

## ORDINANCE # 4 of 2023

### AN ORDINANCE TO AMEND CHAPTER 300-13 OF THE CITY OF ONEONTA MUNICIPAL CODE

**BE IT ORDAINED** by the Common Council of the City of Oneonta as follows:

**Section 1.** Chapter § 300-13 of the City of Oneonta Municipal Code is repealed in its entirety and restated as follows:

#### **§300-13 UNIVERSITY (U) DISTRICT**

##### **§300-13-1 UNIVERSITY DISTRICT DEFINITIONS**

###### **Blank Wall**

1. Length of blank wall area means a portion of the exterior facade of the building that does not include windows or doors; columns or pilasters; other articulation greater than 12 inches in depth; or a substantial material change. (Paint color is not considered a substantial change.)
2. Maximum length of blank wall applies in both a vertical and horizontal direction on street-facing facades. The shortest dimension of any rectangular area of blank wall shall not exceed the maximum length for the district or transect (eight feet in U-1, U-2 and 12 feet in U-3)

###### **Building Height**

1. The existing definition of building height shall apply. (Refer to § 300-4 Definitions)
2. Building heights in the U Districts are regulated using feet and stories. No portion of any building shall exceed the maximum number of stories or the maximum height in feet.
3. A building may be stepped back, provided that each step back is a minimum of 15 feet of building depth. Each step back defines a portion of the building. The height is measured from the average grade plane adjoining that portion of the building.
4. Bulkheads, housing for mechanical equipment, and similar constructions not intended for human occupancy shall be enclosed by a parapet with a minimum depth of 42 inches, located in a location not visible from the public right of way or the Planning Commission may approve an alternative screening method as part of the site plan review process.

###### **Doors and Entries**

1. An entrance providing both ingress and egress, operable to residents or customers, is required to meet the street-facing entrance requirements. Additional entrances off another street, pedestrian area or internal parking area are permitted.
2. The entrance spacing requirements must be met for each building.

###### **Front Porches**

1. A front porch must be a minimum of six (6) feet deep but shall not exceed twelve (12) feet and shall have eight (8) feet of interior clear height.
2. A front porch must cover at least 33% of the street-level story facade width of the building.
3. Ground level porches must be roofed and any roof must extend to the full depth of the porch.
4. Unroofed porches or decks are prohibited on any façade that faces a public right of way.
5. Porches shall be open on all sides where it is not attached to the primary building. Porches may be screened, enclosure is prohibited.
6. A porch is not considered as part of the building façade when determining building location and may encroach into required setbacks. Where existing structures provide an average setback, the adjacent properties shall provide a build to zone for any proposed porch. If there are no adjacent porches the required building setback shall be the setback for any proposed porch.

###### **Front Stoops**

1. A front stoop shall be a maximum of five (5) feet deep, not including steps, and a maximum width of six (6) feet.
2. Stoops shall be open on all sides where it is not attached to the primary building. Stoops may not be screened or enclosed.
3. Stoops shall contain stairs leading to the ground level. Stairs may exit off the front of the stoop or be side loaded. This code shall not prevent approved accessibility requirements if a ramp is required.
4. Any stoop that exceeds three (3) feet in depth shall have a roof. A stoop with a roof shall have eight (8) feet of interior clear height.
5. A stoop is not considered as part of the building façade when determining building location and may encroach into required setbacks. Where existing structures provide an average setback, the adjacent properties shall provide a build to zone for any proposed stoop. If there are no adjacent porches the required building setback shall be the setback for any proposed stoop.

### **Recessed Entry**

1. A functioning entry that is set back a minimum of five (5) feet from the front facade of the building. A recessed entry shall not exceed the maximum front setback.

### **Top Story Limitation**

1. A habitable upper story in a structure with a pitched roof within the U transects must be fully contained within the pitched roof. Projecting eaves and dormers are permitted. The aggregate width of the dormers cannot exceed 50% of the width of the roof on the side where the dormers are located. The Planning Commission as part of a site plan review may approve alternative dormer design if the requirements of this code are infeasible or if compliance with the New York State Uniform Code requires a window as part of a required egress pathway.

### **§300-13-2 Intent**

This section shall be known as the “University Form Based Code District”.

Intent. The intent of this code is to implement zoning regulations consistent with the City of Oneonta Comprehensive Plan goals. The City of Oneonta Comprehensive Plan outlines a vibrant community seeking economic growth, historic preservation, multi model transportation strategies, flexible housing options and an overall high-quality built environment.

The “University Form Based Code” is specifically intended to ensure at the Transect level:

- A. That communities should provide meaningful choices in living arrangements as manifested by distinct physical environments.
- B. That the Transect zone descriptions found in the regulating plan shall constitute the intent of this code with regard to the general character of each of these environments.
- C. Regulate elements of building form to ensure a consistent transition between districts.
- D. Support, and encourage, further development of SUNY Oneonta and Hartwick College and protect the character of the established residential neighborhoods that surround them.

The “University Form Based Code” is specifically intended to ensure at the block and building level:

- A. That buildings and landscaping should contribute to the physical definition of thoroughfares as civic places and opportunities for public connection and engagement.
- B. That development should adequately accommodate automobiles while respecting the pedestrian and the spatial form of public areas.
- C. That architecture and landscape design should reflect local climate, topography, history, and building practice.
- D. That buildings should be in harmony with Oneonta’s built environment and incorporate contemporary energy-saving technology.
- E. Encourage exceptional urban design and high-quality construction.
- F. Promote attractive, walkable neighborhoods that prioritize accommodation of modes of transportation other than single-occupancy automobiles.
- G. That the restoration, rehabilitation, and adaptive re-use of historic buildings is encouraged in order to affirm

Oneonta's social and architectural heritage.

- H. That the harmonious and orderly evolution of urban areas should be secured through form-based codes in the "University Form Based Code" district.

### **§300-13-3 Applicability**

- A. No building or part thereof within the University Form Based Code District shall be erected, moved, or altered unless in conformity with the regulations herein, specified for the district in which it is located.
- B. In the event that provisions of the University Form Based Code conflict with other sections of the City of Oneonta Municipal Code, the University Form Based Code shall prevail.

### **§300-13-4 General Administration**

- A. This code shall replace the zoning and land use provisions that are specific to the University Form Based Code District. Where this code is silent in reference to land use and development, applicable portions of the City of Oneonta Zoning Code shall apply.
- B. The administration of this code is intended to provide guidance to the community, developers and municipal officials in the development of the City of Oneonta's University Form Based Code District. This code shall provide a streamlined method of approval for high quality, building, land use and development projects by providing specific design standards and a flexible regulation of uses.
- C. The site plan review process and administrative procedures currently in existence within the City of Oneonta Municipal Code shall continue to be followed; however, the University Form Based Code District regulations shall control if any conflict is found to exist between this code and the City of Oneonta Municipal Code.
- D. Applicants shall obtain all required permits and approvals from all regulatory agencies prior to the commencement of any development or land use.
- E. All development shall comply with the New York State Building and Fire Prevention Code including all administrative and permitting requirements.
- F. No development shall be approved or commenced without first complying with SEQRA

### **§300-13-5 Municipal Staff and Officials**

The City of Oneonta Code Enforcement Officer shall have the following responsibilities and powers:

- A. Review applications for building and demolition permits.
- B. Refer applicants to the Planning Commission for site plan review, use determinations and special use permits.
- C. Act as the enforcing agent for any part of this code.
- D. Refer applicants to the Zoning and Housing Board of Appeals as part of a zoning appeal or interpretation.
- E. Act as a staff liaison to the City of Oneonta Planning Commission and Zoning and Housing Board of Appeals.
- F. Issue building and demolition permits.
- G. Minor site plan approval.

The City of Oneonta Planning Commission shall have the following responsibilities and powers:

- A. The sole authority to conduct major site plan review in the University Form Based Code District.
- B. The sole authority to provide written determination and interpretation of this code within the boundaries of the University Form Based Code District, when such determination or interpretation is part of an application for site plan review, a special use permit or as required by any part of this code.
- C. To issue Special Use Permits.
- D. To provide written determinations and finding of facts to the City of Oneonta Zoning and Housing Board of Appeals in reference to any variance application or interpretation request within the boundaries of the University Form Based Code District.

The City of Oneonta Zoning and Housing Board of Appeals shall have the following responsibilities and powers:

- A. The issuance of variances, both use and area, where an applicant meets the standards and criteria as provided by New York State law for such a variance.
- B. Interpretation of the zoning code as part of a zoning appeal. The interpretation shall be limited to an appeal of a notice of violation, the denial or approval of a building permit or the review of a determination made by

the administrative official enforcing this code.

### **§300-13-6 Site Plan Review**

- A. All new construction, alterations or additions (including alterations or expansions of parking areas) are subject to review for compliance with this code.
- B. No building permit shall be issued, or structure or building shall be erected, and no building or structure shall be altered, remodeled, enlarged or extended, until the project or development has undergone review.
- C. When an application for a building permit or demolition permit is submitted, the Code Enforcement Officer or his or her designee, shall review said application and determine if major or minor site plan review is required.
- D. Minor site plan review shall be required for development projects that meet the following thresholds:
  - 1. New construction of any accessory building that exceeds 144 square feet but does not exceed 2,500 square feet.
  - 2. Construction of a primary structure, or an addition to a primary structure, that does not exceed 2,500 square feet.
  - 3. Substantial interior renovation of a primary structure. Substantial renovation shall be a level 2 or level 3 alteration as defined by the New York State Existing Building Code.
  - 4. Exterior facade alterations of less than 50% of a structure's exterior. Alterations shall be defined as a change to less than 50% of a façade's fenestration, cladding, architectural features or exterior building material.
  - 5. Alteration or construction of new parking areas that serve residential uses with six or less dwelling units or parking areas that have less than six parking spaces.
  - 6. Demolition of an accessory structure that is 200 sq. ft or less.
- E. The following actions shall always require major site plan review:
  - 1. All new buildings and additions larger than 2,500 square feet in floor area. This shall include buildings and additions constructed in phases.
  - 2. Substantial exterior facade alterations in excess of 50% of a primary structure.
  - 3. Substantial shall be defined as a change exceeding 50% of a façade's fenestration, cladding, architectural features or exterior building material.
    - a)Exception: The in-kind repair or replacement of siding material or façade fenestration. This shall include the replacement of existing wood siding, windows or doors with non-wood materials that closely resemble the existing siding in form, aesthetic, type, style, design and including any architectural millwork or articulation. This shall always be a minor site plan review.
  - 4. Intensity of use: new uses with a maximum permitted occupancy exceeding 100 more than the previous use or which would result in a quantifiable increase in energy consumption.
  - 5. Surface and subsurface drainage: projects involving the disturbance of more than 1,000 square feet of land surface with slopes greater than 15%.
  - 6. Compatibility with adjacent zone districts: all new nonresidential uses within 100 feet of R zone district boundaries.
  - 7. Any proposed use that the Code Enforcement Officer has determined requires review for compatibility within the transect zone or any use requiring a Special Use Permit. This determination shall be based on existing uses, the New York State Building Code Chapter 3, Occupancy Classification and Use as well as the City of Oneonta Comprehensive Plan and this code.
  - 8. All Type I SEQR actions shall go to the Planning Commission for major site plan review.
  - 9. The demolition of any primary structure or the demolition of any accessory structure that exceeds 200 sq. ft.
  - 10. Alteration or construction of new parking areas with six or more parking spaces.
  - 11. A change in use from commercial to residential or from residential to commercial.
- F. The Code Enforcement Officer, or an applicant, may request any application be reviewed by the Planning Commission as a major site plan review.
- G. The Planning Commission shall hold a public hearing within 62 days from receipt of the completed application for major site plan review. Within 62 days of the closing of the public hearing, the Planning Commission shall approve, approve with modifications or deny the application. The failure of the Planning

Commission to act within 62 days, as described above, unless an extension is mutually agreed upon by the applicant and the Planning Commission shall be deemed to constitute approval.

### **§300-13-7 Use Determinations**

- A. If a use is not prohibited in the transect zone, but there is a question about its compatibility with surrounding uses or it is similar to a prohibited use, an applicant may request that the Planning Commission provide a written determination of the proposed use. The determination shall include the following:
  - 1. Minor site plan review application.
  - 2. A comparable permitted use already existing within the transect zone.
  - 3. Written determination that upon minor site plan review the use is similar in nature and impact and that the proposed use meets the legislative intent of this code as well as the City of Oneonta Comprehensive Plan. The use may not be similar in nature and impact to a specifically prohibited use.
- B. The Planning Commission shall provide their determination in writing to the applicant and the Code Enforcement Officer.

### **§300-13-8 Special Use Permits**

- A. If a use is not expressly permitted, and is not compatible in nature and impact to a use that is permitted in the transect zone, a Special Use Permit may be issued by the Planning Commission. Uses requiring a Special Use Permit are not categorically a permitted use in the transect zone. Chapter 300-29 shall govern the application for and review of Special Use Permits. In addition to the requirements found in Chapter 300-29 the Planning Commission shall consider and provide a written determination on the following before:
  - 1. The use is consistent with the intent and purpose of the University Form Based Code District and specifically the Transect Zone in which the use is located.
  - 2. The use will not have an unreasonable adverse impact on neighboring properties.
  - 3. The use will positively contribute to the built environment, the design quality and the economic viability of the University Form Based Code District.
  - 4. The use will enhance the pedestrian shed of the University Form Based Code District.
  - 5. This may be done by improving public hardscape, landscape, or providing amenities that encourage pedestrian, cycling or public transportation.
  - 6. Major site plan review application.
- B. Following review, the Planning Commission shall either approve the Special Use Permit, deny the Special Use permit or approve the Special Use Permit with modifications.

### **§300-13-9 Variances and Zoning Interpretations**

- A. The Planning Commission shall provide written determination, or finding of facts, to the City of Oneonta Zoning and Housing Board of Appeals on all requests for variances or zoning interpretation within the boundaries of the University Form Based Code District.
- B. The Planning Commission's written determination, or finding of facts, shall include the following:
  - 1. The impact of the proposed variance or interpretation on the zoning district.
  - 2. If the variance or interpretation meets the intent of the form-based code and the City of Oneonta Comprehensive Plan.
  - 3. If the applicant has sought relief through all means provided by this code.
- C. The Zoning and Housing Board of Appeals shall consider the Planning Commission findings of fact, or determination, as part of any application for zoning interpretation or appeal within the boundaries of the University Form Based Code District.
- D. The Zoning and Housing Board of Appeals shall provide a written determination or findings of fact before any variance or interpretation is provided; this shall include the following:
  - 1. The approval or denial of any variance or interpretation is in accordance with New York State law and specifically meets the standards provided for the approval or denial of a variance or zoning interpretation.
  - 2. The relief sought is reasonable and meets the intent of the form-based code and the City of Oneonta Comprehensive Plan.
  - 3. The applicant has sought relief through all means provided by this code and failed.

- E. The Zoning and Housing Board of Appeals shall reach a decision within 62 days after a final hearing and shall notify the Common Council, City Code Enforcement Officer and City of Oneonta Planning Commission in writing of each zoning interpretation or variance granted.

### **§300-13-10 Subdivision or Lot Adjustments**

- A. The subdivision of land or the adjustment of any parcel or lot shall require approval by the Planning Commission.
- B. Land within the boundaries of the University Form Based Code District shall be subdivided into blocks or lots, or existing lots altered, only as permitted and in compliance with this code.
- C. The Planning Commission may waive or alter the requirements of any subdivision if it is determined that the subdivision meets the intent of this code or the strict adherence to the requirements of this code is infeasible.
- D. A preliminary plat for a subdivision application or lot adjustment that meets the requirements of this code is not required.

