

Sec. 25-79. Downtown perimeter.

- a. *Purpose.* The purpose of the downtown perimeter (DP) district is to provide lands that support a variety of moderate-intensity office and commercial uses that may be mixed with medium-scale multifamily residential dwellings, single-family detached dwellings on small lots, and a range of attached residential uses, such as triplexes and townhouses. The district also allows a variety of civic and institutional uses. It is intended to serve as a pedestrian-friendly transition between the higher density and intensity of uses in the downtown district and the lower-density development in adjacent residential and commercial districts.
- b. *Use standards.* Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in article V, use regulations.
- c. *Intensity and dimensional standards.* All development in the DP district shall comply with the standards in table IV-39: DP intensity and dimensional standards.

Table IV-39: DP Intensity and Dimensional Standards

	Standard [1]	All uses
A	Front setback [2]	
	Minimum	0 ft
	Maximum	15 ft
	Side setback (min)	0 ft [3]
	Rear setback (min)	0 ft [3]
B	Building height	
	Minimum	2 stories [4]
	Maximum	4 stories

Notes:

- [1] max = maximum; min = minimum; ft = feet
- [2] The front building façade must be located within the minimum and maximum front setbacks. The maximum front setback may be increased by 1) 15 feet along 35 per cent of the lot width for an outdoor dining area, plaza, or other area that is open to the public and that includes features such as a garden, fountain, and seating; or 2) up to the average alignment of existing buildings within 100 feet on either side of subject building and within the same block if such alignment is greater than 15 feet.
- [3] A minimum setback of eight feet is required from any lot line abutting a Residential district. There is no minimum side setback for townhouses, except a minimum side setback of seven feet is required at each end of a row of townhouses. No townhouse unit shall be less than one-third wide as it is deep.
- [4] Applies to any lot containing a building.
- [5] The minimum building height for single-family detached and duplex dwellings is 1.5 stories.



- d. *Parking location.*
1. All off-street parking shall be located to the rear of the building(s) on the block, to the maximum extent practicable.
 2. Except as provided in subsection 3. below, off-street parking shall not be located between the front of the principal structure and the public right-of-way.
 3. Off-street parking may be located within the front of the principal structure and the public right-of-way in the area bounded one the east by Lurleen B. Wallace Boulevard North; on the north by 6th Street; on the west by Lurleen B. Wallace Boulevard South; and on the south by 15th Street.
- e. *Design standards.* Development shall comply with the additional development standards that apply in the Downtown district (see section 25-78(e) above) except parking, which shall comply with this section, **and restrictions related to street-level uses, which are not applicable.**
- f. *References to other standards.* Development in the DP district shall comply with all applicable standards of this zoning ordinance and the subdivision regulations, including but not limited to the standards referenced in Table IV-40: cross-references to other standards.

Table IV-40: Cross-References to Other Standards

Section	Standard
Article VI, Division 1	Mobility and Connectivity Standards
Article VI, Division 2	Off-Street Parking, Bicycle Parking, and Loading Standards
Article VI, Division 3	Landscape and Buffer Standards
Article VI, Division 5	Fence and Wall Standards
Article VI, Division 6	Exterior Lighting Standards
Article VI, Division 7	Neighborhood Compatibility Standards
Article VI, Division 8	Form and Design Standards
Article VI, Division 9	Green Building Incentives
Article VI, Division 10	Signs and Billboards
	Subdivision Regulations

Sec. 25-80. Downtown historic edge.

