

**§ 153.058 OFFICE DISTRICTS.**

(A) *Purpose. Office Districts: O-9 and O-15.* The purpose of these districts is to provide areas which are conducive to the establishment and continuance of offices, institutions, and commercial activities not involving the sale of merchandise. Standards are so designed that these districts, in some instances, may be established as a buffer between residential districts and any other use districts. The minimum lot requirements (in thousands of square feet) is indicated by the numerical identification of each district.

(B) *Permitted uses.* The following uses are permitted by right in office districts.

- (1) Arboretum.
- (2) Dwellings, one-family detached.
- (3) Dwellings, one-family semi-detached.
- (4) Dwellings, condominium.
- (5) Dwelling, two-family.
- (6) Dwellings, multi-family, a single building on a lot.
- (7) Farms, either in conjunction with or separate from dwellings, which may conduct retail sales of products produced on the premises.
- (8) Fraternal organizations.
- (9) Parks and playgrounds, operated on a noncommercial basis for purposes of public recreation.
- (10) Trailer, recreational, and overnight camping vehicles (stored unoccupied on a lot behind a line established by front of building).
- (11) Banks.
- (12) Beauty shops.
- (13) Barber shops.
- (14) Buildings for display of sample merchandise to wholesalers and retailers of the merchandise displayed, provided that retail sales and deliveries of merchandise are not made from the premises and materials displayed are visible only from within the building.
- (15) Business and professional offices, provided that retail sales and deliveries of merchandise are not made from the premises and that merchandise displayed is visible only from within the building.
- (16) Civic organizations.

- (17) Clinics, medical, dental, and doctor offices.
- (18) Commercial schools and schools providing adult training in any of the arts, sciences, trades or professions, provided that no retail sales of merchandise or services are made on the premises.
- (19) Contractors' offices, excluding accessory storage.
- (20) Food service for employees with no direct entry from the outside of building, and with the area of the food service facility limited to 10% of the gross floor area of the building.
- (21) Funeral homes and crematories.
- (22) Government office buildings and public utility office buildings, such as telephone exchanges and similar uses.
- (23) Laboratory, dental, medical, and optical.
- (24) Offices.
- (25) Post offices.
- (26) Social and social service organizations.
- (27) Public utility transmission and distribution lines.
- (28) Radio and television stations and/or offices.
- (29) Railroad rights-of-way.
- (30) Telephone booths.
- (31) Telephone exchanges.
- (32) Temporary buildings and storage of materials in conjunction with construction of a building on a lot where construction is taking place or on adjacent lots, those temporary uses to be terminated upon completion of construction, issuance of certificate of occupancy, or invalidation of building permit.
- (33) Heliport, medically-related.
- (34) Social gatherings, seminars, receptions which are ancillary to the business of the permitted principal of use, limited to a maximum of 99 persons and on such properties or within such districts designated as historical by the Town. (Ord. No. 1505-A, passed 7-10-06)

(C) *Uses under prescribed conditions.* The following uses are permitted subject to the conditions governing each use as specified in the appropriate section.

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- (1) Cemeteries, public and private. See § 153.189.
- (2) Churches, synagogues, and related uses. See § 153.053.
- (3) Community recreation centers. See § 153.186.
- (4) Colleges and universities with all accessory facilities except stadium subject to the regulations in § 153.053.
- (5) Commercial uses in conjunction with certain multi-family and office buildings. See § 153.168.
- (6) Country clubs and swimming clubs operated on a noncommercial membership basis. See § 153.186.
- (7) Customary home occupations. See § 153.166.
- (8) Child day care facilities. See § 153.181.
- (9) Dwellings, one family attached. See § 153.171.
- (10) Dwellings, planned multi-family developments. See § 153.165.
- (11) Fire stations. See § 153.053.
- (12) Golf courses, public and private, for daytime use only. See § 153.186.
- (13) Hospitals and sanatorium. See § 153.053.
- (14) Public libraries. See § 153.053.
- (15) Museums and art galleries, operated on a noncommercial basis. See § 153.053.
- (16) Nursing homes, rest homes, and homes for the aged. See § 153.182.
- (17) Police stations. See § 153.053.
- (18) Room renting. See § 153.177.
- (19) Schools elementary, junior and senior high, public and private. See § 153.053.
- (20) Child day care homes. See § 153.181.
- (21) Commercial uses in conjunction with multi-family and office buildings, including beauty shops, barber shops, laundry and dry cleaning pick-up stations, restaurants, cafeterias, snack bars, sundries shops, dispensing of drugs and flower shops. See § 153.168.
- (22) Commercial uses associated with motels, motor courts, and hotels, including dispensing of drugs, flower shops, laundry and dry cleaning pick-up stations, restaurants, lounges, snack bars and sundries shops. See § 153.173.
- (23) Drive-in service window as an accessory part of the principal structure or operations subject to the requirements listed in § 153.178.
- (24) Florist shops. See § 153.168.
- (25) Motels, motor courts, and hotels. See § 153.173.
- (26) Electric and gas sub-stations. See § 153.183.
- (27) Electric and telephone poles supporting hardwire systems and communications antennas or communications towers. See § 153.172. (Ord. 912, passed 1-27-97)
- (28) Telephone repeater stations and huts. See § 153.183.
- (29) Demolition disposal site. See § 153.190.
- (30) Temporary uses when such uses are allowed as permanent uses in the district, and short-term temporary uses of seven days or less duration which are of a civic or nonprofit nature, or a festival of local, national or historic significance. See § 153.191.
- (31) Transit stop shelters. See § 153.184.
- (32) Bed and Breakfast establishments. See § 153.169.
- (33) Adult care home. (Ord. No. 1562-A, passed 6-11-07)
- (D) *Accessory uses.* The following accessory uses are permitted in all office districts.
- (1) Accessory residential structures and uses, clearly incidental to the permitted principal use, including servants' quarters, guest houses, and bomb shelters, excluding accessory dwellings of other types.
- (2) Petroleum storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters.
- (3) Vending machines for cigarettes, candy, soft drinks and similar items located within an enclosed building,

and coin-operated laundries located within an enclosed building as an accessory to the uses in the principal building or buildings.

(4) Accessory uses, clearly incidental to the permitted principal use or structure on the lot.

(5) Parking for uses permitted within the districts.

(6) Water storage tanks for fire protection purposes only.

(7) A temporary, self-contained storage unit, not including trailers for office use, which is intended to be picked up and moved to various locations on demand. Prior to placement, the property/and or business owners providing the storage unit at a specific site are required to register it with the Town Planning Department, showing a scale drawing of its placement in relation to driveways, any existing buildings, fences, or landscaping, street rights-of-way, and any neighboring drives or street intersections within 150' of the proposed placement location. A temporary storage unit shall not be placed within the required front setback. Maximum time a temporary storage unit shall be placed on an occupied parcel is 90 days. (Ord. No. 1532, passed 1-8-07)

(E) *Yard, area, and height requirements.* Nonresidential uses in office districts are subject to the following requirements:

	<b>O-15</b>	<b>O-9</b>
Minimum lot area	15,000	9,000
Minimum lot width	80	60
Minimum side yard	10/10	8/6
Minimum setback	40	30
Maximum height	40	40
Minimum rear yards:		
Adjacent to residential	40	40
Adjacent to other districts	20	20

(Ord. 1127, passed 7-10-00)

(F) *Development standards for various uses.* The following development standards are applicable to uses within office districts, except where other requirements are established in §§ 153.165 through 153.193, 153.200 through 153.207, or elsewhere in this chapter.

(1) Residential uses in office districts.

(a) Development standards for all buildings and lots used wholly or partially for residential purposes in the O-9 Office District shall be the same as those required in the R-12MF District.

(b) Development standards for buildings

and lots used wholly or partially for residential purposes in the O-15 Office District shall be the same as those required in the R-15MF District.

