MEMO TO: Mayor and City Council

FROM: Planning Staff

SUBJECT: ZTA-1-2025 - Zoning Text Amendments to Chapter 153 Unified Development Ordinance

DATE: March 6, 2025

Background

Occasionally, minor errors in the text or changes in circumstances necessitate amendments to the Unified Development Ordinance (UDO). To enhance the UDO's enforceability and effectiveness, it is essential to modify, update, or add specific sections of the ordinance. Proposed changes are highlighted in yellow, while language intended for removal is indicated with a strikethrough. Below are the sections that require modification.

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

§ 153.057 Accessory Structures

Staff Comment: Residential and commercial requirements were grouped respectively, and repetitive language was removed.

Proposed Amendment Section:

§ 153.091 Establishment of Zoning Districts

Staff Comment: Inconsistent wording was updated (e.g., "One-family" to "Single Family"), unnecessary language was deleted, and the title/abbreviation for "Highway Business" was corrected to "Highway Commercial."

Proposed Amendment Sections:

§ 153.110 Residential Office District

Staff Comment: Grammatical errors were corrected. Remove multi-family from minimum lot width, multi-family as a use was removed during the 160D update in 2021.

Proposed Amendment Section:

§ 153.115.1 Highway Commercial District

Staff Comment: (B)(3) regarding Planned Unit Developments was removed. PUDs are conditional districts and should **not** be listed as a use to prescribed standards and allowed with the issuance of a zoning permit. A section number was corrected, and section titles were added beside section number links. A link to Off-street parking requirements was added. The editor's note was moved to the top of the ordinance in (A)(1) along with the square footage limit allowed in HC.

Proposed Amendment Sections:

§ 153.127 Application Requirements, Review Procedures And Watershed Overlay Cluster Developments.

Staff Comment: Section titles were added beside any section number links. The timeframe for formal application submittals was corrected to align with other sections of the ordinance and our policy.

Proposed Amendment Sections:

§ 153.129 CC Commercial Center District

Staff Comment: Section titles were added beside any section number links. The timeframe for the sketch plan and formal submittals was corrected to align with other sections of the ordinance and our policy.

Proposed Amendment Sections:

§ 153.142 Nonconforming Manufactured Home Parks

Staff Comment: Section numbers were added next to section titles. Links to sections that were removed during the 160D rewrite in 2021 were deleted.

Proposed Amendment Sections:

§ 153.277 Variances

Staff Comment: The updated language regarding Variance expiration is intended to create a more efficient process. Section titles were added beside any section number links.

Planning Board Recommendation: changing the expiration date to 2 years and deleting section F.

Proposed Amendment Sections:

§ 153.118 ROS Residential Office Single-Family

Staff Comment: The section pertaining to ROS zoning has been present in the ordinance since before 2004, yet it has never been utilized. There are currently no properties with a ROS zoning designation. Furthermore, all permitted uses under ROS zoning are also allowed in other districts, rendering this section unnecessary.

Proposed Amendment Sections:

§ 153.383 Submission And Review Procedure For Major Subdivisions Sketch Plan

Staff Comment: Sections 153.383 and 153.127 both list sketch plan requirements, but they do not match. The requirements were adjusted so they were the same. Timeframes were corrected to align with other sections of the ordinance and our policy.

Proposed Amendment Sections:

§ 153.109 RMF Residential Multi-Family District

Staff Comment: Reorganized section and added links for screening, landscaping, parking, and Water Supply Watershed Overlay District.

Proposed Amendment Sections:

§ 153.137 Nonconforming Structures

Staff Comment: Reorganized section for clarity and extended the timeframe to allow destroyed residential structures to obtain a building permit within one year.

Planning Board Recommendation: allowing reconstruction within 2 years, and if the two years expires, the applicant would need to appeal to the Board of Adjustment for an extension.

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

Case No. ZTA-1-2025

Applicant: City of Lincolnton Planning Department

Request: ZTA-1-2025 - 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.

Staff Recommendation:

Approve ZTA-1-2025 as written.

