

Planning & Zoning
ULDC Update Chapter 3
Changes to Use Tables 3.2.2.1 and 3.3.2
June 2023 Workshop

Table	Use	District(s)	Original Designation	Requested Change	Direction	Reasoning
3.2.2.1	Religious institution	All Std districts		Question on the legality of regulating this use.	-	The Religious Institution use category is a house of worship with additional uses such as a K-12 school, adult education center, daycare facilities, and other similar uses. This use is more intense and traffic-heavy than a traditional stand-alone house of worship. The City has the ability to regulate where these institutions may be located.
3.3.2	Mobile Food Vendor	All ACs	None		-	Mobile Food Vendors are consistent with and support the uses already allowable in the AC districts.
3.3.2	Religious Institutions	All districts		Question on the legality of regulating this use.	-	The Religious Institution use category is a house of worship with additional uses such as a K-12 school, adult education center, daycare facilities, and other similar uses. This use is more intense and traffic-heavy than a traditional stand-alone house of worship. The City has the ability to regulate where these institutions may be located.
3.3.2	Travel Center and Truck Stop	All AC's	None		-	AC-1: X AC-2: X AC-3: P AC-4: P AC-5: X AC-6: P AC-7: X

Table	Use	District(s)	Original Designation	Requested Change	Direction	Reasoning
						AC-8: X AC-9: X
3.2.2.1	Automobile Repair Shops, Minor	MX-1	P	X	Agree	Many Commissioners requested that the ULDC prohibit this use in the MX-1 district due to its proximity to residential uses. Staff supports this change and has updated the table accordingly.
3.2.2.1	Bed and Breakfast	R-1, R-2, R-3, MH	SE	X	Agree	The state preempts the City from prohibiting short-term rentals, which would most apply to residential districts. Staff supports prohibiting formal Bed and Breakfasts from these districts with the understanding that short-term rentals are separate from traditional Bed and Breakfasts.
3.2.2.1	Hospital	MX-2	P	SE	Agree	Numerous places throughout the City support this use; requiring a SE is appropriate.
3.2.2.1	Hotel	MX-1	P	X	Agree	Most commissioners requested this change, and staff supports.
3.2.2.1	Office, Outdoor Storage	C, I-1	X	P	Agree	Staff supports this change as there are adequate design controls for outdoor storage to mitigate potential incompatibility.
3.3.2	Agriculture	AC-7	SE	X	Agree	Staff supports this change. This use is not appropriate in this district, and the City already allows this use in other zoning districts.
3.3.2	Automobile Repair Shops, Minor	AC-3	X	P	Agree	Staff supports this change. The use is consistent with other uses in the district and an important use to have in close proximity to the interstate.
3.3.2	Banks and Financial Institutions	AC-2	X	P	Agree	Staff supports this change. This use should be permissible in all ACs except AC-7.

Table	Use	District(s)	Original Designation	Requested Change	Direction	Reasoning
3.3.2	Daycare Facilities, All Ages	AC-3, AC-5, AC-6	SE	P	Agree	Daycare facilities should be a permissible primary use in all ACs.
3.3.2	Equestrian Stables	AC-1-7	SE	X	Agree	Staff supports prohibiting this use in the ACs.
3.3.2	Farmer's Markets	AC-2 and AC-7	SE	P	Agree	Staff supports this change.
3.3.2	Golf Course	AC-2 and AC-7	SE	P, X	Agree	Staff supports this change.
3.3.2	Golf, Driving Range	AC-7	SE	X	Agree	Staff supports this change.
3.3.2	Heavy Machinery Repair and Rental	AC-7	SE	X	Agree	Staff supports this change.
3.3.2	Heavy Machinery Sales	AC-7	SE	X	Agree	Staff supports this change.
3.3.2	Restaurant	AC-5, AC-6	SE	P	Agree	Staff supports this change.
3.3.2	RV Resort	AC-7	SE	X	Agree	A consensus was taken at the January 7, 2019, Commission workshop regarding RV camping at WMS which determined: . RV camping would not retain the serenity of the park, and some campers do not have contained utility uses. Staff supports prohibiting this use.
3.3.2	Shooting Range/Archery Outdoor	AC-1, AC-3, AC-5, AC-7, AC-9	SE	X	Agree	Staff supports this change.
3.3.2	Stadiums and Commercial Sports Complexes	AC-7, AC-9	SE	X	Agree	Staff supports this change.
3.3.2	Tasting Room	All ACs	None	P	Agree	This use should be a permissible primary use in all ACs.
3.2.2.1	Car Wash	MX-2	P	SE	Agree.	Staff supports this change. The Special Exception requirement enables the Commission to determine the appropriateness of the use in any given situation. The use is not incompatible with

