

§ 5.01 GENERAL PROVISIONS.

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

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

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

§ 5.03 COMMERCIAL DISTRICTS.

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

- (1) *B-1 neighborhood business district:* The purpose of this district is to allow local retail business or service establishments that supply commodities or perform services needed on a daily basis primarily for residents of the immediate neighborhood. Permitted uses generally include, but are not Secondary Permitted to, personal services, professional offices, coffee shops, barber shops, laundromats, and child day care centers.
- (2) *B-2 community business district:* The purpose of this district is to allow retail business or service establishments that supply commodities or perform services needed on a daily basis primarily for residents of the community. Permitted uses generally include, but are not Secondary Permitted to, offices, restaurants, personal services, child day care centers, entertainment, supermarkets, and pharmacies.
- (3) *B-3 conditional business district:* The purpose of this district to allow retail, retail service, eating and drinking places, including drive-in carry out and other types of fast food restaurants, automotive service and entertainment and commercial recreation uses. Sexually-oriented businesses are also a permitted use in this district.
- (4) *O office district:* The purpose of this district is to allow offices of varying types within the community. Permitted uses in the O district are: professional offices, single occupancy office buildings, and such permitted uses as are set forth or may in the future be set forth in Table 5-C. At least eighty-five percent (85%) of the gross floor area of any building located in an O district shall be exclusively dedicated to one of these permitted uses. The lesser of fifteen percent (15%) of the gross floor area or ten thousand (10,000) square feet of any building located in an O district may be dedicated to secondary conditional uses as listed in Table 5-C. Secondary conditional uses shall be subject to the conditional use review process set forth in UDO Subsection 4.05(F).
- (5) *PB-3 planned shopping center district:* The purpose of this district is to allow retail business or service establishments that supply commodities or perform services primarily for residents of the community on a day-to-day basis within an integrated shopping center design. Permitted uses generally include, but are not Secondary Permitted to, retail and personal services, offices, restaurants, child day care centers, department stores, groceries, and supermarkets. The PB3 is a planned district requiring development plan approval.
- (6) *ORC office and research district:*

The purpose of this district is to allow offices and research facilities that will contribute to the City's physical pattern of planned, healthy, safe, and attractive neighborhoods. The ORC district should also provide job opportunities and services to residents and contribute to the City's economic stability. Permitted uses in the ORC district are: business and professional offices, research and development, book and periodical publishing, insurance carriers, corporate data centers, survey research firms, bank finance and loan offices, outpatient surgery centers, hospitals, and such permitted uses as are set forth or may in the future be set forth in Table 5-C.

At least eighty-five percent (85%) of the gross floor area of any building located in an ORC district shall be exclusively dedicated to one of these permitted uses. The lesser of fifteen percent (15%) of the gross floor area or ten thousand (10,000) square feet of any building located in an ORC district may be dedicated to secondary conditional uses as listed in Table 5-C. Secondary conditional uses shall be subject to the conditional use review process set forth in UDO Subsection 4.05(F).

(7) *Planned mixed office district:*

(a) The purpose of this district is to allow for a planned and targeted, walkable, mixed-use environment with a primary focus on office and office-related uses with a limited amount of residential and retail use. The PMOD will provide job opportunities and services related to business, healthcare, technical and professional uses. Additional residential and commercial uses can be permitted as a Secondary Permitted Use as listed in Table 5-C.

(b) **Square Footage Requirement:** Measured per acre of the property, at least **10,000** square feet shall be exclusively dedicated to one of the Permitted Uses. If the Square Footage Requirement is met, the remainder of the property may be dedicated to one or more Secondary Permitted Uses as listed in Table 5-C. If the project is phased, at least fifty percent (50%) of the Square Footage Requirement must be established prior to or contemporaneously with the establishment of any other Secondary Permitted Uses. The square footage may be accommodated in one or more buildings.

(c) **Lake Preservation:** In order to preserve the enjoyment of the existing lakes, any restaurant use shall cease operation by 10 PM and shall not have a service area within 100 feet of the lake's maintenance easement. The area between the building and lake shall include pedestrian amenities with enhanced landscaping.

- (B) *Permitted, prohibited and conditional uses:* Permitted, prohibited and conditional uses for each of the commercial districts are listed in Table 5-C, Commercial Uses and Table 5-D, Mixed Uses.
- (C) *Development standards:* Development standards for each of the commercial districts are listed in Table 5-G, Commercial Development Standards.

