

(a) Purpose

The CD Downtown Commercial District is primarily intended to implement the Comprehensive Plan's Downtown Commercial Center Policy of providing for a variety of land uses, including governmental, retail, office, public and community facilities, institutional, churches and residential and to accommodate new neighborhood, community and regional retail uses in the downtown area.

(b) Principal Uses

Principal uses are allowed in CD Districts in accordance with the Use Table of **Error! Reference source not found..**

(c) Accessory Uses and Structures

Except as otherwise expressly provided in this Development Code, **Accessory Uses** and **Structures** are permitted by-right in connection with any lawfully established principal use. Also, unless otherwise stated, **Accessory Uses** are subject to the same regulations as the principal use. **Accessory Uses** and **Structures**, including **Accessory Dwelling Units** and **Home Occupations**, are subject to the regulations of Sec. 20-**Error! Reference source not found..**

(d) Density and Dimensional Standards

Unless otherwise expressly stated, all development in CD Districts shall comply with the **Density** and Dimensional Standards of 20-**Error! Reference source not found..** The following additional Density and Dimensional Standards shall apply in the CD District:

(1) Site Requirements

None

(2) Lot Requirements

None

(3) Floor Area Requirements

Floor area of any building footprint for a principal use within the CD District shall not exceed 25,000 gross square feet.

(e) Street Access

No street access shall be permitted to individual lots along Massachusetts Street. Lots along numbered side streets in the Downtown area shall be taken from the public alley or at the mid-block point where a public alley would be. Street access to New Hampshire and Vermont Streets shall only be approved where it is consistent with the Downtown Design Guidelines and established street patterns.

(f) Other Regulations

There are a number of other Development Standards that may apply to development in **Base Zoning Districts**, including but not limited to the following:

(1) Landscaping

See.

(2) Off-Street Parking and Loading

See.

(3) Outdoor Lighting

See Sec..

(4) Overlay Districts

See.

(5) General Development Standards

See.

(h) Eating and Drinking Establishments Involving Alcoholic Beverages

The restrictions in (1) and (2) shall apply to a licensed [Premises](#) use. The fast order food establishments in (3) and (4) are not permitted to be licensed Premises:

(1) Accessory Uses to Hotels

A hotel with 100 or more rooms may have a restaurant as an [Accessory Use](#); a restaurant may be permitted as a second Principal Use on the same property as a smaller hotel, subject to all of the other conditions applicable to the use and the district in which it is located, including separate parking requirements.

A hotel with 200 or more rooms may have a bar as an [Accessory Use](#), subject to all of the other conditions applicable to the use and the district in which it is located, including separate parking requirements.

A hotel with 300 or more rooms may have a nightclub or other live entertainment as an [Accessory Use](#).

(2) Accessory Bars

In any zoning district allowing a Quality Restaurant as a permitted use and allowing an Accessory Bar, the Accessory Bar shall be allowed only subject to the following standards:

- (i) the accessory bar shall not constitute more than 25 percent of the floor area of the establishment;
- (ii) the accessory bar shall not have a separate street entrance; and
- (iii) if at any time the sales of alcoholic beverages in the establishment constitute more than 55 percent of gross sales for any [month or](#) longer measuring period, the bar shall be deemed to be a principal use and the operator shall be subject to penalties under this Development Code for operation of an unlawful use.

(3) Standards that Apply in CN1 District

A fast order food establishment is permitted in the CN1 District provided that the gross floor area shall not exceed 2,000 square feet.

(4) Standards that Apply in CO District

A fast order food establishment is permitted in the CO District provided that the total floor area does not exceed 10 percent of the total gross floor area of the office building, or of all [buildings](#) in the office complex in which the use is located..

