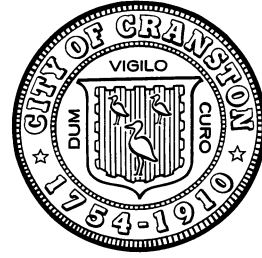


City Planning Department



Memo

To: Cranston City Plan Commission
From: Doug McLean, AICP, Principal Planner
Date: July 2, 2020
Re: **Ordinance #5-20-04** – Amendment to Zoning Ordinance (Special Use Permit)

I. Applicant/Proposal

This memo contains background information, analysis, and the staff recommendation for Ordinance #5-20-04, which proposes a text amendment to Zoning Section 17.92.020 (Special Use Permit). Specifically, the text amendment seeks to add the following language below Sec. 17.92.020.A.3:

“An applicant may apply for, and be granted, a dimensional variance in conjunction with a special use. If the special use could not exist without the dimensional variance, the zoning board of review shall consider the special use permit and the dimensional variance together to determine if granting the special use is appropriate based on both the above special use criteria and the dimensional variance evidentiary standards.”

No other language is proposed to be added, removed, or amended.

The purpose of this amendment is to clarify the allowance of, and the standards of review for, an application that includes both a special use permit and a dimensional variance request. Based on the current language of the Cranston Zoning Code, and provisions in Rhode Island General Laws § 45-24-42 (General provisions – Special-use permits) and § 45-24-41 (General provisions – Variances), it is not clear if such an application is currently allowed and how the review standards should be applied.

The applicant is Robert Murray of Taft and McSally LLP, 21 Garden City Drive, Cranston, RI 02920. It should be noted that the applicant does not have an active application in front of the City that would be impacted by this ordinance amendment. In full transparency, should this ordinance amendment be approved, the applicant has expressed interest in submitting a minor accessory solar project that would trigger both the special use permit and dimensional variance review criteria. For this, and any other subsequent application that would be allowed by this ordinance amendment, the project would be reviewed based on the merits of whether it meets the established review criteria for both a dimensional variance and a special use permit (detailed on page 3 of this memo).

The following documents are attached at the end of this memo as background:

- Full copy of applicant's ordinance petition.
- Memorandum provided by applicant with additional context and background on request.
- A summary of the Cranston Zoning Code – Sec. 17.20.030 - Schedule of Uses, highlighting every instance in which a use is allowed via Special Use Permit.

II. Outside Comments

City staff received no outside comments on this application.

III. Planning Analysis

The proposed amendment is intended to clarify two regulatory issues: 1) to clearly allow for applications that include both a special use permit request and a dimensional variance, and 2) to make clear the review criteria for such applications. At present, it is unclear if such an application is allowed in the City of Cranston. The Cranston Zoning Code is currently silent on how to handle applications that include both a special use permit request and a dimensional variance. Rhode Island General Law (RIGL) states the following (yellow highlights added for emphasis):

RIGL § 45-24-42 (General provisions – Special-use permits)

(c) The [zoning] ordinance additionally may provide that an applicant may apply for, and be issued, a dimensional variance in conjunction with a special-use permit. If the special use could not exist without the dimensional variance, the zoning board of review, or, where unified development review is enabled pursuant to § 45-24-46.4(b), the planning board or commission shall consider the special-use permit and the dimensional variance together to determine if granting the special use is appropriate based on both the special use criteria and the dimensional variance evidentiary standards.

RIGL § 45-24-41 (General provisions – Variances)

(2) In granting a dimensional variance, that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted is not grounds for relief. The zoning board of review, or, where unified development review is enabled pursuant to § 45-24-46.4, the planning board or commission has the power to grant dimensional variances where the use is permitted by special-use permit if provided for in the special use permit sections of the zoning ordinance.

The above sections of RIGL indicate that the local zoning ordinance “may provide” for an allowance of this type of application, also using the language “if provided for in the special use permit section.” Being that the local code is currently silent on this matter, it is unclear if an application requesting both a special use permit and dimensional variance would be allowed in the City of Cranston due to a potential conflict with the state laws noted above. The proposed ordinance amendment would clarify the local code in a manner that is consistent with state law.

