

## **9.000 DOWNTOWN DEVELOPMENT ZONING (DD)**

### **9.100 INTENT AND PURPOSE**

This district is to provide for the development of business and service uses designed to meet the needs of the downtown area. This district will provide a wide variety of goods and services in the downtown area where operating characteristics require a limitation of uses permitted in other commercial areas and greater latitude than what is permitted in other commercial zoning districts. Provisions of this district are designed to ensure that such commerce will be compatible with adjacent, non-commercial development and to minimize any undesirable effects of heavy traffic or other operating characteristics.

### **9.200 GENERAL PROVISIONS**

#### **9.210 PERMITTED USES**

Land shall be used and buildings/structures shall hereafter be erected, altered, enlarged, or otherwise modified for the following permitted uses:

Antique shops  
Art galleries and picture framing shops – but not including auction rooms  
Astrology  
Auto accessories and parts store  
Automobile and truck sales and service, new and used  
Automobile body repair, conducted entirely in an enclosed building  
Automobile service stations  
Bakery, retail only  
Beauty shops/salons/barber shops  
Bed and breakfast establishments  
Bicycle stores – sales, rental and repair  
Cabinet shops  
Catering establishments  
Cleaning and dyeing, coin operating, pick-up station and/or using non-explosive solvents  
Clothing and costume rental establishments  
Clubs and lodges – private, fraternal or religious  
Coffee shops, sandwich shops, and bagel shops, but not drive through service lanes  
Coin and philatelic stores  
Commercial day care facilities  
Convalescent or nursing home  
Delicatessen  
Farmers market  
Financial institutions  
Fitness center  
Florist shops  
Food stores  
Funeral parlors and accessory uses not including outside monument storage  
Furniture stores  
Garden supply and seed stores  
General merchandise stores, but not medical marijuana dispensaries  
General offices, including banks and financial establishments  
Glass replacement and repair (including auto glass)  
Health care or therapeutic services and clinics, but not medical marijuana dispensaries.  
Heating, plumbing, ventilating, refrigeration and air-conditioning sales and service  
High-density multiple-family developments  
Hotels and motels – including dining and meeting rooms  
Household appliances – service and repair shops

Instructional Schools (not providing housing, dormitories or sleeping overnight and not involving any danger of fire, explosion nor offensive noise, vibration, smoke, dust, odor, glare, heat or other objectionable influences).

Interior decorating shops

Jewelry stores – including watch repair

Laboratories – medical, dental with accessory research, and testing

Laundries

Liquor stores

Locksmith shops

Mail order service stores

Meeting halls

Mind reading or other similar calling

Music and dance studios

Musical instrument sales and repair

Newspaper offices – including printing

Orthopedic and medical appliance stores – but not including assembly or manufacture of such articles

Parking lots and storage garages for automobiles

Pawnshops

Pet shops and pet grooming

Photography studios – including developing and printing of photographs when conducted on the premises as part of the retail business

Post offices

Pre-Schools

Printing establishments

Public libraries

Radio and television broadcasting studios provided that no broadcast antenna exceed the height of fifty (50) feet and no dish style antenna exceed one-point-five (1.5) meters in diameter.

Recording studios

Restaurants – including live entertainment and dancing

Second hand stores and rummage shops

Sign printing shops

Stamp and coin hobby shops

Tailor shops

Tattoo parlors

Tavern or cocktail lounge

Taxidermists

Tobacco shops

Tool and cutlery sharpening or grinding

Upholstery shops

Veterinary – small animal clinic only; boarding allowed.

Wireless Communication Facilities located or co-located on an existing building or structure, if concealed or camouflaged. Maximum height of all facilities is fifty (50) feet. (See also Subsection 26.1000: WIRELESS COMMUNICATION FACILITIES in Section 26.000: GENERAL DEVELOPMENT STANDARDS.)

Accessory uses to the above permitted uses. Uses not explicitly enumerated in this section as permitted uses but closely similar thereto, provided that these uses are not explicitly mentioned as permitted or conditional uses elsewhere in this ordinance.

