

## Article X Permissible Uses

### Section 165. Table of Permissible Uses

The Table of Permissible Uses should be read in close conjunction with the definition of terms set forth in Section 15 and the other interpretive provisions set forth in this article.

Uses Description	R-1	R-1A	R-R	R-2	R-3	R-4	R-A	MH	O/I	B-1	B-2	B-3	U-1	M-1
<b>1.0 RESIDENTIAL</b>														
<b>1.100 Single-Family Residences</b>														
1.110 Single-family detached, one dwelling unit per lot.														
1.111 Site built or modular structures	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	Z	
1.112 Class "A" mobile home			Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	
1.113 Class "B" mobile home						Z	Z	Z						
1.120 Single-family detached, more than one dwelling unit per lot														
1.121 Site built and modular structures					ZS	ZS								
1.122 Class A or B mobile homes (manufactured home park)								Z						
<b>1.200 Two-family Residences</b>														
1.210 Single family residence with accessory apartment		Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	Z	
1.220 Duplex				Z	Z	Z	Z		Z	Z	Z	Z	Z	
<b>1.300 Multi-Family Residences*</b>														
1.310 Multi-family conversion*					ZS	ZS			ZS				Z	
1.320 Multi-family town homes*					ZS	ZS			ZS				Z	
1.330 Multi-family apartments*					ZS				ZS				Z	

Uses Description	R-1	R-1A	R-R	R-2	R-3	R-4	R-A	MH	O/I	B-1	B-2	B-3	U-1	M-1
<b>1.400 Home emphasizing special services, treatment or supervision</b>														
1.410 Family Care Home	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	Z	
1.420 Nursing Care Home			S	S	Z	S	S		Z		Z	Z	Z	
1.430 Home for Survivors of Domestic Violence	Z	Z		Z	Z		Z		Z			Z	Z	
<b>1.500 Miscellaneous, rooms for rent situations</b>														
1.510 Rooming houses, boarding houses					Z					S	S	Z	Z	
1.520 Tourist homes and other temporary rooms renting by the day or week					Z					Z	Z	Z		
1.530 Hotels, motels and other similar businesses or institutions providing overnight accommodations									S	Z		Z		
1.540 Fraternity or sorority dwellings					S								Z	
1.550 Bed and Breakfast Establishments	S	S		Z	Z	Z	Z							
<b>1.600 Home Occupations</b>	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
<b>1.700 Planned residential developments</b>				S	S	S								
<b>2.0 SALES AND RENTAL OF GOODS, MERCHANDISE AND EQUIPMENT</b>														
<b>2.100 Commercial Retail</b>														
2.110 No storage or display of goods outside fully enclosed building										Z	Z	Z		

Uses Description	R-1	R-1A	R-R	R-2	R-3	R-4	R-A	MH	O/I	B-1	B-2	B-3	U-1	M-1
2.120 Storage or display of goods outside fully enclosed building allowed												Z		
<b>2.200 Commercial Wholesale</b>														
2.210 No storage or display of goods outside fully enclosed building												ZS		Z
2.220 Storage or display of goods outside fully enclosed building allowed												ZS		Z
<b>2.300 Convenience stores</b>											S	Z		
<b>2.400 Large Scale Retail</b>												S		
<b>3.0 OFFICE, CLERICAL, RESEARCH AND SERVICES NOT PRIMARILY RELATED TO GOODS OR MERCHANDISE</b>														
<b>3.100 All operations conducted entirely within fully enclosed building</b>														
3.110 Operations designed to attract and serve customers and clients on the premises, such as the offices of attorneys, physicians, other professions, insurance and stock brokers, travel agents, government office buildings, etc.					ZS				Z	Z	Z	Z	Z	Z
3.120 Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use					Z				Z	Z	Z	Z	Z	Z
3.130 Office or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area					Z				Z	Z	Z	Z	Z	
<b>3.200 Operations conducted within or outside fully enclosed building</b>														