(c) For provisions governing Planned Multi-Family Developments, see § 153.165.

(2) The tree and landscape regulations of § 153.075 are applicable to all office districts.

(G) *Signs.* Signs are permitted in all office districts in accordance with the provisions of §§ 153.140 through 153.155.

(H) *Parking and loading standards.* Development of any use in an office district must conform to the parking and loading standards in §§ 153.115 through 153.129 and to the following requirements.

(1) No ground level parking of motor vehicles will be permitted in the required setback on any lot in any office district. The space within the required setback may not be used as maneuvering space for the parking or unparking of vehicles, except that the driveways providing ingress and egress to the parking area may be installed across the setback area. Aboveground parking structures are not permitted within any required setback, side yard, or rear yard.

(2) The landscaping standards of § 153.075(G) are applicable to off-street parking areas used for other than single-family or duplex purposes.

(3) Underground parking structures are permitted in accordance with § 153.127. ('72 Code, § 3040) (Ord. 477, passed 2-8-88; Am. Ord. 639, passed 9-24-91; Am. Ord. 643, passed 11-5-90; Ord. 753, passed 9-14-92; Am. Ord. 792, passed 11-8-93; Am. Ord. 869, passed 7-14-95; Am. Ord. 875, passed 5-9-94; Am. Ord. 877, passed 5-9-94; Am. Ord. 885, passed 3-18-96) Penalty, see § 153.999

**§ 153.059 ADULT USES DISTRICT.**

(A) *Purpose.* The purpose of the Adult Uses District, AU, is to provide areas in which adult entertainment or sexually oriented business may be established. Adult establishments which, because of their very nature, are recognized as having serious objectionable operational characteristics upon adjacent neighborhoods and residential or institutional uses. It has been demonstrated that the establishment of adult businesses often creates problems for law enforcement agencies, by the very nature of these businesses and the difficulty often experienced in trying to determine if the operations are of a legal nature. Special regulation of these establishments is necessary to ensure that these adverse affects will not contribute to a de facto downgrading or blighting of surrounding neighborhoods and

uses. It is the intent of this District to restrict the concentration of these uses and to separate these uses from residential and institutional uses or areas.

(B) *Uses under prescribed conditions.* The following uses are permitted subject to the conditions specified in division (F) of this section.

- (1) Adult arcade.
- (2) Adult bookstore or adult video store.
- (3) Adult cabaret.
- (4) Adult motel.
- (5) Adult motion picture theater.
- (6) Adult theater.
- (7) Escort agency.
- (8) Nude model studio.
- (9) Sexual encounter center.
- (10) Electric and telephone poles supporting hardware systems. See §153.172.

(C) *Accessory uses.* The following accessory uses are permitted in the AU District.

- (1) Off-street parking for the principal use.
- (2) Vending machines for cigarettes, candy, soft drinks or other food items, and similar items located within an enclosed building as an accessory to the uses in the principal building or buildings.

(D) *Uses defined.* For purposes of this section, the uses listed in division (B) of this section are defined as follows.

(1) **ADULT ARCADE.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed depict or describe specified sexual activities or specified anatomical areas.

(2) **ADULT BOOKSTORE OR ADULT VIDEO STORE.** A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:

(a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that depict or describe specified sexual activities or specified anatomical areas; or

(b) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

(3) **ADULT CABARET.** A nightclub, bar, restaurant or other commercial establishment that regularly features, exhibits, or displays as one of its principal business purposes:

(a) Persons who appear nude or semi-nude; or

(b) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or

(c) Films, motion pictures, video cassettes, slides, or other photographic reproductions which depict or describe specified sexual activities or specified anatomical areas.

(4) **ADULT MOTEL.** A hotel, motel or similar commercial establishment that:

(a) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that depict or describe specified sexual activities or specified anatomical areas as one of its principal business purposes; or

(b) Offers a sleeping room for rent for a period of time that is less than ten hours; or

(c) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.

(5) **ADULT MOTION PICTURE THEATER.** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown as one of its principal business purposes that depict or describe specified sexual activities or specified anatomical areas.

(6) **ADULT THEATER.** A theater, concert hall, auditorium, or similar commercial establishment which regularly features, exhibits, or displays, as one of its principal business purposes, persons who appear in a state of nudity or semi-nude, or live performances that expose or depict specified anatomical areas or specified sexual activities.

(7) **ESCORT AGENCY.** A person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its principal business purposes, for a fee, tip, or other consideration. An **ESCORT** means a person who, for tips or any other form of consideration, agrees or offers to act as a date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(8) **NUDE MODEL STUDIO.** Any place where a person who appears semi-nude, in a state of nudity, or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration. **NUDE MODEL STUDIO** shall not include a proprietary school licensed by the state or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

- (a) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
- (b) Where in order to participate in a class a student must enroll at least three days in advance of the class; and
- (c) Where no more than one nude or semi-nude model is on the premises at any one time.

(9) **SEXUAL ENCOUNTER CENTER.** A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex, or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

(10) For purposes of this section, the additional definitions are provided:

- (a) **SPECIFIED ANATOMICAL AREAS.** Human genitals in a state of sexual arousal.
- (b) **SPECIFIC SEXUAL ACTIVITIES.** Includes any of the following:
  - 1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
  - 2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or

3. Masturbation, actual or simulated; or

4. Excretory functions as part of or in connection with any of the activities set forth in division (D)(10)1. through 3. of this section

(c) **NUDE OR A STATE OF NUDITY.**

- 1. The appearance of a human anus, male genitals, or female genitals; or
- 2. A state of dress which fails to opaquely cover a human anus, male genitals, or female genitals.

(d) **SEMI-NUDE.** A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps and devices.

(E) **Yard, area and height regulations.** The following development standards are applicable to uses within the Adult Uses District, except where requirements in other applicable sections of this chapter (such as §§ 153.064 through 153.066, 153.165 through 153.198, and 153.200 through 153.207) are more restrictive.

- (1) Minimum lot area, none.
- (2) Minimum lot width, none.
- (3) Minimum setback, 40.
- (4) Minimum side yard, 20.
- (5) Minimum rear yard, 20.
- (6) Minimum unobstructed open space, 25%.
- (7) Maximum height, 35.

(F) **Development standards for uses.** All uses in the AU District must meet the following requirements. A site plan and vicinity map must be submitted to the Town Board of Commissioners to verify compliance.

- (1) In the AU District, the maximum total floor area of any allowed use shall not exceed 5,000 square feet.
- (2) No use permitted in the AU District shall locate within 1,500 feet of any other permitted use; within 1,500 feet of any residentially zoned property, or any residential or institutional use as listed in §§ 153.054(B), (C), 153.055(B), (C), 153.056(A), (B), 153.057(B), and 153.062(B); or within 1,000 feet of any establishment with an on-premise ABC license; all as measured in a straight line from property line to property line.

(3) Except for an adult motel, no use permitted in the AU District may have sleeping quarters.

(4) There shall not be more than one adult business establishment on the same property or in the same building, structure, or portion thereof.

(5) No other principal or accessory use, except as listed in division (C) of this section, may occupy the same building, structure, property, or portion thereof.

(6) No printed material, slide, video, photograph, written text, live show, or other visual presentation format shall be visible from outside the walls of the establishment, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the establishment.

(G) *Signs.* An adult establishment in an AU District shall be permitted one freestanding (detached) sign of up to 50 square feet, and attached signage (in one or more signs) not to exceed 50 square feet, for a total of 100 square feet total sign area allowed. A site plan showing the location of the freestanding sign and the number and location(s) of the attached sign(s) must be submitted to the Town Board of Commissioners to verify compliance.

(H) *Parking and loading standards.* Development of any use in the AU district must conform to the parking and loading standards in §§ 153.115 through 153.129 and to the following requirements.

