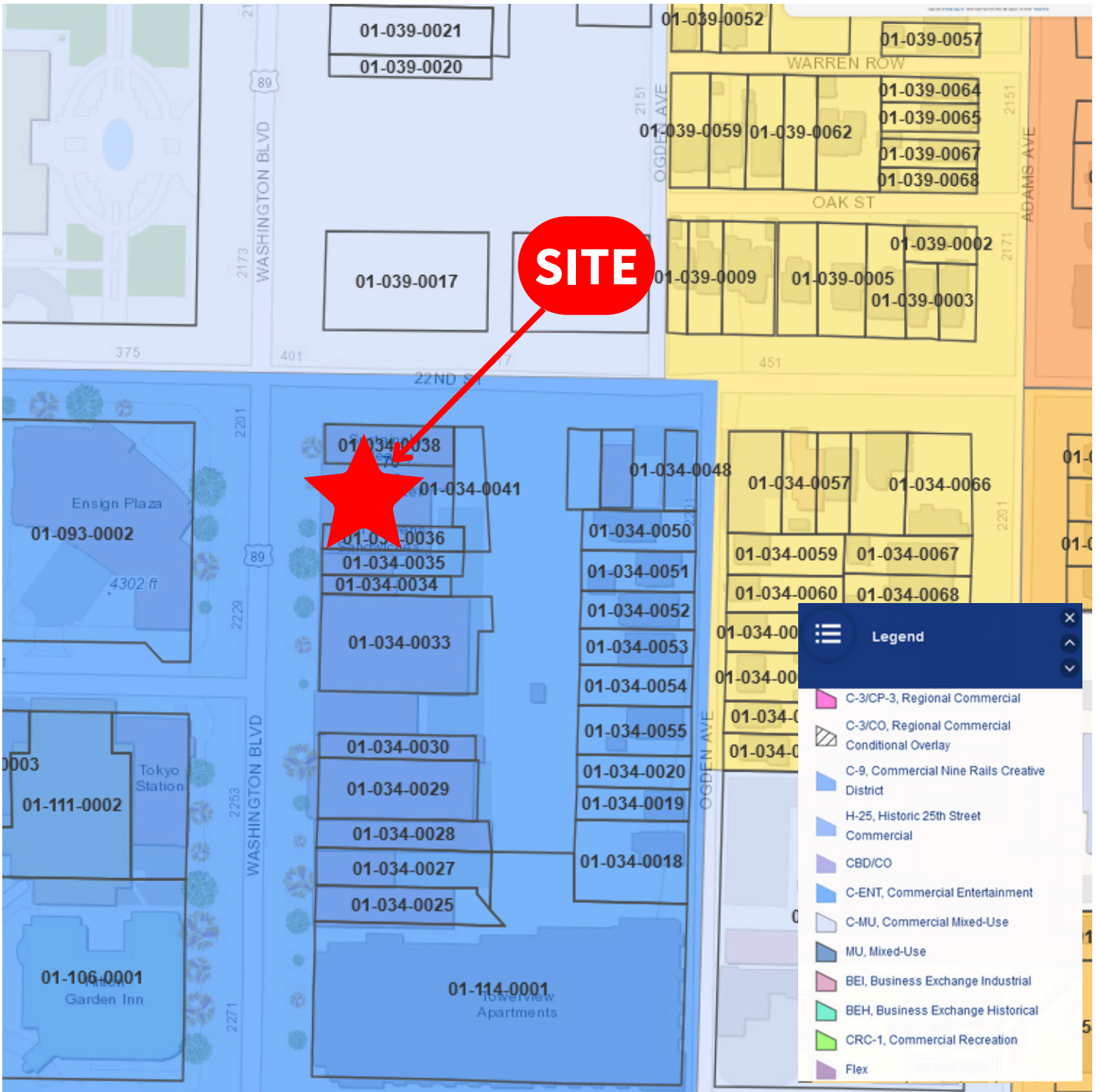


Ogden City Zoning



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15-34-1: PURPOSE:

The purpose and characteristics of each zoning category within the downtown commercial districts are described in this section.

A. Commercial Mixed-Use (C-MU):

1. Characteristics: The Commercial Mixed-Use (C-MU) zone includes a diverse mix of commercial and residential uses including vertical mixed-use buildings with office space, multiple-family residential, retail and restaurant uses, as well as community focused uses.

2. Purpose: The purpose of the Commercial Mixed-Use zone is to provide a high density, vibrant urban space that provides locally serving commercial, commercial businesses that might draw a regional audience (but are not big-box or auto-oriented businesses), entertainment uses, civic and public uses, as well as a variety of housing options. The Commercial Mixed-Use zone is located adjacent to the Commercial Entertainment zone and serves as a transition zone between higher building dimensions to surrounding lower density areas.

B. Commercial Entertainment (C-ENT):

1. Characteristics: The Commercial Entertainment (C-ENT) zone is a destination area in downtown including music venues, cultural centers, sports facilities and higher education facilities, with some restaurants, retail and multiple-family residential uses.

2. Purpose: The purpose of the Commercial Entertainment zone is to provide uses that attract people to the core of Downtown Ogden. These uses include music venues, cultural centers, sports facilities, higher education facilities and high-density commercial and residential developments. The Commercial Entertainment zone is located north of 25th Street at the center of Downtown Ogden.

