

ARTICLE X
PERMITTED USES

10-1 PERMITTED USES

10-1.1 Permitted Use Table

(A) Table of Permitted Uses: Within each zoning district indicated on the Official Zoning Map and subject to all requirements and conditions specified in this Ordinance, land, buildings, and structures shall only be used and buildings and structures shall only be erected which are intended or designed to be used for uses listed in the Table of Permitted Uses, Table 10-1-1. In the appropriate columns of Table 10-1-1 uses permitted by right in the various districts are indicated by a YPY, uses requiring a Special Use Permit are indicated by an YSY, and uses permitted by right subject to meeting additional development standards as set forth in Article XI (Development Standards for Individual Uses) are indicated with a YDY.

(B) Formulation of Permitted Use Table

- (1) The *Standard Industrial Classification Manual - 1987* was utilized in the preparation of this table and shall be referred to as a guide for purposes of interpretation by the Zoning Inspector. SIC codes are used to refer to SIC Classifications. Entries with 0000 in the Reference SIC column do not correspond to any classification in the *SIC Manual*.
- (2) When a use is not listed in the Permitted Use Table, the Zoning Inspector shall classify it with that use in the table most similar to it. The *SIC Manual* shall serve as a guide in classifying any unlisted use. If the Zoning Inspector should determine that a use is not listed and is not similar to a use in the Permitted Use Table, then said use is prohibited.
- (3) Rental and leasing of any commodity shall be permitted under the same classification and in the same districts as are sales of that commodity, unless rental or leasing of that commodity is listed separately in the Permitted Use Table.

10-1-1 Table of Permitted Uses

Use Type	Ref. SIC	Zoning Districts				
		RA	R-1	R-1A	R-2	B
AGRICULTURAL USES						
Agricultural Production (crops)	0100	P				P
Agricultural Production (livestock)	0200	S				S
Animal Feeder/Breeder Operation	0000	S				
Forestry	0810	P				S
MINING USES						
Mining, Quarrying, Sand Pits, and Mineral Extraction	1000	S				
RESIDENTIAL USES						
Boarding and Rooming House	7021	S			S	S
Condominium	0000	S			S	S
Family Care Home	0000	P	P	P	P	S
Group Care Facility	0000	S			S	S
Manufactured Home, Class A	0000	P	P	P	P	S
Manufactured Home, Class B	0000	D		D	D	S
Manufactured Home, Class C	0000	D		D	D	S
Manufactured Home Park	0000	S			S	S
Multifamily Dwelling	0000	S			P	S
Single-Family Detached Dwelling	0000	P	P	P	P	S
Townhouse Dwelling (<i>amended 4-11-06</i>)	0000	S			S	S
Two-Family Dwelling (duplex)	0000				P	S
ACCESSORY USES AND STRUCTURES						
Accessory Uses and Structures (customary)	0000	P	P	P	P	P
Communication Tower Under 50' in Height	0000	S		S	S	P
Fences and Walls	0000	D	D	D	D	D
Home Occupation	0000	D	D	D	D	D
Office Accessory to a Use Permitted in the District in Which Located	0000	P			P	P
Satellite Dish Antenna	0000	D	D	D	D	D
Swimming Pool	0000	D	D	D	D	D
RECREATIONAL USES						
Amusement or Water Parks, Fairgrounds	7996					P
Athletic Fields	0000	S	S	S	S	P

P = Use permitted by Zoning Permit. See Section 4.6.

D = Use permitted by Zoning Permit if development standards are met. See Article XI.

S = Special Use Permit required. See Section 4-7 and Article XI.

10-1-1 Table of Permitted Uses

Use Type	Ref. SIC	Zoning Districts				
		RA	R-1	R-1A	R-2	B
Batting Cages	7999					D
Billiard Parlor	7999					P
Bingo Games	7999					P
Bowling Center	7933					P
Club	8640	S			-	P
Coin-Operated Amusement	7993					P
Country Club with Golf Course	7997	S	S	S	S	S
Equestrian Facility	7999	S				S
Go-Cart Raceway	7999					D
Golf Course	7992	S	S	S	S	S
Golf Course, Miniature	7999					P
Golf Driving Range	7999					D
Physical Fitness Center	7991					P
Private Campground/RV Park	7033	-				S
Private Club or Recreation Facility, Other	7997	-	-	-	-	D
Public Park or Recreational Facility, Other	7990	-	-	-	-	D
Skating Rink	7999					P
Swim and Tennis Club	7997	S	S	S	S	S
EDUCATIONAL AND INSTITUTIONAL USES						
Ambulance Service	4119					P
Cemetery or Mausoleum	0000	P				P
Church and Other Places of Worship	8661	D	D	D	D	D
Day Care Center, Adult and Child	8322	S			S	S
Elementary or Secondary School	8211	P			S	P
Fire Station/Emergency Medical Service	9224	P				P
Government Office	9000					P
Library	8231	P				P
Nursing and Convalescent Home	8050	S			S	S
Police Station	9221					P
Post Office	0000					P
Retreat Center	0000	-			D	D
BUSINESS, PROFESSIONAL and PERSONAL SERVICES						