Uses Description	R-1	R-1A	R-R	R-2	R-3	R-4	R-A	MH	O/I	B-1	B-2	B-3	U-1	M-1
3.210 Operations designed to attract and serve customers or clients on the premises									ZS	ZS	ZS	ZS		
3.220 Operations designed to attract little or no customer or client traffic other than the employees of the entity operating the principal use									ZS	ZS	ZS	ZS	Z	ZS
3.230 Banks with drive-in windows									Z	Z	Z	Z		
<b>4.0 INDUSTRIAL USES</b>														
<b>4.100 Light Industrial Uses</b>														
4.110 Majority of dollar volume of business done with walk-in trade													S	Z
4.120 Majority of dollar volume of business not done with walk-in trade													S	Z
<b>4.200 Heavy Industrial Uses</b>														
4.300 Warehouses													S	Z
<b>5.0 EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES</b>														
<b>5.100 Schools</b>														
5.110 Elementary or secondary (including associated grounds and athletic and other facilities)	S	S	S	S	S	S	S		S		S	S	Z	
5.120 Trade or vocational schools											S	S		S
5.130 Colleges, universities, community colleges, (including associated facilities such as dormitories, office buildings, athletic fields, etc.)	S	S		S	S	S	S		S				Z	

Uses Description	R-1	R-1A	R-R	R-2	R-3	R-4	R-A	MH	O/I	B-1	B-2	B-3	U-1	M-1
5.200 Churches, synagogues, and temples, (including associated residential structures for religious personnel and associated buildings but not including elementary school or secondary school building)	ZS	ZS	ZS	ZS	ZS	ZS	ZS		Z	Z	Z	Z	Z	
5.300 Libraries, museums, art galleries, cultural centers, and similar uses (including associated educational and instructional activities)	S	S		S	S	S	S		Z	Z	Z	Z	Z	
5.400 Social, fraternal clubs and lodges, union halls, and similar uses					ZS		ZS			ZS	ZS	ZS	Z	
<b>6.0 RECREATION, AMUSEMENT, ENTERTAINMENT</b>														
6.100 Activity conducted entirely within building or substantial structure														
6.110 Bowling alleys, skating rinks, indoor tennis and squash courts, billiard and pool halls, indoor athletic and exercise facilities and similar uses										Z	ZS	Z	Z	
6.120 Movie theaters										Z	S	Z	Z	
6.130 Coliseums, stadiums, and all other facilities listed in the 6.100 classification designed to seat or accommodate simultaneously more than 1,000 people									S	S	S	S	Z	
6.140 Indoor shooting range												S		S
6.200 Activity conducted primarily outside enclosed buildings or structures														

Uses Description	R-1	R-1A	R	R-2	R-3	R-4	R-A	MH	O/I	B-1	B-2	B-3	U-1	M-1
6.210 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, etc., not constructed pursuant to a permit authorizing the construction of some residential development	S	S	S	S	S	S	Z	S	S	S	S	S	Z	S
6.220 Publicly owned and operated outdoor recreational facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, and playgrounds etc., not constructed pursuant to a permit authorizing the construction of another use such as a school	S	S	S	S	S	S	S	Z	Z	Z	Z	Z	Z	Z
6.230 Town owned and operated passive outdoor recreation facilities such as, neighborhood parks, greenways, pocket parks and similar facilities	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
<b>7.0 INSTITUTIONAL RESIDENCE OR CARE FACILITIES</b>														
7.100 Hospital, clinic, other medical and mental health treatment facilities				S	S	S	S		Z		Z	Z	Z	
7.200 Nursing Care Institution and all other institutions which exceed the residency limits required for Use 1.400				S	S	S	S		Z		Z	Z	Z	
7.300 Shelter for Homeless					S				S	S	S	S	Z	Z
7.400 Halfway House					S				S	S	S	S	Z	

