



Legislation Text

File #: 150789, **Version:** 2

150789 SUBSTITUTE 2

THE CHAIR

A substitute ordinance relating to zoning regulations for adult establishments.

295-201-11 cr
295-201-403 cr
295-201-488 cr
295-201-526 cr
295-203-10-L cr
295-403-2-a (table) am
295-425 cr
295-503-1 (table) am
295-603-1 (table) am
295-703-1 (table) am
295-803-1 (table) am
295-803-2-ee rn
295-803-2-ee cr
295-803-2-ff rn
295-803-2-gg rn
295-803-2-hh rn
295-803-2-ii rn
295-803-2-jj rn
295-803-2-kk rn
295-803-2-LL rn
295-803-2-mm rn
295-803-2-nn rn
295-803-2-oo rn
295-803-2-pp rn
295-803-2-qq rn
295-903-2-a (table) am
295-905-2-a (table) am

This ordinance defines an “adult establishment” as a tavern, restaurant, assembly hall or similar commercial establishment that regularly offers live semi-nude conduct. No establishment shall avoid classification as an adult establishment by offering nude conduct.

This ordinance further classifies an adult establishment as a prohibited use in all zoning districts except the industrial-light (IL) district, where an adult establishment is a limited use. The limited use standards shall be as follows:

1. It shall be unlawful to establish, operate, or cause to be operated an adult establishment in the city

within 400 feet of another adult establishment.

2. It shall be unlawful to establish, operate, or cause to be operated an adult establishment unless the establishment meets both of the following standards:

a. The adult establishment is at least 400 feet from any residential zoning district.

b. The adult establishment is at least 400 feet from any parcel of land on which a dwelling, religious assembly, licensed child day care center, or elementary or secondary school is located.

3. The zoning or use of land in adjacent jurisdictions shall not disqualify any location within the city from being available to an adult establishment.

4. An adult establishment in a location that satisfies these standards shall not be deemed noncompliant with these standards by virtue of the subsequent establishment or expansion of a protected land use or residential district.

Whereas, Adult establishments require special supervision from the public safety agencies of the city of Milwaukee in order to protect and preserve the health, safety, and welfare of the patrons of such businesses as well as the citizens of Milwaukee; and

Whereas, The common council finds that adult establishments, as a category of establishments, are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and

Whereas, There is convincing documented evidence that adult establishments, as a category of establishments, have deleterious secondary effects and are often associated with crime and adverse effects on surrounding properties; and

Whereas, The common council desires to minimize and control these adverse effects and thereby;

1. Protect the health, safety, and welfare of residents.

2. Protect residents from crime.

3. Preserve the quality of life and character of surrounding neighborhoods.

4. Deter the spread of urban blight.

; and

Whereas, The city intends to regulate adult establishments through narrowly-tailored regulations designed to serve the substantial government interest in preventing the negative secondary effects of adult establishments; and

Whereas, The city's regulations shall be narrowly construed to accomplish this end; and

Whereas, The city recognizes its constitutional duty to interpret and construe its laws to comply with constitutional requirements as they are announced; and

Whereas, With the passage of any ordinance, the city and the common council accept as binding the applicability of general principles of criminal and civil law and procedure and the rights and obligations under the U.S. and Wisconsin Constitutions, Wisconsin Statutes, and the Wisconsin rules of civil and criminal procedure; and

Whereas, It is not the intent of this ordinance to suppress any speech activities protected by the U.S. Constitution or the Wisconsin Constitution, but to enact legislation to further the content-neutral governmental interests of the city, to wit, the controlling of secondary effects of adult establishments; and

Whereas, Based on findings, interpretations and narrow constructions incorporated in the following cases:

City of Littleton v. Z.J. Gifts D-4, L.L.C., 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Sewell v. Georgia*, 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); and *Blue Canary Corp. v. City of Milwaukee*, 251 F.3d 1121 (7th Cir. 2001); *Blue Canary Corp. v. City of Milwaukee*, 270 F.3d 1156 (7th Cir. 2001); *Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *Andy's Restaurant & Lounge, Inc. v. City of Gary*, 466 F.3d 550 (7th Cir. 2006); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Schultz v. City of Cumberland*, 26 F. Supp. 2d 1128 (W.D. Wisc. 1998), *aff'd in part, rev'd in part*, 228 F.3d 831 (7th Cir. 2000); *Matney v. County of Kenosha*, 86 F.3d 692 (7th Cir. 1996); *Berg v. Health & Hospital Corp.*, 865 F.2d 797 (7th Cir. 1989); *DiMa Corp. v. Town of Hallie*, 185 F.3d 823 (7th Cir. 1999); *Annex Books, Inc. v. City of Indianapolis*, 926 F. Supp. 2d 1039 (S.D. Ind. 2013), *rev'd by* 740 F.3d 1136 (7th Cir. 2014); *Graff v. City of Chicago*, 9 F.3d 1309 (7th Cir. 1993); *North Avenue Novelties, Inc. v. City of Chicago*, 88 F.3d 441 (7th Cir. 1996); *Chulchian v. City of Indianapolis*, 633 F.2d 27 (7th Cir. 1980); *Tee & Bee, Inc. v. City of West Allis*, 936 F. Supp. 1479 (E.D. Wis. 1996); *Urmanski v. Town of Bradley*, 237 Wis. 2d 545 (Wis. Ct. App. 2000); *City News & Novelty, Inc. v. City of Waukesha*, 231 Wis. 2d 93 (Wis. Ct. App. 1999); *East of the River Enters. II, L.L.C. v. City of Hudson*, 238 Wis. 2d 842 (Wis. Ct. App. 2000); *Entm't Prods., Inc. v. Shelby County*, 721 F.3d 729 (6th Cir. 2013); *Lund v. City of Fall River*, 714 F.3d 65 (1st Cir. 2013); *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (4th Cir. 2010); *LLEH, Inc. v. Wichita County*, 289 F.3d 358 (5th Cir. 2002); *Ocello v. Koster*, 354 S.W.3d 187 (Mo. 2011); *84 Video/Newsstand, Inc. v. Sartin*, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); *Plaza Group Properties, LLC v. Spencer County Plan Commission*, 877 N.E.2d 877 (Ind. Ct. App. 2007); *Flanigan's Enters., Inc. v. Fulton County*, 596 F.3d 1265 (11th Cir. 2010); *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County*, 588 F.3d 372 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Peek-a-Boo Lounge v. Manatee County*, 630 F.3d 1346 (11th Cir. 2011); *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Heideman v. South Salt Lake City*, 348 F.3d

1182 (10th Cir. 2003); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville*, 635 F.3d 1266 (11th Cir. 2011); *H&A Land Corp. v. City of Kennedale*, 480 F.3d 336 (5th Cir. 2007); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995); *Fantasy Ranch, Inc. v. City of Arlington*, 459 F.3d 546 (5th Cir. 2006); *Richland Bookmart, Inc. v. Knox County*, 555 F.3d 512 (6th Cir. 2009); *Richland Bookmart, Inc. v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *DCR, Inc. v. Pierce County*, 964 P.2d 380 (Wash. Ct. App. 1998); *Fantasyland Video, Inc. v. County of San Diego*, 505 F.3d 996 (9th Cir. 2007); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005);

and on reports concerning secondary effects occurring in and around adult establishments, including, but not limited to:

“Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD,” *Journal of Urban Health* (2011); “Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime?” *Crime & Delinquency* (2012) (Louisville, KY); Metropolis, Illinois - 2011-12; Manatee County, Florida - 2007; Hillsborough County, Florida - 2006; Clarksville, Indiana - 2009; El Paso, Texas - 2008; Memphis, Tennessee - 2006; New Albany, Indiana - 2009; Louisville, Kentucky - 2004; Fulton County, GA - 2001; Chattanooga, Tennessee - 1999-2003; Jackson County, Missouri - 2008; Ft. Worth, Texas - 2004; Kennedale, Texas - 2005; Greensboro, North Carolina - 2003; Dallas, Texas - 1997; Houston, Texas - 1997, 1983; Phoenix, Arizona - 1995-98, 1979; Tucson, Arizona - 1990; Spokane, Washington - 2001; St. Cloud, Minnesota - 1994; Austin, Texas - 1986; Indianapolis, Indiana - 1984; Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Oklahoma City, Oklahoma - 1986; New York, New York Times Square - 1994; the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); Dallas, Texas - 2007; “Rural Hotspots: The Case of Adult Businesses,” 19 *Criminal Justice Policy Review* 153 (2008); “Stripclubs According to Strippers: Exposing Workplace Sexual Violence,” by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; “Sexually Oriented Businesses: An Insider’s View,” by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; Sex Store Statistics and Articles; Law Enforcement and Private Investigator Affidavits (Adult Cabarets in Forest Park, GA and Sandy Springs, GA); and Strip Club-Trafficking Documents

the common council finds:

1. Adult establishments, as a category of commercial uses, are associated with a wide variety of adverse secondary effects, including, but not limited to, personal and property crimes, human trafficking, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
2. Adult establishments should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other adult establishments, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of adult establishments in one area.

