

**SEC. 51-4.217.**

**ACCESSORY USES.**

(a) General provisions.

(1) An accessory use must be a use customarily incidental to a main use. An accessory use not listed in Subsection (b) is permitted if the accessory use complies with Subsection (a).

(2) Except as specifically permitted in this article, no use listed in Sections 51-4.201 through 51-4.216.1 may be an accessory use.

(3) Except as otherwise provided in Subsection (b) or in Sections 51-4.201 through 4.216.1, an accessory use is permitted in any district in which the main use is permitted.

(4) Except as otherwise provided in Subsection (b), an accessory use must be located on the same lot as the main use, and must not be across a street or alley from the main use.

(5) Unless otherwise specifically required in this article, an accessory use must comply with all regulations applicable to the main use.

(6) An alcohol related establishment that is customarily incidental to a main use, such as an alcohol related establishment within a hotel, restaurant, or general merchandise store, will be considered as part of the main use when determining the gross revenue derived by the establishment from the sale of alcoholic beverages for on-premise consumption.

(b) Specific accessory uses. The following accessory uses are subject to the general provisions in Subsection (a) and the regulations below:

(1) Game court (private).

(A) Definition: Court for engaging in tennis, handball, racquetball, or similar physical activities.

(B) Districts permitted: Residential and nonresidential districts. This accessory use is not permitted in the P district.

(C) Required off-street parking:

(i) Three spaces for each game court.

(ii) No off-street parking is required for a game court accessory to a single-family or duplex use.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This accessory use may occupy no more than 50 percent of the area of the lot containing the main use.

(2) Swimming pool (private).

(A) Definition: A swimming pool constructed for the exclusive use of the residents of a residential use.

(B) Districts permitted: Residential and nonresidential districts. This accessory use is not permitted in the P district.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) No private swimming pool may be operated as a business, except that private swimming lessons may be given under the home occupation use.

(ii) No private swimming pool may be maintained in such a manner as to be hazardous or obnoxious to adjacent property owners.

(iii) No private swimming pool may be constructed in the required front yard. However, a private swimming pool may be located within the required side or rear yard if it meets the requirements of Section 51-4.217(a).

(iv) A private swimming pool must be surrounded by a fence.

(3) Private stable.

(A) Definition: An area for the keeping of horses for the private use of the property owner.

(B) Districts permitted: Residential districts except MH, and nonresidential districts except NO, LO, MO, GO, and P districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A private stable is permitted only on a lot that has at least 15,000 square feet and a person may keep only the number of horses permitted for the lot area as described in the following chart:

<u>Lot Area</u>	<u>Number of Horses</u>
At least 15,000 sq. ft. but less than 21,780 sq. ft.	1
At least 21,780 sq. ft. but less than 43,560 sq. ft.	2
At least 43,560 sq. ft. but less than 87,120 sq. ft.	3
At least 21,780 sq. ft. per animal	4 or more

(ii) A private stable must include a pen or corral containing at least 800 square feet for each animal with a stable under a roof containing at least 100 square feet for each animal.

(iii) A stable must have proper drainage so as not to create offensive odors, fly breeding, or other nuisances.

(iv) The owner of a private stable shall collect manure at least once a day and place it in a concrete or metal flyproof container, and cause the manure to be removed from the premises at least once a week.

(v) A pen, corral, fence, or similar enclosure may not be closer than 20 feet to an adjacent property line. The widths of alleys, street rights-of-way, or other public rights-of-way may be used in establishing the 20-foot distance to the adjacent property line.

(vi) Fences for pens, corrals, or similar enclosures must be of a sufficient height and strength to retain the horses.

(4) Home occupation.

(A) Definition: An occupation that is incidental to the primary use of the premises as a residence and is conducted on the residential premises by an occupant of the residence.

(B) Districts permitted: All residential districts and nonresidential districts except I-3 and P districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A person who engages in a home occupation shall not:

(aa) use an advertisement, sign, or display relating to the home occupation on the premises;

(bb) use a street address of the premises on an advertisement, sign, or display off the premises;

(cc) involve more than three people on the premises at one time, other than the residents of the premises;

(dd) employ more than one person other than the occupants of the residence;

(ee) conduct any activities relating to the home occupation, including activities on any porch, deck, patio, garage, or unenclosed or partially enclosed portion of any structure, unless conducted entirely inside the main structure;

(ff) use equipment other than ordinary household equipment;

(gg) generate loud and raucous noise, that renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort;

(hh) sell or offer or advertise products of the home occupation at or on the premises;

(ii) generate vehicular traffic that unreasonably reduces the availability of on-street parking spaces on surrounding streets; or

(jj) generate parking congestion that unreasonably reduces the availability of on-street parking spaces on surrounding streets.