(5) Standards that Apply in CD District

The following restrictions apply to licensed premises in the CD district:

- (i) The licensed premises use in CD shall be required to derive from the sales of food for consumption on the premises not less than fifty-five percent (55%) of all the licensed premises' gross receipts for a calendar year from sales of food and beverages on such premises.
- (ii) The City Manager or his or her designee shall establish an administrative procedure for the investigation and enforcement of this requirement that shall include the annual reporting of appropriate sale and receipt information from licensed premises governed by this Section.
- (iii) The expansion, extension, enlargement, or alteration of a non-conforming use created by the requirements of this Section shall be governed by Article 15 of this Code.

(s) Eating and Drinking Establishments

Sale of prepared food and beverages for on- and off-Premises consumption. The following are eating and drinking establishment use types:

(1) Accessory Restaurant

An accessory restaurant is not required to be separated by a permanent wall from the Principal Use to which it is accessory, and generally shares one or more entrances, as well as restrooms, coatrooms and other facilities, with the restaurant. No sales of alcoholic beverages shall be permitted. Accessory restaurants include, but are not limited to, snack bars, school cafeterias, and supermarket delicatessen.

(2) Accessory Bar

An accessory bar is a part of a quality restaurant or high turnover restaurant offering alcoholic beverages. An accessory bar is not separated by a permanent wall from the restaurant to which it is accessory, and generally shares one or more entrances, as well as restrooms, coatrooms and other facilities, with the restaurant. An establishment with an accessory bar will generally characterize itself in its signs, advertising and other promotions as a restaurant or food-service establishment rather than as a bar.

(3) Bar or Lounge

An establishment that may include food service but that emphasizes the service of alcoholic beverages for consumption on the premises. Any establishment generating more than 45 percent of its gross revenues from alcoholic beverages (on a weekly average) shall be deemed to be a bar and not a restaurant. Any food and beverage establishment with alcoholic beverages and remaining open to seatings of new customers after 10 p.m. on a regular basis shall be deemed to be a bar and not a restaurant.

(4) Brewpub

A bar or accessory bar in a restaurant that manufactures up to 5,000 barrels of fermented malt beverages per year on premises for either consumption on premises in hand-capped or sealed containers in quantities up to one-half barrel or 15 and one-half gallons sold directly to the consumer.

(5) Nightclub

An establishment that serves alcoholic beverages for on-premises consumption and offers live entertainment, which may be amplified, and/or music for dancing by patrons. A nightclub may also offer food service.

(6) Fast Order Food

An establishment whose primary business is the sale of food: a) primarily intended for immediate consumption; b) available within a short waiting time; and c) packaged or presented in such a manner that it can be readily eaten outside the Premises where it is sold. This use category includes both establishments that have seating areas for consumption of food on the premises and those that provide food only for consumption off the premises; this category does not include drive-in fast order food establishments.

(7) Fast Order Food, Drive-In

Sale of food directly to patrons in motor vehicles or to patrons that intend to use the motor vehicle as an eating area. Typically, this use is either dependent on a long Driveway that provides adequate room for vehicle stacking at a drive-up service window or on a Parking Area near a walk-up service window. This use category includes uses commonly called "drive-ins" or "drive-in restaurants," "drive-up restaurants," "drive-through food or beverage stands," and restaurants with "drive-through" facilities. If a fast-food establishment has both seating areas inside the establishment and drive-up or drive-through facilities, it shall be

considered Fast Order Food, Drive-In for use purposes; parking standards, however, shall consider the inside dining area.

(8) Restaurant, High-Turnover

An eating establishment characterized by turnover rates of less than one hour per customer but with most food sold for consumption on the premises.

(9) Restaurant, Quality

An eating establishment where the principal business is the dispensing and the consumption of edible foodstuff and/or beverage at indoor tables, including a cafe, cafeteria, coffee shop, delicatessen, lunchroom, tearoom, or dining room, but not including a bar, brewpub or nightclub.