C. Historic 25th Street Commercial (H25):

1. Characteristics: The Historic 25th Street Commercial (H25) zone preserves the integrity and heritage of Historic 25th Street with ground-floor commercial uses and residential and/or office space above.

2. Purpose: The purpose of the Historic 25th Street Commercial zone is to establish zoning parameters for new development that ensure the preservation of the integrity and heritage of Historic 25th Street. These zoning parameters will be required during the review process in addition to the existing historic district review requirements. This includes a focus on design standards that enhance the pedestrian experience along the street as well as providing access to ground-floor commercial and residential uses above. This zone is established along the 25th Street Corridor from Wall Avenue to Grant Avenue.

D. Commercial Nine Rails Creative District (C-9):

1. Characteristics: The Commercial Nine Rails Creative District (C-9) zone consists of commercial and art related fabrication uses that contribute to a community culture focused on developing and enhancing Ogden's relationship to the arts.

2. Purpose: The purpose of the Commercial Nine Rails Creative District zone is to establish a vibrant connection between Downtown and East Central with a focus on providing opportunities for the community to engage in artistic endeavors related to community development within the public realm. This zone is meant to provide a location for commercial, art related fabrication, and mixed-use that encourages artist and other creatives to work and live in the district.

(Ord. 2023-16, 4-11-2023)

15-34-2: LAND USES:

A. General:

1. Land use categories are used to establish which types of uses are permitted (P), conditional (C), or not permitted (N) in individual zones. This section classifies land uses and activities into categories based on the common functional, product, or physical characteristics. It also identifies special considerations and requirements that apply to different uses.

2. If a proposed land use cannot be identified within one of the categories provided by this section, the decision maker may, at its discretion, refer to appropriate outside sources, such as the Land-Based Classification Standards (LBCS) of the American Planning Association or the North American Industry Classification System (NAICS).

3. If a use can be classified within more than one category, the use shall be classified in the category that is more restrictive. For example, if building material sales is a conditional use and a use including outdoor storage is not permitted, then building material sales including outdoor storage would be not permitted.

4. Table 15-34-2.1 outlines the land uses that shall apply in each downtown commercial zone. Uses that are permitted are designated with a "P". Uses that are conditional are designated with a "C". Uses that are not permitted are designated with an "N".

TABLE 15-34-2.1:

Legend: P = Permitted C = Conditional N = Not Permitted	Zones			
	C-MU	C-ENT	C-9	H25

TABLE 15-34-2.1:

Legend: P = Permitted C = Conditional N = Not Permitted	Zones			
	C-MU	C-ENT	C-9	H25

Sales

Adult Sales	N	N	N	N
Alcohol Sales	C	C	C	C
Automobile Service Stations	N	N	N	N
Building Materials Sales	C	N	N	N
Drive-Up Stores	N	N	N	N
Food and Beverage Sales	P	P	P	P
Food Trucks and Trailers	P	P	P	P
General Sales	P	P	P	P
General Seasonal Sales	P	P	P	P
Medical Cannabis Pharmacies	P	P	N	P
Motorized Vehicle Sales	N	N	N	N
Retail Tobacco Specialty Businesses	N	N	N	N
Sales Including Outdoor Storage	N	N	N	N
Seasonal Christmas Tree and Firework Sales	P	N	N	P
Seasonal Produce Sales	P	P	P	P
Sidewalk Vendor Sales	P	P	P	P

Services

Adult Business Offices	P	N	P	N
Automotive Repair and Maintenance	N	N	N	N
Commercial Lodging	P	P	P	P
Contractor Services	N	N	N	N
Equipment or Truck Rentals	N	N	N	N
Office Services	P	P	P	P
Personal Services	P	P	P	P
Pet Services	P	P	P	P
Short Term Loan Businesses	N	N	N	N
Upper-Floor Storage	C	C	N	N

Institutional

Assembly	P	P	P	P
Assisted Living Facilities	C	N	C	N
Correctional Institutions	N	N	N	N
Daycare Facilities	P	P	P	P
Educational Facilities	P	P	P	P
Emergency Services	C	C	C	N
Halfway Houses	N	N	N	N
Hospitals	P	N	N	N
Shelters and Missions	N	N	N	N
Transitional Housing Facility	C	N	C	N

Residential

Live-work Units	P	P	P	P
Lodging Houses, Boarding Houses, Single Room Occupancies	N	N	N	N
Mixed-use Dwelling Units	P	P	P	P
Single- or Two-Family Dwelling Units Only	N	N	N	N
Multiple-family Dwellings	P	P	P	P
Cultural, Entertainment and Recreation				
Adult Entertainment	N	N	N	N
Cabarets (see main use categories applicable to restaurants, or drinking establishments)	-	-	-	-
Entertainment and Performance	P	P	P	P
Indoor or Outdoor Public Events or Civic Activities	P	P	P	P
Outdoor Recreation Businesses	N	N	N	N
Parks or Plazas	P	P	P	P
Spook Alleys, Haunted House	N	N	N	N
Vehicle-based Entertainment	N	C	N	N
Transportation, Utilities and Communications				
Parking Lots, Private	N	N	N	N
Parking Lots, Public	P	P	P	C
Telecommunication Facilities, Conditional	C	C	C	N
Telecommunication Facilities, Permitted	P	P	P	P
Transit Facilities	P	P	P	C
Utilities, Local	P	P	P	C
Utilities, Regional	N	N	N	N
Manufacturing				
Accessory Manufacturing of Food	P	C	P	C
Cannabis Production	N	N	N	N
Manufacturing Materials/ Substances into New Products	N	N	N	N
Manufacturing that Involves the Processing or Collecting of Raw Materials, Animals, or Animal Byproducts or Plants	N	N	N	N
Raw Material Manufacturing	N	N	N	N
Small Crafts Manufacturing	P	P	P	P
Temporary Buildings				
Construction-related Temporary Buildings	P	P	P	P

