or providing services to boats and the occupants thereof, including minor servicing and repair to boats while in the water, sale of fuel and supplies, food, beverages, and entertainment as accessory uses. A yacht club is considered a marina.

2. Standards

- a. A Protection of Waters Permit from the New York State Department of Environmental Conservation is required for constructing, reconstructing, or repairing docks or platforms and installing moorings on, in or above navigable waters to create a marina or repair existing marina facilities.
- b. Marinas may also include assembly buildings, caretaker's residences, docks, fueling and supply facilities, launching and storage facilities, boat servicing facilities, parking areas, maintenance areas, eating and drinking establishments, boat lifts, launching ramps, boat charter services, and incidental retail sales associated with the principal use. All the proposed uses must be identified in the site plan.
 - i. Within the RR district, the following activities, functions, and ancillary uses are prohibited as part of a marina: places of assembly, assembly buildings, fueling and supply facilities, eating and drinking establishments.

- c.** Between the marina and any adjacent lots, except for other marinas, a buffer yard is required. The interior side buffer yard planting and fencing requirements per Article 11 is required.
- d.** Areas used for the drydock/outdoor storage of boats must be screened from view from any adjacent residential, residential mixed-use, and commercial mixed-use districts.
- e.** Minimum dimensions and design of marina water facilities are as follows:
 - i.** Gangways must have a minimum clear width of three feet and at least one gangway slope must meet ADA requirements. Gangways must be aluminum with guardrails, handrails, and kick plate, and capable of disconnecting and stowing during flood events.
 - ii.** The landing must have a minimum five foot by five foot platform with guardrail and lockable gate.
 - iii.** Finger floats cannot have less than three feet unobstructed width.
- f.** All utilities servicing floats must have a shut off and/or emergency disconnect adjacent to the top of the gangway. Potable water and fire suppression lines cannot be combined.
- g.** No sewer discharge to any waters is permitted. One fixed-point collection system is required at centrally located pumpout station to discharge to public sewer.
- h.** If fuel facilities are proposed, only land-based underground storage tanks out of flood hazard areas are permitted.

VVV. Medical/Dental Office

1. Definition

A facility operated by one or more physicians, dentists, chiropractors, psychiatrists, physiotherapists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. Medical/dental offices also include alternative medicine clinics, such as acupuncture and holistic therapies, and physical therapy offices for physical rehabilitation.

WWW. Micro-Production of Alcohol

1. Definition

A facility for the production and packaging of alcoholic beverages, such as beer, wine, spirits, cider, and mead, for distribution and consumption on-premises. Facilities include a tasting room and may include retail areas for the purchase beverages manufactured on-site and related items.

2. Standards

In the RR District, the micro-production of alcohol products is allowed only when the following standards are met:

- a.** The lot is in active agricultural use.
- b.** The facility has a valid New York State license for a farm brewery, winery, distillery, cidery, or meadery.
- c.** No eating and drinking establishments are located on-site. A tasting room is permitted.
- d.** The tasting room / area shall be limited to a maximum of 750 square feet and may not exceed 20 occupants.

XXX. Neighborhood Commercial Establishment

1. Definition

A commercial use within a residential neighborhood that is nonresidential in its original construction and/or current use.

2. Standards

- a.** Neighborhood commercial establishments are only allowed within existing structures that are nonresidential in their original construction and/or current use as of the effective date of this Chapter. Once a

neighborhood commercial establishment use is approved by the Planning Board, it can be changed to any of the uses allowed within item b below by issuance or modification of a special use permit.

b. The following nonresidential uses are permitted within a neighborhood commercial establishment. The initial special use approval for the neighborhood commercial establishment may specifically include one or more intended use(s), as allowed by the list below. A modification of the special use approval is required for a change to one or more of the uses listed below which were not specifically allowed by the initial or subsequent special use approval.

- i.** Art gallery.
- ii.** Arts and fitness studio.
- iii.** Office.
- iv.** Personal service establishment.
- vi.** Retail goods establishment.
- vii.** Specialty food service establishment.

c. Off-street parking requirements will be assessed by the Planning Board as part of the special use application based on the requirements of the specific use(s) proposed. The number of off-street parking spaces currently provided or required by previous approval shall be maintained, with the following exceptions:

- i.** The Planning Board may authorize or require a reduction of the number of parking spaces if the number of currently provided spaces exceeds the amount required by Table 10-C for the proposed use(s).
 - ii.** The Planning Board or Building Department may authorize or require the conversion of one or more existing parking spaces to provide compliant ADA accessible parking and access aisles.
 - iii.** Additional off-street parking beyond what is currently provided or required by previous approval shall not be required and may only be allowed by Site Plan Review.
- d.** No expansion of the structure or the site area is permitted unless required for compliance with NYS Uniform Code.
- e.** Drive-through facilities are prohibited.
- f.** Outside storage or display is prohibited. All business, servicing, processing, and storage uses must be located within the structure.
- g.** Signs are limited to those allowed in the NCU District.
- h.** Once the existing structure is demolished, the permissions for this use are deemed null and void and a new neighborhood commercial establishment cannot be reestablished.

YYY. Office

1. Definition

An establishment that engages in the processing, manipulation, or application of business information or professional expertise. Such an office may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, nor engaged in the repair of products or retail services. An office does not include financial institution or industrial design.