(1) A site plan showing the location of parking spaces, drive entrances and exits, loading docks, and vehicular maneuvering space must be submitted to the Town Board of Commissioners to verify compliance.

(2) No ground level parking of motor vehicles will be permitted in the required setback. The space within the required setback shall not be used as maneuvering space for the parking or unparking of vehicles, except that driveways providing ingress and egress to the parking area may be installed across the setback area. Aboveground parking structures are not permitted within any required setback, side yard or rear yard.

(3) The screening requirements of § 153.075 are applicable to off-street parking areas for all uses in the AU District, except that screening will not be required adjacent to a public street. Such screening may be located anywhere on the property, subject to other pertinent provisions of this chapter, and provided that the parking areas are effectively screened as specified in § 153.075.

(4) Underground parking structures are not permitted.

(I) *Screening.* Any use in the AU District shall be

screened on all non-streetfront district boundaries as required at § 153.075(H). All other tree and landscape regulations of § 153.075 shall apply.

(Ord. 477, passed 2-8-88; Am. Ord. 765, passed 11-2-92; Am. Ord. 792, passed 11-8-92)

### § 153.060 BUSINESS DISTRICTS.

(A) *Purpose.* Business districts serve a variety of functions and permit a wide variety of uses. The purpose of each district is stated below.

(1) *Neighborhood Business District: B-1.* The purpose of this district is to create and protect business centers for the retailing of merchandise such as groceries, drugs, and household items and for the provision of professional services for the convenience of dwellers of nearby residential areas. Standards are so designed that uses within this district may be soundly and permanently developed and maintained in such a way as not to be harmful to adjacent properties.

(2) *General Business District: B-2.* The purpose of this district is to create and protect business areas for the retailing of merchandise and for carrying on professional and business services, and in some cases, wholesaling services for a large population. This type of district will be located generally adjacent to major thoroughfares.

(3) *Distributive Business District: B-D.* The purpose of this district is to provide areas in which distributive uses, such as warehouses, office and wholesaling concerns, plus other complementary uses may be established and may be given assurances of wholesome surroundings in the future. The development standards for this district are designed also to aid in preventing the creation of traffic congestion and traffic hazards on highways and to aid in protecting nearby residential areas from detrimental aspects of uses permitted within this district.

(4) *High Rise Business District: B-3.* The purpose of this district is to provide areas in which a limited variety of retail uses, professional and business services, office and wholesaling/warehousing concerns, plus other complementary uses, may be established. The development standards for this district are designed to create concentrations of uses with similar needs for increased building height located generally adjacent to major highways.

(B) *Permitted uses.* The following uses are permitted by right in the various business districts except as noted.

(1) Arboretum. B-1 and B-2 only.

(2) Auction sale of real property and that personal property as is normally located thereon for the

purposes of liquidating assets.

(3) Colleges and universities. B-1, B-2, and B-3.

(4) Dormitories for the students of colleges, commercial schools, schools providing adult training and for the staffs of hospitals.

(5) Farms, either in conjunction with or separate from dwellings, which may conduct retail sales of products produced on the premises.

(6) Fraternal organizations. B-1, B-2, and B-3.

(7) Golf courses, public and private, for daytime use only. B-1 and B-2.

(8) Orphanages, Children's Homes, and similar non-profit institutions providing domiciliary care for children. B-1, B-2, and B-3.

(9) Parks and playgrounds, operated on a noncommercial basis for the purposes of public recreation. B-1 and B-2.

(10) Room renting. B-1, B-2, and B-3.

(11) Trailer, overnight camping and recreational vehicles (stored unoccupied on a lot behind a line from front of building).

(12) Reserved.

(13) Armories for meetings and training of military organizations. B-2 only.

(14) Art galleries, operated on a commercial basis. B-1, B-2, and B-3.

(15) Auction sales. B-1, B-2, and B-3.

(16) Automobiles and truck rentals. B-2 only.

(17) Automobile laundries. B-2 only.

(18) Reserved.

(19) Automobile repair garages including engine overhaul, body and paint shops, and similar operations. B-2 only.

(20) Automobile service stations, providing minor adjustments, minor repairs, and lubrication to any type of motor vehicle. B-2 only.

(21) Automobiles, new and used, retail and wholesale, including accessory repair and service facilities.

B-2 only.

(22) Bakeries, retail, including manufacturing of goods for sale on the premises only. B-1, B-2, and B-3.

(23) Banks.

(24) Beauty shops and barber shops. B-1, B-2, and B-3.

(25) Blueprinting and photostating.

(26) Boats, retail sales within an enclosed building. B-1 only.

(27) Boats, retail sales, and repair. B-2 only.

(28) Reserved.

(29) Buildings for display of sample merchandise.

(30) Bus passenger stations. B-1, B-2, and B-3.

(31) Business and professional offices, with retail sales and deliveries of merchandise as an accessory use only, with all displayed merchandise visible only from within the buildings. B-D only.

(32) Cafeterias.

(33) Civic organizations. B-1, B-2, and B-3.

(34) Clinics, medical, dental, and doctor offices. B-1, B-2, and B-3.

(35) Commercial schools and schools providing adult training in any of the arts, sciences, trades and professions. B-1, B-2, and B-3.

(36) Contractors' offices, excluding accessory storage.

(37) Exterminators. B-2 only.

(38) Fabric samples assembly. B-2 only.

(39) Feed, retail sales. B-1 and B-2.

(40) Fences and fence material, retail sales. B-1 and B-2.

(41) Fertilizer, packaged retail sales. B-1 and B-2.

(42) Florist shops. B-1, B-2, and B-3.

(43) Frozen food lockers. B-2 and B-D only.

(44) Funeral homes and crematories. B-1 and B-

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- 2.
- (45) Government office buildings and public utility office buildings, such as telephone exchanges and similar uses.
- (46) Laboratory, dental, medical, and optical.
- (47) Laundries and dry cleaning establishments not to exceed 4,500 square feet of gross floor area. B-1, B-2, and B-3.
- (48) Laundries and dry cleaning establishments not to exceed 10,000 square feet of gross floor area. B-2 only.
- 3.
- (49) Locksmiths and gunsmiths. B-1, B-2, and B-3.
- (50) Mail order houses. B-2, B-3, and B-D.
- (51) Marinas. B-2 only.
- (52) Mobile home sales. B-2 only.
- (53) Motels, motor courts, and hotels.
- (54) Motorcycles, retail sales and repair. B-2 only.
- (55) Nurseries and greenhouses, retail. B-1, B-2, and B-3.
- (56) Offices.
- (57) Optician. B-1, B-2, and B-3.
- (58) Parking lots and parking structures, commercial. B-1, B-2, and B-3.
- (59) Second hand goods, retail sales. B-1, B-2, and B-3.
- (60) Post offices.
- (61) Printing and photo-processing.
- (62) Repair and servicing of any article, the sale of which is permitted in the district, except as otherwise indicated in this list. B-2 only.
- (63) Repair and servicing, indoors only, of any article the sale of which is permitted in the district, except as otherwise indicated in this list. B-2 and B-3.
- (64) Restaurants, lounges, and nightclubs without drive-through or drive-in services. (Ord. 1562-A, passed 6-11-07)
- (65) Restaurants, with drive-through or drive-in service. B-2 only.
- (66) Retail sales, businesses, and professional, financial, personal, and recreational services, except as otherwise permitted only in the Industrial Districts or as otherwise indicated in this list. B-1 and B-3.
- (67) (a) Retail and wholesale sales, businesses, and professional, financial, personal and recreational services. B-2 only.
- (b) Retail mini-markets for the sale of groceries, beverages, and incidental household goods with gasoline pump sales. B-2 only.
- (c) Retail sale and installation of tires in B-1(SCD) zoning district so long as (i) it occurs within an enclosed building containing at least 145,000 square feet; (ii) no more than 7,250 square feet of the building area is devoted to the retail sale and installation of tires and the remainder of the building is devoted to other uses that are permitted with the B-1 zoning district; (iii) all service bays have overhead doors; (iv) establishment only installs tires it sells and these sales take place either within the installation area or an area which is adjacent thereto; and (v) all new and discarded tires are stored within the building.
- (d) The installation in - and servicing of - motor vehicles, sport utility vehicles, pick-up trucks and small boats, including their trailers, the combined length of which is no more than 25 feet, of the following items of equipment:
- Audio and stereo equipment;
  - Security and vehicle tracking systems;
  - GPS and other navigational systems;
  - Cellular telephone kits and accessories;
  - Radar detectors;
  - Mobile video systems; and
  - Accessory parts, including batteries, associated with proper installation and servicing of any of the foregoing items of equipment; so long as the following conditions are satisfied:
    - (i) such uses occur within a retail store devoted primarily to the sale of consumer electronic goods;
    - (ii) such uses occur within an enclosed building and within a retail establishment which occupies at least 25,000 square feet;
    - (iii) no more than 2,500 square feet of the area occupied by such retail establishment is devoted to the above described uses;
    - (iv) such retail establishment only installs those items which it sells;