#### **9.220 USES WHICH MAY BE PERMITTED BY CONDITIONAL USE PERMIT**

The following uses may be permitted subject to approval of a Conditional Use Permit as provided in Section 29.000: CONDITIONAL USE PERMITS:

Auction rooms

Car washes

Mechanical equipment, such as but not limited to vehicle hoists, used for vehicle repair and service that are located outside of an enclosed building.  
Off-premises signs (billboards) subject to bulk regulations within the Sign Code  
Pre-fabrication units – used for offices only  
Storage of gasoline and/or diesel fuel in an above-ground tank with a maximum 15,000 gallon capacity for use in vehicles associated with permitted activities on the premises. An approved structure must be provided that will contain on-site 100-percent of any fuel in the event of a tank leak or rupture.  
Wireless Communication Facilities located or co-located on an existing building or structure, if concealed or camouflaged. Maximum height of all facilities is two-hundred-fifty (250) feet. (See also Subsection 26.1000: WIRELESS COMMUNICATION FACILITIES in Section 26.000: GENERAL DEVELOPMENT STANDARDS.)

Uses not explicitly enumerated in this section as permitted uses but closely similar thereto, provided that these uses are not explicitly mentioned as permitted or conditional uses elsewhere in this ordinance.

## **9.300 GENERAL**

### **9.310 LOT AREA**

All lots in this district shall contain a minimum of three thousand, one-hundred, twenty-five (3,125) square feet. The specified lot area size is not intended to prohibit two (2) or more separate uses on a lot where the lot is in undivided ownership.

### **9.320 LOT WIDTH**

Not less than twenty-five (25) feet

### **9.330 YARDS**

Yard abutting street: no minimum

Side yard and rear yard: There shall be no requirements, except where a side or rear lot line coincides with a lot line in an adjacent residential district. Such yard shall not be less than ten (10) feet in depth and such yard may be used for parking.

### **9.340 BUILDING HEIGHT**

Not to exceed fifty (50) feet

### **9.350 DISTANCE BETWEEN BUILDINGS**

Buildings not actually adjoining shall be provided with a minimum six (6) foot separation.

### **9.360 OFF-STREET PARKING AND OFF-STREET LOADING**

No minimum off-street parking is required, however, off-street parking lots must meet the minimum design standards of Section 22.700: DESIGN AND IMPROVEMENT OF PARKING AREAS.

### **9.370 CONDUCT OF USES**

All business, service, storage, and merchandise display shall be conducted wholly within an enclosed building or an opaque enclosure, including porches, except for off-street automobile parking, off street loading, and the usual pumping operations of gasoline sales and permitted open sales or storage lots. **Vehicle repair and service work may be performed outside of an enclosed building.** Any vehicle that does not have the repair completed by the end of the business day must be placed in an enclosed

building or behind a screen enclosure that meets the standards of Section 26.800 STORAGE FACILITIES, subsection 26.810 ALL COMMERCIAL AND INDUSTRIAL USES HAVING PERMITTED OUTSIDE STORAGE OR DISPLAY OF MERCHANDISE, MATERIAL, OR EQUIPMENT. Mechanical equipment erected or constructed outside an enclosed building necessary to repair or service vehicles may be permitted by conditional use permit.

When a lot is used for commercial purposes and abuts a lot within any developed residential district, a masonry wall of not less than six (6) feet or more than eight (8) feet in height shall be erected and maintained along the abutting side and/or rear yard line prior to occupancy of the building.

Said wall shall be reduced to thirty-six (36) inches in height within a required front yard of the adjacent residential property. In the case where the developed commercial lot abuts an undeveloped residential district, which has been identified as having commercial potential by an approved land use plan, the masonry wall requirement may be deferred until such time as the abutting lot is developed in a residential manner. At this point in time, the owner of the abutting commercial property shall have six (6) months, from the date of Certificate of Occupancy for the residence is issued, to construct the required masonry wall. If there is a dedicated alley or public roadway separating the commercial property from the residential property, the alley or public roadway shall serve as the buffer and the masonry wall shall not be required unless so specified by ordinance relating to the rezoning of the subject property.