ZZZ. Outdoor Dining

1. Definition

A seating area that is located outdoors and typically contiguous to an eating and drinking establishment, typically in addition to an indoor seating area. Outdoor dining is approved separately as a principal use. Outdoor dining

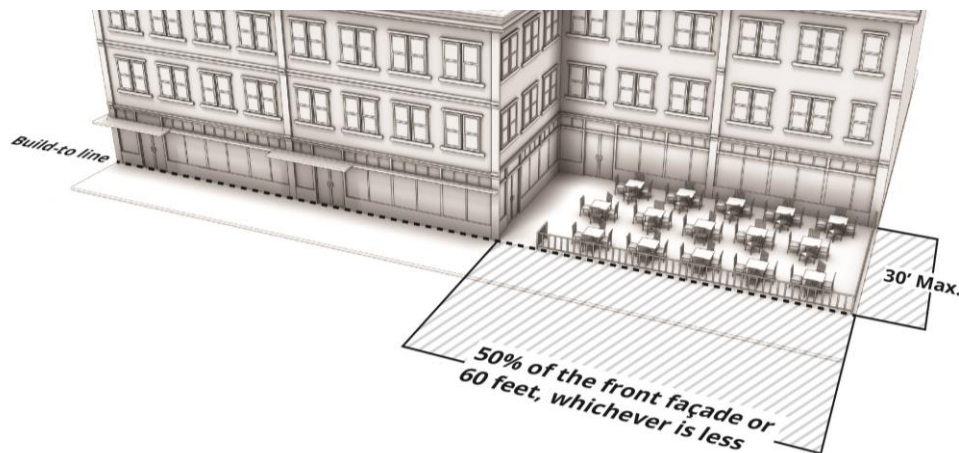
areas may be roofed or covered with an awning.

2. Standards

Outdoor dining is a separate principal use. Outdoor dining may only be established when allowed as a use within a zoning district and in conjunction with another principal use such as an eating and drinking establishment. This section regulates outdoor dining that occurs on private property only. Outdoor dining on the right-of-way is regulated within the City Code.

- a. The maximum number of seats permitted for any outdoor dining cannot exceed 50% of the approved number of indoor seats unless otherwise permitted by the special use approval.
- b. Site plan review is required for any outdoor dining with more than 40 seats.
- c. Outdoor dining may only operate from March 1 through October 31.
- d. Outdoor dining may only operate between the hours of 8:00am and 2:30am.
- e. No music may be played on the premises outdoors between 12 a.m. and 8:00 a.m.
- f. When a structure is required to be constructed at a build-to line, the structure may have up to 50% or 60 linear feet of the applicable facade, whichever is less, designated as outdoor dining, which may be setback up to 30 feet from the required build-to line.

PERMITTED OUTDOOR DINING BUILDING SETBACK



AAAA. Outdoor Storage Yard

1. Definition

The storage of material outdoors as a principal use of land for more than 24 hours.

2. Standards

- a. A 30 foot perimeter setback from the lot lines of the outdoor storage yard is required. No storage is permitted within this setback. Fences, as described in this section, are required within this perimeter setback. The storage area must be completely enclosed along all lot lines by a solid fence or wall a minimum of six feet and a maximum of eight feet in height, including ingress and egress.
 - i. Fences or walls along the front or corner side lot line must be set back a minimum of ten feet from the lot line. Within that setback, shrubs must be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity, and one evergreen tree every 30 feet planted linearly. Plantings must be placed outside the fence facing the right-of-way.
 - ii. Fences or walls along the rear or interior side lot line require the planting of shrubs spaced sufficiently to form a continuous linear hedgerow at plant maturity; plantings must be placed inside the fence toward the interior of the lot.

- b. Storage of any kind is prohibited outside the fence or wall.
- c. No items stored within 50 feet of the fence may exceed the height of the fence or wall for an outdoor storage yard.

BBBB. Park/Playground

1. Definition

A facility that serves the recreational needs of residents and visitors. Park/playground includes, but is not limited to, playgrounds, ballfields, athletic fields, basketball courts, tennis courts, dog parks, skateboard parks, and passive recreation areas.

2. Standards

- a. Park/playground may also include non-commercial indoor recreation facilities amphitheaters, and outdoor performance spaces, as well as commercial uses that support the recreation uses such as, but not limited to, eating and drinking establishment and retail establishments. The inclusion of such uses requires special use approval.
- b. Parks/playgrounds that do not require a special use, as per item a above, require administrative site plan review.

CCCC. Parking Lot

1. Definition

An open, hard-surfaced area, excluding a street or public way, used for the storage of operable vehicles, whether for compensation or at no charge.

2. Standards

Parking lots must meet the standards of Article 10.

DDDD. Parking Structure

1. Definition

A structure used for the parking or storage of operable vehicles, whether for compensation or at no charge.

2. Standards

Parking structures must meet the standards of Article 10. All parking structures must also comply with the district standards, including any build-to lines or build-to zones.

EEEE. Passenger Terminal

1. Definition

A facility for the assembly and dispersal of travelling passengers.

FFFF. Personal Service Establishment

1. Definition

An establishment that provides frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, electronics repair shops, nail salons, laundromats, health clubs, dry cleaners (pick up/drop off only; no dry cleaning operations on-site), tailors and the like.

GGGG. Place of Worship

1. Definition

A place of worship or religious institution is an establishment for religious worship which is used for such purpose and those ancillary uses customarily associated with such use. Examples include churches, temples, synagogues, mosques, and the like.

HHHH. Private/Social Club

1. Definition

A facility operated by an organization or association for a common purpose, such as, but not limited to, a meeting hall for a fraternal or social organization or a union hall, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business.

2. Standards

- a. No more than 30% of the gross floor area may be used as office space for the private/social club.
- b. Private/social clubs are permitted to serve meals and alcohol on the premises for members and their guests only.
- c. Sleeping facilities are prohibited.
- d. Private/social clubs leased or used as reception facilities must comply with the requirements for reception facilities, and must receive any approvals required of a reception facility.