20-102 Nonresidential District Use Table

KEY: A = Accessory P = Permitted S = Special Use
 * = Standard Applies

RESIDENTIAL

		CN1	CN2	CO	CD	CC	CR	IBP	IL	IG	OS	GPI	H	U	Standard	
Household Living	Accessory Dwelling	P*	-	-	-	-	-	-	-	-	-	P*	P*	P*	20-502(d)	
	Attached Dwelling	P	-	-	-	-	-	-	-	-	-	P*	-	P*	20-501(c)	
	Cluster Dwelling	--	-	-	-	-	-	-	-	-	-	-	-	P*	20-702	
	Detached Dwelling	P	-	-	-	-	-	-	-	-	-	P	P	P		
	Duplex	P*	-	-	-	-	-	-	-	-	-	-	-	P*	20-501(c) 20-501(g)	
	Manufactured Housing Park	-	-	-	-	-	-	-	-	-	-	-	-	-		
	Manuf. Home, Residential-Design	P	-	-	-	-	-	-	-	-	-	-	-	-		
	Multi-Dwelling Structure	P*	P*/S	-	P*	P*/S	-	-	-	-	-	-	P	P	P	20-501(p)
	Zero Lot Line Dwelling	P*	-	-	-	-	-	-	-	-	-	-	-	-	P*	20-501(ee)
	Home Occupation, Type A or B	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

Group Living	Dormitory	-	-	-	-	-	-	-	-	-	-	-	P	P	
	Group Home, General (11 or more)	S	S	S	S	S	S	-	-	-	-	-	P	P	
	Group Home, Limited (10 or less)	P	-	-	-	-	-	-	-	-	-	-	-	P	

PUBLIC AND CIVIC

Community Facilities	Cemetery	P	P	P	-	P	P	P	P	-	P	P	-	A	
	College/University	S	P	P	P	P	P	P	P	P	-	P	P	P	
	Cultural Center/ Library	S	P	S	P	P	-	-	-	-	S	P	A	P	
	Day Care Center	S	P	S	S	P	P	P	P	P	-	-	-	P*	
	Day Care Home, Class A	P	P	-	P	P	-	-	-	-	-	-	-	-	
	Day Care Home, Class B	A*	P	-	P	P	-	-	-	-	-	-	-	P	20-501(g)
	Detention	-	-	-	-	-	-	-	S	P	-	-	-	-	
	Lodge, Fraternal and Civic Assembly	S	S	S	P*	P*	P*	-	P*	-	-	P	-	P*	20-501(k)
	Postal & Parcel Service	-	P	P	P	P	P	P	P	P	-	P	-	P	
Community Facilities	Public Safety	S	P	P	P	P	P	P	P	P	-	P	-	P	
	School	P	P	P	P	P	P	-	-	-	-	P	-	P	
	Undertaking/Cremating	-	S	P	S	P	P	P	P	-	-	-	-	-	
	Utility, Minor	P	P	P	P	P	P	P	P	P	P	P	-	P	20-501(dd) 20-1306
	Utility and Service, Major	S	S	S	S	S	S	S	S	P	S	P	-	-	
Medical Facilities	Health Center Clinic	S	S	S	P	P	P	P	P	-	-	P	A	P	
	Hospital	-	-	-	-	-	-	-	-	-	-	-	P	S	