3. Each of the foregoing negative secondary effects constitutes a harm which the city has a substantial government interest in preventing or abating. This substantial government interest in preventing secondary effects, which is the city's rationale for this section, exists independent of any comparative analysis between sexually-oriented and non-sexually-oriented businesses. Additionally, the city's interest in regulating adult establishments extends to preventing future negative secondary effects of either current or future adult establishments that may locate in the city. The common council finds that the cases and documentation relied on in this ordinance are reasonably believed to be relevant to the secondary effects.

; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 295-201-11, 403, 488 and 526 of the code is created to read:

295-201. Definitions.

11. ADULT ESTABLISHMENT means a tavern, restaurant, assembly hall or similar commercial establishment that regularly offers live semi-nude conduct. No establishment shall avoid classification as an adult establishment by offering nude conduct.

403. NUDITY or NUDE CONDUCT means the showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

488. REGULARLY means the consistent and repeated doing of an act on an ongoing basis.

526. SEMI-NUDE or SEMI-NUDITY means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition includes the lower portion of the human female breast, but does not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

Part 2. Section 295-203-10-L is created to read:

295-203. Use Definitions.

10. ENTERTAINMENT AND RECREATION USES.

L. "Adult establishment" means a tavern, restaurant, assembly hall or similar commercial establishment that regularly offers live semi-nude conduct. No establishment shall avoid classification as an adult establishment by offering nude conduct.

Part 3. Table 295-403-2-a of the code is amended to read:

Table 295-403-2-a NUMBER OF PARKING SPACES REQUIRED, BY USE

Uses	No. of Parking Spaces Required
RESIDENTIAL USES	
Single-family dwelling	no min.; max. of 4 spaces
Two-family dwelling	no min.; max. of 4 spaces on the premises
Multi-family dwelling: <u>Zoning Districts</u>	<u>Min. ratio of parking spaces to dwelling units*</u> RM1, RM2, RM3, RM4, RO1, NS1, LB1, RB1 1:1 RT4, RM5, RM6, RM7, RO2, NS2, LB2, LB3, RB2, CS, C9A, IM 2:3 * Note: In RM6, RM7, C9A and IM districts, a private elderly housing project shall have one parking space for every 2 dwelling units; in other zoning districts, a private elderly housing project shall have 2 parking spaces for every 3 dwelling units. Public housing for low-income families and public or federally-assisted low-income elderly housing projects shall provide one parking space for every 2 dwelling units.
Permanent supportive housing	one for every 5 dwelling units
Transitional housing	one for every 5 dwelling units
Attached single-family dwelling	no min.; max. of 4 spaces
Live-work unit	one for each live/work unit in the building
Mobile home	N.A.
Watchman/service quarters	None
Family day care home	see requirement for dwelling unit type
GROUP RESIDENTIAL USES	
Rooming house	one for every 2 rooms
Convent, rectory or monastery	one per facility
Dormitory	one for every 15 beds or fraction thereof
Fraternity or sorority	one for every 2 rooms
Adult family home	One
<i>Foster Homes</i>	
Foster family home	One
Small foster home	One
Group home or group foster home	One
<i>Shelter Care Facilities</i>	
Family shelter care facility	One
Small group shelter care facility	One
Large group shelter care facility	One
Community living arrangement	One
EDUCATIONAL USES	
Day care center	None (limited use) or as required by the board (special use)
School, elementary or secondary	None
College	None
School, personal instruction	None
COMMUNITY-SERVING USES	
Library	None

Cultural institution	None
Community center	as required by the board for special use approval
Religious assembly	one for every 6 seats in the assembly hall
Cemetery or other place of interment	None
Public safety facility	None
Correctional facility	None
COMMERCIAL AND OFFICE USES	
General office	one for each 250 sq. ft. of the first 2,000 sq. ft. of gross floor area; one for each 1,000 sq. ft. of gross floor area in excess of 2,000 sq. ft.
Government office	see general office
Bank or other financial institution	see general office
Currency exchange, payday loan or title loan agency	see general retail establishment
Installment loan agency	see general retail establishment
Cash-for-gold business	see general retail establishment
Pawn shop	see general retail establishment
Retail establishment, general	one for each 500 sq. ft. of gross floor area on the first floor; one for each 1,000 sq. ft. of gross floor area on the 2 nd floor and above
Garden supply or landscaping center	see general retail establishment
Home improvement center	see general retail establishment
Secondhand store	see general retail establishment
Outdoor merchandise sales	one for each 500 sq. ft. of outdoor or indoor space devoted to the display of goods for sale
Artist studio	None
Adult retail establishment	see general retail establishment
HEALTH CARE AND SOCIAL ASSISTANCE USES	
Medical office	see general office
Health clinic	see general office
Hospital	one for every 4 beds
Medical research laboratory	see general office
Medical service facility	see general office
Social service facility	see general office
Emergency residential shelter	as required by the board for special use approval
Nursing home	one for every 4 beds
GENERAL SERVICE USES	
Personal service establishment	see general office
Business service	see general office
Building maintenance service	see general office
Catering service	see general office

Funeral home	one for each 100 square feet of floor area of a chapel, parlor or other room used for funeral services, but not less than 4 spaces
Laundromat	see general retail establishment
Dry cleaning establishment	see general retail establishment
Furniture and appliance rental and leasing	see general retail establishment
Household maintenance and repair service	see general retail establishment
Tool/equipment rental facility	see general retail establishment
<i>Animal Services</i>	
Animal hospital/clinic	see general retail establishment
Animal boarding facility	see general retail establishment
Animal grooming or training facility	see general retail establishment
MOTOR VEHICLE USES	
<i>Light Motor Vehicle</i>	
Sales facility	none (permitted use) or as required by the board (special use)
Rental facility	none (permitted or limited use) or as required by the board (special use)
Repair facility	as required by the board for special use approval
Body shop	none (permitted use) or as required by the board (special use)
Outdoor storage	none (permitted use) or as required by the board (special use)
Wholesale facility	None
<i>Heavy Motor Vehicle</i>	
Sales facility	none (permitted use) or as required by the board (special use)
Rental facility	none (permitted use) or as required by the board (special use)
Repair facility	none (permitted use) or as required by the board (special use)
Body shop	none (permitted use) or as required by the board (special use)
Outdoor storage	none (permitted use) or as required by the board (special use)
<i>General Motor Vehicle</i>	
Filling station	as required by the board for special use approval
Car wash	none
Drive-through facility	none
<i>Parking</i>	
Parking lot, principal use	N.A.
Parking lot, accessory use	N.A.
Parking structure, principal use	N.A.
Parking structure, accessory use	N.A.
Heavy motor vehicle parking lot, principal	N.A.
Heavy motor vehicle parking lot, accessory	N.A.
ACCOMODATION AND FOOD SERVICE USES	
Bed and breakfast	one for each sleeping room, plus one additional space

Hotel, commercial	one for every 1,000 square feet, or fraction thereof, of gross floor area on the ground floor or above
Hotel, residential	one for every 2 sleeping rooms
Tavern	see general retail establishment
Assembly hall	one for every 1,000 square feet of gross floor area or fraction thereof
Brewpub	see general retail establishment
Restaurant, sit-down	see general retail establishment
Restaurant, fast-food/carry-out	see general retail establishment
ENTERTAINMENT AND RECREATION USES	
Park or playground	none
Festival grounds	none
Recreation facility, indoor	see general retail establishment
Recreation facility, outdoor	as required by the board for special use approval
Health club	see general retail establishment
Sports facility	as required by the board for special use approval
Gaming facility	N.A.
Theater	one for every 100 square feet of floor area in the theater auditorium
Convention and exposition center	as required by the board for special use approval
Marina	none
Outdoor racing facility	as required by the board for special use approval
>>Adult establishment	see general retail establishment<<
STORAGE, RECYCLING AND WHOLESALE TRADE USES	
Recycling collection facility	nNone
Mixed-waste processing facility	none
Material reclamation facility	none
Salvage operation, indoor	none
Salvage operation, outdoor	none
Wholesale and distribution facility, indoor	none
Wholesale and distribution facility, outdoor	none
<i>Storage Facilities</i>	
Indoor	none
Self-service	none
Outdoor	none
Hazardous materials	none
TRANSPORTATION USES	
Ambulance service	see general office
Ground transportation service	see general office

Ground transportation service	see general office
Passenger terminal	none
Helicopter landing facility	none
Airport	none
Ship terminal or docking facility	none
Truck freight terminal	none
Railroad switching, classification yard or freight terminal	none
INDUSTRIAL USES	
Alcohol beverage facility, micro	none
Alcohol beverage facility, large	none
Food processing	none
Manufacturing, light	none
Manufacturing, heavy	none
Manufacturing, intense	none
Research and development	none
Processing or recycling of mined materials	none
Contractor's shop	see general office
Contractor's yard	none
AGRICULTURAL USES	
Plant nursery or greenhouse	none
Raising of crops or livestock	none
Community garden	none
Commercial farming enterprise	none
UTILITY AND PUBLIC SERVICE USES	
Broadcasting or recording studio	see general office
Transmission tower	see general office
Water treatment plant	see general office
Sewerage treatment plant	see general office
Power generation plant	see general office
Small wind energy system	none
Solar farm	none
Substation/distribution equipment, indoor	see general office
Substation/distribution equipment, outdoor	see general office
TEMPORARY USES	
Seasonal market	none
Temporary real estate sales office	none
Temporary concrete/batch plant	none
Live entertainment special event	none

Part 4. Section 295-425 of the code is created to read:

295-425. Adult Establishments.