Planning staff is of the view that this amendment would be beneficial to the City by providing greater flexibility in allowing different types of applications to be submitted, and greater clarity on the specific standards that those applications need to meet. Cranston is a city with a wide variety of non-conforming land uses (either use or dimension) and its zoning standards don’t always match the existing conditions of the built environment. To this end, planning staff recognize the value of special use permits and dimensional variances applications as an important tool for allowing reasonable and well-conceived projects to move forward in an environment where the zoning code cannot conceive of every variable and need. It should be noted that upon submission of a special use permit or dimensional variance application independently, planning staff conduct a detailed, context-sensitive review of the application and this frequently leads to positive consideration because: 1) we utilize a pre-application consultation process to weed out unreasonable requests, 2) we provide strong guidance in the early stages of applications to ensure that projects fit with the character of the local neighborhood, 3) the City’s zoning ordinance was adopted after the majority of the City was platted and developed, creating a

significant number of non-conforming lots, buildings, and uses that provide a multitude of beneficial functions to the City, 4) we recognize the need for flexibility in applying City standards due to the unique and diverse environment that makes up our community.

Furthermore, planning staff is of the view that allowing for applications that include both a special use permit and a dimensional variance does not weaken the City's regulatory structure. In fact, such an amendment would strengthen the City's ability to allow for reasonable projects that pass the scrutiny of review – which includes initial staff vetting/analysis, a required recommendation by the Plan Commission, and ultimately a public hearing by the Zoning Board of Review. Any project that seeks approval as a special use permit in conjunction with a dimensional variance would still need to meet the standards of review of both application types. When combined, these standards provide a high bar for applicants to meet. For reference, below are the specific standards of review for each application:

Review Standards for Dimensional Variance (Zoning Sec. 17.92.010.B & C):

- *That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant;*
- *That the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain;*
- *That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance codified in this title or the comprehensive plan upon which the ordinance is based;*
- *That the relief to be granted is the least relief necessary; and*
- *That the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience, which shall mean that there is no other reasonable alternative to enjoy a legally permitted beneficial use of one's property. The fact that a use may be more valuable after the relief is granted shall not be grounds for relief.*

Review Standards for Special Use Permit (Zoning Sec. 17.92.020.A.2):

- *It shall be compatible with its surroundings;*
- *It shall not be injurious, obnoxious or offensive to the neighborhood;*
- *It shall not hinder the future development of the city;*
- *It shall promote the general welfare of the city; and*
- *It shall be in conformance with the purposes and intent of the comprehensive plan.*

As further reference material, please see the enclosed memo from the applicant which provides some additional legal background on the matter. This memo also states that 30 of the 39 Rhode Island municipalities have already adopted provisions similar to what is being proposed herein to allow for applications that include both a special use permit and a dimensional variance. The state-wide acceptance of this regulatory approach is evidence of the general suitability of this practice.

Also attached is a summary of the City's Zoning Code – Sec. 17.20.030 - Schedule of Uses, utilizing **yellow highlights** to call attention to each category where a special use permit is required. Currently there are approximately 128 instances in which a use is allowed by a special use permit in a certain district. A quick review of this attachment demonstrates that the City relies on this type of regulatory permitting process frequently in its use code. Staff is of the view that allowing for the consideration of dimensional flexibility along with these special permit uses, when the circumstances warrant it, would provide for an effective regulatory tool to achieve the best outcome for potential developments.

Finally, with regard to consistency with the Cranston Comprehensive Plan, staff is of the view that the application is consistent with the Plan's general intent to support projects and uses that meet

the community's needs and fit with local neighborhoods. Specifically, the Comprehensive Plan discusses the use of variances as a tool for addressing inconsistencies between the zoning code standards and conditions on the ground. For example, the Comprehensive Plan - *Land Use Element, Part II. Current Conditions and Issues - Page 31*, states:

"Most properties in the A6, B1 and B2 zoning districts have less than the 6,000 square feet minimize lot size. In fact, about half (over 48 % and 55% of the A6 and B1 zones, respectively), are less than 5,000 square feet in area. This inconsistency between the lot sizes and zoning occurs typically in the older parts of the City, which limits development potential, and requires variances for changes to existing properties."

The above language provides guidance to City staff with regard to the identification of a problem (the zoning code does not reflect the realities of our built environment) and the need for flexibility (variances) to address this problem.