Uses Description	R-1	R-1A	R-R	R-2	R-3	R-4	R-A	MH	O/I	B-1	B-2	B-3	U-1	M-1
<b>8.0 RESTAURANTS, BARS, NIGHT CLUBS</b>														
8.100 No substantial carry-out or delivery service, no drive-in service, no service or consumption outside fully enclosed structure										Z	Z	Z		
8.200 No substantial carry-out or delivery service, no drive-in service, service or consumption outside fully enclosed structure allowed										Z	S	Z		
8.300 Carry-out and delivery service, consumption outside fully enclosed structure allowed										S	S	Z		
8.400 Carry-out and delivery service, drive-in service, service or consumption outside fully enclosed structure allowed										S	S	Z		
<b>9.0 MOTOR VEHICLE-RELATED SALES AND SERVICE OPERATIONS</b>											Z	Z		
<b>10.0 STORAGE AND PARKING</b>														
10.100 Automobile parking garages or parking lots not located on a lot on which there is another principal use to which the parking lot is related					S				S	Z	S	Z	Z	
10.200 Storage of goods not related to sale or use of those goods on the same lot where they are stored														
10.210 All storage within completely enclosed structures												Z		Z
10.220 Storage inside or outside completely enclosed structures												S		Z

Uses Description	R-1	R-1A	R-R	R-2	R-3	R-4	R-A	MH	O/I	B-1	B-2	B-3	U-1	M-1
10.300 Parking of vehicles or storage of equipment outside enclosed structures where vehicles or equipment are owned and used by the person making use of the lot														
10.310 Parking or storage is more than a minor and incidental part of the overall use			S		S	S			S	S	S	Z	Z	Z
10.320 Parking or storage is a minor and incidental part of the overall use and is accessory to a principal use which is itself permitted within the zoning district on which the parking or storage is located.	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
10.400 Parking of vehicles or storage of equipment outside enclosed structures where: (i) vehicles or equipment are owned and used by the person making use of lot, and (ii) parking or storage is more than a minor and incidental part of the overall use made of the lot									S	S	S	Z	Z	Z
11.0 SCRAP MATERIALS SALVAGE YARDS, JUNKYARDS, AUTOMOBILE GRAVEYARDS														S
12.0 SERVICES AND ENTERPRISES RELATED TO ANIMALS														
12.100 Veterinarian							S		Z			Z	Z	
12.200 Kennel							S					S		Z
13.0 EMERGENCY SERVICE OPERATIONS	S	S	S	S	S	S	S	S	Z	Z	Z	Z	Z	Z

Uses Description	R-1	R-1A	R-R	R-2	R-3	R-4	R-A	MH	O/I	B-1	B-2	B-3	U-1	M-1
<b>14.0 AGRICULTURAL, SILVICULTURAL, MINING, QUARRYING OPERATIONS</b>														
14.100 Agricultural operations, farming														
14.110 Excluding livestock	Z	Z	Z	Z			Z					S		Z
14.120 Including livestock							Z							
14.200 Mining or quarrying operations, including on-site sales of products							S							S
<b>15.0 MISCELLANEOUS PUBLIC AND SEMI-PUBLIC FACILITIES</b>														
15.100 Post Office										Z	Z	Z	Z	S
15.200 Airport							S					S		
15.300 Municipal Solid Waste Landfill							S							S
<b>16.0 DRY CLEANER, LAUNDROMAT</b>										Z	Z	Z		
<b>17.0 UTILITY FACILITIES</b>														
17.100 Neighborhood	S	S	S	S	S	S	S	S	S	S	S	S	Z	Z
17.200 Community or regional	S	S	S	S	S	S	S	S	S	S	S	S	Z	Z
<b>18.0 TELECOMMUNICATION TOWERS AND RELATED STRUCTURES</b>														
18.100 Transmitting and receiving towers under 50 feet tall	S	S	S	S	S	S	Z	Z	Z	S	Z	Z	Z	Z
18.200 Wireless telecommunication towers							Z					S	Z	Z
18.300 Satellite receiving antennas less than one meter in diameter	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
18.400 Satellite receiving antennas less than two meters in diameter							Z		Z	Z	Z	Z	Z	Z

