

ARTICLE VI. USE DISTRICT REGULATIONS

Section 60.00. **GENERALLY.** Each of the use districts as defined and established Section 21.0 shall be subject to specific regulations regarding uses permitted; special exception uses; conditional uses; uses not permitted; and required lot area and width, yard setbacks, maximum building height, maximum density and gross floor area.

Section 60.01. **USE LIMITATIONS.** Although a use may be permitted according to specified procedures in a particular district, such use may not necessarily be permitted on every parcel of land in the district. A use may be permitted only if it can meet all of the standards of this ordinance and other applicable codes, ordinances and regulations.

Section 60.02. **CLASSIFICATION OF USES.** This ordinance recognizes the limitations of a finite listing of use classifications. Therefore, the Zoning Officer is empowered to make interpretations so as to classify any questioned use within a use classification of most similar impact and characteristics. Appeals of such interpretations may be made to the Board of Zoning Adjustments per Section 132.02.

Section 60.03. **UNCLASSIFIED USES.** In the event the Zoning Officer receives application for permitting of a use that is not listed or that cannot appropriately fit a use listed, the following procedure shall apply:

- 60.03.01. If compatible with the existing use district intent, the unclassified use may be permitted as a special exception by the Board of Zoning Adjustments pursuant to Section 132.04.
- 60.03.02. If the unclassified use would not be compatible with the intent of the existing use district, the Zoning Officer shall make a determination of the most appropriate use district, and require the applicant have the property rezoned, and special exception granted by the Board of Zoning Adjustments pursuant to Section 132.04 before granting approval.
- 60.03.03. Following final action of the unclassified use per above paragraphs, the Planning Commission may initiate an amendment to this ordinance to list the newly permitted use in the most appropriate district(s).

Section 60.04. **ACCESSORY AND COMBINED USES.**

- 60.04.01. Unless otherwise prohibited by this ordinance, more than one permitted use may be combined on a lot if all of the combined uses are commonly associated with and integrally related to one another and if all zoning regulations for each of the combined uses shall be met.
- 60.04.02. Whenever a use or activity, which may or may not be separately listed as a permitted use, is conducted in conjunction with a listed permitted use as an incidental or insubstantial part of the total activity on a lot, the incidental activity shall be permitted as an accessory use if the combined uses are commonly associated with and integrally related to one another.
- 60.04.03. For this purpose of this section, *commonly associated* means that the association of such combined uses takes place with sufficient frequency that there is common community acceptance of their relatedness.

Section 61.00. **SPECIAL EXCEPTION USES.** Uses listed as Special Exception Uses within each base zoning district require a Special Exception Permit and shall be further subject to approval by

the BZA upon review of development plans and further subject to any conditions the Board may require pursuant to the provisions of § 132.04.

Section 62.00. **CONDITIONAL USES.** Uses listed as Conditional Uses within each base zoning district require a Conditional Use Permit and shall be subject to approval by the Town Council upon review of development plans and further subject to any conditions the Council may require pursuant to the provisions of Section 122.00 Conditional Uses.