

Sec. 46-985. - Use regulations.

- (a) Table 3.1 indicates the permitted uses within DT districts.
- (b) The uses listed in table 3.1 are only permitted in the district identified, and no use may be established and no structure associated with such use may be erected, structurally altered or enlarged unless the use is permitted as:
  - (1) A permitted use (P);
  - (2) A special use (SP) subject to the special land use permit application procedures specified in article VII;
  - (3) An administratively approved use (SA) subject to the special administrative permit procedures specified in article VII;
  - (4) An accessory use (Pa) as regulated by article IV or the applicable DT district. Table 3.1 does not list all accessory uses but clarifies uses acceptable as accessory, though not typically considered principal uses for the zoning classification.
  - (5) Uses lawfully established prior to the effective date of this Division or this Zoning Ordinance, as applicable.
- (c) Multiple uses are allowed in a single building and on a single site.
- (d) Any use not listed in table 3.1 or interpreted to not be allowed by the community development director by section 46-1124 is not allowed. Any applicant denied a permit to allow a use of property in a DT district other than as provided in this section may file an appeal before the zoning board of appeals as provided in article VII.
- (e) Uses subject to additional regulations in article IV, division 2 of this chapter are indicated. Unless otherwise expressly stated, compliance with these regulations is required regardless of whether the use is permitted as-of-right, as an accessory use, by special administrative permit, or by special land use permit.

<b>Table 3.1 Downtown District Allowed Uses</b>				
Use	Downtown District			See Art. IV, Div. 2
	DT-1	DT-2	DT-3	
<b>AGRICULTURAL</b>				
<b>Agriculture and Forestry</b>				

Commercial greenhouse or plant nursery	P	P	P	✓
Temporary or portable sawmill	SA	SA	SA	✓
Urban, community garden, up to 5 ac.	P	P	P	✓
Urban, community garden, over 5 ac.	SA	SA	SA	
<b>Animal Oriented Agriculture</b>				
Dairy				
Keeping of livestock	Pa [1]	Pa [1]	Pa [1]	✓
Keeping of poultry/pigeons	Pa [1]	Pa [1]	Pa [1]	✓
Livestock sales pavilion				
Riding academies or stables	P			✓
<b>RESIDENTIAL</b>				
<b>Dwellings</b>				
Dwelling, cottage home	P	P	P	✓
Dwelling, mobile home				
Dwelling, multi-family (35 units per acre or less)		P [4]	P [4]	
Dwelling, multi-family (over 35 units per acre)		SP	SP	
Dwelling, multi-family (supportive living)		P	P	✓
Dwelling, townhouse	P	P	P	✓

High-rise apartment				
Dwelling, single-family (attached)	P	P	P	
Dwelling, single-family (detached)	P	P	P	
Dwelling, three-family	P	P	P	
Dwelling, two-family	P	P	P	
Dwelling, single-family, accessory (guesthouse, in-law suite)	Pa	Pa	Pa	✓
Home occupation, no customer contact	P	P	P	✓
Home occupation, with customer contact	SP	SP	SP	✓
Live/work unit	P [3]	P	P	✓
Mobile home park				
Accessory uses or structures	Pa	Pa	Pa	✓
<b>Housing and Lodging</b>				
Bed and breakfast	SP	P	P	✓
Boarding/rooming house		SP	SP	
Convents or monasteries	SP	SP	SP	✓
Dormitory		Pa	Pa	
Extended stay hotel				
Fraternity house or sorority house				

Hotel/motel		P	P	
Nursing care facility or hospice		P	P	
Personal care home, community, 7 or more persons		SP	SP	✓
Personal care home, group, 4-6 persons	SP	SP	SP	✓
Child caring institution, group, 4-6	SP	SP	SP	✓
Child caring institution, community, 7 or more		SP	SP	✓
Shelter for homeless persons, 7-20 persons				
Shelter for homeless persons for no more than 6 persons				
Transitional housing facility, 7-20 persons				
<b>INSTITUTIONAL/PUBLIC</b>				
<b>Community Facilities</b>				
Cemetery, columbarium, mausoleum				
Club, order or lodge, fraternal, non-commercial	SP	P	P	
Coliseum or stadium/not associated with church or school		P	P	✓
Funeral home, mortuary		P	P	
Golf course or clubhouse, public or private				
Government facilities	P	P	P	

Hospital		P		
Library or museum	P	P	P	
Cultural facilities		SP	SP	
Recreation club	SP	SP	SP	✓
Neighborhood or subdivision clubhouse or amenities	Pa	Pa	Pa	✓
Places of worship	P	P	P	✓
Recreation, outdoor	P	P	P	✓
Swimming pools, commercial	Pa	Pa	Pa	✓
Tennis courts, swimming pools, play or recreation areas, community	Pa	Pa	Pa	✓
<b>Education</b>				
Colleges, universities, research and training facilities		P	P	
Private educational services, home occupation	Pa	Pa	Pa	✓
Private kindergarten, elementary, middle or high schools	SP	SP	SP	✓
Tutoring services	P	P	P	
Vocational schools	SP	P	P	✓
Specialized schools	SP	P	P	✓
<b>COMMERCIAL</b>				