Table	Use	District(s)	Original Designation	Requested Change	Direction	Reasoning
						other uses in these districts but may not be optimal in all geographic areas included in each district.
3.2.2.1	Cemeteries	AG, Mx-1, MX-2	P, P, SE	SE, SE, P	Compromise	There are several State Statutes that apply to cemeteries/burial areas. The Conditions will reflect the statutory requirements.
3.2.2.1	Craft Brewery, Distillery, Winery	AG, MX-1, MX-2, I-2	X, SE, P, SE	SE, X, SE, P	Compromise	AG should not allow a draft brewery, distillery, or winery as these are more intensive than surrounding uses. Tasting Rooms were added to the use table as a less-intense alternative to a traditional brewery, distillery, or winery. These should be prohibited in the AG district. MX-1 should support these uses in the right area. Bars, restaurants, and nightclubs should be within walking distance of residential uses for safety. The Special Exception requirement enables the Commission to determine the appropriateness of the use in any given situation. These should be allowed by Special Exception in MX-1. MX-2 supports a variety of commercial and industrial uses, these uses are a natural extension of the other permissible primary uses in the district. These should be a permissible primary use in MX-2. Some breweries, distilleries, and wineries are industrial in nature, making both industrial

Table	Use	District(s)	Original Designation	Requested Change	Direction	Reasoning
						districts ideal for these uses. These should be a permissible primary use in I-2.
3.2.2.1	Funeral Homes	MX-1	P	X	Compromise	Funeral Homes are not an intense use, but sometimes require mitigation. The Special Exception requirement enables the Commission to determine the appropriateness of the use in any given situation.
3.2.2.1	Heavy Machinery Sales	MX-2, I-1	P, X	X,P	Compromise	Heavy machinery sales often includes display areas, test areas, and other ancillary uses that are industrial in nature. The original intent was to allow this use in MX-2 as part of a mixed-industrial development. Because of the potential ancillary uses that are more heavy-industrial than light-industrial, staff would not recommend allowing this use by right in the light-industrial zoning district. The Special Exception requirement enables the Commission to determine the appropriateness of the use in any given situation. This use should be a SE in both districts.
3.2.2.1	Pain Management Clinics	MX-1, MX-2	P	X	Compromise	Pain management clinics are doctors' offices that are heavily regulated by the state. Any concern about potential incompatibility can be addressed through a SE; this should not be a prohibited use.
3.2.2.1	Retail Sales and Service	R-3, I-1, I-2	P, X, X	X/SE, P, P	Compromise	The allowance of retail in R-3 was intended to support an ancillary retail establishment within a multi-family development, either a hair salon, dry cleaners, corner store, or similar uses. To clarify that these are intended

Table	Use	District(s)	Original Designation	Requested Change	Direction	Reasoning
						as accessory uses, the staff will change the designation to "A" signifying it must be accessory to a multi-family development. The I-1 and I-2 districts need to be preserved for industrial uses. Many other districts support retail sales and services; they do not need to be included in the I-1 and I-2 districts.
3.2.2.1	Vehicle Fueling Stations	MX-1, MX-2	SE, P	X, X	Compromise	Most Commissioners requested this use be removed from the MX-1 district. Staff supports this change. Vehicle fueling stations should be a permissible primary use in the MX-2 district to provide this amenity close to other amenities.
3.3.2	Bar and Nightclubs	AC-2, AC-3, AC-4, AC-5, AC-6, AC-8, AC-9	SE	P	Compromise	Staff supports changing this use to a permissible primary use in AC 2-6. AC-8 and AC-9 should remain SE to be consistent with the most recent approvals granted by Commission.
3.3.2	Car Wash	AC-3, AC-7, AC 8	SE	P, X, P	Compromise	Staff supports allowing this use in AC-3 and prohibiting the use in AC-7. AC-8 recently went through approvals for the DMP, which did not allow or prohibit car wash uses. AC-8 should remain SE to allow evaluation of the use if an applicant requests it based on the conditions of the proposed site.
3.3.2	Cemeteries	AC 1 through AC-7	SE	X	Compromise	There are several State Statutes that apply to cemeteries/burial areas. The Conditions will reflect the statutory requirements.