III. Reception Facility

1. Definition

A facility that provides hosting and rental services of a banquet hall or similar facilities for private events including, but not limited to, wedding receptions, holiday parties, and fundraisers, with food and beverages that are prepared and served on-site or by a caterer to invited guests during intermittent dates and hours of operation. Live entertainment may be provided as an ancillary use as part of an event. A reception facility is not operated as a eating and drinking establishment with regular hours of operation.

2. Standards

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, or educational facilities.

JJJJ. Research and Development

1. Definition

A facility where research and development is conducted in industries that include, but are not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, communication, and information technology, electronics and instrumentation, and computer hardware and software. A research and development establishment may create prototypes of products, and may include limited, small scale fabrication and assembly of products and/or components. Research and development does not include large scale fabrication or mass manufacture of products for direct sale and distribution from the premises.

KKKK. Residential Care Facility

1. Definition

A licensed care facility that provides 24-hour medical and/or non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual. A residential care facility includes nursing care, hospice care, and continuum of care facilities. Continuum of care facilities may also include independent living facilities as part of the continuum. Residential care facility also include a residential drug/alcohol treatment facility for the medical and/or non-medical/therapeutic care of persons seeking rehabilitation from a drug and/or alcohol addiction. Such facilities include medical detoxification.

2. Standards

- a. Residential care facilities must meet the dimensional and design standards of multi-family dwellings.
- b. All residential care facilities must be licensed by and follow all regulations established by New York State.

LLLL. Retail Goods Establishment

1. Definition

An establishment that provides physical goods, products, or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. Retail goods establishments do not include larger-scale commercial character, a wholesale establishment that sells to the general public with a membership, or those that require permanent outdoor service and/or storage areas, and/or partially enclosed structures.

MMMM. Rooming House

1. Definition

A single-family, two-family, or townhouse dwelling where rooms are made available to tenants for compensation for a minimum of a 30 consecutive day lease, and a common kitchen and common areas are shared between tenants. A rooming house may be owner occupied or rooms available for lease without owner occupation. Rooming houses are divided into three intensities per the chart below:

	Owner Occupied	Non-Owner Occupied
Small Rooming House	2 tenants + owner	2 tenants
Medium Rooming House	3 to 5 tenants + owner	3 to 5 tenants
Large Rooming House	6 or more tenants + owner	6 or more tenants

2. Standards

- a. A rooming house use is permitted within the following dwelling types: single-family, single-family - attached, two-family, and townhouse dwelling units.
- b. Rental leases must be a minimum of 30 consecutive days in length.
- c. There must be no separate private entrance for any of the other residents.
- d. No signs are permitted.
- e. Large rooming houses must front on an arterial street.
- f. Large rooming house, both owner occupied and non-owner occupied, requires a site plan review and this condition cannot be waived.
- g. Medium rooming houses, both owner occupied and non-owner occupied, require a site plan review unless they are considered exempt from site plan review per the standards of Section 13.5.C.

NNNN. Self-Storage Facility: Enclosed

1. Definition

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. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included.

2. Standards

- a. Storage units cannot be used for residential occupancy or business.
- b. No plumbing connections are permitted in self-storage units.
- c. For self-storage facilities that include both enclosed and outdoor facilities, both types of uses must be allowed in the district.
- d. The following additional standards apply to indoor self-storage facilities:
 - i. All self-storage activities must be contained within a single building and conducted exclusively indoors. Individual storage units may be accessed from inside the building only.

- ii. All facilities must meet the design standards of the district.
- iii. No storage units located on the first floor may be located within the first 25 feet of the front facade. No storage units located on the first floor may be visible from any public right-of-way.
- iv. Access to loading areas must be located to the interior or rear of the building.

OOOO. Self-Storage Facility: Outdoor

1. Definition

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. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included.

2. Standards

- a. Storage units cannot be used for residential occupancy or business.
- b. No plumbing connections are permitted in self-storage units.
- c. For self-storage facilities that include both enclosed and outdoor facilities, both types of uses must be allowed in the district.
- d. The following additional permissions apply to outdoor self-storage facilities:
 - i. Outdoor self-storage facilities should be oriented so that storage unit access doors do not face the public right-of-way.
 - ii. 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.
 - iii. No storage of recreational vehicles is allowed within 25 feet of any rear lot line. No storage of recreational vehicles is allowed within 30 feet of any interior side lot line. No storage of recreational vehicles is allowed within 50 feet of any front or corner side lot line.
 - iv. 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 seven feet in height. Shrubs must be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity; plantings must be placed inside the fence oriented toward the interior of the lot.

PPPP. Shelter, Domestic Violence

1. Definition

A licensed facility that provides temporary shelter, protection, and support for those escaping domestic violence and intimate partner violence, including victims of human trafficking. A domestic violence shelter also accommodates the minor children of such individuals. The facility may also offer a variety services to help individuals and their children including counseling and legal guidance.

QQQQ. Shelter, Emergency

1. Definition

A facility that provides temporary housing during times of natural disaster, dangerously inclement weather, or extreme temperatures.

2. Standards

- a. All emergency shelters must be licensed by and follow all regulations established by New York State.
- b. On-site management is required when the shelter is open. A management and operations plan must be submitted and include:
 - i. The size of the facility (maximum number of beds or persons permitted to be served by the facility).

- ii. Designation of a manager who will serve as a point of contact for the public and the City, and the name and phone number of person acting as 24-hour contact.
 - iii. A management plan detailing operation of the use, number and professional qualifications of staff, management of volunteers, and policy for client conduct.
- c. An indoor waiting area for intake is required.

RRRR. Shelter, Homeless

1. Definition

A licensed facility that provides shelter to the homeless population in general.

