

**CHAPTER 18.130**  
**USE CLASSIFICATIONS CATEGORIES**

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**18.130.010 Purpose**

- A. Purpose. ~~The purpose of this chapter is to classify uses into a limited number of use types on the basis of common functional, product or compatibility characteristics, thereby providing a basis for the regulation of uses in accordance with criteria which are directly relevant to the public interest.~~ This Chapter classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and certain site factors. The use categories provide a systematic basis for assignment of present and future uses to zones. The decision to allow or prohibit the use categories in the various zones is based on the goals and policies of the Comprehensive Plan.

**18.130.015 Classification of Uses**

A. Considerations.

1. The "Characteristics" subsection of each use category describes the characteristics of each use category. Uses are assigned to the category whose description most closely describes the nature of the primary use. A primary use is the activity, or combination of activities of chief importance on the site, and the main purposes for which the land or structures are intended, designed, or ordinarily used. Accessory Uses are uses or activities which are a subordinate part of a primary use and are clearly incidental to a primary use on site. Developments may have more than one primary use. Developments may also have one or more accessory uses. Developments with more than one primary use are addressed in Subsection B. below. Accessory uses are addressed in Subsection C. below.

2. The following items are considered to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:
  - a. The description of the activity(ies) in relationship to the characteristics of each use category;
  - b. The relative amount of site or floor space and equipment devoted to the activity;
  - c. Relative amounts of sales from each activity;
  - d. The customer type for each activity;
  - e. The relative number of employees in each activity;
  - f. Hours of operation;
  - g. Building and site arrangement;
  - h. Vehicles used with the activity;
  - i. The relative number of vehicle trips generated by the activity;
  - j. Signs;
  - k. How the use advertises itself; and
  - l. Whether the activity would be likely to be found independent of the other activities on the site.
  
- B. Developments with multiple primary uses. When all of the primary uses of a development fall within one use category, then the development is assigned to that use category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.
  
- C. Accessory uses. Accessory uses are allowed by right in conjunction with the use unless stated otherwise in the regulations. Also, unless otherwise stated, they are subject to the same regulations as the primary use. Common accessory uses are listed as examples with the categories.
  
- D. Use of examples. The "Examples" subsection of each use category provides a list of examples of uses that are included in the use category. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is "Wholesale Liquidation" but that sells mostly to consumers, would be included in the Sales Oriented Retail category rather than the Wholesale Sales category. This is because the actual activity on the site matches the description of Sales Oriented Retail.

**18.130.025 Category Titles**

The names of the use categories start with capital letters throughout this title.

18.130.030 ~~Unlisted Use: Authorization of Similar Use~~ Omitted and Unanticipated Uses

- A. Purpose. It is not possible to contemplate all of the various uses which will be compatible within a zoning district. Therefore, unintentional omissions occur and unanticipated uses may not be clearly assignable to a use category. The purpose of these provisions is to establish a procedure for determining whether certain specific uses would have been permitted in a zoning district had they been contemplated and whether such ~~unlisted~~ omitted and/or unanticipated uses are compatible with the listed uses.
- B. Process. The Director shall render an interpretation, as governed by Chapter 18.340
- C. Approval standards. Approval or denial of an unlisted use application by the Director shall be based on findings that:
1. The use is consistent with the intent and purpose of the applicable zoning district;
  2. The use is similar to and of the same general type as the ~~uses~~ use categories listed in the zoning district;
  3. The use has similar intensity, density, and off-site impacts as the ~~uses~~ use categories listed in the zoning district, to be evaluated using the criteria set forth in Subsection 18.130.015.A.2; and
  4. The use has similar impacts on the community facilities as the listed ~~uses~~ use categories. Community facilities include streets, schools, libraries, hospitals, parks, police and fire stations, and water, sanitary sewer and storm drainage systems.
- D. Other provisions.
1. The Director shall not authorize an ~~unlisted~~ omitted and/or unanticipated use in a zoning district if the use category is specifically listed in another zone as either a permitted use, restricted use, or a conditional use.
  2. The Director shall maintain a list by zoning district of approved unlisted uses and the list shall have the same effect as an amendment to the use provisions of the applicable zone.