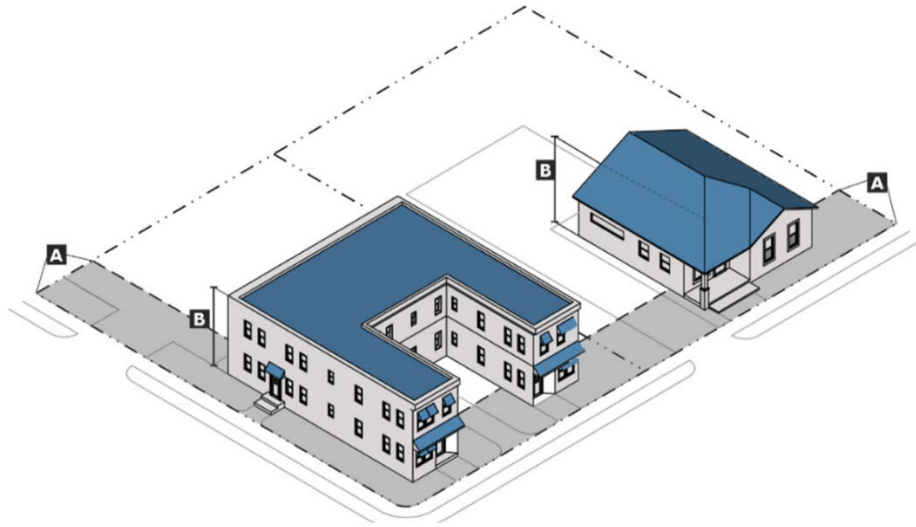
- a. *Purpose.* The purpose of the downtown historic edge (DHE) district is to provide lands that protect the historic districts and support a limited mix of moderate-intensity office and commercial uses along with medium-scale multifamily residential dwellings, single-family detached dwellings on small lots, and a range of attached residential uses, such as triplexes and townhouses. The district also allows a variety of civic and institutional uses. The scale of the development is intended to complement existing development in the neighborhood and support a pedestrian-friendly transition between the higher density and intensity of uses in the downtown district and the lower-density development in adjacent residential and commercial districts.
- b. *Use standards.* Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in article V, use regulations.
- c. *Intensity and dimensional standards.* All development in the DHE district shall comply with the standards in table IV-41: DHE intensity and dimensional standards.

Table IV-41: DHE Intensity and Dimensional Standards

	Standard	All uses
A	Front setback [2] [3]	
	Minimum	0 ft
	Maximum	30 ft
	Side setback (min)	0 ft [4]
	Rear setback (min)	0 ft [4]
B	Building height (max)	3 stories

Notes:

- [1] max = maximum; min = minimum; ft = feet
- [2] The front building façade must be located within the minimum and maximum front setbacks. The maximum front setback may be increased by 1) 15 feet along 35 per cent of the lot width for an outdoor dining area, plaza, or other area that is open to the public and that includes features such as a garden, fountain, and seating; or 2) up to the average alignment of existing buildings within 100 feet on either side of subject building and within the same block if such alignment is greater than 15 feet.
- [3] The historic preservation commission may allow or require larger or smaller front setbacks within a historic district if it determines that with such modification a development will better conform with nearby properties, or with the development patterns within the DHE district and any applicable historic district.
- [4] A minimum setback of eight feet is required from any lot line abutting a residential district. There is no minimum side setback for townhouses, except a minimum side setback of seven feet is required at each end of a row of townhouses. No townhouse unit shall be less than one-third wide as it is deep.



- d. *Parking location.* The location and configuration of off-street parking in relation to the building(s) on the site, adjacent lots, and the street shall match the location and configuration of off-street parking on the majority of land with active uses within five hundred (500) feet on either side of the site along the front setback.
- e. *Utilities.* All existing and proposed utilities including communication, cable, electric, and the like, shall be installed underground except where such utilities are not visible from any right-of-way. The zoning officer may provide an exception for poles that support only high voltage wires, switches, and transformers.
- f. ~~*Building materials.* The building materials standards that apply in the D district, at section 25-78(e)(2)(i), building materials allowed, also apply in the DHE district, except to the extent they are inconsistent with standards applied by the historic preservation commission, including any design guidelines established by the commission, to buildings in a historic district or to a property designated as historic in accordance with chapter 20, division 2 of this Code.~~
- f. *Design standards.* Development shall comply with the additional development standards that apply in the Downtown district (see section 25-78(e) above) except parking, which shall comply with this section, and restrictions related to street-level uses, which are not applicable. The building materials standards that apply in the D district, at section 25-78(e)(2)(i), building materials allowed, also apply in the DHE district, except to the extent they are inconsistent with standards applied by the historic preservation commission, including any design guidelines established by the commission, to buildings in a historic district or to a property designated as historic in accordance with chapter 20, division 2 of this Code.
- g. *References to other standards.* Development in the DHE district shall comply with all applicable standards of this zoning ordinance and the subdivision regulations, including but not limited to the standards referenced in table IV-42: cross-references to other standards.

