Planning Commission Work Session
Agenda Item 2.b.

Agenda Item: **Zoning Ordinance Text Amendment – ZOTA #26-04 to amend Chapter 78 (ZONING), Article IV (Business Districts), Section 78-40.3 (CO – Commercial office district) and Article VII (Use Regulations), Section 78-70.2 (Table of permitted and allowed uses), to remove the special exception requirement for personal service uses in the CO zoning district**

Meeting Date: May 4, 2026

Category: Public Hearings

Prepared by: David Stromberg, Zoning Administrator

Description:
This zoning ordinance text amendment will remove the special exception requirement for general personal services uses in the CO, Commercial Office, zoning district. Land uses in the zoning ordinance are organized into groups called "use categories" which then list specific "use types." Article VII (Use Regulations) contains the "Table of permitted and allowed uses," which contains the full list of use categories and use types, as well as all zoning districts. This table provides every type of classified use that could potentially be allowed within the town and provides for comparison of uses between zoning districts. The table identifies which uses are allowed by-right, which uses are allowed by special exception, which uses are allowed subject to the proffers of a rezoning application, and which uses are prohibited for each zoning district in the town. Each zoning district also contains a simplified use table that lists only the uses allowed by-right, by special exception, or by proffered rezoning (planned development districts only). Implementing this text amendment requires a change to both the full use table and the CO district use table.

Hair, tanning, personal care, esthetician, and manicure/pedicure businesses all fall into the "personal services, general" use type. This use type is allowed by-right in the CC, Central Commercial, CS, Commercial Services, and most PD-B, Planned Development - Business, zoning districts. Review and approval of a by-right use is administrative and consists of obtaining a ZAP (Zoning Appropriateness Permit) and a business license and typically takes 2-4 business days. Review and approval of a special exception use typically takes four to five months to allow for legal advertisements and public hearings of the planning commission and town council. Special exception review also utilizes more staff members and more staff time than administrative review.

Background/Timing Impact:
One of the recommendations of the Small Business Process Improvement Committee is

to, "Conduct a comprehensive review of the zoning ordinance use tables and Special Exception process, with the goal of expanding by-right uses in appropriate zoning districts and streamlining approval pathways for commonly approved uses, thereby reducing regulatory barriers for small businesses." This ZOTA is one of potentially multiple amendments to further this goal.

The Town Council initiated a resolution for ZOTA #26-04 during their public hearing on April 28, 2026.

Fiscal Impact:
If adopted, this zoning ordinance text amendment will result in shorter review times, allowing for approved businesses to obtain a business license and begin paying BPOL (business, professional, and occupational license) fees.

Legal Impact:
If adopted by the Town Council, this amendment will be effective on and after its date of adoption.

Staff Recommendation/Next Steps:
Recommend ZOTA #26-04 to the Town Council for approval.

Attachments:
1. Draft Ordinance