Planning Board Recommendation:

Approve ZTA-1-2025 with the modifications recommended by the Planning Board.

Motions:

Motion to approve with Staff recommendations

Or

Motion to approve with Planning Board recommendations

§ 153.057 ACCESSORY STRUCTURES.

(A) Within any Residential (R) District, accessory structures shall be located as follows.

(1) Except as herein provided, no portion of any accessory structure shall be located within any front yard. Exceptions are:

(a) ~~Water wells on any lot~~ Water wells may be located in any front, side or rear yard; and

(b) ~~Garages used primarily to house automobiles.~~ Automobile garages designed to accommodate no greater than three automobiles may be located in any front yard other than in the required front setback. Any garage shall also observe the minimum dwelling side setback requirement for the zoning district in which it is located.

~~(2) Water wells may be located in any front, side or rear yard.~~

~~(3) Automobile garages designed to accommodate no greater than three automobiles may be located in any front yard other than in the required front setback. Any garage shall also observe the minimum dwelling side setback requirement for the zoning district in which it is located.~~

(2) Accessory structures are allowed in any side yard, provided they observe a setback of ten foot side yard from any side yard lot line.

(3) Accessory structures are allowed in any rear yard provided that all accessory structures observe a ten foot setback from any rear lot line.

(B) On any lot containing a principal residential use, the aggregate area of all accessory structures (excluding barns, farm-related structures and satellite dish antennas) shall not cover more than 30% of the required rear yard nor exceed the height of the principal building. All lots, however, shall be allowed to have an accessory garage of no greater than 500 square feet provided that the garage:

(1) Meets all required setbacks; and

(2) Is designed primarily to house automobiles.

(C) For all nonresidential uses, no off-street parking or loading areas shall be located within 12 feet of any street right-of-way line.

(D) Within any NB, CB, CBT, GB, CC, HB, PB, GMC or GI District, accessory structures shall be located as follows.

(1) Except as herein provided, no accessory structure shall be located in any required front or side setback. A water well may be located in any front, side or rear yard.

(2) Accessory structures are allowed within with rear principal building setback area provided that no accessory structure (except as provided in division (B)(1) above of this section) shall be allowed within ten feet of a rear or side yard line or within 20 feet in the case of any rear or side yard line which abuts a Residential (R) District.

~~(C) On any lot containing a principal residential use, no accessory structure shall be permitted that involves or requires any construction features which are not primarily residential in nature or character; provided, however, this requirement shall not apply in the R-25 District to structures erected for agricultural purposes.~~

~~(D) (D) On any lot containing a principal residential use, the aggregate area of all accessory structures (excluding barns, farm-related structures and satellite dish antennas) shall not cover more than 30% of the required rear yardnor exceed the height of the principal building. All lots, however, shall be allowed to have an accessory garage of no greater than 500 square feet provided that the garage:~~

~~(1) Meets all required setbacks; and~~

~~(2) Is designed primarily to house automobiles.~~

(E) For all nonresidential uses, no off-street parking or loading areas shall be located within 12 feet of any street right-of-way line.

(F) Outpatient wellness centers, medical education centers, nursing care facilities and helistops are permitted as accessory uses to hospitals and health centers.

(G) Accessory structures of a bona fide farm are exempt from the North Carolina State Building Code in accordance with G.S § 160D-903.

(Prior UDO, § 5.13) (Ord. O-10-19, passed 11-7-2019; Ord. passed - -) Penalty, see § 153.999

§ 153.091 GENERAL ZONING DISTRICTS.

General zoning districts are designated throughout the zoning jurisdiction and include numerous uses that are allowed by right subject to those uses meeting yard and height regulations. In addition, some zones allow for uses subject to prescribed standards. The following general zoning districts are hereby established.

(A) R-25 Rural Residential District. This district is intended to accommodate very low-density residential and agricultural uses in fringe areas of the zoning jurisdiction that generally are non-intensely developed. This district is established to accommodate very low-density development where public utilities are nonexistent or partially existent. ~~, and to accommodate greater densities where services are present, therefore, density levels are variable to the existence of the facilities.~~ The continuance of agricultural operations is encouraged within this district.