(Ord. 2023-16, 4-11-2023)

15-34-3: LAND USE CATEGORIES:

A. Sales: Sales land uses are those that use a lot, building, or portion thereof, to provide sales or rental of goods, services, food, beverage, and the like to the general public. These businesses are intended to generate a profit.

1. Adult Sales: Adult sales are sexually oriented businesses that sell goods, including adult bookstores and adult video stores as those terms are defined in section 5-15-3 of this code.

2. Alcohol Sales: Alcohol sales are businesses that primarily sell alcoholic beverages to customers. It includes drinking establishments and liquor stores. Cabarets that sell alcohol and include entertainment or dancing for guests are included in this land use category. Restaurants that serve alcohol but where alcohol sales are secondary to food sales in terms of revenue are not included. Stores such as grocery stores and convenience stores that sell alcoholic beverages for off-site consumption, where alcohol sales are secondary to sales of other items in terms of revenue are not included. Sexually oriented businesses are excluded.

a. No more than two (2) drinking establishments per linear block are allowed within the C-MU zone.

b. No more three (3) drinking establishments per each side of the street per linear block are allowed in the C-ENT and H25 zone.

c. No more than one (1) drinking establishment per linear block is allowed within the C-9 zone.

d. The number allowed per block includes establishments located on the corner of a block or with a publicly accessible door on the block regardless of the establishment's street address.

3. **Automobile Service Stations:** An automobile service station is a retail business engaged in the sale of motor fuel and having pumps from which fuel, such as gasoline, is dispensed either by an attendant or customer, and which may also provide as an accessory use, the sales and services generally required in the operation of a motor vehicle excluding painting, body and fender and upholstery work. This includes fuel sales that may be accessory to another use operated by the same or different business on the site.

4. **Building Material Sales:** Building material sales are businesses that sell materials, including bulky materials such as bulk lumber, fencing, trusses, and bulk piping, related to building construction. It excludes hardware stores that carry only small items that may be hand carried by customers, which are included in the general sales category.

a. Must be located in a permanent, enclosed building.

5. **Drive-Up Stores:** Drive-up stores include any use otherwise listed in the sales land use category that sells products via a drive-up window.

a. If a drive-up store is not listed as a permitted or conditional use in the zone, then the main sales land use may not have a drive-up window.

6. **Food And Beverage Sales:** Food and beverage sales are businesses that prepare, serve and sell food and drink for human consumption on or off premises. Examples include restaurants, cafes, and the like. It excludes drinking establishments.

a. Vehicular drive-up windows are prohibited.

b. Walk-up pick-up windows are permitted.

c. Food manufacturing is prohibited.

7. **Food Trucks And Trailers:** Food trucks and trailers are businesses operating out of a motorized or non-motorized vehicle that provide food or drink for human consumption on or off premises. Examples include mobile food trucks and mobile food trailers.

a. Food trucks and trailers are not allowed in The Junction (the area from and including the west side of Washington Boulevard to the east side of Grant Avenue and from and including the south side of 22nd Street to the north side of 24th Street).

8. **General Sales:** General sales are businesses that provide general goods to the public for personal, household or business use. Examples include stores that sell grocery, clothing, supplies, office products, jewelry, toys, and home furnishings. It excludes other sales uses in this section.

a. Services may be provided that are incidental to the main sales.

b. Only the outdoor display of plants and assembled yard furnishings are permitted.

(1) The area must be maintained in a clean and litter free condition, with no broken merchandise.

(2) The area may not occupy or obstruct required parking, pedestrian and vehicle accessways, or public right of way.

(3) The area must be located behind the main building and accessed by customers through the building.

(4) The area may be no larger than the associated main building.

(5) Outdoor tire displays are not allowed.

9. **General Seasonal Sales:** General seasonal sales are businesses that sell crafts, food, or beverages to the general public. It excludes seasonal produce sales and seasonal Christmas tree and firework sales.

a. Such use shall either locate in a temporary building under four hundred (400) square feet for a period not to exceed 6 months in a single calendar year, or in a permanent building year-round.

b. Pop-up tents and temporary stands are permitted.

c. Any temporary or permanent structure shall be unified in its design.

10. **Medical Cannabis Pharmacies:** Medical cannabis pharmacies are businesses that have been licensed by the State of Utah for the sale of medical cannabis.

a. Unless waived by the Utah Department of Health, the medical cannabis pharmacy shall be located no closer than 600 feet from any primarily residential zone and 200 feet from any community location (as defined in section 15-2-4 of this code), measured from the nearest entrance to the pharmacy following the shortest route of ordinary pedestrian travel to the boundary of the community location or residential zone.

b. Only one public access is permitted which shall be located on the street face of the building.