§ 5.06 OFFICIAL ZONING MAP.

- (A) *Official zoning map adopted:* All land in the municipality is placed into zoning districts as shown on the official zoning map that is hereby adopted and declared to be part of the UDO.
 - (1) *Final authority:* The official zoning map, as amended from time to time, shall complement appropriate legislation as the final authority for the current zoning district status of land under the jurisdiction of the UDO.
 - (2) *Land not otherwise designated:* All land under the UDO and not designated or otherwise included within another zoning district map shall be included in the R-S, suburban residential district.
- (B) *Identification of the official zoning district map:* The official zoning map, with any amendments made thereon, shall be identified by the signatures of the mayor and all members of City Council under the following words:

(C) *Establishment of zoning districts:* The names and symbols for zoning districts as shown on the official zoning map are as follows:

Residential Districts	
R-S	Residential suburban district
R-1	One-family residence district
R-2	One-to-four-family residence district
R-3	Multi-family residence district
RCD	Residential community development district
Commercial Districts	
B-1	Neighborhood business district
B-2	Community business district
B-3	Conditional business district
O	Office district
ORC	Office and research district
Planned Districts	
PMOD	Planned mixed-office district
PMUD	Planned mixed-use district
PB-3	Planned shopping center district
Overlay Districts	
HD	Historic district
WCD	Wireless communications district
LANE-EAST	Lane Avenue - East Gateway
LANE-CORR	Lane Avenue - Corridor
LANE-CENTER	Lane Avenue - Center
LANE-NH	Lane Avenue - Neighborhood
LANE-WEST	Lane Avenue - West Gateway

Table 5-C: Commercial Uses

Commercial Use	B-1	B-2	B-3	PB-3	O	ORC	PMOD
Adult Book Stores	Pr	Pr	P	Pr	Pr	Pr	<u>Pr</u>
Adult Motion Picture Theaters	Pr	Pr	P	Pr	Pr	Pr	<u>Pr</u>
Adult Only Entertainment Establishments	Pr	Pr	P	Pr	Pr	Pr	<u>Pr</u>
Amusement Arcades	Pr	Pr	P	Pr	Pr	Pr	<u>Pr</u>
Animal Boarding	Pr	P	Pr	P	Pr	Pr	<u>Pr</u>
Appliance, Plumbing & Heating Establishments	P	P	P	P	Pr	Pr	<u>Pr</u>
Automotive Service Establishments	Pr	P	P	Pr	Pr	Pr	<u>Pr</u>
Banks, Finance & Loan Offices	P	P	P	P	P	P	<u>P</u>
Bank Retail	P	P	P	P	S	S	<u>SPU</u>
Barber Shops & Beauty Parlors	P	P	P	P	S	S	<u>SPU</u>
Big Box Retail	Pr	Pr	P	Pr	Pr	Pr	<u>Pr</u>
Bowling Alleys	Pr	P	P	P	Pr	Pr	<u>Pr</u>
Brewery, Distillery or Winery	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>A</u>	<u>A</u>	<u>C</u>

