Sec. 42-336. - Permitted uses.

In the B-3 General Business District, structures to be erected, or land to be used, may be for one or more of the following uses (Note: Activities or uses which instruct the reader to see a permitted use serve only as a cross reference to the list of permitted uses and associated conditions, if any. The listing of a cross reference in no way implies that the cross reference is a permitted use or activity. Listed permitted uses which instruct the reader to see also another permitted use or section of the zoning ordinance or town code are intended to refer the reader to additional information that is relevant to that permitted use.)

(1) Any principal use permitted in the R-3 Multiple-Family Residential District, with a conditional use permit, except that uses permitted as conditional uses in the R-3 District, but permitted as of right in the B-3 District, shall not require a conditional use permit. Dwellings are subject to the same requirements as in the R-3 District, except that a single-family dwelling in association with a permitted office, business or commercial use, in the same building or on the same premises for use by the proprietor or an employee of said business shall be permitted, but not subject to said requirements, including a family and one unrelated individual per unit; and for multifamily dwellings, the density of development shall not exceed the ratio of 20 dwelling units per gross acre. Residential development as part of a planned commercial development shall be subject to the requirements of section 42-341.

(2) Animal hospital, pet shop or pet grooming establishment.

(3) Retail stores, including sale of accessories, antiques, appliances, art or art supplies, beverages (alcoholic or otherwise), books, carpets, clothing, drugs, fabrics, flowers, food, furniture, hardware, jewelry, gifts, office supplies and stationery, shoes, paint, wallpaper, sporting goods, and similar stores and shops.

(4) Bakeries.

(5) Banks and other financial institutions.

(6) Dry cleaners, laundries and laundromats.

(7) Barber and beauty shops.

(8) Fitness center or health club.

(9) Home appliance services.

(10) Theaters and assembly halls.

(11) Hotels and motels, and bed and breakfast inns.

(12) Offices, business, professional or administrative.

(13) Churches and other places of worship.

(14)

Public buildings to consist of fire, police and rescue squad stations, schools, recreational facilities, and libraries. Private buildings to consist of schools, recreational facilities, and libraries with a conditional use permit.

(15) Hospitals, general.

(16) Funeral homes and crematories.

(17) Automobile service stations.

(18) Clubs and lodges, with a conditional use permit.

(19) Auto and truck rental, sales and service. Also see *Automobile service stations* and *Commercial garages.*

(20) Restaurants, food handlers and caterers.

(21) Shoe repair or tailor shop.

(22) Plumbing and electrical supply with storage under cover.

(23) Printing and duplicating services.

(24) Rental of household items, tools and appliances.

(25) Lumber and building materials store, wholesale or retail, but not a lumberyard or manufacturer of brick or concrete blocks.

(26) Self-service storage compartments commonly known as miniwarehouses.

(27) Facilities and structures necessary for rendering utility service, including poles, wires, transformers, transmission lines, telephone booths and the like for normal electrical power distribution or communication service; communications antennas; amateur radio towers; meters and pipelines or conduits for electrical, gas, sewer or water service; pumping and regulatory stations; substations. Communications monopoles and major transmission lines are permitted with a conditional use permit.

(28) Off-street parking and loading; parking garages, with a conditional use permit.

(29) Signs in accordance with the sign ordinance in article XXIV, signs.

(30) Dancehalls, with a conditional use permit.

(31) Mobile home parks, with a conditional use permit. Also see article XVIII, mobile home parks.

(32) Mobile home sales, single- or double-wide, with a conditional use permit.

(33) Machinery and equipment sales, service and storage (but not junk), with a conditional use permit.

(34) Commercial garage and/or towing service, with a conditional use permit. Also see *Auto and truck rental, sales and service* and *Automobile service stations.*

(35) Contractors equipment storage yard or plant or rental of equipment commonly used by contractors (but not material storage), with a conditional use permit.

(36) Radio and television stations and studios or recording studios.

(37)

Industrialized building units for business, institutional, security or construction purposes, with a conditional use permit. Conditional use permits shall not be required for construction trailers on active construction sites.

