

Memo



Date: December 3, 2024
To: Midway City Council
From: Michael Henke
Re: C-2 and C-3 Zones Code Text Amendment

Determining the allowed uses in the C-2 and C-3 zones is the discussion for City Council Work Meeting on December 3rd which is part of our continuing discussion of implementing the vision of the commercial zones as described in the General Plan. The General Plan envisions the commercial area *“as a distinctive shopping and business area emphasizing it as an attractive meeting place and staging area for festivals, special events, celebrations, and a variety of community activities which will produce a vibrant and healthy community centerpiece.”* Allowed uses should create the vision described in the General Plan. Some uses will help create this vision while others will detract from this goal. For example, storage units would not help create a vibrant community centerpiece. On the contrary, storage units would take up valuable space and would have limited activity. Other uses, while not so obvious, could have the same effect.

The uses allowed in the C-2 and C-3 zones should be in harmony with the City’s General Plan. Some of those uses might not create the atmosphere that is described in the General Plan. Aesthetics should be considered, and the General Plan emphasizes the importance of the look and feel of Main Street, but community economic health and tax revenue generation should also be considered. For example, new and used car sales would be difficult to make look old European because this use would mostly be a parking lot, but this type of business could be tax generator for a community. A mortuary is another business that should be considered on all merits. For example, a mortuary does not create much foot traffic, so it does not add to the vibrant and active Main Street as described in the General Plan, but it does provide an important service for the residents of Midway. It is important to analyze the existing allowed uses to determine what effect they will have on Main Street and decide if they should be included or not in the Land Use Code. Also, there may be uses not listed that should be included, to help Main Street reach its desired potential.

The following are the permitted and conditional uses in the C-2 and C-3 zones:

16.05.020 Permitted And Conditional Uses

1. The peculiar character and nature of conditional uses (those designated by "C") require special consideration. Therefore, the Planning Commission review of these conditional uses shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development in accordance with existing and future needs. The City Council shall deny or approve these conditional uses based upon the character of the zone, the surrounding land use, traffic, utilities and other public requirements.
2. In the following list of possible uses in the C-2 and C-3 zones, those designated "P" will be a permitted use. Uses designated as "C" will only be allowed when approved as a conditional use by the City Council. Uses designated as "N" will not be allowed in the zone.

USES	C-2	C-3
Retail, grocery, and service stores (up to 25,000 sq. ft.) Tobacco sales and e-cigarettes (no more than 5% of total retail)	P	P
Professional offices and clinics	P	P
Auto detailing, gas stations and car washes	C	N
Alcohol dispensing establishments (with local consent)	C	C
Rest Homes / Nursing / Convalescent Facilities / Assisted Living	P	P
Day Care	P	P
Recreational activity businesses, photo, art, and craft galleries, retail show rooms	P	P
Engraving, publishing, and printing	P	P
Mortuaries and wedding chapels	P	P
New and used vehicle sales and rentals	C	N

Hospitals	P	P
Short-term lodging facilities	P	P
Cafes and restaurants	P	P
Public and quasi-public buildings (police/fire stations)	P	P
Barber, beauty shops, massage therapy and day spas	P	P
Vehicle parking (not associated with another use)	C	C
Repair shops (other than auto) (no outside storage)	P	P
Veterinarian and pet grooming services (no outside kennels or keeping of animals)	P	P
Mixed Use (See Section 16.05.3(I))	C	C
Commercial PUDs and commercial condominium projects	C	C
Private academies/studios (education, art, dance, sports, etc.)	P	P
Carpentry and woodworking shops (no outside storage)	C	C
Electrician shops (no outside storage)	P	P
Plumbing shops (no outside storage)	P	P
Residential Condos in Mixed Use Projects	C	C
Residential accessory structures (no living or sleeping space)	P	P

Commercial accessory structures	P (Conditional if associated with a conditional use)	P (Conditional if associated with a conditional use)
Internal Accessory Dwelling Unit	P	P

Please review the allowed uses in the preceding chart in preparation for the upcoming City Council meeting and we will discuss the direction that the City Council would like to take, which will give staff the information needed to move forward.

Please contact me if you have any questions.

Michael Henke, MPA, AICP

City Planning Administrator

H: Mon-Thurs 7:30-5:30

P: 435-654-3223 ext 105

E: mhenke@midwaycityut.org