

Sec. 3.11.3. Use Requirements

3.11.3.1. Permitted Uses

- A. A lot or building must be occupied with only the principal uses permitted on the permitted use table in Sec. 3.11.3.4. Accessory uses and structures are permitted in conjunction with a permitted principal use.
- B. Any one or more uses permitted in a Form District may be established on any lot within the subdistrict, subject to the permitted use table, and in compliance with all other applicable requirements of Section 3.11.

3.11.3.2. Accessory Uses

- A. Accessory uses and structures must be accessory and clearly incidental and subordinate to a permitted principal use or building.
- B. No accessory use or structure may be established prior to the establishment of a permitted principal use or building.
- C. The Town Manager is authorized to determine when a use or structure is accessory. In order to classify a use or structure as accessory, the Town Manager must determine that the use or structure:
 - 1. Is subordinate to the principal use or building in terms of area, extent and purpose;
 - 2. Contributes to the comfort, convenience or necessity of occupants of the principal use or building served;
 - 3. Is located on the same lot as the principal use or building, or on a contiguous lot in the same ownership;
 - 4. Does not involve operations not in keeping with the character of the principal use or building served; and
 - 5. Is not of a nature likely to attract visitors in larger numbers than would normally be expected for the principal use or building.
- D. All accessory structures must meet the dimensional requirements applicable to a principal structure in the subdistrict.
- E. Food trucks must comply with Sec. 6.20 of the Land Use Management Ordinance.

3.11.3.3. Classification of Uses

- A. In order to regulate use, categories of uses have been established in Sec. 3.11.3.5, providing a systematic basis for assigning land uses to appropriate categories with other similar uses. Use categories classify land uses and activities based on common functional, product or physical characteristics.
- B. The Town Manager is responsible for categorizing all uses into the use categories in Sec. 3.11.3.5. When determining the use category in which a proposed use fits, the Town Manager must consider the following criteria:
 - 1. The actual or projected characteristics of the proposed use.
 - 2. The relative amount of site area or floor area and equipment devoted to the proposed use.
 - 3. Relative amounts of sales.
 - 4. The customer type.
 - 5. The relative number of employees.
 - 6. Hours of operation.
 - 7. Building and site arrangement.
 - 8. Types of vehicles used and their parking requirements.
 - 9. The number of vehicle trips generated.
 - 10. How the proposed use is advertised.
 - 11. The likely impact on surrounding properties.
 - 12. Whether the activity is likely to be found independent of the other activities on the site.
- C. Where a use not listed is found by the Town Manager not to be similar to any other permitted use, the use is not permitted.

3.11.3.4. Permitted Use Table

Uses permitted by subdistrict are shown below. Broad use categories have been established in order to regulate a variety of similar uses and are defined in Sec. 3.11.3.5. Customary accessory and temporary categories, as determined by the Town Manager, are permitted in the Form Districts, including, but not limited to, home occupations, food trucks and trailers, and outdoor seasonal sales, subject to issuance of a Zoning Compliance Permit.

