

**ORDINANCE NO. 2024-2066
AMENDING CHAPTER 114 ZONING
ARTICLE II SEC. 114-46 Non-residential districts**

Sec. 114-46. Non-residential districts.

(a) Non-residential districts—Descriptions and purpose.

1. *Neighborhood business (NB) district description and purpose.* This district is intended to permit small scale commercial development, high quality office, and institutional land uses which are compatible with the desired overall neighborhood community character of the area in general, and with adjacent residential development in particular. The desired neighborhood community character of the development is attained through landscape surface area ratio (LSR) requirements, and by restricting the maximum building size (MBS) of all buildings within each instance of this district to 5,000 square feet. Significant areas of landscaping are required in this district to ensure that this effect is achieved. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.
2. *Planned business (PB) district description and purpose.* This district is intended to permit large and small scale commercial development, high quality office and institutional land uses which is compatible with the desired overall community character of the area in general. Significant areas of landscaping are required in this district to ensure that this effect is achieved. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.
3. *General business (GB) district description and purpose.* This district is intended to permit both large and small scale commercial development at intensities which provide significant incentives for infill development and the continued economic viability of existing development. To accomplish this effect, minimum required green space ratios (GSRs) are substantially lower than those required in the planned business district. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.
4. *Central business (CB) district description and purpose.* This district is intended to permit both large and small scale downtown mixed-use development at an intensity which provides significant incentives for infill development, redevelopment, and the continued economic viability of existing development. To accomplish this effect, minimum landscape surface ratios (LSRs) permitted in this district are much lower than those allowed in the planned business and general business districts. A wide range of office, retail, lodging, and mixed-use land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street. This district is strictly limited to the central city locations.

(b) Non-residential district—Principal land uses table.

Non-Residential Districts—Principal Land Uses					
Residential—Family Living	NB	PB	GB	CB	Development Standards
Apartment (three- to five-unit building)	C			C	114-121(g)
Apartment (five- to 16-unit building)		C	C	C	114-121(g)
Duplex	C				114-121(b)
Commercial apartments	P	C	C	P	114-121(h)

Multiplex (three- to five-unit building)	C				114-121(f)
Multiplex (five- to 16-unit building)		C	C	C	114-121(f)
Single-family detached	P				114-121(a)
Townhouse	C				114-121(e)
Townhouses (three- to eight-unit building)				C	114-121(e)
Twin-house	C				114-121(c)
Two-flat house	C				114-121(d)
Residential Zero Lot Line Structures	C	C	C	C	114-124(p)
Residential—Group Living	NB	PB	GB	CB	Development Standards
Community living arrangement (one to eight residents)	C				114-123(d)
Community living arrangement (nine to 15 residents)	C				114-123(d)
Institutional residential	C	C	C	C	114-123(c)
Civic and Institutional	NB	PB	GB	CB	Development Standards
Group day care center (nine or more children)	C	C	C	C	114-124(l)
Boardinghouse	C	C	C	C	114-124(m)
Indoor institutional	C	C	C	C	114-123(a)
Outdoor institutional	C	C	C	C	114-123(b)
Communication towers	C	C	C	C	114-131
Retail, Service, Recreation, Entertainment, Lodging, and other uses	NB	PB	GB	CB	Development Standards
Bed and breakfast establishment	C	C	C	C	114-124(k)
Commercial animal boarding		C	C		114-124(i)
Commercial indoor lodging	C	C	C	C	114-124(j)
Indoor commercial entertainment	C	C	C	C	114-124(g)
Indoor maintenance service		P	P	P	114-124(e)
Indoor sales or services	C	P	P	P	114-124(c)
In-vehicle sales or service	C	C	C	C	114-124(f)
Office	P	P	P	P	114-124(a)
Outdoor commercial entertainment			C	C	114-124(h)
Outdoor sales and services		C	C		114-124(d)
Personal or professional services	P	P	P	P	114-124(b)
Vehicle repair and maintenance		C	C	C	114-124(o)
Storage or Disposal Land Uses		PB	GB	CB	Development Standards
Personal storage facility		C	C		114-122(c)
Commercial Zero Lot Line Structures	C	C	C	C	114-124(p)

Agricultural	NB	PB	GB	CB	Development Standards
Cultivation	C	C	C	C	114-122(a)
Transportation Land Uses	NB	PB	GB	CB	Development Standards
Indoor vehicle storage	C	C	P	P	114-126(d)
Off-site parking lot			C	C	114-126(a)

