LINCOLNTON PLANNING BOARD
AGENDA
May 21, 2024
4:00 PM

1. **Call to Order**
2. **Roll Call**
3. **Approval of Minutes**

   3a April 16, 2024 meeting minutes
4. **Public Hearing**

   4a ZTA-4-2024 - Zoning Text Amendments to Chapter 153 Unified Development Ordinance
5. **Adjournment**

CITY OF LINCOLNTON
PLANNING BOARD
MINUTES

PO DRAWER 617, LINCOLNTON, NC 28093

www.lincolntonnc.org

BOARD MEMBERS: Trent Mason, Chair, *trentonbmason@gmail.com;* Kristin Radebaugh, Vice Chair, *kradebaugh6r6@gmail.com;* Becky Shaw, *beckygreer82@gmail.com;* Greg McBryde, *Gregory.Mcbryde@gmail.com;* John Waters, *jh2osk@aol.com;* Monte Tyson, *monte@cbdeastmain.com;* Steve Lackey, *stevelackey88@gmail.com*

Tuesday, April 16, 2024

Present: Trent Mason, Kristin Radebaugh, Greg McBryde, John Waters, Monte Tyson, and Steve Lackey

Absent: Becky Shaw

Call to Order

Chair Trent Mason called the meeting to order. It is noted that Becky Shaw was absent.

Approval of Minutes

Chair Trent Mason asked the Board if there were any additions or corrections to the minutes of the February 20, 2024, meeting.

Motion: *Greg McBryde made a motion to approve the minutes. Members voted 6-0 in favor of the motion.*

Public Hearing

CZ-1-2024 - Application from True Homes, LLC, requesting the Conditional Rezoning of 45.6 acres of land from O-I and R-15 Districts to the Planned Residential District (PRD) to construct 180 townhomes. The subject property lies south of East Gaston Street and west of U.S. Highway 321 (Parcel ID 89926).

Jean Derby presented the staff report in the agenda packet to the Board regarding CZ-1-2024.

After the applicant's presentation, public comment, and board discussion, Chair Trent Mason asked if there was a motion. The motion is as follows:

Motion: *Monte Tyson made a motion to approve with staff recommendations.*
Members voted 5-1 in favor of the motion.

ZMA-1-2024 - Application from Christopher Kilby, Kilby Ventures, requesting the rezoning of 0.10 acres from the Residential Office (R-O) District to the Central Business (C-B) District. The subject property is located at 125 W Water St (Parcel ID 00510).

Jean Derby presented the staff report in the agenda packet to the Board regarding ZMA-1--2024.

After some discussion, Chair Trent Mason asked if there was a motion. The motion is as follows:

Motion: *John Waters made a motion to approve with staff recommendations.*
Members voted 6-0 in favor of the motion.

ZMA-2-2024 - Application from Rayna & Robert Brakefield requesting the rezoning of 0.803 acres from the Office Institutional (O-I) District to the Rural Residential (R-25) District. The subject property is located at 442 Buffalo Shoals Rd (Parcel ID 26134).

Jean Derby presented the staff report in the agenda packet to the Board regarding ZMA-2--2024.

After some discussion, Chair Trent Mason asked if there was a motion. The motion is as follows:

Motion: *Kristen Radebaugh made a motion to approve with staff recommendations.*
Members voted 6-0 in favor of the motion.

ZTA-2-2024 - Application from Jason Cunningham, U.S. Bonding Company, Inc., requesting a text amendment to Section 153.117 General Manufacturing and Commercial (GMC) District of the Lincolnton Unified Development Ordinance to allow bail bond service as a permitted use.

Jean Derby presented the staff report in the agenda packet to the Board regarding ZTA-2--2024.

After some discussion, Chair Trent Mason asked if there was a motion. The motion is as follows:

Motion: *Monte Tyson made a motion to approve with staff recommendations.*
Members voted 6-0 in favor of the motion.

ZTA-3-2024 - Application from Jennifer Gunter requesting a text amendment to Section 153.113 (A)(2) Central Business (C-B) District of the Lincolnton Unified Development Ordinance to allow permanent cosmetics as a permitted service.