Table IV-42: Cross-References to Other Standards

Section	Standard
Article VI, Division 1	Mobility and Connectivity Standards
Article VI, Division 2	Off-Street Parking, Bicycle Parking, and Loading Standards
Article VI, Division 3	Landscape and Buffer Standards
Article VI, Division 5	Fence and Wall Standards
Article VI, Division 6	Exterior Lighting Standards
Article VI, Division 7	Neighborhood Compatibility Standards
Article VI, Division 8	Form and Design Standards

Article VI, Division 9	Green Building Incentives
Article VI, Division 10	Signs and Billboards
	Subdivision Regulations

(Ord. No. 9572, § 2, 12-17-24; Ord. No. 9670, § 12, 8-19-25)

Sec. 25-101. Commercial principal use table.

- a. *Commercial principal use table.* Table V-3: principal use table for commercial uses, identifies the uses within the commercial use classification that are allowed by right, allowed as a conditional use, allowed as a special exception use, or prohibited within each zoning district. Use categories are described in subsection b. below. Use types are defined in section 25-31, definitions. Any use-specific standards are referenced in the right-most column of table V-3 and are located in subsection c. below.

b. *Description of commercial use categories.*

1. *Animal care uses.* The animal care category includes use types related to the provision of veterinary services, and general care and boarding services for household pets and domestic animals. Use types include kennels, pet grooming, and veterinary services. This use category does not include animal shelters operated by a nonprofit organization, which are included in the community service category.
2. *Business service uses.* The business service category consists of establishments primarily providing routine business service functions for the day-to-day operations of other businesses and households, and general business offices. Use types include broadcasting studios, catering establishments, conference or training centers, contractor offices, data centers, general business offices, and research and development establishments. This use category includes offices used for conducting professional, executive, management, and administrative functions of commercial entities, usually with limited contact with the general public, and generally focusing on the provision of business services, professional services (e.g. lawyers, accountants, planners, engineers, architects, government employees), or financial services (e.g. lenders, brokerage houses, tax preparers). It does not include offices that are a component of or accessory to a principal use in another use category, such as medical/dental offices (categorized in the health care category), or banks or other financial institutions (categorized in the retail sales and service category). Accessory uses may include cafeterias, recreational or fitness facilities, incidental commercial uses, or other amenities primarily for the use of employees in the same business.
3. *Food and beverage services uses.* The food and beverage services category consists of establishments primarily engaged in the preparation and serving of food or beverages for on- or off-premises consumption. Use types include bars or taverns, brewpubs, cafes, cigar bars, gastropubs, quick-service restaurants, sit-down restaurants, and wine bars. Accessory uses may include areas for outdoor seating, facilities for live entertainment, and valet parking services. Drive-through facilities may or may not be allowed and are subject to additional standards in accordance with article V, division 3, accessory uses and structures.
4. *Lodging uses.* The lodging category includes use types providing lodging units or rooms for short-term stays of typically less than thirty (30) days for rent or lease. Use types include bed and breakfasts, hotels, RV parks, and short-term rentals (as a principal use). Accessory uses may include pools and other recreational facilities, restaurants, bars, limited storage, laundry facilities, gift shops, supporting commercial activities, meeting facilities, and offices.
5. *Recreation and entertainment uses.* The recreation and entertainment category includes use types providing indoor or outdoor facilities for recreation or entertainment-oriented activities by patrons or members. Use types include marinas, private event space, recreation (indoor and outdoor), theaters or auditoriums, and theaters (drive-in). It does not include recreational facilities that are accessory to parks (categorized in the open space category), or that are reserved for use by a particular residential development's residents and their guests. Accessory uses may include offices, concessions, snack bars, and maintenance facilities.
6. *Retail sales and services uses.* The retail sales and service category includes use types involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the premises to a consumer, or in the provision of personal or household services to the general public. Use types include financial institutions, check cashing, convenience stores, laundry and dry cleaning retail facilities, laundry (self-service facilities), liquor stores, personal service establishments (personal or household goods repair, personal grooming or well-being services), pharmacies, retail sales and services establishments, self-service storage facilities, tattoo establishments, tobacco or vape shops, and vehicle-mounted or tent-sheltered retail. This use category does not include sales or service establishments related to vehicles (categorized in the vehicle services and sales category), establishments primarily selling supplies to contractors or retailers (categorized in the wholesale category), the provision of financial, professional, or business services in an office setting (categorized in the business services category). Accessory uses may include offices, storage of goods, assembly or

repackaging of goods for on-site sale, concessions, ATM machines, and outdoor display of merchandise.