2. Standards

- a. All homeless shelters must be licensed by and follow all regulations established by New York State.
- b. On-site management is required when the shelter is open. A management and operations plan must be submitted and include:
 - i. Description of principal and accessory uses on-site.
 - ii. The size of the facility (maximum number of beds or persons permitted to be served by the facility).
 - iii. Designation of a manager who will serve as a point of contact for the public and the City, and the name and phone number of person acting as 24-hour contact.
 - iv. Operation of the use, number and professional qualifications of staff, management of volunteers, and policy for client conduct.
 - v. A security plan to ensure safety for staff and clients.
- c. An indoor waiting area for intake is required. No queuing may occur outside. Any outside areas designated for smoking must not be visible from the street.
- d. Associated outdoor facilities that are visible from the street or share a lot line with a residential or residential mixed-use area are limited to the hours between 8:00 a.m. to 7:00 p.m.
- e. To avoid overconcentration, an applicant must supply an analysis of current locations of homeless shelter facilities.

SSSS. Social Service Center

1. Definition

A service establishment that provides assistance for those recovering from chemical or alcohol dependency; survivors of abuse seeking support; those transitioning from homelessness or prior incarceration; and those with health and disability concerns. It does not include in-patient, overnight, or living quarters for recipients of the service or for the staff. Such service does not include medical examinations or procedures, or medical detoxification, dispensing of drugs or medications, or other treatments normally conducted in a medical office.

TTTT. Solar Energy System (Tier 3)

1. Definition

Solar energy systems that are not classified as either Tier 1 or Tier 2 solar energy systems, as defined in Article 21. Tier 3 solar energy systems generally include ground-mounted solar panels and solar energy equipment with a system capacity greater than 25 kW AC.

2. Standards

The following standards apply to Tier 3 solar energy systems, which are a principal use. Tier 1 and Tier 2 solar energy systems are accessory uses and the standards of Section 9.5.V apply.

- a.** Special use permit and site plan review shall be required in accordance with Article 13 for installation of all new Tier 3 solar energy systems and any expansion of an existing Tier 3 solar energy system by more than 5% of the approved or existing coverage area. Site plan review shall include a lighting plan and landscape plan.
- b.** Tier 3 solar energy systems shall be subject to design review in accordance with Article 13 when located within a designated Historic or Architectural Review Overlay District.
- c.** Large-scale solar energy projects greater than 25 MW require review and a permit from the Office of Renewable Energy Siting (ORES). Projects between 20 and 25MW have the option of proceeding under Article 10 of the Public Service Law or the ORES process. Article 10 is part of the New York State Public Service Law, §160 - §173.

3. Dimensional Standards

Tier 3 solar energy systems are subject to the applicable district dimensional standards with the following exceptions:

- a.** Minimum lot size: 4 acres
- b.** Minimum interior side and rear setback: 30 feet, unless abutting a residential district, then 100 feet
- c.** As part of site plan review, the Planning Board is authorized to require an increased setback or buffer dimension to adjacent parcels after analysis of site conditions, adjacent land uses, and potential impacts to neighboring property.
- d.** Maximum height of solar structures: 20 feet
- e.** The following components of a Tier 3 Solar Energy System are included in the calculation of lot coverage:
 - i.** Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars or weighted ballast.
 - ii.** All mechanical equipment of the solar energy system, including maximum horizontal extents of any concrete pad or any pad mounted structure for batteries, switchboard, transformers, or storage cells.
 - iii.** Paved access roads servicing the solar energy system.

4. Vehicular Paths

Vehicular paths within the site must be designed to minimize the extent of impervious materials and soil compaction.

5. Signs

- a.** No signs or graphic content may be displayed on solar energy systems except the manufacturer's name, equipment specification information, safety information, and 24-hour emergency contact information. The information is limited to an area no more than eight square feet.
- b.** As required by National Electric Code (NEC), disconnect and other emergency shutoff information must be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

6. Lighting

Lighting of the solar energy systems is limited to that minimally required for safety and operational purposes and must be full-cutoff or shielded and downcast from abutting properties.

7. Tree Cutting / Planting

Tier 3 solar energy systems shall be subject to the relevant tree planting and tree preservation requirements of Article 11 with the following exceptions:

- a.** Alternatives to shade trees normally required in buffer yards, front setbacks, or elsewhere on site may

be approved by the Planning Board during site plan review if determined that the shade trees at mature height would impair the intended function of the solar array.

b. The Planning Board shall have the authority to approve the removal of significant trees which would otherwise prevent optimal siting of a solar energy system. The Planning Board may authorize removal of such significant trees with or without replacement landscaping.

8. Decommissioning

a. A decommissioning plan signed by the owner and/or operator of the solar energy system must be submitted by the applicant during special use permit review, addressing the following:

- i.** The cost of removing the solar energy system.
- ii.** The time required to decommission and remove the solar energy system any ancillary structures.
- iii.** The time required to repair any damage caused to the property by the installation and removal of the solar energy system.
- iv.** The cost of grading, seeding, and landscape replacement to restore the property to its condition as it existed prior to the installation of the solar energy system.

b. Solar energy systems that have been abandoned, in default, and/or not producing electricity for a period of one year must be removed at the owner's and/or operator's expense in accordance with the approved decommissioning plan.

c. In the event of neglect or refusal by the owner and/or operator to decommission the solar energy system and restore the property according to the decommissioning plan, after proper notice and due process, the City Council is authorized to provide for the execution and/or completion of the decommissioning plan. The City Council is further authorized to assess all expenses thereof against the land on which the project is located and to institute a special proceeding to collect all costs incurred, including legal expenses.