(v) all service bays of the retail establishment have overhead doors;

(vi) each service bay door is screened from abutting properties, private streets and/or public streets with screening that satisfies the standards established under Section 153.075(H)(2).  
(Ord. No. 1176, passed 6-11-01)

(68) Sign painting, exclusive of manufacture. B-2 only.

(69) Social and social service organizations. B-1, B-2, and B-3.

(70) Studios for gymnasts, artists, designers, photographers, musicians, or sculptors. B-1, B-2, and B-3.

(71) Theaters, housed within an enclosed structure. B-1, B-2, and B-3.

(72) Tourist homes. B-1 and B-2.

(73) Trailers, overnight camping, retail and wholesale sales, rental and repair. B-2 only.

(74) Trailers, utility or hauling (not exceeding a loading capacity of 500 cubic feet), retail sales and rental. B-1 only.

(75) Trucks, retail and wholesale, sales and rental, including accessory service and repair (not including tractor and trailer units). B-2 only.

(76) Vending machines, located out-of-doors, subject to yard and setback requirements for the respective districts. B-1 and B-2.

(77) Wholesale sales with related storage and warehousing entirely within enclosed buildings, excluding truck terminals. B-D only.

(78) Book binding. B-D only.

(79) Engraving, excluding textile engraving. B-2 only.

(80) Public utility transmission and distribution lines.

(81) Radio and television stations and/or offices. B-1, B-2, and B-3.

(82) Municipal reservoirs.

(83) Railroad rights-of-way.

(84) Telephone booths.

(85) Telephone exchanges.

(86) Temporary buildings and storage of materials in conjunction with construction of a building on a lot where construction is taking place or on adjacent lots, this temporary use to be terminated upon completion of construction, issuance of certificate of occupancy, or invalidation of building permit.

(87) Dwellings, one family attached, one family detached, one family semi-detached, two-family or multi-family as a single building on a lot.

(88) Trade schools, provided no outdoor storage or activities. B-D only.

(89) Warehousing within enclosed building. B-D only.

(90) Heliport, medically-related. B-1, B-2, and B-3.

(91) Upholstery, including repair or replacement of fabric, cushions, foam, padding and similar materials in a workroom setting, not to exceed 1,500 square feet of floor area and excluding furniture refinishing, auto upholstery, marine upholstery, or upholstery of other non-household items, other than detachable cushions that can be brought in by hand.

(92) Mini-storage facility. B-D only.

(93) Building materials storage and wholesale and retail sales including lumber, brick, tile, stone, concrete, cement and similar materials within enclosed buildings, tanks and similar structures. B-2 and B-D only.

(94) State Approved Adult Day Care Centers. B-1 only.

(95) Towing operation, with vehicle storage only within an enclosed structure. B-2 and B-D only. (Ord. 1242, passed 8-12-02)

(96) Clairvoyant entertainment businesses when no closer than 500' to a residentially zoned or used property and when the minimum straight line distance is 1,000' between two clairvoyant entertainment businesses. B-1, B-2, B-3 only. (Ord. No. 1524, passed 12-11-06)

(C) *Uses under prescribed conditions.* The following uses are permitted subject to the conditions governing each use as specified in the appropriate section.

(1) Cemeteries, public and private. B-1 and B-2. See § 153.189.

(2) Churches, synagogues, and related uses. B-1,

B-2, and B-3. See § 153.053.

(3) Community recreation centers. B-1, B-2, and B-3. See § 153.186.

(4) Colleges and universities with all accessory facilities except stadiums, subject to the regulations in § 153.053. B-1 only.

(5) Country clubs and swimming clubs operated on a noncommercial membership basis. B-1, B-2, and B-3. See § 153.186.

(6) Child day care facilities. B-1, B-2, and B-3. See § 153.181.

(7) Fire stations. See § 153.053.

(8) Hospitals and sanatorium. B-1, B-2, and B-3. See § 153.182.

(9) Public libraries. B-1, B-2, and B-3. See § 153.053.

(10) Museums and art galleries, operated on a noncommercial basis. B-1, B-2, and B-3. See § 153.053.

(11) Nursing homes, rest homes, and homes for the aged. B-1, B-2, and B-3. See § 153.182.

(12) Police stations. See § 153.053.

(13) Schools, elementary, junior and senior high, public and private. B-1, B-2, and B-3. See § 153.053.

(14) Child day care homes. B-1, B-2, and B-3. See § 153.181.

(15) Young Men's Christian Association and comparable organizations. B-1, B-2, and B-3. See § 153.053.

(16) Reserved.

(17) Reserved.

(18) Commercial uses in conjunction with multi-family and office buildings including dispensing of drugs, flower shops, laundry and dry cleaning pick-up stations, snack bars, beauty shops, barber shops, restaurants, lounges, cafeterias, and sundries shops, B-3 and B-D only. See § 153.168.

(19) Drive-in service window as an accessory part of the requirements listed in § 153.178. B-1, B-2, and B-D.

(20) Veterinary clinics (no outside kennels). B-2 only. See § 153.185.

(21) Reserved.

(22) Electric and gas substations. See § 153.183.

(23) Electric and telephone poles supporting hardwire systems and communication antennas or communication towers. See § 153.172.

(24) Telephone repeater stations and huts. See § 153.183.

(25) Water storage tanks. See § 153.076.

(26) Demolition disposal site. See § 153.190.

(27) Temporary uses when such uses are allowed as permanent uses in the district, and short-term temporary uses of seven days or less duration which are of a civic or nonprofit nature, or a festival of local, national or historic significance. See § 153.191.

(28) Selling from a semi-truck without a cab. B-2 only. See § 153.193.

(29) Transit stop shelters. See § 153.184.

(30) Veterinary hospital. B-2 and B-D only. See § 153.185.

(31) Amusement, commercial, outdoors, limited to par-3 golf course, golf driving ranges, and archery ranges. B-2 only. See § 153.188.

(32) Amusement, commercial, outdoors, such as miniature golf, rides, slides, commercial beaches, and similar commercial enterprises, except as regulated elsewhere in this list. B-2 only. See § 153.188.

(33) Bed and Breakfast establishments. B-1 only. See § 153.169.

(34) Outdoor sales in conjunction with a permanent business. See § 153.193. (Ord. No. 1524, passed 12-11-06)

(35) Adult care home. (Ord. No. 1562-A, passed 6-11-07)

(D) *Accessory uses.* The following accessory uses are permitted in business districts.

(1) Accessory residential uses and structures, clearly incidental to the permitted principal use. B-1, B-2, and B-3.

(2) Accessory uses, clearly incidental to the permitted principal use or structure on the lot.

