

Sec. 6-102. Uses and structures.

6-102.1 *General provisions.* Principal uses of buildings or other structures and land have been classified and combined into major classes and activity types in article III of this ordinance. The procedure for interpreting the classes and type of activities is provided in article III, section 3-101, table 6-102A, presents a tabulation of uses and structures which are classified as principal permitted (P), permitted with supplemental provisions (SUP) or conditional (C) uses within the various commercial districts. The supplemental design provisions with which (SUP) and (C) uses and activities are required to comply appear in article III, section 3-104, Supplemental use regulations.

| Table 6-102A. Permitted and Conditional Uses and Structures Allowable Within Mixed Use and Commercial Districts | | | | | | | | | |
|---|-------------------------------|-------------------------------------|-----------|-----|-----------|-----|-----|-------------|-----|
| [Uses and Structures] | | | Districts | | | | | | |
| | | | CG | CI | CMU | CNS | OPS | CTC | CRC |
| Principal uses and activities | | | | | | | | | |
| I. | Residential activities | | | | | | | | |
| | A. | Permanent residential activity | | | | | | | |
| | | 1. Single-family dwelling | | | | | | | |
| | | 2. Duplex dwelling | | | | | | | |
| | | 3. Multifamily dwelling | | | | | | | |
| | | 4. Manufactured home dwelling | | | | | | | |
| | B. | Semi-transient residential activity | | | | | | | |
| | | 1. Lodginghouses | | | | | | | |
| | C. | Mixed Use Development | | | | | | | |
| | | 1. Mixed-Use Building | | | P(1,5,10) | | | P(1,5,6,10) | |
| | | 2. Mixed-Use Site | | | P(1,5,10) | | | P(1,5,6,10) | |
| II. | Community facility activities | | | | | | | | |
| | A. | Administrative services | P | P | P | P | P | P | P |
| | B. | Child care facilities | SUP | SUP | SUP | SUP | SUP | SUP | SUP |
| | C. | Community assembly | P | P | P | SUP | SUP | SUP | SUP |

| | | | | | | | | | |
|------|-----------------------|--|------|------|------|-----------|-----------|--------|--------|
| | D. | Cultural and recreational facilities | P | P | P | C | C | C | P |
| | E. | Educational facilities | P | P | P | P | P | P | P |
| | F. | Essential public transport, communication and utility services | P | P | P | P | P | P | P |
| | G. | Extensive impact facilities | C | | C | | | | |
| | H. | Health care facilities | SUP | SUP | SUP | C | C | C | SUP |
| | I. | Intermediate impact facilities | C | C | C | | C | C | C |
| | J. | Religious facilities | C | C | C | C | C | C | C |
| | K. | Special institutional care facilities | C | | C | | | | |
| | L. | Special personal and group care facilities | C | | C | C | C | C | |
| | M. | Waste disposal operations | | | | | | | |
| III. | Commercial activities | | | | | | | | |
| | A. | Adult entertainment | | | | | | | |
| | B. | Animal care and veterinary services | SUP | SUP | SUP | SUP | | SUP | SUP |
| | C. | Automotive parking | P | P | P | | | P | |
| | D. | Automotive and marine craft sales, service and repair | P(4) | P | C | | | | |
| | E. | Banking, financial, insurance and real estate services | P(7) | P(7) | P(7) | SUP(7) | SUP(7)(8) | P(7) | P(7) |
| | F. | Convenience retail sales and services | SUP | SUP | SUP | SUP(2)(3) | SUP(2)(3) | SUP(2) | SUP(2) |
| | G. | Entertainment and amusement services, limited | P | P | C | | | P | P |

| | | | | | | | | | |
|-------------------------------|---------------------------------|--|-------|-------|-----------|-------|------|----------|-------|
| | H. | General business and communications | P | P | P | SUP | SUP | P | P |
| | I. | General retail trade | P(9) | P(9) | P(9) | | | P(9) | P(9) |
| | J. | Group assembly and commercial outdoor recreation | C | C | C | | | | C |
| | K. | Outdoor material and equipment sales and repair | P | | P | | | | |
| | L. | Professional services, medical | P | P | P | SUP | P(8) | P | P |
| | M. | Professional services, nonmedical | P | P | P | SUP | P(8) | P | P |
| | N. | Restaurant, full-service | P | P | P | SUP | P(8) | P | P |
| | O. | Restaurant, take-out | P | P | P | P(11) | | P | P |
| | P. | Scrap operations | | | | | | | |
| | Q. | Self-service storage | | | | | | | |
| | R. | Transient habitation | P(12) | P(12) | P(12) | | | P(5, 12) | P(12) |
| | S. | Warehousing goods, transport and storage | | | | | | | |
| | T. | Wholesale sales | P | P | P | | | | |
| IV. | Manufacturing activities | | | | | | | | |
| | A. | Manufacturing, limited | P(11) | P(11) | P(11) SUP | | | P(11) | P(11) |
| Accessory uses and activities | | | | | | | | | |
| | Accessory child care | | C | C | C | C | C | C | C |
| | Accessory storage | | P | P | P | P | P | P | P |
| | Administrative office | | P | P | P | P | P | P | P |
| | Employee cafeteria | | C | C | C | | | C | C |
| | Private recreational facilities | | P | P | P | | | P | P |
| | Production for retail sale | | C | C | C | | | C | C |
| | Residential occupancy | | C | C | C | C | C | C | C |

Note(s)—Key to interpreting use classifications.

P = Use permitted by right within the district.

SUP = Principal use permitted with supplemental provisions.