9. Fencing Requirements

All mechanical equipment or energized equipment, including any structure for storage batteries, must be enclosed by fencing a minimum of seven feet and a maximum of eight feet, with a self-locking gate to prevent unauthorized access. Such fencing shall also comply with all applicable requirements of the National Electric Code.

10. Screening and Visibility

a. Solar energy systems smaller than ten acres must have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area.

b. Solar energy systems ten acres or larger are required to:

- i.** Conduct an assessment of the visual impacts of the solar energy system on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis must be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses may be required.
- ii.** Include on the required landscape plan adequate measures to screen through landscaping, grading, or other means so that views of solar panels and solar energy equipment are minimized as reasonably practical from public roadways and adjacent properties to the extent feasible.

11. Agricultural Resources

For projects located on agricultural lands or in districts permitting agricultural uses:

a. Any Tier 3 solar energy system located on the areas that consist of Prime Farmland or Farmland of Statewide Importance cannot exceed 50% of the entire lot, measured to the maximum horizontal extents of equipment or panels comprising the solar energy system.

- b.** Tier 3 solar energy systems on Prime Farmland or Farmland of Statewide Importance are required to seed 20% of the total surface area of all solar panels on the lot with native perennial vegetation designed to attract pollinators.
- c.** To the maximum extent practicable, Tier 3 solar energy systems located on Prime Farmland must be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.
- d.** Tier 3 solar energy system owners must develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners must use native plant species and seed mixes.

12. Ownership Changes

If the owner or operator of the solar energy system changes or the owner of the property changes, the special use permit remains in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the solar energy system must notify the Zoning Officer of such change in ownership or operator within 30 days of the ownership change.

UUUU. Specialty Food Service

1. Definition

A business that specializes in the sale of certain food products and/or the on-site production of items, such as a delicatessen, bakery, candy maker, meat market, catering business, cheesemonger, coffee roaster, or fishmonger, and may offer areas for ancillary retail sales or eating and drinking areas that serve the products processed on-site. Specialty food service includes preparation, processing, canning, or packaging of food products where all processing is completely enclosed and there are no outside impacts.

VVVV. Transitional Living Facility

1. Definition

A facility in which more than four unrelated persons in need of personal services or assistance essential for activities of daily living, persons with disabilities, including those who have undergone treatment for alcohol or drug addiction (does not include medical detoxification), or those persons in transition, such as transitioning from homelessness, function as a single housekeeping unit and share responsibilities, meals, recreation, social activities, and other aspects of residential living. A transitional living facility does not include a residence that services persons as an alternative to incarceration or persons transitioning from incarceration, or housing for sex offenders.

2. Standards

- a.** All transitional living facilities must be licensed by and follow all regulations established by New York State.
- b.** On-site management is required. A management and operations plan must be submitted and include:
 - i.** Description of principal and accessory uses on-site.
 - ii.** The size of the facility (maximum number of beds or persons permitted to be served by the facility).
 - iii.** Designation of a manager who will serve as a point of contact for the public and the City, and the name and phone number of person acting as 24-hour contact.

WWWW. Vehicle Dealership

1. Definition

An establishment that sells or leases new or used automobiles, vans, motorcycles, and/or all-terrain vehicles (ATV) vehicles, or other similar motorized transportation vehicles. A motor vehicle dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the

repair and service of the vehicles sold or leased by the dealership. Vehicle dealerships do not include truck, trailer, boat, or heavy equipment sales, which are considered heavy retail, rental, and service.

XXXX. Vehicle Operations Facility

1. Definition

A facility for the dispatch, storage, and maintenance of emergency medical care vehicles, taxicabs and similar vehicles for hire, school buses, utility vehicles, and similar vehicles. Vehicle operations facility does not include a public works or public safety facility.

YYYY. Vehicle Rental

1. Definition

An establishment that rents automobiles and vans, including incidental parking and servicing of rental vehicles. A motor vehicle rental establishment may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership. Vehicle rental does not include truck rental establishments or rental of heavy equipment, which is considered part of heavy retail, rental, and service.

ZZZZ. Vehicle Repair/Service

1. Definition

A business that provides repair services to motor vehicles, motorcycles, and all-terrain vehicles (ATV) vehicles.

2. Standards

- a. Vehicle repair/service establishments may not store the same vehicles outdoors on the site for longer than 15 days once repair is complete. Only vehicles that have been or are being serviced may be stored outdoors.
- b. Repair of vehicles is prohibited outdoors. Storage of all merchandise, auto parts, and supplies must be within an enclosed structure.
- c. Vehicle repair/service establishments that abut a residential or residential mixed-use district must be screened along interior side and rear lot lines with a solid wall or fence, a minimum of six feet and a maximum of eight feet in height.
- d. No partially dismantled, wrecked, junked, or discarded vehicles may be stored outdoors on the premises. This standard does not apply to vehicles under repair.
- e. The sale of new or used vehicles is prohibited unless separately approved.
- f. No motor vehicles may be stored and no repair work may be conducted in the public right-of-way.

AAAAA. Warehouse

1. Definition

An enclosed facility for the storage and distribution of manufactured products, supplies, and/or equipment.

BBBBB. Wholesale Establishment

1. Definition

A business where goods are sold to either retailers, or to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services.

CCCCC. Wind Energy System

1. Definition

An energy system operated by a public, private, or cooperative company for the generation, transmission, distribution, or processing of wind energy.

2. Standards

Large-scale wind energy projects greater than 25 MW require review and a permit from the Office of Renewable Energy Siting (ORES). Projects between 20 and 25MW have the option of proceeding under Article 10 of the Public Service Law or the ORES process. Article 10 is part of the New York State Public Service Law, §160 - §173.

DDDDD. Wireless Telecommunications Facilities

1. Definition

Towers, antennas, and facilities used to transmit and receive signals that facilitate wireless telecommunications.