(B) R-15 Single-Family Residential District. This district is established to provide areas consisting primarily of single-family residences located in both urban and suburban settings. Generally, public water and sewer are available or are readily available. Permitted residential uses consist solely of single-family residences and the minimum lot size shall be 15,000 square feet. In addition to single-family residences, a limited number of private and public community uses are allowed.

(C) R-10 Residential District. This district is established to provide primarily for single-family residences. The minimum lot size for single-family dwellings on a use by right basis is established at 10,000 square feet. These areas are served by water and sewer. Certain public and private community uses are allowed ~~facilities are also allowed~~.

(D) R-8 Residential District.

(1) This district is established to accommodate single-family dwellings on 6,000 minimum square foot lots and two-family dwellings on 12,000 minimum square foot lots. These districts are located where water and sewer are present. The district accommodates both ~~one~~- single and two-family residences.

(2) A limited number of private and public community uses are allowed or may be allowed where certain criteria specified in this chapter are met.

(E) RMF Residential Multi-Family District. This district is intended primarily as a residential district for the location of detached single-family dwellings, two-family dwellings, and multi-family dwellings along with their customary accessory uses ~~so as~~ to establish areas where development patterns are somewhat more dense than surrounding areas. A limited number of private and public community uses are allowed.

(F) RO Residential Office District. This district allows for single- ~~one~~ and two- ~~and multi-~~family residential uses and certain commercial, office, and institutional uses which would create an area convenient for both residential and employment purposes. In

certain areas this district is also established to provide a transition between purely residential areas and primarily commercial areas. In order to enhance the district's residential character, the R-O District, for purposes of this chapter is deemed a residential district. This classification does require screening and buffering from all new uses in adjacent commercial and industrial districts. Small offices, certain community facilities, and single- ~~one~~ and two-family residences are permitted by right.

(G) O-I Office Institutional District. This district is established to allow for a wide variety of offices, certain commercial uses having minor impacts, certain community facilities, professional and medical service and certain institutions. Single-family and two-family residences are permitted, but unlike the R-O District ~~Zone~~, the emphasis of this zone is on nonresidential uses. This zone may also be established in certain areas to provide an orderly transition between residential areas and more intensive commercial uses.

(H) N-B Neighborhood Business District. ~~(1)~~ This district is designed primarily for local business centers for retailing of merchandise such as groceries, drugs, and household items and for furnishing certain personal, business, and professional services. Unlike some of the other commercial zones, this district is established to serve local neighborhoods and other relatively small trading areas. The standards established for these business areas are designed to promote sound, permanent business development and also to protect abutting or surrounding residential areas from undesirable aspects of nearby business developments. These districts are located at accessible places with respect to traffic circulation in order to conveniently serve the trading population and to promote the grouping of several places of business at locations so designated. Since this district is established to provide for small neighborhood oriented businesses, limitations on gross floor areas are established for certain uses. A Neighborhood Business District is typically a relatively small area. ~~but shall consist of at least two lots in separate ownership or at least two acres regardless of ownership.~~ Off-street parking, landscaping and yard requirements are established for the NB District.

~~(2) Unlike the CB District, off-street parking, landscaping and yard requirements are established for the NB District.~~

(I) C-B Central Business District. The purpose of this district is to permit concentrated development of a wide variety of retail establishments, personal services, and professional and non-professional offices. In light of the concentrated amount of ~~a~~ development normally found in a downtown area, yard regulations are minimal. Given the lack of space for off-street parking, this requirement has also been eliminated.

(J) CBT Central Business Transitional District. The purpose of this district is to permit concentrated development of a wide variety of retail establishments, personal services, and professional and non-professional offices. Like the Central Business District, yard regulations are minimal. However, unlike the Central Business District, off-street parking standards must be met for all uses permitted in the district. The number of off-street parking spaces required for uses in the Central Business Transitional District is less

than that for other Business and Commercial Districts since land size limitations restrict parking area availability. Land in this district exhibits some of the same characteristics as land within the Central Business District but is generally not developed in the same concentrations as the Central Business District.