(3) Off-street parking.

(4) Vending machines for cigarettes, candy, soft drinks and similar items, and coin-operated laundries located within an enclosed building as an accessory to the uses in the principal building or buildings.

(5) Petroleum storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters.

(6) A temporary, self-contained storage unit, not including trailers for office use, which is intended to be picked up and moved to various locations on demand. Prior to placement, the property and/or business owners providing the storage unit at a specific site are required to register it with the Town Planning Department, showing a scale drawing of its placement in relation to driveways and existing buildings, fences, or landscaping, street rights-of-way, and any neighboring drives or street intersections within 150' of the proposed placement location. Maximum time a temporary storage unit shall be placed on an occupied parcel is 90 days.  
(Ord. No. 1532, passed 1-8-07)

(E) *Yard, area, and height regulations.* The following development standards are applicable to uses within business districts, except where other requirements are established in §§ 153.165 through 153.193, 153.200 through 153.207, or elsewhere in this chapter.

(1) For uses in business districts adjoining office, business, or industrial districts:

	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>B-D</b>
Minimum lot area	None	None	1 acre	None
Minimum lot width	None	None	None	None
Minimum setback	40	40	40	40
Minimum side yard	*	*	*	10
Minimum rear yard	10	10	10	10
Minimum unobstructed open space	None	None	None	None
Minimum height	None	None	35	None
Maximum height	40	40	50**	40

(Ord. 1127, passed 7-10-00)

\* Minimum side yards not required. If side yards are provided, one must be at least four feet and the other side at least eight feet. If only one side yard is provided, it must be at least eight feet.

\*\* For buildings or structures greater than 50 feet in height, side and rear yards must be increased by one foot for every two feet (or fraction thereof) of building height over 50 feet.

(2) For uses in business districts adjoining the rural and residential districts:

	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>B-D</b>
Minimum lot area	None	None	1 acre	None
Minimum lot width	None	None	None	None
Minimum setback	40	40	40	40
Minimum side yard	10	10	25	10
Minimum rear yard	20	20	25	20
Minimum unobstructed open space	None	None	None	None
Minimum height	None	None	35	None
Maximum height	40	40	50*	40

(Ord. 1127, passed 7-10-00)

\* For buildings or structures greater than 50 feet in height, side and rear yards must be increased by one foot for every one foot (or fraction thereof) of building height over 50 feet.

(F) *Development standards for various uses.*

(1) Floor area.

(a) In the B-1, B-2, B-3, and B-D business districts, the maximum total floor area of any retail commercial establishment or shopping center may not exceed 100,000 square feet in floor area. Proposed retail facilities which would exceed 100,000 square feet in floor area may be considered only under the provisions of § 153.204.

(b) In the B-3 district, the minimum total floor area must be 20,000 square feet, and any combination of non-retail uses in a single building or in a group of buildings may exceed 100,000 square feet in floor area.

(2) *Landscape standards.* The tree and landscape regulations of § 153.075 are applicable to all business districts.

(3) *Accessory structures in B-3.* Accessory structures in the B-3 district may be less than 35 feet in height when any one accessory structure is less than 5% of the total floor area of the principal structure(s) or no more than 5,000 square feet, whichever is less. All accessory structures shall not exceed 10% of the total floor area of the principal structure(s).

(G) *Signs.* Signs are permitted in business districts in accordance with the provisions of §§ 153.140 through 153.155.

(H) *Parking and loading standards.* Development of any use in a business district must conform to the parking and loading standards in §§ 153.115 through 153.129 and the following standards.

(1) Parking of motor vehicles is not permitted in the first 20 feet of the required setback of a lot in the Distributive Business District. The space within the required 20 foot landscape strip in the setback may not be used as maneuvering space for the parking or unparking of vehicles,

except that driveways providing access to the parking area may be installed across the setback area.

(2) Underground parking structures are permitted in accordance with § 153.127. ('72 Code, § 3060) (Ord. 477, passed 2-8-88; Am. Ord. 598, passed 7-10-89; Am. Ord. 601, passed 7-24-89; Am. Ord. 643, passed 11-5-90; Ord. 753, passed 9-14-92; Am. Ord. 768, passed 1-25-93; Am. Ord. 775, passed 4-12-93; Am. Ord. 785, passed 10-11-93; Am.Ord. 792, passed 11-8-93; Am. Ord. 853, passed 5-8-95; Am. Ord. 869, passed 7-14-95; Am. Ord. 871, passed 9-12-94; Am. Ord. 875, passed 5-9-94; Am. Ord. 877, passed 5-9-94; Am. Ord. 885, passed 3-18-96; Ord. No. 1009, passed 11-9-98; Ord. No. 1242, passed 8-12-02) Penalty, see § 153.999

### § 153.061 HISTORIC URBAN CORE DISTRICT.

(A) *Purpose.* The Historic Urban Core District, HUC, is created for the purpose of establishing a zoning district for a defined downtown commercial core area only. The boundaries of this area were determined through a study and development of a master plan for the downtown and its future growth. This area includes the properties that have historically provided the concentration of business uses for a small community - primarily retail, office, and civic - including an existing designated Historic District, and minimal expansion land that is likely to exhibit the same intensity of development. In addition to being the heart of the larger community, this district's purpose is to allow and encourage a mix of uses and buildings at a greater density of lot coverage than other nonresidential districts in outlying portions of the Town while limiting individual building size to preserve and complement the existing small town downtown character. This district is intended to create and preserve cross connection between properties, especially for pedestrians.

(B) *Permitted uses.* The following uses are permitted by right in the Historic Urban Core District.

- (1) Art galleries, operated on a commercial basis.
- (2) Auction sales of real property and that personal property as is normally located thereon for the purposes of liquidating assets.
- (3) Bakeries, retail, including manufacturing of goods for sale on the premises only.
- (4) Banks.
- (5) Beauty shops and barber shops.
- (6) Blueprinting and photostating.
- (7) Bus passenger stations
- (8) Cafeterias.
- (9) Churches, synagogues and related uses with less than 400 seating capacity and/or with programs of up to 100 persons operated on a daily (weekday) basis.
- (10) Civic or fraternal organizations.
- (11) Clinics, medical, dental, and doctor offices.

(12) Colleges and universities with all accessory facilities except stadiums.

(13) Commercial schools and schools providing adult training in any of the arts, sciences, trades, and professions.

(14) Contractors' offices, excluding accessory storage.

(15) Dormitories for the students of colleges, commercial schools, schools providing adult training, and for the staffs of hospitals.

(16) Dwellings, one-family attached, one-family detached, one-family semi-detached, condominium, two-family, and multi-family as a single building on a lot.

(17) Dwellings, at rear or on upper floors of mixed use buildings.

(18) Fire Stations.

(19) Florist shops.

(20) Government office buildings and public utility office buildings, such as telephone exchanges and similar uses.

(21) Hardware and farming supplies, such as feed, fences and fence materials, packaged fertilizer, without permanent outside storage.

(22) Laboratory, dental, medical and optical.

(23) Laundries and dry cleaning establishments not to exceed 4,500 square feet of gross floor area.

(24) Motels, motor courts, and hotels.

(25) Museums and art galleries, operated on a non-commercial basis.

(26) Offices.

(27) Optician.

(28) Parking lots and parking structures, commercial.

(29) Parks and playgrounds, operated on a non-commercial basis for the purposes of public recreation.

(30) Police stations.

(31) Post offices.

(32) Printing and photo processing.

(33) Public libraries.

(34) Public utility transmission and distribution lines.

(35) Railroad rights-of-way.

(36) Repair and servicing, indoors only, of any article the sale of which is permitted in the district.