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	Medical Services	P	P	P	P	P	P	P	-	-	-	P	P	P	
	Outpatient Care	P*	P	P	P	P	P	P	P	-	-	P	P	A	20-501(r)
Recreational Facilities	Active Recreation	S	P	S	S	P	P	P	P	-	S	P	A	P	
	Entertainment & Spectator Sports, Gen.	-	-	-	P	P	P	-	-	-	-	S	-	P	
	Entertainment & Spectator Sports, Ltd.	-	P	-	P	P	P	-	-	-	S	P	-	P	
	Participant Sports & Recreation, Indoor	-	P	-	P	P	P	P	P	-	-	P	A	P	
	Participant Sports & Recreation, Outdoor	-	-	-	-	P	P	P	P	-	-	S	-	P	
	Passive Recreation	S	P	S	S	P	P	P	-	-	P	P	P	P	
	Nature Preserve/Undeveloped	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Private Recreation	P	P	-	P	P	-	-	-	-	P	P	P	P	
Religious Assembly	Campus or Community Institution	P*	P*	P*	P*	P*	P*	-	-	-	-	P	A	P*	20-501(u)
	Neighborhood Institution	P*	P*	P*	P*	P*	P*	-	-	-	-	P	-	A	20-501(u)
COMMERCIAL															
Animal Services	Kennel	-	-	-	-	P	P	-	P	P	-	-	-	-	
	Livestock Sale	-	-	-	-	S	S	-	P	P	-	-	-	-	
	Sales and Grooming	-	P	-	P	P	P	-	P	P	-	-	-	-	
	Veterinary	-	P	-	P	P	P	-	P	P	-	-	-	-	
Eating & Drinking Establishments	Accessory Bar	A*	A*	-	A*	A*	A*	-	-	-	-	-	-	-	20-501(h)
	Bar Or Lounge	-	-	-	P	P	P	-	-	-	-	-	-	-	
	Brewpub	-	P	-	P	P	P	-	-	-	-	-	-	-	
	Fast Order Food	P*	P	P*	P	P	P	P	P	-	-	-	A	A	20-501(j)
Eating & Drinking Establishments	Fast Order Food, With Drive-In	-	S	-	-	P	P	P	P	-	-	-	-	-	
	Nightclub	-	-	-	P	-	P	-	-	-	-	-	-	-	
	Restaurant, High-Turnover	P*	P*	P*	P	P	P	P	-	-	-	-	A	A	20-501(w)
Office	Restaurant, Quality	P*	P	P*	P	P	P	P	-	-	-	-	-	A	20-501(x)
	Administrative and Professional	P*	P	P	P	P	P	P	P	P	-	P	A	P	20-501(q)
Parking Facilities	Financial, Insurance & Real Estate Services	P*	P	P	P	P	P	P	P	-	-	-	A	A	20-501(i)
	Other	P*	P	P	P	P	P	P	P	-	-	-	-	-	20-501(q)
	Accessory	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	20-502(f)
	Commercial	-	S	S	S	P	P	P	P	P	-	P	A	P	
	Building Maintenance	-	P	-	P	P	P	P	P	P	-	A	A	A	
	Business Equipment	-	P	-	P	P	P	P	P	-	-	-	-	-	