- c. No portion of the exterior brick visible to the public shall be painted.
- d. No windows shall be darkened or covered to prohibit view into the interior of the sales space from the street.
- e. Hours of operation shall be limited to eight o'clock (8:00) A.M. to eight o'clock (8:00) P.M.

11. **Motorized Vehicle Sales:** Motorized vehicle sales are businesses engaged in the sale of vehicles that are operated by a motor or electric cell. Examples include the sale of automobiles, trucks, motorcycles, boats, and off-road vehicles.

12. **Retail Tobacco Specialty Businesses:** Retail tobacco specialty businesses are businesses where the sale of tobacco products accounts for more than thirty five percent (35%) of the total annual gross receipts for the establishment, as further defined in section 15-2-19 of this code.

a. If the sale of tobacco products accounts for less than fifty percent (50%) of the receipts, the main sales use also must be listed as permitted or conditional use in the zone.

13. **Sales Including Outdoor Storage:** Sales including outdoor storage are businesses otherwise listed in the sales land use category that include outdoor storage of materials, whether such items are for sale or not. Examples include businesses that store outside lumber, plumbing and heating supplies, garden supplies, and the like. It excludes outdoor displays included in general sales category uses.

a. If sales including outdoor storage is not listed as a permitted or conditional use in the zone, then the main sales land use may not have outdoor storage.

14. **Seasonal Christmas Tree and Firework Sales:** Seasonal Christmas tree and firework sales are businesses that sell Christmas trees and/or fireworks for a limited period of time associated with holidays.

15. **Seasonal Produce Sales:** Seasonal produce sales are businesses that sell produce that is in season to the general public.

a. Sales are limited to the area described as being between the 2300 and 2700 blocks of Wall Avenue, and the 100 and 200 blocks of 25th Street.

b. All stands or trucks and displayed produce must be located on private property.

c. Such stands or displays shall be set back at least twenty feet (20') from adjoining street right-of-way lines.

d. Off street parking must be available on site or within five hundred feet (500') of the site.

e. No portable, flashing, or banner signs shall be permitted.

f. Such use shall either locate in a temporary building under four hundred (400) square feet for a period not to exceed six (6) months in a calendar year, or in a permanent building.

16. **Sidewalk Vendor Sales:** Sidewalk vendor sales are businesses that engage in sales on the sidewalk or public right-of-way.

a. These types of sales may only be located in those locations set forth in the approved vendor location map referenced in title 5, chapter 13, article B of this code.

B. Services: Service land uses are those that use a lot, building, or portion thereof, to provide various business, professional, repair, or temporary lodging services to customers or clients. The uses typically do not sell or manufacture material goods on-site or only do so as an accessory use. Service uses include the following:

1. **Adult Business Offices:** An adult business office is a sexually oriented business that arranges services but provides no sexually oriented client services or sale of goods on-site. This includes adult entertainment dancing agencies and outcall services as those terms are defined in Section 5-15-3.

2. **Automotive Repair And Maintenance:** Automotive repair and maintenance are businesses engaged in repair or maintenance of automobiles, trucks, boats, motorcycles, or other motorized vehicles. It includes auto repair or body shops, automobile lube and oil centers, and car washes. It excludes automobile service stations.

3. **Commercial Lodging:** A commercial lodging business provides overnight lodging for a fee for the traveling or business public who have primary residence at another location for short-term stay. These include hotels and motels. It excludes shelters for the homeless, boarding houses, lodging houses, and single room occupancies.

a. Bed and breakfast inns, campgrounds, and recreational coach parks are not permitted within downtown commercial zones.

b. Hotels and motels are subject to the following:

(1) The maximum length of stay for any individual or family is ninety (90) days in any twelve (12) month period. See Section 15-13-32.

(2) The building or lot must contain at least eleven (11) individual sleeping units.

(3) Common reservation and cleaning services must be provided.

(4) On-site management and reception services must be available.

(5) Restaurants, fitness centers, conference facilities and the like may be part of the use.

c. Short-term rentals are subject to the standards in Section 15-13-38, except as follows:

(1) Short-term rentals are limited to C-ENT and H25 zones.

(2) Short-term rentals may not be located in the same building with other residential uses, hotels, or motels.

(3) Short-term rentals are limited to a maximum of ten (10) dwelling units on one lot. Projects with more than ten (10) units shall be subject to standards for hotels and motels.

(4) Although there is no maximum length of stay, the dwelling unit must be operated as a short-term rental, including all of the following:

(a) There shall be no required minimum length of stay greater than thirty (30) days;

(b) The occupants shall have a permanent address at another location;

(c) The operator shall provide furnishings for the dwelling unit; and

(d) All utility services shall remain in the owner's or operator's account.