1. PURPOSE. It is a purpose of this section to regulate adult establishments to promote the health, safety, and general welfare of the residents of the city, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult establishments within the city. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of, or reasonable access to, any communicative materials, including sexually-oriented materials. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment to the U.S. Constitution, or to deny access by the distributors and exhibitors of sexually-oriented entertainment to their intended market. Neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material.

2. FINDINGS AND RATIONALE. Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the common council, on findings, interpretations, and narrowing constructions incorporated in the cases cited in the preamble to common council file number 150789, and upon reports concerning secondary effects occurring in and around adult establishments, including, but not limited to the reports cited in the preamble to common council file number 150789, the common council finds:

a. Adult establishments, as a category of commercial uses, are associated with a wide variety of adverse secondary effects, including, but not limited to, personal and property crimes, human trafficking, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.

b. Adult establishments should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other adult establishments, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of adult establishments in one area.

c. Each of the negative secondary effects identified in par. a. constitutes a harm which the city has a substantial government interest in preventing or abating. This substantial government interest in preventing secondary effects, which is the city's rationale for this section, exists independent of any comparative analysis between sexually-oriented and non-sexually-oriented businesses. Additionally, the city's interest in regulating adult establishments extends to preventing future secondary effects of either current or future adult establishments that may locate in the city. The common council finds that the cases and documentation relied on in this section are reasonably believed to be relevant to said secondary effects.

3. ADOPTION AND INCORPORATION. The city adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of adult establishments, including the judicial opinions and reports related to such secondary effects.

4. LIMITED USE STANDARDS. Whenever an adult establishment is a limited use, the adult establishment shall satisfy the following standards:

a. It shall be unlawful to establish, operate, or cause to be operated an adult establishment in the city within 400 feet of another adult establishment. Measurement for this subsection shall be made in a straight line without regard to intervening structures or objects, between the closest parts of the structures occupied by the two adult establishments. Where an adult establishment is within a multi-tenant development, the measurement shall be to or from the closest part of the tenant space occupied by the adult establishment.

b. It shall be unlawful to establish, operate, or cause to be operated an adult establishment in the city, unless the adult establishment meets both of the following standards:

b-1. The adult establishment is at least 400 feet from any residential zoning district.

b-2. The adult establishment is at least 400 feet from any parcel of land on which a dwelling, religious assembly, licensed child day care center, or elementary or secondary school is located.

c. For the purpose of par. b, measurement shall be made in a straight line from the closest part of any structure occupied by the adult establishment to the closest property line of the zoned property and uses identified in subds. b-1 and 2. Where a use identified in subd. b-2 is located in a multi-tenant development, the distance shall be measured to the closest part of the tenant space occupied by that use rather than the property line of the entire development, so as to maximize the number of locations available to adult establishments.

d. The zoning or use of land in adjacent jurisdictions shall not disqualify any location within the city from being available to an adult establishment.

e. Notwithstanding any provision in this section to the contrary, an adult establishment in a location that satisfies the standards of this subsection shall not be deemed noncompliant with this subsection by virtue of the subsequent establishment or expansion of a land use or residential district specified in this subsection.

Part 5. Table 295-503-1 of the code is amended to read:

Table 295-503-1 RESIDENTIAL DISTRICTS USE TABLE									
Y = Permitted	Zoning Districts								
Prohibited									
Uses	R S1 - R S5	RS 6	RT1- RT2	RT3	RT4	RM 1- RM 2	RM3- RM7	RO 1	RO2
RESIDENTIAL USES									
Single-Family	Y	Y	Y	Y	Y	Y	Y	Y	Y
Two-Family	L	L	Y	Y	Y	Y	Y	Y	Y
Multi-Family	N	N	L	L	L	Y	Y	Y	Y

Perm	N	N	N	N	N	Y	Y	Y	Y
Trans	N	N	N	N	S	S	S	S	S
Attac	N	N	L	L	L	Y	Y	Y	Y
Live	N	N	N	L	L	L	L	Y	Y
Mobil	N	N	N	N	N	N	N	N	N
Watch	N	N	N	N	N	N	N	N	N
Famil	L	L	L	L	L	L	L	L	L
GROUP RESIDENTIAL USES									
Room	N	N	N	N	S	S	S	S	S
Conv	Y	Y	Y	Y	Y	Y	Y	Y	Y
Dorm	N	N	N	N	S	S	S	S	S
Frate	N	N	N	N	S	S	S	S	S
Adult	L	L	L	L	L	L	L	L	L
Foste									
Fos	Y	Y	Y	Y	Y	Y	Y	Y	Y
Sm	L	L	L	L	L	L	L	L	L
Gro	L	L	L	L	L	L	L	L	L
Shelt									
Fan	Y	Y	Y	Y	Y	Y	Y	Y	Y
Sm	L	L	L	L	L	L	L	L	L
Lar	N	N	N	N	S	S	S	S	S
Comr	L	L	L	L	L	L	L	L	L
EDUCATIONAL USES									
Day c	L	L	L	L	L	L	L	L	L
Scho	Y	Y	Y	Y	Y	Y	Y	Y	Y
Colle	N	N	N	N	S	S	S	Y	Y
Scho	N	L	N	L	L	N	L	Y	Y
COMMUNITY-SERVING USES									
Librar	Y	Y	Y	Y	Y	Y	Y	Y	Y
Cultu	N	L	N	L	L	L	L	L	L
Comr	N	S	N	N	S	S	S	S	S
Religi	Y	Y	Y	Y	Y	Y	Y	Y	Y
Ceme	N	N	N	N	N	N	N	N	N
Public	Y	Y	Y	Y	Y	Y	Y	Y	Y
Corre	N	N	N	N	N	N	N	N	N
COMMERCIAL AND OFFICE USES									
Gene	N	L	N	L	L	N	L	Y	Y
Gove	N	L	N	L	L	N	L	Y	Y

Bank	N	L	N	L	L	N	L	Y	Y
Curre	N	N	N	N	N	N	N	N	N
Instal	N	N	N	N	N	N	N	N	N
Cash	N	N	N	N	N	N	N	N	N
Pawn	N	N	N	N	N	N	N	N	N
Retail	N	L	N	L	L	N	L	L	L
Garden	N	N	N	N	N	N	N	N	N
Home	N	N	N	N	N	N	N	N	N
Seco	N	N	N	N	N	N	N	S	S
Outdo	N	N	N	N	N	N	N	N	N
Artist	N	L	N	L	L	N	L	Y	Y
Adult	N	N	N	N	N	N	N	N	N
HEALTH CARE AND SOCIAL ASSISTANCE USES									
Medic	N	L	N	L	L	N	L	Y	Y
Health	N	N	N	N	N	N	S	S	S
Hosp	N	N	N	N	N	N	N	N	N
Medic	N	N	N	N	N	N	N	N	N
Medic	N	N	N	N	N	N	N	N	N
Social	N	N	N	N	S	N	S	S	S
Emer	N	N	N	N	N	S	S	S	S
Nursi	N	S	N	N	S	S	S	S	S
GENERAL SERVICE USES									
Pers	N	L	N	L	L	N	L	Y	Y
Busin	N	S	N	L	S	N	S	L	L
Build	N	N	N	N	N	N	N	N	N
Cater	N	L	N	L	L	N	L	L	L
Funer	N	L	N	L	L	N	L	Y	Y
Laund	N	N	N	L	N	N	N	L	L
Dry c	N	L	N	L	L	N	L	L	L
Furni	N	N	N	N	N	N	N	N	N
Hous	N	N	N	N	N	N	N	N	N
Tool/e	N	N	N	N	N	N	N	N	N
Anim									
Ani	N	N	N	N	N	N	N	N	N
Ani	N	N	N	N	N	N	N	N	N
Ani	N	N	N	N	N	N	N	N	N
MOTOR VEHICLE USES									
Light									

