

Article 3 GENERAL ZONE REGULATIONS

**Sec. 1-11. Definitions.**

*Short Term Rental (STR)* means the commercial use of a dwelling unit that is rented in whole or in part, for temporary occupancy by transient guests for a tenancy of less than thirty (30) consecutive days in duration, where no meals are served. This term does not include hotel or motel rooms, extended stay hotels, bed and breakfast facilities, boarding or lodging facilities, or farm employee dwelling units. Transient guests are those who have an established primary residence elsewhere, and this term shall not be construed to include individuals that rent a primary residence on a weekly basis.

*Hosted Short Term Rental* means a short term rental in which the dwelling unit utilized as the STR, or another dwelling unit on the subject property is a primary residence and a primary resident (as defined in Section 13-76 of the Code of Ordinances) continues to occupy the property while the short-term rental is being rented to a transient guest.

*Un-Hosted Short Term Rental* means a short term rental in which a primary resident (as defined in Section 13-76 of the Code of Ordinances) does not occupy the property during the short term rental period.

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**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) Number of Dwelling Units allowed to be utilized as Short Term Rentals per Property:

| Zones Allowed                                             | Hosted<br>(Occupancy up to 12) | Hosted<br>(Occupancy >12) | Un-Hosted       | # of Short Term Rental Units                                                                                                                                                                                                                     |
|-----------------------------------------------------------|--------------------------------|---------------------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>R-1A, R-1B, R-1C, R-1D, R-1E, R-1T</b>                 | Accessory Use                  | Conditional Use           | Conditional Use | <u>Hosted</u> : 1 dwelling unit <b>and</b> 1 ADU<br><u>Un-Hosted</u> : 1 dwelling unit <b>or</b> 1 ADU                                                                                                                                           |
| <b>R-2, R-3, R-4, R-5, EAR-1, EAR-2, EAR-3</b>            | Accessory Use                  | Conditional Use           | Conditional Use | <b><u>For Single Family Lots:</u></b><br><u>Hosted</u> : 1 dwelling unit <b>and</b> 1 ADU<br><u>Un-Hosted</u> : 1 dwelling unit <b>or</b> 1 ADU<br><b><u>For Multi-Family and Group Residential Lots:</u></b> 10% max or 1, whichever is greater |
| <b>B-1, P-1, MU-1, MU-2, MU-3</b>                         | Accessory Use                  | Conditional Use           | Conditional Use | 25% max.                                                                                                                                                                                                                                         |
| <b>B-2, B-2A, B-2B, B-4*, I-1*, I-2*, CC, B-6P, MU-3*</b> | Principal Use                  | Principal Use             | Principal Use   | No max.                                                                                                                                                                                                                                          |

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

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- c) Maximum Occupancy Limit (for accessory and principal uses): A maximum of two (2) individuals per bedroom, plus an additional four (4) individuals; or a total of 12 individuals, whichever is less. Any host or other permanent residents of the dwelling unit present during the short term rental period shall count toward the maximum occupancy.
- d) Maximum Occupancy Limit (for conditional uses): The Board shall establish a maximum occupancy for the short term rental use in accordance with the above provision, except the Board may allow additional occupants when there is sufficient evidence that a greater occupancy will not result in overcrowding or create a nuisance.
- e) Detached accessory structures may be used as a Short Term Rental only in a permitted Detached Accessory Dwelling Unit.
- f) Short Term Rentals shall not be utilized for private events, such as weddings or parties, in which the number of participants exceeds the maximum occupancy limit. No private events shall occur between the hours of 11:00 p.m. and 7:00 a.m. Special events for a commercial purpose shall be prohibited at all times.
- g) For Short Term Rentals regulated as conditional uses, the Board of Adjustment shall take into consideration:
  - 1) The number of STRs, if any, in proximity of the property being considered for such use.
  - 2) The demonstrated compliance record of the applicant, if they operate other STRs in Lexington.
  - 3) The occupancy rate of other STRs in the general vicinity, including those operated by the applicant.
  - 4) Whether other STRs in the general vicinity have been cited as a nuisance, including those operated by the applicant
- h) For any conditional use permit approved by the Board of Adjustment for a short term rental, the conditional use permit shall become null and void if the applicant's short-term rental special fee license (as regulated by the Division of Revenue and Section 13 of the Code of Ordinances) lapses or is revoked.
- i) Any Short Term Rental operating in a principal dwelling unit prior to #ADOPTION DATE HERE#, that would hereafter be regulated as a conditional use shall be allowed to continue its operation per Article 4-7, but shall utilize the new regulations provided in Sections A, C, E, F, and H above. Such uses shall obtain the license required above from the Division of Revenue and be subject to the regulations of Section 13 of the Code of Ordinances. A change in ownership shall require a conditional use permit to be approved by the Board of Adjustment.
- j) Any Short Term Rental operating in a principal dwelling unit prior to #ADOPTION DATE HERE# that is located in a zone that would hereafter prohibit Short Term Rentals shall be allowed to continue its operation as a non-conforming use per Article 4-3, and shall continue to operate in accordance with the definition of a dwelling unit occupied by one family or housekeeping unit, having no more than one rental contract per week, for a total of no more than 52 rentals per year and with an occupancy of no more than 4 unrelated individuals. Such uses shall obtain the

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license required above from the Division of Revenue and be subject to the regulations of Section 13 of the Code of Ordinances.

**Sec. 8-5. Single-Family Residential (R-1A) Zone.**

- (c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)
1. Private garages, storage sheds, and parking areas.
  2. Living quarters, without cooking facilities and not rented, for guests and employees of the premises.
  3. Swimming pools and tennis courts, including accessory structures and temporary structures associated with those uses.
  4. Agricultural uses, excluding commercial stock raising.
  5. Private, non-commercial parks and open space.
  6. Home offices and home occupations.
  7. A ground, roof or pole-mounted satellite dish antenna, as regulated by Section 15-8.
  8. Family childcare home.
  9. Hiking and bicycling trails.
  10. Accessory Dwelling Units, as regulated in Article 3-12 of the Zoning Ordinance.
  11. Hosted Short Term Rentals for 12 or fewer occupants, as regulated in Article 3-13 of the Zoning Ordinance.
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)
1. Kindergartens and nursery schools for four (4) and not more than twelve (12) children, when accessory to and located in the same structure with the single-family residence occupied by the owner or operator. All kindergartens and nursery schools shall provide a fenced and screened play area, which shall contain not less than twenty-five (25) square feet per child.
  2. Kindergartens, nursery schools and childcare centers for four (4) or more children, when accessory to a place of religious assembly, school or private club as permitted herein. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
  3. Home-based businesses.
  4. Cemeteries, columbariums, and mausoleums.
  5. Outdoor commercial and non-commercial recreational facilities, such as golf courses; sportsmen's farms; riding stables and equine trails; fishing lakes and non-commercial swimming pool; tennis courts; campgrounds; and private clubs.
  6. Places of religious assembly.
  7. Schools for academic instruction.
  8. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:

- a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
  - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
  - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any federal, state or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
9. Type II Childcare Center. A fenced outdoor play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
  10. Bed and breakfast facilities, limited to the rental of not more than one (1) room. The Board of Adjustment, in considering approval of such conditional use, shall consider and make a finding that the number of rooms granted shall not have an adverse effect on surrounding properties. In addition, in considering such a conditional use, the Board of Adjustment shall take into consideration the number of bed and breakfast facilities, if any, within the general neighborhood of the property being considered for such use.
  11. Historic house museums.
  12. Seasonal activities.
  13. Market gardens.
  14. The short-term rental (defined in the Code of Ordinances) of Accessory Dwelling Units, as regulated in Article 3-12 of the Zoning Ordinance. The Board of Adjustment, in considering approval of such conditional use, shall consider and make a finding that the number of rooms granted shall not have an adverse effect on surrounding properties. In addition, in considering such a conditional use, the Board of Adjustment shall take into consideration the number of short-term rental facilities, if any, within the general neighborhood of the property being considered for such use.
  15. **Un-Hosted Short Term Rentals and Hosted Short Term Rentals for more than 12 occupants, as regulated by Article 3-13 of the Zoning Ordinance.**

**Sec. 8-6. Single-Family Residential (R-1B) Zone. Refers to R-1A**

**Sec. 8-7. Single-Family Residential (R-1C) Zone. Refers to R-1A**

**Sec. 8-8. Single-Family Residential (R-1D) Zone. Refers to R-1A**

**Sec. 8-9. Single-Family Residential (R-1E) Zone.**

- (c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)
1. Private garages, storage sheds and parking areas.
  2. Swimming pools and tennis courts.
  3. Agricultural uses, excluding commercial stock raising.
  4. Private, non-commercial parks and open space.
  5. Home offices and home occupations.

6. A ground, roof or pole-mounted satellite dish antenna, as regulated by Section 15-8.
7. Family childcare home.
8. Hiking and bicycling trails.
9. Accessory Dwelling Units, as regulated in Article 3-12 of the Zoning Ordinance.
10. Hosted Short Term Rentals for 12 or fewer occupants, as regulated in Article 3-13 of the Zoning Ordinance.

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

1. As for R-1A.

### **Sec. 8-10. Townhouse Residential (R-1T) Zone.**

(c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Private garages, storage sheds and parking areas.
2. Swimming pools and tennis courts.
3. Agricultural uses, excluding commercial stock raising.
4. Private, non-commercial parks and open space.
5. Home offices and home occupations.
6. A ground, roof or pole-mounted satellite dish antenna, as regulated in Section 15-8.
7. Family childcare home.
8. Hiking and bicycling trails.
9. Accessory Dwelling Units, as regulated in Article 3-12 of the Zoning Ordinance.
10. Hosted Short Term Rentals for 12 or fewer occupants, as regulated in Article 3-13 of the Zoning Ordinance.

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

1. As for R-1A.

### **Sec. 8-11. Two-Family Residential (R-2) Zone. Refers to R-1A**

### **Sec. 8-12. Planned Neighborhood Residential (R-3) Zone.**

(c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Items 1 through 3 and 6 through ~~10~~ 11 of the permitted accessory uses in the R-1A zone.
2. ~~The keeping of not more than four (4) roomers or boarders per dwelling unit by a resident family for single family or two-family dwellings, except where a bed and breakfast facility is provided; then no roomers or boarders shall be permitted.~~

3. Non-commercial athletic club facilities, when accessory to another permitted or conditional use.

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

1. The permitted conditional uses in the R-1A zone.

**Sec. 8-13. High Density Apartment (R-4) Zone. Refers to R-3 (no changes)**

**Sec. 8-14. High Rise Apartment (R-5) Zone.**

(a) *Intent.* This zone is primarily for multi-family dwellings and particularly for high rise apartments. The R-5 zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan, and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

(b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Multifamily dwellings.
2. Dormitories.
3. Offices, limited to multifamily structures with six (6) or more stories, provided offices are limited to no more than the first two (2) stories with no mixing of offices and apartments on the same floor.

(c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. The permitted accessory uses in the R-1A zone, items 1 through 3 ~~and~~, 6 through 9 ~~and~~ 11.
2. Athletic club facilities, when accessory to another permitted or conditional use.

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

1. The permitted conditional uses in the R-3 zone.

**Sec. 8-15. Professional Office (P-1) Zone.**

(c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Establishments limited to the filling of prescriptions and retail sale of pharmaceutical and medical supplies.
2. Parking areas or structures.
3. Incidental retail sales or personal services, including facilities for serving food, only for employees, residents or visitors to any permitted use, and having no primary access to the exterior; and limited to a maximum of ten percent (10%) of the gross floor area of the building in which it is located, with no single such use being in excess of five thousand (5,000) square feet.
4. Sales offices for the display of merchandise and the acceptance of orders.
5. Swimming pools, tennis courts, putting greens, hiking and bicycling trails, botanical gardens, nature preserves and other similar non-commercial recreational uses.
6. Satellite dish antennas, as further regulated by Section 15-8.
7. One dwelling unit for owners, operators, or employees of a permitted use, provided that such dwelling unit shall be part of the building and located above, to the side, or to the rear of such permitted use.