Jean Derby presented the staff report in the agenda packet to the Board regarding ZTA-3--2024.

After some discussion, Chair Trent Mason asked if there was a motion. The motion is as follows:

Motion: *John Waters made a motion to approve with staff recommendations.*
Members voted 6-0 in favor of the motion.

Chair Trent Mason asked the Board if there was any other business to be addressed.
John Waters asked for clarification on Robert's Rules of Order.

Adjournment

Chair Trent Mason asked if there was a motion for adjournment. The motion is as follows:

Motion: *Greg McBryde made a motion to adjourn.*
Members voted 6-0 in favor of the motion.

_____
Ashley Jones

MEMO TO: Planning Board

FROM: Planning Staff

SUBJECT: ZTA-4-2024 - Zoning Text Amendments to Chapter 153 Unified Development Ordinance

DATE: May 21, 2024

Background

Sometimes, minor errors occur in the text or circumstances change, which require amendments to the Unified Development Ordinance (UDO). To improve the enforceability and effectiveness of the UDO, it is necessary to modify, update, or add certain sections of the ordinance. The proposed changes are identified with yellow highlight, and the language intended to be removed is marked with a strikethrough. Below are the sections that require modification.

Proposed Amendment Sections: (see attached redlined/highlighted sheet for all changes)

§ 153.315 AMENDMENTS TO TEXT AND MAP and § 153.316 ADDITIONAL PROVISIONS PERTAINING TO CONDITIONAL ZONING AMENDMENTS.

Staff Comment: Both of these sections state that the application can be submitted 15 days prior to the Planning Board meeting. However, we have an application deadline and schedule that we follow, and 15 days is not enough time for review. We corrected the wording in the ordinance to match our process. Additionally, in Section 153.316, we changed the number of copies needed and added a requirement for a digital version.

Proposed Amendment Section:

§ 153.053 TEMPORARY STRUCTURES AND USES.

Staff Comment: The wording "special use" has been removed because we no longer allow special use permits.

Proposed Amendment Sections:

§ 153.105 R-25 RURAL RESIDENTIAL DISTRICT.
§ 153.106 R-15 SINGLE-FAMILY LOW-DENSITY RESIDENTIAL DISTRICT.
§ 153.107 R-10 SINGLE-FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT.
§ 153.108 R-8 SINGLE AND TWO-FAMILY MEDIUM-DENSITY RESIDENTIAL DISTRICT.
§ 153.109 RMF RESIDENTIAL MULTI-FAMILY DISTRICT.

Staff Comment: We have removed references to other ordinance sections and added the necessary information to simplify each section. Additionally, we have corrected errors that occurred when Conditional Use Permits were removed from the ordinance, and we have removed repetitive language.

Zoning Amendment
Staff's Proposed Statement of Consistency and Reasonableness
for APPROVAL of Application

Case No. ZTA-4-2024

Applicant: City of Lincolnton Planning Department

Request: ZTA-4-2024 - Zoning Text Amendments to Chapter 153 Unified Development Ordinance

Proposed Consistency and Reasonableness Statement:

> The proposed amendment is **consistent** with the adopted Lincolnton Land Use Plan in that it is not contrary to the goals and objectives outlined by the Plan and **approval of the amendment is reasonable and in the public interest**.

CONSISTENT: Because it updates text language to match current procedures and best practices and it provides additional direction to assist citizens in understanding the regulations.

REASONABLE: The text amendment is reasonable because it makes the ordinance clearer and more easily understood.

§ 153.315 AMENDMENTS TO TEXT AND MAP

(D) (1) ~~No application shall be considered by the Planning Board unless it has been properly completed and submitted to the Administrator or his or her designee at least 15 days prior to the meeting at which it is to be reviewed. This requirement may be waived by a unanimous vote of the Planning Board membership present at a meeting of the Planning Board occurring less than 15 days prior to the date of submission.~~

The Planning Board shall consider no application unless it has been properly completed and submitted to the Administrator, or his or her designee, by the application deadline on the City's website, to be reviewed at the meetings corresponding to the schedule.