Business, Medical & Professional Offices	P	P	P	P	P	P	P
Candy Stores	Pr	Pr	Pr	Pr	Pr	Pr	
Carpenter Shops	Pr	Pr	Pr	Pr	Pr	Pr	
Child Day Care Centers	P	P	P	P	C	Pr	SPU
Coffee Shops	P	P	P	P	S	S	SPU
Pool or Billiard Rooms	Pr	C	P	Pr	Pr	Pr	Pr
Corporate Data Centers	Pr	Pr	Pr	Pr	P	P	SPU
Dancing Studios	C	P	P	P	Pr	Pr	Pr
Department Stores	Pr	Pr	Pr	Pr	Pr	Pr	
Drive Through-Carry Outs	C	C	C	C	C	Pr	C
Drug Stores	Pr	Pr	Pr	Pr	Pr	Pr	
Dry Cleaning Shops	P	P	P	P	Pr	Pr	Pr
Dry Goods & Apparel Stores	P	P	P	P	Pr	Pr	SPU
Electronic & Text Information Retrieval Services	Pr	Pr	Pr	Pr	Pr	Pr	
Fast Food Restaurants	Pr	C	P	Pr	Pr	Pr	C
Funeral Homes	P	P	P	P	Pr	Pr	Pr
Furniture & Appliance Stores	P	P	P	P	Pr	Pr	Pr
Furniture Upholstering	Pr	Pr	Pr	Pr	Pr	Pr	
Grocery & Supermarket	P	P	P	P	Pr	Pr	SPU
Hotels/Motels	Pr	Pr	C	Pr	C	C	C
Hospitals	Pr	Pr	P	C	C	C	C
Insurance Carriers	Pr	Pr	Pr	Pr	Pr	Pr	
Interior Decorating Shops	Pr	Pr	Pr	Pr	Pr	Pr	
Laundromats	P	P	P	P	Pr	Pr	Pr
Liquor Stores	P	P	P	P	Pr	Pr	SPU
Luxury Retail	P	P	P	P	S	S	SPU
Mail Order Houses	Pr	Pr	Pr	Pr	Pr	Pr	
Massage Parlors	Pr	Pr	P	Pr	Pr	Pr	Pr
Meat & Fruit Market	Pr	Pr	Pr	Pr	Pr	Pr	
Motor Vehicle Wash Facilities	Pr	Pr	Pr	Pr	Pr	Pr	
Movie Theaters	Pr	C	P	Pr	Pr	Pr	Pr
Night Clubs	Pr	Pr	P	Pr	Pr	Pr	Pr
Outpatient Surgery Centers	Pr	Pr	Pr	Pr	C	P	P
Package Shipment Service	P	P	P	P	S	S	SPU
Parking Lot, Structured - Aboveground	C	C	C	C	C	C	P
Parking Lot Structures - Underground	C	C	C	C	C	C	P
Parking Lot Surface	C	C	C	C	C	C	A
Periodicals and Book Publishing	Pr	Pr	Pr	Pr	Pr	Pr	
Pharmacies	P	P	P	P	S	S	SPU
Pharmacies with Drive-Through	Pr	Pr	Pr	Pr	Pr	Pr	
Photographic Studios	Pr	Pr	Pr	Pr	Pr	Pr	Pr

Places of Worship, Churches	P	P	Pr	P	C	C	<u>C</u>
Printing	Pr	P	P	Pr	Pr	Pr	
Radio & TV Studios	Pr	P	P	Pr	Pr	Pr	<u>SPU</u>
Research & Development in Information Technologies	Pr	Pr	Pr	Pr	C	P	<u>P</u>
Research & Development in Special Technologies	Pr	Pr	Pr	Pr	C	P	
Residential – Multi Family	C	Pr	Pr	Pr	S	S	<u>SPU</u>
<u>Residential – Detached Single Family</u>	<u>Pr</u>	<u>Pr</u>	<u>Pr</u>	<u>Pr</u>	<u>Pr</u>	<u>Pr</u>	<u>Pr</u>
Restaurant & Accessory Cocktail Lounge	C	P	P	P	S	S	
Restaurants	C	P	P	P	S	S	<u>C</u>
Restaurants with Entertainment or Dancing	Pr	P	P	P	Pr	Pr	
Satellite Ground Stations	C	C	P	P	C	Pr	
<u>Senior Housing (assisted living, independent living, memory care)</u>	<u>Pr</u>	<u>Pr</u>	<u>Pr</u>	<u>Pr</u>	<u>Pr</u>	<u>Pr</u>	<u>SPU</u>
Shoe Repair & Tailor	P	P	P	P	S	S	
Skating Rinks	Pr	P	P	Pr	Pr	Pr	
Soda Fountains	P	P	P	Pr	Pr	Pr	
Survey Research Firms	Pr	Pr	Pr	Pr	P	P	
Tattoo parlor or Body-piercing studio	Pr	Pr	C	Pr	Pr	Pr	<u>Pr</u>
Variety Stores	P	P	P	P	Pr	Pr	

P=Permitted Use, C=Conditional Use, Pr=Prohibited Use, A=Accessory Use
S=Secondary Conditional Use, SPU= Secondary Permitted Use

