

ARTICLE 5. - ZONING DISTRICTS AND USE STANDARDS

§ 5.01 - GENERAL PROVISIONS.

- (A) *Regulation of the use and development of land and structures:* These regulations are established and adopted governing the use and physical development of land and/or structures.
- (B) *Rules of application:* These regulations shall be interpreted and enforced according to the following rules:
- (1) *Identification of uses:* Listed uses are to be defined by their customary name or identification, except where they are specially defined or limited in this Ordinance.
 - (2) *Permitted uses:* Only a use designated as a permitted use shall be allowed as a matter of right in a zoning district and any use not so designated shall be prohibited except, when in character with the zoning district, such other additional uses may be added to the permitted uses of the zoning district by an amendment to this UDO. Only lawful uses shall be permitted and prior zoning approval of a use does not override state or federal laws.
 - (3) *Conditional uses:* A use designated as a conditional use shall be allowed in a zoning district when such conditional use, its location, extent and method of development will not substantially alter the character of the vicinity or unduly interfere with the use of adjacent lots in the manner prescribed for the zoning district, and is not inconsistent or contrary to master plan objectives related to uses. To this end BZAP shall, in addition to the development standards for the zoning district, set forth such additional requirements as will, in its judgment, render the conditional use compatible with the existing and future use of adjacent lots and the vicinity. Additional standards for conditional uses are listed in Section 6.10.
 - (4) *Accessory uses:* A use designated as an accessory use shall be permitted in a zoning district when such use is subordinate in area, extent, and purpose to the principal use and is located on the same lot and in the same zoning district as the principal use.
 - (5) *Development standards:* The development standards shall be the minimum required for development in a zoning district unless otherwise stated. If the development standards are in conflict with the requirements of any other lawfully adopted rules, regulations or laws, the more restrictive or higher standard shall govern.
 - (6) *Secondary or auxiliary uses:* Secondary or auxiliary uses are subject to the same requirements as primary uses. A prohibited or conditional use is not permitted simply because it is a secondary or auxiliary use to a permitted primary use. A primary use that is prohibited or conditional is not permitted simply because a secondary or auxiliary use may be permitted. The granting of a conditional use permit for a primary use does not constitute conditional use approval of any secondary or auxiliary uses. The granting of a conditional use permit for a secondary or auxiliary use does not constitute conditional use approval of any primary uses.
- (C) *Districts:* The City is divided into the following zoning districts, which shall be governed by all the use and area requirements of this Ordinance. The following lists each district along with its appropriate symbol:

Residential districts	
R-S	Residential suburban district
R-1	One-family residence district
R-2	One- to four-family residence district
R-3	Multi-family residence district
RCD	Residential community development district
Commercial districts	
B-1	Neighborhood business district
B-2	Community business district
B-3	Conditional business district
O	Office district
ORC	Office and research district
Planned districts	

PMOD	Planned mixed-office district
PMUD	Planned mixed-use district
PB-3	Planned shopping center district
Overlay districts	
HD	Historic district
WCD	Wireless communications district
LANE- EAST	Lane Avenue—East Gateway
LANE- CORR	Lane Avenue—Corridor
LANE- CENTER	Lane Avenue—Center
LANE- NH	Lane Avenue—Neighborhood
LANE- WEST	Lane Avenue—West Gateway

(Ord. No. 96-2010, 3-16-2011; Ord. No. 75-2021, § 1(Exh. A), 12-13-2021; Ord. No. 67-2022, § 2(Exh. A), 12-5-2022)

§ 5.02 - RESIDENTIAL DISTRICTS.