PERMITTED USES	WR-3	WR-7	WX-5	WX-7	Def./Stds.
Residential Uses					
Household living, as listed below:					Sec. 3.11.3.5.A
Detached living	--	--	--	--	Sec. 3.11.3.5.A.1.a
Attached living	P	P	L	L	Sec. 3.11.3.5.A.1.b
Multifamily living	P	P	L	L	Sec. 3.11.3.5.A.1.c
Group living	--	P	L	L	Sec. 3.11.3.5.A.2
Social service living	--	--	S	S	Sec. 3.11.3.5.A.3
Short-Term Rental, Primary Residence	P	P	P	P	Sec. 3.11.3.5.A.5.a
Short-Term Rental, Dedicated	P	P	P	P	Sec. 3.11.3.5.A.5.b
Public Uses					
Civic/Place of Worship	P	P	P	P	Sec. 3.11.3.5.B.1
Parks & open space	P	P	P	P	Sec. 3.11.3.5.B.2
Utilities, minor	P	P	P	P	Sec. 3.11.3.5.B.3
Utilities, major	S	S	S	S	Sec. 3.11.3.5.B.4
Commercial Uses					
Bank, except as listed below;	--	--	P	P	
Drive-thru	--	--	S	S	Sec. 3.11.4.1.F
Commercial parking	--	--	S	S	Sec. 3.11.3.5.C.1
Day care	--	--	P	P	Sec. 3.11.3.5.C.2
Indoor recreation	--	--	P	P	Sec. 3.11.3.5.C.3
Medical	--	--	P	P	Sec. 3.11.3.5.C.4
Office	--	--	P	P	Sec. 3.11.3.5.C.5
Outdoor recreation	--	--	--	--	Sec. 3.11.3.5.C.6
Overnight lodging	--	--	P	P	Sec. 3.11.3.5.C.7
Personal service	--	--	P	P	Sec. 3.11.3.5.C.8
Restaurant/bar, except as listed below	--	--	P	P	Sec. 3.11.3.5.C.9
Drive-thru	--	--	S	S	Sec. 3.11.4.1.F
Retail sales, except as listed below:	--	--	P	P	Sec. 3.11.3.5.C.10
Drive-thru	--	--	S	S	Sec. 3.11.4.1.F
Fuel sales	--	--	P	P	Sec. 3.11.3.5.C.10.a
Vehicle sales/service	--	--	P	P	Sec. 3.11.3.5.C.11
Industrial Uses					
Light industrial	--	--	--	--	Sec. 3.11.3.5.D.1
Self-service storage	--	--	--	--	Sec. 3.11.3.5.D.2
Warehouse & distribution	--	--	--	--	Sec. 3.11.3.5.D.3
Waste-related service	--	--	--	--	Sec. 3.11.3.5.D.4
Heavy industrial	--	--	--	--	Sec. 3.11.3.5.D.5
Open Uses					
Agriculture, except as listed below:	--	--	--	--	Sec. 3.11.3.5.E.1
Community garden	P	P	P	P	Sec. 3.11.3.5.E.1.a
Resource extraction	--	--	--	--	Sec. 3.11.3.5.E.2

KEY: P = Use permitted under any of the following circumstances:
 1. Expansion of an existing public elementary or secondary school
 2. Enhanced Development Option conditions are met as specified in Section 3.11.1.2.C
 3. Floor area of proposed development is less than twenty thousand (20,000) square feet, and disturbed land is less than forty thousand (40,000) square feet
 Otherwise, permitted following Town Council approval of Special Use Permit.

-- = Use not permitted
 S = Use permitted following Town Council approval of Special Use Permit
 L = Limited use (refer to section 3.11.3.5.A.4.)

3.11.3.5. Use Categories

A. Residential Uses

1. **Household Living.** Residential occupancy of a dwelling unit by a family on a monthly or longer basis in structures with self-contained dwelling units, including kitchens. The term Household Living includes an establishment with support and supervisory personnel that provides room and board, personal care and habitation services in a family environment for not more than six (6) residents who are handicapped, aged, disabled, or who are runaway, disturbed or emotionally deprived children and who are undergoing rehabilitation or extended care. The Household Living does not include a fraternity or sorority, club, rooming house, institutional group or the like. Household living includes the following:
 - a. **Detached Living.** One (1) or two (2) dwelling units in a single principal structure.
 - b. **Attached Living.** Three (3) or more dwelling units in a single principal structure where each unit is separated vertically by a common side wall. Units cannot be vertically mixed.
 - c. **Multifamily Living.** Three (3) or more dwelling units vertically and horizontally integrated.
2. **Group Living.** Residential occupancy of a structure by a group of people that does not meet the definition of family. Tenancy is usually arranged on a monthly or longer basis. Generally, group living facilities have a common eating area for residents, and residents may receive care or training. Group Living does not include a fraternity or sorority, club, rooming house, institutional group or the like.
3. **Social Service Living.** Uses not considered Household Living that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.
4. **Limited Use.** Residential uses in the WX-5 and WX-7 subdistricts must include a non-residential use as part of the same application, in order to accomplish the Form District intent for a mixture of uses. For purposes of this section, a non-residential use includes any use listed in the Permitted Use Table (Sec. 3.11.3.4) that is not listed in the residential use category. To satisfy this

requirement, the application must satisfy at least one of the criteria below. A building or site with non-residential floor area exceeding the minimum defined below may utilize the Upper Story Floor Area Bonus established in Sec. 3.11.2.7.T.1.a.