Table 5-G: Commercial Development Standards

District		Building Setback			Minimum Side Yard ^{2,3} (Feet)	Minimum Rear Yard ^{2,3} (Feet)	Maximum Impervious Surface Coverage (Percent)	Minimum Lot Area
		Maximum from Curb Face ¹ (Feet)	Minimum from R.O.W. (Feet)	Maximum from R.O.W. (Feet)				
Commercial/Office Districts	B-1	15	0	10	10	10	80	NA
	B-2	15	0	10	10	10	80	NA
	B-3	15	0	10	10	10	80	NA
	PB-3	20	0	10	50	50	80	10 acres
	O	20	0	10	15	40	80	20,000 sq. ft.
	ORC	20	0	10	25	25	80	5 acres
	PMOD	N/A	0	10	0 adjacent to City park	0 adjacent to City park	80	1 acre
			10 along W. Henderson Road	25	25			
				50 adjacent to northwest border of District	40 adjacent to southern border of District			
Planned Mixed Use Districts	Kingsdale	15	0	10	0 ²	0 ²	90	3 acres
	Kingsdale West	15	0	10	0 ²	0 ²	90	1 acre
	Tremont	15	0	10	0 ²	0 ²	80	2 acre
	Northwest Blvd	15	0	10	0 ²	0 ²	80	2 acre
	Mallway	15	0	10	0 ²	0 ²	90	1 acre
	Henderson Road	20	0	10	0 ²	0 ²	80	3 acres

	Lane Avenue (see Lane Avenue Overlay in Article 5.05)							
	Route 33	20	0	10	0 ²	0 ²	80	1 acre

¹ If the maximum building setback from the curb is within the existing right-of-way, then the setback shall not exceed 10 feet or the maximum setback from the right-of-way for each district. **Vehicular access to Stonehaven Drive or Chevy Chase Avenue is prohibited.**

² Adjacent to a different zoning category, the setback shall incorporate the adjacent setback up to six (6) feet. In the Lane Avenue PMUD, the maximum building height within 30 feet of an R-1 District is 2.5 stories or 35 feet.

³ A 25-foot building setback from the normal water surface elevation when adjacent to the lake applies.

District		Minimum to Maximum Floor Area Ratio	Minimum Building Frontage (percent)	Maximum Building Length (feet)	Minimum to Maximum Number of Stories	Maximum Height to Cornice ⁴ (feet)	Maximum Parking Ratio		Minimum Residential Density (units per acre)
							Non-residential Spaces/sq. ft.	Residential Spaces/Dwelling Unit	
Commercial/Office Districts	B-1	.50—.75	60	400	2—4	52'	*5	*5	NA
	B-2	.60—.75	70	400	2—4	52'	*5	*5	NA
	B-3	.75—.80	75	400	2—4	52'	*5	*5	NA
	PB-3	.75—.90	80	400	2—4	52'	*5	*5	NA
	O	.50—.75	60	400	2—5	64'	*5	*5	NA
	ORC	.50—.75	60	400	2—6	76'	*5	*5	NA
	PMOD	.50—2.0	60	400	2—6	76' 64' for buildings south of North Bank Drive (and continued to	*5	1.5	35 (maximum)

						eastern District property line) and/or 100' from western District property line			
Planned Mixed Use Districts	Kingsdale	.45—.75	45	400	2—7	96'	4/1,000	1.5	15
	Kingsdale West	.40—.70	60	400	2—3 2—4 within 150 feet of Tremont Road	40' Up to 60' for properties within 150 feet of Tremont Road	3.5/1,000	1.5	15
	Tremont	.35—.70	60	400	2—4	52'	3.5/1,000	1.5	15
	Northwest Blvd	.35—.70	60	400	2—4	52'	3.5/1,000	1.5	15
	Mallway	.35—.70	60	400	2—3	52'	3/1,000	1.5	15
	Henderson Road	.35—.85	60	400	2—7	96'	5/1,000	1.5	15
	Lane Avenue						Minimum 3/1,000 for office, 4/1,000 for restaurant and retail, 1 per hotel room	Minimum 1.5	
	Route 33	.35—.70	60	400	2—5	64'	3.5/1,000	1.5	15
³ Irrespective of the number of stories, the maximum building height shall be compliant.									

⁵ Parking ratios applicable to a specific use, refer to the Parking and Loading Standards, Section 6.03.

Uses not included require a minimum parking ratio of 3.5/1,000 SF. Shared parking may be permitted based on Article 6.03.

Rezone the following Office and Research properties to PMO

Approximately 34.8 acres