4. Contractor Services: Contractor services are businesses that provide services related to building or equipment installation, construction, maintenance, repair or similar work primarily off-site at the customer's site. Examples include a general contractor, roofer, plumber, flooring contractor, or heating contractor. These businesses include any of the following:

a. Storage or movement of materials or equipment on site that require loading with a fork-lift or similar heavy equipment;

b. Use of vehicles larger than standard cargo vans or pick-up trucks on a weekly or more frequent basis;

c. Outdoor storage;

d. Indoor storage in an area larger twenty five percent (25%) of the business' floor area; or

e. Machining or equipment fabrication or repair on-site.

Businesses that provide contractor services but only provide office services or customer showrooms on site, and none of a. through e. above, are classified as office uses or sales uses as appropriate.

5. Equipment or Vehicle Rentals: These are businesses that provide rental of equipment for individuals, businesses, or agencies. Examples include equipment rental business, trailer rental, car and truck rental.

a. Must be located within a permanent building.

b. Display of the items available for rent is permitted.

c. Any outdoor storage of items to be repaired, as well as repair areas, shall be fully screened from public view. This may be accomplished through landscaping or fencing.

6. Office Services: Office services are businesses or organizations that provide business, professional, governmental, financial, medical, or counseling services in an indoor office setting. Examples include offices for architects, doctors, banking, insurance, real estate, advertising, employment agencies, government agencies, courts, and the like. It excludes personal service uses. It excludes contractor services as defined in this section.

a. The sale or provision of material goods directly from the office may be an accessory use, but in no case shall the display and storage of such goods occupy more than twenty five percent (25%) of the floor area and shall be limited to goods that may be hand carried by customers.

b. A drive-up window may be included with financial institutions only if it is located at the rear of the building. No entrance or exit driveway is allowed for exclusive use by drive-up window customers, and no driveway shall be installed that exceeds the minimum allowable driveway width. Drive-up windows are not allowed for any other use.

c. This category does not include short-term loan businesses, adult business offices, or non-profit free medical offices.

d. Must be located in a permanent building.

7. Personal Services: Personal services uses are businesses that provide physical aesthetic services, nonmedical treatment, repair or cleaning of small personal items, mailing, copying, or similar services largely to individuals who come to the site for the service or to drop off or pick up items. Examples include hairdressers, barbers, manicurists, tanning salons, tattoo and piercing businesses, massage businesses, clothing rentals, laundromats, dry cleaning pick-up stores, photocopy stores, mailing services, locksmiths, shoe repairs, tailoring and alteration of garments, and fitness studios. It excludes small engine repair and pet services.

a. Must be located within a permanent, enclosed building.

b. Drive-up windows are prohibited.

8. Pet Services: Pet services are businesses that provide health and grooming services to household pets. Examples include veterinary, pet grooming, and the like.

a. Must be located in a permanent, enclosed building.

b. Business shall be conducted between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M.

c. Boarding and kenneling are not included in this category.

9. Short Term Loan Businesses: Short term loan businesses are businesses primarily engaged in making cash loans or providing check cashing services. See also the definition in Section 15-2-20. This includes businesses such as check cashers, deferred deposit lenders and title lenders.

10. Upper-floor Storage: Upper-floor storage are businesses that provide storage for individuals or businesses on floors above the main ground floor level. Examples include warehousing, personal storage units, or refrigerated storage.

a. Use is limited to existing buildings only. New buildings may not be constructed for this use.

b. Must be located in a permanent, enclosed building.

c. Storage must be located on floors above the main ground floor level.

d. The entire ground floor level, except for necessary loading elevators, must be for a use in another category.

e. This use is not permitted on any property with a front or street side property line on Washington Boulevard.

C. Institutional: Institutional land uses are those that serve the community related to educational, religious, and social needs and are typically operated by a government or non-profit organization for non-commercial purposes. Examples include schools, places of worship, jails, and services for the homeless. It includes institutional housing.

1. Assembly: Assembly uses are uses operated by non-profit or government organizations where groups gather to worship, socialize, or be entertained and where an entry fee is normally not charged. This includes churches, meeting halls, and lodges. It excludes businesses in the cultural, entertainment, and recreational land use category.

2. Assisted Living Facilities: An assisted living facility is a residential facility, licensed by the state of Utah, with a homelike setting that provides an array of coordinated supportive personal and healthcare services, available twenty four (24) hours per day, to residents who have been assessed under Utah Department of Health or the Utah Department of Human Services rules to need any of these services.

a. Each resident in an assisted living facility shall have a service plan based on the assessment, which may include:

(1) Specified services of intermittent nursing care;

(2) Administration of medication; and

(3) Support services promoting resident's independence and self-sufficiency.

b. Such facility does not include adult daycare provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

c. No assisted facility shall be established or maintained within one thousand feet (1,000'), measured in a straight line between the closest property lines of the lots of any of the following similar facilities:

(1) A protective housing facility;

(2) A transitional housing or rehabilitation/treatment facility;

(3) A residential facility for persons with a disability licensed for the housing of more than five (5) disabled persons;

(4) A residential facility for the elderly with more than five (5) elderly persons in residence; or

(5) Boarding or lodging house.

3. Correctional Institutions: Correctional institutions are facilities designed for the confinement, correction, and rehabilitation of adult and/or juvenile offenders sentenced by a court. These include prisons, jails, juvenile detention facilities and juvenile secure facilities.

4. Daycare Facilities: Daycare facilities includes daycare centers for children, adult daycare facilities, and home preschools.