(A) *Purpose:* The following generally describes the purpose and general characteristics of each residential district:

- (1) *R-5 residential suburban district:* The purpose of the R-5 district is to allow single-family dwellings in low-density residential neighborhoods. This district is further subdivided into four (4) subdistricts: R-5a, R-5b, R-5c, and R-5d, differing primarily in required lot area and yard space. Net densities range from thirty-three hundredths (0.33) dwelling units per acre in the R-5a district to two (2) dwelling units per acre in the R-5d district. Permitted uses generally include, but are not limited to, single-family residential, institutional, cultural, recreation, and day care.
 - (2) *R-1 one-family residence district:* The purpose of the R-1 district is to allow single-family dwellings in low- to medium-density residential neighborhoods. Two-family dwellings are a conditional use. The district is further subdivided into three (3) subdistricts: R-1a, R-1b, and R-1c, differing primarily in required lot area and yard space. Net densities range from 1.09 dwelling units per acre in the R-1a district to four and eighty-four hundredths (4.84) dwelling units per acre in the R-1c district. Permitted uses generally include, but are not limited to, single-family residential, institutional, cultural, recreation, and day care.
 - (3) *R-2 one-to-four-family residence district:* The purpose of the R-2 district is to allow single-family dwellings and two- to four-family dwellings in medium-density residential neighborhoods. The district is further subdivided into two (2) subdistricts: R-2a and R-2b, differing only in height regulations. Net densities range from 4.84 dwelling units per acre in the R-2a district to 14.52 dwelling units per acre in the R-2b district. Permitted uses generally include, but are not limited to, single-family and two- to four-family residential, institutional, cultural, recreation, and day care.
 - (4) *R-3 multi-family residence district:* The purpose of the R-3 district is to allow single-family dwellings and multi-family dwellings (up to six (6) units in a building) in medium-density residential neighborhoods. The district is further subdivided into two (2).
 - (5) *RCD residential community development district:* The purpose of the RCD district is to allow residential uses in medium- to high-density residential complexes. Permitted uses generally include, but are not limited to, single-family, and two- to six-family residential, institutional, cultural, recreation, day care, and adult care facility retirement homes.
- (B) *Permitted, prohibited, accessory, and conditional uses:* Permitted, prohibited, accessory, and conditional uses for each of the residential use districts are listed in Table 5-A, Residential Uses and Table 5-B, Home Occupational Uses. No residence or portion thereof may be rented out to any tenant(s) for a period of less than thirty (30) days.
- (C) *Performance standards:* Development standards for each of the residential districts are listed in Table 5-E, Residential Building Area, Density, and Setback Standards and Table 5-F, Residential Building Coverage and Height Standards. Standards for the RCD, residential community development district, shall be established by specific text approved by the Board of Zoning and Planning for each individual development.

(Ord. No. 21-2016, § 6.5-9-2016; Ord. No. 38-2018, § 2, 4-23-2018; Ord. No. 22-2019, § 3, 4-8-2019)

§ 5.03 - COMMERCIAL DISTRICTS.