7. *Vehicle sales and services uses.* The vehicle sales and services category includes use types involving the direct sales and servicing of motor vehicles (including automobiles, trucks, motorcycles, farm equipment, and recreational vehicles, as well as trailers) whether for personal transport, commerce, or recreation. Use types include automobile wash, heavy vehicle and farm equipment sales and rental, heavy vehicle fuel stations, light vehicle fuel stations, light vehicle repair, light vehicle sales and rental, manufactured home sales, and mobile home sales. Accessory uses may include offices, sales of parts, maintenance facilities, outdoor display of merchandise, and vehicle storage.

c. *Standards specific to commercial uses.*

1. *Animal care.*

- i. *Kennel.*

- (a) Animal pens and cages are only permitted inside a building which is fully enclosed.
 - (b) Outdoor areas used for occasional exercise and recreation by animals are permitted if the areas are:
 - (1) Used only during daylight hours;
 - (2) Set back at least two hundred fifty (250) feet from all property in a residential district or used for a single-family dwelling; and
 - (3) Surrounded by an opaque fence or wall at least six (6) feet in height that complies with the standards in article VI, division 5, fence and wall standards.

- ii. *Veterinary clinic.*

- (a) The facility shall include means to dispose of medical waste, including biohazardous waste, in accordance with applicable federal, state, and city requirements.
 - (b) Outdoor animal pens established on or after January 1, 2025 on property subject to the standards in article VI, division 7, neighborhood compatibility standards, shall be set back at least one hundred fifty (150) feet from the property protected by article VI, division 7.
 - (c) In the UC and DP districts, animal pens and cages are only permitted inside a building which is fully enclosed and sufficiently insulated so that noises and odors cannot be detected by the human senses off the premises.

2. *Business services.*

- i. *Contractor office.* Outside storage is prohibited except as allowed in accordance with the outside storage accessory use.

3. *Food and beverage services.*

- i. *All bar uses (bar: club, bar: restaurant; and bar: tavern).*

- (a) *General standards.* The following standards apply to all bar uses:

- (1) In addition to the decision-making criteria that apply for a conditional use permit in accordance with section 25-38, conditional use permit, the decision-making body shall consider the impacts all proposed bar uses may have on nearby properties regarding the following characteristics, which include, but are not limited to:
 - i. Proposed occupancy and hours of operation of the use.
 - ii. Proximity of the proposed use to other similar uses.

- iii. The impact of the proposed use on public safety, including the proposed use's security plan and proposed lighting.
 - iv. Unless otherwise in the use-specific standard, all bar uses shall be limited to two (2) permitted uses per block face, with the exception of bar: club, which shall be permitted as the only bar use on a block face.
 - (2) Within the D, DP, R, RPD, and UC districts, no bar use shall be permitted on property with Queen City Avenue frontage.
 - (3) In all districts except for the D, DP, RPD, and UC districts, no bar use shall be within one thousand (1,000) feet of another bar use.
 - (b) *Bar: club.*
 - (1) No bar: club shall have an occupancy greater than two hundred fifty (250) occupants, except that no bar: club with property frontage on University Boulevard or Greensboro Avenue shall have an occupancy greater than one hundred (100) occupants.
 - (2) Within the D, DP, R, RPD, and UC districts, a bar: club shall be permitted as the only bar use on a block face.
 - (c) *Bar: restaurant.*
 - (1) No bar: restaurant shall have an occupancy greater than two hundred fifty (250) occupants.
 - (2) In addition to the decision-making criteria applicable to bar uses as detailed, the decision-making body shall consider the impacts the proposed use may have on nearby properties regarding the following characteristics, which include but are not limited to the proposed hours of operation of the kitchen and bar portions of the establishment.
 - (d) *Bar: tavern.*
 - (1) Except within the D and DP districts, no bar: tavern shall have an occupancy greater than one hundred (100) occupants.
 - (2) In the D and DP districts, no bar: tavern shall have an occupancy greater than one hundred fifty (150) occupants.
4. *Lodging.*
 - i. *Bed and breakfast.*
 - (a) The bed and breakfast shall be owner-occupied, and the owner shall stay on the property each evening that rooms are rented.
 - (b) The maximum number of guest rooms is eight (8).
 - (c) Meals shall be served only to overnight guests.
 - (d) Guest rooms shall not contain cooking facilities.
 - (e) There shall be no sign or other evidence of the bed and breakfast except one sign having a maximum area of six (6) square feet and not exceeding three (3) feet in any dimension. The sign may be double-faced and illuminated, but not internally illuminated or back-lit.
 - (f) The maximum guest stay shall be two (2) weeks.
 - ii. *Hotel.*