Sal	N	N	N	N	N	N	N	N	N
Res	N	N	N	N	N	N	N	N	N
Rep	N	N	N	N	N	N	N	N	N
Bod	N	N	N	N	N	N	N	N	N
Out	N	N	N	N	N	N	N	N	N
Whi	N	N	N	N	N	N	N	N	N
Heav									
Sal	N	N	N	N	N	N	N	N	N
Res	N	N	N	N	N	N	N	N	N
Rep	N	N	N	N	N	N	N	N	N
Bod	N	N	N	N	N	N	N	N	N
Out	N	N	N	N	N	N	N	N	N
Gene									
Filli	N	N	N	N	N	N	N	N	N
Car	N	N	N	N	N	N	N	N	N
Driv	N	N	N	N	N	N	N	N	N
Parki									
Par	N	S	N	N	S	S	S	S	S
Par	Y	L	Y	Y	L	Y	L	Y	L
Par	N	N	N	N	N	N	S	S	S
Par	N	N	N	N	N	Y	Y	Y	L
Hea	N	N	N	N	N	N	N	N	N
Hea	N	N	N	N	N	N	N	N	N
ACCOMMODATION AND FOOD SERVICE USES									
Bed &	S	L	L	L	L	L	L	Y	Y
Hotel	N	N	N	N	N	N	N	N	S
Hotel	N	N	N	N	N	N	N	N	Y
Taver	N	L	N	L	L	N	L	N	S
Brew	N	N	N	N	N	N	N	N	N
Asses	N	N	N	N	N	N	N	N	L
Resta	N	L	N	L	L	N	L	Y	Y
Resta	N	L	N	L	L	N	L	L	L
ENTERTAINMENT AND RECREATION USES									
Park	Y	Y	Y	Y	Y	Y	Y	Y	Y
Festiv	N	N	N	N	N	N	N	N	N
Recre	N	N	N	N	N	N	N	S	S
Recre	N	N	N	N	N	N	N	N	N
Health	N	N	N	N	N	N	N	Y	Y

Sport	N	N	N	N	N	N	N	N	N
Gami	N	N	N	N	N	N	N	N	N
Theat	N	N	N	N	N	N	N	L	L
Conv	N	N	N	N	N	N	N	N	N
Marin	N	N	N	N	N	N	N	N	N
Outdd	N	N	N	N	N	N	N	N	N
>>Ad	N	N	N	N	N	N	N	N	N<<
STORAGE, RECYCLING AND WHOLESALE TRADE USES									
Recyl	N	N	N	N	N	N	N	S	S
Mixed	N	N	N	N	N	N	N	N	N
Mate	N	N	N	N	N	N	N	N	N
Salva	N	N	N	N	N	N	N	N	N
Salva	N	N	N	N	N	N	N	N	N
Whol	N	N	N	N	N	N	N	N	N
Whol	N	N	N	N	N	N	N	N	N
Stora									
Indd	N	N	N	N	N	N	N	N	N
Self	N	N	N	N	N	N	N	N	N
Out	N	N	N	N	N	N	N	N	N
Haz	N	N	N	N	N	N	N	N	N
TRANSPORTATION USES									
Ambu	N	N	N	N	N	N	N	N	N
Grou	N	N	N	N	N	N	N	N	N
Pass	N	N	N	N	N	N	N	N	N
Helic	N	N	N	N	N	N	N	N	N
Airpo	N	N	N	N	N	N	N	N	N
Ship	N	N	N	N	N	N	N	N	N
Truck	N	N	N	N	N	N	N	N	N
Railro	N	N	N	N	N	N	N	N	N
INDUSTRIAL USES									
Alcoh	N	N	N	N	N	N	N	N	N
Alcoh	N	N	N	N	N	N	N	N	N
Food	N	N	N	N	N	N	N	N	N
Manu	N	N	N	N	N	N	N	N	N
Manu	N	N	N	N	N	N	N	N	N
Manu	N	N	N	N	N	N	N	N	N
Rese	N	N	N	N	N	N	N	N	N
Proce	N	N	N	N	N	N	N	N	N

Contr	N	N	N	N	N	N	N	N	N
Contr	N	N	N	N	N	N	N	N	N
AGRICULTURAL USES									
Plant	Y	Y	Y	Y	Y	Y	Y	Y	Y
Raisi	L	L	L	L	L	L	L	L	L
Comr	Y	Y	Y	Y	Y	Y	Y	Y	Y
Comr	S	S	S	S	S	S	S	S	S
UTILITY AND PUBLIC SERVICE USES									
Broad	N	N	N	N	N	N	N	N	N
Trans	L	L	L	L	L	L	L	L	L
Water	S	S	S	S	S	S	S	S	S
Sewa	N	N	N	N	N	N	N	N	N
Powe	N	N	N	N	N	N	N	N	N
Small	L	L	L	L	L	L	L	L	L
Solar	Y	Y	Y	Y	Y	Y	Y	Y	Y
Subs	S	S	S	S	S	S	S	S	S
Subs	L	L	L	L	L	L	L	L	L
TEMPORARY USES									
Seas	L	L	L	L	L	L	L	L	L
Temp	L	L	L	L	L	L	L	L	L
Conc	L	L	L	L	L	L	L	L	L
Live	L	L	L	L	L	L	L	L	L

Part 6. Table 295-603-1 of the code is amended to read:

Table 295-603-1 COMMERCIAL DISTRICTS USE TABLE								
Zoning Districts								
Use								
NS1	NS2	LB1	LB2	LB3	RB1	RB2	CS	
RESIDENTIAL USES								
Singl	Y	Y	Y	Y	Y	Y	Y	Y
Two-	Y	Y	Y	Y	Y	Y	Y	Y
Multi	Y	Y	Y	Y	Y	Y	Y	Y
Perm	Y	Y	Y	Y	Y	Y	Y	Y
Trans	S	S	S	S	S	S	S	S
Attac	Y	Y	Y	Y	Y	Y	Y	Y
Live-	Y	Y	Y	Y	Y	Y	Y	Y
Mobi	N	N	N	N	N	N	N	N
Watch	N	N	N	N	N	N	N	N

Fami	L	L	L	L	L	L	L
GROUP RESIDENTIAL USES							
Room	S	S	S	S	S	S	S
Conv	Y	Y	Y	Y	Y	Y	Y
Dorm	S	S	S	S	S	S	S
Frate	S	S	S	S	S	S	S
Adult	L	L	L	L	L	L	L
<i>Foster Homes</i>							
Fos	Y	Y	Y	Y	Y	Y	Y
Sm	L	L	L	L	L	L	L
Grd	L	L	L	L	L	L	L
<i>Shelter Care Facilities</i>							
Far	Y	Y	Y	Y	Y	Y	Y
Sm	L	L	L	L	L	L	L
Lar	S	S	S	S	S	S	S
Com	L	L	L	L	L	L	L
EDUCATIONAL USES							
Day c	S	S	S	S	S	S	S
Scho	Y	Y	Y	Y	Y	Y	Y
Colle	Y	Y	Y	Y	Y	Y	Y
Scho	Y	Y	Y	Y	Y	Y	Y
COMMUNITY-SERVING USES							
Libra	Y	Y	Y	Y	Y	Y	Y
Cultu	Y	Y	Y	Y	Y	Y	Y
Com	S	S	S	S	S	S	S
Relig	S	S	S	S	Y	Y	Y
Ceme	N	N	N	N	N	N	N
Publi	Y	Y	Y	Y	Y	Y	Y
Corre	N	N	N	N	N	N	N
COMMERCIAL AND OFFICE USES							
Gene	Y	Y	Y	Y	Y	Y	Y
Gove	Y	Y	Y	Y	Y	Y	Y
Bank	Y	Y	Y	Y	Y	Y	Y
Curre	S	S	S	S	S	S	S
Insta	S	S	S	S	S	S	S
Cash	S	S	S	S	S	S	S
Pawr	S	S	S	S	S	S	S
Reta	L	L	L	L	L	L	L

