

PLN-ZOTA-25-00016: AMENDMENT TO THE INDUSTRIAL REDEVELOPMENT PLANNED UNIT DEVELOPMENT (PUD-3) ZONE TO ADD SHORT-TERM RENTALS

ARTICLE 3 – GENERAL ZONE REGULATIONS

Sec. 3-13. General regulations for Short Term Rentals (STRs).

- (a) All short term rentals shall be licensed by the Division of Revenue and subject to the regulations of Section 13 of the Code of Ordinances.
- (b) Except as limited by subsections (l) and (m), the number of Dwelling Units allowed to be utilized as Short Term Rentals per Property:

Zones Allowed	Hosted (Occupancy up to 10)	Hosted (Occupancy >10)	Un-Hosted	# of Dwellings on Property allowed as Short Term Rental Units
Single Family Lots¹				
R-1A, R-1B, R-1C, R-1D, R-1E, R-1T, R-2, R-3, R-4, R-5, EAR-1, EAR-2, EAR-3, <u>PUD-1, PUD-2</u>	Accessory Use	Conditional Use	Conditional Use	1 dwelling unit or 1 ADU
A-R**	Conditional Use	Conditional Use	Conditional Use (with a maximum size of 10 acres)	Hosted: 1 dwelling unit or 1 FEDU** Or: Un-Hosted: 1 dwelling unit
A-N, ** A-B**	Conditional Use	Conditional Use	Prohibited	Hosted: 1 dwelling unit or 1 FEDU
Multi-Family and Group Residential Lots²				
R-1T, R-2, R-3, R-4, R-5, EAR-1, EAR-2, EAR-3, CN, <u>PUD-1, PUD-2</u>	Accessory Use	Conditional Use	Conditional Use	10% max or 1, whichever is greater
B-1, P-1, MU-1, MU-2, MU-3	Accessory Use	Accessory Use	Principal Use	25% max. or 1, whichever is greater
B-2, B-2A, B-2B, B-4*, I-1*, I-2*, CC, B-6P, MU-3*, <u>PUD-3</u>	Principal Use	Principal Use	Principal Use	No max.

¹Single Family Lots may include either a detached dwelling unit or a subdivided attached dwelling unit as a principal structure.

²Multi-Family and Group Residential Lots may include condominiums and attached single family dwelling units on one lot.

*When part of an Adaptive Reuse Project, Industrial Reuse Project, or Entertainment Mixed Use Project

**Properties in the A-R, A-B, and A-N zone may be subject to other regulations and restrictions that impact the ability to operate short term rental uses.

APPENDIX 22A. RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD-1) ZONE

Sec. 22A-3. Permitted uses.

The following uses shall be permitted in the PUD-1 zone. All uses other than those specifically listed as permitted uses or substantially similar to the permitted uses shall be prohibited.

- (a) *Principal Permitted Uses.* The primary principal permitted uses shall be single-family, two-family, townhouse, and multifamily dwelling units. In addition the following uses shall be permitted, provided that the aggregate total lot area for such uses does not exceed fifteen percent (15%) of the total lot area of the Planned Unit Development.
 - 1. Kindergartens, nursery schools, day nurseries and childcare centers for four (4) or more children. For any lot or property which will also be used for residential purposes no more than twelve (12) children shall be permitted. All kindergartens, nursery schools, day nurseries and childcare centers shall provide a fenced and screened play lot which shall contain not less than twenty-five (25) square feet per child.
 - 2. Places of religious assembly
 - 3. Nursing homes and personal care facilities.
 - 4. Schools for academic instruction.
- (b) *Other Permitted Uses.* Within a Planned Unit Development containing at least one hundred (100) gross acres and not less than six hundred (600) total dwelling units, a restricted commercial use shall be permitted within the PUD-1 zone in conformance with the following provisions:
 - 1. The Commercial Area(s) shall be designated on the required development plans. Residential and non-residential uses may be provided within the same structure, provided that such uses are not located on the same floor, or separate entrances are provided.
 - 2. Permitted uses and off-street parking shall be as provided for principal permitted uses in the B-1 zone.
 - 3. The Commercial Area shall be located on a continuous public collector street, but shall not be closer than two thousand (2,000) feet (measured along the collector street) to any principal or minor arterial street.
 - 4. The total land area for the commercial use shall not exceed two (2) acres in size, or one percent (1%) of the gross land area within the Planned Unit Development, whichever is the greater acreage.
 - 5. The Commercial Area shall be in keeping with the overall design of the Planned Unit Development, provide primarily for the needs of the residents of the development, and visually harmonize with the residential areas within the Planned Unit Development.
 - 6. No building permits may be issued for structures designated for commercial uses until occupancy permits have been issued for at least fifty percent (50%) of the total residential dwelling units contained within the Planned Unit Development.
- (c) *Accessory Uses.* The following uses are permitted when incidental and subordinate to principal permitted uses:
 - 1. Private garages, storage sheds and parking areas.