8. Retail sales and storage areas accessory to internet-based businesses, for which Certificates of Occupancy are issued after November 15, 2001, provided that the retail sales and storage area occupies no more than twenty-five percent (25%) of the business area, nor more than two thousand, five hundred (2,500) square feet, whichever is less; and having no display space, storage space or signs visible from the exterior of the building.
9. Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein, when approved by the Planning Commission on a development plan.
10. **Hosted Short Term Rentals for 12 or fewer occupants, as regulated in Article 3-13 of the Zoning Ordinance.**

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

1. Drive-through facilities for sale of goods or products or the provision of services otherwise permitted herein.
2. Parking lots and structures.
3. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
  - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
  - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
  - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any federal, state or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
4. Rehabilitation homes, when located closer than five hundred (500) feet from a residential zone.
5. Extended-stay hotels, except as permitted in a Professional Office Project.
6. Mail service facilities, except as permitted in a Professional Office Project.
7. Ecotourism activities to include equine or zip line trails; tree canopy tours; canoeing and kayaking launch sites; fishing clubs; and seasonal activities.
8. **Un-Hosted Short Term Rentals and Hosted Short Term Rentals for more than 12 occupants, as regulated in Article 3-13 of the Zoning Ordinance.**

**Sec. 8-16. Neighborhood Business (B-1) Zone.**

- (c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)
1. Parking areas or structures.
  2. One (1) dwelling unit for owners, operators, or employees of a permitted use, provided that such dwelling unit shall be a part of the building and located above or to the rear of such permitted uses.
  3. Warehousing, wholesaling, and storage, excluding outdoor storage; and provided that no building for such accessory use shall have openings other than stationary windows or solid pedestrian doors within one hundred (100) feet of any residential zone.
  4. The sale of malt beverages, wine or alcoholic beverages, when accessory to a restaurant permitted

under Subsection (b)3. Such accessory use shall not devote more than twenty-five percent (25%) of its public floor area primarily to the preparation and service of such beverages, nor provide any separate outside entrances or separate identification signs for those areas.

5. Satellite dish antennas, as further regulated by Section 15-8.
6. One or two (2) pool or billiard tables within an establishment.
7. Sidewalk cafes, when accessory to any permitted restaurant.
8. Retail sale of liquid propane (limited to twenty pound (20 lb.) containers), when accessory to the retail sale of merchandise or an automobile service station permitted under Subsection (b) of this section.
9. Indoor live entertainment and/or dancing, when accessory to a restaurant, brew-pub or banquet facility; but only when located more than one hundred (100) feet from a residential zone.
10. Drive-through facilities for the sale of goods or products, or the provision of services otherwise permitted herein, when approved by the Planning Commission on a development plan.
11. Hosted Short Term Rentals for 12 or fewer occupants, as regulated in Article 3-13 of the Zoning Ordinance.

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

1. Self-service car washes, provided that surface water from such establishments shall not drain onto adjacent property, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.
2. The rental of trucks (single rear axle: Twenty-eight (28) feet maximum overall length), trailers and related items in conjunction with the operation of an automobile service station, provided that the service station abuts a state or federal highway. No more than five (5) trucks shall be stored for longer than forty-eight (48) hours on any service station. A site plan shall be submitted for the approval of the Board of Adjustment for the continued control of such activity and shall show the entire property, buildings, signs, parking and location of the proposed storage area.
3. A restaurant or brew-pub, without live entertainment or dancing, which devotes more than twenty-five percent (25%) of its public floor area primarily to the preparation and service of malt beverages, wine or alcoholic beverages.
4. Outdoor live entertainment and/or dancing, cocktail lounges or nightclubs, unless prohibited under Subsections (e)(14) and (15) of this section. Such uses shall be located at least one hundred (100) feet from any residential zone; and 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 restrictions to minimize nuisance to the surrounding neighborhood.
5. Indoor live entertainment and/or dancing, when accessory to a restaurant, brew-pub or banquet facility; but only when located closer than one hundred (100) feet from a residential zone.
6. Upholstery shop.
7. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
  - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
  - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
  - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited

for failure to comply with any federal, state or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.

8. Gasoline pumps available to the public without an employee on site, provided a plan is approved by the Board of Adjustment for periodic inspection of the site by an employee for the following purposes:
  - a. To check all operating equipment;
  - b. To check fire suppression system(s);
  - c. To check the condition of the fire alarm(s);
  - d. To check for indications of fuel leaks and spillage;
  - e. To remove trash from the site;
  - f. To monitor the general condition of the site.
9. Rehabilitation homes, but only when located closer than five hundred (500) feet from a residential zone, school for academic instruction or a childcare center.
10. Temporary structures designed for use or occupancy for sixty-one (61) to one hundred eighty (180) 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.
11. Circuses, provided all structures are located not less than two hundred (200) feet from any residential zone; and further provided that all structures for housing animals shall be two hundred (200) feet from any residential zone, residential use, school, hospital, nursing or rest home. A circus may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
12. Automobile and vehicle refueling stations, provided such uses conform to all requirements of Article 16.
13. Extended-stay hotels.
14. Parking lots, provided such use conforms to the conditions of Article 16.
15. Drive-through facilities for the sale of goods or products, or the provision of services otherwise permitted herein, except as accessory uses herein.
16. Ecotourism activities to include zip line trails; tree canopy tours; fishing clubs; botanical gardens; nature preserves; and seasonal activities.
17. Recreation vehicle and trailer campgrounds, but only when located within five hundred (500) feet of an interstate interchange.
18. Hunting clubs, but only when located more than five hundred (500) feet from a residential zone.
19. Country inns, but only when located within five hundred (500) feet of an Agricultural Rural (A-R) zone.
20. Un-Hosted Short Term Rentals and Hosted Short Term Rentals for more than 12 occupants, as regulated in Article 3-13 of the Zoning Ordinance.