§ 153.316 ADDITIONAL PROVISIONS PERTAINING TO CONDITIONAL ZONING AMENDMENTS.

(E) Procedures. The procedures for requesting rezoning to a conditional district shall be as follows:

(1) ~~Ten~~ Three copies and a digital version of a completed written application for a conditional district shall be filed with the Administrator. The application shall be submitted on official forms provided by the Administrator and shall be accompanied by the following items:

(3) ~~All completed applications shall be submitted to the Administrator at least 15 days prior to the Planning Board public hearing at which it is to be reviewed This requirement may be waived by a unanimous vote of the Planning Board membership present at a meeting of the Planning Board occurring less than 15 days prior to the date of submission .~~ The Planning Board shall consider no application unless it has been properly completed and submitted to the Administrator, or his or her designee, by the application deadline on the City's website, to be reviewed at the meetings corresponding to the schedule. In no case shall the meeting at which the Planning Board initially reviews the application occur greater than 60 days after the required number of copies of the completed application have been submitted by the applicant to the Administrator.

§ 153.053 TEMPORARY STRUCTURES AND USES.

Temporary structures and uses, when in compliance with all applicable provisions of this chapter and all other ordinances of the city shall be allowed. The following temporary structures and uses shall be permitted.

(A) Construction trailers used in connection with construction projects shall not require ~~special use or~~ temporary use permits provided that the following conditions are met:

(1) The construction trailers shall be located on a building site only upon receipt of a valid building permit for the construction project;

(2) The construction trailers may remain on a construction site as long as there is a valid building permit for the construction project; and

(3) All construction trailers shall be located off all street rights-of-way.

§ 153.105 R-25 RURAL RESIDENTIAL DISTRICT.

(A) Permitted uses. The following uses are permitted by right. The following uses are allowed upon the issuance of a zoning permit by the Zoning Administrator in accordance with § 153.255 through 153.256.

(B) Uses subject to prescribed standards. ~~The following uses are allowed upon the issuance of a zoning permit by the Zoning Administrator in accordance with § 153.255 through 153.259 of this chapter and subject to the associated below prescribed standards.~~

(C) *Yard regulations.*

(1) *Minimum lot size.*

(a) Single-family dwellings and Class A manufactured homes:

1. ~~Twenty-five thousand~~ 25,000 square feet where no public water or public sewer is provided at the lot;
2. ~~Twenty-two thousand five hundred~~ 22,500 square feet where either one of public water or public sewer are provided at the lot; or
3. ~~Twenty thousand~~ 20,000 square feet where both public water and public sewer are provided at the lot.

(b) Two-family dwellings:

1. ~~Fifty thousand~~ 50,000 square feet where no public water or public sewer are provided at the lot;
2. ~~Thirty-five thousand~~ 35,000 square feet where either one of public water or public sewer are provided at the lot; or
3. ~~Twenty thousand~~ 20,000 square feet where both public water and public sewer is provided at the lot.

(c) Churches: ~~two~~ 2 acres.
(d) Schools: ~~five~~ 5 acres.
(e) Bed and breakfast inn: ~~one~~ 1 acre.
(f) Essential services: none.
(g) Cemeteries as a principal use: ~~three~~ 3 acres.
(h) Rest homes: ~~one~~ 1 acre.
(i) Nursing care facilities: 60,000 square feet.
(j) Continuing care communities: ~~five~~ 5 acres.
(k) Country clubs: ~~five~~ 5 acres.
~~(l) Family care home: same as single-family dwelling.~~
(~~m~~l) All other principal uses: ~~25,000 square feet~~. 1 acre

(3) *Minimum side yard setback (an additional ~~ten~~ 10 feet shall be provided on all side yards which abut a public street).*

(a) Single-family and two-family dwellings and manufactured homes, Class A: ~~ten~~ 10 feet.

(4) *Minimum rear yard setback.* ~~Forty~~ 40 feet.

§ 153.106 R-15 SINGLE-FAMILY LOW DENSITY RESIDENTIAL DISTRICT.