2. Standards

a. Purpose

These standards are intended to:

- i. Provide standards for the safe provision of telecommunications consistent with applicable federal and state regulations.
- ii. Encourage the shared use of existing buildings and telecommunication towers.
- iii. Provide the process for the establishment of new telecommunication towers.
- iv. Minimize adverse visual effects from telecommunication facilities and towers.

b. Required Approvals

i. Placement on Existing Telecommunication Facility

New telecommunication equipment that is proposed to be added to (co-located) a previously approved telecommunication facility is a permitted use, but requires architectural review. Historic review may be required if located within an historic district, and site plan review, if applicable.

ii. Placement on an Existing Structure

New telecommunication equipment that is proposed to be added to an existing approved structure, other than an approved telecommunications facility, requires a special use permit and architectural review is required. Historic review is required if located within an historic district and site plan review if applicable.

iii. New Telecommunication Tower or Facility

The construction of a new telecommunication tower or facility requires a use variance, site plan review, and architectural review is required. Historic review is required if in a historic district.

c. Standards for Telecommunication Facilities

All telecommunication facilities must comply with the following as applicable.

- i. All proposed telecommunication structures must be located on one lot. If the land is leased, the leased area must include the entire telecommunications facility including any required setback areas.
- ii. Each freestanding telecommunication tower must be located at a minimum setback from any lot line equal to the height of the tower.
- iii. Accessory structures must comply with setback requirements of the underlying zoning district.
- iv. Existing on-site vegetation must be preserved to the maximum extent possible. An inventory may be required to document existing vegetation. No trees, measuring more than four inches in diameter at a height of four feet off the ground, may be cut prior to approval. Additional plantings may be required to screen the facility from neighboring areas

- v. The tower and accessory structures must be adequately enclosed by a fence or other confined means to ensure the security of the facility.
- vi. No portion of any tower or accessory structure can be used for a sign or other advertising purpose.

d. Additional Requirements for Telecommunications Tower/Facility Applications

i. Architectural and Historic Review

In addition to the respective requirements for historic and architectural review, the following must be considered in association with telecommunication tower/facility review:

- (1) Pictorial representations of "before and after" views from key viewpoints selected by the City.
- (2) Alternative designs, materials, finishes and color schemes to minimize visual discord with neighboring areas.

ii. Special Use Permit

In addition to the requirements for a special use permit, the following must be considered in association with telecommunication tower/facility review:

- (1) Demonstration that that the applicant has explored co-location opportunities at existing approved telecommunication facilities including demonstration that such co-location is not feasible.
- (2) An inventory of all existing telecommunication facilities and other structures within a reasonable distance, as determined by the Planning Board in consultation with the applicant.
- (3) Demonstration that any new facility or tower may accommodate future shared use by other telecommunications providers, including a letter of intent from the current property owner insuring good faith negotiation for future shared use of this facility/tower for telecommunication purposes.
- (4) Justification for proposed height and design of the new telecommunications tower including an analysis of alternative heights and designs.
- (5) Visual impact of the proposed tower/facility from abutting properties and streets. In addition to a completed Visual Environmental Assessment Form, a "Zone of Visibility Map" may be required to determine locations where the facility may be seen.
- (6) Certification that the new facility will not interfere with radio or television service to the adjacent properties or with public safety telecommunications.
- (7) Certification of a valid Federal Communications Commission (FCC) license.

iii. Use Variance

(1) Requirements

In addition to the requirements for a use variance, the following must be considered in association with telecommunication tower/facility review:

- (A) Demonstration that that the applicant has explored co-location opportunities at existing approved telecommunication facilities and other structures including demonstration that such co-location is not feasible.
- (B) An inventory of all existing telecommunication facilities and other structures within a reasonable distance, as determined by the Zoning Board of Appeals in consultation with the applicant.
- (C) Demonstration that a new tower/facility is necessary to meet current or expected demand for services including demonstration that existing facilities, structures, or combination thereof, could not provide the intended service.

(D) Justification for proposed height and design of the new telecommunications tower including an analysis of alternative heights and designs.

(E) Visual impact of the proposed tower/facility from abutting properties and streets. In addition to a completed Visual Environmental Assessment Form, a "Zone of Visibility Map" may be required to determine locations where the facility may be seen.

(F) Demonstration that any new tower/facility may accommodate future shared use by other telecommunications providers including a letter of intent from the current property owner insuring good faith negotiation for future shared use of this facility/tower for telecommunication purposes.

(G) Certification that the new facility will not interfere with radio or television service to the adjacent properties or with public safety telecommunications.

(H) Certification of a valid Federal Communications Commission (FCC) license.

(2) Additional Notice

In addition to use variance notice requirements per Section 13.3, the applicant must send written notification via the U.S. Postal Service of a use variance application to the following:

(A) Property owners within a geographic radius of 500 feet from the subject property boundary.

(B) Respective Town Clerk for the Towns of Greenfield, Malta, Milton, Saratoga and Wilton.

(C) Saratoga County Planning Board.

(D) Director of Saratoga County Emergency Services

(E) Administrator of any state and federal parklands from which the tower may be seen.

Notice must describe the proposed facility including the height and exact location of the tower and its capacity for future shared use. The applicant must submit documentation of this mailing to the Zoning Board of Appeals prior to the public hearing.

e. Notice of Discontinuance and Removal

The property owner or lessee must notify the Zoning Officer in writing within 30 days of the discontinuance of the approved telecommunications use. All telecommunication facilities and structures must be removed from any site within four months of the date of discontinued use.