5. Educational Facilities: Educational facilities include facilities used primarily for the instruction of individuals. It includes primary and secondary educational institutions, post-high school educational institutions, with or without housing, sheltered workshops, public and private classrooms for instruction in the arts, sciences, vocations, and the like. It excludes assembly uses, personal services uses, and any use that is primarily within the cultural, entertainment and recreation category. It also excludes preschool facilities that are classified as daycare facilities.

6. Emergency Services: Emergency Services uses are uses operated by governmental or quasi-governmental

agencies the provide key services to the community in the time of an emergency. This includes fire stations, police stations, and ambulance services. The storage of emergency vehicles, training rooms, requisite office space, and the like are typically located on properties with these uses. It excludes private businesses that provide these services, which are considered service uses.

7. **Halfway Houses:** Halfway houses are facilities that provide housing and other services to parolees upon release from prison or probationers who have violated the terms of their probation.

8. **Hospitals:** Hospitals are institutions licensed by the State of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians. Any medical clinic or professional office which offers any inpatient or overnight care or operates on a twenty-four (24) hour basis shall be considered to be a hospital. A hospital may include integral support service facilities such as laboratories, outpatient units and training and central services, together with staff offices necessary to the operation of the hospital.

9. **Shelters and Missions:** Shelters and missions are facilities that provide support for individuals or families in need of food, shelter, clothing, or medical relief. It includes charitable soup kitchens and shelters for the homeless. It excludes any kind of residential facility, transitional housing facilities, boarding houses, and lodging houses.

10. **Transitional Housing Facilities:** Transitional housing facilities are facilities owned, operated or contracted by a governmental entity or a charitable, nonprofit organization, where, for no compensation, temporary housing (for usually three (3) to twenty four (24) months, but in no event less than thirty (30) days) is provided to homeless persons, while they obtain work, job skills, or otherwise take steps to stabilize their circumstances.

a. A transitional housing facility shall not include a shelter for the homeless.

b. A dwelling unit provided to a family for their exclusive use as part of a transitional housing program, for more than thirty (30) days, shall not be considered to be a transitional housing facility.

c. No transitional housing facility shall be established or maintained within one thousand feet (1,000'), measured in a straight line between the closest property lines of the lots of any of the following similar facilities:

(1) A protective housing facility;

(2) A rehabilitation/treatment facility;

(3) A residential facility for persons with a disability licensed for the housing of more than five (5) disabled persons;

(4) A residential facility for the elderly with more than five (5) elderly persons in residence;

(5) An assisted living facility; or

(6) Boarding or lodging house.

D. **Residential:** Residential land uses are those that use a lot, building, or portion thereof, exclusively for dwelling purposes, not commercial lodging, which is or is intended to be occupied by a single resident or family.

1. **Live-Work Units:** Live-work units are dwelling units in which a significant portion of the space includes a nonresidential work use that is operated by the occupant and that is internally connected to the living space.

a. See section 15-13-43 of this code for standards.

b. Live-work units are limited to dwelling units that otherwise would be allowed without the work function.

2. **Lodging Houses, Boarding Houses, Single Room Occupancies:** Lodging houses, boarding houses, and single room occupancies are uses that serve as the principal, long-term (at least thirty (30) days) residence for individuals, families, or households. The residents do not have individual dwelling units but occupy sleeping units and share at least one common feature such as bathrooms, kitchens, or food service.

3. **Mixed-Use Dwelling Units:** Mixed-use dwelling units are one or more dwelling units within the same building as an otherwise allowable non-residential use.

a. The non-residential use must occupy at least one thousand five hundred (1,500) square feet of the ground floor storefront area.

b. **C-ENT Zone:** In the C-ENT zone, residential uses are not permitted in the ground floor storefront area.

c. **C-MU Zone:**

(1) In C-MU zones along Wall Avenue and Washington Boulevard, a maximum of forty percent (40%) of the ground floor storefront area along those streets on any lot may have residential uses.

(2) Property along all other streets located in the C-MU zones are not limited in the percentage of ground floor area with residential uses, other than the required non-residential use.

d. **H25 Zone:** In the H25 zone, residential uses are not permitted in the ground floor storefront area. A maximum of twenty percent (20%) of the ground floor storefront area may be dedicated to lobby space and/or circulation for residential uses elsewhere in the building.

e. C-9 Zone: Property in C-9 zones are not limited in the amount of ground floor area with residential uses, other than the required non-residential use.

f. The ground floor storefront area extends from the front or side street side of the building to a minimum depth of sixty feet (60') within the building.

g. See section 15-34-6 of this code for amenity requirements.

4. Multiple-family Dwellings: A multiple-family dwelling is a building arranged or designed to include three (3) or more dwelling units, each to be occupied by one family.

a. C-ENT Zone: In the C-ENT zone, residential uses are not permitted in the ground floor storefront area.

b. C-MU Zone:

(1) In C-MU zones along Wall Avenue and Washington Boulevard, a maximum of forty percent (40%) of the ground floor storefront area along those streets on any lot may have residential uses.