### **§300-13-11 Non-Conformities**

The following section shall apply to nonconformities within the University (U 1-3) District.

#### *Historic Buildings*

- A. Any building or structure that meets one or more of the following conditions shall be considered conforming to the lot, block, form, setback and height requirements of the zone:
  - 1. Listed, or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
  - 2. Designated as historic under an applicable state or local law.
  - 3. Certified as a contributing resource within a National Register, state designated or locally designated historic district.

#### *Lot and Blocks*

- A. Lots legally existing at the time of the adoption of this code shall be considered conforming. Nothing shall prevent the development of a nonconforming lot so long as any applicable setback, lot coverage and height requirement standards are met.
- B. Any new proposed lot or subdivision shall be in conformance with the requirements of this code. The creation of new non-conforming lots shall be prohibited.

#### *Structures*

- A. Existing structures that do not conform to the standards of this code may be altered under the following circumstances:
  - 1. The alteration is mandated by law as a requirement to ensure public safety or health.
  - 2. The alteration is routine maintenance or reduces the level non-conformity.
  - 3. The alteration conforms to the requirements of the standards found in this code.
  - 4. A nonconforming structure which is damaged or destroyed to the extent of 50% or more of its fair market value shall be made conforming to this code. If the damage is less than 50% of the fair market value the structure may be rebuilt to its previous condition so long as the nonconformity is not expanded and no new nonconformity is created.
  - 5. Reconstruction shall occur within one calendar year of the date of damage or destruction. If a building permit has not been issued within one calendar year of the date of damage or destruction the structure shall be repaired or rebuilt in compliance with this code.
- B. Multifamily structures legally existing at the time of the adoption of this code shall be considered both conforming in use and structure to the University (U1-3) zoning district. For the purpose of this section a legally existing structure shall be defined as a structure either constructed or converted in compliance with any applicable building code in effect at the time of the conversion, including any required permits and/or inspections. The intensity and density of these structures and uses shall not be increased and any modifications shall be in conformance with this code.

#### *Uses*

- A. A nonconforming use shall not be expanded in area or increased in intensity.
- B. A nonconforming use shall only be changed to a conforming use. A nonconforming use that has been made conforming in whole or in part shall not be changed back to a nonconforming use.
- C. Any nonconforming use that has been discontinued for any reason for one year shall not be reestablished as a nonconforming use, regardless of intent to resume operation, and any future use of the property shall be in conformity with this code.
- D. Existing structures that house a nonconforming use shall only be altered in compliance with the following:
  - 1. In compliance with Section Non-Conformities: Structures.
  - 2. The alteration reduces the level of nonconformity.
  - 3. The alteration changes a nonconforming use to a conforming use.
- E. If a structure that houses a nonconforming use is damaged or destroyed the use may be reestablished provided that no new nonconformities are created and the level of intensity is not increased. The structure housing the nonconforming use shall comply with the requirements of this code. If the structure was nonconforming it shall be repaired in accordance with the requirements of this code.
  - a) Exception: Multifamily structures legally existing at the time of the adoption of this code shall be considered both conforming in use and structure to the University (U1-3) zoning district. For the purpose of this section a legally existing structure shall be defined as a structure either constructed or converted in compliance with any applicable building code in effect at the time of the conversion, including any required permits and/or inspections. The intensity and density of these structures and uses shall not be increased and any modifications shall be in conformance with this code.

**§300-13-12 OTHER APPLICABLE SECTIONS**

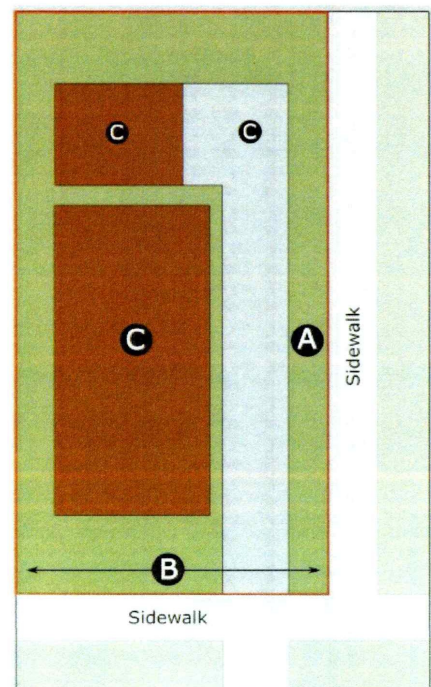
The following sections of the MU-1 Form Based Code shall apply to the University District.

- A. Part 7. Transportation: MU-1 Form Based Code.
- B. Part 8. Landscaping: MU-1 Form Based Code.
- C. Part 9. Site Lighting: MU-1 Form Based Code.
- D. Part 10. Walls and Fences: MU-1 Form Based Code.

**§300-13-13 UNIVERSITY 1 TRANSECT**

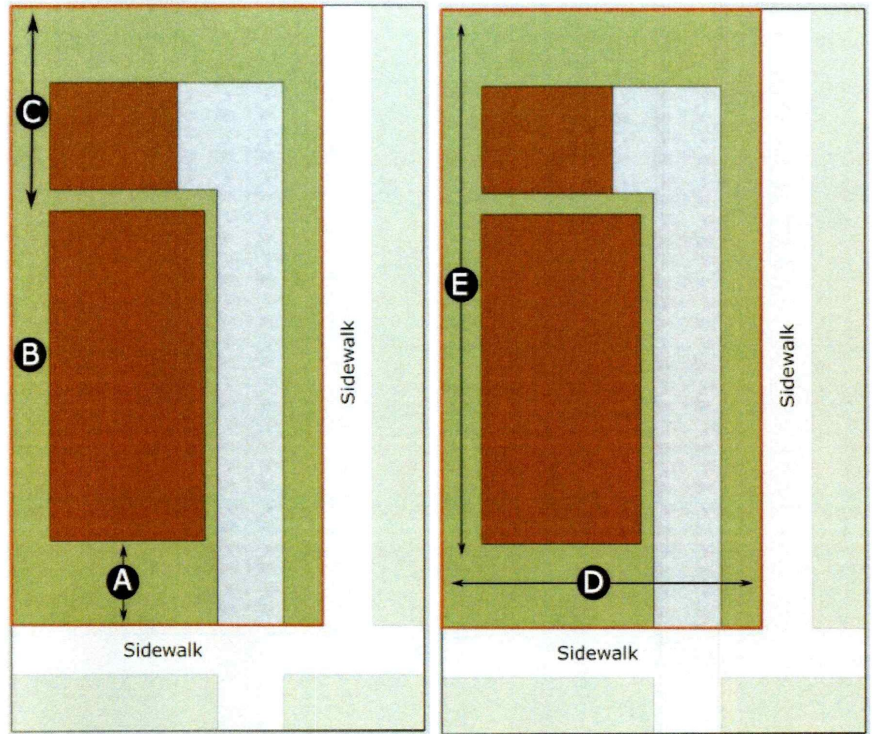
The University 1 Form District is predominately made up of residential structures that are occupied as detached single family homes, duplexes or detached multiple residences. The intent of the University 1 Form District is to protect and maintain the existing character, scale, form and uses found within this residential district. Any new construction, redevelopment or alteration to existing structures shall maintain the architectural forms found throughout the district including front porches, decorative architectural details, building scale, massing and roof styles.

LOT CRITERIA	
<b>A</b>	<b>LOT SIZE</b> Area, Minimum 3,000 square feet
<b>B</b>	<b>STREET FRONTAGE</b> 40 feet
<b>C</b>	<b>LOT COVERAGE</b> 60% Maximum. Impervious coverage includes all impervious surfaces such as structures, parking areas, driveways, hardscaping and pedestrian walks.



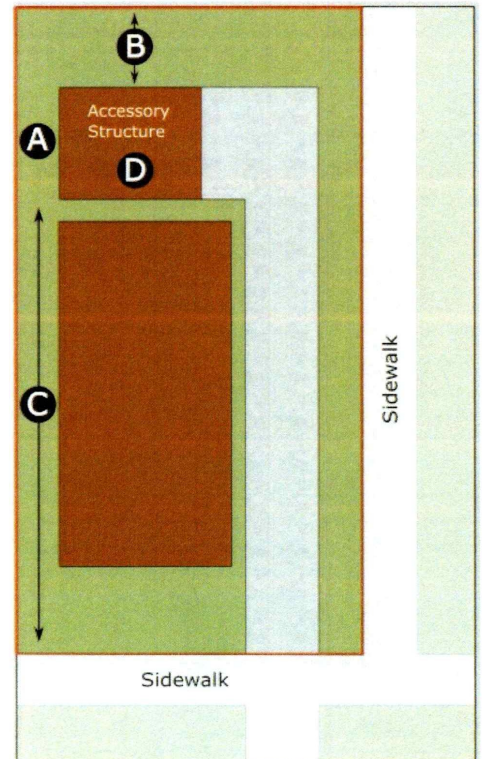
**PRINCIPAL BUILDING: UNIVERSITY 1 TRANSECT**

SETBACK	
<b>A</b>	<b>FRONT SETBACK</b> Minimum 10 Feet Maximum 25 Feet
<b>B</b>	<b>SIDE SETBACK</b> Minimum 5 Feet Maximum 25 Feet
<b>C</b>	<b>REAR SETBACK</b> Minimum 20 feet or 20% of lot depth. (whichever is less)
<b>D</b>	<b>BUILD TO PERCENTAGE</b> Front: 50% Minimum
<b>E</b>	<b>BUILD TO PERCENTAGE</b> Side: 50% Minimum



**ACCESSORY STRUCTURE: UNIVERSITY 1 TRANSECT**

SETBACK	
<b>A</b>	<b>SIDE SETBACK</b> Minimum 3 Feet
<b>B</b>	<b>REAR SETBACK</b> Minimum 3 Feet
<b>C</b>	<b>FRONT SETBACK</b> Minimum 20 feet
<b>D</b>	<b>MAXIMUM SQUARE FEET</b> 500 square feet (building footprint)  Accessory buildings shall be located behind principal buildings and structures.

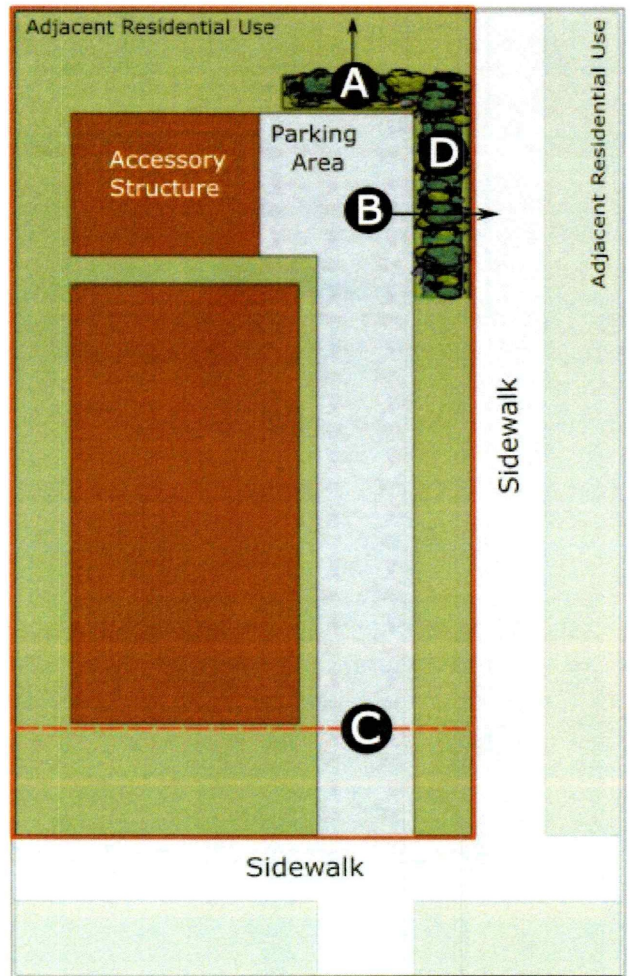




**PARKING LOCATION: UNIVERSITY 1 TRANSECT**

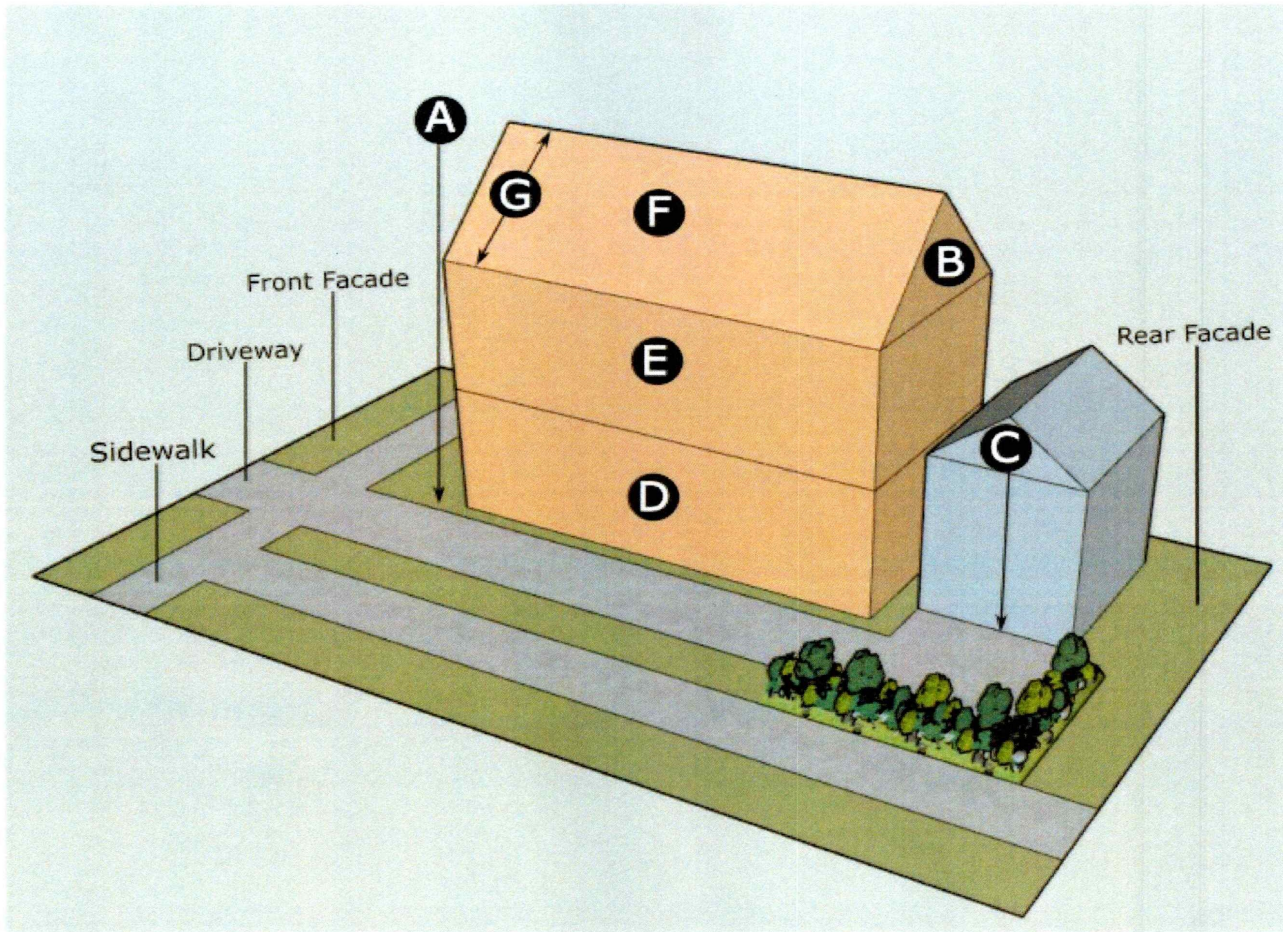
- A. Parking areas set back from lot lines and streets. No part of any parking area, other than driveways for ingress and egress, shall be located closer to a lot line than five feet nor closer to a sidewalk than 10 feet. Parking shall be located behind the front façade of any principal building. Parking in front yards is prohibited. Any parking area adjacent to a residential use or R zoning district shall be screened with either a fence or vegetative barrier. The expansion or alteration of existing parking areas shall be in conformance with this code and shall require the installation of any required buffering.
  - 1. Exception: The repair and maintenance of lawfully existing parking areas where there is no change in paving material (example: the change from gravel to asphalt or concrete), size, drive lanes or number of parking spaces.
- B. Existing uses shall not be required to provide additional parking.