Uses Description	R-1	R-1A	R-R	R-2	R-3	R-4	R-A	MH	O/I	B-1	B-2	B-3	U-1	M-1
<b>19.0 OPEN AIR MARKETS AND HORTICULTURAL SALES</b>														
19.100 Open air markets (farm and craft markets, flea markets, produce markets)							S			S		S		
19.200 Horticultural sales with outdoor display							Z				Z	Z		
19.300 Christmas tree farms							Z							
<b>20.0 FUNERAL HOME</b>					Z				Z	Z	Z	Z		
<b>21.0 CEMETERY</b>	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
<b>22.0 NURSERY SCHOOLS; DAY CARE CENTERS</b>				S	S	S	S		Z	Z	Z	Z	Z	
<b>23.0 TEMPORARY USE</b>														
23.100 Temporary Care Provider	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
23.200 Temporary Construction or Repair Dwelling	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
23.300 Temporary Construction Trailer	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
23.400 Temporary Mobile Medical Unit									Z			Z	Z	
<b>24.0 TRANSPORTATION</b>														
24.100 Bus Terminals										Z	Z	Z	Z	Z
24.200 Trucking or freight terminals							S					S		Z
24.300 Local transit operations												S		Z
<b>25.0 COMMERCIAL GREENHOUSE OPERATIONS</b>														
25.100 No on-premises sales							Z					Z		Z
25.200 On-premise sales permitted							Z					Z		Z
<b>26.0 Certain Activities which pose Particular Concerns about Public Health, Safety or Welfare</b>														
26.100 Electronic & Internet Gaming Use												S		S
<b>27.0 GOVERNMENT USES</b>	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z

Uses Description	R-1	R-1A	R-R	R-2	R-3	R-4	R-A	MH	O/I	B-1	B-2	B-3	U-1	M-1
<b>28.0 SUBDIVISIONS</b>														
28.100 Major	S	S	S	S	S	S	S	S	S	S	S	S	Z	S
28.200 Minor	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
<b>29.0 COMBINATION USES</b>	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	Z	ZS
29.100 Section 179 Mixed Uses										ZS	ZS	ZS		

\*Note: Multi-family residential uses are only allowed as a permitted use in B-1, B-2, and B-3 when proposed as part of a multi-use development project in compliance with Article 9, Section 179 (see Use Category 28.1)

**Section 166. Use of the Designations Z and S in the Table of Permissible Uses**

**[a]** Subject to Section 167, when used in conjunction with a particular use in the Table of Permissible Uses (Section 165), the letter “Z” means that the use is permissible in the indicated zone with a zoning permit issued by the administrator. The letter “S” means a special use permit must be obtained from the Board of Adjustment.

**[b]** When used in connection with residential uses (use classification 1.000), except for multi-family uses in B-1, B-2 and B-3 districts, the designation “ZS” means that such developments with twelve (12) or less dwelling units must be pursuant to a zoning permit and developments with thirteen (13) or more dwelling units require a special use permit.

**[c]** When used in connection with nonresidential uses, the designation “ZS” means that such developments require a zoning permit if the lot to be developed is less than one (1) acre in size and a special use permit if the lot is one (1) acre or larger in area.

**[d]** The use of the designation ZS for combination uses is explained in Section 172.

**[e]** Multi-family uses in the B-1, B-2 and B-3 districts are permitted by zoning permit if they meet the requirements of Section 179 and the lot to be developed is less than one (1) acre in size. If the lot is one (1) acre or more in size, such uses are permitted only by special use permit.

**Section 167. Board of Adjustment Jurisdiction Over Uses Otherwise Permissible With a Zoning Permit**

**[a]** The council recognizes the possibility that, within the broad framework of permissible uses categories, a use otherwise permissible with a zoning permit may have unforeseen negative impacts on public health, safety and welfare.

The council therefore authorizes the Board of Adjustment to exercise jurisdiction over uses otherwise permissible with a zoning permit if the administrator finds that the proposed use would have a substantial impact on neighboring properties or the general public. In the event such findings are made, the administrator will notify the applicant in writing that the application has been referred to the Board of Adjustment through the special use permitting process. In determining whether or not a permit should be issued, the Board of Adjustment shall follow the procedures for issuance of a special use permit. Any decision by the Board of Adjustment shall be recorded in the Watauga County Registry.