(K) G-B General Business. The purpose of this district is to provide an array of retail, wholesale and service uses to serve the entire community and with access to the uses being primarily by automobile. The districts are located along major arterial and collector streets. ~~and adjacent to the Central Business District in order to have a minimal effect on residential neighborhoods.~~

(L) H-~~B~~ C Highway ~~Business~~ Commercial. The purpose of this district is to provide an array of highway-oriented retail, wholesale and service uses to serve the entire community and with access to the uses being primarily by automobile. The districts are generally located along major arterial and collector streets in order to have a minimal effect on residential neighborhoods.

(M) P-B Planned Business. The purpose of this district is to promote orderly and aesthetic commercial development along major highways and entranceways in the Lincolnton area.

(N) GMC General Manufacturing and Commercial. This district is designed primarily for general commercial and industrial land uses, including manufacturing, processing and assembling of parts and products; distribution of products at wholesale outlets, retail outlets; transportation terminals; various public and utility uses; and a broad variety of specialized commercial and industrial operations.

(O) GI General Industrial. This district is designed primarily for general and heavy commercial and industrial land uses, including outdoor storage.

~~(P) ROS Residential Office Single-Family. This district is established to accommodate both single-family residential uses and other light office and institutional uses in older areas of the city that have developed in a manner that includes those uses. It is important that areas zoned ROS exist in harmony with adjacent established single-family areas. Like the OR District, the ROS District is a residential district. This classification requires screening and buffering from all new uses in adjacent commercial and industrial districts.~~

Remove ROS from the following sections:

- 153.118 ROS
- 153.168 Signs
- 153.046 Screening
- 153.315 Amendments
- 153.047 Landscaping

(Prior UDO, § 6.2) (Ord. passed - - ; Ord. passed 6-29-2023) Penalty, see § 153.999

§ 153.110 R-O RESIDENTIAL OFFICE DISTRICT.

(B) *Yard regulations.*

(1) *Minimum lot size.*

(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: one acre.

(f) Churches: 20,000 square feet.

(g) Office buildings: 9,000 square feet.

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

(a) All uses: 30 feet.

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

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

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

(c) Churches: 20 feet.

(d) All other uses: 15 feet.

(4) *Minimum rear yard setback.* All uses: 25 feet.

(5) *Minimum lot width (as measured at the required front setback); at least 35 feet of lot width measured at the street right-of-way line shall be required except as noted.*

(a) ~~Multi-family dwelling, church~~, Churches, schools: 100 feet with at least 50 feet at the street right-of-way line.

(b) Two-family dwellings: 80 feet.

(c) Churches and schools: 120 feet with at least 50 feet at the street right-of-way line.

(d) All Other uses: 70 feet.

§ 153.115.1 HC HIGHWAY COMMERCIAL DISTRICT.

(A) Permitted uses. The following uses are permitted by right.

(1) All uses as permitted in § 153.115(A) and (B) *General Business* of this chapter up to 85,000 square feet. Any retail use in excess of 85,000 square feet is subject to § 153.129 *Commercial Center District*.

(2) Retail uses.

(a) Automobile, truck and motorcycle sales and related service and repair;

(b) Automobile wash establishment;

(c) Express fuel/mini-mart;

(d) Shopping center;

(e) Building materials, hardware and related sales with outdoor storage, and outdoor storage of building materials by contractors;

(f) Flea markets;

(g) Garden center, commercial greenhouse and horticultural nursery;

(h) Restaurant; and

(i) Tavern.

(3) Service uses.