<b>PARKING DESIGN: UNIVERSITY 1 TRANSECT</b>	
<b>A</b>	<b>LOT LINE SETBACK</b> Minimum 5 Feet
<b>B</b>	<b>SIDEWALK SETBACK</b> Minimum 10 Feet
<b>C</b>	<b>FRONT FAÇADE LINE</b> Parking shall be located behind the front façade of any principal building.
<b>D</b>	<b>VEGETATIVE BARRIER</b> Any parking area adjacent to a residential use or R zoning district shall be screened with either a fence or vegetative barrier.



**PRINCIPAL HEIGHT AND ROOF TYPE: UNIVERSITY 1 TRANSECT**

- A. New Structures: Pitched roof required. Flat or shed roofs shall not be allowed as a primary roof form.
- B. Existing Structures: Italianate roofs shall be maintained in their existing form and shall not be converted to a pitched roof. Historic Italianate roofs shall be considered conforming to the zone.
- C. All utilities and mechanical equipment must be screened from public view.
- D. Mechanicals will not be measured as part of building height, provided that:
  - 1. The mechanical equipment is not incorporated into stories with occupiable space;
  - 2. The mechanical equipment is architecturally integrated into the building; and
  - 3. The mechanical equipment is less than 1/3 of the building footprint and does not exceed nine (9) feet in height above the roof.

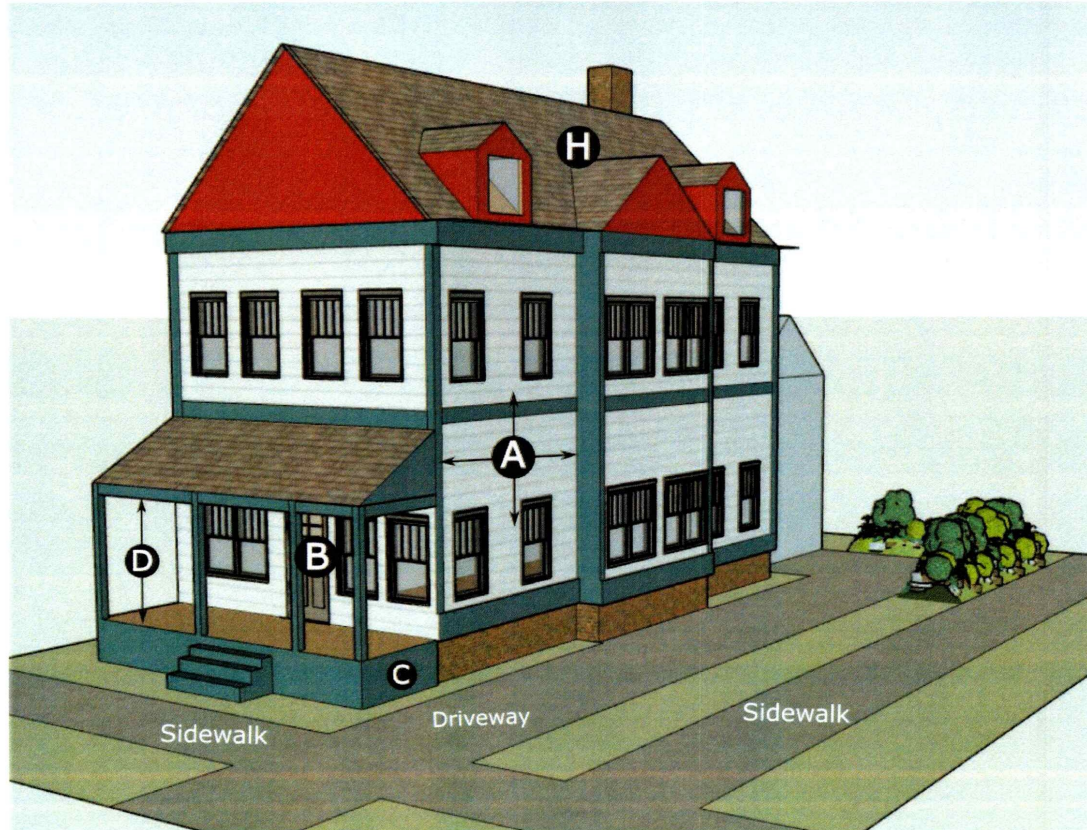
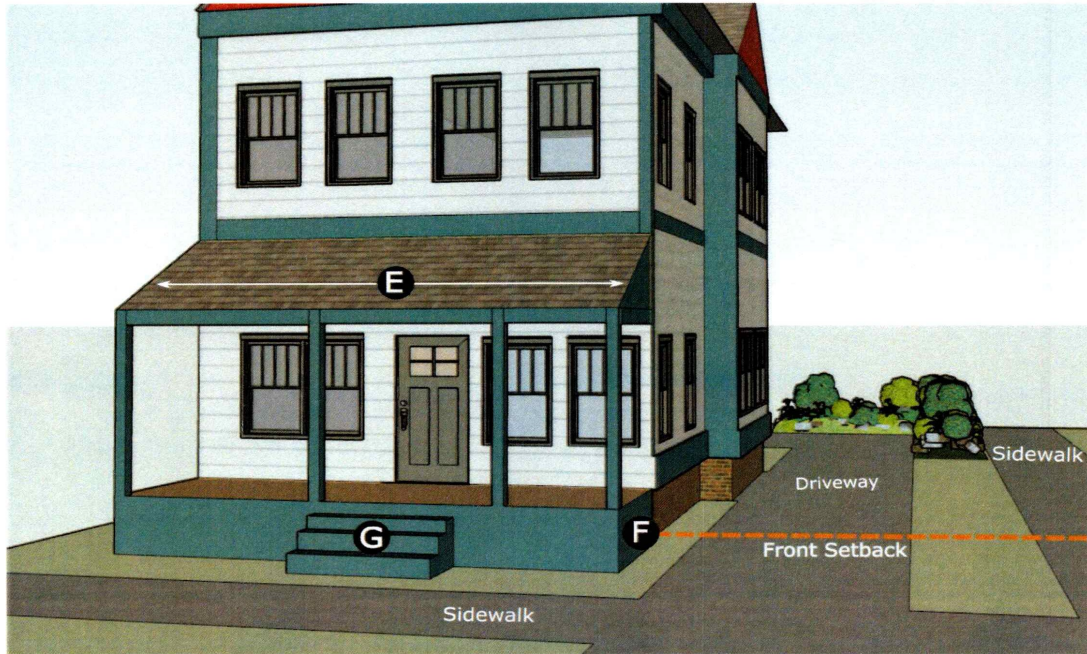


**PRINCIPAL BUILDING AND ROOF TYPE: UNIVERSITY 1 TRANSECT**

<b>A</b>	<b>PRINCIPAL BUILDING</b> Maximum (stories/feet) 3/35 Minimum (stories/feet) 2/20
<b>B</b>	<b>HABITABLE UPPER STORY</b> A habitable upper story in a structure with a pitched roof within the U transects must be fully contained within the pitched roof. Projecting eaves and dormers are permitted. The aggregate width of the dormers cannot exceed 50% of the width of the roof on the side where the dormers are located. The Planning Commission as part of a site plan review may approve alternative dormer design if the requirements of this code are infeasible or if compliance with the New York State Uniform Code requires a window as part of a required egress pathway.
<b>C</b>	<b>ACCESSORY STRUCTURE</b> Maximum (stories/feet) 2/20 Minimum (stories/feet) NA
<b>D</b>	<b>FLOOR HEIGHT (PRINCIPAL BUILDING)</b> Street-level (floor to floor) Minimum 9 feet
<b>E</b>	<b>FLOOR HEIGHT (PRINCIPAL BUILDING)</b> 2nd story (floor to floor) Minimum 9 feet
<b>F</b>	<b>PRINCIPAL ROOF TYPE</b> Pitched roof required
<b>G</b>	<b>PITCH OF PRINCIPAL GABLE</b> Minimum/Maximum 6:12/12:12

## SITE ACTIVATION: UNIVERSITY 1 TRANSECT

- A. Alterations shall be in compliance with this code. No alteration shall increase the level of non-conformity with this code. No repair shall increase the level of non-conformity with this code.
- B. New Principal Building: Porch required.
- C. Existing Principal Building: Existing covered porches shall be maintained, including all architectural millwork, detailing and articulation, this shall include both enclosed and unenclosed porches. Existing open porches shall not be enclosed, new enclosed porches shall be prohibited. Existing enclosed porches shall not be altered unless it is to bring them into compliance with this code.



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**SITE ACTIVATION: UNIVERSITY 1 TRANSECT**

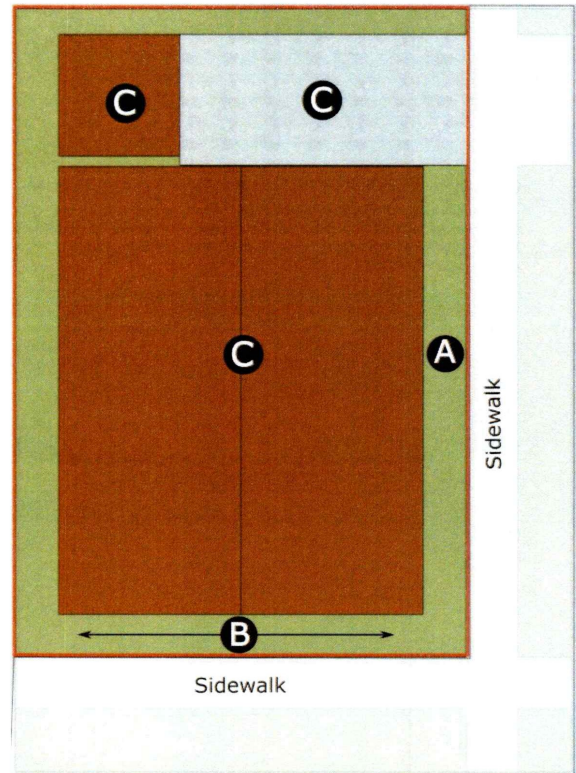
<b>A</b>	<b>BLANK WALL</b> Blank wall with no architectural articulation, maximum 8 feet any direction. No alteration shall increase the level of non-conformity with this code. No repair shall increase the level of non-conformity with this code.
<b>B</b>	<b>DOORS AND ENTRIES</b> Functioning entry on the street-facing facade, minimum one (1) Corner lots, one functioning entry is required on the primary street-facing facade. Required primary entries and doors shall include architectural articulation using millwork, color, material or wall setbacks. Any articulation shall repeat and build on the existing form, scale, massing and architectural detailing of the structure.
<b>C</b>	<b>FRONT PORCH DEPTH</b> Maximum (depth) 12 Feet Minimum (depth) 6 Feet
<b>D</b>	<b>PORCH CLEAR HEIGHT</b> (floor to ceiling) Minimum 8 feet
<b>E</b>	<b>FRONT PORCH COVERAGE</b> A front porch must cover at least 33% of the street-level story facade width of the building.
<b>F</b>	<b>PORCH ENCROUCHMENT OF FRONT SETBACK</b> A porch is not considered as part of the building façade when determining building location and may encroach into required setbacks. Where existing structures provide an average setback, the adjacent properties shall provide a build to zone for any proposed porch. If there are no adjacent porches the required building setback shall be the setback for any proposed porch.
<b>G</b>	<b>PORCH STEPS</b> Steps for ingress and egress shall not be included in this measurement.
<b>H</b>	<b>DORMERS</b> The aggregate width of the dormers cannot exceed 50% of the width of the roof on the side where the dormers are located. The Planning Commission, as part of a site plan review, may approve alternative dormer design if the requirements of this code are infeasible or if compliance with the New York State Uniform Code requires a window as part of a required egress pathway.

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**§300-13-14 UNIVERSITY 2 TRANSECT**

A. The University 2 Form District serves as a transitional district between the University 1 Form District and Gateway Mixed-Use District (MU-2). New construction is encouraged as well as the redevelopment or alteration of existing structures to higher density or more intense uses. The University 2 Form District permits a flexible environment for the development of uses and building types that mirror those in the adjacent districts and bridge existing development patterns. This may include attached or detached housing, a mix of architectural styles and types as well as a variety of both residential and commercial land uses.

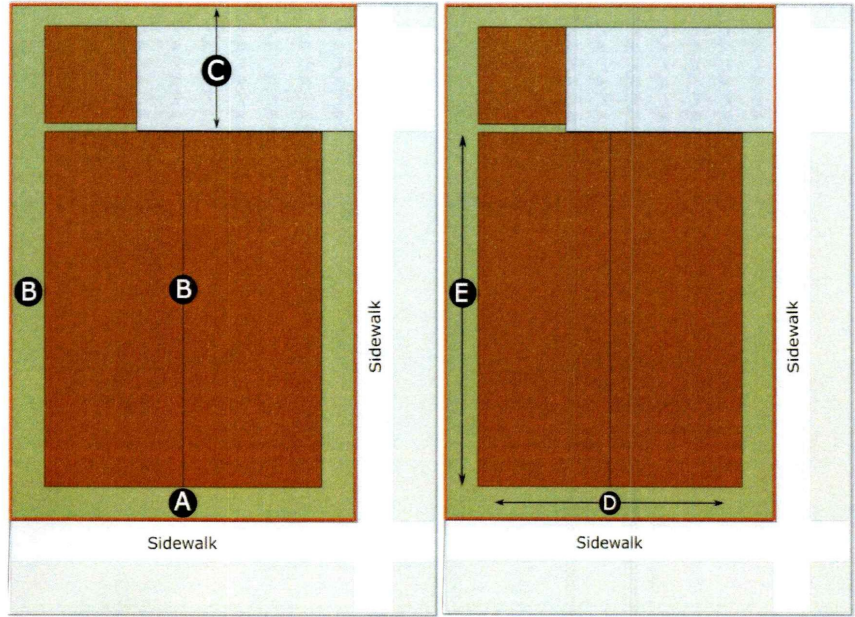
<b>LOT CRITERIA</b>	
<b>A</b>	<b>LOT SIZE</b> Area, minimum 3,000 square feet
<b>B</b>	<b>STREET FRONTAGE</b> 40 feet
<b>C</b>	<b>LOT COVERAGE</b> No Max. Impervious coverage includes all impervious surfaces such as structures, parking areas, driveways, hardscaping and pedestrian walks. Proposals for new development must include stormwater management plans if in excess of 60% of lot coverage or for new structures in excess of 3,000 square feet.



