

§ 153.070.020 USE REGULATIONS.

(A) *Permitted uses.* Table 153.070.020 identifies the permitted uses in the MU-1 and MU-2 Zones.

(B) *Conditional uses.* Certain uses may be subject to special conditions regarding the location, operation or design of the use. References to these provisions are made in Table 153.070.020.

(C) *Prohibited uses.* If a use is not specifically listed in Table 153.070.020, that use is prohibited. However, the Zoning Administrator shall have the authority to determine whether the proposed use is permitted based on the finding that the use is similar to and no more detrimental than a particular use permitted in the zone.

(D) *Mixed uses.* Permitted uses identified in Table 153.070.020 may be established on a single site as an integrated project, subject to the provisions of subchapter 153.120 related to Mixed Use Development. Stand-alone commercial uses are permitted in Mixed Use Zones. In mixed use zones, all new development is required to include a commercial component.

**TABLE 153.070.020**

<i>Permitted and Conditionally Permitted Uses within Mixed-Use Zones</i>	<i>P</i>	<i>Permitted use</i>	
	<i>CUP</i>	<i>Conditional use permit required</i>	
	<i>A</i>	<i>Accessory use</i>	
	<i>--</i>	<i>Use not allowed</i>	
<i>Land Use</i>	<i>MU-1</i>	<i>MU-2</i>	<i>Specific Regulations</i>
<i>Permitted and Conditionally Permitted Uses within Mixed-Use Zones</i>	<i>P</i>	<i>Permitted use</i>	
	<i>CUP</i>	<i>Conditional use permit required</i>	
	<i>A</i>	<i>Accessory use</i>	
	<i>--</i>	<i>Use not allowed</i>	
<i>Land Use</i>	<i>MU-1</i>	<i>MU-2</i>	<i>Specific Regulations</i>
Accessory dwelling units	P	P	153.120 Part 11
Acupressure/acupuncture establishments	--	--	
Alcohol sales			
a. On-sale outlets	CUP	CUP	153.120 Part 2
b. Off-sale outlets	CUP	CUP	
Antique shops	P	--	
Arcades and internet cafes	CUP	CUP	153.120 Part 3
Art/photography stores, studios and galleries	P	P	
Banks and financial institutions	CUP	--	
Business support services (blueprinting, computer-services, film processing, small equipment rental, etc.)	P	P	
Catering establishments	P	--	
Commercial entertainment (motion picture theaters, performing arts centers, dance halls)	CUP	--	
Day care centers - child	CUP	CUP	153.120 Part 6
Day care centers - adult	CUP	CUP	
Drug stores and pharmacies	P	P	
Dwelling units			Housing portion of horizontal mixed use not allowed at intersection corner.
a. Detached single-family dwelling units	--	--	
b. Multiple-family dwelling units	P	P	

<b>Permitted and Conditionally Permitted Uses within Mixed-Use Zones</b>	<b>P</b> <b>CUP</b> <b>A</b> <b>--</b>	<b>Permitted use</b> <b>Conditional use permit required</b> <b>Accessory use</b> <b>Use not allowed</b>	
<b>Permitted and Conditionally Permitted Uses within Mixed-Use Zones</b>	<b>P</b> <b>CUP</b> <b>A</b> <b>--</b>	<b>Permitted use</b> <b>Conditional use permit required</b> <b>Accessory use</b> <b>Use not allowed</b>	
Educational institutions			
a. College, university, professional	CUP	--	
b. Elementary and secondary (private)	CUP	CUP	
c. Elementary and secondary (public)	P	P	
d. Vocational and trade schools	CUP	--	
Food and beverage sales			
a. Grocery stores (includes large, full-service markets)	P	P	
b. Specialty stores (deli, coffee, bakery, produce)	P	P	
c. Convenience stores	P	P	
d. Liquor stores	CUP	CUP	153.120 Part 2
Game machines	A	A	153.050.040
Home improvement stores	CUP	--	
Home occupations <sup>1</sup>	A	A	153.120 Part 8
Hotels and motels	CUP	--	153.120 Part 9
Massage establishments and services	--	--	153.120 Part 17
Medical/dental offices	CUP	CUP	Only allowed on second floor or above
Medical marijuana dispensaries	--	--	
Multiple tenant retail - small	P	--	
Nightclubs	CUP	--	Nightclubs accessory to a permitted primary use are permitted in the MU-1 zone, provided the permit for the primary use expressly identifies the nightclub as an accessory use
Off-street parking facility	CUP	CUP	Must be located within 300 ft of the primary use/parcel
Offices - business and professional	P	P	Only allowed on second floor or above
Outdoor storage and use	A	A	153.070.060

Personal services (barber shops, beauty salons/spas, tailors, dry cleaning, self-service laundry, etc.)	P	P	
Pet stores	CUP	CUP	

<b>Permitted and Conditionally Permitted Uses within Mixed-Use Zones</b>	<b>P</b> <b>CUP</b> <b>A</b> <b>--</b>	<b>Permitted use</b> <b>Conditional use permit required</b> <b>Accessory use</b> <b>Use not allowed</b>	
<b>Permitted and Conditionally Permitted Uses within Mixed-Use Zones</b>	<b>P</b> <b>CUP</b> <b>A</b> <b>--</b>	<b>Permitted use</b> <b>Conditional use permit required</b> <b>Accessory use</b> <b>Use not allowed</b>	
Places of assembly	CUP	CUP	Located on second floor or above only
Recreational facilities			
a. Health clubs and gymnasiums	CUP	--	
b. Dance or martial arts studios	P	CUP	
Residential care facilities	CUP	CUP	
Restaurants			
a. Restaurants with no alcohol sales	P	P	
b. Restaurants with alcohol sales	CUP	CUP	153.120 Part 2
Retail shops	P	P	
Vending machines			
a. Regular	A	--	153.050.040
b. Reverse	A	--	
Secondhand stores	--	--	
Notes: (1) A home occupation permit must be obtained from the Business License Department.			

(E) *Limitations on use.* The nonresidential component of a mixed-use project shall be a use allowed within the applicable mixed-use zone, subject to the following additional limitations.

(1) In the MU-1 and MU-2 Zones, no more than 50% of the ground floor shall be developed with and dedicated to residential uses.

(2) The following uses and activities shall not be permitted within any mixed-use development:

(a) Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, or any similar use.

(b) Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use.

(c) Manufacturing or industrial activities, including but not limited to welding, machining, or any open flame work.

(d) Any other activity or use, as determined by the responsible review authority to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents due to the potential for the use to create dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration or other impacts, or would be hazardous because of materials, processes, products, or wastes.

(3) After approval, a mixed-use building shall not be converted to entirely residential use.

(Ord. 1346, passed 5-2-12; Am. Ord. 1464, passed 11-17-21)