C = Conditional use (subject to approval by the Board of [Zoning] Appeals).

ASP = Accessory use permitted with supplemental provisions.

- (1) See [sub]section 5-104 1 and 6-104 1
- (2) Gasoline sales and convenience markets are not permitted within CTC Districts
- (3) Retail liquor stores shall not be permitted in the CNS and OPS Zoning Districts.
- (4) In CG districts, the following use listings are prohibited: Auto dealers, auto towing services.
- (5) When approved through the PUD or PUD Amendment process in article VIII.
- (6) Within the Town Center Overlay District, Main Street Area, and when approved through the PUD process in article VIII.
- (7) Excluding payday lenders and pawn shops.
- (8) See 6-104.3.
- (9) Grocery stores shall have a minimum of 20,000 square feet in sales floor area.
- (10) Any CMU or CTC mixed use building or mixed use site must meet the requirements for residential development standards set forth in Zoning Code section 8-207, with the exception of CTC Mixed Use sites or buildings fronting N. Mt. Juliet Road with one-half mile of the intersection of East/West Division and Mt. Juliet Road which shall be a minimum of five acres. To the extent any other applicable regulation or any modification through the PUD process imposes additional/conflicting regulations on a PUD applicant, the most strict regulation will apply. Also, subject to Restriction Area, as shown in Exhibit A, as noted in Ordinance 23-[03].
- (11) Only breweries and microbreweries are permitted. In CTC and CMU breweries and microbreweries shall be permitted only through the PUD process in Article VIII.
- (12) Hotels and motels shall include a minimum of 100 guest rooms within the entire building, regardless of branding. For dual-branded hotels, the combined number of guest rooms across all brands must meet or exceed this minimum threshold. Each guest room shall be accessed from an interior corridor and not from an exterior parking lot or entrance. Hotels and motels must have a lobby staffed 24 hours a day, seven days a week, and must offer daily complimentary maid service. Additionally, all hotels and motels are required to provide amenities including a swimming pool and a fitness center.

6-102.2 *Principal permitted uses (P)*. Principal permitted uses are permitted as a matter of right within the district indicated, subject to the general requirements established for the district wherein the use is located.

6-102.3 *Uses permitted with supplemental provisions (SUP)*. A use permitted with conditions is an activity, use or structure which is permitted subject to a finding by the Zoning Administrator that the specific standards indicated for the use in question have been met. Only those uses and structures so indicated in table 6-102A, may be allowed within the districts indicated.

6-102.4 *Conditional uses (C)*. A conditional use is an activity, use, or structure which may require large land area, have unique operating, traffic generating or other characteristics that may tend to dominate or adversely affect the area more than do other uses permitted within the same zone district. Because the impacts of these

uses cannot be satisfactorily predetermined for every possible location within a zone district, these land uses are permitted only upon approval by the Board of [Zoning] Appeals. Each conditional use is subject to a finding by the Board of [Zoning] Appeals that the specific standards indicated for the use in question have been met. Only those uses and structures so indicated in table 6-102A, may be allowed within the districts indicated.

6-102.5 *Accessory uses.* In addition to the principal activities expressed above, each activity type shall be deemed to include activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity when such accessory activity is located on the same zone lot as such principal activity and meets the further conditions set forth in article III, section 3-105. Accessory uses designated with the letter "P" in table 6-102A, are permitted as a matter of right and no permit is required to conduct the activity in question. Those accessory uses designated with the letters "ASP" require a permit obtained from the Office of the Zoning Administrator. Permits for accessory uses designated "ASP" shall be issued upon demonstration that the activity in question meets the requirements established for such activity article III, section 3-105. The third classification of accessory uses designated by the letter "C" require approval as a conditional use by the Board of Zoning Appeals. Upon issuance of any permit for a conditional accessory use such use or activity shall be continuously subject to compliance with any operational standard or criteria established by the Board of [Zoning] Appeals.

6-102.6 *Temporary uses.* The temporary uses and structures specified in article III, section 3-106, as permissible within residential districts may be permitted for the limited time periods indicated for each such use or activity.

6-102.7 *Uses not permitted.* Any uses or structures not allowable as permitted uses, conditional uses, temporary uses or accessory uses are prohibited within the various commercial districts.

(Ord. No. 2005-05, 3-14-2005; Ord. of 10-23-2009, § 6-102; Ord. No. 2010-37, § 3, 7-12-2010; Ord. No. 2010-41, § 4, 8-9-2010; Ord. No. 2011-20, § 1, 4-25-2011; Ord. No. 2013-3, § 4, 1-14-2013; Ord. No. 2013-17, § 4, 2-11-2013; Ord. No. 2013-49, § 1, 6-10-2013; Ord. No. 2013-53, § 3, 7-8-2013; Ord. No. 2014-08, § 3, 2-10-2014; Ord. No. 2014-42, 6-9-2014; Ord. No. 2016-5, § 1, 2-8-2016; Ord. No. 2016-24, § 2, 4-25-2016; Ord. No. 2016-36, § 2, 7-11-2016; Ord. No. 2017-03, § 1, 1-9-2017; Ord. No. 2017-66, § 1, 12-11-2017; Ord. No. 2020-41, Exh. A, 9-28-2020; Ord. No. 2021-20, Exh. A, 6-14-2021; Ord. No. 2023-03, 1-9-2023; Ord. No. 2023-29, 7-10-2023; Ord. No. 2023-41, 9-11-2023; Ord. No. 2023-47, 11-13-2023; Ord. No. 2024-48, § 1, 11-25-2024)