IV. Findings

Cranston Comprehensive Plan 2010

The proposed ordinance amendment will provide for greater flexibility in allowing different types of applications to be submitted, and greater clarity on the specific standards those applications need to meet. Staff finds that Comprehensive Plan is supportive of flexibility with regard to using variances as a tool for addressing inconsistencies between the zoning code and the realities of our built environment. Based on the above, staff submits that the proposed application is consistent with the City's Comprehensive Plan.

Findings Under §17.04.010 City Code

Sec. 17.120.030 requires that the City Plan Commission as part of its recommendation to the City Council "Include a demonstration of recognition and consideration of each of the applicable purposes of zoning as presented in Section 17.04.010 of this title." Section 17.04.010 set forth the General Purpose for Title 17 (Zoning Ordinance) of the City Code. To the extent that any development will be required to comply with all aspects of the Zoning Ordinance, the City of Cranston Subdivision and Land Development Regulations, and, where applicable, the standards of review for special use permits and dimensional variances, staff finds that the proposed ordinance amendment will adequately address the appropriate purposes detailed in §17.04.010.

V. Recommendation

Due to the fact that the proposed ordinance amendment will clarify the allowance of, and the standards of review for, any application that includes both a special use permit and a dimensional variance, and due to the fact that City staff recognizes the need for flexibility in reviewing projects within a unique and diverse built environment that includes many non-conforming lots, buildings, and uses, and due to the finding that proposed ordinance amendment is consistent with the City's Comprehensive Plan, staff recommends that the Plan Commission send a **positive recommendation** on this application to the City Council.

THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL
IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE
CITY OF CRANSTON, 2005, ENTITLED "ZONING"
(Special Use Permit)

No.

Passed:

Michael J Farina, Council President

Approved:

Allan W. Fung, Mayor

It is ordained by the City Council of the City of Cranston as follows:

Section 1. Chapter 17.92.010 of the Code of the City of Cranston, 2005, entitled "Special use permit" is hereby amended by adding the following.

An application for a special use permit may be made by any person, group, agency or corporation by filing an application with the secretary of the zoning board of review describing the request and supported by such data and evidence as may be required by the board or by the terms of this chapter. The zoning board of review shall transmit a copy of the application to the city planning commission for their review and recommendation.

A. Applicability. The zoning board of review may grant a special use permit in accordance with the procedures and standards of this chapter for the following:

1. Any use or structure designated as requiring a special use permit in Section 17.28.030 (Schedule of uses) or elsewhere in this chapter, subject to the following affirmative findings:

a. Within a residential district, that the proposed use is consistent with the residential use of the district;

41 b. Within an industrial district, that the factual evidence has demonstrated
42 that the proposed use will predominantly serve the employees and visitors
43 to the existing industrial uses within the district;

44
45 c. Within a commercial district, that the proposed use will substantially
46 conform to the scale and context of the surrounding developments;

47
48 d. Within an open space district, that the building and uses of land will be
49 so designed and located in relation to the property as to preserve an open
50 or natural character in the district.

51
52 2. Special Permits Power. The zoning board of review shall have the power in
53 appropriate cases and subject to appropriate conditions and safeguards to issue
54 special permits as authorized by this chapter in harmony with its general purpose
55 and intent. In issuing such permits, the board shall determine that the use meets
56 the following requirements:

57
58 a. It shall be compatible with its surroundings;

59
60 b. It shall not be injurious, obnoxious or offensive to the neighborhood;

61
62 c. It shall not hinder the future development of the city;

63
64 d. It shall promote the general welfare of the city; and

65
66 e. It shall be in conformance with the purposes and intent of the comprehensive
67 plan.

68
69 3. Special Permit Procedure. Uses permitted by special permit under Chapter
70 17.88 of this title shall be permitted only upon the issuance of a special use
71 permit. Special use permits may be issued by the zoning board of review after a
72 public hearing.

73 An applicant may apply for, and be granted, a dimensional variance in conjunction
74 with a special use. If the special use could not exist without the dimensional variance, the
75 zoning board of review shall consider the special use permit and the dimensional variance
76 together to determine if granting the special use is appropriate based on both the above
77 special use criteria and the dimensional variance evidentiary standards.