- (A) *Purpose:* The following generally describes the purpose and general characteristics of each commercial district:
- (1) *B-1 neighborhood business district:* The purpose of this district is to allow local retail business or service establishments that supply commodities or perform services needed on a daily basis primarily for residents of the immediate neighborhood. Permitted uses generally include, but are not limited to, personal services, professional offices, coffee shops, barber shops, laundromats, and child day care centers.
 - (2) *B-2 community business district:* The purpose of this district is to allow retail business or service establishments that supply commodities or perform services needed on a daily basis primarily for residents of the community. Permitted uses generally include, but are not limited to, offices, restaurants, personal services, child day care centers, entertainment, supermarkets, and pharmacies.
 - (3) *B-3 conditional business district:* The purpose of this district to allow retail, retail service, eating and drinking places, including drive-in carry out and other types of fast food restaurants, automotive service and entertainment and commercial recreation uses. Sexually-oriented businesses are also a permitted use in this district.
 - (4) *O office district:* The purpose of this district is to allow offices of varying types within the community. Permitted uses in the O district are: professional offices, single occupancy office buildings, and such permitted uses as are set forth or may in the future be set forth in Table 5-C. At least eighty-five percent (85%) of the gross floor area of any building located in an O district shall be exclusively dedicated to one of these permitted uses. The lesser of fifteen percent (15%) of the gross floor area or ten thousand (10,000) square feet of any building located in an O district may be dedicated to secondary conditional uses as listed in Table 5-C. Secondary conditional uses shall be subject to the conditional use review process set forth in UDO Subsection 4.05(F).
 - (5) *PB-3 planned shopping center district:* The purpose of this district is to allow retail business or service establishments that supply commodities or perform services primarily for residents of the community on a day-to-day basis within an integrated shopping center design. Permitted uses generally include, but are not limited to, retail and personal services, offices, restaurants, child day care centers, department stores, groceries, and supermarkets. The PB3 is a planned district requiring development plan approval.
 - (6) *ORC office and research district:* The purpose of this district is to allow offices and research facilities that will contribute to the city's physical pattern of planned, healthy, safe, and attractive neighborhoods. The ORC district should also provide job opportunities and services to residents and contribute to the City's economic stability. Permitted uses in the ORC district are: business and professional offices, research and development, book and periodical publishing, insurance carriers, corporate data centers, survey research firms, bank finance and loan offices, outpatient surgery centers, hospitals, and such permitted uses as are set forth or may in the future be set forth in Table 5-C. At least eighty-five percent (85%) of the gross floor area of any building located in an ORC district shall be exclusively dedicated to one of these permitted uses. The lesser of fifteen percent (15%) of the gross floor area or ten thousand (10,000) square feet of any building located in an ORC district may be dedicated to secondary conditional uses as listed in Table 5-C. Secondary conditional uses shall be subject to the conditional use review process set forth in UDO Subsection 4.05(F).
 - (7) *Planned mixed office district:*
 - (a) The purpose of this district is to allow for a planned and targeted, walkable, mixed-use environment with a primary focus on office and office-related uses with a limited amount of residential and retail use. The PMOD will provide job opportunities and services related to business, healthcare, technical and professional uses. Additional residential and commercial uses can be permitted as a Secondary Permitted Use as listed in Table 5-C.
 - (b) *Square footage requirement.* Measured per acre of the property, at least 10,000 (ten thousand) square feet shall be exclusively dedicated to one (1) of the permitted uses. If the square footage requirement is met, the remainder of the property may be dedicated to one or more Secondary Permitted Uses as listed in Table 5-C. If the project is phased, at least fifty percent (50%) of the square footage requirement must be established prior to or contemporaneously with the establishment of any other secondary permitted uses. The square footage may be accommodated in one (1) or more buildings.
 - (c) *Lake Preservation.* In order to preserve the enjoyment of the existing lakes, any restaurant use shall cease operation by 10:00 p.m. and shall not have a service area within 100 (one hundred) feet of the lake's maintenance easement. The area between the building and lake shall include pedestrian amenities with enhanced landscaping.
 - (B) *Permitted, prohibited and conditional uses:* Permitted, prohibited and conditional uses for each of the commercial districts are listed in Table 5-C, Commercial Uses and Table 5-D, Mixed Uses.
 - (C) *Development standards:* Development standards for each of the commercial districts are listed in Table 5-G, Commercial Development Standards. (Ord. No. 106-2009; Ord. No. 36-2014; Ord. No. ~~67-2022~~, § 2(Exh. A), 12-5-2022)
- § 5.04 - PLANNED MIXED-USE DISTRICTS.
- (A) *Purpose:* It is the purpose and intent of planned use districts to implement the goals, policies, and strategies of the master plan by allowing a mixture of residential, office, and commercial uses in a high quality urban environment. This type of development pattern was recommended in the master plan for seven (7) specific areas of the City. Other areas of the City may be considered for planned mixed-use designation if the development meets the guidelines established in Article Z. These seven (7) areas, or planned mixed use districts as further described in Volume 2: Study Areas Report of the Master Plan, are the following:
- (1) *Kingsdale:* The area contains three (3) sub-areas which are demonstrated in the master plan. The Kingsdale Core and Triangle area bounded by Northwest Boulevard, Tremont Road and Zollinger Road containing approximately thirty-eight (38) acres. The Kingsdale West area is generally