<b>Automobile, boat and trailer sales and service</b>				
Automobile or truck rental or leasing facilities				
Automobile brokerage				
Auto recovery, storage				
Automobile repair or maintenance, minor				
Automobile repair, major				
Automobile sales or truck sales				
Automobile service stations				
Automobile upholstery shop				
Boat sales				
Car wash, hand wash				
Car wash, automatic				
Emission station				
Retail automobile parts or tire store				
Service area, outdoor				
Trailer or RV salesroom and lot				
Used Part Dealer				
<b>Office</b>				
Accounting office	P [2]	P	P	

Building or construction office	P [2]	P	P	✓
Building, landscape, heavy construction contractor office (material, equipment, storage)				
Engineering or architecture office	P [2]	P	P	
Finance office or banking	P [2]	P	P	
General business office	P [2]	P	P	
Insurance office	P [2]	P	P	
Legal office	P [2]	P	P	
Medical office	P [2]	P	P	
Real estate office	P [2]	P	P	
<b>Recreation and Entertainment</b>				
Adult entertainment establishments				
Adult service facility				
Amusement game room				
Drive-in theater				
Fairground or amusement park				✓
Indoor recreation (bowling alleys, movie theatres and other activities conducted wholly indoors)		P	P	
Nightclub or late night establishment		SP	SP	✓

Outdoor recreation (miniature golf, batting cages, tennis, go-cart, and other outdoor activities)				
Special events facility		P	P	✓
Theaters with live performance, assembly or concert halls, or similar entertainment within an enclosed building		P	P	
<b>Retail</b>				
Alcohol outlet, retail sales, primary or accessory (excludes wine retailer)				
Retail sales	P [2]	P	P [5]	
Apparel or accessories store	P [2]	P	P [5]	
Art gallery	P [2]	P	P [5]	
Book, greeting card, or stationery store	P [2]	P	P [5]	
Butcher shop/Meat market		P	P[5]	
Camera or photography	P [2]	P	P [5]	
CBD Shop				
Cigar lounge				
Computer or computer software store	P [2]	P	P [5]	
Convenience store (see related uses e.g., alcohol outlet, fuel pumps accessory)				

Drive-through facilities (other than restaurants)		SP		✓
Farm or garden supply store	P [2]	P	P [5]	
Farmer's market, permanent	P [2]	P	P [5]	✓
Farmer's market, temporary/seasonal	SA	SA	SA	✓
Florist	P [2]	P	P [5]	
Fortune telling				
Specialty food stores (e.g., coffee, ice cream) (see alcohol outlet)	P [2]	P	P [5]	
Fuel dealers, manufacturers or wholesalers				
Fuel pumps, accessory		SP	SP	✓
Furniture sales and showroom		P		
Gold buying, precious metals	P [2]	P	P [5]	
Grocery stores (see alcohol outlet)		P		
Hardware store or other building materials store	P [2]	P	P [5]	
Hobby, toy or game store	P [2]	P	P [5]	
Jewelry store	P [2]	P	P [5]	
Music or music equipment store (retail)	P [2]	P	P [5]	
News dealer or news store	P [2]	P	P [5]	

Office supplies and equipment store	P [2]	P	P [5]	
Outdoor display (not including seating)		P	P	✓
Pawn shop, title loan				
Pet supply store	P [2]	P	P [5]	
Pharmacy or drug store (see alcohol outlet)	P [2]	P	P [5]	
Consumer electronics store	P[2]	P	P[5]	
Retail warehouses/wholesales providing sales of merchandise with no outdoor storage		SP		
Sporting goods or bicycle sale	P [2]	P	P [5]	
Tattoo establishment and piercing studio				
Thrift, secondhand, antique store	P [2]	P	P [5]	
Trade shops: electrical, plumbing, heating/cooling, roofing/siding, with no outside storage				
Vape shop				
Wine retailer (< 5,000 sq. ft.)		P	P [5]	
<b>Temporary Commercial Uses</b>				
Temporary outdoor sales, seasonal	SA	SA	SA	✓
Temporary produce stand	SA	SA	SA	✓
Temporary outdoor retail sales	SA	SA	SA	✓

Temporary outdoor events	SA	SA	SA	✓
Temporary trailer, as home sales office or construction trailer	SA	SA	SA	✓
<b>Restaurant/Food establishments</b>				
Brewpub/beer growler		P	P [5]	
Catering establishments		P	P [5]	
Outdoor seating		P	P	✓
Restaurants (non-drive-thru)	P [2]	P	P [5]	
Restaurants with a drive-thru configuration				✓
Hookah/vapor bar or lounge				
<b>Transportation and Storage</b>				
Bus or rail stations or terminals for passengers		SP	SP	
Heliport		SP	SP	✓
Parking, commercial lot	Pa	Pa	Pa	✓
Parking, commercial garage	Pa	Pa	Pa	
Moving services (household and office goods)				
Taxi, ambulance or limousine service, dispatching or storage				
Taxi, ambulance, limousine dispatch office only (no vehicle parking)				

