
UDC 2021 Proposed Amendment

Amendment X-X**Applicant: Development Services on behalf of Boards of Adjustments****Amendment Title – ‘Sec. 35-311 – Use Regulations.’****Amendment Language:**

(b) Uses Not Mentioned.

- (1) **Uses Not Permitted Unless Specifically Enumerated.** No building permit shall be issued for a use not specifically mentioned or described by category in the Use Matrix. Evaluation of these uses shall be as set forth in subsection (3), below.
- (2) **Uses Preempted by State Statute.** Notwithstanding any provision of this section to the contrary, uses which are required to be permitted in any zoning district by state statute may be permitted in accordance with state law whether or not the use is included in the Use Matrix.

Example: NAICS 5413 (Architectural Engineering, and Related Services) is coded under "Office, Professional ~~General~~." Assume that the Use Matrix sets out a classification for "Laboratories, Testing," which is NAICS 54138 (a subheading of 5413). The latter 5-digit number is more specific than the 4-digit code. Accordingly, testing laboratories are not included within the same classification as general offices. However, if testing laboratories had not been separately listed, they would be permitted in all districts where general offices are permitted.
