

ARTICLE 5. USE REGULATIONS

5.1 ALLOWED AND CONDITIONAL USES BY ZONING DISTRICT

5.1.1 Use Classification

- A. General. This section sets forth permitted uses by zoning district, as summarized in the Use Table (Table 5-1 below). Uses are either Allowed by right ("A"), permitted as Conditional Uses ("C"), or prohibited (blank cell). Some Allowed and Conditional Uses are also subject to specific use regulations, which are set forth in Section 5.2 below. These specific use regulations typically address how a specific use is laid out, developed, or operated; such use regulations apply in addition to the general development standards set forth in Article 6 of this Code and any district-specific regulations set forth in Article 4 above.
- B. Compliance with Use Regulations. No person shall use any land within the City except in accordance with the Use Table and with any applicable specific zoning district or specific use regulations. In addition to any specific use regulations set forth in §5.2 below, Conditional Uses shall comply with the general review criteria applicable to all conditional uses set forth in §3.14 of this Code.
- C. Uses Not Included in Use Table. Any specific use type not listed or included in the Use Table shall be prohibited unless it is determined to be included in a use classification according to §5.1.1.D below.
- D. Classification of Uses--Dispute Resolution.
 - 1. When there is ambiguity about a proposed use, an Applicant may seek a Written Interpretation from the Community Development Director (§3.22) whether a proposed use falls into one of the use classifications allowed in one or more zoning districts, as shown in the Use Table below. The Community Development Director shall base this determination on consideration of the following factors:
 - a. Whether the proposed use is similar in terms of hours of operation, traffic impacts, environmental impacts, and the potential for adverse impacts on surrounding properties;
 - b. Whether the proposed use is typically housed in buildings or structures similar and compatible to those used to house allowed uses in the zoning district; or
 - c. Whether the proposed use is consistent with the purpose and intent of the particular zoning district.

2. The Applicant shall have the right to appeal the Community Development Director's written interpretation to the City Council pursuant to §3.22.6 of this Code.
3. A proposed use that the Community Development Director determines does not fall into a permitted use classification, unless overturned on appeal, shall be prohibited until such time as the City Council may amend the Code to indicate that such use is an Allowed or Conditional Use in one or more zone districts pursuant to §3.5 of this Code.