### **Sec. 8-17. Downtown Business (B-2) Zone.**

- (a) *Intent.* This zone is intended to accommodate existing and future development in the Central Business District.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
  1. The principal permitted uses in the B-1 zone.
  2. Amusement enterprises, such as indoor billiard or pool halls; indoor theaters; bowling alleys; dance

- halls; skating rinks.
3. Restaurants, cocktail lounges and nightclubs, with entertainment, dancing or the sale of alcoholic beverages.
  4. Establishments for the display, rental, or sale of automobiles, motorcycles, trucks not exceeding one and one-half (1½) tons, and boats limited to runabout boats, provided that the outdoor display or storage of vehicles shall conform to the requirements of Article 16.
  5. Establishments engaged in blueprinting, printing, publishing and lithographing; interior decorating; upholstering; laundering, clothes cleaning and dyeing; clothing alterations and tailoring services.
  6. Hotels and motels.
  7. Passenger transportation terminals.
  8. Any type of dwelling unit.
  9. Wholesale establishments.
  10. Minor automobile and truck repair.
  11. Establishments primarily engaged in the sale of supplies and parts for vehicles and farm equipment.
  12. Pawnshops.
  13. Stadium and exhibition halls.
  14. Telephone exchanges; radio and television studios.
  15. Cable television system signal distribution centers and studios.
  16. Athletic club facilities.
  17. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers, provided that none shall be located within a 500-foot radius of any agricultural or residential zone, any elementary or secondary school, any park attended by persons under eighteen (18) years of age, or within a 1,000-foot radius of any other similarly regulated adult business.
  18. Parking lots and structures, provided such use conforms to the conditions of Article 16.
  19. **Hosted or Un-Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance**

**Sec. 8-18. Downtown Frame Business (B-2A) Zone. Refers to B-2 (No change)**

**Sec. 8-19. Lexington Center Business (B-2B) Zone.**

- (a) *Intent.* This zone is intended to ensure compatible land uses, the preservation of existing attractions compatible with the Lexington Center, and the encouragement of new uses necessary to the proper development of the Downtown Area. The permitted land uses in the zone should have some logical relation to the Lexington Center and to the downtown core, should promote tourism, should promote the economic health of the community, should provide for an aesthetically pleasing environment, and should prevent the creation of influences adverse to the prospering of the Lexington Center and the Downtown Area.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
  1. Civic Center and convention facilities.
  2. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions; savings and loan companies, holding and investment companies.

3. Offices and clinics.
4. Schools for academic instruction.
5. Libraries, museums, art galleries, and reading rooms.
6. Studios for work or teaching of fine arts, such as photography, music, drama, dance or theater.
7. Places of religious assembly.
8. Ticket and travel agencies.
9. Restaurants, cocktail lounges and nightclubs, including those serving alcoholic beverages and/or offering live entertainment, except as prohibited under Subsection (e) of this section.
10. Establishments for the retail sale of primarily new merchandise.
11. Beauty shops and barber shops.
12. Shoe repair, clothing alterations or tailoring services.
13. Retail sale of plant, nursery or greenhouse products, or agricultural produce.
14. Commercial farm markets and market gardens.
15. Hotels or motels.
16. Any type of residential use.
17. Antique shops.
18. Establishments for the display, rental or sale of automobiles, motorcycles, trucks not exceeding one and one-half (1½) tons, and boats limited to runabout boats, provided that the outdoor display or storage of vehicles shall conform to the requirements of Article 16.
19. Amusement enterprises, such as circuses; carnivals; horse racing or automobile racing, special events, festivals, and concerts provided such activity is operated on a temporary basis of a duration not exceeding two (2) weeks.
20. Establishments engaged in blueprinting, printing, publishing, and lithography; interior decoration and upholstery; repair of household appliances.
21. Bookstores, except as prohibited under Subsection (e) of this section.
22. Indoor amusement enterprises, such as motion picture theaters, except as prohibited under Subsection (e) of this section; billiard or pool halls; bowling alleys; dance halls, skating rinks; and arcades.
23. Computer and data processing centers.
24. Telephone exchanges, radio and television studios.
25. Cable television system signal distribution centers and studios.
26. Private clubs, except as prohibited under Subsections (e)7, 8 and 9 of this section.
27. Kindergartens, nursery schools and childcare centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
28. Pawnshops which:
  - (1) Were in operation prior to August 31, 1990, and in compliance with the provisions of KRS 226.010 et seq. and Code of Ordinances, Sections 13-52 and 13-53; or

- (2) Had on file with the Lexington-Fayette Urban County Government, prior to August 31, 1990, an application for a business license or certificate of occupancy.
- 29. Historic house museums.
- 30. Health clubs, athletic clubs and spas.
- 31. **Hosted or Un-Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance**

## **Sec. 8-21. Wholesale and Warehouse Business (B-4) Zone.**

### *(o) Special Provisions.*

- 1. All buildings and structures shall be at least one hundred (100) feet from any residential zone, unless the portion within that distance has no opening except stationary windows and doors that are designed and intended solely for pedestrian access.
- 2. Landscape buffer areas shall be required as set forth in Article 18.
- 3. An Office/Warehouse mixed use project may be permitted by the Planning Commission upon the approval of a final development plan, as provided in Article 21 of this Zoning Ordinance, and subject to the following requirements:

In addition to the uses permitted in Subsection (b) of this section, the following uses shall also be permitted in an Office/Warehouse Project:

#### As principal permitted uses:

- a. Offices, laboratories and data processing centers, limited to a maximum of seventy-five percent (75%) of the floor area of the building or project. This square footage limitation shall not apply if the project is located within the defined Infill and Redevelopment Area.

#### As accessory uses:

- a. Drive-through facilities for the provision of services allowed in an Office/Warehouse mixed use project;
  - b. Dwelling units for on-site security personnel.
- 4. Adaptive Reuse Projects may be permitted by the Planning Commission upon the approval of a final development plan, subject to the following requirements:
    - a. The property must be located in or adjacent to, or across a public right-of-way from, the defined Infill and Redevelopment Area. The area of the Project will be defined by the development plan and may include noncontiguous properties that can function together as an interrelated development.
    - b. The Project must include:
      - 1. At least one (1) existing building that will be adaptively reused as a principal structure.
      - 2. Public art or a public art easement that is publicly displayed in a publicly accessible unpaid area and is visible from the adjacent street level. This is not to include a business logo or other type of advertisement.
    - c. The applicant shall provide documentation demonstrating that the Project meets at least one (1) of the following criteria:

1. The site has a single building of over 30,000 square feet that is over 75 years old, or a total project of over 80,000 square feet with at least two adaptive reuse buildings over 75 years old.
  2. The site includes a structure individually listed on the National Register of Historic Places or is determined to be eligible for such listing; is determined to contribute to the significance of a National Register Historic District or is in an area that meets the requirements of a National Historic District; is individually listed on a state inventory of historic places; is located within an Historic District (H-1) overlay zone; or was constructed prior to 1950.
- d. The applicant shall include at least one element from the following categories and must reach total score of 10 points:
1. Primary Land Use, Building Form, and Design:
    - i. Affordable Housing (6) - Provide residential housing, at least 20% of which will be set aside for affordable housing (60% AMI) for at least 15 years.
    - ii. Affordable Housing (4) - Provide residential housing, at least 20% of which will be set aside for affordable housing (80% AMI) for at least 15 years.
    - iii. Green Rated Site Design (Sustainable Sites Initiative or similar standard) (3) - Incorporating whole of project area.
    - iv. Green Building Design (LEED or similar standard) (3) - Structures that incorporate the principles of sustainable design of adaptively reused structures.
    - v. Green Building (LEED or similar standard) (2) - New Construction
    - vi. Green Infrastructure (2) - Manage 50% of stormwater onsite with Vegetative Low Impact Development BMPs and educational signage (must still meet LFUCG Stormwater Manuals).
    - vii. Renewable Energy (1).
    - viii. Mixed use residential and commercial site wide (1).
    - ix. Innovation Credit (1) - Provide a high degree of innovative modification of land use, building form, and/or design.
  2. Transit, Infrastructure, and Connectivity:
    - i. Parking Structure (4).
    - ii. Riparian Buffer Restoration (3) - Meet requirements of Stormwater Manual Table 1-7 along length of stream on lot.
    - iii. Daylighting of stream/removal of culvert (3).
    - iv. Stream channel restoration (2) - See Stormwater Manual Ch. 9 for guidance.
    - v. Accessible transit shelter and bench (2).
    - vi. Multi-use path or open space oriented amenities (2).
    - vii. Publicly accessible property to property cross-connectivity (2).
    - viii. Innovation Credit (1) - Provide a high degree of innovative modification of transit, infrastructure, and connectivity.
  3. Quality of Life Components:
    - i. Site is within an area that is a brownfield recovery site (4).

- ii. Increase of Canopy Coverage to 40% (4).
  - iii. Increase of Canopy Coverage to 30% (3).
  - iv. Increase of Canopy Coverage to 20% (2).
  - v. Site is in a district that has applied for, or has obtained, special funding or similar government incentives (3).
  - vi. Universal Design Standards for all ground floor space (2).
  - vii. 20% Community oriented open space nonresidential (3).
  - viii. 10% Community oriented open space nonresidential (2).
  - ix. Community garden space (1).
  - x. Innovation Credit (1) - Provide a high degree of innovative modification of quality of life components.
- e. Principal uses in Adaptive Reuse Projects:
- 1. Any of the principal uses permitted in the underlying zone.
  - 2. Schools; libraries; museums; art galleries; studios for work or teaching of fine arts, metal work, photography, dance, drama or theater; theaters, including movie theaters and other indoor amusements, except as prohibited under Section 8-19(e), including billiard or pool halls, bowling alleys, dance halls, skating rinks and arcades.
  - 3. Community centers, churches and private clubs.
  - 4. Restaurants, with or without outdoor seating and with or without live entertainment.
  - 5. 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 similar items.
  - 6. Pharmacies, provided that they are within a structure containing other uses and do not occupy a separate building.
  - 7. Banquet facilities or private clubs with live entertainment, brew-pubs, bars, cocktail lounges and nightclubs.
  - 8. Offices, banks or clinics.
  - 9. Hotels or motels.
  - 10. Beauty shops, barber shops, shoe repair, dressmaking or tailoring.
  - 11. Quick copy services not using offset printing methods.
  - 12. Residences of any kind.
  - 13. Health clubs, athletic clubs and spas.
  - 14. Parking lots and structures.
  - 15. Retail sales of plant, nursery or greenhouse products or agricultural products, produce or goods, including market gardens.
  - 16. Kindergartens, nursery schools and childcare centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain at least twenty-five (25) square feet per child.
  - 17. Indoor or outdoor amusement or entertainment enterprises such as circuses, carnivals,

18. rodeos, horse shows or automobile shows; provided such activity is operated on a temporary basis, not to exceed two (2) weeks.
  19. Passenger transportation terminals.
  20. Publicly accessible parks.
  21. **Hosted or Un-Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance**
- f. Accessory uses that are clearly incidental and subordinate to the principal uses are permitted.
  - g. Prohibited uses:
    1. All adult uses, as listed in Sections 8-16(e)14 through 17.
    2. Drive-through facilities.
  - h. Parking:
    1. For any site that is located on a transit route, there shall be a maximum of four (4) surface parking spaces per one thousand (1,000) commercial square feet.
    2. For any site that is not located on a transit route, there shall be a maximum of five (5) surface parking spaces per one thousand (1,000) commercial square feet.
    3. Structure parking shall not count toward any maximum parking requirement.
  - i. Signage: Shall be as permitted under Section 17-11(n) for an MU-2 zone.
  - j. Lot and Yard Requirements: No minimum.
  - k. Height: No maximum height for adaptive reuse of existing buildings. New buildings shall not be more than twelve (12) feet taller than the tallest structure that is being adaptively reused, or forty-eight (48) feet, whichever is greater.
  - l. The applicant shall submit a compliance statement with the development plan that specifies how the project will further the Goals and Objectives and other elements of the Comprehensive Plan.
  - m. Prior to holding a hearing on the development plan, the applicant shall post a sign, with dimensions set out in Section 23B-5(b), at a visible location on the property at least fourteen (14) days prior to the hearing, informing the public of the location, date and time of the hearing. Evidence of the sign having been posted shall be submitted to the Planning Commission at the hearing.
  - n. The Planning Commission shall have the power to approve, modify or disapprove the development plan, as set out in Article 21. In addition, if the Planning Commission approves the development plan, it must adopt a finding that the development plan furthers the Goals and Objectives or other elements of the Comprehensive Plan.
  - o. For additional land to be added to an adaptive reuse project area, the new portion must be adjacent to the current project area. An updated compliance statement must be submitted, which shall implement those elements that have been applied across the project area.
  - p. For any amendment that seeks to expand the originally approved project, the added portion of the project must meet all requirements of Sec. 8-18(o)(4)(d) separate from the original project.
5. Industrial Reuse Projects may be permitted by the Planning Commission upon the approval of a final development plan, subject to the following requirements:
    - a. The Planning Commission shall, with the approval of any development plan, consider the following locational and compatibility factors:

1. The site shall be located outside of the defined Infill and Redevelopment Area.
  2. An Industrial Reuse Project shall not be located on an arterial roadway.
  3. The Project should be located in an area of mixed uses and zones.
  4. The Project should be located in a B-4 or 1-1 area in which, due to small lot size, adjacent uses, or the nature of the roadway system, it would not be appropriate to construct larger B-4 or 1-1 uses, such as truck terminals, manufacturing facilities or large warehousing facilities.
  5. The property has an existing building coverage that does not allow for substantial expansion of the structure or parking facilities.
- b. The Project must include:
1. At least one existing building that will be adaptively reused as a principal structure.
  2. Public art or a public art easement that is publicly displayed in an accessible unpaid area and is visible from the adjacent street level. This is not to include a business logo or other type of advertisement.
- c. The applicant shall provide documentation demonstrating that the Project meets at least one of the following criteria:
1. The site includes a building lot coverage of 65% or greater and contains a building that is over 75 years old.
  2. The site includes a single building of over 30,000 square feet that is over 75 years old, or a total project of over 80,000 square feet with at least two adaptive reuse buildings over 75 years old.
  3. The site includes a structure individually listed on the National Register of Historic Places or is determined to be eligible for such listing; is determined to contribute to the significance of a National Register Historic District or is in an area that meets the requirements of a National Historic District; is individually listed on a state inventory of historic places; is located within an Historic District (H-1) overlay zone; or was constructed prior to 1950.
- d. The applicant shall include at least one element from the following categories and must reach total score of 10 points:
1. Primary Land Use, Building Form, and Design:
    - i. Affordable Housing (6) - Provide residential housing, at least 20% of which will be set aside for affordable housing (60% AMI) for at least 15 years.
    - ii. Affordable Housing (4) - Provide residential housing, at least 20% of which will be set aside for affordable housing (80% AMI) for at least 15 years.
    - iii. Green Rated Site Design (Sustainable Sites Initiative, etc.) (3) - Incorporating whole of project area.
    - iv. Green Rated Site Design (Sustainable Sites Initiative or similar standard) (3) - Incorporating whole of project area.
    - v. Green Building Design (LEED or similar standard) (3) - Structures that incorporate the principles of sustainable design of adaptively reused structures.
    - vi. Green Building (LEED or similar standard) (2) - New Construction.
    - vii. Renewable Energy (1).

- viii. Mixed use residential and commercial site wide (1).
  - ix. Innovation Credit (1) - Provide a high degree of innovative modification of land use, building form, and/or design.
2. Transit, Infrastructure, and Connectivity:
- i. Parking Structure (4).
  - ii. Riparian Buffer Restoration (3) - Meet requirements of Stormwater Manual Table 1-7 along length of stream on lot.
  - iii. Daylighting of stream/removal of culvert (3).
  - iv. Stream channel restoration (2) - See Stormwater Manual Ch. 9 for guidance.
  - v. Accessible transit shelter and bench (2).
  - vi. Multi-use path or open space oriented amenities (2).
  - vii. Publicly accessible property to property cross-connectivity (2).
  - viii. Innovation Credit (1) - Provide a high degree of innovative modification of transit, infrastructure, and connectivity.
3. Quality of Life Components:
- i. Site is within an area that is a brownfield recovery site (4).
  - ii. Increase of Canopy Coverage to 40% (4).
  - iii. Increase of Canopy Coverage to 30% (3).
  - iv. Increase of Canopy Coverage to 20% (2).
  - v. Site is in a district that has applied for, or has obtained, special funding or similar government incentives (3).
  - vi. Universal Design Standards for all ground floor space (2).
  - vii. 20% Community oriented open space nonresidential (3).
  - viii. 10% Community oriented open space nonresidential (2).
  - ix. Community garden space (1).
  - x. Innovation Credit (1) - Provide a high degree of innovative modification of quality of life components.
- e. Principal uses in Industrial Reuse Projects:
- 1. Any of the principal uses permitted in the underlying zone.
  - 2. Schools; libraries; museums; art galleries; studios for work or teaching of fine arts, metal work, photography, dance, drama or theater; theaters, including movie theaters and other indoor amusements, except as prohibited under Section 8-19(e), including billiard or pool halls, bowling alleys, dance halls, skating rinks and arcades.
  - 3. Community centers, places of religious assembly and private clubs.
  - 4. Restaurants, with or without outdoor seating and with or without live entertainment.
  - 5. 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 similar items.

6. Pharmacies, provided that they are within a structure containing other uses and do not occupy a separate building.
7. Banquet facilities or private clubs with live entertainment, brew-pubs, bars, cocktail lounges and nightclubs.
8. Offices, banks or clinics.
9. Beauty shops, barber shops, shoe repair, dressmaking or tailoring.
10. Residences of any kind.
11. Health clubs, athletic clubs and spas.
12. Retail sales of plant, nursery or greenhouse products or agricultural products, produce or goods, including market gardens.
13. 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.
14. Indoor or 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.
15. Publicly accessible park.
20. **Hosted or Un-Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance**

**Sec. 8-22. Light Industrial (I-1) Zone.**

**(Refers to B-4, No Change)**

**Sec. 8-23. Heavy Industrial (I-2) Zone.**

**(Refers to B-4, No Change)**

APPENDIX 23A. ZONING CATEGORIES AND RESTRICTIONS

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**Article 12 COMMERCIAL CENTER (B-6P) ZONE**

**Sec. 12-3. Principal permitted uses.**

The principal permitted uses in a B-6P zone shall be as follows:

- (a) The principal permitted uses in the B-1 and P-1 zones.
- (b) Indoor theaters.
- (c) Parking lots and structures.
- (d) Offices of veterinarians, animal hospital or clinic, provided all exterior walls are completely soundproofed and all animal pens are completely within the principal building and used only for the

- medical treatment of small animals.
- (e) Self-service car wash, provided that such uses shall be located at least one hundred (100) feet from any residential zone; and that surface water from such establishment shall not drain onto adjacent property, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.
  - (f) Multifamily dwellings.
  - (g) Restaurants, cocktail lounges, brew-pubs, nightclubs, and discotheques offering live entertainment and/or dancing, unless otherwise prohibited. Such uses shall be located at least one hundred (100) feet from any residential zone and shall be soundproofed to the maximum extent feasible by using existing technology, with noise emissions not creating a nuisance to the surrounding neighborhood.
  - (h) Hotels, extended-stay hotels, and motels. Such uses shall only be permitted within a commercial center zone with a minimum of ten (10) acres.
  - (i) **Hosted or Un-Hosted Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance**