- (a) Hotels located in buildings that are constructed after January 1, 2025 shall provide access to each individual sleeping or living unit only through an interior hallway, lobby, or court. Hotels located in buildings that were constructed before January 1, 2025 that provide access to individual sleeping or living units directly from the exterior of the building and not through an interior hallway, lobby, or court may continue in operation and shall not be considered nonconforming.
- (b) In the D, DP, DHE, R, and UC districts, the following shall apply:
 - (1) Each building facade shall have multiple surface planes that incorporate changes in building materials in order to provide relief from flat, uninterrupted surfaces.
 - (2) Windows shall make up at least thirty-five (35) per cent of the façade area per floor on all street-facing building façades and at least twenty (20) per cent of the façade area per floor on all other building facades. All windows provided to meet this requirement shall have exterior ornamentation (sills, frames, awnings, shutters, louvers, balconies, false balconies, etc.) that provide relief from a flat building surface.
 - (3) The following materials are required for not less than seventy-five (75) per cent of the building wall surface area on each façade:
 - i. Brick masonry;
 - ii. Natural stone (or synthetic equivalent), such as limestone, granite, and marble;
 - iii. Glass curtain wall; and
 - (4) The following materials may make up twenty-five (25) per cent of the building wall surface area on each façade:
 - i. Pre-cast masonry (for trim and cornice elements only);
 - ii. Gypsum reinforced fiber concrete—GFRC (for trim elements only);
 - iii. EIFS as a trim element;
 - iv. Metal (for beams, lintels, trim elements, and ornamentation);
 - v. Split-faced block (for piers, foundation walls and chimneys only);
 - vi. Glass block;
 - vii. Cementitious siding; and
 - viii. Stucco (panels with cementitious finish, not tiles or external insulation finishing system—EIFS).
 - (5) All buildings shall have multiple or pitched rooflines that provide relief from a flat roof. Mansards, parapet walls, fascia, or other ornamentation may be used to satisfy this requirement, but elevator shafts and mechanical rooms may not.
 - (6) Freestanding signs are prohibited in the D, DHE, and R districts. In other districts, freestanding signs are limited to monument signs.
- iii. *Recreational vehicle (RV) park.*
 - (a) An RV park shall comply with applicable regulations of the state board of health and all applicable provisions of this Code.

- (b) An RV park shall only be used for the temporary placement and occupancy of RVs. The permanent installation of RVs or mobile homes is prohibited.
 - (c) No RV shall be occupied by a person or family for more than two (2) consecutive weeks.
- iv. *Short-term rental.* A short-term rental is permitted only in accordance with the following standards:
- (a) *Applicability.* All dwelling units in the household living use category are eligible to be used as a short-term rental.
 - (b) *Use permissions.* A dwelling unit within the city's corporate limits may be used as a short-term rental in accordance with the following:
 - (1) Within a historic district, all of the dwelling unit types listed in subsection (a) above may be used as a short-term rental if approved by special exception use permit.
 - (2) Within the tourist overlay boundary but outside a historic district, all of the dwelling unit types listed in subsection (a) above may be used as a short-term rental. They may be used as a short-term rental by right for up to forty-five (45) days in a year, and as a special exception for more than forty-five (45) days in a year.
 - (3) Outside the tourist overlay boundary and outside a historic district, a multifamily dwelling may be used as a short-term rental by right for up to forty-five (45) days in a year, and all other dwelling unit types listed in subsection (a) above may be used as a short-term rental if approved by a special exception use permit.
 - (c) *License requirement and limitation.*
 - (1) A short-term rental shall have a short-term rental business license in accordance with chapter 7, article XII of this Code, section 7-198 et seq.
 - (2) For a short-term rental in a multifamily dwelling unit, the applicant shall submit documentation from the condominium association or property manager authorizing the short-term rental use.
 - (3) The city may issue no more than one hundred fifty (150) business licenses for short-term rentals located in multifamily dwellings within the tourist overlay boundary, and one hundred (100) business licenses for short-term rentals located in multifamily dwellings outside historic districts and outside the tourist overlay boundary. These short term rentals are allowed by-right in accordance with this section. Notwithstanding this limitation, the city may issue additional business licenses for short-term rental units in multifamily dwellings outside historic districts if the short-term rental use receives a special exception use permit in accordance with this section and section 25-39, special exception use permit.
 - (d) *General standards.*
 - (1) Short-term rentals shall comply with all building and fire codes, and comply with all provisions of this ordinance, including article VI, division 2, off-street parking, bicycle parking, and loading standards, and article VI, division 10, signs and billboards.
 - (2) Short-term rentals shall comply with the standards in section 10.8-13, noise in residential districts, of this Code.