(A) *Permitted uses.* The following uses are permitted by right. The following uses are allowed upon the issuance of a zoning permit by the Zoning Administrator in accordance with § 153.255 through 153.256.

(1) Single-family dwellings;
(2) Day care centers, small group;
(3) Customary home occupations in accordance with § 153.045 of this chapter;
(4) Family care homes;
(5) Essential services, Class I and II;
(6) Accessory structures in accordance with § 153.057 of this chapter;

(7) Signs in accordance with §§ 153.160 through 153.172 of this chapter;

(8) Off-street parking in accordance with §§ 153.185 through 153.188 of this chapter; and

(9) Publicly owned and operated outdoor recreation facility one acre or less in size and not containing a swimming pool.

~~(B) Uses subject to prescribed standards. The following uses are allowed upon the issuance of a zoning permit by the Zoning Administrator in accordance with §§ 153.255 through 153.259 of this chapter and subject to the associated below prescribed standards.~~
~~(1) Country clubs and privately owned outdoor recreation facilities planned and constructed as part of a planned subdivision or development and located on the interior of the planned development provided that go-cart tracks and other outdoor vehicular racing facilities shall not be permitted.~~

(B ~~C~~) *Yard regulations.*
(1) *Minimum lot size.*
(a) Single-family dwellings: 15,000 square feet.
(b) Essential services: none.
~~(c) All other principal uses: 15,000 square feet.~~

(2) *Minimum front yard setback (as measured from the edge of the street right-of-way line).*
(a) All residential uses in division (A) above: 35 feet.
~~(b) Essential services, Class II: 35 feet.~~
(c) All other uses: 50 feet.

(3) Minimum side yard setback*(an additional ~~ten~~ 10 feet shall be provided on all side yards which abut a public street).*
(a) Single-family detached dwellings: ~~ten~~ 10 feet.

~~(b) Swimming pools located in a public or private maintained recreation facility: 40 feet.~~

~~(c) Country clubs, but not including golf courses: 40 feet.~~

(~~d~~ b) All other uses: 15 feet.

(4) *Minimum rear yard setbacks.* All uses: 25 feet ~~or same as minimum side yard setback, whichever is greater.~~

(6) *Minimum lot width (as measured at the required front yard setback).*

~~(a) Country clubs: 120 feet except that in no instance shall the lot width measured at the street right-of-way be less than 50 feet.~~

(~~b~~a) All ~~other~~ uses: 90 feet except that in no instance shall the lot width measured at the street right-of-way be less than 35 feet.

(C ~~D~~) *Screening and landscaping.*

(1) Screening, as provided in § 153.046 of this chapter, shall be required for the following uses and for any other circumstances as required by § 153.046(A) of this chapter.

(a) Essential services, Classes I and II;

~~(b) Country clubs, but screening is not required for golf course playing areas;~~

~~(c) Outdoor swimming pools located in a public or privately maintained recreation facility;~~

~~(d) Essential services, Class II; and~~

(~~e~~ b) Public outdoor recreation facilities not constructed pursuant to a permit authorizing the construction of some residential development.

§ 153.107 R-10 SINGLE-FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT.

(A) Permitted uses. The following uses are permitted by right. The following uses are allowed upon the issuance of a zoning permit by the Zoning Administrator in accordance with § 153.255 through 153.256. ~~all permitted uses allowed in the R-15 Single-Family District.~~

(1) Single-family dwellings;
(2) Day care centers, small group;
(3) Customary home occupations in accordance with § 153.045 of this chapter;
(4) Family care homes;
(5) Essential services, Class I and II;
(6) Accessory structures in accordance with § 153.057 of this chapter;
(7) Signs in accordance with §§ 153.160 through 153.172 of this chapter;
(8) Off-street parking in accordance with §§ 153.185 through 153.188 of this chapter;
(9) Publicly owned and operated outdoor recreation facility 1 acre or less in size and not containing a swimming pool.