78

79 No special permit shall be granted by the zoning board of review until the
80 application or request has been referred to the city planning commission. The planning
81 commission shall have thirty (30) days following such referral in which to express its
82 opinion thereon. If within such period, the commission fails to express its opinion or make
83 a recommendation, the application or request should be deemed to be recommended by
84 the planning commission. The opinion and recommendation should be considered by,
85 but shall not be binding upon, the zoning board of review.

86

87 4. For the following specified use, the applicant shall have the duty of
88 presenting evidence and the duty of presenting all studies and materials
89 required herein as well as the additional burden of persuading the zoning
90 board that the following specific requirements have been met:

91

92 a. For wireless service facilities the zoning board of review shall
93 evaluate all of the following additional evidence, information and
94 factors in determining whether or not to grant a special use permit.

95 i. That the applicant supply a definition of the area of service needs
96 for coverage or capacity;

97 ii. That the applicant supply information showing the proposed
98 facility would provide the needed coverage or capacity;

99 iii. That the applicant provide a map showing all sites (alternative
100 sites) from which the needed coverage could also be provided,
101 indicating the zoning for all such sites;

102 iv. That the applicant demonstrate that existing facilities cannot
103 accommodate the proposed facility within the service area and that
104 the applicant demonstrate that an existing public, community or
105 institutional facility cannot accommodate the proposed facility within
106 the service area;

107 v. That the applicant demonstrate that they cannot co-locate the
108 facility within the service area;

109

110 vi. That the applicant demonstrate, by presenting technological
111 evidence, that the facility must be located at the proposed site in
112 order to satisfy the needs of the applicant's wireless service grid
113 system;

114 vii. That the applicant shall allow other wireless service providers
115 using similar technology to co-locate on;

116 Viii, That the applicant demonstrate how the site will be designed to
117 accommodate future multiple users;

118 ix. That the development of the proposed facility will preserve the
119 pre-existing character of the surrounding buildings and land use as
120 much as possible. All components of the proposed facility shall be
121 integrated through location and design to be compatible with the
122 existing characteristics of the site to the extent practical. Existing on
123 site vegetation shall be preserved or improved and the disturbance
124 of the existing topography shall be minimized, unless such
125 disturbance would result in less visual impact of the facility on the
126 surrounding area; and

127 x. That the zoning board shall not regulate the placement,
128 construction and modification of personal wireless service facilities
129 on the basis of the environmental effects of radio frequency
130 emissions to the extent that such facilities comply with the Federal
131 Communication Commission's regulations concerning such
132 emissions.

133
134 **Section 2.** This ordinance shall take effect upon its final adoption.
135

136
137 Positive Endorsement: Negative Endorsement: (Attach reasons)
138

139
140 _____
141 City Solicitor Date City Solicitor Date
142

143
144 Sponsored by Mayor Allan Fung
145

146 Referred to Ordinance Committee July 16, 2020

JOHN V. McGREEN *
ROBERT D. MURRAY
DAVID H. FERRARA *

*also admitted in Massachusetts

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CRANSTON, RI 02920-5703

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MEMORANDUM

FROM: Robert D. Murray, Esq.
TO: Honorable Members of the City Council and City Plan Commission
DATE: July 1, 2020
SUBJECT: Ordinance No. 5-20-4 relating to the Cranston Zoning Code Section 17.92.010

I wanted to take a moment and share some background and explanation for Ordinance No. 5-20-04 that has been introduced by Mayor Allan Fung.

The ordinance amends the Cranston zoning code to allow the Zoning Board of Review to consider an application for a dimensional variance when an application for a special use permit is also being considered. At the present time, unlike the vast majority of Rhode Island municipalities, the city code does not empower the Zoning Board of Review to grant a dimensional variance when voting to approve a special use permit.

This amendment to the code would allow such consideration by the Zoning Board of Review.

The City Council Ordinance Committee will hold a public hearing on the ordinance on Thursday, July 16, 2020. The City Plan Commission will make a recommendation on the zoning amendment at its meeting on Tuesday, July 7, 2020.

BACKGROUND

For many years, zoning boards in our state would consider applications for special use permits and dimensional variances. In 1998, the Rhode Island Supreme Court upheld a Superior Court decision in the matter of Newton v. Zoning Board of the City of Warwick, 713 A. 2d 239. That case concerned an application for a six (6) unit multifamily dwelling that was allowed by special use permit under the Warwick zoning code. The applicant also sought various dimensional variances for area, density, parking and setback requirements. The Warwick Zoning Board granted all the relief sought by the applicant.