Gard	N	N	Y	Y	Y	Y	Y	N
Home	N	N	S	S	S	Y	Y	Y
Seco	S	S	S	S	S	S	S	S
Outd	S	S	S	S	S	S	S	S
Artist	Y	Y	Y	Y	Y	Y	Y	Y
Adult	N	N	N	N	N	S	S	N
HEALTH CARE AND SOCIAL ASSISTANCE USES								
Medi	Y	Y	Y	Y	Y	Y	Y	Y
Healt	S	S	S	S	S	S	S	S
Hosp	N	N	S	S	S	S	S	N
Medi	N	N	S	S	S	S	Y	N
Medi	N	N	S	S	S	S	S	N
Socia	S	S	S	S	S	S	S	S
Emer	S	S	S	S	S	S	S	S
Nurs	S	S	Y	Y	Y	Y	Y	S
GENERAL SERVICE USES								
Perso	Y	Y	Y	Y	Y	Y	Y	Y
Busin	Y	Y	Y	Y	Y	Y	Y	Y
Build	N	N	S	S	S	Y	Y	Y
Cater	Y	Y	Y	Y	Y	Y	Y	Y
Fune	Y	Y	Y	Y	Y	Y	Y	Y
Laun	Y	Y	Y	Y	Y	Y	Y	Y
Dry c	Y	Y	Y	Y	Y	Y	Y	Y
Furni	S	S	Y	Y	Y	Y	Y	S
Hous	Y	Y	Y	Y	Y	Y	Y	Y
Tool	Y	Y	Y	Y	Y	Y	Y	Y
<i>Animal Services</i>								
Ani	L	L	L	L	L	L	L	L
Ani	L	L	L	L	L	L	L	L
Ani	L	L	L	L	L	L	L	L
MOTOR VEHICLE USES								
<i>Light Motor Vehicle</i>								
Sal	N	N	S	S	S	Y	Y	S
Rel	L	L	L	L	L	Y	Y	Y
Re	N	N	S	S	S	S	S	N
Bod	N	N	S	S	S	S	S	N
Out	N	N	S	S	S	S	S	N
Wh	L	L	L	L	L	L	L	L

<i>Heavy Motor Vehicle</i>								
Sal	N	N	S	S	S	S	S	N
Reg	N	N	S	S	S	S	S	N
Reg	N	N	N	N	N	S	S	N
Boo	N	N	N	N	N	S	S	N
Out	N	N	N	N	N	S	S	N
<i>General Motor Vehicle</i>								
Fill	N	N	S	S	S	S	S	N
Car	N	N	L	L	L	L	L	N
Dir	L	L	L	L	L	L	L	L
<i>Parking</i>								
Par	L	L	L	L	L	Y	L	L
Par	Y	L	Y	L	L	Y	Y	Y
Par	S	S	L	L	L	L	L	S
Par	Y	L	Y	L	L	Y	Y	Y
Hea	N	N	S	S	S	S	S	N
Hea	S	S	S	S	S	S	S	S
ACCOMMODATION AND FOOD SERVICE USES								
Bed	Y	Y	Y	Y	Y	Y	Y	Y
Hotel	Y	Y	Y	Y	Y	Y	Y	Y
Hotel	Y	Y	Y	Y	Y	Y	Y	Y
Tave	L	L	Y	Y	Y	Y	Y	L
Brew	S	S	Y	Y	Y	Y	Y	Y
Assembly	L	L	L	L	L	L	L	L
Resta	Y	Y	Y	Y	Y	Y	Y	Y
Resta	L	L	L	L	L	L	L	L
ENTERTAINMENT AND RECREATION USES								
Park	Y	Y	Y	Y	Y	Y	Y	Y
Festi	N	N	N	N	N	N	N	N
Recre	S	S	S	S	S	S	S	S
Recre	S	S	S	S	S	S	S	S
Healt	Y	Y	Y	Y	Y	Y	Y	Y
Sport	N	N	S	S	S	S	S	N
Gam	N	N	N	N	N	N	N	N
Thea	L	L	Y	Y	Y	Y	Y	L
Conv	N	N	S	S	S	S	S	N
Marin	Y	Y	Y	Y	Y	Y	Y	Y
Out	N	N	N	N	N	N	N	N

>>Ad	N	N	N	N	N	N	N	N<<
STORAGE, RECYCLING AND WHOLESALE TRADE USES								
Recy	S	S	S	S	S	S	S	S
Mixed	N	N	N	N	N	N	N	N
Mate	N	N	N	N	N	N	N	N
Salva	N	N	N	N	N	N	S	N
Salva	N	N	N	N	N	N	N	N
Whol	S	S	L	L	L	L	L	L
Whol	N	N	S	S	S	S	S	N
<i>Storage Facilities</i>								
Ind	S	S	L	L	L	L	L	L
Sel	N	N	N	N	N	N	N	S
Out	N	N	S	S	S	S	S	N
Haz	N	N	N	N	N	N	N	N
TRANSPORTATION USES								
Ambu	N	N	S	S	S	Y	Y	S
Grou	N	N	S	S	S	S	L	N
Pass	N	N	Y	Y	Y	Y	Y	N
Helic	N	N	S	S	S	S	S	N
Airpo	N	N	N	N	N	N	N	N
Ship	N	N	N	N	N	N	N	N
Truck	N	N	N	N	N	N	N	N
Railro	N	N	N	N	N	N	N	N
INDUSTRIAL USES								
Alcohol beverag	N	N	L	L	L	L	L	Y
Alcohol be	N	N	N	N	N	N	N	N
Food proc	N	N	L	L	L	L	L	L
Manufactu	N	N	L	L	L	L	L	N
Manufactu	N	N	N	N	N	N	N	N
Manufactu	N	N	N	N	N	N	N	N
Research	N	N	S	S	S	S	S	N
Processing	N	N	N	N	N	N	N	N
Contractor	N	N	L	L	L	L	L	N
Contractor	N	N	S	S	S	S	S	N
AGRICULTURAL USES								
Plant	S	S	S	S	S	S	S	S
Raisi	S	S	S	S	S	S	S	S

Com	S	S	S	S	S	S	S
Com	S	S	S	S	S	S	S
UTILITY AND PUBLIC SERVICE USES							
Broad	N	N	Y	Y	Y	Y	N
Trans	L	L	L	L	L	L	L
Water	S	S	Y	Y	Y	Y	S
Sewer	N	N	N	N	N	N	N
Power	N	N	N	N	N	N	N
Small	S	S	S	S	S	S	S
Solar	S	S	S	S	S	S	Y
Subs	L	L	L	L	L	L	L
Subs	N	N	Y	Y	Y	Y	N
TEMPORARY USES							
Seas	L	L	L	L	L	L	L
Temp	L	L	L	L	L	L	L
Conc	L	L	L	L	L	L	L
Live	L	L	L	L	L	L	L

Part 7. Table 295-703-1 of the code is amended to read:

Table 295-703-1 DOWNTOWN DISTRICTS USE TABLE								
Y = Permitted	Zoning Districts							
Use	C9A	C9B	C9C	C9D	C9E	C9F	C9G	C9H
RESIDENTIAL USES								
Sing	Y	Y	L	L	L	L	L	N
Two	Y	Y	L	L	L	L	L	N
Mult	Y	Y	L	L	L	L	L	N
Per	Y	Y	Y	Y	Y	Y	Y	N
Tran	S	S	S	S	S	S	S	N
Atta	Y	Y	L	L	L	L	L	N
Live	Y	Y	L	L	L	L	L	S
Mot	N	N	N	N	N	N	N	N
Wat	N	N	N	N	N	N	N	Y
Fan	L	L	L	L	L	L	L	N
GROUP RESIDENTIAL USES								
Rod	S	S	S	S	S	S	S	N
Con	Y	Y	Y	Y	Y	Y	Y	N
Dor	S	S	S	S	S	S	S	N
Frat	S	S	S	S	S	S	S	N

Adul	L	L	L	L	L	L	L	N
Fos								
FoY	Y	Y	Y	Y	Y	Y	Y	N
SrL	L	L	L	L	L	L	L	N
GL	L	L	L	L	L	L	L	N
She								
FaY	Y	Y	Y	Y	Y	Y	Y	N
SrL	L	L	L	L	L	L	L	N
LaS	S	S	S	S	S	S	S	N
ConL	L	L	L	L	L	L	L	N
EDUCATIONAL USES								
DayS	S	S	S	S	S	S	S	S
SchY	Y	Y	Y	Y	S	Y	Y	S
CollS	S	S	S	Y	S	S	Y	Y
SchS	Y	Y	S	S	S	S	Y	S
COMMUNITY-SERVING USES								
LibrY	Y	Y	Y	Y	S	Y	Y	N
CultL	L	Y	Y	Y	S	Y	Y	N
ConS	S	S	S	S	S	S	S	S
ReliY	Y	Y	Y	Y	L	Y	L	N
CenN	N	N	N	N	N	N	N	N
PubY	Y	Y	Y	Y	Y	Y	Y	Y
CorN	N	N	N	S	N	N	N	N
COMMERCIAL AND OFFICE USES								
GerL	Y	Y	Y	Y	L	Y	Y	Y
GovL	Y	Y	Y	Y	L	Y	Y	Y
BanL	Y	Y	Y	Y	Y	Y	Y	N
CurN	S	S	S	S	S	S	S	S
InstN	S	S	S	S	S	S	S	S
CasN	S	S	S	S	S	S	S	S
PavN	S	S	S	S	S	S	S	S
RetL	Y	Y	S	Y	Y	Y	Y	S
GarN	N	N	N	N	N	N	S	S
HonN	N	N	N	N	N	N	N	S
SecN	S	S	N	S	S	S	Y	S
OutS	S	S	S	N	S	S	Y	S
ArtisL	Y	Y	N	L	L	L	Y	S
AdulN	N	N	N	N	N	N	S	S