(a) Assembly halls, coliseums, ballrooms and similar uses;

(b) Bowling alleys and skating rinks;

(c) Office buildings;

(d) Essential services, Class 1, 11 or 111;

(e) Family theme parks, carnivals, circuses, tent assemblies, and similar commercial and charitable uses;

(f) Jails;

(g) Hotel, motel or motor lodge;

(h) Moving and storage services;

(i) Machining of metals shop (machine shop);

(j) Postal and parcel service processing facility;

(k) Outdoor recreation, baseball hitting or golf driving ranges;

(l) Outdoor storage of materials by contractors;

(m) Publicly operated alcohol beverage control (ABC) store;

(n) Road, grading, and utility contractors; and

(o) Tattoo studio

(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 *Administrator* through ~~153.259~~ 153.258 *Site Plan Requirements* of this chapter and subject to the associated below prescribed standards.

(1) Adult establishments subject to § 153.130(B) *Supplementary Requirements of Certain Uses* of this chapter;

(2) Arcade or amusement center or game room subject to § 153.130(B) of this chapter and approval of a license in accordance with Chapter 111 *Poolrooms and Bowling Alleys*;

~~(3) Planned unit developments (mixed uses) in accordance with § 153.216 of this chapter and provided the uses within the development are otherwise listed as permitted uses or uses subject to in the HC District and the use is screened from any abutting property located in a residential district in accordance with § 153.046;~~

(4) Accessory apartments in commercial structures provided all building and fire codes are met, living quarters do not exceed 30% of the total square footage of the structure and occupancy is limited to employees of the business located in the commercial structure on the premises;

(5) Indoor shooting range subject to § 153.130(B); and

(6) Outdoor shooting range subject to § 153.130(B).

(C) Yard requirements.

(1) Minimum lot size: none.

(2) Minimum lot width: 70 feet (as measured at the required front setback).

(3) Minimum front setback: 40 feet (as measured from the edge of the street right-of-way line).

(4) Minimum side setback: ten feet, except 20 feet shall be required on all corner lots and lots whose side yard abuts any Residential (R) District.

(5) Minimum rear setback: 20 feet, except 30 feet shall be required on all lots whose rear yard abuts any Residential (R) District.

(D) Screening and landscaping.

(1) Screening when required by § 153.046(A) *Screening* of this chapter, shall be installed pursuant to § 153.046 of this chapter. Any outdoor storage is to be screened from abutting properties in accordance with § 153.046(A).

(2) Where applicable, landscaping shall be provided in accordance with § 153.047 *Landscaping* of this chapter.

(E) Off-street parking and loading in accordance with § 153.185 *Off Street Parking Requirements* through 153.188 of this chapter;

(Ord. passed - -; Ord. O-5-23, passed 4-6-2023)

~~Editor's note:~~

~~Any retail use in excess of 85,000 square feet is subject to § 153.129.~~

UPDATED FROM PB

§ 153.127 APPLICATION REQUIREMENTS, REVIEW PROCEDURES AND WATERSHED OVERLAY CLUSTER DEVELOPMENTS.

All planned developments are established through the conditional district rezoning process. The conditional district rezoning application and review procedures, therefore, serve as the primary procedures for the review of planned developments. There are, however, additional submissions required for planned developments and one additional step in the review procedure (sketch plan review by the Administrator). A separate fee, as established by the City Council, must also be submitted for planned developments. The purpose of this section is to set forth the special application and review procedures for planned developments.

(A) Sketch plan submission. Prior to the formal submission of the full planned development plan, a sketch plan shall be submitted in accordance with § 153.383 *Submission and Review Procedures for Sketch Plans.* ~~to the Administrator. The sketch plan shall be prepared by a registered architect, engineer or land surveyor currently licensed and registered by the appropriate state board. At a minimum the sketch plan shall contain or be accompanied by the following:~~

(1) Once all comments have been corrected, the applicant may proceed with the formal plan submission.