Table	Use	District(s)	Original Designation	Requested Change	Direction	Reasoning
3.3.2	Essential Services, Major	AC-3, AC-7	SE	P, X	Compromise	Staff supports allowing this use in AC-3, but cautions against prohibiting the use in AC-7. The SE allows Commission to assess the appropriateness of the use based on the circumstances. If the use is prohibited and the City needs to add something in AC-7 that would fall into this category, the City would be required to do a text amendment to the Code to allow it.
3.3.2	Hospitals	AC-5, AC-6, AC=7, AC-8, AC-9	SE	P, P, X, P, X	Compromise	Staff supports this change; however, AC-9's recent approvals did not prohibit a hospital use. To keep the table consistent with recent approvals, AC-9 should retain the SE for hospitals.
3.3.2	Personal Storage Facilities	AC-6 and AC-7	SE	P, X	Compromise	AC-6 is intended to support job-creating industrial uses. Personal Storage Facilities may not be appropriate as a use permitted by right in this district. Staff supports prohibiting the use in AC-7.
3.3.2	Refineries	AC-1, AC-4, AC-5, AC-6	SE	X	Compromise	Staff supports prohibiting this use in all ACs except AC-6 which is intended for industrial uses. This use should remain an SE in AC-6.
3.3.2	Residential, Accessory Dwelling	AC-7	SE	X	Compromise	Staff supports changing this use allowance in all AC districts to a Conditional Use to provide different standards for caretaker's quarters for commercial development and ADUs in residential development.
3.3.2	Residential, Assisted Living Facilities, >6 beds	AC-4, AC-6, AC-7	SE	P, P, SE	Compromise	Staff supports allowing the use in AC-4. Under certain circumstances, this use may be appropriate in AC-6, but AC-6 is intended for industrial uses. An SE should be required here

Table	Use	District(s)	Original Designation	Requested Change	Direction	Reasoning
						to ensure compatibility and appropriateness. This use should not be allowed in AC-7.
3.3.2	Transportation Terminal	AC-2, AC7 through 9	SE	X	Compromise	Transportation terminals would include bus depots or park and ride facilities. Both of these uses are currently located in AC-2. This use should be a permissible primary use in AC-2. AC-7 though AC-9 should retain the SE requirement to ensure that if the use is needed in the future there is an avenue for approval with appropriate Commission oversight.
3.3.2	Vehicle Fueling Station	AC-7 through AC-9	P, SE, SE	X, P, X	Compromise	This use should not be permitted in AC-7. The recent approvals to AC-8 and AC-9 did not prohibit this use. For consistency with these approvals, an SE is appropriate.
3.2.2.1	Accessory Dwelling Unit	C, MX-1, MX-2, I-1, I-2, GU	A	X	Disagree	Staff proposed ADUs in non-residential districts to allow caretaker's quarters accessory to the non-residential primary use.
3.2.2.1	Automobile Repair Shops, Major	MX-2	SE	X	Disagree	The MX-2 district is required to contain a variety of uses but does not require residential uses, meaning the district could support a mixed commercial and industrial development. This district plays a vital role in providing employment opportunities and amenities for the City. The Special Exception requirement enables the Commission to determine the appropriateness of the use in any given situation.
3.2.2.1	Bar or Nightclub	MX-1, MX-2	SE, P	X, SE	Disagree	Bars, restaurants, and nightclubs should be within walking distance of residential uses for

Table	Use	District(s)	Original Designation	Requested Change	Direction	Reasoning
						safety. The City has design standards, a noise ordinance, and other controls to mitigate potential incompatibilities with the surrounding neighborhoods.
3.2.2.1	Campground or Retreat	C, MX-2, EC	SE	CU	Disagree	The Special Exception requirement enables the Commission to determine the appropriateness of the use in any given situation. The use is not incompatible with other uses in these districts but may not be optimal in all geographic areas included in each district.
3.2.2.1	Conservation	MX-1, MX-2	X	P	Disagree	Parks and community gardens are already permissible primary uses in these districts. Land in these districts should not remain vacant. A mechanism is in place to convert sensitive areas to conservation, allowing conservation in these districts to underutilize the land.
3.2.2.1	Dealerships and rentals	All	-	Reorganization of the use types into Automobile, RV and Boat Dealerships, Automobile, RV and Boat rentals, and Automobile rental only.	Disagree	The use proposed use types are consistent with other jurisdictions' terminology and the intensity of uses. Automobile dealerships and rental agencies are very similar in their overall impact. RV and Boat dealerships are more industrial in nature and have a greater visual impact from the street. The current use categories sufficiently categorize the impacts of each use type.
3.2.2.1	Essential Services, Major	EC	SE	X	Disagree	The Essential Services, Major use category includes many infrastructure projects that