**[b]** The council authorizes the administrator to refer an application to the Board of Adjustment under the following circumstances:

- [1] When the existing (i) transportation network, (ii) utilities infrastructure, (iii) fire fighting capabilities or other essential town services, are not adequate to serve the development as proposed, or
- [2] The proposed use or construction involves (i) encroachment into the floodplain that may result in significant displacement of flood waters on adjacent properties, (ii) substantial cut or fill operations on slopes greater than 2H:1V, (iii) stormwater runoff which may negatively impact adjacent properties, (iv) encroachment into environmentally sensitive areas, or
- [3] The proposed use conflicts with (i) the comprehensive plan, (ii) thoroughfare plan, or (iii) other plan officially adopted by the council.

**[c]** Except for an application for conditional district rezoning, if an application is submitted for zoning approval and the site specific development plan or accompanying details of the plan are materially different from the site specific development plan or accompanying details presented to the Town Council in connection with an application for and allocation of vested rights to connect to the Town's water or sewer system, the Administrator must treat the application as an application for a special use permit. For purposes of this section, a "material" difference shall consist of any "minor modification", as that term is defined in Section 81[b], if the modification relates to a detail or characteristic of Town of Boone Unified Development Ordinance the application which was specifically discussed in the hearing before the Town Council, or any "major change" as that term is defined in Section 81[c]. The Administrator's determination that a difference is "material" may itself be appealed to the Board of Adjustment in accordance with the procedures of Section 106.

**[d]** The decision by the Administrator to refer an application to the Board of Adjustment pursuant to subsection [a] or [b] may be appealed to the Board of Adjustment in accordance with the procedures of Section 106.

**Section 168. Permissible Uses and Specific Exclusions**

**[a]** The presumption established by this ordinance is that most uses of land are permissible within at least one zoning district in the town's planning jurisdiction. Therefore, because the list of permissible uses set forth in Section 165 (Table of Permissible Uses) cannot be all inclusive, those uses that are listed shall be interpreted to include other uses that are similar in type and have similar impacts to the listed uses.

**[b]** Notwithstanding Subsection [a], all uses that are not listed in Section 165 (Table of Permissible Uses) are prohibited. Section 165 (Table of Permissible Uses) shall not be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible only in another zoning district(s). Furthermore, a use which is not permitted as a principal use in a zoning district cannot be allowed even as an accessory use in that district unless it is accessory to a principal use that would be allowable in that district.

**Section 169. Accessory Uses**

**[a]** The Table of Permissible Uses (Section 165) classifies different principal uses according to their different impacts. Whenever an activity (which may or may not be listed as a principal use in this table) 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 commonly 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 is customarily associated with and integrally related to a residential subdivision or multi-family development and would be regarded as accessory to such principal uses, 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 "commonly 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, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory to residential principal uses:

- [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 noncommercial nature.
- [3] The renting out of one (1) or two (2) rooms within a single-family residence (which one or two rooms themselves do not constitute a separate dwelling unit) to not more than two (2) persons who are not part of the family that resides in the single-family dwelling. This provision however, does not supersede the limits and provisions of Section 174.
- [4] Yard sales or garage sales, so long as such sales are not conducted on the same lot for more than three (3) days (whether consecutive or not) during any ninety (90) day period.

**[d]** Without limiting the generality of Subsections [a] and [b], the following activities shall not be regarded as accessory to a residential principal use and are prohibited in residential districts:

- [1] Storage outside of a substantially enclosed structure of any motor vehicle that is neither licensed or operational.
- [2] Parking outside a substantially enclosed structure of more than four (4) motor vehicles between the front building line of the principal building and the street on any lot used for purposes that fall within the following principal use classifications: 1.100, 1.200, or 1.400.

**[e]** Accessory uses in development on lots or tracts of land with multiple zoning classifications. When a development plan is proposed for a lot, lots, tract or tracts of land with more than one zoning classification, accessory uses associated with the proposed principal use, whether mandatory or voluntary, must be wholly confined to those portions of the property with zoning designations which allow the principal use or which allow the accessory use as a principal use. For example, a proposal to build an apartment complex building on a lot which is zoned R-A in part and R-3 in part must situate all elements of the apartment building and all proposed or mandated accessory uses for the apartment building, such as parking, recreation space etc on the portion of the property zoned R-3. The R-A portion of the property may only be used for a principal use permitted in the R-A district, or for an accessory use which itself is an allowed principal use in the R-A district, or to meet the requirements of Section 200.