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**PRINCIPAL BUILDING: UNIVERSITY 2 TRANSECT**

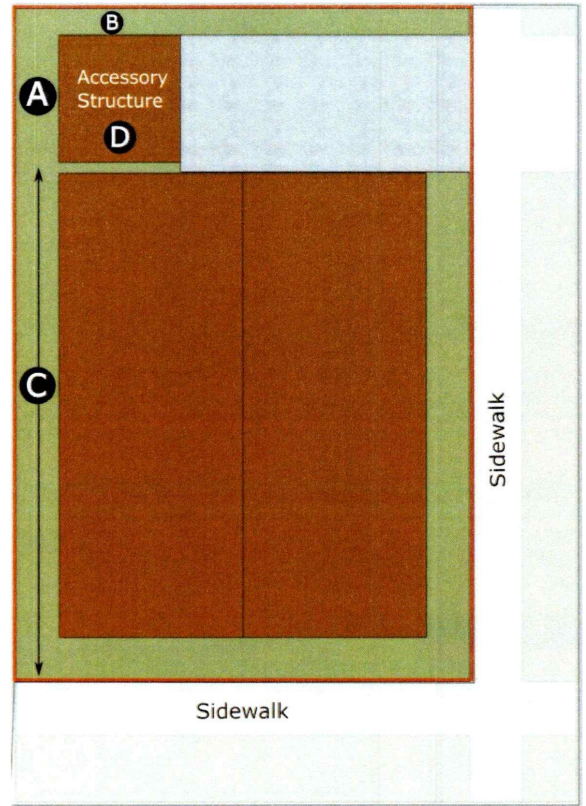
<b>SETBACK</b>	
<b>A</b>	<b>FRONT SETBACK</b> Minimum 0 Feet Maximum 10 Feet
<b>B</b>	<b>SIDE SETBACK</b> Attached structure 0 feet. Detached structure or property line Minimum 5 feet
<b>C</b>	<b>REAR SETBACK</b> Minimum 20 feet or 20% of lot depth. (whichever is less)
<b>D</b>	<b>BUILD TO PERCENTAGE</b> Front: 60% Minimum No Maximum
<b>E</b>	<b>BUILD TO PERCENTAGE</b> Side: 60% Minimum No Maximum



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**ACCESSORY STRUCTURE: UNIVERSITY 2 TRANSECT**

SETBACK	
<b>A</b>	<b>SIDE SETBACK</b> Minimum 3 Feet
<b>B</b>	<b>REAR SETBACK</b> Minimum 3 Feet
<b>C</b>	<b>FRONT SETBACK</b> Minimum 20 feet
<b>D</b>	<b>MAXIMUM SQUARE FEET</b> 500 square feet (building footprint)  Accessory buildings shall be located behind principal buildings and structures.

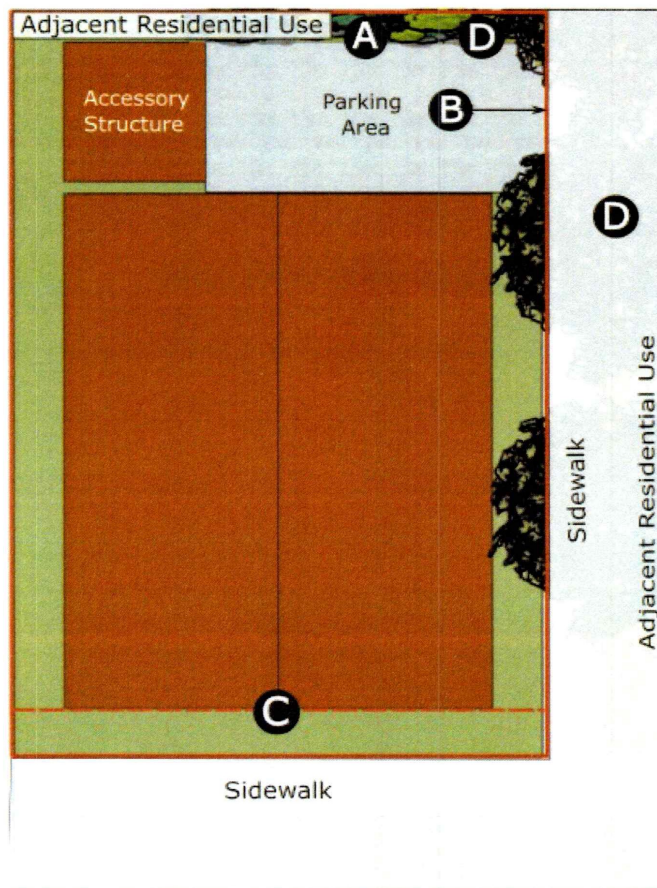


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**PARKING DESIGN: UNIVERSITY 2 TRANSECT**

- A. Parking areas set back from lot lines and streets. No part of any parking area, other than driveways for ingress and egress, shall be located closer to a lot line than five feet nor closer to a sidewalk than 10 feet. Parking shall be located behind the front façade of any principal building. Parking in front yards is prohibited. Any parking area adjacent to a residential use or R zoning district shall be screened with either a fence or vegetative barrier. The expansion or alteration of existing parking areas shall be in conformance with this code and shall require the installation of any required buffering.
  - 1. Exception: The repair and maintenance of lawfully existing parking areas where there is no change in paving material (example: the change from gravel to asphalt or concrete), size, drive lanes or number of parking spaces.
- B. Existing uses shall not be required to provide additional parking.

PARKING DESIGN: UNIVERSITY 2 TRANSECT	
<b>A</b>	<b>LOT LINE SETBACK</b> Minimum 5 Feet
<b>B</b>	<b>SIDEWALK SETBACK</b> Minimum 10 Feet
<b>C</b>	<b>FRONT FAÇADE LINE</b> Parking shall be located behind the front façade of any principal building.
<b>D</b>	<b>VEGETATIVE BARRIER</b> Any parking area adjacent to a residential use or R zoning district shall be screened with either a fence or vegetative barrier.

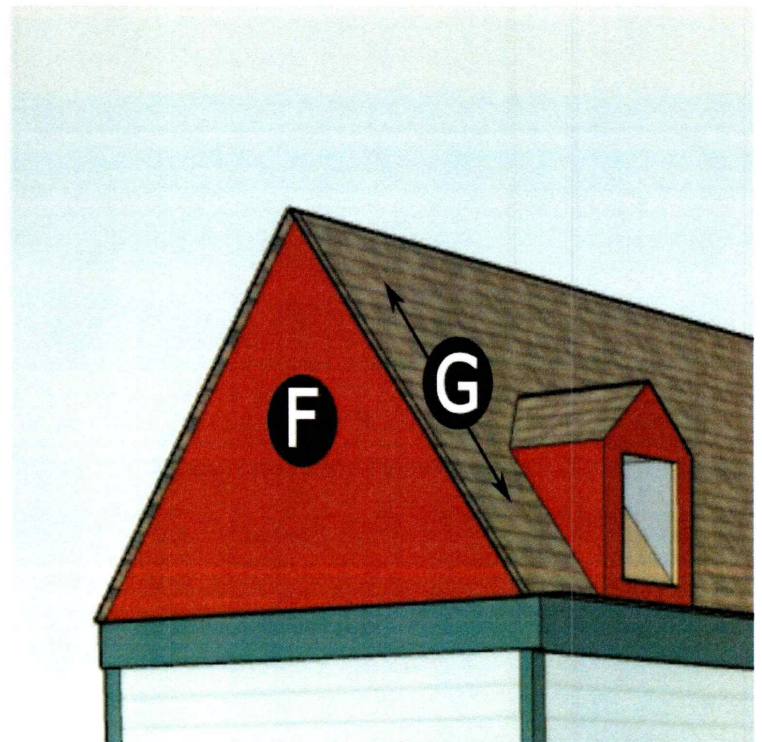
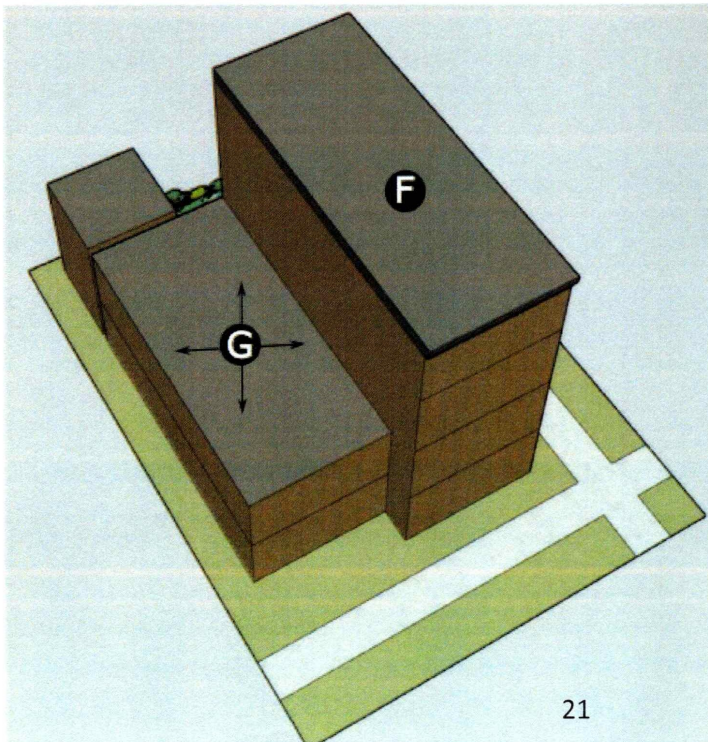
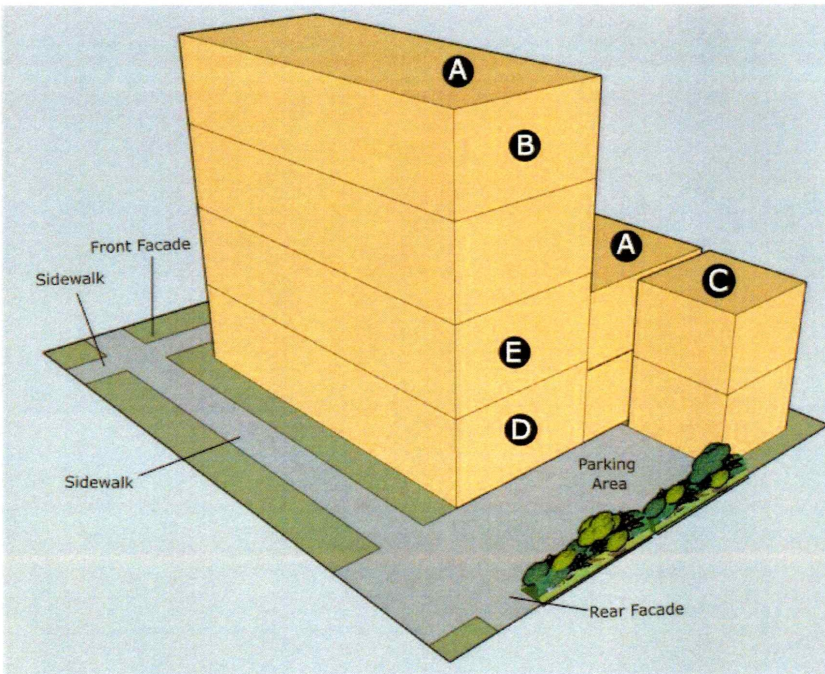


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## PRINCIPAL BUILDING AND ROOF TYPE: UNIVERSITY 2 TRANSECT

- A. New Structures: Pitched or flat roofs permitted.
- B. Existing Structures: Italianate roofs shall be maintained in their existing form and shall not be converted to a pitched roof. Historic Italianate roofs shall be considered conforming to the zone.
- C. All utilities and mechanical equipment shall be screened or installed on a façade not visible from the public right of way.
- D. Mechanicals will not be measured as part of building height, provided that:
  - 1. The mechanical equipment is not incorporated into stories with occupiable space;
  - 2. The mechanical equipment is architecturally integrated into the building; and
  - 3. The mechanical equipment is less than 1/3 of the building footprint and does not exceed nine (9) feet in height above the roof.



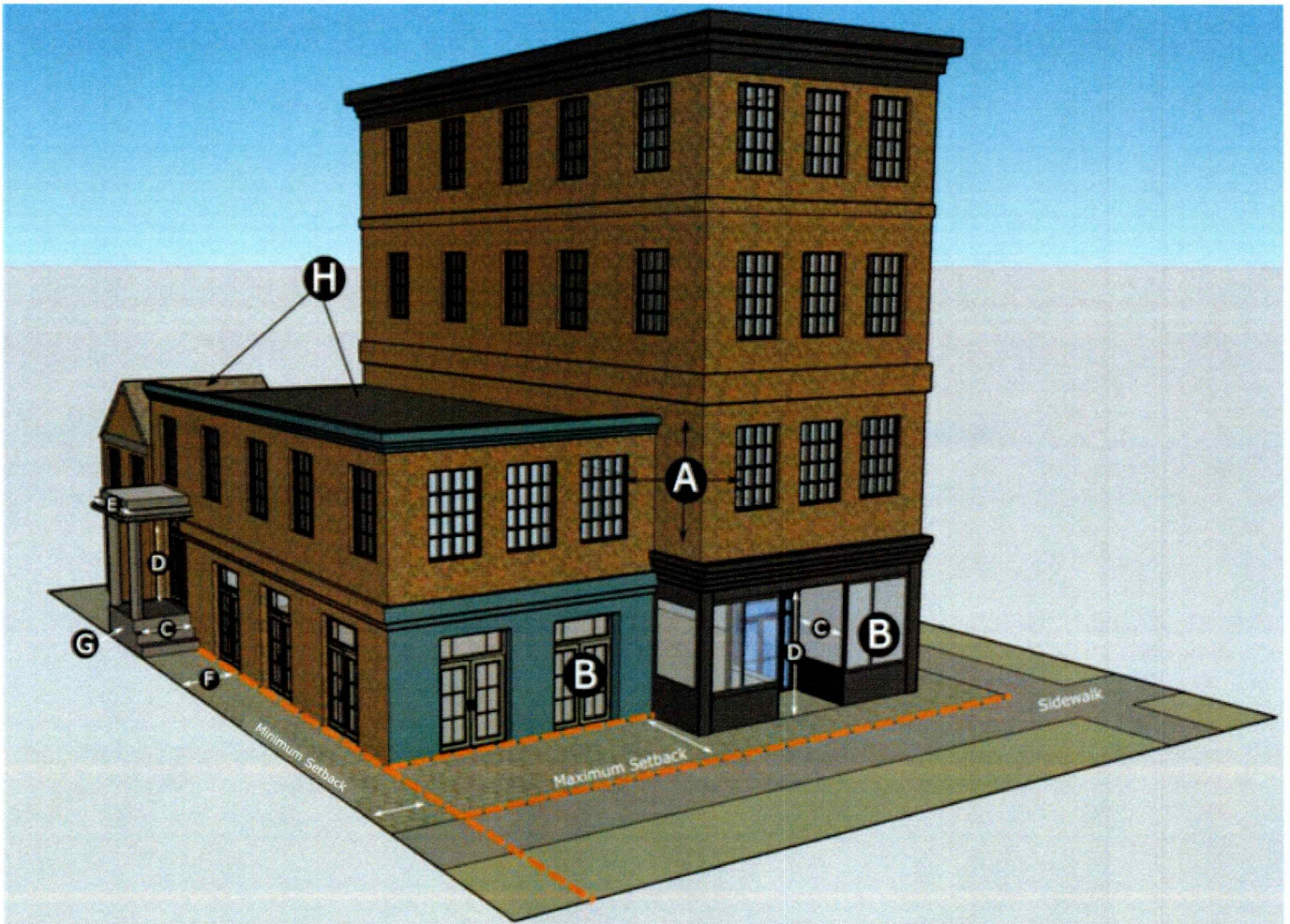
**PRINCIPAL BUILDING**

<b>PRINCIPAL HEIGHT AND ROOF TYPE: UNIVERSITY 2 TRANSECT</b>	
<b>(A)</b>	<p><b>PRINCIPAL BUILDING</b>                      Maximum (stories/feet) 4/45 Minimum (stories/feet) 2/20</p>
<b>(B)</b>	<p><b>HABITABLE UPPER STORY</b>                      A habitable upper story in a structure with a pitched roof within the U transects must be fully contained within the pitched roof. Projecting eaves and dormers are permitted. The aggregate width of the dormers cannot exceed 50% of the width of the roof on the side where the dormers are located. The Planning Commission as part of a site plan review may approve alternative dormer design if the requirements of this code are infeasible or if compliance with the New York State Uniform Code requires a window as part of a required egress pathway.</p> <p>Top story (floor to roofline) NYS Building/Residential Code for floor height.</p>
<b>(C)</b>	<p><b>ACCESSORY STRUCTURE</b>                      Maximum (stories/feet) 2/20 Minimum (stories/feet) NA</p>
<b>(D)</b>	<p><b>FLOOR HEIGHT (PRINCIPAL BUILDING)</b>                      Street-level (floor to floor) Minimum 9 feet</p>
<b>(E)</b>	<p><b>FLOOR HEIGHT (PRINCIPAL BUILDING)</b>                      Additional floors (floor to floor) Minimum 9 feet                      Top story (floor to roofline) NYS Building/Residential Code for floor height.</p>
<b>(F)</b>	<p><b>PRINCIPAL ROOF TYPE</b>                      Pitched or Flat Roof</p>
<b>(G)</b>	<p><b>PITCH OF PRINCIPAL GABLE</b>                      Minimum/Maximum 6:12/12:12 Flat roof permitted.</p>