- (3) Off-street parking spaces may be provided on driveways or within a parking area on the property.
 - (4) The property shall contain a dwelling able to be occupied.
 - (5) Commercial events or other large events such as concerts or weddings are prohibited on the property.
 - (6) The rental of units for a period of less than twenty-four (24) hours is prohibited.
- (e) *Parking and occupancy.* The maximum occupancy of a short-term rental shall be calculated in accordance with the fire code, and shall not exceed two (2) adult occupants per off-street parking space that is provided for the use of a short-term rental unit tenant's vehicle. For purposes of this paragraph, the number of off-street parking spaces provided for the use of the short-term rental unit shall include only those parking spaces that exceed the number of parking spaces that are required to be provided in accordance with this zoning ordinance at the time the building that contains the short-term rental unit was constructed or substantially reconstructed.
- (f) *Time limitations.*
- (1) When the use of a dwelling as a short-term rental is permitted by right, the dwelling may be used as a short-term rental for no more than forty-five (45) days in a calendar year, provided that the owner of the dwelling unit may apply for a special exception use permit to allow the use of a short-term rental for more than forty-five (45) days in a calendar year.
 - (2) When the use of a dwelling as a short-term rental is permitted as a special exception, the dwelling may be used as a short-term rental for no more than thirty (30) days in the first calendar year and forty-five (45) days in each calendar year thereafter, unless the zoning board of adjustment determines, based on the decision-making standards for a special exception use permit in section 25-39(d), that the use of the dwelling unit as a short-term rental higher or lower number of days the first calendar year or subsequent calendar years is appropriate.
- (g) *Decision criteria.* When deciding on an application for a special exception use permit to operate a short-term rental use, the zoning board of adjustment shall consider the following factors, in addition to the general decision-making standards in section 25-39(d):
- (1) Whether the property is permanently occupied and leased in its entirety to one party for periods of at least thirty (30) consecutive nights;
 - (2) Whether the short-term rental use is proposed to be or will be the primary or accessory use of the dwelling;
 - (3) If a short-term rental is proposed for a site that has been previously used for a short-term rental, the number of complaints, violations, and other departures from the standards of this ordinance and this Code that have occurred on the property; and
 - (4) As part of its evaluation on the character of surrounding development and the neighborhood and other potentially adverse impacts of the use, the characteristics of the neighborhood and surrounding properties including the underlying zone district, surrounding land uses, the number of nearby short-term rental uses, the topography, access, and similar factors.
- (h) *Annual renewal of business license.* Following initial application for and issuance of a short-term rental business license by the city, the operator of a short-term rental shall be

required to renew the annual business license and submit to an annual audit by the city before renewal of the business license, and, if applicable, to confirm the continued validity of the special exception use permit, in accordance with the following:

- (1) The applicant shall provide the city with information regarding the number of nights which the premises was used as a short-term rental. If the city determines that the applicant has not rented the premises as a short-term rental in accordance with the spirit of this section, the city shall notify the applicant that the business license will not be renewed and, if the short-term rental was subject to a special exception use permit, that the special exception use permit shall be deemed null and void. In addition, the city shall not issue a new business license for short-term rental of the dwelling unit for at least one year from the date of notification of the decision to not renew the business license and void the special exception use permit.
- (2) In addition, if the use was permitted in accordance with a special exception use permit, the city shall determine whether there have been any verified complaints or violations. If there have been no verified complaints or violations, the city may renew the business license for one year if the business license has not been renewed and the special exception use permit has not been voided in accordance with subsection (1) above. If the city determines there have been verified complaints and violations, the city shall notify the applicant that the business license will not be renewed and that the special exception use permit shall be deemed cancelled.
- (3) Following cancellation of a special exception use permit for a short-term rental, an applicant may apply for a new special exception use permit for a short-term rental in accordance with section 25-39, special exception use permit, subject to the restrictions of this subsection.