**18.130.020 — Listing of Use Categories****A. Residential use types:**

2. ~~Group Living: Living facilities for groups of unrelated individuals which includes at least one person residing on the site who is responsible for supervising, managing, monitoring and/or providing care, training or treatment of residents. Larger group living facilities may also be characterized by shared facilities for eating, hygiene and/or recreation. Examples include nursing/ convalescent homes, residential care/treatment facilities; sororities/fraternities and convents/monasteries. Tenancy is longer than one month. Does not include detention and post-detention facilities (see 18.130.020 E.3., Detention Facilities).~~

18.130.040 Residential Use TypesA. Group Living

1. Characteristics: Group Living is a living facility for groups of unrelated individuals which includes at least one person residing on the site who is responsible for supervising, managing, monitoring, and/or providing care, training, or treatment of residents. Large group living facilities may also be characterized by shared facilities for eating, hygiene, and/or recreation. Does not include uses where tenancy may be arranged for a period of less than one month, which are considered to be a form of commercial lodging or transitional housing.
2. Accessory Uses: Accessory uses commonly found are recreational facilities and parking.
3. Examples: Examples include dormitories; communes; fraternities and sororities; monasteries and convents; nursing and convalescent homes; some group homes for the physically and mentally disabled; and some residential programs for drug and alcohol treatment.
4. Exceptions.
  - a. Does not include lodging meeting the definition of Transitional Housing, Detention Facilities, and/or Commercial Lodging.
  - b. Does not include lodging where the residents meet the definition of Household, and where tenancy is arranged on a month-to-month basis, or for a longer period, which is classified as Household Living.

- ~~1. Household Living: Living facilities for small groups (households) of people who are related or unrelated, featuring self-contained units including facilities for cooking, eating, sleeping and hygiene. Tenancy is longer than one month. Includes most types of senior housing, e.g., congregate care, assisted living, if residents live in self-contained units. The maximum number of people who may reside in any given dwelling unit shall be determined by the Uniform Building Code.~~

## B. Household Living

1. Characteristics: Household Living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of commercial lodging or transitional housing. Apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included as Household Living if tenancy meets length of stay requirements and and residents have access to facilities for individual meal preparation. The maximum number of people who may reside in any given dwelling unit shall be determined by the State Building Code.
2. Accessory Uses: Accessory uses commonly found are recreational activities, keeping of normal household pets, hobbies, and parking of the occupants' vehicles. Home occupation, and accessory dwelling units are examples of accessory uses that are subject to additional regulations.
3. Examples: Uses include living in houses, duplexes, apartments, condominiums, retirement center apartments, manufactured housing, and other structures with self-contained dwelling units. Includes most types of senior housing, e.g., congregate care, assisted living, if residents live in self-contained units.
4. Exceptions:
  - a. Does not include for-profit lodging, where tenancy may be arranged for periods less than one month. Such uses are considered a hotel or motel use and are classified as commercial lodging.
  - b. Does not include lodging meeting the definition of Transitional Housing.

5. ~~Transitional Housing: Public or non-profit living facilities with same characteristics as Group Living but with tenancy less than one month. Examples include homeless shelters, women's/children's shelters, drug/alcohol treatment facilities. Excludes private, profit-making short-term housing (see 18.130.020 C.1., Commercial Lodging); and detention and post-detention facilities (see 18.130.020 E.3., Detention Facilities).~~

### C. Transitional Housing

1. Characteristics: Transitional housing is characterized as public or non-profit living facilities possessing the same characteristics as Household or Group Living, but with tenancy less than one month.
2. Accessory Uses: Accessory uses commonly found are recreational facilities, parking of autos for the occupants and staff, and parking of vehicles for the facility.
3. Examples: Examples include homeless shelters, women's/children's shelters, drug/alcohol treatment facilities.
4. Exceptions:
  - a. Does not include for-profit lodging where tenancy may be arranged for periods less than one month, which is considered a hotel or motel use and is classified as Commercial Lodging
  - b. Does not include residential uses meeting the definition of Group Living.
  - c. Does not include residential uses where the residents meet the definition of Household Living.
  - d. Does not include residential uses meeting the definition of Detention Facilities.

~~B. Civic use types:~~

- ~~1. Basic Utilities: Community infrastructure, including water and sewer systems, telephone exchanges, power substations and transit stations.~~

18.130.050 Civic Use Categories

A. Basic Utilities

1. Characteristics: Basic Utilities are infrastructure services which need to be located in or near where the service is provided. Service may be public or privately provided.
2. Accessory Uses: Accessory uses commonly found are parking; and control, monitoring, data or transmission equipment and shelters.
3. Examples: Examples include water and sewer systems, telephone exchanges, power substations, and transit stations.
4. Exceptions:
  - a. Utility Offices where employees or customers are generally present are classified as offices.
  - b. Bus barns are classified as Warehouse/Freight Movement.
  - c. Public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level are classified as Rail Lines and Utility Corridors.