3. Small Cell Wireless Facilities

Small Cell Wireless Facilities are regulated by City Code Chapter 243, which shall be incorporated by reference as if completely restated here. Any wireless telecommunications facility not meeting the definition and limitations of "Small Cell Wireless Facilities" set forth below shall comply with Sections 8.4.DDDDD.1 and 8.4.DDDDD.2 above.

"Small Cell Wireless Facilities" or "Microcell Wireless Facilities" shall be used interchangeably and both shall mean and include facilities that meet the following conditions:

- a.** The facilities:
 - i.** are mounted on structures 50 feet or less in height including their antennas as defined in 47 CFR 1.1320(d), or
 - ii.** are mounted on structures no more than 10 percent taller than other adjacent structures, or
 - iii.** do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
- b.** Each antenna associated with the deployment, excluding associated antenna equipment is no more than three cubic feet in volume;
- c.** All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
- d.** The facilities do not require antenna structure registration under 47 CFR Part 17; and
- e.** The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in section 47 CFR 1.1307(b).

Article 8. Uses

All Small Cell Wireless facilities shall require architectural review (or historic review if located within an historic district) and approval from the Design Review Board per Section 13.9.

The Design Review Board shall be empowered to condition the issuance of an approval upon implementation of stealth, camouflage, or concealment technologies or other measures which mitigate adverse visual impacts, in any district.

All applications for small cell wireless facilities shall comply with all applicable provisions of City Code Chapter 243. However, notwithstanding anything to the contrary, where appropriate, the Design Review Board shall have the authority to waive any requirements set forth in Chapter 243 relating to an application for, or approval of, a small cell wireless facility, provided that it would further the purposes of said Chapter.

In the event that there should be any discrepancies or conflict between this section and City Code Chapter 243, the requirements of Chapter 243 shall control.

8.5 TEMPORARY USE DEFINITIONS AND STANDARDS

Temporary uses are required to comply with the standards of this section, in addition to all other regulations of this Ordinance and any licensing requirements of the City Code. These regulations are for temporary uses located on private property and a temporary use permit is required unless the standards specifically exempt the use from such. Temporary uses do not require additional parking unless specifically cited in the temporary use standards or stipulated as a condition of approval.

A. Farmers Market

1. Definition

The temporary use of structures and/or land 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.

2. Standards

- a. The temporary use permit for a farmers market will be reviewed by the Planning Board.
- b. 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 temporary use permit. A temporary use permit for a farmers market can be issued on a yearly basis, which allows for a schedule of days per week and number of weeks per year.
- c. A management plan is required as part of the temporary use permit application that demonstrates the following:
 - i. 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.
 - ii. An established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance when open to the public.
 - iii. 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.
 - iv. A lighting plan describing all temporary lighting to be installed.
 - v. Provision for waste removal if available.
 - vi. The days and hours of internal operation, including vendor set-up and take-down times.

B. Farmstand

1. Definition

A temporary structure used for the sale of a variety of fresh fruits, flowers, vegetables, ornamental plants, and other farm and food products, including value-added products, directly to consumers. The farmstand is located on property where such items are not grown or produced.

2. Standards

- a. When allowed within the district, the temporary use permit for a farmstand will be approved by the Zoning Officer when located within a residential district or the NCU and AC Districts, and will be approved by the Planning Board when allowed in any other district. For a community garden or agriculture use, a farmstand for products grown on-site is considered part of the use and does not require a temporary use permit.
- b. The timeframe of a farmstand, including number of days per week and overall duration of the event, will be determined and approved as part of the temporary use permit. A temporary use permit for a farmstand can be issued on a yearly basis, which allows for a schedule of days per week and number of weeks per year.

C. Mobile Food Vendor

1. Definition

A motor vehicle, or a food trailer towed by another vehicle, designed and equipped to prepare and sell food and/or beverages directly to consumers. It does not include wholesale food distributors. The vendor physically reports to and operates from an off-site commercial kitchen for servicing, restocking, and maintenance each operating day.

2. Standards

These standards apply to individual mobile food vendors (food trucks and food trailers) that locate on private property as an individual temporary use. When mobile food vendors are included as part of another temporary use, such as temporary outdoor entertainment event, they are approved as part of that use but are still subject to items e through j below.

- a. The temporary use permit for a mobile food vendor will be reviewed by the Planning Board.
- b. The timeframe of a temporary mobile food sales use, including number of days per week and overall duration of the event, will be determined and approved as part of the temporary use permit.
- c. The temporary use permit 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.
- d. If the mobile food 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 temporary use permit application.
- e. The permit holder must keep the area clear of litter and debris at all times.
- f. All mobile food establishments must be properly licensed by the health department.
- g. Outdoor seating may be provided on the site, but no seating may be permanently installed.
- h. A permanent water or wastewater connection is prohibited.
- i. Electrical service may be provided only by temporary service or other connection provided by an electric utility, or an on-board generator.
- j. Drive-through service is prohibited.

D. Real Estate Project Sales Office/Model Unit

1. Definition

A residential unit or units within a development that is temporarily used for display purposes as an example of dwelling units available for sale or rental in a residential development and/or sales or rental offices for dwellings within the development.

2. Standards

- a. The temporary use permit for a real estate sales office/model unit(s) will be reviewed by the Zoning Officer.
- b. A real estate sales office/model unit(s) is allowed for a residential development. Multiple model units are allowed in a multi-family building or a residential subdivision of 20 or more dwelling units.
- c. No real estate sales office/model unit(s) may be located in a manufactured home or off-site.
- d. The real estate sales office must be removed and/or closed within 30 days after the sale or rental of the last unit of the development. The model unit(s) must be closed within 30 days after the sale or rental of the last unit of the development.
- e. All activities conducted within real estate sales office/model unit(s) must be directly related to the sale of properties within the particular development. Use as a general office of operation of any firm is prohibited.