(37) Restaurants, lounges, and nightclubs without drive-in or drive-through services. (Ord. 1562-A, passed 6-11-07)

(38) Retail sales, businesses, and professional, financial, personal, and recreational services, except that retail mini-markets for the sale of groceries, beverages, and incidental household goods with gasoline pumps are prohibited.

(39) Room renting.

(40) Second hand goods, retail sales, without outside storage.

(41) Social and social service organizations.

(42) Studios for artists, photographers, designers, musicians, and sculptors.

(43) Telephone booths or exchanges.

(44) Temporary buildings and storage of materials in conjunction with construction of a building on a lot where construction is taking place or on adjacent lots, such temporary use to be terminated upon completion of construction, issuance of certificate of occupancy, or invalidation of building permit.

(45) Theaters, housed within an enclosed structure.

(46) Trade schools, provided no outdoor storage or activities.

(47) Upholstery, including repair or replacement of fabric, cushions, foam, padding and similar materials in a workroom setting, not to exceed 1,500 square feet of floor area and excluding furniture refinishing, auto upholstery, marine upholstery, or upholstery of other non-household items, other than detachable cushions that can be brought in by hand.

(C) *Uses under prescribed conditions.* The following uses are permitted subject to the conditions governing each use as specified in the appropriate section.

(1) Bed and Breakfast establishments. See 153.169.

(2) Child day care homes and child day care centers. Sec. 153.181.

(3) Churches, synagogues and related uses with 400 or more seating capacity or with programs of more than 100 persons operated on a daily (weekday) basis. See 153.053.

(4) Community recreation centers. See 153.186.

(5) Electric and telephone poles supporting hardware systems and communications antennas. See 153.172.

(6) Farmers' market. See 153.191(C).

(7) Hospitals and sanatorium. See 153.053.

(8) Pushcart vendors. See 153.191(C).

(9) Schools, elementary, junior and senior high, public and private. See 153.053.

(10) Telephone repeater stations and huts. See 153.183.

(11) Temporary uses when such uses are allowed as permanent uses in the district, and short-term temporary uses of seven days or less duration which are of a civic or nonprofit nature, or a festival of local, national or historic significance. See 153.191.

(12) Transit stop shelters. See 153.184.

(13) Water storage tanks. See 153.076.

(14) Outdoor sales in conjunction with a permanent business. See 153.193. (Ord. No. 1524, passed 12-11-06)

(D) *Accessory uses.* The following accessory uses are permitted in the Historic Urban Core District.

(1) Accessory residential uses and structures, clearly incidental to a permitted dwelling use on the lot.

(2) Accessory uses, clearly incidental to one or more of the principal permitted use(s) or structure(s) on the lot.

(3) Off-street parking.

(4) Vending machines for candy, soft drinks and similar items, and coin-operated laundries, located within an enclosed building as an accessory to the uses in the principal building(s).

(5) Petroleum storage, accessory to a permitted use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters.

(6) A temporary, self-contained storage unit, not including trailers for office use, which is intended to be picked up and moved to various locations on demand. Prior to placement, the property and/or business owners providing the storage unit at a specific site are required to register it with the Town Planning Department, showing a scale drawing

of its placement in relation to driveways, any existing buildings, fences or landscaping, street rights-of-way, and any neighboring drives or street intersections within 150' of the proposed placement location. Maximum time a temporary storage unit shall be placed on an occupied parcel is 90 days. (Ord. No. 1532; passed 1-8-07)

- (E) *Yard, area, and height regulations.*
- |   |   |
|---|---|
| Minimum lot size                        | None  |
| Minimum lot width                       | None  |
| Build-to line for Type I Street         | 0' from right-of-way to not more than 20' from back of curb |
| Build-to Line for Type II Street        | 30' to 45' from back of curb                                |
| Build-to Line for Type III or IV street | 30' to 45' from back of curb                                |
| Minimum setback on other properties     | 20' from back or curb or edge of pavement                   |
| Maximum setback on other properties     | 40' from back of curb or edge of pavement                   |
| Minimum side yard                       | *   |
| Minimum rear yard                       | 10'   |
| Minimum unobstructed open space         | None  |
| Maximum height                          | 40'** and 3 stories   |

\*Minimum side yards are not required. If one or more side yards are provided, each must be at least 4 feet.

\*\* Buildings facing on a public green and used for public and/or institutional uses only may increase the maximum building height to 55'. (Ord. 1127, passed 7-10-00)

(F) *Development standards for various uses.*

- (1) Maximum floor area
- (a) For retail/business/office uses:
- 1 story (if over 50% 1 story): 25,000 sq.ft.
  - 2 story (if over 50% 2 story): 28,000 sq.ft.
  - 3 story (if over 50% 3 story): 32,000 sq.ft.
- (b) For single-family attached residential uses: 25,000 sq. ft. per structure, and 18 units per acre
- (c) For multi-family attached residential uses: 15,000 sq. ft. per structure, and 18 units per acre

(d) For mixed-use buildings: Residential uses may cover up to 50% of total floor area in a mixed use building, or up to 50% of total floor area of all habitable structures on a single lot, whichever is applicable, with total floor area not to exceed the limits given in (a) above.

(2) First floor uses: In order to stimulate pedestrian activity at the street level, the first floor (street level) must devote 50% of the gross floor area to retail activities. The term retail, for this paragraph, includes not only sales of merchandise at retail but will also be construed to mean personal services such as beauty parlors, shoe repair, barber shops, restaurants, galleries, and similar uses, but not drive-through financial services.

(G) *Signs.* Signs are permitted in the HUC district in

accordance with the provisions of Section 153.140 through 153.155, except as further specified in the Downtown Overlay District, Section 153.064.

(H) *Landscaping, screening, and outdoor storage.*

(1) Streetscape trees shall be required where specified in the Streetscape Improvements adopted by the Board of Commissioners April 14, 1997. Where the Streetscape Improvements drawings do not show streetscape trees, then the provisions of Section 153.075(E) shall apply.

(2) Landscape perimeter planting, as defined in Sections 153.075(D) (2) and (F) is not required for nonresidential or mixed use buildings in the HUC district.

(3) Site perimeter screening as defined at Sections 153.075(D)(4)(a) and 153.075(H)(1) is not required for nonresidential or mixed use buildings in the HUC district.

(4) Screening of loading or service areas shall follow the provisions at Section 153.075(H)(2).

(5) Landscaping provisions of Section 153.075(G) for parking shall apply in the HUC district.

(I) *Parking and loading standards.* Development of any use or combination of uses in the HUC district must conform to the parking and loading standards in Sections 153.115 through 153.129, except as listed below.

(1) For retail, financial institutions, and restaurants: 1 parking space per each 400 square foot floor area or portion thereof.

(2) For nonresidential uses fronting on a Type I street and located at or less than the maximum build-to lines as established in 153.061(E) and as prescribed in the Design Guidelines: no off-street parking required.

(3) For office uses: 1 space per each 400 square foot floor area or portion thereof.

(4) Parking of motor vehicles is not permitted in the space between the front property line (right-of-way line) and the front of the building, although driveways providing access to a parking area may be installed across this space perpendicular to street and front of building. (Ord. 945, passed 11-10-97)

**§ 153.062 INDUSTRIAL DISTRICTS.**

(A) *Purpose.*

(1) *Light Industrial District: I-1.* The purpose of this district is to create and protect industrial areas for the provision of light manufacturing and the distribution of products at wholesale. The standards established for this district are designed to promote sound, permanent light industrial development and also to protect nearby residential areas from the undesirable aspects of industrial development. Whenever possible, areas of this zoning category are separated from residential areas by natural or structural boundaries, such as drainage channels, sharp breaks in topography, strips of vegetation, traffic arteries, and similar

features.

(2) *General Industrial District: I-2.* The purpose of this district is to create and protect wholesaling and industrial areas for manufacturing, processing and assembling of parts and products, distribution of products at wholesale, transportation terminals, and a broad variety of specialized commercial and industrial operations. Whenever possible, areas of this zoning category are separated from residential areas by natural or structural boundaries, such as drainage channels, sharp breaks in topography, strips of vegetation, traffic arteries and similar features.