~~(B) Uses subject to prescribed standards. The following uses are allowed upon the issuance of a zoning permit by the Zoning Administrator in accordance with §§ 153.255 through 153.259 of this chapter and subject to the associated below prescribed standards.~~
~~(1) All uses subject to prescribed standards listed in § 153.106(B) of this chapter.~~

(C) Yard regulations.
(1) Minimum lot size.
(a) Single-family dwellings: 10,000 square feet. ~~, except as provided in § 153.123 of this chapter.~~
(b) Essential services: none.
~~(c) Family care homes: 10,000 square feet.~~
~~(d) All other principal uses: one acre.~~

(2) Minimum front yard setback (as measured from the edge of the street right-of-way line).~~All uses: same as R-15~~
(a) All principal uses listed as permitted uses in division (A) above: 35 feet.

(3) *Minimum side yards setback (an additional ~~ten~~ 10 feet shall be provided on all side yards which abut a public street).*
(a) Single-family dwellings ~~and family care homes~~: ~~ten~~ 10 feet.
~~(b) Family care homes: ten feet.~~
(~~c~~b) All other uses: ~~same as R-15.~~ 15 feet

(4) *Minimum rear yard setbacks.* All uses: 25 feet ~~or same as minimum side yard setback, whichever is greater.~~

(6) *Minimum lot width. (as measured at the required front yard setback).*

(a) Single-family dwellings ~~and family care homes~~: 80 feet at front yard setback; 30 feet at street right-of-way.

(b) All other uses: ~~same as R-15.~~ 90 feet at front yard setback, except that in no instance shall the lot width measured at the street right-of-way be less than 35 feet.

(D) Screening and landscaping.

(1) Screening, as provided in § 153.046 of this chapter, shall be required for the following uses and all other circumstances as required by § 153.046(A) of this chapter:

~~(a) All other uses listed in § 153.106(D) of this chapter.~~

(a) Essential services, Classes I and II;

(b) Publicly owned and operated outdoor recreation facility 1 acre or less in size and not containing a swimming pool.

§ 153.108 R-8 SINGLE AND TWO-FAMILY MEDIUM-DENSITY RESIDENTIAL DISTRICT.

(A) Permitted uses. The following uses are permitted by right. The following uses are allowed upon the issuance of a zoning permit by the Zoning Administrator in accordance with §§ 153.255 through 153.256.

~~(1) All permitted uses allowed in the R-15 District; and~~

(1) Single-family dwellings;
(2) Two-family dwellings
(3) Day care centers, small group;
(4) Customary home occupations in accordance with § 153.045 of this chapter;
(5) Family care homes;
(6) Essential services, Class I and II;
(7) Accessory structures in accordance with § 153.057 of this chapter;
(8) Signs in accordance with §§ 153.160 through 153.172 of this chapter;
(9) Off-street parking in accordance with §§ 153.185 through 153.188 of this chapter;
(10) Publicly owned and operated outdoor recreation facility 1 acre or less in size and not containing a swimming pool;

~~(B) Uses subject to prescribed standards. The following uses are allowed upon the issuance of a zoning permit by the Zoning Administrator in accordance with §§ 153.255 through 153.259 153.256 of this chapter and subject to the associated below prescribed standards.~~

~~(1) All uses subject to prescribed standards listed in § 153.106(B) of this chapter.~~

(C) *Yard regulations.*

(1) *Minimum lot size.*

(a) Single-family dwelling: 6,000 square feet. ~~, except as provided in § 153.123 of this chapter.~~

(b) Two-family dwellings: 12,000 square feet. ~~, except as provided in § 153.123 of this chapter.~~

~~(c) Family care home: 8,000 square feet.~~

~~(d) All other uses: same as R-10~~.

(2) *Minimum front yard setback (as measured from the edge of the street right-of-way line).*

(a) ~~Single and two family dwellings bed and breakfast inn and family care home~~ All residential uses: 30 feet.

(b) All other uses: 40 feet.

(3) *Minimum side yards setback (an additional ~~ten~~ 10 feet shall be provided on all side yards which abut a public street).*

(a) ~~Single-family and two-family dwellings: ten~~ All residential uses: 10 feet.

