

17.14.020 – Permitted and special uses - Downtown overlay exemptions

- A. Table 17.14-1 lists permitted and special uses for the business districts, and for the first floor level of the Downtown Overlay District.
- B. Buildings within the Downtown Overlay District are restricted with respect to the uses permitted on the first floor level, as provided in Table 17.14-1.
 1. Exemptions. Notwithstanding these restrictions, the first floor level of a building within the Downtown Overlay District may be occupied for any use permitted within the underlying zoning district (i.e., CBD-1 or CBD-2), upon certification by the Director of Community Development that its physical characteristics make it unsuitable for occupancy for any of the first floor uses permitted within the Downtown Overlay District, and that altering such physical characteristics would either 1) be incompatible with the purpose of Chapter 17.32 (Historic Preservation) of this Title or 2) impose an undue financial burden on the property owner. Such physical characteristics may include but shall not be limited to: inappropriate placement, size or orientation of doors or windows, a floor level which is not of a similar elevation to the adjoining sidewalk, lack of window area for display of goods, lack of street frontage, and interior space which is not adaptable to the permitted uses because of structural components or limitations on accessibility. For purposes of this section, an undue financial burden shall mean where the estimated cost of altering the building exceeds 25% of the current appraised value of the property.
 2. Certification for Office Use. The first floor level of a building within the Downtown Overlay District may be occupied by certain office uses (Bank, Financial Institution, Office-Business and Professional, and Medical/Dental Clinic) upon certification by the Director of Community Development that the proposed office use will meet the purpose of the Downtown Overlay District, as identified in Section 17.14.010.F, to generate pedestrian activity and be compatible with a pedestrian oriented shopping area. To be eligible for the certification, a property owner must demonstrate that the property has been vacant, not under lease, and publicly listed for lease for a minimum of 180 days by providing documentation demonstrating the space was listed on a public listing service. The proposed office user shall demonstrate that the following criteria will be met:
 - a. The business will be open to the general public during normal business hours and may require that customers make an appointment for service.
 - b. The primary function of the business establishment will be to provide direct services to customers that are physically present.
 - c. The interior space of the business will be configured such that a) the street-level storefront entrance will serve as the public entrance and b) a reception area or waiting area for visitors will be provided directly accessible from the public entrance.
 - d. Street-facing storefront windows and doors will not be obstructed at any time and shall be utilized to provide a view of the interior office visible to pedestrians on the street. Illuminated exterior signs and the interior of the storefront shall be illuminated during evening hours. A Certification for Office Use shall apply to the specific business only. A new Certification for Office Use shall be required for any new business to occupy a space. The Certification for Office Use may be revoked if the Director of Community Development finds the business is not operating in accordance with the certification.
 3. Appeal. If a property owner or business tenant has formally requested an Exemption or a Certification for an Office Use pursuant to subsections “a” or “b” above, and if the request has been formally denied by the Director of Community Development, the property owner or business tenant may request an appeal of the decision before the City Council. The City Council shall consider only the criteria listed above and may uphold or reverse the decision of the Director of Community Development.

TABLE 17.14-1

PERMITTED AND SPECIAL USES

P=Permitted Use S=Special Use A=Permitted Accessory Use SA=Special Use, Accessory Only	ZONING DISTRICT							SPECIFIC USE STANDARDS
	BL	BC	BR	CBD-1	DOWNTOWN OVERLAY FIRST FLOOR		CBD-2	
					CBD1	CBD2		
Residential Uses								
Artist Live/Work Space				P			P	Section 17.20.030
Assisted Living Facility		S		S			P	
Dwelling, Upper Level	P			P			P	
Dwelling Unit, Auxiliary							P	Section 17.20.030
Dwelling, Multi-Family				P			P	
Dwelling, Townhouse							P	
Dwelling, Two-Family							P	
Dwelling, Single-Family	P						P	
Group Home, Large							P	Section 17.20.030
Group Home, Small							P	Section 17.20.030
Independent Living Facility							P	
Cultural, Religious, Recreational and Entertainment Uses								
Art Gallery/Studio	P	P	P	P	P	P	P	

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					CBD1	CBD2		
Carnival (as temporary use)		P	P	P				Section 17.20.040, 050
Cultural Facility		P	P	P	P	S	S	
Indoor Recreation and Amusement (including Health/ Fitness Club)		P	P	P	P	S	S	
Health/Fitness Club	P							
Live Entertainment		P	P	P	P			
Lodge or Private Club	P	P	P	P				
Outdoor Amusement			S					
Outdoor Recreation		P	P					
Park, Neighborhood	P			P	P	P	P	
Place of Worship	P	P	P	P				P
Public Plaza	A	A	A	P	P	P	P	
Temporary Outdoor Entertainment	A	A	A	P	P			Section 17.20.030
Theater		P	P	P	P	P		
Government and Institutional Uses								
College/University		P	P	S				
Emergency Medical Center			P					

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	BL	BC	BR	CBD-1	DOWNTOWN OVERLAY FIRST FLOOR		CBD-2	
					CBD1	CBD2		
Fairground			S					
Golf Course			S					
Homeless Shelter				S			S	
Hospice							S	
Hospital			P					
Library				P			P	
Office, Government		P		P			P	
Post Office		P	P	P			P	
Public Service Facility		P	P	S				
School, Specialized Instructional	P	P	P	P			P	
School, Primary or Secondary							P	
Retail and Service Uses								
Alcohol or Tobacco Sales Establishment	P*	P	P	P	P	P*	P*	*Section 17.20.030
Bank	P	P	P	P	P*	P*	P	Section 17.20.030 *Section 17.14.020
Bed and Breakfast				P			P	Section 17.20.030