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2. Swimming pools, tennis courts, clubhouses and other private or common use open space and recreational areas.
 3. Agricultural uses, excluding commercial stock raising.
 4. Home office.
 5. Hosted Short Term Rentals for 10 or fewer occupants, as regulated in Article 3-13 of the Zoning Ordinance
- (d) Conditional Uses. Home occupations and Un-Hosted Short Term Rentals, and Hosted Short Term Rentals for more than 10 occupants shall be the only conditional uses permitted upon approval by the Board of Adjustment.

APPENDIX 22B. LUIGART PLANNED UNIT DEVELOPMENT (PUD-2) ZONE

Sec. 22B-5. Permitted uses.

The following uses shall be permitted in the PUD-2 zone. All uses other than those specifically listed as permitted uses or substantially similar to the permitted uses shall be prohibited.

(a) Principal Permitted Uses.

1. Live/work space.
2. Dwelling units.
3. Artist studios.
4. Artisan food and beverage production.
5. Artisan manufacturing.
6. Digital makerspace.
7. Urban agriculture.
8. Visiting artist housing.
9. Libraries, museums, art galleries and reading rooms.
10. Community centers.
11. Places of religious assembly.
12. Indoor theaters.
13. Tattoo parlors.
14. Shoe repair, clothing alterations and tailoring services.
15. Beauty shops and barber shops.
16. Radio and television studios.
17. Banks and financial institutions, without drive-through facilities.
18. Offices for business, professional, governmental, civic, social, fraternal, political, religious and charitable organizations.
19. Establishments for the retail sale of food products.
20. Establishments for the retail sale of merchandise as permitted in the B-1 zone, unless prohibited by Subsection (d) of this section.
21. Common use open space and recreational areas.

(b) Accessory Uses. The following uses are permitted when incidental and subordinate to principal permitted uses:

1. Private garages, off-street parking areas and storage sheds, only if accessory to a principally permitted use which does not contain a principal structure; such as, but not limited to, an Urban Agriculture use.
2. Swimming pools, tennis courts, clubhouses and other private or common use open space and recreational areas.
3. Private, non-commercial parks and open space.
4. A ground-mounted satellite dish antenna, as regulated by Section 15-8.

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5. Family childcare for up to six (6) children, provided that the total number of children living or being cared for on the property shall not exceed six.
6. One (1) or two (2) pool or billiard tables within an establishment.
7. Sale of finished products related or incidental to the principal use.
8. Accessory dwelling units.
9. Temporary structures designed for use or occupancy for up to sixty (60) days per 12-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
10. Sidewalk cafes, when accessory to any permitted restaurant.

11. Hosted Short Term Rentals for 10 or fewer occupants, as regulated in Article 3-13 of the Zoning Ordinance

(c) *Conditional Uses*. Permitted only with Board of Adjustment approval:

1. Parking areas.
2. Family childcare for seven (7) and not more than twelve (12) children. A fenced outdoor play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
3. Restaurants and brew-pubs, except as prohibited under Section 8-16(e)(14) and (15). This does not include drive-in restaurants.
4. The sale of malt beverages, wine or alcoholic beverages, when accessory to a restaurant permitted herein.
5. Indoor or outdoor live entertainment and/or dancing, when accessory to a restaurant or brew-pub. Indoor uses shall be sound-proofed to the maximum extent feasible by using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood. The Board may also impose time and other restrictions to minimize nuisance to the surrounding neighborhood.
6. Cocktail lounges or nightclubs unless prohibited under Section 8-16(e)(14) and (15).
7. Temporary structures designed for use or occupancy for sixty-one (61) to one hundred eighty (180) days per twelve (12)-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
8. Retail sales not otherwise permitted herein.
9. Private clubs or banquet facilities.
10. Kindergartens, nursery schools, day nurseries and childcare centers for four (4) or more children. For any lot or property which will also be used for residential purposes, no more than twelve (12) children shall be permitted. All kindergartens, nursery schools, day nurseries and childcare centers shall provide a fenced outdoor play area, which shall contain not less than twenty-five (25) square feet per child.

11. Hosted Short Term Rentals, and Hosted Short Term Rentals for more than 10 occupants, as regulated by Article 3-13 of the Zoning Ordinance.

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(d) *Prohibited Uses.* All uses other than those listed as principal, accessory or conditional uses, or substantially similar to principal, accessory or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.

1. Drive-through facilities.
2. Beer, liquor and wine stores.
3. General contractors, such as plumbing; heating; carpentry and cabinet shops; masonry; plastering; electrical; tile and terrazzo work; electroplating; drilling; excavating; wrecking; construction and paving. This is not intended to prohibit the administrative offices of such.

APPENDIX 22C. INDUSTRIAL REDEVELOPMENT PLANNED UNIT DEVELOPMENT (PUD-3) ZONE

Sec. 22C-4. Permitted uses.

The following uses shall be permitted in the PUD-3 zone.

- (a) *Principal Permitted Uses.* Other uses substantially similar to those listed herein shall also be deemed permitted.
1. The principal permitted uses in the I-1 zone except as expressly prohibited in this Article.
 2. Artisan food and beverage production (as defined in the PUD-2 zone)
 3. Artisan manufacturing (as defined in the PUD-2 zone).
 4. Dwelling units of any kind except as prohibited.
 5. Schools; libraries; museums; art galleries; studios for work or teaching of fine arts, metal work, photography, dance, drama or theater; and theaters, including movie theaters and other indoor amusements, including without limitation live entertainment and event facilities, billiard or pool halls, bowling alleys, dance halls, skating rinks, arcades, pinball, miniature golf, and similar activities.
 6. Outdoor amusement or entertainment enterprises such as circuses, carnivals, rodeos, horse shows or automobile shows; provided such activity is operated on a temporary basis, not to exceed two weeks
 7. Community centers, places of religious assembly and private clubs.
 8. Restaurants, with or without outdoor seating and with or without live entertainment.
 9. Establishments for the retail sale of food, dairy, bakery, meat, beer, liquor, wine and other food products; the retail sale of merchandise, including new or used clothing and books, gifts, toys, antiques, furnishings, housewares, jewelry, electronics, and other goods.
 10. Pharmacies.
 11. Banquet facilities or private clubs with or without live entertainment, brewpubs, bars, cocktail lounges and nightclubs
 12. Offices, banks, and clinics, including medical and dental offices, clinics, and laboratories.
 13. Beauty shops, barbershops, shoe repair, dressmaking, or tailoring.
 14. Hotels, inns, and bed-and-breakfasts.
 15. Health clubs, athletic clubs, and spas.
 16. Retail sales of plant, nursery or greenhouse products or agricultural products, produce or goods, including market gardens.

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17. Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain at least 25 square feet per child.
18. Parks, open space, greenspace, and recreational areas.
19. Radio, television, and similar media studios.
20. Special events space (including social and business purposes), meeting rooms, and conference rooms.
21. Animal grooming facilities.
22. Offices of veterinarians, animal hospitals or clinics, provided that:
 - a. All exterior walls are completely soundproofed;
 - b. Animal pens are located completely within the principal building; and
 - c. Boarding is limited to only animals receiving medical treatment.

23. Hosted or Un-Hosted Short Term Rentals, as regulated in Section 3-13 of the Zoning Ordinance.