## **APPENDIX 23A. ZONING CATEGORIES AND RESTRICTIONS**

### **Sec. 23A-5. Expansion Area Residential 1 (EAR-1) Zone.**

- (a) *Intent.* This zone is intended to provide a mixture of low density residential uses which will serve as a transition between the more intensely developed suburban neighborhoods and the Rural Service Area.
- (b) *Principal Uses.*
  - 1. Single-family, two-family, multifamily, and townhouse dwellings.
  - 2. Community residences.
  - 3. Golf courses and common open spaces.
  - 4. Places of religious assembly when located adjacent to a street that has the functional classification of collector/boulevard or arterial.
- (c) *Accessory Uses.*
  - 1. Private garages and parking areas.
  - 2. Accessory Dwelling Units, as regulated in Article 3-12.
  - 3. Swimming pools and tennis courts, which may include a clubhouse, as approved by the Planning Commission on a final development plan, for the use and enjoyment of the surrounding neighborhood, which may also include weight training and exercise rooms, restrooms, meeting rooms, or similar facilities.
  - 4. Home offices and home occupations.
  - 5. Family childcare home.
  - 6. The keeping of not more than two (2) roomers or boarders by a resident family.
  - 7. Childcare facilities and schools for academic instruction when accessory to a place of religious assembly on the same property.
  - 8. Non-commercial hiking and bicycling trails.
  - 9. **Hosted Short Term Rentals for 12 or fewer occupants, as regulated in Article 3-13 of the Zoning Ordinance.**

(d) *Conditional Uses.*

1. Home-based businesses.
2. Type II Childcare Center. A fenced outdoor play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
3. Temporary Real Estate Sales Offices for the sale of lots located only within the subdivision in which the sales office is located, to be removed at the end of two (2) years or when all the lots are sold, whichever comes first.
4. Clubhouse, with sale of food and merchandise, when accessory to a golf course.
5. Historic house museums.
6. Schools for academic instruction, except as permitted herein, but only when located on a lot adjacent to a street that has the functional classification of collector/boulevard or arterial.
7. Equine trails.
8. Seasonal activities.
9. Market gardens.
10. ~~The short term rental (defined in the Code of Ordinances) of Accessory Dwelling Units, as regulated in Article 3-12 of the Zoning Ordinance. The Board of Adjustment, in considering approval of such conditional use, shall consider and make a finding that the number of rooms granted shall not have an adverse effect on surrounding properties. In addition, in considering such a conditional use, the Board of Adjustment shall take into consideration the number of short term rental facilities, if any, within the general neighborhood of the property being considered for such use.~~
101. Un-Hosted Short Term Rentals and Hosted Short Term Rentals for more than 12 occupants, as regulated in Article 3-13 of the Zoning Ordinance.

**Sec. 23A-6. Expansion Area Residential 2 (EAR-2) Zone. (Refers to EAR-1, no change)**

**Sec. 23A-7. Expansion Area Residential 3 (EAR-3) Zone. (Refers to EAR-2, no change)**

**Sec. 23A-9. Community Center (CC) Zone.**

- (a) *Intent.* The intent of this zone is to implement the Community Center land use designation in the Expansion Area Master Plan by providing a mixture of residential uses and nonresidential uses which serve the needs of the surrounding residential neighborhoods.
- (b) *Principal Uses.*
1. As for EAR-3.
  2. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.
  3. Offices for business, professional, governmental, civic, social, fraternal, political, religious, and charitable organizations, including but not limited to, real estate sales offices.
  4. Places of religious assembly.
  5. Libraries, museums, art galleries, and reading rooms.
  6. Medical and dental offices, clinics, and laboratories.

7. Studios for work or teaching of fine arts, such as photography; music; drama; dance and theater.
8. Community centers and private clubs.
9. Nursing and personal care facilities, and rehabilitation homes.
10. Computer and data processing centers.
11. Ticket and travel agencies.
12. Kindergartens, nursery schools and childcare centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
13. Business colleges, technical or trade schools or institutions.
14. Establishments for the retail sale of food products, such as supermarkets; dairy, bakery, meat, beer, liquor, and wine and other food product stores; and provided that production of food products is permitted only for retail sale on the premises.
15. Restaurants, except as prohibited under Section 8-16(e)(14) and (15), which offer no live entertainment or dancing.
16. Establishments for the retail sale of merchandise, including clothing; shoes; fabrics; yard goods; fixtures, furnishings, and appliances, such as floor covering, radios, TV, phonograph products and other visual and sound reproduction or transmitting equipment; furniture; kitchen and laundry equipment; glassware and china; and other establishments for the retail sale of hardware and wallpaper, lawn care products; paint and other interior or exterior care products; hobby items; toys; gifts; antiques; newspapers and magazines, stationery and books; flowers; music; cameras; jewelry and luggage; business supplies and machines; prescription and non-prescription medicines and medical supplies.
17. Beauty shops, barber shops, shoe repair, self-service laundry, or laundry pick-up station, including clothes cleaning establishments of not more than 40 pounds capacity and using a closed system process.
18. Automobile service stations, provided such use conforms to all requirements of Article 16.
19. Repair of household appliances.
20. Retail sale of plant nursery or greenhouse products, except as prohibited herein.
21. Outdoor miniature golf or putting courses.
22. Quick copy services utilizing xerographic or similar processes, but not utilizing offset printing methods.
23. Carnivals, special events, festivals, and concerts on a temporary basis, and upon issuance of a permit by the Divisions of Planning and Building Inspection, which may restrict the permit in terms of time; parking; access; or in other ways to protect public health, safety, or welfare, or deny such if public health, safety, or welfare are adversely affected. A carnival, special events, festivals, and concerts may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
24. Indoor theaters.
25. Rental of equipment whose retail sale would be permitted elsewhere in this zone.
26. Arcades, including pinball, and electronic games.
27. Athletic club facilities.
28. Swimming pools; tennis courts; putting greens; hiking, bicycling and equine trails; and other similar commercial and non-commercial recreational uses.