- a. **Mixed Use Building.** Where each building contains a vertical mix of uses, a minimum of 10% of the building floor area must contain a non-residential use. A certificate of occupancy must be issued for at least 50% of the non-residential floor area prior to issuance of a certificate of occupancy for more than 90% of the residential floor area
- b. **Mixed Use Site.** A site with multiple buildings may include buildings with a single use, so long as a minimum of 15% of the total floor area for the site contains a non-residential use.

5. **Short-Term Rental.** Establishments as defined in Section 6.27.3 of this appendix, and in addition, any configuration of lodging units that does not meet the definition of Overnight Lodging under Section 3.11.3.5.C.7. Short-term rentals shall be subject to the requirements of Section 6.27 of this appendix.

B. Public Uses

1. **Civic/Place of Worship.** Places of public assembly that provide ongoing life safety, educational and cultural services to the general public, as well as meeting areas for religious practice.
2. **Parks & Open Space.** Public gathering areas for passive or active outdoor recreation, and having few structures.
3. **Utilities, Minor.** Public or private infrastructure serving a limited area with no on-site personnel.
4. **Utilities, Major.** Public or private infrastructure serving the general community, or with on-site personnel.

C. Commercial Uses

1. **Commercial Parking.** Facilities providing parking that is not accessory to a principal use. Facilities may or may not charge a fee.
2. **Day Care.** Uses providing care, protection, and supervision of children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18

hours each day, although the facility may be open 24 hours each day.

3. **Indoor Recreation.** Commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting.
4. **Medical.** Uses providing medical or surgical care to patients. Some uses may offer overnight care.
5. **Office.** Activities conducted in an office setting and generally focusing on business, professional or financial services.
6. **Outdoor Recreation.** Commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities either wholly outdoors or within outdoor structures.
7. **Overnight Lodging.** Accommodations arranged for short term stays of less than thirty (30) days for rent or lease, consisting of a collection of lodging units that are serviced by on-site staff and are not otherwise defined as Short-Term Rentals. In a building that includes both Household Living and Overnight Lodging, each use shall constitute a distinct portion of the building with separate access points.
8. **Personal Service.** Facilities involved in providing personal services or repair services to the general public.
 - a. **Animal care.** A facility where four or more domesticated animals more than four months of age are housed, groomed, bred, boarded, trained or sold. No outdoor activity associated with care of animals is permitted.
9. **Restaurant/Bar.** Establishments that prepare and sell food or drink for on- or off-premise consumption.
10. **Retail Sales.** Facilities involved in the sale, lease or rental of new or used products.
 - a. **Fuel Sales.** The sale or dispensing of fuels for motor vehicles. The zoning lot on which fuel sales are located must have a minimum gross land area of 20,000 square feet. The zoning lot must front on an arterial or collector street. Adequate provision must be made for ventilation and the dispersion and removal of fumes, and for the removal of hazardous chemicals and fluids. Driveways for a service

station/convenience store may not be located within 300 feet of any intersecting street or within 750 feet of driveways intersecting the same street and serving another existing or approved service station. These distances are measured centerline to centerline.

11. **Vehicle Sales/Service.** Direct sales, rental, leasing or servicing of passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Maximum land area of 1 acre is permitted. Vehicle parking areas must be screened as required in Sec. 3.11.4.2.C. All servicing or repair of vehicles must occur indoors. All storage of parts and other similar items must occur indoors.

D. Industrial Uses

1. **Light Industrial.** Manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors, building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the facility.
2. **Self-Service Storage.** Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing personal property.
3. **Warehouse & Distribution.** Facilities involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers.
4. **Waste-Related Service.** Uses that receive solid or liquid wastes from others for transfer to another location, and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material.
5. **Heavy Industrial.** Facilities involved in research and development activities without light fabrication and assembly operations; limited industrial/manufacturing activities. The uses emphasize industrial businesses, and sale of heavier equipment. Factory production and industrial yards are located here. Sales to the general public are limited.

E. Open Uses

1. **Agriculture.** Uses with established areas for the raising of animals and crops, conservation, and the secondary industries associated with agricultural production.
 - a. **Community garden.** Areas of land managed and maintained by a group of individuals to grow and harvest food crops and non-food ornamental crops, for personal or group use, consumption or donation. May be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group, and may include common areas maintained and used by the group. Accessory storage and incidental parking are permitted. On-site sales may be permitted upon approval of a special use permit.
2. **Resource Extraction.** Uses that extract minerals and other solids and liquids from the land.