HEALTH CARE AND SOCIAL ASSISTANCE USES								
MedL		Y	Y	Y	L	Y	Y	Y
HeaS		S	S	S	L	Y	Y	N
HosS		S	S	S	N	S	S	N
MedN		S	S	S	S	Y	Y	Y
MedN		N	N	N	S	S	S	S
SocS		S	S	S	S	S	S	S
EmeN		S	S	S	N	N	S	N
NurS		S	S	N	N	N	N	N
GENERAL SERVICE USES								
PerL		Y	Y	S	Y	Y	Y	N
BusS		Y	Y	Y	L	Y	Y	Y
BuilN		S	S	N	L	Y	Y	Y
CatL		S	S	N	N	N	Y	Y
FunN		S	S	N	N	N	Y	N
LauS		Y	Y	N	S	Y	Y	N
DryL		Y	Y	Y	Y	Y	Y	N
FurN		S	S	N	S	S	S	S
HouN		Y	Y	N	Y	N	Y	Y
TooN		S	S	N	S	N	S	S
Anir								
ArN		N	S	N	S	S	S	S
ArN		N	N	N	N	N	N	N
ArN		N	S	N	S	S	S	S
MOTOR VEHICLE USES								
Ligh								
SaN		N	N	N	N	N	S	Y
RaL		L	L	L	L	L	L	L
RaL		S	S	N	S	S	S	S
BaL		N	N	N	N	N	N	S
ON		N	N	N	N	N	N	S
WN		L	L	N	L	L	L	L
Hea								
SaL		N	N	N	N	N	N	S
RaL		N	N	N	N	N	S	S
RaL		N	N	N	N	N	N	S
BaL		N	N	N	N	N	N	S
ON		N	N	N	N	N	N	S

Ger								
FiN	S	S	S	S	S	S	S	S
C:N	S	S	S	S	S	S	S	S
D:N	S	S	S	S	S	S	S	S
Par								
PaS	S	S	L	S	S	L	S	
PaL	S	S	L	S	S	L	S	
PaS	S	L	S	L	L	S	S	
PaL	L	L	L	L	L	L	L	
H:N	N	S	S	S	S	S	Y	
H:S	S	S	S	S	S	S	Y	
ACCOMMODATION AND FOOD SERVICE USES								
BedS	Y	Y	N	L	L	Y	N	
HotS	Y	Y	Y	Y	Y	Y	N	
HotY	Y	Y	N	Y	Y	Y	N	
TavS	Y	Y	Y	Y	Y	Y	Y	
BreN	Y	Y	Y	Y	Y	Y	Y	
AssL	L	Y	Y	L	Y	Y	Y	
ResL	Y	Y	Y	Y	Y	Y	Y	
ResL	L	L	L	L	L	L	L	
ENTERTAINMENT AND RECREATION USES								
ParY	Y	Y	Y	Y	Y	Y	Y	
FesN	N	N	N	N	N	N	N	
RecS	S	Y	Y	Y	Y	Y	Y	
RecN	S	S	S	N	N	S	S	
HeaL	L	Y	Y	L	Y	Y	Y	
SpoS	S	Y	Y	Y	Y	Y	Y	
GarS	S	S	S	S	S	S	S	
TheN	Y	Y	Y	Y	Y	Y	Y	
ConN	N	N	Y	Y	Y	Y	N	
MarN	Y	Y	Y	Y	Y	Y	Y	
OutN	N	N	N	N	N	N	N	
>>AN	N	N	N	N	N	N	N<<	
STORAGE, RECYCLING AND WHOLESALE TRADE US								
RecN	S	S	N	N	N	S	S	
MixN	N	N	N	N	N	N	N	
MatN	N	N	N	N	N	N	N	
SalN	N	N	N	N	N	N	N	

Salv	N	N	N	N	N	N	N	N
Whc	N	S	S	N	N	S	S	Y
Whc	N	N	N	N	N	N	N	N
Stor								
In	N	S	S	N	N	S	L	Y
Se	N	N	N	N	N	N	L	S
O	N	N	N	N	N	N	N	N
H	N	N	N	N	N	N	N	N
TRANSPORTATION USES								
Am	N	N	N	N	N	N	S	S
Gro	N	N	N	N	N	N	L	Y
Pas	S	S	S	S	S	S	Y	Y
Heli	N	S	S	S	S	S	S	S
Airp	N	N	N	N	N	N	N	N
Ship	N	N	N	N	N	N	Y	Y
Truc	N	N	N	N	N	N	N	N
Rail	N	N	N	N	N	N	Y	Y
INDUSTRIAL USES								
Alcd	N	L	L	L	L	L	Y	Y
Alcd	N	N	N	N	N	N	L	L
Foo	N	L	L	N	L	L	Y	Y
Mar	N	L	L	N	L	L	Y	Y
Mar	N	N	N	N	N	N	N	N
Mar	N	N	N	N	N	N	N	N
Res	N	Y	Y	N	Y	Y	Y	Y
Pro	N	N	N	N	N	N	N	N
Con	N	N	N	N	N	N	S	Y
Con	N	N	N	N	N	N	S	Y
AGRICULTURAL USES								
Plar	N	N	N	N	N	N	N	S
Rais	N	N	N	N	N	N	N	N
Con	S	S	S	S	S	S	S	S
Con	N	N	N	N	N	N	N	N
UTILITY AND PUBLIC SERVICE USES								
Bro	N	Y	Y	Y	L	Y	Y	Y
Tran	L	L	L	L	L	L	L	L
Wat	S	S	S	S	S	S	S	S
Sc	S	S	S	S	S	S	S	S

Sevs	S	S	S	S	S	S	S	S
Pow	N	N	N	N	N	N	N	N
Sma	Y	Y	Y	Y	Y	Y	Y	Y
Sola	S	S	S	S	S	S	S	S
Sub	S	S	S	S	S	S	S	Y
SubL	L	L	L	L	L	L	L	Y
TEMPORARY USES								
Sea	L	L	L	L	L	L	L	L
Tem	L	L	L	L	L	L	L	L
Cor	L	L	L	L	L	L	L	L
Live	L	L	L	L	L	L	L	L

Part 8. Table 295-803-1 of the code is amended to read:

Table 295-803-1 INDUSTRIAL DISTRICTS USE TABLE					
Y = Permitted	Zoning Districts				
Prohibited Use					
Uses	IO1/ IO2	IL1/ IL2	IC	IM	IH
RESIDENTIAL USES					
Single-family d	N	N	N	L	N
Two-family dw	N	N	N	L	N
Multi-family dv	N	N	N	L	N
Permanent su	N	N	N	L	N
Transitional hc	N	N	N	S	N
Attached singl	N	N	N	L	N
Live-work unit	N	N	N	Y	N
Mobile home	N	N	N	N	N
Watchman/se	Y	Y	Y	Y	Y
Family day ca	N	N	N	L	N
GROUP RESIDENTIAL USES					
Rooming hous	N	N	N	S	N
Convent, rect	N	N	N	L	N
Dormitory	N	N	N	S	N
Fraternity or s	N	N	N	S	N
Adult family hc	N	N	N	L	N
<i>Foster Homes</i>					
Foster family	N	N	N	L	N
Small foster	N	N	N	L	N
Group home	N	N	N	L	N