The Supreme Court said that the zoning board had exceeded its authority by granting the dimensional variances and reversed the local zoning decision. It

was based on the theory that a use allowed by special use permit should meet the requirements like the minimum underlying area and setback requirements. An applicant should only obtain a dimensional variance for a legally permitted use not one allowed by a special use permit.

The General Assembly addressed the Newton decision by amending RIGL §45-24-42 entitled "General Provisions – Special Use Permit. The legislature allowed cities and towns by ordinances to allow zoning boards to consider a dimensional variance in conjunction with a special use permit.

§ 45-24-42. General provisions – Special-use permits.

(a) A zoning ordinance shall provide for the issuance of special-use permits approved by the zoning board of review, or, where unified development review is enabled pursuant to § 45-24-46.4, the planning board or commission.

(b) The ordinance shall:

(1) Specify the uses requiring special-use permits in each district;

(2) Describe the conditions and procedures under which special-use permits, of each or the various categories of special-use permits established in the zoning ordinance may be issued;

(3) Establish criteria for the issuance of each category of special-use permit that shall be in conformance with the purposes and intent of the comprehensive plan and the zoning ordinance of the city or town;

(4) Provide for public hearings and notification of the date, time, place, and purpose of those hearings to interested parties. Special-use permit requests submitted under a zoning ordinance's unified development review provisions shall be heard and noticed in conjunction with the subdivision or land-development application, according to the requirements of § 45-23-50.1. Public notice for special-use permits that are not submitted under a zoning ordinance's unified development review provisions shall be given at least fourteen (14) days prior to the date of the hearing in a newspaper of general circulation in the city or town. Notice of hearing shall be sent by first-class mail to the applicant, and to all those who would require notice under § 45-24-53. The notice shall also include the street address of the subject property. A zoning ordinance may require that a supplemental notice, that an application for a special-use permit is under consideration, be posted at the location in question. The posting is for information purposes only and does not constitute required notice of a public hearing. The cost of notification shall be borne by the applicant;

(5) Provide for the recording of findings of fact and written decisions; and

(6) Provide that appeals may be taken pursuant to §§ 45-24-70 or 45-23-66, dependent on the board to which application was made.

(c) The ordinance additionally may provide that an applicant may apply for, and be issued, a dimensional variance in conjunction with a special-use permit. If the special use could not exist without the dimensional variance, the zoning board of review, or, where unified development review is enabled pursuant to § 45-24-46.4(b), the planning board or commission shall consider the special-use permit and the dimensional variance together to determine if granting the special use is appropriate based on both the special use criteria and the dimensional variance evidentiary standards.

History of Section.

(P.L. 1991, ch. 307, § 1; P.L. 2001, ch. 346, § 1; P.L. 2002, ch. 91, § 1; P.L. 2002, ch. 197, § 1; P.L. 2002, ch. 218, § 1; P.L. 2016, ch. 527, § 4.)

Cranston has never amended the zoning code to allow for the Zoning Board of Review to consider a dimensional variance when considering a special use permit. Ordinance 5-20-04 would give the zoning board of the review the power to do that. An applicant would still need to meet the criteria for each type of relief. The added language in the amendment states:

"An applicant may apply for, and be granted, a dimensional variance in conjunction with a special use. If the special use could not exist without the dimensional variance, the zoning board of review shall consider the special use permit and the dimensional variance together to determine if granting the special use is appropriate based on both the above special use criteria and the dimensional variance evidentiary standards".

VARIANCES AND SPECIAL USES

Under the law there are basically three (3) types of relief that the Zoning Board of Review can grant. They are a use variance, a dimensional variance and a special use permit. The definitions of each are found in Section 17.04.030 of the zoning code.

"Variance" means permission to depart from the literal requirements of the zoning ordinance. An authorization for the construction or maintenance of a building or structure or for the establishment or maintenance of a use of land, which is prohibited by this chapter. There shall be only two categories of variance, a use variance or a dimensional variance.

1. "Use variance" means permission to depart from the use requirements of the zoning ordinance where the applicant for the requested variance has shown by evidence upon the record that the subject land or structure cannot yield any beneficial use if it is to conform to the provisions of this chapter.