E. Temporary Cell on Wheels (COW)

1. Definition

A cell on wheels (COW) is a portable, mobile cell site that provides temporary network and wireless coverage to locations where additional cellular coverage is required due to a temporary increase in user volume at such location or states of emergency.

2. Standards

- a. The temporary use permit for a temporary cell on wheels (COW) will be approved by the Zoning Officer when installed for five days or less. When installed for more than five days, the Planning Board will approve the temporary COW.
- b. A temporary COW may be placed in any zoning district for a maximum of 90 days following a declaration of emergency by the City or state. This time limitation may be extended by the City Council.

F. Temporary Contractor's Office and Contractor's Yard

1. Definition

A temporary, portable, or modular structure utilized as a watchman's quarters, construction office, or equipment shed during the construction of a new development. This may include a contractor's yard where materials and equipment are stored in conjunction with a construction project.

2. Standards

- a. The temporary use permit for a temporary contractor's office will be reviewed by the Zoning Officer.
- b. A temporary contractor's office is allowed incidental to a construction project. A temporary contractor's office may be located in a manufactured home.
- c. The temporary use permit is valid for a six month period and is renewable for six successive periods at the same location.
- d. The temporary contractor's office must be removed within 30 days of completion of the construction project.
- e. A contractor's yard is permitted on or on an adjacent lot to any construction demolition and can only be used during the life of the construction project.

G. Temporary Manufactured Home Dwelling

1. Definition

The use of a manufactured home on a residential lot under extraordinary temporary conditions, such as an emergency shelter.

2. Standards

The temporary use permit for temporary manufactured home dwelling will be approved by the Planning Board.

H. Temporary Outdoor Entertainment

1. Definition

A temporary live entertainment event, such as the performance of live music, revue, or play within an outdoor space. Temporary outdoor entertainment event includes fireworks shows, horse shows, carnivals/circuses, temporary worship services, and others.

2. Standards

- a. The temporary use permit for temporary outdoor entertainment will be reviewed by the Planning Board.
- b. Temporary outdoor entertainment 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.
- c. A management plan is required as part of the temporary use permit application that demonstrates the following:
 - i. The on-site presence of a manager during the event.
 - ii. General layout of performance areas, visitor facilities, such as any seating areas and restrooms, parking areas, and all ingress and egress points to the site.
 - iii. Provision for waste removal and for recycling, if available.
 - iv. The days and hours of operation, including set-up and take-down times.
 - v. A description of crowd control and security measures.
 - vi. A lighting plan describing all temporary lighting to be installed.
- d. Any temporary structures must be removed within five days of conclusion of the event.
- e. Events are limited to four events per calendar year and a maximum duration of five days per event, with a minimum of 30 days between events. This limitation applies to the lot, not the operator of the temporary use. The following exceptions apply:
 - i. A temporary use permit for a carnival or circus is valid for a period of two events per calendar year no more than 14 days per event, with a minimum of 60 days between events.
 - ii. In the INST-HTR District on lots that are not part of the horse race track or associated race track training facility, temporary outdoor entertainment is limited to five days per year in addition to the thoroughbred racing meet dates.

I. Temporary Outdoor Sales

1. Definition

Temporary uses, which may include temporary structures, 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 outdoor sales related to a retail goods establishment where such goods are part of the establishment's regular items offered for purchase, or garage sales, which are regulated by the City Code.

2. Standards

- a. The temporary use permit for temporary outdoor sales will be reviewed by the Planning Board.
- b. Temporary outdoor sales 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 or educational facility, and must take place entirely on the lot containing the institutional use.

- c.** A management plan is required as part of the temporary use permit application that demonstrates the following:
 - i.** An established set of operating rules addressing the governance structure of the sales event, hours of operation, maintenance, and security requirements.
 - ii.** General layout of vendor stalls, visitor facilities, such as any seating areas and restrooms, parking areas, and all ingress and egress points to the site.
 - iii.** Provision for waste removal and for recycling, if available.
 - iv.** The days and hours of operation, including vendor set-up and take-down times.
 - v.** A lighting plan describing all temporary lighting to be installed.
- d.** Any temporary structures must be removed within five days of conclusion of the event.
- e.** Temporary outdoor sales events are limited to four events per calendar year and a maximum duration of five days per event with a minimum of 30 days between events. This limitation applies to the lot, not the operator of the temporary use. The following exceptions apply:
 - i.** A temporary use permit for a seasonal sale, such as Christmas tree lots or pumpkin patches, are limited to three events per calendar year and a maximum duration of 45 days. There is no minimum time between events.
- f.** No sales and display area is permitted in any public right-of-way.

J. Temporary Outdoor Storage Container

1. Definition

Temporary self-storage containers delivered to a residence or business owner to store belongings, and then picked up and returned to a warehouse until called for.

2. Standards

- a.** The temporary use permit for temporary self-storage containers will be reviewed by the Zoning Officer or deferred to the Department of Public Safety.
- b.** Temporary storage containers are permitted in any zoning district when used for loading or unloading. Containers are permitted on site for a period not to exceed seven days without a temporary use permit. A longer time period may be approved with a temporary use permit.
- c.** Temporary storage containers may not be used for permanent storage. They may not serve as a substitute for permanent storage needs on the site on which they are located. Containers may not be permanently attached to the ground, serviced with permanent utilities, or stacked on the site.
- d.** Temporary storage containers for residential uses must be placed on a paved surface. Containers cannot block the right-of-way, including sidewalks.
- e.** Temporary storage containers cannot be placed in the public right-of-way or placed on a lot to block ingress/egress or impede right-of-way traffic unless approved by the Department of Public Safety.