~~(b) Family care homes: eigh feet.~~

(c) All other uses: ~~same as R-15.~~ 15 feet

(4) *Minimum rear yard setback.* All uses: 25 feet ~~or same as minimum side yard setback, whichever is greater.~~

(6) *Minimum lot width. (as measured at the required front yard setback).*

(a) Single-family dwelling ~~and family care home~~: 70 feet at front yard setback; 35 feet at street right-of-way.

(b) Two-family dwelling: 80 feet at front yard setback; 35 feet at street right-of-way.

(c) All other uses: ~~same as R-15.~~ 90 feet at front yard setback except that in no instance shall the lot width measured at the street right-of-way be less than 35 feet.

(D) *Screening and landscaping.*

(1) Screening, as provided in § 153.046 of this chapter shall be required for the following uses and for any other circumstances as required by § 153.046(A) of this chapter:

~~(a) All other uses listed in § 153.106(D) of this chapter.~~

(a) Essential services, Classes I and II;

(b) Publicly owned and operated outdoor recreation facility 1 acre or less in size and not containing a swimming pool;

§ 153.109 RMF RESIDENTIAL MULTI-FAMILY DISTRICT.

(A) Permitted uses. The following uses are permitted by right. The following uses are allowed upon the issuance of a zoning permit by the Zoning Administrator in accordance with §§ 153.255 through 153.256.

(1) ~~All permitted uses allowed in the R-15 District;~~ Single-family dwellings;
(2) Two-family dwellings;
(3) Multi-family dwellings with a gross density of up to six units per acre;
(4) Churches with a maximum sanctuary seating capacity of not greater than 500 seats. Customary accessory uses shall also be permitted. Church-owned and maintained cemeteries as an accessory use are permitted;
(5) Private recreation facilities constructed pursuant to a permit authorizing the construction of some residential development and intended primarily for the use and enjoyment of the residents thereof;
(6) Private residential quarters provided there is sufficient off-street parking to accommodate the private residential quarters in addition to the two off-street spaces required for the principal dwelling; and
(7) Public and private elementary and secondary schools.
(8) Day care centers, small group;
(9) Customary home occupations in accordance with §153.045 of this chapter;
(10) Family care homes;
(11) Essential services, Class I and II;
(12) Accessory structures in accordance with §153.057 of this chapter;
(13) Signs in accordance with §§153.160 through 153.172 of this chapter;
(14) Off-street parking in accordance with §§153.185 through 153.188 of this chapter; and
(15) Publicly owned and operated outdoor recreation facility 1 acre or less in size and not containing a swimming pool.

~~(B) Uses subject to prescribed standards. The following uses are allowed upon the issuance of a zoning permit by the Zoning Administrator in accordance with §§ 153.255 through 153.259 of this chapter and subject to the associated below prescribed standards.~~

~~(1) Country clubs and privately-owned outdoor recreation facilities planned and constructed as part of a planned subdivision or development and located on the interior of the planned development provided that go-cart tracks, other outdoor vehicular racing facilities, water slides, outdoor facilities open after 10:00 p.m., and facilities using outdoor audio loudspeaker systems shall not be permitted;~~
~~(2) All uses subject to prescribed standards listed in § 153.106(B) of this chapter.~~

(C) Yard regulations.
(1) Minimum lot size.
(a) Single-family dwelling: 8,000 square feet. ~~, except as provided in § 153.123 of this chapter.~~

(b) Two-family dwellings: 12,000 square feet. ~~, except as provided in § 153.123 of this chapter.~~

(c) Multi-family dwellings: minimum site size shall be 25,000 square feet but gross density shall not exceed six units per acre.

(d) Private recreation facilities constructed pursuant to a permit authorizing the construction of some residential development and intended primarily for the use and enjoyment of the residents thereof: none.

(e) Private residential quarters: no additional lot size beyond that required for the principal dwelling.

~~(f) All other uses: same as R-8.~~

(f) Essential services: none.

(2) *Minimum front yard setback (as measured from the edge of the street right-of-way line):*

(a) ~~Single- and two-family dwellings, multi-family dwellings, bed and breakfast inn and family care home:~~ All residential uses: 30 feet.

(b) Cemeteries and essential services, Class 1 and II: 20 feet.

(c) All other uses: 40 feet.