(ii) A home occupation may not occupy more than 25 percent or 400 square feet of the total floor area of the main structure, whichever is less.

(5) Occasional sales (garage sales).

(A) Definition: The sale of tangible personal property at retail by a person who is not in the business or does not hold himself or herself out to be in the business of selling tangible personal property at retail.

(B) Districts permitted: Residential districts, and nonresidential districts except I-3 and P districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A person shall sell tangible personal property only on the premises of the owner or lessee of the premises where the sale is conducted, and the owner or lessee must be the legal owner of the tangible personal property at the time of the sale.

(ii) The sale must be inside the building or garage, or on the patio of the premises.

(iii) A person shall not sell, offer, or advertise for sale merchandise made, produced, or acquired solely for the purpose of resale at an occasional sale.

(iv) A person shall not conduct an occasional sale for a duration of more than three consecutive calendar days.

(v) A person shall not conduct more than two occasional sales at a premise during any 12-month period.

(vi) A person shall not place more than one sign, not to exceed two square feet, upon the lot where the sale is taking place. Any other signs at any locations remote from the sale property are not permitted.

(vii) Any advertisement of an occasional sale or of an item being offered for sale at an occasional sale must contain the street address at which the sale will occur and the date(s) on which the sale will occur.

(6) Community center (private).

(A) Definition: An integral part of a residential project or community unit development that is under the management and unified control of the operators of the project or development, and that is used by the residents of the project or development for a place of meeting, recreation, or social activity.

(B) Districts permitted: Multiple-family, MH, O-1, O-2, GO, commercial, and central area districts; limited use in LO and MO districts; specific use permit required in all single-family, duplex, TH, I-1, and I-2 districts. This use is not permitted in the P district.

(C) Required off-street parking: One space for each 100 square feet of floor area.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A private community center may not be operated as a place of public meetings or as a business.

(ii) The operation of a private community center must not create noise, odor, or similar conditions beyond the property line of the project or development site.

(iii) A liquor permit may not be issued for a private community center.

(iv) This accessory use need not be located on the same lot as the main use.

(7) Amateur communication tower.

(A) Definition: A tower with an antenna that transmits amateur radio, citizen band, or both spectrums, or that receives any portion of a radio spectrum.

(B) Districts permitted: All residential and nonresidential districts. This use is not permitted in the P district.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) In all residential districts except MF-3 and MF-4, a person may erect one amateur communication tower that exceeds the maximum height specified in Section 51-4.408, if the amateur communication tower:

(aa) does not exceed 60 feet in height;

(bb) is setback an additional 12 inches from the required front, side, and rear yards for each additional 18 inches of height above the maximum height specified in Section 51-4.408;

(cc) has a maximum horizontal cross-sectional area of three square feet;

(dd) has no more than two antennae above the maximum height specified in Section 51-4.408 with a maximum volume of 900 cubic feet for a single antenna and 1400 cubic feet for two antennae. In this provision, antenna volume is the space within an imaginary rectangular prism which contains all extremities of the antenna;

(ee) does not encroach into the required front, side, or rear yard. A guy wire and anchor point for a tower is prohibited in the required front yard and is also prohibited in the required side and rear yards unless the guy wire and anchor point is attached to the top of a structural support that is no less than six feet in height. If a structural support for a guy wire and anchor point is used, the structural support may project into the required side and rear yards no more than two feet, measured from the setback line. In this provision, a structural support for an anchor point is any pole, post, strut, or other fixture or framework necessary to hold and secure an anchor point; and

(ff) has a minimum space between antennae above the maximum height specified in Section 51-4.408 of eight feet or more as measured vertically between the highest point of the lower antenna and the lowest point of the higher antenna.

(ii) The board of adjustment may allow a special exception from the requirements of Subsection (E)(i) with the exception of Subsection (E)(i)(aa), if the board finds that the special exception would not adversely affect neighboring property and would be in harmony with the general purpose and intent of this section.

