

**Chapter 14.40
PERMISSIBLE USES**

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14.40.010 Table of Permissible Uses. Table II, the Table of Permissible Uses sets forth the permissible uses for the various zoning districts in the City, subject to other applicable provisions in this Title. It should be read in close conjunction with the definitions of terms set forth in Section 14.08.010 and the other interpretative provisions set forth in this article.

14.40.020 Use of the Designations Z, S, C in Table of Permissible Uses.

- (a) The Table of Permissible Uses (Table II) sets forth which uses are permitted in which zones. The letter “Z” means that the use requires a zoning permit. The letter “S” means the use requires a special use permit, and the letter “C” means the use requires a conditional use permit. No letter means that use is not permitted in the indicated zone district.
- (b) When used in connection with residential uses (use classification 1.000), the designation “ZSC” means that such developments of less than five dwelling units must be pursuant to a zoning permit, developments of five or more but less than 13 dwelling units need a special use permit, and developments of 13 or more dwelling units require a conditional use permit.

- (c) When used in connection with nonresidential uses, the designation “ZS” or “ZC” means that such developments require a zoning permit if the lot to be developed is less than one acre in size and a special or conditional use permit, respectively, if the lot is one acre or larger in area.
- (d) Use of the designation ZSC for combination uses is explained in Section 14.40.080.

14.40.030 Zoning Administrator Jurisdiction Over Uses Otherwise Permissible With a Zoning Permit. Whenever this Title provides that a use in a nonresidential zone or a nonconforming use in a residential zone is permissible with a zoning permit, a special use permit shall nevertheless be required if the planning director finds that the proposed use would have an extraordinary impact on neighboring properties or the general public. In making this determination, the planning director shall consider, among other factors, whether the use is proposed for an undeveloped or previously developed lot, whether the proposed use constitutes a change from one principal use classification to another, whether the use is proposed for a site that poses peculiar traffic or other hazards or difficulties, and whether the proposed use is substantially unique or is likely to have impacts that differ substantially from those presented by other uses that are permissible in the zoning district in question.

14.40.040 Permissible Uses and Specific Exclusions.

- (a) The presumption established by this title is that all legitimate uses of land are addressed within the Table of Permissible Uses, and are either allowed or not allowed thereby. But because the list of permissible uses set forth in Section 14.40.010 cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses.
- (b) Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:

- (1) Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the city's fire prevention code.
 - (2) Stockyards, slaughterhouses, rendering plants.
 - (3) Use of a travel trailer, motor home, or other recreational vehicle as a permanent residence. Recreational vehicles may be used as a temporary guest residence for up to two weeks without a permit, or up to three months within any one consecutive year upon approval of a zoning permit. Situations that do not comply with this subsection on the effective date of this title are required to conform within one year.
 - (4) Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted. This prohibition does not apply to temporary public services, such as bookmobiles, blood donation centers, public service information, etc., or temporary food vendors allowed pursuant to Sections 14.44.400 and .410. (Situations that do not comply with this subdivision on the effective date of this title are required to conform within 30 days.)
- pool/tennis court complex is customarily associated with and integrally related to a residential subdivision or multi-family development and would be regarded as accessory to such principal uses, even though such facilities, if developed apart from a residential development, would require a special use permit (use classification 6.210).
- (b) For purposes of interpreting Subsection (a):
 - (1) A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use,
 - (2) To be "commonly associated" with a principal use it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.
 - (c) Without limiting the generality of Subsections (a) and (b), the following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory to residential principal uses:
 - (1) Home Occupations.
 - (2) Hobbies or recreational activities of a noncommercial nature.
 - (3) The renting out of one or two rooms within a single-family residence (which one or two rooms do not themselves constitute a separate dwelling unit) other than on a daily or weekly basis to not more than two persons who are not part of the family that resides in the single-family dwelling.
 - (4) Yard sales or garage sales, so long as such sales are not conducted on the same lot for more than three

14.40.050 Accessory Uses.

- (a) The Table of Permissible Uses (Section 14.40.010) classifies different principal uses according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use in this table) is conducted in conjunction with another principal use constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or is commonly associated with the principal use and integrally related to it, then it may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. For example, a swimming

days (whether consecutive or not) during any 30-day period.