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**SITE ACTIVATION: UNIVERSITY 2 TRANSECT**

- A. New Principal Building: Porch/Stoop/Recessed Entry. Required
- B. Existing Principal Building: Existing covered porches/stoops shall be maintained, including all architectural millwork, detailing and articulation, this shall include both enclosed and unenclosed porches. Existing open porches shall not be enclosed, new enclosed porches shall be prohibited. Existing enclosed porches shall not be altered unless it is to bring them into compliance with this code.



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**SITE ACTIVATION: UNIVERSITY 2 TRANSECT**

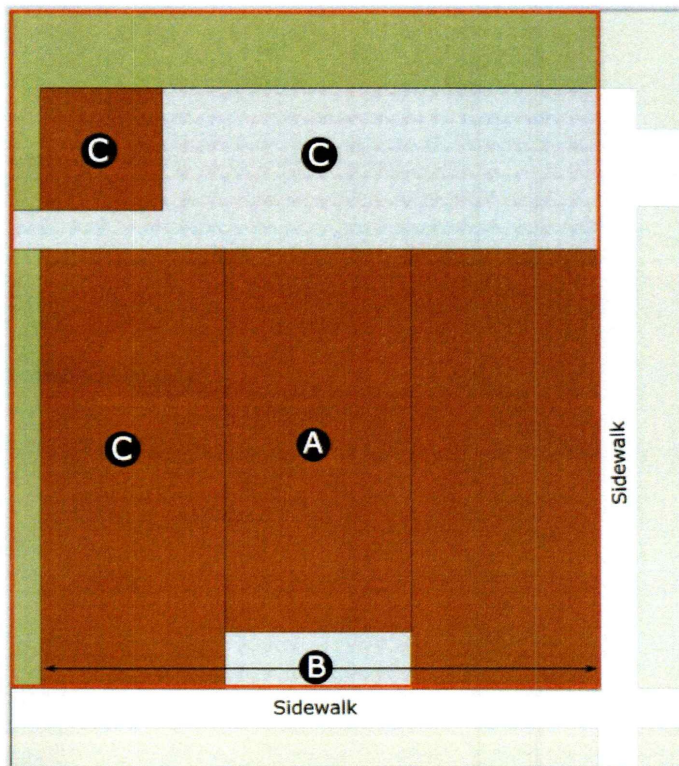
<b>A</b>	<p><b>BLANK WALL</b> Blank wall with no architectural articulation, maximum 8 feet any direction. No alteration shall increase the level of non-conformity with this code. No repair shall increase the level of non-conformity with this code.</p>		
<b>B</b>	<p><b>DOORS AND ENTRIES</b> Functioning entry on the street-facing facade, minimum one (1) Corner lots, one functioning entry is required on the primary street-facing facade. Required primary entries and doors shall include architectural articulation using millwork, color, material or wall setbacks. Any articulation shall repeat and build on the existing form, scale, massing and architectural detailing of the structure.</p>		
<b>C</b>	<p><b>FRONT PORCH DEPTH</b> Maximum (depth) 12 Feet Minimum (depth) 6 Feet</p>	<p><b>STOOP</b> Maximum (depth) 5 Feet Minimum (depth) NA Feet</p>	<p><b>RECESSED ENTRY</b> Maximum (depth) 10 Feet Minimum (depth) 5 Feet</p>
<b>D</b>	<p><b>PORCH CLEAR HEIGHT / STOOP / RECESSED ENTRY</b> Minimum (floor to ceiling) 8 feet</p>		
<b>E</b>	<p><b>FRONT PORCH / STOOP WIDTH</b> A front porch must cover at least 33% of the street-level story facade width of the building. A front stoop may have a maximum width of six (6) feet.</p>		
<b>F</b>	<p><b>PORCH / STOOP ENCROUCHMENT OF FRONT SETBACK</b> A porch/stoop is not considered a part of the building façade when determining building location and may encroach into a required setback where existing adjacent structures provide an average porch/stoop setback. If there are no adjacent porches/stoops the required setback shall be the build to line for any proposed porch/stoop. Steps for ingress and egress shall not be included in this measurement.</p>		
<b>G</b>	<p><b>PORCH / STOOP STEPS</b> Steps for ingress and egress shall not be included in setback measurements. Stoops shall contain stairs leading to the ground level. Stairs may exit off the front of the stoop or be side loaded. This code shall not prevent approved accessibility requirements if a ramp is required.</p>		
<b>H</b>	<p><b>DORMERS</b> A habitable upper story in a structure with a pitched roof within the U-1 and U-2 transects must be fully contained within the pitched roof. Projecting eaves and dormers are permitted. The aggregate width of the dormers cannot exceed 50% of the width of the roof on the side where the dormers are located. The Planning Commission, as part of a site plan review, may approve alternative dormer design if the requirements of this code are infeasible or if compliance with the New York State Uniform Code requires a window as part of a required egress pathway.</p>		

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**§300-13-15 UNIVERSITY 3 TRANSECT**

A. The University 3 Form District includes existing areas of high-density development adjacent to SUNY Oneonta as well as the Hartwick College and SUNY Oneonta campus. The purpose and intent of the University 3 Form District is to provide areas with a mix of building types and uses that support and encourage a symbiotic relationship between the City and the existing educational institutions. Land uses and structures may include a wide variety of residential, educational and commercial uses developed in a site sensitive manner that preserves the integrity and long-term viability of the neighborhoods near which they are situated.

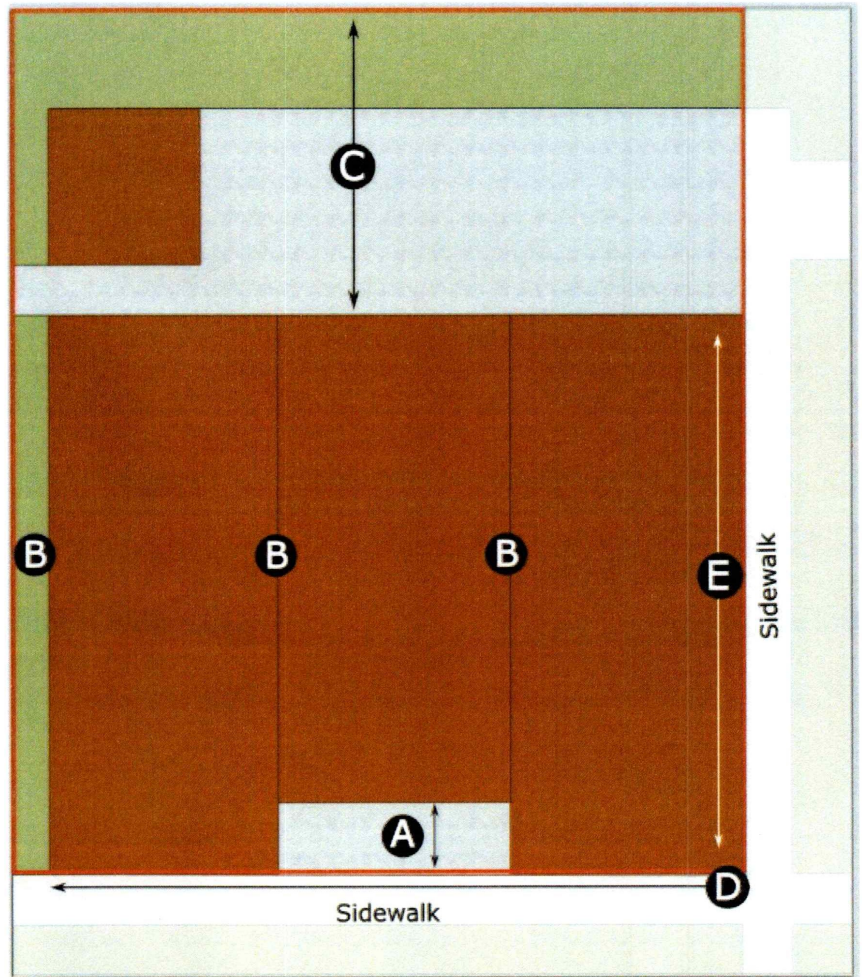
LOT CRITERIA	
<b>A</b>	<b>LOT SIZE</b> Area, minimum 3,000 square feet
<b>B</b>	<b>STREET FRONTAGE</b> 40 feet
<b>C</b>	<b>LOT COVERAGE</b> No Max. Impervious coverage includes all impervious surfaces such as structures, parking areas, driveways, hardscaping and pedestrian walks. Proposals for new development must include stormwater management plans if in excess of 60% of lot coverage or for new structures in excess of 3,000 square feet.



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**PRINCIPAL BUILDING: UNIVERSITY 3 TRANSECT**

SETBACK	
<b>A</b>	<b>FRONT SETBACK</b> Minimum 0 Feet Maximum 10 Feet
<b>B</b>	<b>SIDE SETBACK</b> Attached structure 0 feet.  Detached structure or property line Minimum 5 feet  Setback between multiple primary structures on same parcel, Minimum 5 feet
<b>C</b>	<b>REAR SETBACK</b> Minimum 20 feet or 20% of lot depth. (whichever is less)
<b>D</b>	<b>BUILD TO PERCENTAGE</b> Front: 80% Minimum No Maximum
<b>E</b>	<b>BUILD TO PERCENTAGE</b> Side: 60% Minimum No Maximum



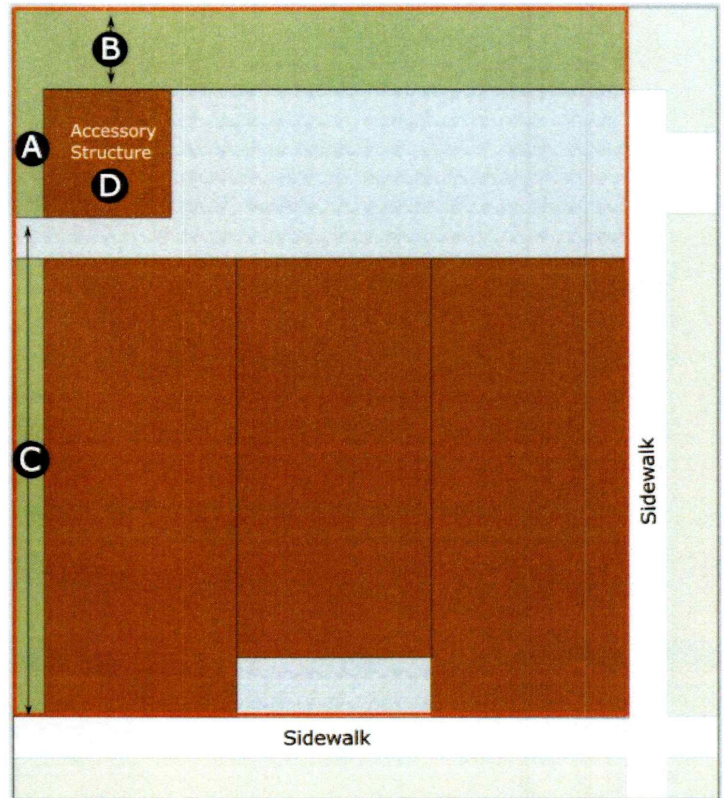
**Setback within 100 feet of a U1 or R district:**

- A. If a proposed development is within 100 feet of an adjacent U-1 or R district the following shall apply:
1. When a U1 or R district rear yard abuts U3. Rear setback, minimum 40 feet.
  2. When a U1 or R district side yard abuts U3. Side setback, minimum 12 feet or 1/2 of the height of the building, whichever is greater.

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**CESSORY STRUCTURE: UNIVERSITY 3 TRANSECT**

<b>SETBACK</b>	
<b>A</b>	<b>SIDE SETBACK</b> Minimum 3 Feet
<b>B</b>	<b>REAR SETBACK</b> Minimum 3 Feet
<b>C</b>	<b>FRONT SETBACK</b> Minimum 20 feet
<b>D</b>	<b>MAXIMUM SQUARE FEET</b> 500 square feet (building footprint) Accessory buildings shall be located behind principal buildings and structures.

