

§ 290-23. Permitted uses. [Amended 10-5-1987 by Ord. No. 1057 ; 12-15-1997 by Ord. No. 17-97 ; 9-27-1999 by Ord. No. 13-99 ; 7-10-2006 by Ord. No. 10-06]

In District D, only the following uses are permitted:

- A. Business uses of a strictly retail sales and service type, conducted entirely within the confines of a building and involving the sale of goods or rendering of services directly to the ultimate consumer and limited to the following:
 - (1) Stores for retail sale and display of goods and products, provided that the area devoted to storage of such goods and products does not exceed the area devoted to sales and display.
 - (2) Shops, including personal services and repair shops, such as beauty and barber shops; shoe repair; bicycle sales and repair; upholstery shops; print shops; florists; television and radio sales and service; locksmiths; photographers; the sale of food products prepared, cooked or baked on the premises, including delicatessens; and laundries and dry-cleaning and/or laundry establishments, but not including wholesale laundries and dry cleaners.
 - (3) Restaurants, but not including drive-in restaurants.
 - (4) Business, professional and executive offices and personal business service establishments, such as travel agencies, auto driving schools, taxi businesses, telephone answering services, educational facilities, dance, martial arts, yoga, gym, and exercise facilities, provided that such uses shall be limited to the upper floors only of mixed-use buildings.
 - (5) Banks and similar financial institutions. Bank drive-in facilities are permitted only as special exceptions in accordance with the provisions of Article XIX.
 - (6) A building containing a retail business establishment on the first floor may contain dwelling units or apartments in stories above the first story, provided that the minimum floor area requirements of § 290-20E(2) are met.
 - (7) Public buildings and structure, including public schools of the schools district, private schools not operated for profit of elementary and high school grade, and public parks and playgrounds.
 - (8) Places of worship subject to § 290-7G.
- B. No use in District D shall involve any process of manufacture, fabrication, assembly, disassembly, treatment or alteration of any product, except as an essential part of a retail operation, such as those listed in Subsection A(2). In addition, any use not specifically permitted in Subsection A above shall be deemed prohibited.
- C. Accessory uses customarily incident to the uses set forth in Subsection A.
- D. No operator of any commercial premises, including those set forth in Subsection A above, and as defined in Chapter 247, Streets and Sidewalks, Article II, shall commence the servicing of customers at such premises prior to 5:30 a.m. or after 11:00 p.m. on any day of

the week. Notwithstanding the foregoing, nothing contained in this section shall prohibit an operator of commercial premises from providing delivery services after 11:00 p.m., but not later than 3:00 a.m., on any day of the week. **[Amended 5-15-2017 by Ord. No. 2017-6]**