

## MEMORANDUM

TO: Ordinance Revisions Committee  
FROM: Alexis DiLeo, City Planner  
DATE: October 26, 2021  
SUBJECT: Amendment to M1 district to allow religious assembly use

This memo introduces a community-initiated petition to amend the permitted uses of the M1 (Limited Industrial) district to allow religious assembly.

### **Petition to Allow Religious Assembly Use in M1 District**

The Planning Commission has received a petition to amend the Unified Development Code to allow religious assembly use in the M1 district as a primary use.

The M1 (Limited Industrial) district is often called a “light industrial” district. It’s intent statement in Section 5.13.6 states the purpose of the district is to provide areas for industries characterized by “low land coverage, the absence of objectionable external effects and the possibility of large setbacks, attractive architecture and large, landscaped park-like areas.” The limited industrial uses are supposed to be compatible with each other and must be designed, constructed and operated so there is noise over the surrounding background sounds from adjacent streets or highways, or other such external effects.

Primary uses in the M1 district include:

- Funeral Services
- Library
- Adult Day and Child Care Centers
- Higher Education, including Trade/Industrial Schools
- Nursing Care Facility
- Adult Entertainment
- Artist Studio
- Vehicle Sales and Rental
- Wholesale and Resale
- Vehicle Repair
- Contractors and Builders
- Laundry and Cleaning Services
- Animal Boarding
- Financial Offices
- General Offices

- Medical/Dental Offices
- General Laboratory
- Medical Laboratory
- Marijuana Safety Compliance Facility, Secure Transporter, Grower, Processor
- Research/Development
- Transit Center
- Food and Beverage Manufacturing
- Light Manufacturing
- Pilot Manufacturing
- Data Processing and Computing
- Electrical, Gas, Sanitary Services
- Outdoor Storage
- Warehouse/Indoor Storage

Special Exception Uses allowed in the M1 district include:

- Hospital
- Indoor Recreation
- Marijuana Provisioning Center/Retailer, Microbusiness

A map of the areas currently zoned M1 is attached. The largest area is located on the south side of the city, roughly between where the railroad tracks cross South State Street and where they cross I-94 on the east side. Smaller areas of M1 zoning are located north and northwest of downtown, again near the railroad tracks. Several other very small areas are scattered across the city.

The petition requests that religious assembly be a primary use in the M1 district. There has been a religious assembly use at 2875 Boardwalk, in the M1 district, for many years. In the course of exploring the necessary permits to renovate and expand the use, it was discovered it was an illegal use. As the petitioners feel religious assembly fits in well with the other primary uses of the M1 district, and they do not want to relocate their established church, they have submitted a text amendment petition.

Staff Comments – Initially, staff felt religious assembly should be a special exception use in the M1 district as it shared many characteristics as indoor recreation, already permitted with special exception use approval. However, upon further review of all permitted uses of the M1 district, staff note it shares characteristics of some of the primary uses as well as special exception indoor recreation.

Religious assembly use generally requires large spaces, which buildings in the M1 district typically provide, but it also attracts a high ratio of people to space, which is often opposite of most uses in the district. Since religious assembly use most often has its peak on weekends, when the “usual” light industrial uses are most often idle, religious

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assembly should be compatible and complementary with the permitted uses of the M1 district. Staff is inclined to support the petition and welcomes a discussion with the Ordinance Revisions Committee.