Note: P = Permitted Use; C = Conditional Use

(c) *Non-residential district—Accessory land use table.*

Non-Residential Districts—Accessory Land Uses					
	NB	PB	GB	CB	Development Standards
Company provided on-site recreation	C	C	C	C	114-128(c)
Communication towers	C	C	C	C	114-131
Minor accessory structures	P	C	C	C	114-128(b)
Exterior communication devices	P	P	P	P	114-128(n)
Home occupation	P	C	C	C	114-128(f)
In-vehicle sales and service	C	C	C	C	114-124(f)
Light industrial incidental to indoor sales or service activities land use		C	C	C	114-128(f)
On-site parking	P	P	P	P	114-128(i)
Outdoor commercial entertainment		C	C	C	114-124(f)
Outdoor institutional	C	C	C	C	114-123(b)
Piers and wharfs	C	C		C	114-128(t)

Note: P = Permitted Use; C = Conditional Use

(d) *Non-residential districts—Temporary uses.*

Non-Residential Districts—Temporary Uses					
	NB	PB	GB	CB	Development Standards
General temporary outdoor sales	T	T	T	T	114-129(a)
On-site real estate sales office	T	T	T	T	114-129(d)
Outdoor assembly	T	T	T	T	114-129(b)
Relocatable building	T	T	T	T	114-129(c)
Seasonal outdoor sales of farm products	T	T	T	T	114-129(e)

Note: T = Temporary Use

(e) *Non-residential districts—Non-residential use regulations.*

Regulations. The following regulations apply to the non-residential districts, in addition to the performance standards of article V of this chapter, the landscaping regulations of article VI of this chapter, and the signage regulations of article VII of this chapter:

Non-Residential Uses	NB	PB	GB	CB
(A) Min. zoning district area	9,000 sq. ft.	3 acres	1.5 acres	1 acre
(B) Min. lot area	9,000 sq. ft.	20,000 sq. ft.	9,000 sq. ft.	1,750 sq. ft.
(C) Max. princ. bldg. coverage	40 percent	40 percent	50 percent	100 percent
(D) Max. acc. bldg. coverage	10 percent	10 percent		
(E) Max. coverage of all bldgs.	50 percent	50 percent	60 percent	100 percent
(F) Max. bldg. size	5,000 sq. ft. per	n/a		
(G) Max. gross density/intensity	2 F; 0.25 FAR	4 F; 0.50 FAR	4 F; 0.60 FAR	4 F; 3.00 FAR
(H) Min. landscaping surface ratio	30 percent	25 percent	15 percent	0 percent
(I) Princ. bldgs. per lot	1 ²			
(J) Min. lot width	75 feet	100 feet	75 feet	20 feet
(K) Min. street frontage	50 feet	50 feet		20 feet
(L) Front setback to princ. bldg.	25 feet/40 feet ^{1, 3}			0 feet ⁶
(M) Front setback to acc. bldg.	25 feet/40 feet ^{1, 3}			
(N) Side setback to princ. bldg.	6 feet ³	10 feet ³		0 feet ^{3,6}
(O) Side setback to acc. bldg.	# ³	5 feet from property line; 8 ft from alley ³		3 feet from property line; 6 feet from alley ³
(P) Rear setback to princ. bldg.	30 feet ³		25 feet ³	8 feet ³
(Q) Rear setback to acc. bldg.	# ³	5 feet from property line; 8 ft from alley ³		
(R) Peripheral (bufferyard) Setback	# ³	³		
(S) Min. paved surface setback	5 feet from side or rear; 10 feet from street ³			0 feet ⁶
(T) Min. separation of princ. bldgs.	12 feet	20 feet	20 ft or 0 ft on zero lotline side	0 feet ⁶
(U) Min. separation of acc. bldg.	10 feet	10 feet	10 feet	10 feet
(V) Max. princ. bldg. height	35 feet ⁴	45 feet ⁴	35 feet or greater with conditional use permit ⁴	45 feet ⁷
(W) Max. acc. bldg. height	15 feet ^{4,5}			
(X) Min. parking	See land use table			⁸

For single-family and two-family dwellings, follow standards of TR-6 district. For townhouse, multiplex, apartment and institutional residential development, follow standards of MR-10 district.

¹ The first number is for lots adjacent to streets with a right-of-way less than 100 feet, and the second number is for lots adjacent to a street with a right-of-way equal to or exceeding 100 feet.

² More than one principal building shall be permitted on any one lot upon the granting of a conditional use permit for a group development in compliance with section 114-130.

³ Accessory uses shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard. Adjustment to setbacks is provided in section 114-161(c).

⁴ Exceptions to height regulations are found in section 114-120(f).

⁵ Or the height of the principal building, whichever is lower.