2. "Dimensional variance" means permission to depart from the dimensional requirements of this chapter, where the applicant for the requested relief has shown, by evidence upon the record, that there is no other reasonable alternative way to enjoy a legally permitted beneficial use of the subject

property unless granted the requested relief from the dimensional regulations. However, the fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

"Special use" means a regulated use which is permitted pursuant to the special-use permit issued by the authorized governmental entity, pursuant to RIGL Section 45-24-42.

The Schedule of Uses in Section 17.20.030 describes all the uses that are allowed in the various zones as a matter of right or allowed by special use permit. It also identifies those uses that are not allowed in a particular zone.

The vast number of uses in the schedule of uses are allowed as a matter of right rather than by special use permit. However there are some unusual cases that arise from time to time.

For example a restaurant is allowed in an industrial zone by special use permit. Right now, if a site or applicant needed dimensional relief the Zoning Board could not consider the special use permit and dimensional variance request.

Likewise, places of worship are allowed everywhere but only by special use permit in the C-4 and C-5 zones. A church could not apply for any type of dimensional relief in those zones.

SUMMARY

Ordinance No. 5-20-4 will bring Cranston in line with thirty (30) of thirty nine (39) cities and towns on this issue. The Zoning Board of Review would still review any applications for a special use permit also asking for dimensional relief based on the stated criteria and evidentiary standards under the law.

A list of the Rhode Island cities and towns and their current status on a comparable ordinance is attached hereto.

Thank you for your consideration.

cc: Daniel Parrillo, Director of Administration
Jason Pezzullo, Planning Director
Christopher Rawson, Esq. City Solicitor
Evan Kirshenbaum, Esq.

SURVEY OF RHODE ISLAND CITIES AND TOWNS ZONING ORDINANCES AND WHETHER ZONING BOARDS CAN CONSIDER GRANTING A SPECIAL USE PERMIT WHILE ALSO CONSIDERING A DIMENSIONAL VARIANCE FOR THE SAME APPLICATION.

Barrington	Yes
Bristol	Yes
Burrillville	Yes
Central Falls	No
Charlestown	No
Coventry	No
Cranston	No
Cumberland	Yes
East Greenwich	Yes
East Providence	No
Exeter	Yes
Foster	No
Glocester	Yes
Hopkinton	Yes
Jamestown	Yes
Johnston	No
Lincoln	Yes
Little Compton	No
Middletown	Yes
Narragansett	Yes
Newport	Yes
New Shoreham	Yes
North Kingstown	Yes
North Providence	Yes
North Smithfield	Yes
Pawtucket	Yes
Portsmouth	Yes
Providence	Yes
Richmond	No
Scituate	Yes
Smithfield	Yes
South Kingstown	Yes
Tiverton	Yes
Warren	Yes
Warwick	Yes
Westerly	Yes
West Greenwich	Yes
West Warwick	Yes
Woonsocket	Yes

ZONING DISTRICTS:	A - 8 0	A - 2 0	A - 1 2	A - 8	A - 6	B - 1	B - 2	C - 1	C - 2	C - 3	C - 4	C - 5	M - 1	M - 2	S - 1	E I	G
RESIDENTIAL ** +																	
Community residence	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	Y
Dormitory	N	N	N	N	N	N	N	S	S	S	S	S	N	N	N	Y	Y
Family day care home	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N
Fraternity/sorority house	N	N	N	N	N	N	S	N	N	N	N	N	N	N	N	Y	N
Manufactured home park/manufactured home subdivision	N	N	N	N	N	N	N	N	N	N	S	N	N	N	N	N	N
Multi-family dwelling	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N	N	Y	N
Residence above first story business use	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N	Y	Y
Rooming, boarding house	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N	N	N	N
Single-family accessory dwelling unit	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N
Single-family dwelling	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	Y	N