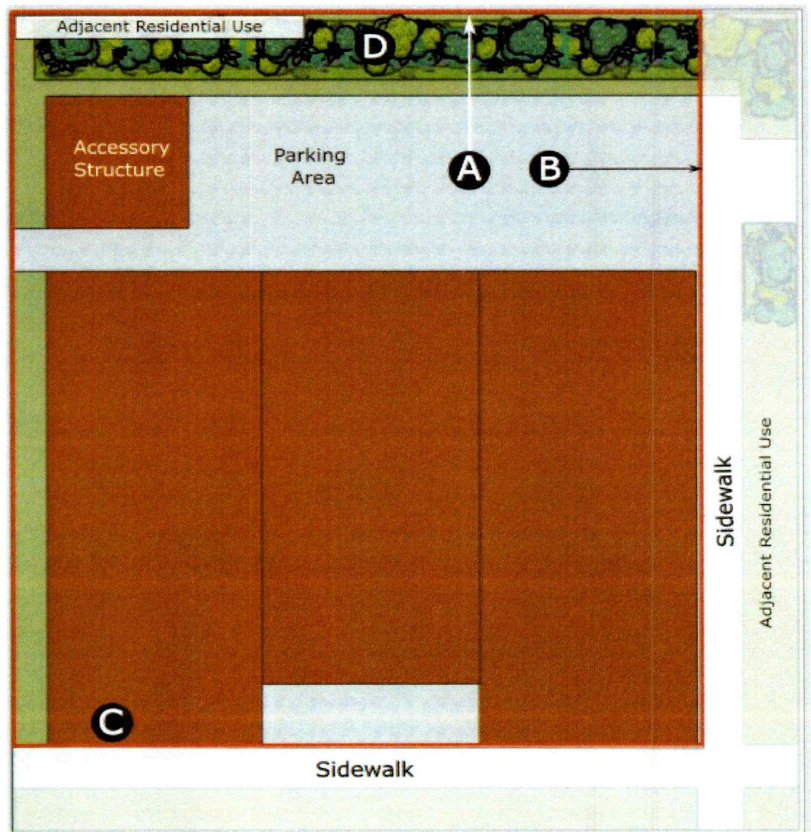


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**PARKING DESIGN: UNIVERSITY 3 TRANSECT**

- A. Parking setback, from front facade, minimum 20 feet
- B. Parking areas set back from lot lines and streets. No part of any parking area, other than driveways for ingress and egress, shall be located closer to a lot line than five feet nor closer to a sidewalk than 10 feet. Parking shall be located behind the front façade of any principal building. Parking in front yards is prohibited. Any parking area adjacent to a residential use or R zoning district shall be screened with either a fence or vegetative barrier. The expansion or alteration of existing parking areas shall be in conformance with this code and shall require the installation of any required buffering.
  - 1. Exception: The repair and maintenance of lawfully existing parking areas where there is no change in paving material (example: the change from gravel to asphalt or concrete), size, drive lanes or number of parking spaces.
- C. Existing uses shall not be required to provide additional parking.

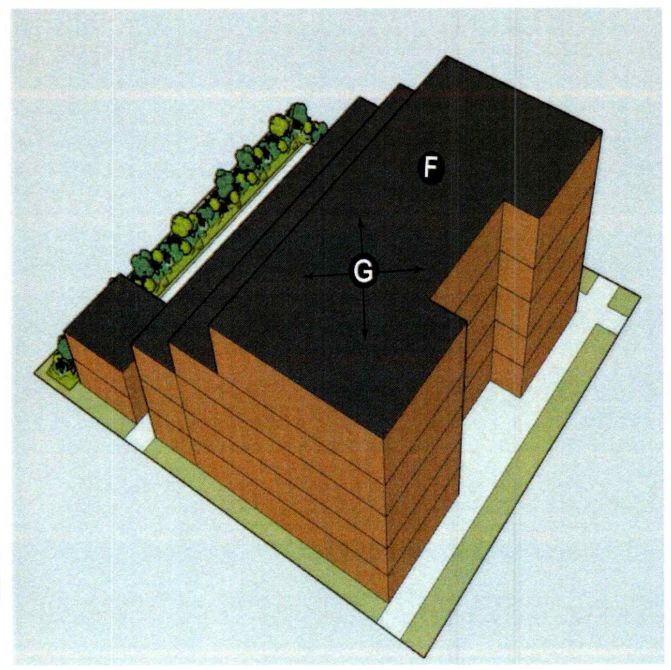
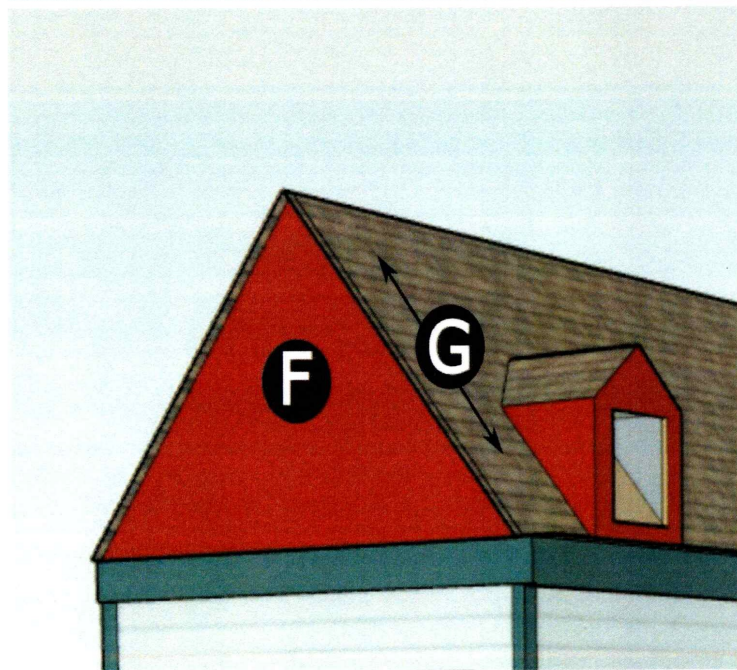
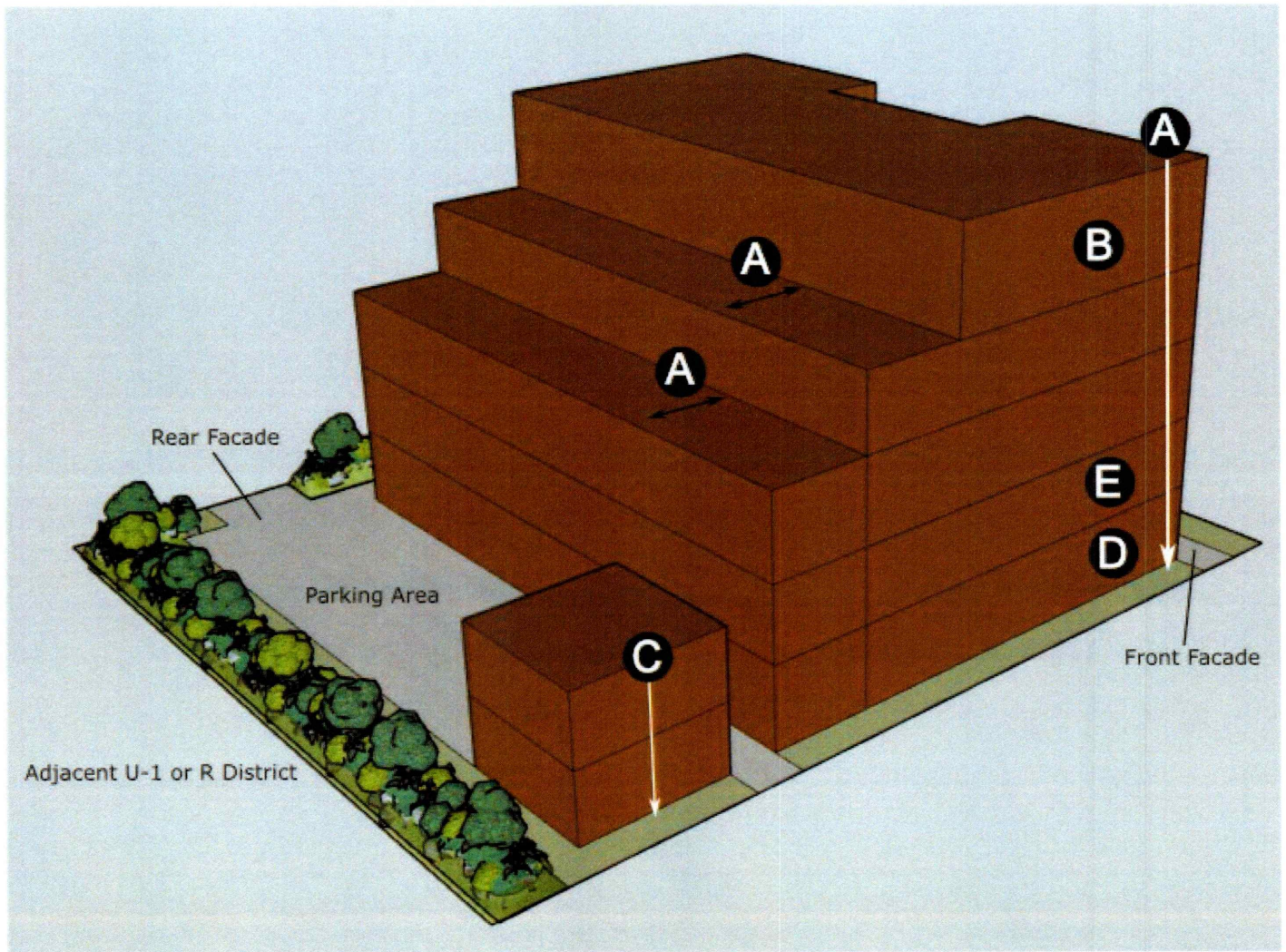
<b>PARKING DESIGN: UNIVERSITY 3 TRANSECT</b>	
<b>A</b>	<b>LOT LINE SETBACK</b> Minimum 5 Feet
<b>B</b>	<b>SIDEWALK SETBACK</b> Minimum 10 Feet
<b>C</b>	<b>FRONT FAÇADE LINE</b> Parking shall be located behind the front façade of any principal building.
<b>D</b>	<b>VEGETATIVE BARRIER</b> Any parking area adjacent to a residential use or R zoning district shall be screened with either a fence or vegetative barrier.



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PRINCIPAL HEIGHT AND ROOF TYPE: UNIVERSITY 3 TRANSECT



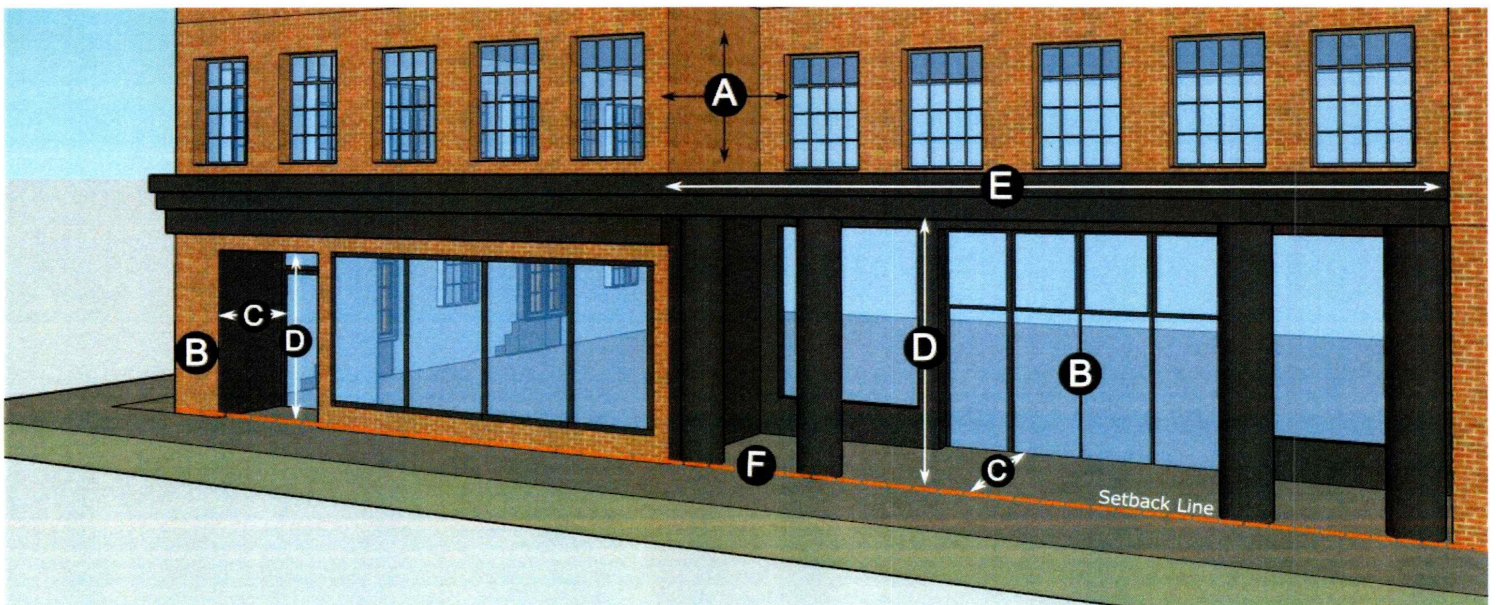
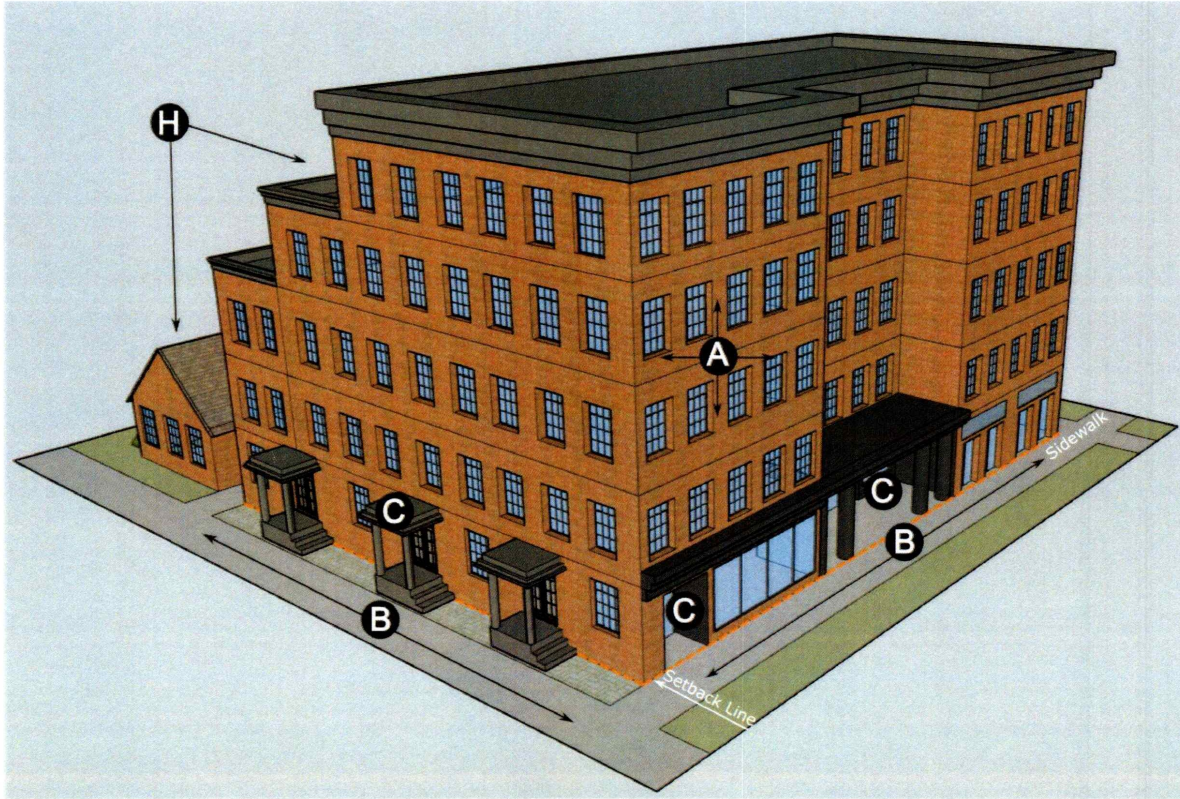
**PRINCIPAL HEIGHT AND ROOF TYPE: UNIVERSITY 3 TRANSECT**