(2) Property along all other streets located in the C-MU zones are not limited in the amount of ground floor area with residential uses.

c. H25 Zone: In the H25 zone, residential uses are not permitted in the ground floor storefront area. A maximum of twenty percent (20%) of the ground floor storefront area may be dedicated to lobby space and/or circulation for residential uses elsewhere in the building.

d. C-9 Zone: Property in C-9 zones are not limited in the amount of ground floor area with residential uses.

e. The ground floor storefront area extends from the front or side street side of the building to a minimum depth of sixty feet (60') within the building.

f. See section 15-34-6 of this code for amenity requirements.

5. Single- Or Two-Family Dwelling Units Only: These are residential dwelling units that are stand alone and not part of a mixed-use building or multiple-family dwelling.

E. Cultural, Entertainment And Recreation: Cultural, entertainment and recreation land uses are those that use a lot, building, or portion thereof, that provide amusement, hobby, and leisure time activities for the general public, such as live performances, events, or exhibits intended for public viewing, outdoor leisure activities like miniature golf, and the like.

1. Adult Entertainment: Adult entertainment businesses are sexually oriented businesses that provide entertainment on-site, including adult live entertainment businesses and adult motion picture theaters as those terms are defined in section 5-15-3 of this code.

2. Cabarets: See main use categories applicable to restaurants, or drinking establishments.

3. Entertainment And Performance: Entertainment and performance businesses provide live performance, film, or action activities for audiences. Examples include movie theaters, live theater, dance halls, sporting events, and the like. Sexually oriented businesses or cabarets are not included in this category.

4. Indoor or Outdoor Public Events or Civic Activities: Indoor or outdoor public events or civic activities are land uses undertaken by a governmental or non-profit entity for the general enjoyment of the community. Examples include a parade, charity run, Christmas Village, theatre in the park, and the like.

5. Outdoor Recreation Business: Outdoor recreation businesses are businesses that are located outside and provide personal or group recreation for a fee. Examples include miniature golf, driving ranges, and batting cages.

6. Parks Or Plazas: A park or plaza is a publicly owned area that is largely outdoors and is used by the public for passive recreation and participation in sports. It may include outdoor public events or civic activities. Entertainment and performance uses are a separate category.

7. Spook Alleys, Haunted Houses: Spook alleys and haunted houses are land uses that focus on frightening patrons as a form of entertainment. Typically open during the Halloween season, these uses can be indoor or outdoor.

8. Vehicle-based Entertainment: Vehicle-based entertainment are businesses that rely on the use of motorized vehicles for personal or group entertainment. Examples include go-carts, dirt bike tracks, and racetracks.

a. In the C-ENT district, these uses must be indoors.

F. Transportation, Utilities And Communications: Transportation, utilities and communications are those that use a lot, building, or portion thereof, that provide technical services related to utilities and communications, as well as infrastructure related to transportation.

1. Private Or Public Parking Lots: Private or public parking lots are independent land uses separate from on-site parking serving a particular land use. They include additions to existing parking areas created after January 1, 2023 that exceed maximum parking allowances for an associated land use. They include ground-level and structured parking facilities. Parking lots are of two (2) types:

a. Private parking lots: Private parking lots are owned and operated by other than a government agency.

b. Public parking lots: Public parking lots are owned by a government agency or operated under contract with a government agency.

2. Telecommunication Facilities: Telecommunication facilities receive and/or transmit electronic data via radio frequencies. They include cellular towers, relay towers, radio towers, and satellite dishes. It excludes facilities with the public right-of-way, which are regulated separately under the municipal code. Facilities are of two (2) types:

a. Permitted: Permitted telecommunication facilities include television satellite antennas that are regulated under section 15-13-18 of this code, and cell towers and small cell wireless facilities that are hidden from view from the adjacent public right-of-way.

b. Conditional: Conditional telecommunication facilities include cell towers and small cell wireless facilities that are not hidden from view from the adjacent public right-of-way.

(1) Service Study: New cell towers are only permitted when required to provide service to cellular networks. The applicant shall provide a service study showing that service cannot be provided by any other means, including co-locating antennas on existing towers.

(2) Setbacks And Screening: The tower base and associated ground infrastructure shall be set to the rear of an existing building so as not to be visible from the public right-of-way. If this is not possible, the tower base and associated ground infrastructure shall be set back as far as possible from the public right-of-way and shall be screened through architectural elements, landscaping, or low walls, and the like. In no case shall the tower or ground equipment be placed forward of the front or street facing side façade of the building.

3. Transit Facilities: Transit facilities is infrastructure that facilitates public transportation. These include bus stops, train stations, transit centers, ticket and information centers, and transit vehicle parking areas and garages.

4. Utilities: Utilities are facilities that serve other land uses with water, sewer, storm drainage, electric power, natural gas, and the like. It excludes facilities within the public right-of-way, which are regulated separately under the municipal code. Utilities are of two (2) types:

a. Local: Local utilities are needed to serve the local neighborhood and are dependent upon being within that neighborhood. Examples may include storm water detention ponds, water pump stations, sewer lift stations, rooftop solar or wind generating facilities, and small electric substations.

b. Regional: Regional utility facilities serve areas beyond the local neighborhood and are not dependent upon being in the neighborhood to provide the service. These may include water or sewer treatment plants, ground mounted solar or wind generating facilities, and large electric substations.