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Retail Sales & Service	Business Support	-	P	P	P	P	P	P	P	P	-	-	A	A		
	Communications	-	P	P	P	P	P	P	P	-	-	-	A	A		
	Construction Sales and Service	-	-	-	-	P	P	S	P	P	-	-	A	A		
	Food and Beverage	P*	P	P*	P	P	P	P	P	-	-	-	A	A	20-501(j)	
	Personal Convenience	P*	P	-	P	P	P	P	P	-	-	-	A	P	20-501(s)	
	Personal Improvement	P*	P	-	P	P	P	P	P	-	-	A	A	P	20-501(t)	
	Repair Service, Consumer	P*	P	-	P	P	P	P	P	-	-	-	-	A	20-501(v)	
	Retail Sales, General	P*	P	P*	P	P	P	P	P	-	-	-	-	A	P	20-501(y)
	Retail Establishment, Large	-	-	-	-	P*	P*	-	-	-	-	-	-	-	-	20-501(z)
	Retail Establishment, Medium	-	P*	-	P*	P*	P*	-	-	-	-	-	-	-	-	20-501(z)
Retail Establishment, Specialty	-	P*	-	P*	P*	P*	-	-	-	-	-	-	-	-	20-501(z)	
Sexually Oriented Business	Sexually Oriented Media Store	-	-	-	P*	P*	P*	-	-	P*	-	-	-	-	20-501(bb)	
	Mixed Media Store	P*	P	P*	P	P	P	P	P	-	-	-	-	-	20-501(bb)	
	Physical Sexually Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	-		
	Sex Shop	-	-	-	-	P*	P*	-	-	P*	-	-	-	-	20-501(bb)	
	Sexually Oriented Theater	-	-	-	-	P*	P*	-	-	P*	-	-	-	-	20-501(bb)	
Transient Accommodation	Bed and Breakfast	P*	-	-	-	-	-	-	-	-	-	-	-	A	20-501(d)	
	Campground	-	-	-	-	P	P	-	-	-	S	-	-	A		
	Hotel, Motel, Extended Stay	-	-	-	P	P	P	-	-	-	-	-	A	A		
Vehicle Sales & Service	Cleaning (e.g., Car Wash)	-	S	-	-	P	P	P	P	P	-	-	-	A		
	Fleet Storage	-	-	-	-	P	P	P	P	P	-	-	A	A		
	Gas and Fuel Sales	-	S	-	-	P	P	P	P	P	-	-	-	-		
	Heavy Equipment Repair	-	-	-	-	P	P	P	P	P	-	-	-	A		
	Heavy Equipment Sales/Rental	-	-	-	-	P	P	P	P	P	-	-	-	-		
	Inoperable Vehicles Storage	-	-	-	-	P	P	P	P	P	-	-	-	-		
	Light Equipment Repair	-	S	-	S	P	P	P	P	P	-	-	-	A		
	Light Equipment Sales/Rental	-	-	-	S	P	P	P	P	P	-	-	-	A		
RV and Boats Storage	-	-	-	-	P	P	P	P	P	-	-	-	A			
INDUSTRIAL																
Industrial	Explosive Storage	-	-	-	-	-	-	-	-	P	-	-	-	-		
	Industrial, General	-	-	-	-	-	-	S	P	P	-	-	-	-		
	Industrial, Intensive	-	-	-	-	-	-	-	-	P	-	-	-	-		
	Laundry Service	-	-	-	-	P	P	P	P	P	-	-	-	-		

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Facilities	Manufacturing & Production, Ltd.	-	-	-	S	S	S	P	P	P	-	-	-	A		
	Manufacturing & Production, Tech.	-	-	-	S	P	P	P	P	P	-	-	-	A		
	Research Service	-	-	S	S	P	P	P	P	P	-	-	-	A		
	Scrap and Salvage Operation	-	-	-	-	-	-	-	S*	S*	-	-	-	-		
Wholesale, Storage, & Distribution	Heavy	-	-	-	-	S	S	S	S	P	-	-	-	-		
	Light	-	-	-	-	P	P	P	P	P	-	-	-	A		
	Mini-Warehouse	-	-	-	-	P	P	P	P	P	-	-	-	A		
OTHER																
Adaptive Reuse	Designated Historic Property	S*	S*	S*	S*	S*	S*	S*	S*	S*	-	-	-	A*	20-501(a)	
Agriculture	Agricultural Sales	-	-	-	-	P	P	-	P	P	-	-	-	-		
	Agriculture, Animal Husbandry	-	-	-	-	-	-	-	-	-	-	-	-	-		
	Agriculture, Crop	P	P	P	-	P	P	P	P	P	-	-	-	-		
Communications Facilities	Amateur and Receive-Only Antennas	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	20-502(c)	
	Broadcasting Tower	-	-	-	S	-	-	P	P	P	-	-	A	A		
	Communications Service Establishment	P	P	P	P	P	P	P*	P*	P*	-	P	A	P	20-501(f)	
	Telecommunications Facilities:															
	Telecommunications Antenna	A*	A*	A*	S*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	20-501(cc)
Telecommunications Tower	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	A*	A*	S*	20-501(cc)	
Satellite Dish	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	20-502(c)	
Mining	Mining	-	-	-	-	-	-	-	-	S	-	-	-	-	20-501(n)	
Recycling Facilities	Large Collection	-	-	-	-	P	P	P	P	P	-	-	-	-		
	Small Collection	P	P	P	P	P	P	P	P	P	-	A	A	A		
	Processing Center	-	-	-	-	-	-	-	P	P	-	-	-	-		