ZONING DISTRICTS:	A-80	A-20	A-12	A-8	A-6	B-1	B-2	C-1	C-2	C-3	C-4	C-5	M-1	M-2	S-1	E-1	G
Two-family dwelling	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N	N	Y	N
INSTITUTIONAL ** +++																	
Assisted Living facility	N	N	Y	N	N	Y	Y	Y	Y	N	N	N	N	N	N	N	N
Cemetery	S	S	S	S	S	S	S	N	N	N	N	N	N	N	Y	N	Y
Cultural use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	S	S	N	N	Y	Y	Y
Educational institution-preschool, primary, secondary, charter	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	N
Higher education institution	N	N	N	N	N	N	N	S	S	S	S	S	N	N	N	Y	Y
Hospital	S	S	S	S	S	S	S	S	N	N	S	N	N	N	N	N	Y
Lodge/fraternal organization	N	N	N	N	N	N	S	Y	Y	Y	N	N	N	N	S	Y	N
Municipal services other than those listed elsewhere	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Nursing home	N	N	Y	N	N	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N

ZONING DISTRICTS:	A-80	A-20	A-12	A-8	A-6	B-1	B-2	C-1	C-2	C-3	C-4	C-5	M-1	M-2	S-1	E-1	G
Religious worship (place of)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	S	S	N	N	Y	Y	N
State agency	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y
OPEN SPACE/RECREATIONAL ** +++																	
Golf club and course	S	S	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N
Marina	N	N	N	N	N	N	N	N	N	Y	N	N	Y	Y	S	N	N
Open space area	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	Y	N	N	Y	Y
Municipal park, playground, and outdoor sports field	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	Y	Y	Y
Recreational membership club	S	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	S	Y	Y
Yacht club	N	S	S	S	S	S	S	N	N	Y	N	N	Y	Y	Y	S	N
AGRICULTURAL ** +++																	
Agricultural operations	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N

BUSINESS ** +++																	
ZONING DISTRICTS:	A-80	A-20	A-12	A-8	A-6	B-1	B-2	C-1	C-2	C-3	C-4	C-5	M-1	M-2	S-1	E-I	G
Adult day care	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	Y
Adult entertainment (see Section 17.80.010)	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	N
Animal Day Care	N	N	N	N	N	N	N	N	N	N	Y	S	N	N	S	N	N
Animal Grooming Services	S	N	N	N	N	N	N	Y	Y	Y	S	S	N	N	N	N	N
Antiques, second hand shop, consignment shop	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Artisan's workshop (studio)	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	S	S	N	Y	N
Bakery, retail	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N	N
Bakery, wholesale	N	N	N	N	N	N	N	N	N	N	S	Y	Y	Y	N	N	N
Bank, financial institution	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	S	S	N	Y	N
Banquet facility	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N	N
Barber shop, beauty salon	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N

ZONING DISTRICTS:	A-80	A-20	A-12	A-8	A-6	B-1	B-2	C-1	C-2	C-3	C-4	C-5	M-1	M-2	S-1	E-1	G
Book, stationery, gift shop	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N
Brew pub	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N
Business, professional office	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	Y	N
Business/trade school	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	Y	N
Car wash/detailing	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N
Catering service	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N
Check cashing facility	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Commercial day care	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	Y	Y
Commercial off-street parking	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N
Commercial recreation	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N
Communication service and broadcast studio	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	N	N	N

ZONING DISTRICTS:	A-80	A-20	A-12	A-8	A-6	B-1	B-2	C-1	C-2	C-3	C-4	C-5	M-1	M-2	S-1	E-1	G
Crematory	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N
Day Spa	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
*Drive-in restaurant	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N	N
Drug store	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	Y	N
Florist shop	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N	N
Fuel station full service	N	N	N	N	N	N	N	N	S	S	Y	Y	S	S	N	N	N
Fuel station minimart	N	N	N	N	N	N	N	N	N	S	Y	Y	N	N	N	N	N
Funeral home	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Garden center	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	S	N	N
Hardware store	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N
Health, fitness club	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Home improvement center	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N	N
Kennel	S	N	N	N	N	N	N	N	N	N	N	N	S	S	S	N	N

ZONING DISTRICTS:	A-80	A-20	A-12	A-8	A-6	B-1	B-2	C-1	C-2	C-3	C-4	C-5	M-1	M-2	S-1	E-1	G
Landscape and tree services	S	N	N	N	N	N	N	N	N	N	N	Y	S	S	N	N	N
Laundromat	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Loft space (live/work)	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	N
Medical or dental clinic	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	Y	N
Medical/diagnostic laboratory	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Motel, hotel	N	N	N	N	N	N	N	N	N	Y	Y	Y	S	S	N	Y	N
Motor and recreational vehicle and watercraft sale	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N	N
Motor vehicle repair and service establishment light	N	N	N	N	N	N	N	N	N	S	Y	Y	S	S	N	N	N
Music and dance studio	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	Y	N
Night club	N	N	N	N	N	N	N	N	N	Y	Y	Y	S	S	N	N	N
Nursery	S	N	N	N	N	N	N	N	N	N	Y	Y	S	S	Y	N	N

