

Attachment 1 – Conversion of Special Exception Uses to Conditional or Permitted Uses

The ZOR proposal would reduce the number of uses which are classified as Special Exceptions in one or more zones from more than 20 down to 10. In drafting this proposal, staff considered both Comprehensive Plan recommendations and the guidance of the American Planning Association's 2021 *Equity in Zoning Policy Guide*.

Relevant policies from the APA Guide include:

- PERMITTED USE POLICY 9. Evaluate the permitted uses regulations applied to small-scale commercial uses and eliminate restrictions and standards that are not based on documented public health, safety, economic, or other land use impacts on surrounding areas.
- PERMITTED USE POLICY 4. Treat assisted living facilities, congregate care communities, retirement villages, and supportive housing types as residential (not commercial) uses and allow them in a wide variety of residential zoning districts where the scale of the facility is similar to other permitted uses in the district.
- PERMITTED USE POLICY 5. Treat housing with supportive services for people with disabilities the same as similarly sized residential uses.
- PERMITTED USE POLICY 10. Allow small-scale child and elder care and outpatient medical and health support facilities in a wide variety of zoning districts to allow convenient access by all residents and treat non-residential addiction services like other outpatient treatment facilities.
- PERMITTED USE POLICY 16. Update home occupation regulations to broaden the types of activities allowed to be conducted from dwelling units of all types.

The table below shows the proposed use permissions under the ZOR. Uses which are currently designated as Special Exception uses, but which are proposed to be converted to Conditional or Permitted uses, are shown in **red**. Special Exception uses proposed to be retained as such are shown in **black**. All proposed use permissions for the RHD are shown in **black**, as this is a new zone and currently has no permissions for any use. Please note that the recommendations for specific use permissions shown in the table are preliminary and recommendations may change as staff continue to work through this Article.

Use														
P = Permitted														
C = Conditional														
SE = Special Exception														
Blank = Prohibited														
Use	All MXTD Zones ¹													
	R-400	R-200	R-150	R-90	R-75	R-60	R-40	RMD-Infill	RMD-10	RMD-15	RMD-25	RHD	I-L	I-H
Residential														
Group Home, Large	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Housing for senior adults and persons with disabilities	C	C	C	C	C	C	C	C	C	P	P	P	C	C
Life Care Facility	S	S	S	S	S	S	S	S	S	S	S	S	C	C
Retail and Sales														
Adult Oriented Establishment														
Bed and Breakfast	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Eating and Drinking Establishment												P	P	P
Event Space, Club, and Lodge	C								C			P	P	C
Hospital												P	P	
Hotel												P	P	
Pawnbroker														
Recreational Facility, Outdoor, Commercial													P	
Shooting Gallery												S		
Swimming Pool	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Veterinary Services	C	C										P	P	C
Institutions and Public														
Adult Day Care	C	C	C	C	C	C	C	C	C	C	C	P	P	C
Child Care Center	P	P	C	C	C	C	C	C	P	P	P	P	P	P
Educational Institution, Private	C	C	C	C	C	C	C	C	C	C	C	C	P	C

¹ The 'All MXTD Zones' category includes the proposed MXTD-85, MXTD_200, and MXTD-235.

Use		All MXTD Zones ¹										Parks														
P = Permitted		R-400	R-200	R-150	R-90	R-75	R-60	R-40	RMD-Infill	RMD-10	RMD-15	RMD-25	RHD	I-L	I-H	MXCD	MXE	MXB	MXCT	MXNC	P	P	P	MXT	S	
C = Conditional																										
SE = Special Exception																										
Blank = Prohibited																										
Public Utility Structure		S	S	S	S	S	S	S	S				C	P	P	P	P	P	P	P	P	P	C		S	
Wireless communication facility not located entirely within an existing building or on the roof or side of a building, or attached to an existing structure, including, but not limited to antennas on a freestanding ground mounted antenna support structure	S	S	S	S	S	S	S	S	S				S													
Wireless communication freestanding ground mounted antenna support structure														S	S	S	S	S	S	S	S	S	S			
Automotive																										
Automobile Filling Station														S	S	S	S	S	S	S	S	S				
Drive-Through Window ²																	C	C	C	C	C	C				
Miscellaneous																										
Home-Based Business Enterprise ³		C	C	C	C	C	C	C	C	C	C	C	C			C	C	C	C	C	C	P	C			

² Currently, pharmacies, restaurants, banks, and cannabis dispensaries (a recent addition, as of June 9, 2025) may have a drive-through. Of these, the only type of drive-through window that is a Special Exception use is the Drive-through associated with a Restaurant.

³ Currently, Home-Based Business Enterprises are broken out into those identified as having 'No impact', 'Minor impact', and 'Major impact'. Of these, the only ones that are designated as a Special Exception uses are those designated as 'Major impact'.