⁶ Maximum permitted setbacks of zero feet, except where permitted by conditional use if determined by the plan commission as an essential component of site design.

⁷ For architectural consistency, buildings shall be a minimum of two stories in height, except when otherwise permitted by conditional use. Other exceptions to height regulations are found in section 114-161(d).

⁸ Existing parking/loading spaces shall not be reduced on existing structures, except by conditional use. Parking requirements for all new buildings and additions to existing buildings shall be established by conditional use.

(f) *Non-residential district—Residential uses regulation.*

Regulations. The following regulations apply to the non-residential districts, in addition to the performance standards of article V of this chapter, the landscaping regulations of article VI of this chapter, and the signage regulations of article VII of this chapter:

Residential Uses	NB	PB	GB	CB
(A) Min. zoning district area	9,000 sq. ft.	3 acres	1.5 acres	1 acre
(B) Min. lot area	#	20,000 sq. ft.	9,000 sq. ft.	
(C) Max. princ. bldg. coverage	40 percent	40 percent		70 percent
(D) Max. acc. bldg. coverage	10 percent	10 percent		
(E) Max. coverage of all bldgs.	50 percent	50 percent	60 percent	80 percent
(F) Max. bldg. size	5,000 sq. ft. per story	n/a		
(G) Max. gross density/intensity	Up to 6 du/acre per limits of the conditional use permit	Up to 50 du/acre per limits of the conditional use permit		
(H) Min. landscaping surface ratio	30 percent	50 percent		10 percent
(I) Princ. bldgs. per lot	1 ²	1 ²	1 ²	1 ²
(J) Min. lot width	#	100 feet	75 feet	20 feet
(K) Min. street frontage	#	50 feet		20 feet
(L) Front setback to princ. bldg.	# ³	25 feet/40 feet ^{1, 3}		0 feet ³
(M) Front setback to acc. bldg.	# ³	25 feet/40 feet ^{1, 3}		
(N) Side setback to princ. bldg.	# ³	10 feet ³	10 feet to residential lot line; 0 to nonresidential lotline ³	0 feet
(O) Side setback to acc. bldg.	# ³	5 feet from property line; 8 ft from alley ³		
(P) Rear setback to princ. bldg.	# ³	30 feet ³		25 feet ³
(Q) Rear setback to acc. bldg.	# ³	5 feet from property line; 8 ft from alley ³	5 feet from property line; 8 feet from alley ³	3 feet from property line; 6 feet from alley ⁴
(R) Peripheral (bufferyard) Setback	# ³	³	³	⁴
(S) Min. paved surface setback	# ³	5 feet from side or rear;	5 feet from side or rear;	0 feet

		10 ft from street ³	10 feet from street ³	
(T) Min. separation of princ. bldgs.	#	20 feet	12 feet	0 feet ⁶
(U) Min. separation of acc. bldg.	10	10 feet		
(V) Max. princ. bldg. height	# ⁴	35 feet ⁴	35 feet or greater with conditional use permit ⁴	45 feet ⁷
(W) Max. acc. bldg. height	# ^{4, 5}	15 feet ^{4, 5}		
(X) Min. parking	3 spaces	3 spaces	3 spaces	1 space per 1 bdrm or efficiency du; 2 spaces per 2+ bdrm. du.
(Y) Min. dwelling core dimensions	#	24 ft x 40 ft		

For single-family and two-family dwellings, follow standards of TR-6 district. For townhouse, multiplex, apartment and institutional residential development, follow standards of MR-10 district.

¹ The first number is for lots adjacent to streets with a right-of-way less than 100 feet, and the second number is for lots adjacent to a street with a right-of-way equal to or exceeding 100 feet.

² More than one principal building shall be permitted on any one lot upon the granting of a conditional use permit for a group development in compliance with section 114-130.

³ Accessory uses shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard. Adjustment to setbacks are provided in section 114-53(c).

⁴ Exceptions to height regulations are found in section 114-53(d).

⁵ Or the height of the principal building, whichever is lower.

⁶ Maximum permitted setback of zero feet, except where permitted by conditional use if determined by the plan commission as an essential component of site design.

⁷ For architectural consistency, buildings shall be a minimum of two stories in height, except when otherwise permitted by conditional use. Other exceptions to height regulations are found in section 114-53(d).

APPROVED:

ATTEST:

, Mayor

Daron Haugh, Administrator

- Date of Plan Commission Recommendation (if applicable): 03-27-24
- Date of Public Hearing (if applicable): _____
- Date of Readings: 04-09-24 04-23-24
- Date of Adoption: _____
- Votes: _____
 - Ayes___ Nays___ Absent___ Abstention _____

• Date of Publication: _____