**Section 170. Permissible Uses Not Requiring Permits**

**[a]** Notwithstanding any other provisions of this ordinance, no zoning or special use permit is necessary for the following uses:

- [1] Streets.
- [2] 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.
- [3] Neighborhood utility facilities located within a public right-of-way with the permission of the owner (state or town) of the right-of-way.

**Section 171. 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 (28.0) 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.
- [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 the original use is a planned residential development, the relative proportions of different types of dwelling units change.

**[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 one hundred eighty (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.

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**Section 172. Combination Uses Other than Multi-Family Uses in Business Districts Authorized by Section 179.**

**[a]** When a combination use comprises two or more principal uses that require different types of permits (zoning or 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.

This is indicated in the Table of Permissible Uses by the designation ZS in each of the columns adjacent to the 29.0 classification.

**[b]** When a combination use consists of a single-family detached residential subdivision that is not architecturally integrated (see Section 210) and two-family or multi-family uses, the total density permissible on the entire tract shall be determined by having the developer indicate on the plans the portion of the total lot that will be developed for each purpose and calculating the density for each portion as if it were a separate lot.

**[c]** When a combination use consists of a single-family detached, architecturally integrated subdivision and two-family or multi-family uses, then the total density permissible on the entire tract shall be determined by dividing the area of the tract by the minimum square footage per dwelling unit specified in Section 200.

**Section 173. More Specific Use Controls**

**[a]** Whenever a development could fall within more than one use classification in the Table of Permissible Uses (Section 165), the classification that most closely and most specifically describes the development applies. For example, a small doctor's office or clinic clearly falls within the 3.110 classification (office and service operations conducted entirely indoors and designed to attract customers or clients to the premises). However, classification 3.130, "office or clinics of physicians or dentists with not more than ten thousand (10,000) square feet of gross floor area" more specifically covers this use and therefore is applicable.

**Section 174. Residential Occupancy Controls**

**[a]** Any residential dwelling unit occupied by a group of more than two (2) persons who are not related by blood or marriage shall contain at least one (1) bedroom for each two (2) persons residing in the dwelling unit.

**[b]** Residential dwelling units which are occupied by a family shall be permitted as a principal use in all zoning districts and will not be limited to the number of persons in the family.

**[c]** Residential dwelling units which are occupied by zero to two (2) unrelated persons shall be permitted as a principal use in all zoning districts.

**[d]** Residential dwelling units which are occupied by three (3) to four (4) unrelated persons shall only be permitted as a principal use in the R-3, MH, B-3, U-1 and M-1 zoning districts and as a special use in the R-A, B-1, B-2, and O/I zoning districts.

**[e]** Residential dwelling units which are occupied by five (5) or more unrelated persons shall only be permitted as a principal use in the U-1 and M-1 zoning districts and as a special use in the R-3, B-1, B-2, B-3, and O/I zoning districts.

**[f]** The residential occupancy controls described in Subsections [b] through [e] above are illustrated in the following Table of Residential Occupancy:

Number Of Persons	Relationship	R-1	R-1A	R R	R-2	R-3	R-4	R-A	M H	O/I	B-1	B-2	B-3	U-1	M 1
Unlimited	Family	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
0 – 2	Unrelated Persons	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
3 – 4	Unrelated Persons					Z		S	Z	S	S	S	Z	Z	Z
5 +	Unrelated Persons					S				S	S	S	S	Z	Z

**[g]** Before any persons will be determined to be “cousins” and thereby included within the definition of “family” set forth in Article II, Section 15 [a] [41], such persons shall be required to deliver to the administrator the following documentation:

1. A copy of his or her birth certificates.
2. A copy of his or her parent’s birth certificate.

These birth certificates, when viewed together, must conclusively demonstrate that the persons claiming to be “cousins” are the decedents of a common grandparent.

**Section 175. Reserved**

**Section 176. Reserved**

**Section 177. Reserved**