(iii) In an NS, O-1, and all residential districts except MF-3 and MF-4, a person may erect an amateur communication tower over 60 feet and not above 100 feet in height if authorized by a specific use permit.

(iv) This accessory use may occupy no more than 25 percent of the area of the lot containing the main use.

(v) This accessory use is prohibited in all residential districts in the area between the street and the façade of any main or accessory structure. (This area includes, but may be greater than, the front yard.)

(vi) The owner or operator of an amateur communication tower shall remove the tower within six months of the date that the tower ceases to operate as an amateur radio, citizen band, or radio spectrum authorized by the Federal Communications Commission. Upon failure of the owner or operator to remove the tower within the prescribed period, the building official shall notify the city attorney to pursue enforcement remedies against that owner or operator for failure to remove the tower.

(8) Private street or alley.

(A) Definition: A thoroughfare or an alley built to the same specifications as a street or alley dedicated to the public use, whose ownership has been retained privately.

(B) Districts permitted: Specific use permit required in single-family, duplex, and TH districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Private streets and alleys must be constructed and maintained to the standards for public rights-of-way and must be approved by the director of public works and transportation. Sidewalks are required and must be constructed and maintained to the standards for sidewalks in the public right-of-way. Water and sanitary sewer mains must be installed in accordance with the applicable ordinances.

(ii) A legal entity must be created that is responsible for street lighting, street maintenance and cleaning, and the installation and maintenance of interior traffic control devices. The legal instruments establishing the responsibility for a private street or alley must be submitted to the city plan commission for approval, be approved as to legal form by the city attorney, and recorded in the appropriate county.

(iii) Private streets and alleys must contain private service easements including, but not limited to, the following easements: utilities; firelane; street lighting; government vehicle access; mail collection and delivery access; and utility meter reading access.

(iv) Street lights comparable with those required on public rights-of-way must be provided. Street lighting design plans must be approved by the director of public works and transportation.

(v) Design plans and location of all traffic control devices must be approved by the traffic engineer. The design, size, color, and

construction of all traffic control devices must comply with those required in public rights-of-way.

(vi) The fire protection standards in Article XIII of the Dallas Fire Code must be followed.

(vii) A public school, park, or other public facility must be accessible from public rights-of-way in accordance with this code.

(viii) Private streets must comply with the thoroughfare plan and may not interrupt public through streets.

(ix) Private street names and numbers must be approved by the city plan commission.

(x) Private streets and the area they serve must be platted.

(xi) Guard houses may be constructed at any entrance to a private street. All guard houses must be at least 25 feet from a public right-of-way.

(xii) Any structure that restricts access to a private street must provide a passageway 20 feet wide and 14 feet high.

(xiii) One private street entrance must remain open at all times. If an additional private street entrance is closed at any time, it must be constructed to permit opening of the passageway in emergencies by boltcutters or breakaway panels.

(xiv) A private street serving an area containing over 150 dwelling units must have a minimum of two access points to a public street.

(xv) A private street may serve no more than 300 dwelling units.

(xvi) The city has no obligation to maintain a private street. If a private street is not maintained in compliance with the requirements of this chapter, the city, after a public hearing before the city plan commission, shall have the right, but not the obligation, to take those actions necessary to put the private street in compliance. The legal entity responsible for maintaining the private street shall pay the city for the work performed within a period of 180 days from the presentation of the bill, or the private street will become a public street of the city.

(xvii) A court or plaza may be considered a private street for the purpose of creating a building site if a specific use permit for a private street or alley use is obtained.

(9) Open storage.

(A) Definition: The outside placement of an item for a continuous period in excess of 24 hours. Outside placement includes storage in a structure that is open or not entirely enclosed.

(B) Districts permitted: This accessory use is permitted in any district if it satisfies the requirements of Subsection (a) of this section and if it is not prohibited by the additional provisions of the main use and this section. This accessory use is not permitted in the P district.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A person shall not place, store, or maintain outside, for a continuous period in excess of 24 hours, an item which is not:

(aa) customarily used or stored outside; or

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(ii) For purposes of this subsection, an item located on a porch of a building is considered to be outside if the porch is not enclosed.

(iii) Except as otherwise provided in this subsection, accessory open storage is not permitted in the front yard or on a front porch of a residential building. For purposes of this subsection, "front yard" means the portion of a lot or tract which abuts a street and extends across the width of the lot or tract between the street and the main building.

