

## PERMITTED USES

Except for those uses excluded or limited herein below, all uses Permitted, permitted as a Special Use Permit, permitted as an Accessory Use, and permitted subject to Site Plan Review approval in the underlying zoning district for which each property within the Overlay District is zoned shall be permitted to same level and limitation.

The following are the preferred and intended uses within this Overlay District and shall be considered permitted uses:

- Apartments and condominiums - upper level use as part of a mixed-use building only.
- Civic uses such as a community center, city hall, and park space.
- Green houses, gardens, and orchards – may be permitted within the eastern one-third (1/3) of the Overlay District and no closer than 30 ft from any street right-of-way line.
- Grocery stores.
- Boutique hotels - defined as a small stylish, upscale hotel with up to 80 guest rooms.
- Micro-breweries and micro-distilleries with on-site tasting and sales
- Professional offices - including healthcare uses, are permitted, except for first-floor professional offices for buildings fronting Merle Hay Road. First floor professional offices may be permitted subject to certain limitations and approval of a special use permit.
- Restaurants, coffee shops, and bars with outdoor patios and seating.
- Specialty retail stores.
- Wine and beer sales and tasting.

The following uses may be appropriate subject to certain limitations and approval of a Special Use Permit by the Board of Adjustment in accordance with Chapter 172 of the City Zoning Regulations:

- First-floor professional offices fronting Merle Hay Road - no more than one (1) per building and no more than a total of two (2) buildings along the Merle Hay Road frontage.
- Body art establishments – no more than one (1) per building and no more than a total of two (2) permitted within the Overlay District.
- Drive-thru and drive-up facilities – no more than a total of two (2) uses with drive-thru or drive-up facilities permitted within the Overlay District.
- Smoking lounges and Hookah lounges – no more than one (1) per building and no more than a total of two (2) permitted within the Overlay District.
- Townhomes, rowhouses, and apartments – may be permitted within the eastern one-half (1/2) of the Overlay District if part of a planned development.

The following uses as listed below are considered incompatible with the vision, goals, and intent of the Overlay District and are prohibited:

- Adult entertainment businesses.
- After Hours Business including any business open anytime between the hours of two o'clock (2:00) A.M. to six o'clock (6:00) A.M. any day of the week and where patrons are allowed to bring their own beer and wine onto the business premises.
- All automotive, truck, boat and camper oriented uses including sales, repair, and parts.
- Convenience stores, gas stations, and car washes.
- Pawnshops.
- Liquor stores, tobacco shops, vape shops, and any business with fifty percent (50%) or more of its gross sales in alcohol, tobacco products, and/or nicotine products. This definition does not include beer and/or wine shops that sell no liquor, tobacco, or nicotine products.
- Delayed deposit credit institutions (payday loan, check cashing, car title loan establishments).
- Manufactured home park.
- Single family residential uses including single family detached homes and bi-attached homes or duplexes.
- Rooming and boarding houses.
- Self-storage facilities.
- Detached garages - this does not include parking ramps or stand-alone parking structures.