5. *Recreation and entertainment.*

i. *Casino/gambling hall.*

- (a) In addition to the decision-making criteria that apply for a conditional use permit in accordance with section 25-38, conditional use permit, the decision-making body shall consider the impacts the proposed casino/gambling hall use may have on nearby properties regarding the following characteristics, which include, but are not limited to:
 - (1) Proposed occupancy and hours of operation of the use;
 - (2) Proximity of the proposed use to other similar uses;
 - (3) The impact of the proposed use on public safety, including the proposed use's vehicular access and parking plan.
- (b) A casino/gambling use shall have ready access to a street classified as major arterial or higher.
- (c) No adult entertainment or underage gambling shall be permitted on the premises.
- (d) Alcohol sales are only permitted as incidental and customary to the primary use of casino/gambling hall.
- (e) No casino/gambling hall use shall be located within one thousand (1,000) feet of another casino/gambling hall use, a check cashing establishment, a sexually-oriented business, a tattoo establishment, a school, a liquor store, **rehabilitation facility**, or a residential use in a residential district.

ii. *Marina.*

- (a) Operations associated with the marina shall not occur in a manner that impedes the normal free flow of vehicular or pedestrian traffic on adjacent rights-of-way.
- (b) All repair of boats and equipment shall occur within an enclosed building.
- (c) Outdoor dry boat storage, if provided, shall be kept from view of adjacent residential uses by section 25-134, screening.
- (d) The display of boats or other similar items on the top of a building is prohibited.
- (e) The marina and any accessory uses shall comply with all applicable federal, state, and city laws and regulations, and, where applicable, any requirements established by the Army Corps of Engineers.

iii. *Private Event Space.*

- (a) In all districts, no private event space shall be within five hundred (500) feet of a bar use or another private event space

6. *Retail sales and personal services.*

- i. *Check cashing.* No check cashing use shall be located within one thousand (1,000) feet of another check cashing use, a casino/gambling hall, a sexually-oriented business, a tobacco or vape shop, a liquor store, **rehabilitation facility**, or a residential use in a residential district.
- ii. *Funeral home.*
 - (a) Outside display of merchandise is prohibited.
 - (b) All loading and unloading activities, except during funeral proceedings, shall occur in an off-street loading space that is screened from view from the public right-of-way and any adjoining properties.
- iii. *Laundry and dry-cleaning retail facility.* A laundry and dry-cleaning retail facility shall not be operated in the same building as a residential use.
- iv. *Liquor store.* No liquor store use shall be located within one thousand (1,000) feet of another liquor store use, a casino/gambling hall, a check cashing establishment, a tobacco or vape shop, a tattoo establishment, a sexually-oriented business, **rehabilitation facility**, or a residential use in a residential district.
- v. *Plant nursery/greenhouse.* In the DP and DHE districts, all sales activities shall be conducted within an enclosed building.
- vi. *Retail sales establishment.* Except in the HC district and the industrial districts, retail sales of building supply materials shall not include the use of saws of the type used in sawmills or large or noisy woodworking equipment. However, small power saws suitable for trimming lumber may be used inside an acoustically insulated building if the saw is properly grounded to prevent electrical interference.
- vii. *Self-service storage.*
 - (a) The use of a rented storage space for purposes other than dead storage is prohibited.
 - (b) The use of a rented storage space as a dwelling or as premises for the purpose of assigning a legal address is prohibited.
 - (c) A maximum of one dwelling unit may be included as an accessory use for use by a security officer or resident manager and shall be integrated into the building's design.
 - (d) Open storage of recreational vehicles or travel trailers and dry storage of pleasure boats of the type customarily maintained by persons for their personal use are allowed if they comply with the following standards:

- (1) Open storage shall occur only within a designated area, which shall be clearly delineated.
 - (2) The size of the open storage area shall not exceed twenty-five (25) per cent of the buildable area of the site.
 - (3) Outdoor storage areas shall be located to the rear of the principal structure and screened from all adjacent property classified in a residential district by a solid fence, wall, or hedge at least six (6) feet in height.
 - (4) Storage shall not occur within the areas set aside for minimum building setbacks.
 - (5) No dry stacking of boats shall be permitted on-site.
- viii. *Sexually-oriented business.* No sexually-oriented business use shall be located within one thousand (1,000) feet of another sexually-oriented business use, a casino/gambling hall, a check cashing establishment, a school, a tattoo establishment, a tobacco or vape shop, a liquor store, **rehabilitation facility**, or a residential use in a residential district.
- ix. *Tattoo establishment.* No tattoo establishment use shall be located within one thousand (1,000) feet of another tattoo establishment use, a casino/gambling hall, a check cashing establishment, a school, a tobacco or vape shop, a liquor store, **rehabilitation facility**, or a residential use in a residential district.
- x. *Tobacco or vape shop.* No tobacco or vape shop use shall be located within one thousand (1,000) feet of another tobacco or vape shop use, a casino/gambling hall, a check cashing establishment, a sexually-oriented business, a tattoo establishment, a liquor store, **rehabilitation facility**, or a residential use in a residential district.
- xi. *Vehicle-mounted or tent-sheltered retail.*
- (a) All vendors shall have a business license issued by the city.
 - (b) Food sales are permitted on the site only in accordance with the requirements that apply to the mobile food vending unit temporary use.
 - (c) All exterior lighting shall comply with article VI, division 6, exterior lighting standards.
 - (d) The vendor shall provide garbage receptacles and other facilities to prevent nuisances.
 - (e) The vehicle or tent and all signage used in connection with the use shall meet the setback, size, and location standards which apply to principal commercial structures in the zoning district and shall not be permanently affixed to the ground.
 - (f) The maximum size for a single tent is four hundred (400) square feet.
 - (g) No vehicle or tent larger than fifty (50) square feet in area shall be operated on any one premises for more than forty-five (45) days in a calendar year.
 - (h) This use may be accessory to a principal use on the site.
7. *Vehicle sales and service.*
- i. *Heavy vehicle and farm equipment sales and rental.* Each area used for outdoor storage or display of equipment shall comply with the following standards:
 - (a) The area shall be no larger than one acre;
 - (b) The area shall be well-drained and surfaced with crushed rock or another all-weather material capable of supporting the weight of the stored equipment; and

- (c) Equipment and parts that cannot reasonably be used to repair vehicles and farm equipment may not be stored outside an enclosed building.
- ii. *Light vehicle fuel station.*
 - (a) Gasoline pumps and other service appliances shall be set back at least twenty-five (25) feet from a public street right-of-way.
 - (b) The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited.
 - (c) The rental of storage or parking spaces is prohibited.
 - (d) Within the LC & NC districts, the number of fuel pumps is limited to no more than eight.
- iii. *Light vehicle repair.*
 - (a) All hydraulic hoists, pits, and lubrication, greasing, and repair equipment shall be entirely enclosed within a building.
 - (b) No wrecked or dismantled vehicle shall be stored outside a building or a fenced enclosure for longer than two (2) weeks. Fenced enclosures used for wrecked or dismantled vehicle storage shall not exceed ten thousand (10,000) square feet in area and shall be screened from view from all public rights-of-way and adjacent residential uses in accordance with section 25-134, screening. No outdoor storage of tires and similar materials is permitted.
 - (c) All outdoor areas used for maneuvering vehicles shall be permanently surfaced with asphalt or concrete.
- iv. *Light vehicle sales and rental.* Areas used for the storage of vehicles for sale shall be screened from all adjacent property classified in a residential district by a solid fence, wall, or hedge at least six (6) feet in height, and shall shield all lighting fixtures or deflect the fixtures so as to avoid light spillover onto or away from all adjacent property classified in a residential district.
- v. *Ride-hailing or taxi service.* In the D, DP, DHE, and UC districts, only low speed vehicle (LSV) taxicabs authorized by chapter 23, article I, division 5 of this Code may be stored on site. No vehicle shall be stored outside.

(Ord. No. 9572, § 2, 12-17-24; Ord. No. 9616, §§ 1, 2, 5-13-25)