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	BL	BC	BR	CBD-1	DOWNTOWN OVERLAY FIRST FLOOR		CBD-2	
					CBD1	CBD2		
Car Wash		S	P					Section 17.24.100
Currency Exchange		P	P	S				
Day Care Center	P	P	P	S			P	
Drive-Through Facility	S	S	S	S			SA	Section 17.24.100
Financial Institution	P	P	P	P	P*	P*	P	*Section 17.14.020
Gas Station		P	P					Section 17.20.030
Heavy Retail and Service		P	S					
Home Improvement Center		P	P					
Hotel/Motel		P	P	P	P			
Medical/Dental Clinic	P	P	P	P	P*	P*	P	*Section 17.14.020
Motor Vehicle Rental	P	P	P				P	
Motor Vehicle Service and Repair, Minor	P	P	P					Section 17.20.030
Motor Vehicle Sales and Leasing		P	P					Section 17.20.030

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	BL	BC	BR	CBD-1	CBD1	CBD2		CBD-2
Office, Business and Professional	P	P	P	P	P*	P*	P	*Section 17.14.020
Outdoor Sales, Permanent	SA	SA	SA	S	S			Section 17.20.030
Outdoor Sales, Temporary	A	A	A	A	A		A	Section 17.20.040, 050
Pawn Shop			S					
Personal Services	P	P	P	P	P	P	P	
Pet Care Facility	S	S	S					
Coffee or Tea Room	A	P	P	P	P	A	A	
Recreational Cannabis Dispensing Organization		S	S					Section 17.20.030
Restaurant	S	P	P	P	P			
Retail Sales	P	P	P	P	P	P	P	
Tattoo Parlor			S					
Tavern/Bar	S	P	P	P	P			
Theater		P	P	P	P			
Veterinary Office/Animal Hospital		P	P					
Industrial/Storage Uses								

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	BL	BC	BR	CBD-1	DOWNTOWN OVERLAY FIRST FLOOR		CBD-2	SPECIFIC USE STANDARDS
					CBD1	CBD2		
Mini-Warehouse		P	P					
Temporary Motor Vehicle Storage		P	P					Section 17.20.030
Other Uses								
Accessory Uses	A	A	A	A	A	A	A	Chapter 17.20, 17.22
Parking Garage/Structure			A	S	S	S	SA	Chapter 17.24
Parking Lot, Private	A	A	A	A	A	A	A	Chapter 17.24
Parking Lot, Public				P	P	P	P	Chapter 17.24
Planned Unit Development	S	S	S	S	S	S	S	Chapter 17.04
Transportation Operations Facility		S	P	S				
Communication Tower*		S	S					Section 17.22.020
Communication Antenna	P	P	P	P			P	Section 17.22.020
Utility, Community/Regional		S	S				S	
Utility, Local	P	P	P	P	P	P	P	
Wind Turbine, Structure Mounted	A	A	A					Section 17.22.020.G

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	BL	BC	BR	CBD-1				
						CBD1	CBD2	
Wind Turbine, Tower Mounted		S	S					Section 17.22.020.H

*Communication Towers that are Wireless Support Structures supporting Small Wireless Facilities, as defined in Chapter 13. 24 " Small Cell Wireless Facilities", are permitted uses in any Right- of-Way within the City, and, in conformance with State law, are permitted uses in the BL, BC and BR Zoning Districts when all other applicable zoning requirements and the requirements of Chapter 13. 24 are met.

(2020-Z-16 : § 2; 2019-Z-19 : § 2; 2018-Z-22 : § 2; 2018-Z-20 : § 2; 2014-Z-5 : § 2; 2013-Z-20 : § 2; 2011-Z-11 : § 2; 2008-Z-24 : § 4; 2008-Z-3 : § 2; 2003-Z-13 : § 4, 6, 7; 2001-Z-42 : § 1; 2001-Z-40 : § 1; 2001-Z-11 : § 2, 3; 1999-Z-20 : § 1; 1998-Z-19 : § 1; 1996-Z-12 : § 11-13; 1995-Z-5 : § 1; 1993-Z-19 : § 4; 1993-Z-4 : § 1 (B, D); 1990-Z-7 : § 1; 1989-Z-6 : § 1; 1986-Z-11 : § XI; 1986-Z-4 ; 1985-Z-2 : § 1; 1984-Z-6 : § 2; 1984-Z-4 : § 1; 1984-Z-3 : § 1; 1983-Z-9 : § 1; 1982-Z-3 : § 1; 1982-M-16 : § 1; 1981-Z-7 : § 2; 1981-Z-3 : § 1; 1980-Z-13 : § 1; 1980-Z-3 : § 1; 1978-Z-3 ; 1976-Z-15 : § 2; 1975-Z-8 : § 1; 1973-Z-1 : § 1; 1972-Z-56 : § 1, 2; 1972-Z-46 : (A, B, C (part)); 1968-31 : (part); 1967-14 : (part); 1966-33 : § 1, 2; 1961-29 ; 1960-16 : § VIII (E) (2); 1960-16 : § VIII (F) (2, 3); 1960-16 : § VIII (E) (3); 1960-16 : § VIII (D) (2, 3); 1960-16 : § VIII (C) (2, 3); 1960-16 : § VIII (B) (2); 2016-Z-5 : § 2)