(d) Without limiting the generality of Subsections (a) and (b), the following activities shall not be regarded as accessory to a residential principal use and are prohibited in residential districts.

(1) Storage outside of a substantially enclosed structure of more than one motor vehicle that is unlicensed and non-operational for a period of more than three months.

(2) Parking outside a substantially enclosed structure or a vehicle accommodation area of more than four motor vehicles between the building setback of the principal building and the street on any lot used for purposes that fall within the following principal use classifications: 1.100, 1.200, or 1.400.

(e) When a land use permit is applied for, all anticipated accessory uses shall be explicitly disclosed, and made part of the findings. Subsequent accessory uses not disclosed shall be subject to the permit modification requirements of Section 14.16.320 prior to commencing.

14.40.060 Permissible Uses Not Requiring Permits. Notwithstanding any other provisions of this title, no zoning, special use, or conditional use permit is necessary for the following uses:

(1) Streets.

(2) Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way.

(3) Neighborhood utility facilities located within a public right-of-way with the permission of the owner (state or town) of the right-of-way.

14.40.070 Change in Use.

(a) A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever:

(1) The change involves a change from one principal use category to another.

(2) If the original use is a combination use (29.000) or Planned Neighborhood Development (30.000), the relative proportion of space devoted to the individual principal uses that comprise the combination use or Planned Neighborhood Development use changes to such an extent that the parking requirements for the overall use are altered.

(3) If the original use is a combination use or Planned Neighborhood Development use, the mixture of types of individual principal uses that comprise the combination use or Planned Neighborhood Development use changes.

(4) If the original use is a planned residential development, the relative proportions of different types of dwelling units change.

(5) If there is only one business or enterprise conducted on the lot (regardless of whether that business or enterprise consists of one individual principal use or a combination use), that business or enterprise moves out and a different type of enterprise moves in (even though the new business or enterprise may be classified under the same principal use or combination use category as the previous type of business). For example, if there is only one building on a lot and a florist shop that is the sole tenant of that building moves out and is replaced by a clothing store, that constitutes a change in use even though both tenants fall within principal use classification

2.111. However, if the florist shop were replaced by another florist shop, that would not constitute a change in use since the type of business or enterprise would not have changed. Moreover, if the florist shop moved out of a rented space in a shopping center and was replaced by a clothing store, that would not constitute a change in use since there is more than one business on the lot and the essential character of the activity conducted on that lot (shopping center-combination use) has not changed.

- (b) A mere change in the status of property from unoccupied to occupied or vice versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than 180 consecutive days or has been abandoned.
- (c) A mere change in ownership of a business or enterprise or a change in the name shall not be regarded as a change in use.

14.40.080 Combination Uses.

- (a) When a combination use comprises two or more principal uses that require different types of permits (zoning, special use, or conditional use), then the permit authorizing the combination use shall be:
 - (1) A conditional use permit if any of the principal uses combined requires a conditional use permit.

- (2) A special use permit if any of the principal uses combined requires a special use permit but none requires a conditional use permit.

- (3) A zoning permit in all other cases. This is indicated in the Table of Permissible Uses by the designation ZSC in each of the columns adjacent to the 29.000 classification.

- (b) When a combination use consists of a single-family detached residential subdivision and two-family or multi-family uses, the total density permissible on the entire tract shall be determined by having the developer indicate on the plans the portion of the total lot that will be developed for each purpose and calculating the density for each portion as if it were a separate lot.

- (c) When a combination use consists of a single-family detached and two-family or multi-family uses, then the total density permissible on the entire tract shall be determined by dividing the area of the tract by the minimum square footage per dwelling unit specified in Section 14.48.020.

14.40.090 More Specific Use Controls.

Whenever a development could fall within more than one use classification in the Table of Permissible Uses (Section 14.40.010), the classification that most closely and most specifically describes the development controls. For example, a small doctor's office or clinic clearly falls within the 3.110 classification (office and service operations conducted entirely indoors and designed to attract customers or clients to the premises). However, classification 3.130, "office or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area" more specifically covers this use and therefore is controlling.