(iv) It is a defense to prosecution under Subsection (E)(iii) that the item is:

(aa) an operable motor vehicle with valid state registration parked on a surface that meets the standards for parking surfaces contained in the off-street parking regulations of this chapter, except that this defense is not available if the vehicle is a truck tractor, truck, bus, or recreational vehicle and it has a rated capacity in excess of one and one-half tons according to the manufacturer's classification, or if the vehicle is over 32 feet in length;

(bb) a boat, trailer, or recreational vehicle parked on a surface that meets the standards for parking surfaces contained in the off-street

parking regulations of this chapter, and the item cannot reasonably be placed in an area behind the front yard;

(cc) landscaping, or an ornamental structure, including, but not limited to a birdbath, plant container, or statuette, placed in the front yard or on the front porch for landscaping purposes;

(dd) lawn furniture made of a material that is resistant to damage or deterioration from exposure to the outside environment;

(ee) located on a front porch and not visible from the street; or

(ff) a vehicle displaying a registration insignia or identification card issued by the state to a permanently or temporarily disabled person for purposes of Section 681.006 of the Texas Transportation Code.

(v) A person shall not use more than five percent of the lot area of a premise for accessory open storage. The area occupied by an operable motor vehicle with valid state registration is not counted when calculating the area occupied by accessory open storage. Except as otherwise provided in this article, open storage is considered to be a separate main use if it occupies more than five percent of the lot.

(vi) The board may grant a special exception to the additional provisions of this subsection relating to accessory open storage in the front yard or on a front porch of a residential building when, in the opinion of the board, the special exception will not adversely affect neighboring property.

(10) Day home.

(A) Definition: A facility that provides care or supervision for “day home attendees,” whether or not the facility is operated for profit or charges for the services it offers. For the purposes of this paragraph, “day home attendees” means persons under 14 years of age, including those related to the owner of the residence or the head of the household by blood, marriage, or adoption. A day home is incidental to the primary use of the premises as a residence and conducted on the premises by a resident of the premises who is on the premises during hours of operation.

(B) District restrictions: This accessory use is not permitted in the P district.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) No more than 10 day home attendees are permitted at any time in the operation of this use.

(ii) A person who conducts a day home use shall not:

(aa) use an advertisement, sign, or display on or off the premises;

(bb) advertise in the yellow pages of the telephone directory;

(cc) employ more than two persons on the premises, other than the residents of the premises;

(dd) conduct outdoor activities between the hours of 10 p.m. and 7 a.m.;

(ee) conduct outdoor activities unless the activities are screened from the neighboring property by a fence at least four feet in height; or

(ff) generate loud and raucous noise that renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort.

(iii) This use does not include individuals living together as a single housekeeping unit in which not more than four individuals are unrelated to the head of the household by blood, marriage, or adoption.

(iv) This use must comply with all applicable requirements imposed by city ordinances, rules, and regulations, and by state law.

(11) Pedestrian skybridges.

(A) Definition: Use of a structure constructed above grade primarily to allow pedestrians to cross a city right-of-way. A pedestrian skybridge use does not include use of a structure constructed primarily for automobiles.

(B) Purpose: The purpose of this section is to promote the health, safety, and general welfare of persons and property within the city by providing for the structural integrity of pedestrian skybridges over public right-of-ways; preventing visual obstruction of public right-of-ways and urban landscapes; facilitating the flow of traffic; encouraging use of public skybridges by pedestrians through well designed additions to the existing pedestrian system; minimizing the negative impact of pedestrian skybridges on adjoining properties, communication and utility company facilities, and

public street lighting and safety facilities; and establishing standards for construction and maintenance of pedestrian skybridges.

(C) Districts permitted: A pedestrian skybridge is permitted in any district by SUP. An SUP is required for pedestrian skybridges in planned development (PD) districts. A license or abandonment from the city of Dallas is also required to cross a city right-of-way. Provisions concerning licenses for use of the public right-of-way are contained in Chapter 43, "Streets and Sidewalks," of the Dallas City Code. Provisions concerning abandonment of the public right-of-way are contained in Chapter 2, "Administration," of the Dallas City Code.

(D) Application: An application for an SUP for a pedestrian skybridge must contain a statement outlining the need for the pedestrian skybridge and how the pedestrian skybridge will enhance the welfare of the area of request and adjacent properties.