Taxi stand		P	P	
Transit shelter				
<b>Services</b>				
Adult day care center - 7 or more persons		SP	SP	✓
Adult day care facility - up to 6 persons		SP	SP	✓
Animal care specialist	P	P	P	
Animal hospitals, veterinary clinic		P	P	✓
Animal shelter/rescue center (4 or more)		P	P	✓
Banks, credit unions or other similar financial institutions	P	P	P	
Barbershop/ beauty salon or similar establishments	P	P	P	
Check cashing establishment, primary				
Check cashing establishment, accessory				
Child day care center (Kindergarten) - 7 or more persons	P	P	P	✓
Child day care center (in a place of worship)	P	P	P	✓
Child day care facility - up to 6 persons	SP	SP	SP	✓
Coin laundry		P		
Couriers, Express delivery services		P		

Pet daycare		P		✓
Pet daycare		P	SP	✓
Dry cleaning agencies, pressing establishments, or laundry pick-up stations		P	P	
Fitness center	P	P	P	
Health spa		SP	SP	✓
Kennel, breeding or boarding				✓
Kennel, commercial				✓
Kennel, noncommercial				
Landscape business with no outdoor storage		P		
Massage establishment		SP	SP	✓
Mini-warehouse				
Multi-warehouse				
Outdoor storage, commercial				
Personal services establishment	P	P	P	
Photoengraving, typesetting, electrotyping	P	P	P	
Photographic studios	P	P	P	
Plumbing, HV/AC equipment establishments with no outdoor storage		P		
Publishing or printing establishments	P	P	P	

Quick copy printing store	P	P	P	
<b>Services, Medical and Health</b>				
Ambulance service or emergency medical services, private		P		✓
Health services clinic	P	P	P	
Home healthcare service	P	P	P	
Kidney dialysis center	P	P	P	
Medical or dental laboratories	P	P	P	
<b>Services, Repair</b>				
Furniture upholstery or repair; home appliance repair or service	P	P	P	
Personal service, repair (watch, shoes, jewelry)	P	P	P	
Service area, outdoor				
<b>INDUSTRIAL</b>				
Alcohol Manufacturing (brewery)		P	P	
Alcohol Manufacturing (distilled spirits)		P	P	
All other industrial uses not listed above				
<b>COMMUNICATION — UTILITY</b>				
Amateur radio service or antenna	P	P	P	✓

Electric transformer station, gas regulator station or telephone exchange				
Radio or television broadcasting studio	P	P	P	
Radio or television broadcasting transmission facility	P	P	P	
Satellite television antennae	P	P	P	✓
<b>WIRELESS TELECOMMUNICATION (cell tower)</b>				
Attached wireless telecommunication facility, used for non-residential purposes (prohibited if used as residential)	SP [6]	SP [6]	SP [6]	✓
Wireless Telecommunications (small cell structures)	P	P	P	✓
Stealth design up to 150'				
New support structure or stealth design up to 199'				
COWs (non-emergency or event, no more than 120 days)	SA	SA	SA	✓
COWs (declared emergency)	P	P	P	✓
Attached wireless telecommunication facility	P	P	P	✓
Monopole or attached facility in utility company's easements or rights-of-way				
<b>CERTAIN ACCESSORY USES</b>				

Drive-thru facilities (other than restaurants)		SP	SP	✓
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Table 3.1 Notes:

- [1] Only allowed on lots used for a single-family detached dwelling that meet the applicable minimum lot size requirements of article IV, division 2 of this chapter.
- [2] Not to exceed 5,000 square feet per use.
- [3] Permitted uses include all office uses, tutorial/educational services, retail, fine arts studios and/or galleries, and photographic studios. The minimum size of the live-work unit is 1,200 square feet with at least one-third of the unit must be designated for residential space.
- [4] A special land use permit is required when a multi-family use abuts a residential zoning district.
- [5] Uses along Main Street shall not exceed 10,000 square feet per use. Uses not along Main Street may not exceed 10,000 square feet per use unless approved by a special land use permit, however, special land use permits can only be requested for up to 15,000 square feet per use.
- [6] Telecommunications antennas must be incorporated in architectural features such as steeples, clock towers, water towers and attached to the top of high-rise buildings subject to the requirements of section 46-1194.

(Ord. No. O2019-04-15, exh. A(3.2.5), 6-26-2019; Ord. No. O2020-03-07, exh. A, 3-23-2020; Ord. No. O2021-10-21, Exh. A, 11-8-2021; Ord. No. O2022-06-45, Exh. A, 7-11-2022; Ord. No. O2022-10-52, Exh. A, 11-14-2022; Ord. No. O2023-09-16, Exh. A, 10-10-2023; Ord. No. O2024-09-17, Exh. A, 10-15-2024; Ord. No. O2025-03-06, § 1, 3-24-2025; Ord. No. O2025-06-12, 8-11-2025; Ord. No. O2025-06-13, Exh. A, 8-11-2025)