ZONING DISTRICTS:	A-80	A-20	A-12	A-8	A-6	B-1	B-2	C-1	C-2	C-3	C-4	C-5	M-1	M-2	S-1	E-1	G
Passenger transportation terminal	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N
Pawn shop	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Personal services establishment	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N
Print shop	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Restaurant without drive-in facility	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	S	S	N	N	N
Retail laundromat and dry-cleaning establishment	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Retail sale large scale	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N
Retail sale small scale	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Supermarket	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N
Tavern/pub/neighborhood bar	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Theater, movie cinema	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	Y	N

ZONING DISTRICTS:	A-80	A-20	A-12	A-8	A-6	B-1	B-2	C-1	C-2	C-3	C-4	C-5	M-1	M-2	S-1	E-1	G
Urgent care facility	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N
Veterinarian hospital or clinic	S	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N	N
Wholesale sales	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N
INDUSTRIAL ** +++																	
Alternative energy generation	N	N	N	N	N	N	N	N	N	N	N	N	S	S	S	N	S
Arts and crafts manufacturing	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N
Asphalt, cement or concrete plant	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Automobile body repair shop and paint shop	N	N	N	N	N	N	N	N	N	N	N	Y	S	S	N	N	N
Brewery or distillery	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N
Commercial laundry, dry cleaning service	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N
Container storage	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	N

ZONING DISTRICTS:	A-80	A-20	A-12	A-8	A-6	B-1	B-2	C-1	C-2	C-3	C-4	C-5	M-1	M-2	S-1	E-1	G
Data processing facility	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N
Distribution Center	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N
Electronic and computer component recycling	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	N
Extractive industries	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	N
Food/beverage processing establishment	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N
Foundry	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	N
Hazardous waste landfill and hazardous waste injection well	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Hazardous processing facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Hazardous waste transfer station, incinerator	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Industrial equipment rental	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N

ZONING DISTRICTS:	A-80	A-20	A-12	A-8	A-6	B-1	B-2	C-1	C-2	C-3	C-4	C-5	M-1	M-2	S-1	E-1	G
Manufacture light	N	N	N	N	N	N	N	N	N	N	N	S	Y	Y	N	N	N
Manufacture of rubber and plastics	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N
Metal plating	N	N	N	N	N	N	N	N	N	N	N	S	Y	Y	N	N	N
Motor vehicle repair and service establishment heavy	N	N	N	N	N	N	N	N	N	N	N	S	S	S	N	N	N
Motor vehicle storage	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	N
Outdoor advertising, billboards	N	N	N	N	N	N	N	N	N	N	N	S	S	S	N	N	N
Paint production	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N
Printing and publishing	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N
Recycling facility	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	N
Research/development facility	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	S	N
Retail heating fuel supplier	N	N	N	N	N	N	N	N	N	N	N	S	Y	Y	N	N	N

ZONING DISTRICTS:	A-80	A-20	A-12	A-8	A-6	B-1	B-2	C-1	C-2	C-3	C-4	C-5	M-1	M-2	S-1	E-1	G
Self storage, mini-storage	N	N	N	N	N	N	N	N	N	N	N	S	Y	Y	N	N	N
Solar power <i>** (RECENT ZONING AMENDMENTS HAVE REPLACED THIS USE CODE WITH 3 NEW CATEGORIES) **</i>																	
Solid waste transfer facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Telecommunications antenna	S	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	S	S	Y
Telecommunications tower	S	N	N	N	N	N	N	N	N	N	S	S	S	S	S	S	Y
Upholstering Shop	N	N	N	N	N	N	N	N	N	S	S	Y	Y	Y	N	N	N
Trucking terminal	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N
Warehousing, commercial	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N
Welding shop, metal fabrication	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N

The symbols have the following meanings:

Y = use allowed by right,

S = use allowed by special permit

N = use not allowed