(38) The following listed uses, provided not more than 50 persons are engaged in actual production work, with a conditional use permit:

a. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs and the manufacture of small parts, such as coils, condensers, transformers and crystal holders.

b. Commercial cabinet or woodworking shops; blacksmith shops and welding or machine shops.

c. Pharmaceutical, medical or dental laboratories.

(39) Carnival or fairgrounds, with a conditional use permit.

(40) Public billiard parlors and poolrooms, game rooms, bowling alleys, skating rinks, indoor and outdoor shooting ranges, paintball courses and similar forms of public amusement, with a conditional use permit.

(41) Greenhouse or nursery, commercial, wholesale or retail.

(42) Convalescent homes, rest homes, nursing homes and housing for the elderly and handicapped.

(43) Boardinghouses, with a conditional use permit.

(44) Child day care center.

(45) Campground, overnight, with a conditional use permit. Other permitted B-3 uses located upon the same property as the campground are permitted, provided that non-campground users do not traverse the campground areas to have access to these non-campground uses. Provided further that a fence or other suitable barricade and screening separates the campground from adjacent properties or uses.

(46) Recycling collection center with a zoning permit application and plan of operation approved by the administrator. The administrator may refer any proposed collection center application to the town planning commission or health official, or both, for their advice as to the desirability, practicability or health effects of any such center before issuing a zoning permit to any collection center applicant. Collection center zoning permits may be revoked at any time by the administrator or health official when such recycling center poses a threat to public safety, health or general welfare.

(47) Recycling, post-collection separation facilities, with a conditional use permit and a plan of operation approved by the administrator. In cases of doubt regarding the nature of a process or use, the administrator may require an engineering report describing the process or use and the probable impacts of the facility.

(48) Auction house, business, with a conditional use permit.

(49) Family day homes, with a conditional use permit.

(50) Kennels with a conditional use permit.

(51) Automobile upholstery shops, with a conditional use permit.

(52) Railroad yards and terminals, with a conditional use permit.

(53) Farmers' markets or flea markets, with a conditional use permit.

(54) Automobile auctions, with a conditional use permit.

(55) Tattoo parlors and body piercing establishments with approval of the county health department.

(56) Portable storage containers, in accordance with section 42-662.

(57) Janitorial services.

(58) Exterminating services with a conditional use permit.

(59) Personal service establishments.

(60) Loudspeaker/sound amplification/outdoor sound system to be used in excess of the town's noise ordinance, with a conditional use permit.

(61) Leisure and enrichment service.

(62) Microbrewery with capacity not to exceed 10,000 barrels per year.

(63) Microbrewery with capacity between 10,001 and 15,000 barrels per year, with a conditional use permit.

(64) Museums, art galleries and art studios.

(65) Planned commercial developments, subject to the requirements of section 42-341, with a conditional use permit.

Note: The following activities or uses serve only as a cross reference to permitted uses listed above which may or may not have conditions attached to the use. The listing of the following cross reference in no way implies that they are a permitted use or activity unless permitted elsewhere within this section.

Appliance service, see *Home appliance services.*

Bed and breakfast inns, see *Hotels, motels.*

Building material sales, see *Lumber and building materials sales.*

Equipment sales, service, etc., see *Machinery and equipment sales and services.*

Pet shops, see *Animal.*

Tourist homes, see *Hotels, motels.*

(Code 1972, § 30-78; Code 1992, § 30-100; Ord. of 9-6-1988; Ord. of 10-24-1989; Ord. of 7-2-1991; Ord. of 12-3-1991; Ord. of 12-17-1991(1); Ord. of 6-15-1993; Ord. of 6-2-1998; Ord. of 12-7-1999; Ord. No. 2000-2, 4-18-2000; Ord. No. 2001-1, 4-17-2001; Ord. No. 2001-4, 8-7-2001; Ord. No. 2004-4, § 30-78, 9-7-2004; Ord. No. 2005-1, 1-18-2005; Ord. No. 2006-1, 1-17-2006; Ord. No. 2006-6, 12-19-2006; Ord. No. 2007-1, 4-3-2007; Ord. No. 2008-4,