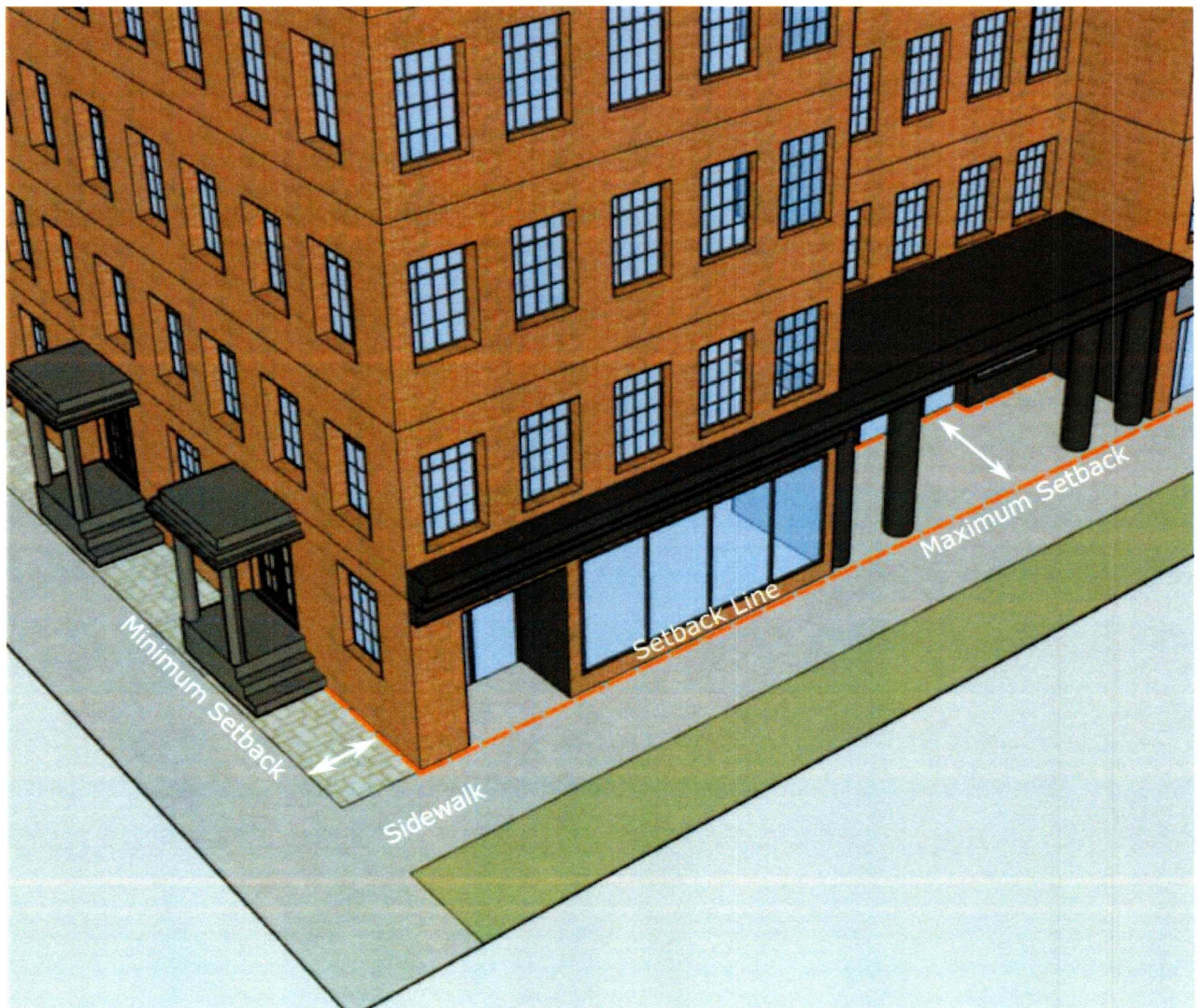
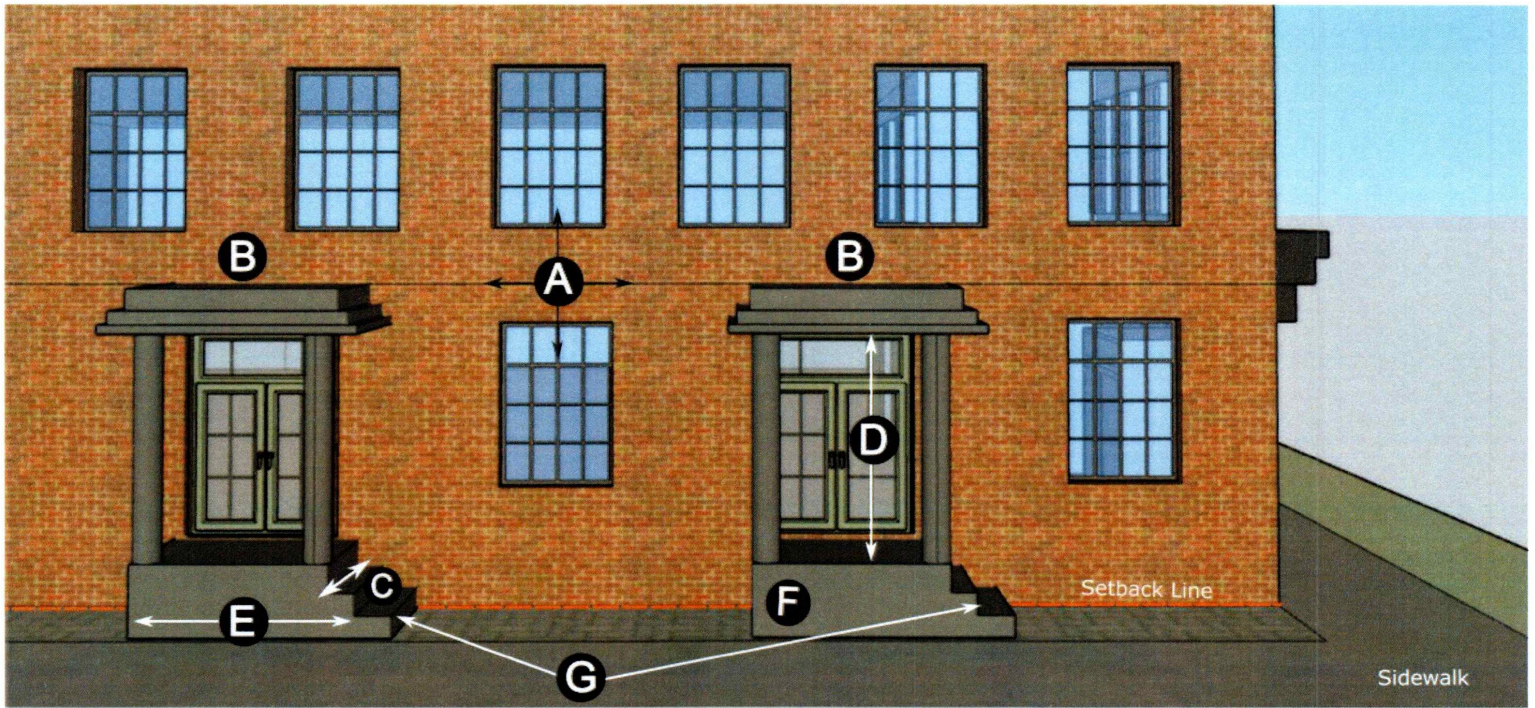
<b>A</b>	<p><b>PRINCIPAL BUILDING</b> Maximum (stories/feet) 5/70 Minimum (stories/feet) 2/20</p> <p>Where a proposed development is within 40 feet of a residential use located in a U1 or R district the maximum building height shall be 3 stories with a step-back of 15' per additional building story up to max. permitted. The required step shall be on the frontage adjacent to the U1 or R district.</p>
<b>B</b>	<p><b>HABITABLE UPPER STORY</b> A habitable upper story in a structure with a pitched roof within the U transects must be fully contained within the pitched roof. Projecting eaves and dormers are permitted. The aggregate width of the dormers cannot exceed 50% of the width of the roof on the side where the dormers are located. The Planning Commission as part of a site plan review may approve alternative dormer design if the requirements of this code are infeasible or if compliance with the New York State Uniform Code requires a window as part of a required egress pathway.</p> <p>Top story (floor to roofline) NYS Building/Residential Code for floor height.</p>
<b>C</b>	<p><b>ACCESSORY STRUCTURE</b> Maximum (stories/feet) 2/20 Minimum (stories/feet) NA</p>
<b>D</b>	<p><b>FLOOR HEIGHT (PRINCIPAL BUILDING)</b> Street-level (floor to floor) Minimum Residential: 9 feet Non-Residential: 12 Feet</p>
<b>E</b>	<p><b>FLOOR HEIGHT (PRINCIPAL BUILDING)</b> Additional floors (floor to floor) Minimum 9 feet Top story (floor to roofline) NYS Building/Residential Code for floor height.</p>
<b>F</b>	<p><b>PRINCIPAL ROOF TYPE</b> Pitched or Flat Roof</p>
<b>G</b>	<p><b>PITCH OF PRINCIPAL GABLE</b> Minimum/Maximum 6:12/12:12 Flat roof permitted.</p> <p>Existing Structures: Italianate roofs shall be maintained in their existing form and shall not be converted to a pitched roof.</p>

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### SITE ACTIVATION: UNIVERSITY 3 TRANSECT

- A. New Principal Building: Porch/Stoop/Recessed Entry. Required
- B. Existing Principal Building: Existing covered porches/stoops shall be maintained, including all architectural millwork, detailing and articulation, this shall include both enclosed and unenclosed porches. Existing open porches shall not be enclosed, new enclosed porches shall be prohibited. Existing enclosed porches shall not be altered unless it is to bring them into compliance with this code.





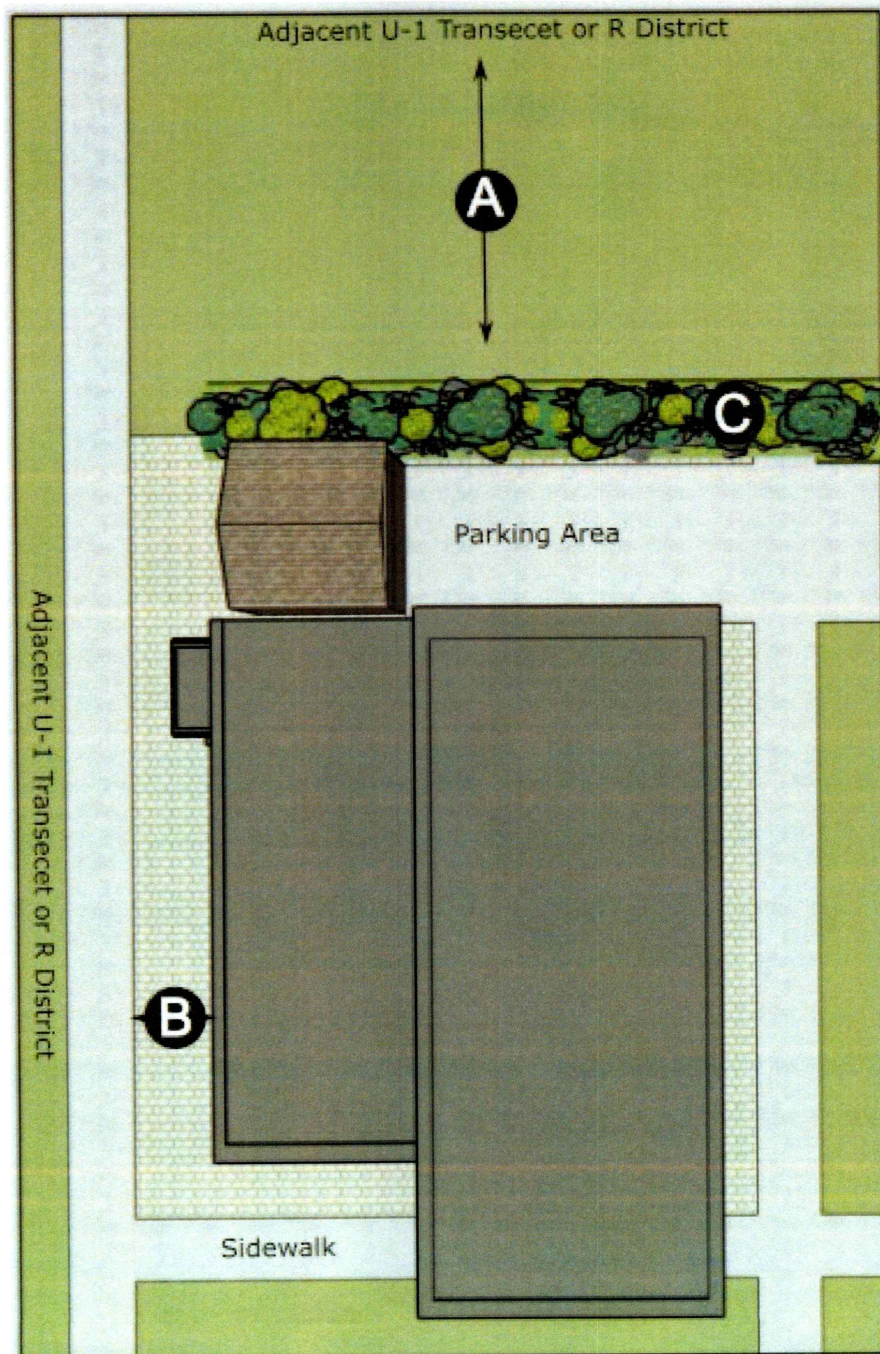
**SITE ACTIVATION: UNIVERSITY 3 TRANSECT**

<p align="center"><b>A</b></p>	<p><b>BLANK WALL</b> Blank wall with no architectural articulation, maximum 12 feet any direction. No alteration shall increase the level of non-conformity with this code. No repair shall increase the level of non-conformity with this code.</p>		
<p align="center"><b>B</b></p>	<p><b>DOORS AND ENTRIES</b> Distance between functioning street-facing entries on all streets, maximum 35 feet Required primary entries and doors shall include architectural articulation using millwork, color, material or wall setbacks. Any articulation shall repeat and build on the existing form, scale, massing and architectural detailing of the structure. Alterations shall be in compliance with this code. No alteration shall increase the level of non-conformity with this code. No repair shall increase the level of non-conformity with this code.</p>		
<p align="center"><b>C</b></p>	<p><b>FRONT PORCH DEPTH</b> Maximum (depth) 12 Feet Minimum (depth) 6 Feet</p>	<p><b>STOOP</b> Maximum (depth) 5 Feet Minimum (depth) NA Feet</p>	<p><b>RECESSED ENTRY</b> Maximum (depth) 10 Feet Minimum (depth) 5 Feet</p>
<p align="center"><b>D</b></p>	<p><b>PORCH CLEAR HEIGHT / STOOP / RECESSED ENTRY</b> Minimum (floor to ceiling) 8 feet</p>		
<p align="center"><b>E</b></p>	<p><b>FRONT PORCH / STOOP WIDTH</b> A front porch must cover at least 33% of the street-level story facade width of the building. A front stoop may have a maximum width of six (6) feet.</p>		
<p align="center"><b>F</b></p>	<p><b>PORCH / STOOP ENCROUCHMENT OF SETBACK</b> A porch/stoop is not considered a part of the building façade when determining building location and may encroach into a required setback where existing adjacent structures provide an average porch/stoop setback. If there are no adjacent porches/stoops the required setback shall be the build to line for any proposed porch/stoop. Steps for ingress and egress shall not be included in this measurement.</p>		
<p align="center"><b>G</b></p>	<p><b>PORCH / STOOP STEPS</b> Steps for ingress and egress shall not be included in setback measurements. Stoops shall contain stairs leading to the ground level. Stairs may exit off the front of the stoop or be side loaded. This code shall not prevent approved accessibility requirements if a ramp is required.</p>		
<p align="center"><b>H</b></p>	<p><b>DORMERS</b> A habitable upper story in a structure with a pitched roof within the U-3 transect must be fully contained within the pitched roof. Projecting eaves and dormers are permitted. The aggregate width of the dormers cannot exceed 50% of the width of the roof on the side where the dormers are located. The Planning Commission, as part of a site plan review, may approve alternative dormer design if the requirements of this code are infeasible or if compliance with the New York State Uniform Code requires a window as part of a required egress pathway.</p>		