~~(1) A sketch vicinity map including north arrow showing the location of the planned development in relation to neighboring tracts, subdivisions, roads, and waterways;~~

~~(2) The boundaries of the tract and the portion of the tract proposed to be in the planned development;~~

~~(3) The total acreage of the planned development;~~

~~(4) Locations of any existing public streets or utilities and rights-of-way of the facilities;~~

~~(5) The existing and proposed uses of the land within the planned development and the existing uses of land adjoining it;~~

~~(6) General locations of existing natural features of the site, such as wooded areas, water features, and significant topographic features;~~

~~(7) The proposed street layout with approximate pavement and right-of-way width;~~

~~(8) Existing property lines and approximate (sketch) locations of proposed property lines within the development showing all proposed lots or other divisions of land;~~

~~(9) Sketch of conceptual building locations;~~

~~(10) The name, address, and telephone number of the owner;~~

~~(11) The name, if any, of the proposed planned development;~~

~~(12) Streets and lots of adjacent developed or platted properties; and~~

~~(13) The zoning classification of the tract and of adjacent properties.~~

~~(B) Sketch plan review procedures. The sketch plan should be submitted at least 30 days prior to the date the applicant expects to submit his or her formal application for the planned development/ conditional district rezoning.~~

~~(1) The Administrator shall, within 21 days of receipt of the sketch plan, review the sketch plan for general compliance with the requirements of this chapter.~~

~~(2) The Administrator shall advise the applicant or his or her authorized agent of the regulations pertaining to the proposed planned development and the procedures to be followed in the preparation and submission of the formal application. One copy of the sketch plan shall be retained as a part of the record of the Administrator with another copy being returned to the applicant or his or her authorized agent along with any comments made by the Administrator.~~

(C) Formal plan submission. ~~Following the Administrator's review and submission of comments on the sketch plan, or after 21 days following submission of the sketch plan has elapsed without the Administrator having submitted his or her comments to the applicant,~~ the applicant may submit ~~his or her~~ the formal plan and application ~~for the planned development and application for conditional district rezoning. The formal application~~ which must be submitted to the Administrator ~~at least 15 days prior to the Planning Board meeting at which it is to be reviewed.~~ or his or her designee, by the application deadline on the City's website, to be reviewed at the meetings corresponding to the schedule. Timing of the submission and waivers of submission deadlines shall in all respects conform to the requirements set forth in § 153.316 *Additional Provisions Pertaining to Conditional Zoning Amendments* of this chapter.

(1) The formal plan shall contain all of the information set forth in § 153.316 of this chapter, and in addition, shall contain or be accompanied by the following information:

(a) Title block containing development name, name of owner, date or dates plan ~~was plan~~ was prepared, a scale drawing in feet per inch listed in words or figures, north arrow, the name of the applicant;

(b) A sketch vicinity map with a north arrow showing the relationship between the proposed planned development and the surrounding area;

(c) The names, addresses, and telephone numbers of all owners, mortgagees, registered land surveyors, land planners, architects, landscape architects, and professional engineers responsible for the planned development;

(d) The registration numbers and seals of the professional engineers, land surveyors, and/or architects;

(e) Locations of proposed property lines and proposed divisions of land within the development;

(f) The names of owners of adjoining properties;

(g) For all proposed public streets and private streets proposed within or adjoining the development the following information:

1. Rights-of-way, location and dimensions;

2. Pavement widths;

3. Approximate grades;

4. Design engineering data for all corners and curves;

5. Typical street cross-sections; and

6. Road names and whether to be public or private.

(h) The location and dimensions of existing and proposed utilities;

(i) Location of any proposed recreation or facilities and other areas designated as, and meeting the requirement of, improved common open space as set forth in § 153.123(D)(14) *PRD District, Project Requirements, Multi-Family Units* of this chapter (area in square feet of each area shall be provided);

(j) The future users and ownership (dedicated or reservation for public use to a governmental body, for owners' use to duly constituted homeowner's association, or for tenants' use and remaining in developer's ownership) of recreation and open space lands;

(k) Location and proposed use of any existing wooded areas within the development site;

(l) Existing and proposed topography at minimum two-foot elevation intervals;

(m) Marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds, and any other natural features affecting the site;

(n) Average calculations for the entire planned development, for each proposed division of land within the development, for each phase of the development, and by general land use within each phase; and

(o) The name and location of any site or buildings within the proposed development or within any contiguous property that is listed on the U.S. Department of Interior's National Register of Historic Places, or is designated as a local historic property by the county, or is within the HO-Historic Overlay Zone as set forth in this chapter.