29. Brew-pub.
30. Day shelters.
31. Commercial farm markets.
32. Market gardens.
33. Banquet facilities.
34. 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.
35. Hotels and motels
36. **Short Term Rentals, as regulated in Article 3-13 of the Zoning Ordinance.**

**Sec. 28-3. Mixed use 1: Neighborhood Node Zone (MU-1).**

Mixed use 1: "Neighborhood Node Zone (MU-1)" is hereby created and regulated as follows:

- (a) *Location Criteria.* MU-1 shall only be permitted on parcels which meet all of the following criteria:
  1. The parcel must contain a combined total frontage of at least one hundred (100) feet of the intersection of two (2) streets, one (1) of which has the functional classification of arterial or collector, and must be located inside the Urban Service Area boundary.
  2. The parcel must contain at least five thousand (5,000) square feet and may not exceed a maximum of one-half (½) acre.
  3. The parcel must be designated in a Medium, High, or Very High Density Residential, or Commercial Land Use Category in the Comprehensive Plan or currently zoned for commercial use.
- (b) *Principal Permitted Uses.* The following shall be principal permitted uses in the MU-1 zone:
  1. Dwelling units.
  2. The principal permitted uses of the P-1 and B-1 zones, except as specifically prohibited hereinbelow.
- (c) *Accessory Uses.* The following shall be considered accessory uses in the MU-1 zone:
  1. The accessory uses permitted in the P-1 and B-1 zone except for drive-through facilities.
- (d) *Conditional Uses.* The following shall be conditional uses in the MU-1 zone:
  1. Temporary structures designed for use or occupancy for sixty-one (61) to one hundred eighty (180) 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.
  2. **Un-Hosted Short Term Rentals and Hosted Short Term Rentals for more than 12 occupants, as regulated in Article 3-13 of the Zoning Ordinance.**

**Sec. 28-4. Mixed use 2: Neighborhood Corridor Zone (MU-2).**

- (b) *Principal Permitted Uses.* The following shall be principal permitted uses in the MU-2 zone:
1. Dwelling units.
  2. The principal permitted uses of the P-1 and B-1 zone except as specifically prohibited hereinbelow.
- (c) *Accessory Uses.* The following shall be accessory uses in the MU-2 zone:
1. The accessory uses permitted in the P-1 and B-1 zones, except for drive-through facilities.
- (d) *Conditional Uses:* The following shall be conditional uses in the MU-2 zone:
1. Drive-through facilities as an adjunct to a permitted use.
  2. Temporary structures designed for use or occupancy for sixty-one (61) to one hundred eighty (180) 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.
  3. **Un-Hosted Short Term Rentals and Hosted Short Term Rentals for more than 12 occupants, as regulated in Article 3-13 of the Zoning Ordinance.**
- Sec. 28-5. Mixed use 3: Mixed use Community Zone (MU-3).**
- (b) *Principal Permitted Uses.* The following shall be principal permitted uses in the MU-3 zone:
1. Dwelling units.
  2. The principal permitted uses of the P-1 and B-1 zones, except as specifically prohibited hereinbelow.
- (c) *Accessory Uses.* The following shall be accessory uses in the MU-3 zone:
1. The accessory uses permitted in the P-1 and B-1 zones, including drive-through facilities, except as prohibited under Subsection (e) of this section, below.
- (d) *Conditional Uses.* ~~The conditional uses in the B-1 zone except as prohibited under Subsection (e) of this section, below.~~
1. **The conditional uses in the B-1 zone except as prohibited under Subsection (e) of this section, below.**
  2. **Un-Hosted Short Term Rentals and Hosted Short Term Rentals for more than 12 occupants, as regulated in Article 3-13 of the Zoning Ordinance.**
- (h) *Special Provisions.* Special provisions shall be as follows:
6. An Entertainment Mixed use Project may be permitted by the Planning Commission for a tract of land with a minimum of ten (10) acres, and recommended by the adopted Comprehensive Plan for mixed use or a nonresidential land use, upon the approval of a preliminary development plan and a final development plan as provided in Article 21 herein. In its approval of such a development plan, the Commission shall find that the location is both appropriate for the use, and compatible with neighboring land uses. The parcel shall be subject to the MU-3 zone regulations above and the following requirements:
    - (a) Subdivision of land in an Entertainment Mixed use Project is permitted, subject to the following regulations:

1. There shall be no minimum lot size, lot frontage, yard or open space, nor maximum lot coverage or height requirements for each subdivided lot; however, all said requirements for the approved final development plan shall be applicable to the subdivision.
  2. Each subdivided lot shall have access to adjacent streets or joint parking areas, as provided by appropriate easements shown on the final development plan and the final record plan.
- (b) At least twenty-five percent (25%) of the combined floor area of all buildings constructed within an Entertainment Mixed use Project shall be located on the second or higher floor.
- (c) Where multiple principal structures are proposed within an Entertainment Mixed use Project:
1. Mixing within a single structure shall not be required within the first forty percent (40%) of floor area for commercial use, or after the fifteen percent (15%) minimum mix of residential to nonresidential uses has been achieved in multiple-use structures. Once the project has reached fifteen thousand (15,000) square feet of commercial use, additional commercial square footage will not be required.
  2. The front building wall of at least fifteen percent (15%) of all buildings shall be required to be built at the zero-foot setback line.
- (d) Buildings within an Entertainment Mixed use Project may be a maximum of eighty (80) feet in height, regardless of location, provided a 1:1 height-to-yard ratio is maintained from any residential zone.
- (e) In addition to the uses otherwise permitted above in the MU-3 zone, the following uses shall also be permitted in an approved Entertainment Mixed use Project:
1. As Principal Permitted Uses:
    - a. Restaurants, cocktail lounges and nightclubs, with entertainment, dancing, and/or sale of malt beverages, wine or alcoholic beverages.
    - b. Motels, hotels, ~~and~~ extended-stay hotels, **and hosted or un-hosted short-term rentals as regulated in Article 3-13.**
    - c. Indoor amusements, such as billiards or pool halls, skating rinks, theaters, or bowling alleys.
    - d. Athletic club facilities.
    - e. Drive-in restaurants, provided that all outside food service shall be at least one hundred (100) feet from any residential zone.
    - f. Animal hospitals or clinics, including offices of veterinarians, provided that such structures or uses, not including accessory parking areas, shall be at least one hundred (100) feet from any residential zone.
    - g. Grandstands associated with horse race tracks with allotted race meets, including simulcast facilities, accessory restaurants and/or the serving of alcoholic beverages provided that such structures or uses, not including accessory parking areas, shall be at least one hundred (100) feet from any residential zone.