

ZONING CODE SECTIONS 17.22.040 A and B (CURRENT)

17.22.040 Downtown commercial (DC) district – Allowed, conditionally permitted and prohibited uses.

A. The following uses are allowed in the DC district and shall only require a conditional use permit when located in an entry corridor as defined in the 2003 General Plan Update:

1. Resident-serving retail and service uses, including, but not limited to: grocery stores; fruit and vegetable markets; bicycle sales and repair shops; furniture sales; audio-video stores; florists; frame shops; clothing and apparel businesses; health clubs; dry cleaning, not including processing plants; laundromats; tailors; shoe repair; retail sales and repair of household goods and appliances; and hobby and craft shops;
2. Newsstands and bookstores;
3. Personal service establishments, such as spas, beauty salons, and barbershops;
4. Business and professional offices, such as for accountants, lawyers, architects, engineers, realtors, and financial advisors;
5. Medical and dental clinics;
6. Banks and financial institutions, without drive-up or walk-up facilities;
7. Art galleries;
8. Antique stores;
9. Uses determined by the Planning Commission to be similar in nature, as provided for according to the procedures in Chapter [17.02 CMC](#).

B. The following uses require a conditional use permit in the DC district and within an entry corridor as defined in the 2003 General Plan Update, pursuant to Chapter [17.40 CMC](#):

1. Theaters and places of public assembly, such as halls, lodges, fraternal organizations and clubs;
2. Dance studios and schools;
3. Hotels, motels, resorts and inns;
4. Outdoor sales establishments, such as plant nurseries and garden supplies, taxi stands, and storage associated with a primary use, such as hardware and home improvement stores;
5. Banks and financial institutions, with drive-up or walk-up facilities;
6. Sale of used or secondhand goods, excluding books and magazines;
7. Religious institutions, such as churches and mosques;
8. Public utility substations and public and private schools;
9. Geothermal uses;

10. Formula businesses otherwise allowed in subsection (A) of this section, but not including formula restaurants or formula visitor accommodations;
11. New structures, and additions to existing structures resulting in an increase in floor area of 10 percent or more;
12. Modifications to existing structures resulting in an increase in the number of leasable spaces;
13. Remote parking for businesses located off-site;
14. Restaurants, bakeries, bars, cafes, and similar uses, with or without outdoor dining;
15. Live entertainment and/or dancing;
16. Live-work units allowed in conjunction with a permitted commercial use; provided, that the following requirements have been met prior to use permit approval:
 - a. The required off-street parking for the exclusive use of dwelling units is provided, pursuant to Chapter 17.36 CMC;
 - b. In cases of shared residential and commercial uses, the commercial use shall be compatible with the health and safety of persons residing on the property (i.e., lighting, noise, fumes and hours of operation, etc.);
 - c. Prior to use permit approval, residential-commercial uses shall require design review by the Planning Commission, pursuant to Chapter 17.06 CMC;
17. Multifamily dwellings above the first floor, subject to a specific finding that the proposed use is consistent with the rural, small-town character of the community;
18. Gasoline service stations, with no automobile repair and/or carwash;
19. Wine and liquor sales, including tasting facilities;
20. Storage when associated with a resident-serving business located on an adjacent parcel;
21. Souvenir shops;
22. Walkaway businesses;
23. Commercial amusements, such as arcades and fortune tellers;
24. Cottage industries, such as carpenters, when ancillary to retail sales of products or merchandise made on the premises;
25. Uses otherwise allowed in subsection (A) of this section, but because of their location in an entry corridor require a use permit;
26. Uses determined by the Planning Commission to be similar in nature, as provided for according to the procedures in Chapter 17.02 CMC;
27. Sexually oriented retail businesses.

C. Allowed Accessory Uses. No accessory use shall be established in conjunction with a primary use, unless the accessory use is also an allowed or conditionally permitted use within the district. Accessory uses shall only be permitted if compatible with the primary use. Determinations of compatibility shall be made by the Planning and Building Director for those uses allowed with only a business license and by the Planning Commission for those uses requiring a conditional use permit.

D. The following uses are prohibited in the DC district:

1. Uses not specified in subsections (A) through (B) of this section;
2. Formula restaurants;
3. Formula visitor accommodations;
4. Drive-up facilities when associated with a food service establishment;
5. Timeshare projects, programs or occupancies;
6. Manufacturers' outlet stores;
7. Establishments serving customers food and/or beverages within their automobiles on the premises or preparing food and/or beverages intended for consumption within their automobiles on the premises;
8. Objectionable and hazardous uses, such as businesses which present noxious odors or fumes, noise, vibration, glare, dust, and materials which have a potential for hazard and explosion. (Ord. 643 § 2, 2007; Ord. 614 §2, 2004).