Shelter Care Facility					
Family shelter	N	N	N	L	N
Small group	N	N	N	L	N
Large group	N	N	N	S	N
Community living	N	N	N	L	N
EDUCATIONAL USES					
Day care center	S	S	N	S	S
School, elementary	N	N	N	S	N
College	S	S	N	S	N
School, postsecondary	S	S	Y	S	N
COMMUNITY-SERVING USES					
Library	N	N	N	Y	N
Cultural institution	N	N	L	L	N
Community center	N	N	N	S	N
Religious assembly	N	N	N	S	N
Cemetery or ossuary	N	N	N	N	N
Public safety facility	Y	Y	Y	Y	Y
Correctional facility	N	N	N	N	N
COMMERCIAL AND OFFICE USES					
General office	Y	Y	Y	Y	L
Government office	Y	Y	Y	Y	L
Bank or other financial institution	S	S	N	Y	N
Currency exchange	N	N	N	S	N
Installment loan business	N	N	N	S	N
Cash-for-gold business	N	N	N	S	N
Pawn shop	N	N	N	S	N
Retail establishment	N	N	L	Y	N
Garden supply	N	Y	Y	Y	N
Home improvement	N	Y	L	Y	N
Secondhand store	N	N	L	S	N
Outdoor market	N	N	N	L	N
Artist studio	N	Y	Y	Y	N
Adult retail establishment	N	N	N	S	N
HEALTH CARE AND SOCIAL ASSISTANCE					
Medical office	S	N	N	Y	N
Health clinic	L	N	N	S	N
Hospital	N	N	N	N	N
Medical research	Y	Y	Y	Y	N

Medical service	N	S	N	N	N
Social service	N	S	N	S	N
Emergency res	N	N	N	N	N
Nursing home	N	N	N	N	N
GENERAL SERVICE USES					
Personal serv	N	N	N	Y	N
Business serv	Y	S	Y	Y	N
Building maint	S	Y	Y	S	N
Catering servi	Y	Y	Y	Y	Y
Funeral home	N	N	N	Y	N
Laundromat	N	N	N	Y	N
Dry cleaning e	N	N	N	Y	N
Furniture and	N	N	N	Y	N
Household ma	N	Y	Y	Y	N
Tool/equipmen	N	Y	N	Y	N
<i>Animal Service</i>					
Animal hosp	N	Y	N	L	Y
Animal board	N	Y	N	L	Y
Animal groom	N	Y	N	L	Y
MOTOR VEHICLE USES					
<i>Light Motor Ve</i>					
Sales facility	L	S	N	S	S
Rental facilit	L	S	N	S	S
Repair facilit	L	S	N	S	L
Body shop	L	S	N	S	L
Outdoor stor	L	Y	N	S	Y
Wholesale fa	Y	Y	N	Y	Y
<i>Heavy Motor V</i>					
Sales facility	L	Y	N	S	Y
Rental facilit	L	Y	N	S	Y
Repair facilit	L	L	N	S	L
Body shop	L	L	N	S	L
Outdoor stor	L	S	N	S	Y
<i>General Motor</i>					
Filling station	S	S	N	S	S
Car wash	S	S	N	S	S
Drive-throug	S	S	N	S	S
<i>Parking</i>					

Parking lot, p	Y	Y	S	L	Y
Parking lot, a	Y	Y	L	L	Y
Parking stru	Y	Y	S	L	Y
Parking stru	Y	Y	L	L	Y
Heavy moto	S	L	N	L	Y
Heavy moto	Y	Y	L	Y	Y
ACCOMODATION AND FOOD SERVICE USES					
Bed and break	N	N	N	Y	N
Hotel, commel	L	N	N	Y	N
Hotel, residen	N	N	N	Y	N
Tavern	L	L	L	Y	L
Brewpub	L	L	L	Y	L
Assembly hall	S	S	N	S	N
Restaurant, si	L	L	L	Y	L
Restaurant, fa	L	L	L	L	L
ENTERTAINMENT AND RECREATION USES					
Park or playgr	S	S	S	S	S
Festival groun	N	N	N	N	N
Recreation fac	S	S	S	S	N
Recreation fac	N	N	N	S	N
Health club	L	L	N	Y	N
Sports facility	N	S	N	S	N
Gaming facility	N	S	N	N	N
Theater	N	N	N	Y	N
Convention ar	S	N	N	S	N
Marina	Y	Y	L	Y	Y
Outdoor racing	N	N	N	N	S
>>Adult estab	N	L	N	N	N<<
STORAGE, RECYCLING AND WHOLESALE TRADE USES					
Recycling colle	S	Y	N	S	Y
Mixed-waste p	N	L	N	S	L
Material reclar	N	N	N	N	L
Salvage opera	L	L	N	L	L
Salvage opera	N	S	N	S	S
Wholesale and	Y	Y	Y	Y	Y
Wholesale and	S	Y	S	S	Y
Storage Facili					
Indoor	IV	IV	IV	II	IV

Indoor					
Self-service	Y	Y	N	N	Y
Outdoor	N	Y	N	S	Y
Hazardous material	N	N	N	N	S
TRANSPORTATION USES					
Ambulance service	Y	Y	N	S	Y
Ground transport	S	Y	N	S	Y
Passenger terminal	Y	Y	Y	Y	Y
Helicopter land	S	S	S	S	S
Airport	N	Y	N	N	N
Ship terminal	N	Y	N	N	Y
Truck freight terminal	N	S	N	S	L
Railroad switch	N	Y	Y	Y	Y
INDUSTRIAL USES					
Alcohol beverage	Y	Y	Y	Y	Y
Alcohol beverage	S	L	Y	S	Y
Food processing	Y	Y	Y	Y	Y
Manufacturing	Y	Y	Y	Y	Y
Manufacturing	N	S	S	S	Y
Manufacturing	N	N	N	N	S
Research and development	Y	Y	Y	Y	Y
Processing or packaging	N	N	N	N	S
Contractor's storage	Y	Y	Y	Y	Y
Contractor's yard	S	Y	N	Y	Y
AGRICULTURAL USES					
Plant nursery	Y	Y	Y	Y	Y
Raising of livestock	L	L	L	L	L
Community garden	Y	Y	Y	Y	Y
Commercial farm	Y	Y	Y	Y	Y
UTILITY AND PUBLIC SERVICE USES					
Broadcasting	Y	S	Y	Y	S
Transmission	L	L	L	L	L
Water treatment	Y	Y	Y	Y	Y
Sewerage treatment	N	Y	N	N	Y
Power generation	N	S	N	N	Y
Small wind energy	Y	Y	Y	Y	Y
Solar farm	Y	Y	Y	Y	Y
Substation/distribution	S	Y	Y	S	Y

Substation/dis	L	Y	L	Y
TEMPORARY USES				
Seasonal mar	L	L	L	L
Temporary rea	L	L	L	L
Concrete/batc	L	L	L	L
Live entertainr	L	L	L	L

Part 9. Section 295-803-2-ee to qq of the code is renumbered 295-803-2-ff to rr.

Part 10. Section 295-803-2-ee of the code is created to read:

295-803. Uses.

2. LIMITED USE STANDARDS.

ee. Adult Establishment. The adult establishment shall meet the standards set forth in s. 295-425-4. If the adult establishment cannot all of the standards in s. 295-425-4, it shall be a prohibited use.

Part 11. Table 295-903-2-a of the code is amended to read:

Table 295-903-2-a PARKS DISTRICT USE TABLE	
Y = Permitted Use Prohibited Use	L = Limited Use S = Zoning District
Uses	PK
RESIDENTIAL USES	
Single-family dwelling	N
Two-family dwelling	N
Multi-family dwelling	N
Permanent supportive housing	N
Transitional housing	N
Attached single-family dwelling	N
Live-work unit	N
Mobile home	N
Watchman/service quarters	N
Family day care home	N
GROUP RESIDENTIAL USES	
Rooming house	N
Convent, rectory or monastery	N
Dormitory	N
Fraternity or sorority	N
Adult family home	N

<i>Foster Homes</i>	
Foster family home	N
Small foster home	N
Group home or group foster home	N
<i>Shelter Care Facilities</i>	
Family shelter care facility	N
Small group shelter care facility	N
Large group shelter care facility	N
Community living arrangement	N
EDUCATIONAL USES	
Day care center	L
School, elementary or secondary	Y
College	Y
School, personal instruction	S
COMMUNITY-SERVING USES	
Library	Y
Cultural institution	L
Community center	L
Religious assembly	L
Cemetery or other place of interment	N
Public safety facility	Y
Correctional facility	N
COMMERCIAL AND OFFICE USES	
General office	N
Government office	Y
Bank or other financial institution	N
Currency exchange, payday loan agency or title loan agency	N
Installment loan agency	N
Cash-for-gold business	N
Pawn shop	N
Retail establishment, general	L
Garden supply or landscaping center	N
Home improvement center	N
Secondhand store	N
Outdoor merchandise sales	N
Artist studio	N
Adult retail establishment	N
HEALTH CARE AND SOCIAL ASSISTANCE	