(3) *Minimum side yards setback (an additional ~~ten~~ 10 feet shall be provided on all side yards which abut a public street).*

(a) Single and two-family dwellings: ~~ten~~ 10 feet.

(b) Multi-family dwellings: 12 feet.

~~(c) Family care home: eight feet~~

(d) Public and private elementary and secondary schools: 20 feet.

(e) Church: 20 feet.

(f) All other uses: 15 feet.

(4) *Minimum rear yard setback.* All uses: 25 feet ~~or same as minimum side yard setback, whichever is greater.~~

(6) *Minimum lot width (as measured at the required front yard setback).*

(D) *Screening and landscaping.*

(1) Screening, as provided in § 153.046 of this chapter shall be required for the following uses and for any other circumstances required by § 153.046(A) of this chapter.

(a) Multi-family developments where abutting properties zoned or used for single- or two-family residential use.

~~(b) Country club, but screening is not required for golf course playing areas.~~

§ 153.110 R-O RESIDENTIAL OFFICE DISTRICT.

(A) *Permitted uses.* The following uses are permitted by right. The following uses are allowed upon the issuance of a zoning permit by the Zoning Administrator in accordance with §§ 153.255 through 153.256.

(1) ~~All permitted uses allowed in the R-15 District;~~ Single-family dwellings
(2) Two-family dwellings;
(3) Office buildings containing 5,000 square feet or less of gross floor area;
(4) Churches including customary accessory uses. Church owned and maintained cemeteries as an accessory use are permitted;
(5) Public and private elementary and secondary schools and/or schools district administrative offices;
(6) Family care homes;
(7) Customary home occupations in accordance with § 153.045 of this chapter;
(8) Day care center, small group;
(9) Private residential quarters, provided there is sufficient off-street parking to accommodate the private residential quarters in addition to the two off-street parking spaces required for the principal dwelling;
(11) Public safety stations;
(12) Barber shop/beauty shop; and
(13) Farmers market (small scale).
(14) Essential services, Class I and II;
(15) Accessory structures in accordance with §153.057 of this chapter;
(16) Signs in accordance with §§153.160 through 153.172 of this chapter;
(17) Off-street parking in accordance with §§153.185 through 153.188 of this chapter;
(18) Publicly owned and operated outdoor recreation facility 1 acre or less in size and not containing a swimming pool.

(B) *Yard regulations.*
(1) *Minimum lot size.*
~~(a) Churches: 20,000 square feet.~~
~~(b) Office buildings: 9,000 square feet.~~
~~(c) Other uses: same as in the RMF District.~~
(a) Single-family dwelling: 8,000 square feet.
(b) Two-family dwellings: 12,000 square feet.
(c) Private residential quarters: no additional lot size beyond that required for the principal dwelling.
(d) Essential services: none.
(e) All other principal uses: 1 acre
(f) Churches: 20,000 square feet
(g) Office buildings: 9,000 square feet.

(2) *Minimum front yard setback (as measured from the edge of the street right-of-way line):*

(a) All ~~other~~ uses: 30 feet.

(3) *Minimum side yard setback (an additional ~~ten~~ 10 feet shall be provided on all side yards which abut a public street).*

~~(a) Multi-family dwelling: 15 feet.~~

~~(b) Other uses: same as the RMF District.~~

(a) Single-and two-family dwellings: 10 feet.

(b) Public and private elementary and secondary schools: 20 feet

(c) Church: 20 feet.

(d) All other uses: 15 feet

§ 153.111 O-I OFFICE INSTITUTIONAL DISTRICT.

(A) *Permitted uses.* The following uses are permitted by right. The following uses are allowed upon the issuance of a zoning permit by the Zoning Administrator in accordance with §§ 153.255 through 153.256.

(1) ~~All uses as permitted in the R-O District but the 5,000 square foot limit for office buildings shall not apply;~~Single-family dwellings

(2) Two-family dwellings;

(3) Office buildings

(4) Public and private elementary and secondary schools and/or schools district administrative offices;

(5) Family care homes;

(6) Customary home occupations in accordance with § 153.045 of this chapter;

(7) Private residential quarters, provided there is sufficient off-street parking to accommodate the private residential quarters in addition to the two off-street parking spaces required for the principal dwelling;

(8) Public safety stations;

(9) Barber shop/beauty shop;

(10) Farmers market (small scale).