(B) *Permitted uses.* The following uses are permitted by right in industrial districts as noted.

- (1) Arboretum.
- (2) Colleges and universities.
- (3) Reserved.
- (4) Farms, either in conjunction with or separate from dwellings, which may conduct retail sales of products produced on the premises.
- (5) Fraternal organizations.
- (6) Golf courses, public and private, for daytime use only.
- (7) Parks and playgrounds, operated on a noncommercial basis for purposes of public recreation.
- (8) Trailer, overnight camping (stored unoccupied on a lot).
- (9) Trailer, overnight camping (within an overnight camping trailer park).
- (10) Reserved.
- (11) Armories for meetings and training of military organizations.
- (12) Auction sales.
- (13) Automobile and truck rentals.
- (14) Automobile laundries.
- (15) Automobile repair garages, including engine overhaul, body and paint shops, and similar operations.
- (16) Automobile service stations, providing minor adjustments, minor repairs, and lubrication to any type of motor vehicle.

(17) Automobiles, new and used, retail and wholesale sales, including accessory repair and service facilities.

- (18) Banks.
- (19) Beauty shops and barber shops.
- (20) Blueprinting and photostating.
- (21) Boats, retail sales and repair.
- (22) Buildings for the display of sample merchandise.
- (23) Bus passenger stations.
- (24) Cafeterias.
- (25) Civic organizations.
- (26) Clinics, medical, dental, and doctor offices.
- (27) Commercial schools and schools providing adult training in any of the arts, sciences, trades, and professions.
- (28) Contractors' offices, excluding accessory storage.
- (29) Exterminators.
- (30) Fabric samples assembly.
- (31) Feed, retail sales.
- (32) Fences and fence material, retail sales.
- (33) Fertilizer, packaged retail sales.
- (34) Florist shops.
- (35) Frozen food lockers.
- (36) Funeral homes and crematories.
- (37) Government office buildings and public utility office buildings such as telephone exchanges and similar uses.
- (38) Laboratories for research and testing of products.
- (39) Laboratory, dental, medical and optical.
- (40) Laundries and dry cleaning establishments not to exceed 4,500 square feet of gross floor area.

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- (41) Laundries and dry cleaning establishments not to exceed 10,000 square feet of gross floor area. (I-2 only).
- (42) Locksmiths and gunsmiths.
- (43) Mail order houses.
- (44) Marinas.
- (45) Mobile home sales.
- (46) Motels, motor courts, and hotels.
- (47) Motorcycle, retail sales and repair.
- (48) Nurseries and green houses, retail.
- (49) Offices.
- (50) Optician.
- (51) Parking lots and parking structures, commercial.
- (52) Second hand goods, retail sales.
- (53) Post offices.
- (54) Poultry production, commercial. (I-2 only).
- (55) Printing and photo processing.
- (56) Repair and service of any article, the sale of which is permitted in the district, except as otherwise indicated in the list.
- (57) Restaurants, lounges, and nightclubs without drive-through services. (Ord. 1562-A, passed 6-11-07)
- (58) Restaurants with drive-in service.
- (59) Retail sales, businesses and professional, financial, personal, and recreation services.
- (60) Sign manufacturing.
- (61) Reserved.
- (62) Social and social service organizations.
- (63) Studios for artists, photographers, designers, musicians, sculptors, and gymnasts.
- (64) Theaters, housed within an enclosed structure.
- (65) Tourist homes.
- (66) Trailers, overnight camping, retail and wholesale sales, rental and repair.
- (67) Trucks, retail and wholesale sales, and rental, including accessory service and repair but not including tractor and trailer units.
- (68) Vending machines, located out-of-doors, subject to yard and setback requirements for the respective districts.
- (69) Airports. (I-2 only).
- (70) Alcohol and alcoholic beverage manufacture. (I-2 only).
- (71) Assembly of automobiles and trucks. (I-2 only).
- (72) Assembly of previously prepared parts into a finished product, except as otherwise restricted on this list.
- (73) Bakeries and baking plants, including manufacturing, wholesale and retail.
- (74) Blacksmith shops.
- (75) Book binding.
- (76) Bottling and canning works for soft drinks.
- (77) Building materials storage and wholesale and retail sales, including lumber, brick, tile, stone, concrete, and similar materials within enclosed buildings, tanks, and similar structures.
- (78) Building materials storage yards and wholesale and retail sales, including lumber, brick, tile, stone, concrete, cement, and similar materials.
- (79) Bus repair and storage. (I-2 only).
- (80) Chemical manufacture, processing, or refining. (I-2 only).
- (81) Coal, sales and storage. (I-2 only).
- (82) Commercial outdoor amusement, such as miniature golf, rides, slides, commercial beaches, and similar commercial enterprises, except as regulated elsewhere in this list. See § 153.188 regarding these uses in the I-2 District.
- (83) Contractors' offices and storage yards. (I-2 only).
- (84) Crating services.

(85) Dairy products processing, bottling, and distribution.

(86) Electric generating plant, as a principal use. (I-2 only).

(87) Enameling, japanning, lacquering, or the plating or galvanizing of metals. (I-2 only).

(88) Engraving, excluding textile engraving.

(89) Engraving, including textile engraving.

(90) Food processing, excluding poultry and animal slaughtering and dress. (I-1 only).

(91) Foundries. (I-2 only).

(92) Freight terminals. (I-2 only).

(93) Garment manufacturing, limited to cutting and assembly from previously manufactured textile material.

(94) Greenhouses and nurseries involving retail and wholesale sales.

(95) Fish hatcheries. (I-2 only).

(96) Heavy equipment including those items as graders, caterpillars, cranes, and similar items, retail and wholesale sales and rental, including accessory service and repair. (I-2 only).

(97) Ice manufacture, storage, and sales, involving greater than 150 square feet of gross floor area.

(98) Laundries and dry cleaning plants.

(99) Leather goods manufacture, excluding the tanning and curing of hides. (I-1 only).

(100) Lumber mills and storage yards. I-2 only.

(101) Manufacture in I-2 only of:

(a) Air conditioning equipment.

(b) Aircraft.

(c) Alcohol and alcoholic beverages.

(d) Belting and brake lining.

(e) Brick, tile, and terra cotta.

(f) Cement, concrete, and concrete products.

(g) Flour, seed, and feed.

(h) Glue, gelatin or size, except from fish or animal matter.

(I) Glass, ceramic, and tile.

(j) Graphite and graphite products.

(k) Monuments and tombstones, including sales.

(l) Pottery, porcelain, or vitreous china.

(m) Putty and caulking compound.

(n) Tanks and barrels.

(o) Textile and textile products, excluding asbestos products, canvas and burlap, clothing, cotton products, hosiery and knitting mills, and rope and twine.

(p) Trailers, overnight, utility and tractor.

(102) Manufacture of:

(a) Boats.

(b) Candy and confectioneries.

(c) Caskets.

(d) Chalkboard.

(e) Coffee, tea, and spices.

(f) Cosmetics and perfumes.

(g) Electrical, chemical, or mechanical equipment.

(h) Emery cloth and sandpaper.

(I) Excelsior and fiber.

(j) Felt.

(k) Furniture.

(l) Handicrafts, including carving, jewelry making, pottery making, weaving, and similar uses.

(m) Ink.

(n) Insulation materials, manufacture and sales.

(o) Jewelry and buttons.