**U-3 SETBACKS WITHIN 100 FEET OF A U-1 OR R DISTRICT:**

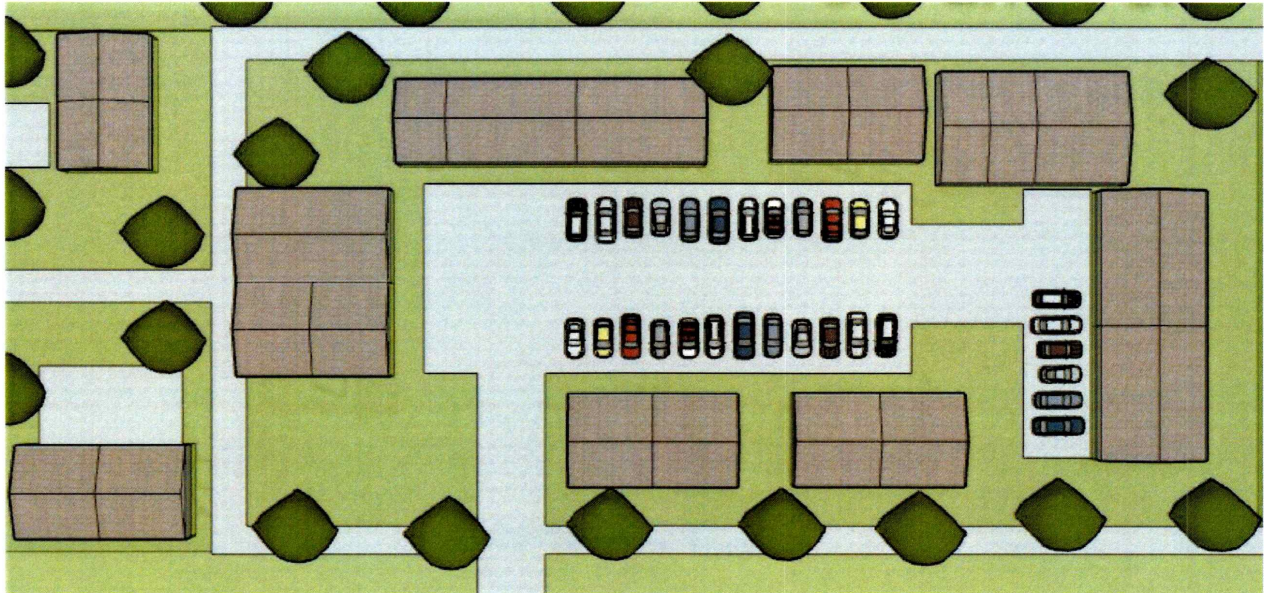
A. If a proposed development is within 100 feet of an adjacent U-1 or R district:

<b>SETBACK: 100 feet of U-1 or R District</b>	
<b>A</b>	<b>REAR SETBACK</b> Minimum 40 Feet
<b>B</b>	<b>SIDE SETBACK</b> Minimum 12 Feet or 1/2 of the height of the proposed development, whichever is greater.
<b>C</b>	<b>VEGETATIVE SCREEN</b> May encroach into minimum setback



**§300-13-16 MULTI-UNIT DEVELOPMENT IN U DISTRICTS**

A. Multi-unit development shall contain no more than six dwelling units per building and shall be in the form of single-family dwellings, attached dwellings, or small-scale multi-family when located within 100 feet of any property that is in a U-1 or R district.



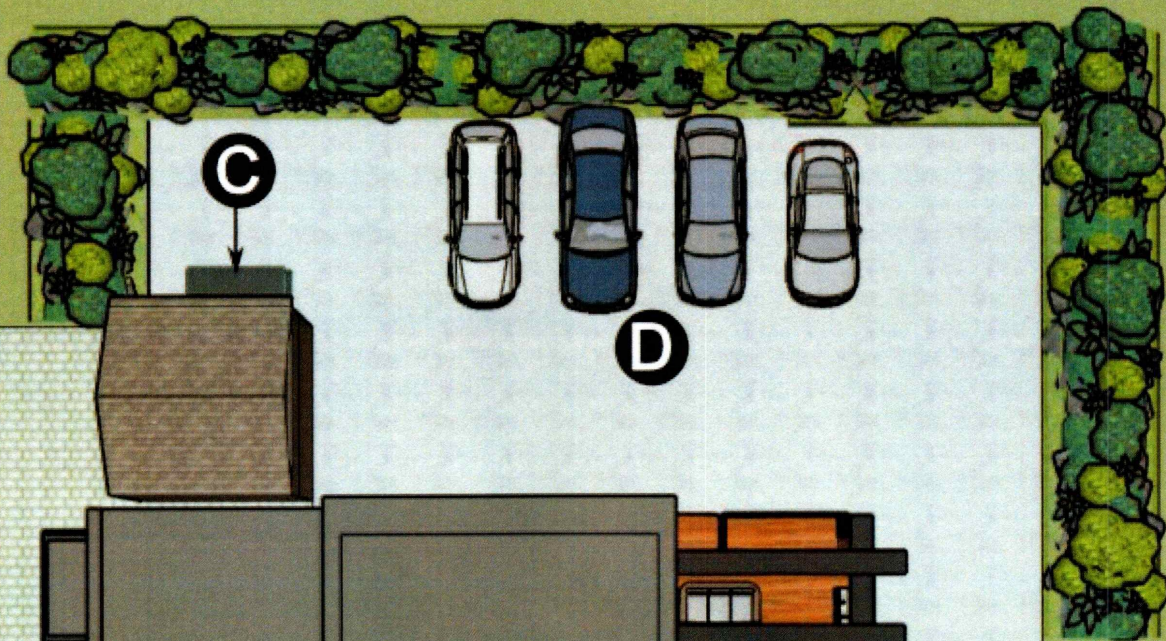
**§300-13-17 ADDITIONAL EXTERIOR REQUIREMENTS**

A. All new multi-family projects, whether stand alone or part of a mixed-use project, abutting property in a U-1 or R district shall comply with the following regulations:

<b>ADDITIONAL EXTERIOR REQUIREMENTS</b>	
<b>A</b>	There shall be no outdoor recreation areas or uses allowed within any setback required to buffer a development in the U-3 transect and any adjacent U-1 or R districts.
<b>B</b>	Active recreation areas (including courtyards, swimming pools, tennis courts, basketball, and volleyball courts) shall be located away from abutting U-1 and R district properties and shall be oriented to minimize noise impacts on adjacent properties.
<b>C</b>	There shall be no dumpsters, recycling bins, or other trash/waste disposal facilities placed in the required setback area. All dumpsters, recycling bins, or other trash/waste disposal facilities shall be in the rear yard and screened in a manner approved by the City of Oneonta Code Enforcement Office.
<b>D</b>	Parking areas, other than driveways for ingress and egress, shall be located in the rear of the property and screened in accordance with this code.

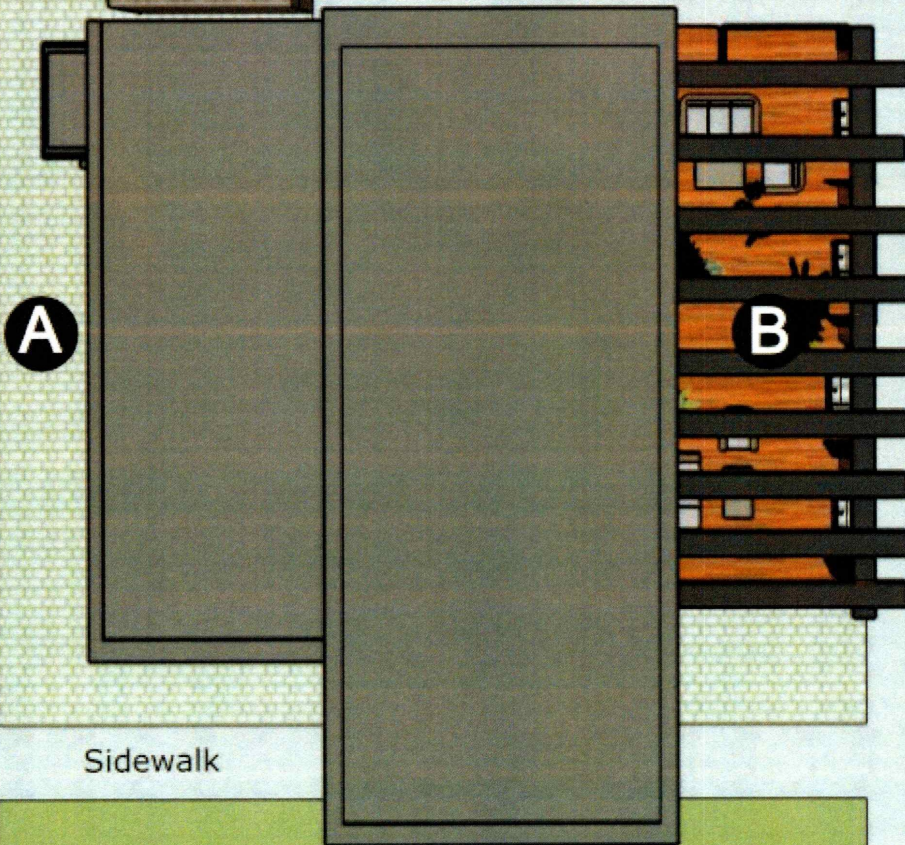
Adjacent U-1 Transect or R District

A



D

A



B

A

Sidewalk

Adjacent U-1 Transect or R District



### **§300-13-18 LAND USE**

- A. Permitted use categories (P) shall be permitted by right. Non-permitted uses (NP) shall be prohibited. The New York State Building Code provides examples of each category and may be used as a reference when determining use compatibility. The Planning Commission shall provide written findings of fact when a question of intent or compatibility of a particular use is identified.
- B. A lot or property shall be occupied by a principal permitted use. Accessory uses and structures are allowed in conjunction with a permitted principal use.
- C. Multiple principal uses may be established at any primary building or parcel as long as the uses are all permitted in the district and the building and use are in compliance with all local and state codes.
- D. The following shall be approved use categories in the City of Oneonta:
  1. The assembly category includes, among others, the use of a building or structure, or a portion thereof, for the gathering of persons for purposes such as civic, social or religious functions; recreation, food or drink consumption or awaiting transportation.
  2. The business category includes, among others, the use of a building or structure, or a portion thereof, for office, professional or service-type transactions, including storage of records and accounts.
  3. The educational category includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes through the 12th grade.
  4. The factory category includes, among others, the use of a building or structure, or a portion thereof, for assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair or processing operations. The factory category must include on site retail of goods and shall not create conditions that would be considered harmful or a nuisance to surrounding uses.
  5. The institutional category includes, among others, the use of a building or structure, or a portion thereof, in which care or supervision is provided to persons who are or are not capable of self-preservation without physical assistance or in which persons are detained for penal or correctional purposes or in which the liberty of the occupants is restricted. The institutional use category is not permitted in the U zone.
  6. The mercantile category includes, among others, the use of a building or structure or a portion thereof for the display and sale of merchandise, and involves stocks of goods, wares or merchandise incidental to such purposes and accessible to the public.
  7. The residential category includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional category.
  8. The storage occupancy includes, among others, the use of a building or structure, or a portion thereof, for storage that is not classified as a hazardous occupancy.
  9. The utility category includes buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy.

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Principal Use						
	U1		U2		U3	
	<i>P</i>	<i>NP</i>	<i>P</i>	<i>NP</i>	<i>P</i>	<i>NP</i>
<b>Assembly</b>		Adult Uses *	X	Adult Uses *	X	Adult Uses *
<b>Business</b>		Vehicle Sales, Car Wash, Ambulatory Care Facilities, Food Processing not Associated with a Restaurant, Automotive Repair, Motor vehicle showrooms, Airport traffic control towers	X	Vehicle Sales, Car Wash, Ambulatory Care Facilities, Food Processing not Associated with a Restaurant, Automotive Repair, Motor vehicle showrooms, Airport traffic control towers	X	Vehicle Sales, Car Wash, Ambulatory Care Facilities, Automotive Repair, Motor vehicle showrooms, Airport traffic control towers
<b>Educational</b>		X	X		X	
<b>Mercantile</b>		Department Stores, Motor Fuel Dispensing	X	Motor Fuel Dispensing	X	Motor Fuel Dispensing
<b>Residential</b>	X ***	Alcohol and drug centers, Assisted living facilities, Congregate care facilities, Group homes, Halfway houses, Residential board and care facilities, Social rehabilitation facilities, Fraternities and Sororities, Boarding houses	X ***	Alcohol and drug centers, Assisted living facilities, Congregate care facilities, Group homes, Halfway houses, Residential board and care facilities, Social rehabilitation facilities, Fraternities and Sororities, Boarding houses	X ***	Alcohol and drug centers, Assisted living facilities, Congregate care facilities, Group homes, Halfway houses, Residential board and care facilities, Social rehabilitation facilities, Boarding houses, Transient and Short Term Rental
<b>Parking Lot</b>		X		X		X
Accessory Uses **						
<b>Accessory Storage Spaces</b>	X	Self-service storage facility (mini-storage), Tires bulk storage, Junk yard, vehicle storage	X	Self-service storage facility (mini-storage), Tires bulk storage, Junk yard, vehicle storage	X	Self-service storage facility (mini-storage), Tires bulk storage, Junk yard, vehicle storage
<b>Utility</b>	X	Aircraft hangars, Communication equipment structures, Grain silos, Livestock shelters, Stables, Tanks, Towers, Live fire training facilities	X	Aircraft hangars, Communication equipment structures, Grain silos, Livestock shelters, Stables, Tanks, Towers, Live fire training facilities	X	Aircraft hangars, Communication equipment structures, Grain silos, Livestock shelters, Stables, Tanks, Towers, Live fire training facilities
<b>Factory</b>	X		X		X	
Uses Permitted by Special Use Permit						
<b>Assembly</b>	X					
<b>Business</b>	X					
<b>Educational</b>	X					
<b>Mercantile</b>	X					
<b>Residential</b>						

\* Adult uses are prohibited in all use categories in the U 1-3 District

\*\* Not permitted as a principal use in the zone. Accessory use in accordance with this code.

\*\*\* Apartments containing four (4) or more dwelling units shall have no more than 50% of the total units occupied for transient or short-term occupancy.

**Section 2.** This ordinance shall become effective immediately upon passage and filing with the City Clerk.

**LAI D TO COMMON COUNCIL:**

March 21, 2023

**APPROVED BY THE COMMON COUNCIL:**

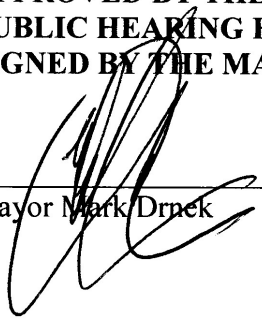
June 6, 2023

**PUBLIC HEARING HELD:**

June 20, 2023

**SIGNED BY THE MAYOR:**

June 21, 2023



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Mayor Mark Drnek