(11) Accessory structures in accordance with §153.057 of this chapter;

(12) Signs in accordance with §§153.160 through 153.172 of this chapter;

(13) Off-street parking in accordance with §§153.185 through 153.188 of this chapter;

(14) Publicly owned and operated outdoor recreation facility 1 acre or less in size and not containing a swimming pool.

(~~2~~15) Art and photography studios (excluding adult establishments);

(~~3~~16) Bed and breakfast inns;

(~~4~~17) Cemeteries as a principal use;

(~~5~~18) Churches;

(~~6~~19) Colleges and trade schools, except truck and heavy construction equipment operating schools;

(~~7~~20) Community centers;

(~~8~~21) Copy service;

(~~9~~22) Day care centers;

(~~10~~23) Essential services, Class 1 and II;

(~~11~~24) Florist;

(~~12~~25) Food catering service;

(~~13~~26) Funeral homes;

(~~14~~27) Gift shop having less than 2,500 square feet gross floor area;

(~~15~~28) Hospitals;

(~~16~~29) Laboratories;

(~~17~~30) Libraries;

(~~18~~31) Museums;

(~~19~~32) Optician;

(~~20~~33) Pharmacy (less than 3,000 square feet gross floor area);

(~~21~~34) Recreation facilities: country clubs, privately-owned outdoor recreation facilities and publicly owned outdoor recreation facilities greater than one acre ~~on the same basis as permitted in § 153.109(A) of this chapter~~;provided that go-cart tracks, other outdoor vehicular racing facilities, water slides, outdoor facilities open after 10:00 p.m., and facilities using outdoor audio loudspeaker systems shall not be permitted;

(35) Private recreation facilities constructed pursuant to a permit authorizing the construction of some residential development and intended primarily for the use and enjoyment of the residents thereof;

(~~22~~36) Rest homes, nursing care facilities and continuing care communities;

(~~23~~37) Health centers;

(~~24~~38) Hospitals including but not limited to university/teaching hospitals and physical rehabilitation hospitals;

(~~25~~39) Medical clinics; and

(~~26~~40) Personal health clinics.

(B) *Uses subject to prescribed standards*~~. The following uses are allowed upon the issuance of a zoning permit by the Zoning Administrator in accordance with §§ 153.255 through 153.259 of this chapter and subject to the associated below prescribed standards.~~

(1) Financial institutions provided that primary vehicular access is not provided by a local residential road and the use is screened from any abutting property located in a residential district in accordance with § 153.046;

(2) Post office provided that primary vehicular access is not provided by a local residential road and the use is screened from any abutting property located in a residential district in accordance with § 153.046.

(C) *Yard regulations.*

(1) *Minimum lot size.*

~~(a) Residential uses: same as RMF.~~

~~(b) Nonresidential uses: none.~~

(a) Single-family dwelling: 8,000 square feet

(b) Two-family dwellings: 12,000 square feet

(c) All other uses: none

(2) *Minimum lot width (as measured at the required front setback).*

~~(a) Residential uses: same as RMF District.~~

~~(b) Nonresidential uses: none.~~

(a) Single-family dwelling: 70 feet at front yard setback; 35 feet at street right-of-way.

(b) Two-family dwelling: 80 feet at front yard setback; 35 feet at street right-of-way.

(c) All other uses: 80 feet

(3) *Minimum front setback. (as measured from the edge of the street right-of-way).*

~~(a) Residential uses: same as RMF.~~

~~(b) Nonresidential uses: 30 feet (as measured from the edge of the street right-of-way).~~

(a) All uses: 30 ft

(4) *Minimum side setback.* ~~Ten~~ 10 feet for all uses, except 20 feet shall be required on all corner lots and any lots that abut a Residential (R) District.

(6) *Maximum building height.* ~~Forty~~ 40 feet, except as permitted in § 153.054 of this chapter.