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- (p) Oilcloth and linoleum.
- (q) Paper products, cardboard, and building board, excluding pulp mill manufacturing facilities.
- (r) Pharmaceutical products.
- (s) Reed and rattan products.
- (t) Sweeping compound.
- (u) Windows and doors.
- (103) Metal products fabricating, processing, and manufacturing, and machine shops without blast furnaces or drop forges.
- (104) Metal products fabricating, processing, and manufacturing, and machine shops including the use of a blast furnace or drop forge. (I-2 only).
- (105) Packing sheds, fruit and vegetable.
- (106) Plastics products, fabrication or assembly from previously prepared plastics materials.
- (107) Plastics materials or synthetic resins, synthetic rubbers, cellulosic, and man-made organic fibers manufacturing. (I-2 only).
- (108) Plating work.
- (109) Railroad freight yards, repair shops, and marshaling yards. (I-2 only).
- (110) Repair of any goods, equipment, and vehicles, the manufacture, assembly, or sales of which are permitted in that district.
- (111) Reserved.
- (112) Theaters, outdoor type, drive-in.
- (113) Tin and sheet metal shops
- (114) Tire recapping and retreading.
- (115) Truck terminals. (I-2 only).
- (116) Trucks (tractor and trailer units), retail and wholesale sales and rental, including accessory service and repair.
- (117) Trucks (tractor and trailer units) sales and service of accessory items. (I-2 only).
- (118) Upholstering.
- (119) Warehousing.
- (120) Wholesales and storage.
- (121) Woodworking shops and cabinet making shops.
- (122) Public utility transmission and distribution lines.
- (123) Radio and television stations and/or offices.
- (124) Railroad rights-of-way.
- (125) Telephone booths.
- (126) Temporary buildings and storage of materials in conjunction with construction of a building on a lot where construction is taking place or on adjacent lots, those temporary uses to be terminated upon completion of construction.
- (127) Trailer park, overnight camping.
- (128) Assembly of paper products, cardboard products, and building board.
- (129) Heliport, medically-related.
- (130) Mini-storage facility.
- (131) Towing operation, with vehicle storage only within an enclosed structure. I-1 only. (Ord. 1242, passed 8-12-02)
- (132) Towing operation with vehicle storage yard. I-2 only. (Ord. 1242, passed 8-12-02)
- (133) Clairvoyant entertainment businesses when no closer than 500' to a residentially zoned or used property and when the minimum straight line distance is 1,000' between two clairvoyant entertainment businesses. I-1 only. (Ord. No. 1524, passed 12-11-06)
- (C) *Uses under prescribed conditions.* The following uses are permitted subject to the conditions governing each use as specified in the appropriate sections.

- (1) Cemeteries, public and private. See § 153.189.
- (2) Churches, synagogues, and related uses. See § 153.053.
- (3) Community recreation centers. See § 153.186.
- (4) Country clubs and swimming clubs, operated on a noncommercial membership basis. See § 153.186.
- (5) Fire stations. See § 153.053.
- (6) Sewage treatment plants, control houses, pump and lift stations and similar uses. See § 153.183.
- (7) Police stations. See § 153.053.
- (8) Drive-in service window as an accessory part of the principal structure or operation subject to the requirements listed in § 153.178.
- (9) Veterinary hospitals and commercial kennels. See § 153.185.
- (10) Quarries, I-2 only. See § 153.179.
- (11) Electric and gas substations. See § 153.183.
- (12) Electric and telephone poles supporting hardwire systems and communications antennas or communications towers. See §153.172. (Ord. 912, passed 1-27-97)
- (13) Telephone repeater stations and huts. See § 153.183.
- (14) Water storage tanks. See § 153.076.
- (15) Demolition disposal site. See § 153.190.
- (16) Temporary uses when such uses are allowed as permanent uses in the district, and short-term temporary uses of seven days or less duration which are of a civic or nonprofit nature, or a festival of local, national or historic significance. See § 153.191.
- (17) Transit stop shelters. See § 153.184.
- (18) Farm type enterprises when not considered as being part of bona fide farms, such as dairies, plant nurseries, green houses, fruit or vegetable packing sheds, the sale of fruit, vegetables and similar farm products, tobacco storage and similar uses. See § 153.180.

(19) Amusements, commercial outdoors, limited to par-3 golf courses, golf driving ranges and archery ranges. See § 153.188.

(20) Outdoor sales in conjunction with a permanent business. See § 153.193. (Ord. No. 1524, passed 12-11-06)

(D) *Accessory uses.* The following accessory uses are permitted in industrial districts.

(1) Accessory residential structures and uses, clearly incidental to the permitted principal use.

(2) Petroleum storage as an accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Underwriters.

(3) Parking for uses permitted in the district.

(4) Petroleum storage underground as an accessory to permitted automobile service stations, subject to the Fire Prevention Code of the National Board of Underwriters.

(5) Vending machines for cigarettes, candy, soft drinks and similar items, and coin-operated laundries located within an enclosed building as an accessory to the uses in the principal building or buildings.

(6) Accessory uses, clearly incidental to the permitted principal use or structure on the lot.

(7) Outdoor storage. I-2 only. (Ord. No. 1524, passed 12-11-06)

(8) A temporary, self-contained storage unit, not including trailers for office use, which is intended to be picked up and moved to various locations on demand. Prior to placement, the property and/or business owners providing the storage unit at a specific site are required to register it with the Town Planning Department, showing a scale drawing of its placement in relation to driveways, any existing buildings, fences, or landscaping, street rights-of-way, and any neighboring drives or street intersections within 150' of the proposed placement location. Maximum time a temporary storage unit shall be placed on an occupied parcel is 90 days. (Ord No. 1532, passed 1-8-07)

(E) *Yard, area, and height regulations.*

(1) Uses in industrial districts adjoining office, business, and industrial districts:

Minimum setback	40	40	Ord. 775, passed 4-12-93; Am. Ord. 792, passed 11-8-93;
Minimum side yard	10	10	Am. Ord. 832, passed 12-12-94; Am. Ord. 871, passed 9-12-
Minimum rear yard	20	20	94; Am. Ord. 875, passed 5-9-94; Am. Ord. 877, passed 5-9-
Maximum height	35*	35*	94; Ord. 1242, passed 8-12-02) Penalty, see § 153.999

\*Note: For buildings or structures greater than 35 feet in height, side and rear yards must be increased by one foot for every two feet (or fraction thereof) of building height over 35 feet. In addition, the Fire Chief or County Fire Marshall must confirm there is adequate firefighting equipment available (locally or through mutual aid).

(2) Uses in industrial districts adjoining the rural and residential districts.

**I-1 I-2**

Minimum setback	40	40
Minimum side yard	20	20
Minimum rear yard	20	20
Maximum height	35*	35*

\*Note: The maximum allowable height within 50 feet of a residential district is 35 feet. Buildings and structures may exceed the 35-foot height limit beyond this 50-foot required yard when side and rear yards are increased by one foot for every one foot (or fraction thereof) of building height over 35 feet. In addition, the Fire Chief or County Fire Marshall must confirm there is adequate firefighting equipment available (locally or through mutual aid).

(F) *Development standards for various uses.*

(1) The tree and landscape regulations of § 153.075 are applicable to all industrial districts.

(2) In the I-1 and I-2 Industrial Districts, the maximum total floor area of any retail commercial establishment or shopping center may not exceed 100,000 square feet. Proposed facilities which would exceed 100,000 square feet in floor area may be considered only under the provisions of § 153.204.

(G) *Signs.* Signs are permitted in industrial districts in accordance with §§ 153.140 through 153.155.

(H) *Parking and loading standards.* Development of any use in an industrial district must conform to the parking and loading standards in §§ 153.115 through 153.129 and to the following requirement.

(1) Underground parking structures are permitted in accordance with § 153.127.

(’72 Code, § 24-3070) (Ord. 477, passed 2-8-88; Am. Ord. 613, passed 12-11-89; Am. Ord. 616, passed 1-8-90; Am. Ord. 639, passed 9-24-90; Ord. 753, passed 9-14-92; Am.