G. Manufacturing: Manufacturing land uses are those that use a lot, building, or portion thereof, for the assembly or creation of products for human use or consumption. Manufacturing establishments are located in plants, factories, or mills and employ power-driven machines and materials-handling equipment.

1. Accessory Manufacturing of Food: Accessory manufacturing of food are businesses that include the manufacturing of food for human consumption that is secondary or incidental to the primary use of a property. This may be part of a business or that has a different primary land use, such as a retail business that has incidental sales of bread that has been manufactured on-site.

a. Not more than fifteen percent (15%) of the floor area may be used for the manufacturing process.

b. The street frontage shall be used for permitted sales uses

c. No deliveries of the produced product by delivery truck are allowed.

2. Cannabis Production: Cannabis production businesses engage in the cultivation or processing of cannabis products.

3. Manufacturing Materials/Substances Into New Products: Manufacturing materials/substances into new products businesses assemble new products from already processed materials or substances. This type of manufacturing is limited only to food products for human consumption, clothing, textiles, printing, and publishing, and plastic consumer products. Examples include wholesale bakeries, beverage bottling plants, dairy products, apparel, textiles, newspaper publishing, book publishing, toys, cases, helmets, and the like.

a. All activity related to the manufacturing must be completed in an enclosed building.

b. Storage of equipment and materials must be within a completely enclosed building.

4 Manufacturing That Involves The Processing Or Collecting Of Raw Materials, Animals, Or Animal Byproducts Or Plants: Manufacturing that involves the processing or collecting of raw materials, animals, or animal byproducts or plants includes meat packaging, poultry processing, grain and cereal mills, pharmaceuticals. It excludes raw material manufacturing.

5. Raw Material Manufacturing: Raw material manufacturing businesses involve the processing, collecting or storage of raw materials or scrap. Examples include junkyard, metal salvage, metal collection, and the like. It excludes manufacturing that involves the processing or collecting of raw materials, animals, or animal byproducts or plants.

6. Small Crafts Manufacturing: Small crafts manufacturing businesses engage in creation of craft products or food

products for human consumption where a portion of the product is sold to customers on-site and where visitors on-site may observe the manufacture process in some way. The use is limited to those that do not require regular (weekly or more frequent) deliveries or shipments by semi-truck. Examples include art studios, jeweler manufacturers, craft breweries, and retail bakeries.

- a. The manufacturing and storage use shall not occupy more than ten thousand (10,000) square feet floor area;
- b. The customer sales and display area shall occupy an area of at least fifteen percent (15%) of the manufacturing and storage area.

H. Temporary Buildings: Temporary buildings are non-permanent structures that are located on a lot.

1. Construction-Related Temporary Buildings. This is the use of land for buildings that are directly related and incidental to construction work.

- a. Such buildings shall be removed upon completion or abandonment of construction work.

(Ord. 2023-16, 4-11-2023; amd. Ord. 2024-12, 5-7-2024)

15-34-4: LOT REQUIREMENTS:

Table 15-34-4.1 outlines the minimum dimensional requirements that shall apply in each downtown commercial zone.

Table 15-34-4.1: Lot Requirements				
	C-MU	C-ENT	H25	C-9
Lot Area	None	None	None	None
Lot Width	30 feet	30 feet	30 feet	30 feet
Minimum FAR ¹	0.75	1.0	1.0	0.75
1. FAR refers to floor to lot area ratio. Floor area excludes parking structures and accessory buildings. Lot area is net lot area. Minimum FAR standards do not apply to parks, plazas, and public parking lots.				

(Ord. 2023-16, 4-11-2023)

15-34-9: DEMOLITION OF BUILDINGS:

A. Building Maintenance: Building maintenance is encouraged while an owner is waiting for a new potential use. Demolition permits are issued only if a building is declared a hazard or upon approved building permit for new construction.

B. Demolition Permit Issuance: Prior to obtaining a demolition permit for the demolition of any main building, the applicant must receive project development plan approval for the immediate reuse of the lot. The submissions must be accompanied with a cost escrow or performance bond to assure timely and proper installation. This bond shall be in addition to the bond required under section 16-9-4 of this code, demolition or moving of buildings or structures code. The bond required under this subsection may be included as part of other required bonding for installation of landscaping or public improvements as an alternative method of performance.

C. Waiver Of Reuse Requirements: Where fire or natural disaster has caused widespread and major damage to properties, and/or where immediate demolition and clearing of the land is necessary to remove hazardous conditions, the director may waive the requirement for immediate reuse of the lot and order immediate demolition. The director may require interim improvements to secure the lot and maintain an attractive site until redevelopment may occur.

(Ord. 2023-16, 4-11-2023)

15-34-10: PROHIBITION OF PAINTING OR COVERING EXTERIOR BRICK:

Buildings that are located east of Adams Avenue and properties facing either side of Adams Avenue are:

- A. prohibited from painting or covering exterior brick except as provided in Subsection B.
- B. painting or sealing of unpainted brick may be approved by the planning commission if an evaluation is submitted to the planning commission that has been reviewed by the director providing information that:
 - 1. painting or sealing of the brick is required to provide a protective surface that will limit the continued erosion of the brick.
 - 2. the paint or sealant used will preserve the brick.
 - 3. the color of the paint or sealant will match the existing brick color.

(Ord. 2024-8, 4-9-2024)