Medical office	N
Health clinic	N
Hospital	N
Medical research laboratory	N
Medical service facility	N
Social service facility	N
Emergency residential shelter	N
Nursing home	N
GENERAL SERVICE USES	
Personal service	N
Business service	N
Building maintenance service	N
Catering service	N
Funeral home	N
Laundromat	N
Dry cleaning establishment	N
Furniture and appliance rental and leasing	N
Household maintenance and repair service	N
Tool/equipment rental facility	N
<i>Animal Services</i>	
Animal hospital/clinic	N
Animal boarding facility	N
Animal grooming or training facility	N
MOTOR VEHICLE USES	
<i>Light Motor Vehicle</i>	
Sales facility	N
Rental facility	N
Repair facility	N
Body shop	N
Outdoor storage	N
Wholesale facility	N
<i>Heavy Motor Vehicle</i>	
Sales facility	N
Rental facility	N
Repair facility	N
Body shop	N
Outdoor storage	N
<i>General Motor Vehicle</i>	

Filling station	N
Car wash	N
Drive-through facility	N
<i>Parking</i>	
Parking lot, principal use	S
Parking lot, accessory use	Y
Parking structure, principal use	S
Parking structure, accessory use	S
Heavy motor vehicle parking lot, principal use	N
Heavy motor vehicle parking lot, accessory use	N
ACCOMMODATION AND FOOD SERVICE USES	
Bed and breakfast	N
Hotel, commercial	N
Hotel, residential	N
Tavern	N
Brewpub	N
Assembly hall	L
Restaurant, sit-down	L
Restaurant, fast-food/carry-out	L
ENTERTAINMENT AND RECREATION USES	
Park or playground	Y
Festival grounds	N
Recreation facility, indoor	Y
Recreation facility, outdoor	Y
Health club	N
Sports facility	S
Gaming facility	N
Theater	L
Convention and exposition center	S
Marina	L
Outdoor racing facility	N
>>Adult establishment	N<<
STORAGE, RECYCLING AND WHOLESALE TRADE USES	
Recycling collection facility	N
Mixed-waste processing facility	N
Material reclamation facility	N
Salvage operation, indoor	N
Salvage operation, outdoor	N

Wholesale and distribution facility, indoor	N
Wholesale and distribution facility, outdoor	N
Storage Facilities	
Indoor	N
Self-service	N
Outdoor	N
Hazardous materials	N
TRANSPORTATION USES	
Ambulance service	N
Ground transportation service	N
Passenger terminal	L
Helicopter landing facility	N
Airport	N
Ship terminal or docking facility	N
Truck freight terminal	N
Railroad switching, classification yard or freight	N
INDUSTRIAL USES	
Alcohol beverage facility, micro	N
Alcohol beverage facility, large	N
Food processing	N
Manufacturing, light	N
Manufacturing, heavy	N
Manufacturing, intense	N
Research and development	N
Processing or recycling of mined materials	N
Contractor's shop	N
Contractor's yard	N
AGRICULTURAL USES	
Plant nursery or greenhouse	L
Raising of livestock	L
Community garden	Y
Commercial farming enterprise	S
UTILITY AND PUBLIC SERVICE USES	
Broadcasting or recording studio	N
Transmission tower	L
Water treatment plant	Y
Sewerage treatment plant	N
Power generation plant	N

Power generation plant	IN
Small wind energy system	Y
Solar farm	Y
Substation/distribution equipment, indoor	S
Substation/distribution equipment, outdoor	L
TEMPORARY USES	
Seasonal market	L
Temporary real estate sales office	N
Concrete/batch plant, temporary	L
Live entertainment special event	L

Part 12. Table 295-905-2-a of the code is amended to read:

Table 295-905-2-a INSTITUTIONAL DISTRICT USE TABLE	
Y = Permitted Use L = Limited Use S = Prohibited Use	Zoning District
Uses	TL
RESIDENTIAL USES	
Single-family dwelling	N
Two-family dwelling	N
Multi-family dwelling	N
Permanent supportive housing	N
Transitional housing	S
Attached single-family dwelling	N
Live-work unit	N
Mobile home	N
Watchman/service quarters	Y
Family day care home	N
GROUP RESIDENTIAL USES	
Rooming house	S
Convent, rectory or monastery	Y
Dormitory	Y
Fraternity or sorority	S
Adult family home	N
<i>Foster Homes</i>	
Foster family home	N
Small foster home	N
Group home or group foster home	L
<i>Shelter Care Facilities</i>	

Family shelter care facility	N
Small shelter care facility	L
Large shelter care facility	S
Community living arrangement	L
EDUCATIONAL USES	
Day care center	L
School, elementary or secondary	Y
College	Y
School, personal instruction	Y
COMMUNITY-SERVING USES	
Library	Y
Cultural institution	Y
Community center	S
Religious assembly	Y
Cemetery or other place of interment	Y
Public safety facility	Y
Correctional facility	S
COMMERCIAL AND OFFICE USES	
General office	Y
Government office	Y
Bank or other financial institution	L
Currency exchange, payday loan agency or title	S
Installment loan agency	S
Cash-for-gold business	S
Pawn shop	S
Retail establishment, general	L
Garden supply or landscaping center	N
Home improvement center	N
Secondhand store	N
Outdoor merchandise sales	N
Artist studio	Y
Adult retail establishment	N
HEALTH CARE AND SOCIAL ASSISTANCE	
Medical office	Y
Health clinic	S
Hospital	S
Medical research laboratory	Y
Medical service facility	S

Social service facility	S
Emergency residential shelter	S
Nursing home	Y
GENERAL SERVICE USES	
Personal service	L
Business service	L
Building maintenance service	S
Catering service	S
Funeral home	Y
Laundromat	S
Dry cleaning establishment	S
Furniture and appliance rental and leasing	N
Household maintenance and repair service	N
Tool/equipment rental facility	N
<i>Animal Services</i>	
Animal hospital/clinic	N
Animal boarding facility	N
Animal grooming or training facility	N
MOTOR VEHICLE USES	
<i>Light Motor Vehicle</i>	
Sales facility	N
Rental facility	N
Repair facility	N
Body shop	N
Outdoor storage	N
Wholesale facility	N
<i>Heavy Motor Vehicle</i>	
Sales facility	N
Rental facility	N
Repair facility	N
Body shop	N
Outdoor storage	N
<i>General Motor Vehicle</i>	
Filling station	N
Car wash	N
Drive-through facility	L
<i>Parking</i>	
Parking lot, principal use	S

Parking lot, accessory use	Y
Parking structure, principal use	S
Parking structure, accessory use	S
Heavy motor vehicle parking lot, principal use	N
Heavy motor vehicle parking lot, accessory use	N
ACCOMMODATION AND FOOD SERVICE USES	
Bed and breakfast	S
Hotel, commercial	N
Hotel, residential	N
Tavern	N
Brewpub	N
Assembly hall	L
Restaurant, sit-down	Y
Restaurant, fast-food/carry-out	L
ENTERTAINMENT AND RECREATION USES	
Park or playground	Y
Festival grounds	Y
Recreation facility, indoor	S
Recreation facility, outdoor	S
Health club	Y
Sports facility	S
Gaming facility	N
Theater	N
Convention and exposition center	S
Marina	Y
Outdoor racing facility	N
>>Adult establishment	N<<
STORAGE, RECYCLING AND WHOLESALE TRADE USES	
Recycling collection facility	S
Mixed-waste processing facility	N
Material reclamation facility	N
Salvage operation, indoor	N
Salvage operation, outdoor	N
Wholesale and distribution facility, indoor	N
Wholesale and distribution facility, outdoor	N
Storage Facilities	
Indoor	N
Self-service	N

Outdoor	N
Hazardous materials	N
TRANSPORTATION USES	
Ambulance service	Y
Ground transportation service	N
Passenger terminal	Y
Helicopter landing facility	S
Airport	N
Ship terminal or docking facility	N
Truck freight terminal	N
Railroad switching, classification yard or freight	N
INDUSTRIAL USES	
Alcohol beverage facility, micro	N
Alcohol beverage facility, large	N
Food processing	N
Manufacturing, light	N
Manufacturing, heavy	N
Manufacturing, intense	N
Research and development	S
Processing or recycling of mined materials	N
Contractor's shop	N
Contractor's yard	N
AGRICULTURAL USES	
Plant nursery or greenhouse	S
Raising of livestock	Y
Community garden	Y
Commercial farming enterprise	Y
UTILITY AND PUBLIC SERVICE USES	
Broadcasting or recording studio	Y
Transmission tower	L
Water treatment plant	Y
Sewerage treatment plant	Y
Power generation plant	S
Small wind energy system	Y
Solar farm	Y
Substation/distribution equipment, indoor	Y
Substation/distribution equipment, outdoor	L
TEMPORARY USES	

TEMPORARY USES	
Seasonal market	L
Temporary real estate sales office	L
Concrete/batch plant, temporary	L
Live entertainment special event	L

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB166668-2
Jeff Osterman
06/05/2017