Table	Use	District(s)	Original Designation	Requested Change	Direction	Reasoning
						may be necessary in the future. Prohibiting this use in the EC district means that if a project becomes necessary in an EC district, the Commission would need to pass a text amendment to the ULDC to allow the said project. The Special Exception requirement enables the Commission to determine the appropriateness of the use in any given situation.
3.2.2.1	Essential Services, Minor	EC	P	SE	Disagree	The Essential Service, Minor use category includes uses like telephone or electricity cables. The City should not be required to go through a public hearing every time a cable needs to be run through a property with EC zoning.
3.2.2.1	Food Truck Park	MX-1, I-2	P, X	SE, P	Disagree	Food truck parks provide food and drink options close to residential uses. For safety and convenience, these uses should be walkable. Food truck parks are subject to use-specific conditions, the City's noise ordinance, and all other ULDC requirements for design and development. This use should be a permissible primary use in the MX-1 district. I-2 land needs to be conserved for industrial uses. This use should be prohibited in the I-2 district.
3.2.2.1	Golf, Driving Range	MX-2	P	X	Disagree	Commercial recreation is a permissible primary use in the MX-2 district. The driving range use is consistent with "Commercial Recreation." This is a use that should be

Table	Use	District(s)	Original Designation	Requested Change	Direction	Reasoning
						permitted in the MX-2 district for recreation and tourism.
3.2.2.1	Incinerators	I-1	SE	X	Disagree	Many modern incinerators are no longer “dirty” uses; they do not produce toxic fumes, chemicals, or other nuisances. The Special Exception requirement enables the Commission to determine the appropriateness of the use in any given situation. This should be an SE use , as it may be compatible with other I-1 uses.
3.2.2.1	Industrial, Heavy	MX-2	SE	X	Disagree	The MX-2 districts are intended to support a mixture of all types of uses. The Special Exception requirement enables the Commission to determine the appropriateness of the use in any given situation. This should be an SE use , as it may be compatible with other MX-2 uses.
3.2.2.1	Industrial, Light	MX-1, MX-2	SE, P	X, SE	Disagree	Light industrial does not produce any fumes or allow outdoor storage of materials. This use can be compatible with the other MX-1 uses, and is definitely compatible with MX-2 uses. The proposed SE for MX-1 allows Commission the oversight to ensure compatibility, and this should be a permissible primary use in the MX-2 district.
3.2.2.1	Places of Assembly	MX-1, MX-2, I-2	P, X, X	X, P, P	Disagree	Places of assembly includes uses like houses of worship, community centers, wedding venues, and VFWs. All of these uses are consistent with the other uses in the MX-1 and MX-2 zoning districts. The City has a shortage of I-1 and I-2 districts, so these should be

Table	Use	District(s)	Original Designation	Requested Change	Direction	Reasoning
						preserved for industrial uses. MX-1: P MX-2:P I-1: X I-2:X
3.2.2.1	Refineries	All districts		Prohibit in NP	Disagree	This use is only allowed by Special Exception in two zoning districts. Refineries today are not always as harmful as they once were. The Special Exception requirement allows the Commission to determine the appropriateness of the use in a given circumstance.
3.2.2.1	Restaurant	MX-1	P	SE	Disagree	The intent of the MX-1 district is to allow amenities close to where people live. Allowing restaurants in this zoning district is important to cultivating neighborhood eating establishments and identity. The separation requirements between restaurants and houses of worship will also be amended to allow these uses in closer proximity under certain circumstances.
3.3.2	Agriculture, Industrial	AC-6	P	X	Disagree	AC-6 is intended for industrial uses. Industrial Agriculture is an intense industrial use that would be compatible with other industrial uses. Additionally, this Activity Center's proximity to the interstate, with the potential new exits to the interstate, provides easy access for freight movement.
3.3.2	Automobile Repair Shops, Major	AC-4	P	SE	Disagree	AC-3 and AC-4 surround two of the City's interstate exits and support various commercial uses, making them well-suited for automobile repair shops.
3.3.2	Dealerships, All Types	All ACs		Reorganization of the use types into	Disagree	The use proposed use types are consistent with other jurisdictions' terminology and the intensity of uses. Automobile dealerships and

Table	Use	District(s)	Original Designation	Requested Change	Direction	Reasoning
				Automobile, RV and Boat Dealerships, Automobile, RV and Boat rentals, and Automobile rental only.		rental agencies are very similar in their overall impact. RV and Boat dealerships are more industrial in nature and have a greater visual impact from the street. The current use categories sufficiently categorize the impacts of each use type.
3.3.2	Laboratories, research, medical, and testing	AC-7	SE	X	Disagree	This use would include archaeological research institutions and, therefore, should be allowable via SE to ensure compatibility and appropriateness.
3.3.2	Laundromat/ Dry Cleaning	AC-7	SE	X	Disagree	Laundromats and dry cleaning services should be permitted in all ACs except AC-7. Staff supports the change to prohibit in AC-7.
3.3.2	Residential, Single Family & single family attached	AC-8	X	Verify with approved DMP	Disagree	The approved DMP does not allow for single-family uses.
3.3.2	Resort	All	Multiple	Change to be consistent with Commercial Rec and Hotel	Disagree	Resorts are larger scale than stand-alone commercial recreation or hotel uses and, therefore, have a greater impact.