(E) Specific use permit procedure: The provisions concerning specific use permits contained in Section 51-4.219 apply except as modified by this subsection.

(i) Notification. The director shall send written notice of a public hearing on an application for an SUP for a pedestrian skybridge to all owners of real property lying within 750 feet of the properties on which the skybridge will be located.

(ii) Protest. For purposes of the protest provisions, the area of request is the properties on which the skybridge will be located.

(iii) Residential adjacency. An SUP for a pedestrian skybridge must be approved by the affirmative vote of three-fourths of all members of the city council if the pedestrian skybridge is within 750 feet of a residential zoning district or planned development district that allows residential uses or is sited within a planned development district that is adjacent to residential districts.

(iv) Term. The term of an SUP for a pedestrian skybridge must coincide with the term of any related license.

(F) Mandatory pedestrian skybridge standards: Additional provisions concerning construction of pedestrian walkways are contained in Chapter 53, "Dallas Building Code," of the Dallas City Code. Pedestrian skybridges must be constructed and maintained in accordance with the following regulations:

(i) Pedestrian skybridges must be properly maintained at all times. If a pedestrian skybridge connects two buildings which are separately owned, an operating agreement assigning maintenance and liability responsibilities is required.

(ii) No more than one pedestrian skybridge may be located within any block or 700 feet of frontage, whichever is less.

(iii) Pedestrian skybridges must have clearance above the public right-of-way of at least 18 feet above grade.

(iv) If the pedestrian skybridge has a length of less than 150 feet, the interior passageway must be no less than 10 feet and no greater than 20 feet in width. If the pedestrian skybridge has a length equal to or greater than 150 feet, the interior passageway must be no less than 12 feet and no greater than 20 feet in width.

(v) The interior height of the passageway must be at least seven and one-half feet. The interior height at the springline of vaulted ceilings must be at least seven and one-half feet.

(vi) Supports must not be located within the public right-of-way.

(vii) A sign must be posted within the adjoining structures indicating whether the skybridge is open to the public, the location of the pedestrian skybridge, and where the pedestrian skybridge leads.

(viii) Pedestrian skybridges must meet state and federal standards for accessibility to and usability by individuals with disabilities.

(ix) Pedestrian skybridges connected to structures with air conditioning must be enclosed and air conditioned.

(x) Any change in slope of the pedestrian skybridge greater than one percent must be over private property or concealed within the pedestrian skybridge.

(xi) Pedestrian skybridges must not diverge from a perpendicular angle to the right-of-way by more than 30 degrees.

(xii) At least 70 percent of the side walls must be open, or glass or transparent material with a light transmission of not less than 36 percent and a luminous reflectance of not more than six percent. "Light transmission" means the ratio of the amount of total light to pass through the material to the amount of total light falling on the material and any glazing. "Luminous reflectance" means the ratio of the amount of total light that is reflected outward by a material to the amount of total light falling on the material.

(xiii) Minimum artificial lighting of 15 foot candles must be provided. Lighting must not produce glare of an intensity that creates a nuisance for motor vehicles or pedestrians.

(xiv) No exterior signs, other than government signs, may be applied to or suspended from any pedestrian skybridge.

(xv) Pedestrian skybridges must not be located within 300 feet of an historic overlay district.

(xvi) Pedestrian skybridges must be designed to prevent people from jumping or throwing objects from the pedestrian skybridge.

(xvii) Structural materials must be durable and easily maintained. Construction must comply with the City of Dallas Building and Fire Codes.

(xviii) Pedestrian skybridges must not interfere with or impair use of the right-of-way by existing or proposed communication and utility facilities.

(ix) The applicant must post bond for the estimated cost to the city to remove the pedestrian skybridge if it becomes a public nuisance.

(G) Recommended pedestrian skybridge standards: Pedestrian skybridges are recommended to be constructed and maintained in accordance with the following guidelines:

(i) Pedestrian skybridges which are open to the public should penetrate the second story of the adjoining structures, or, if not possible, as close as possible to the street level.

(ii) Pedestrian skybridges should penetrate the adjoining structures as close as possible to escalators or elevators having access to the entire structure and the street.

(iii) Free-standing pedestrian skybridges and pedestrian skybridges connected to structures without air conditioning should have a roof, wind breaks, and adequate ventilation that maximize the comfort and safety of pedestrians. A pedestrian skybridge should be open only when the adjoining structures are open.