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Use Type	Ref. SIC	Zoning Districts				
		RA	R-1	R-1A	R-2	B
Administrative or Management Services	8740					P
Automobile Parking (Commercial)	7521					P
Automobile Repair/Towing Services	7549					D
Bank, Savings and Loan, or Credit Union	6000					P
Barber Shop	7241					P
Beauty Shop	7431					P
Bed and Breakfast	7011	-	-	-	S	S
Blacksmith	7609	S				P
Boat Repair	3730					P
Building Maintenance Services, No Outside Storage	7349					P
Car Wash	7542					P
Clothing Alteration or Repair	0000					P
Equipment Rental and Leasing	7350					P
Funeral Home or Crematorium	7261					P
Hotel or Motel	7011					P
Kennels or Pet Grooming	0752	-				D
Landscape and Horticultural Services	0780	P				P
Laundromat, Coin-Operated	7215					P
Laundry or Dry Cleaning Plant	7211					P
Massage Parlor, Adult	7299					S
Medical, Dental or Related Office	8000					P
Miscellaneous Services, Not Listed	7699					S
Office Uses Not Otherwise Classified	0000					P
Real Estate Office	6500					P
Taxidermist	7699	P				P
Theater, Adult	0000					S
Theater (indoor)	7832					P
Theater (outdoor)	7833					S
Tourist Cottages	7011				S	P
Veterinary Clinic	0742	D				D
RETAIL TRADE						
ABC Store (liquor)	5921					P

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10-1-1 Table of Permitted Uses

Use Type	Ref. SIC	Zoning Districts				
		RA	R-1	R-1A	R-2	B
Antique Store	5932					P
Auto Supply Sales	5531					P
Bakery	5461					P
Boat Sales	5551					S
Bookstore	5942					P
Bookstore, Adult	0000					S
Building Supply Sales	5211					D
Convenience Store	5411					P
Department, Variety or General Merchandise	5300					P
Drugstore	5912					P
Florist	5992					P
Food Store	5400					P
Fuel Oil Sales	5980					D
Garden Center or Retail Nursery	5261	P				P
Hardware Store	5251					P
Home Furnishings, Miscellaneous	5719					P
Miscellaneous Retail Sales	5999					P
Motor Vehicle Sales (new and used)	5511					S
Newsstand	5994					P
Recreational Vehicle Sales	5561					S
Restaurant	5812					P
Service Station, Gasoline Sales	5541					D
Video Tape Rental and Sales	7841					P
WHOLESALE TRADE	5000					S
TRANSPORTATION, WAREHOUSING AND UTILITIES						
Marina	4493					S
Radio, Television or Communication Tower Over 50' In Height	0000	D				D
Taxi Terminal	4121					P
Utility Company Office	0000					P
Utility Equipment and Storage Yards	0000					P
Utility Lines	0000	P	P	P	P	P
Utility Related Appurtenances, Substation	0000	D	D	D	D	D

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Use Type	Ref. SIC	Zoning Districts				
		RA	R-1	R-1A	R-2	B
Warehouse (general storage, enclosed)	4220					P
OTHER USES						
Any Use Not Otherwise Prohibited By Law Or By This Ordinance	0000					S
Arts and Crafts Shows	0000					P
Automobile Parking On Same Lot As Principal Use	0000	P	P	P	P	P
Billboards, Advertising Signs	0000					P
Carnivals and Fairs	7999	S				S
Outdoor Flea Markets	5932					S
Outdoor Fruit and Vegetable Markets	5431	P				P
Outdoor Events, Other (<i>Amended 01-09-07</i>)	0000	S				S
Shopping Center	0000					P
Temporary Construction, Storage or Office; Real Estate Sales or Rental Office (with concurrent building permit for permanent building)	0000	P	P	P	P	P
Temporary Emergency, Construction, and Repair Residence	0000	D		D	D	D

10-1.2 Permissible Uses Not Requiring Permits

Notwithstanding any other provisions of this Ordinance, no zoning or special use permit is necessary for the following uses:

- (A) Streets.
- (B) 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.

10-1.3 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, the relative proportion of space devoted to the individual principal uses that comprise the combination use changes to such an extent that the parking requirements for the overall use are altered.

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- (3) If the original use is a combination use, the mixture of types of individual principal uses that comprise the combination use changes.
 - (4) 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. 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.

10-1.4 Combination Uses

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

10-1.5 Mixed Uses

Two or more permitted uses may occupy the same principal building.

10-1.6 Accessory Uses

- (A) Whenever an activity is conducted in conjunction with another principal use and the former use (i) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (ii) is customarily associated with the principal use and integrally related to it, then the former use 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 pool/tennis court complex in an R-1 district is customarily associated with and integrally related to a residential subdivision and would be regarded as accessory to such principal use, even though such facilities, if developed apart from a residential development, would require a special use permit.

- (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 "customarily 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 are specifically regarded as accessory to residential principal uses so long as they satisfy the general criteria set forth above:
 - (1) Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation.
 - (2) Hobbies or recreational activities of a non-commercial nature.

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