(iv) If the length of the pedestrian skybridge exceeds 250 feet, the passageway should be interrupted by interior visual breaks, such as turns, courts, or plazas.

(v) Primary lighting sources should be recessed and indirect. Accent lighting is encouraged. Natural lighting should be used in addition to artificial lighting.

(vi) The pedestrian skybridge should be designed so as to coordinate with the adjoining structures to the extent possible. Where coordination is not possible, the pedestrian skybridge should be of a neutral color, such as brown or grey.

(H) Special exception: The board of adjustment may grant a special exception to the pedestrian skybridge standards contained in this paragraph if the board finds that:

(i) strict compliance with the requirements will unreasonably burden the use of either of the properties;

(ii) the special exception will not adversely affect neighboring property; and

(iii) the special exception will not be contrary to the public interest.

(I) Compliance regulations: Pedestrian skybridge uses are not subject to the compliance regulations contained in Section 51-4.704.

(12) Accessory helistop.

(A) Definition: A landing pad for occasional use by rotary wing aircraft.

(B) Districts permitted:

(i) Office-2, GO, and industrial districts.

(ii) SUP required in A, multiple-family, MO, SC, GR, LC, HC, and central area districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Regularly scheduled stops are not permitted under this accessory use.

(ii) Fueling or servicing facilities are not permitted under this accessory use.

(iii) This accessory use must be approved by the city aviation department.

(iv) This accessory use is subject to the Federal Aviation Administration's rules, regulations, and approval.

(13) Accessory medical/infectious waste incinerator.

(A) Definition: A facility used to incinerate plastics, special waste, and waste containing pathogens or biologically active material which, because of its type, concentration, and quantity, is capable of transmitting disease to persons exposed to the waste.

(B) Districts permitted:

(i) Agricultural, multiple-family, O-1, O-2, MO, GO, commercial, central area, and industrial districts.

(ii) An SUP is required for this facility if it is used to incinerate more than 225 pounds of waste per hour.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This accessory use is permitted only in conjunction with a hospital use.

(ii) The facility must be located at least 200 feet from all lots containing residential uses.

(iii) If the facility is used to incinerate more than 225 pounds of waste per hour, it must be located at least 200 feet from all lots containing public or private school uses.

(14) Accessory outside display of merchandise.

(A) Definition: The outside placement of merchandise for sale for a continuous period less than 24 hours.

(B) Districts permitted: Nonresidential districts except NO, LO, MO, and P districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(15) Accessory outside sales.

- (A) Definition: A site for the outside sale of merchandise.
- (B) Districts permitted: Nonresidential districts except NO, LO, MO, and P districts.
- (C) Required off-street parking: None for the first 1,000 square feet of sales area; one space for each additional 500 square feet of sales area.
- (D) Required off-street loading: None.

(16) Accessory pathological waste incinerator.

(A) Definition: A facility used to incinerate organic human or animal waste, including:

(i) Human materials removed during surgery, labor and delivery, autopsy, or biopsy, including body parts, tissues or fetuses, organs, and bulk blood and body fluids.

(ii) Products of spontaneous human abortions, regardless of the period of gestation, including body parts, tissue, fetuses, organs, and bulk blood and body fluids.

(iii) Anatomical remains.

(iv) Bodies for cremation.

(B) Districts permitted: Residential districts only in conjunction with a public park containing a zoo and an aquarium, and the following nonresidential districts: GR, LC, HC, central area, and industrial.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This accessory use is permitted only in conjunction with a mortuary or funeral home; or a public park containing a zoo and aquarium owned or operated by a public agency, available to the general public year-round, and having a collection of at least 5,000 specimens.

(ii) This accessory use must be located at least 200 feet from all lots containing residential uses.

(iii) When this accessory use is operated in conjunction with a public park containing a zoo and aquarium, no more than one incinerator is permitted, and the incinerator may not burn more than 200 pounds per hour.

(17) General waste incinerator.

(A) Definition: A facility used to incinerate solid waste consisting of combustible rubbish, refuse, and garbage.

(B) Districts permitted: Residential and nonresidential districts. This accessory use is not permitted in the P district.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This accessory use must be located at least 200 feet from all lots containing residential uses. (Ord. Nos. 17046; 17093; 17812; 18188; 18849; 19100; 20845; 21454; 21735; 22004; 22204; 23012; 24843; 24915; 27404)

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