(2) The Planning Board and City Council shall review the application in accordance with the procedures set forth in §§ 153.315 *Amendments to Text and Map* and 153.316 *Additional Provisions Pertaining to Conditional Zoning Amendments* of this chapter.

(3) Upon completion of the project (or each phase thereof) a complete set of "as-built" drawings shall be furnished to the city.

(D) Planned developments in Water Supply Watershed Overlay District; cluster developments.

(1) Minimum lot sizes are not applicable to single-family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single-family detached developments in § 153.121 *WSW Water Supply Overlay District* of this chapter. Built-upon area or stormwater control requirements of the project shall not exceed that allowed for the critical area or the protected area, whichever applies.

(2) All built-upon areas shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.

(3) The remainder of the tract shall remain in a vegetated or natural state. Where the development has an incorporated property owner's association, the title of open space area shall be conveyed to the association for management. Where a property owner's association is not incorporated, a maintenance agreement shall be filled with the property deeds.

(Ord. passed - -)

§ 153.129 CC COMMERCIAL CENTER DISTRICT.

(A) A request for rezoning to the CC district may be approved by the City Council subject to §§ 153.315 *Amendments to Text and Map* and 153.316 *Additional Provisions Pertaining to Conditional Zoning Amendments* and only after having first been reviewed by the Planning Board.

(B) The Planning Board shall consider the request only after a completed application has been submitted to the Administrator. Prior to the formal submission of the site plan and application, the applicant must ~~is encouraged to~~ submit a preliminary sketch plan for review by the Administrator and the Technical Review Committee.

(C) Sketch plan review procedures. ~~The sketch plan should be submitted at least 30 days prior to the date the applicant expects to submit his or her formal application for the planned development/ conditional district rezoning.~~ Prior to the formal submission, the subdivider shall submit three paper copies and a digital version of the sketch plan for the proposed subdivision to the Administrator along with a completed application by the application deadline on the City's website, to be reviewed at the meetings corresponding to the schedule.

~~(1) The Administrator shall, within 21 days of receipt of the sketch plan, review the sketch plan for general compliance with the requirements of this chapter.~~

(2) The Administrator shall advise the applicant or his or her authorized agent of the regulations pertaining to the proposed planned development and the procedures to be followed in the preparation and submission of the formal application. One copy of the sketch plan shall be retained as a part of the record of the Administrator with another copy being returned to the applicant or his or her authorized agent along with any comments made by the Administrator.

(D) Formal plan submission. Following the Administrator's review and submission of comments on the sketch plan, or after 21 days following submission of the sketch plan has elapsed without the Administrator having submitted his or her comments to the ~~applicant,~~ the applicant may submit his or her formal application for the planned development and application for conditional district rezoning. ~~The formal application must be submitted to the Administrator at least 15 days prior to the Planning Board meeting at which it is to be reviewed~~. 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. Timing of the submission and waivers of submission deadlines shall in all respect conform to the requirements set forth in § 153.316 *Additional Provisions Pertaining to Conditional Zoning Amendments* of this chapter. The formal plan shall contain all of the information set forth in § 153.258 *Site Plan Review Requirements* of this chapter.

(E) Permitted uses.

(1) All uses permitted in § 153.115 *General Business District* of this chapter.

(2) Uses subject to prescribed standards.

(a) Any individual retail use of 85,000 or more gross floor area (GFA) subject to division (G) of this section.

(b) Any individual retail use that existed at the time of adoption of this chapter and expands by a factor of 50% or greater and as a result of the expansion, the GFA of the structure equals or exceeds 85,000 square feet GFA subject to divisions (F) and (G) of this section.

(F) Applicability. For purposes of this section, any retail establishment with a gross floor area of 85,000 plus square feet GFA shall be identified as a large retail establishment. The following standards shall apply to any large retail establishment. Notwithstanding, if a large retail establishment or a shopping center that contained a large retail establishment existed at the time of adoption of these regulations, the regulations contained in this section will only apply to an addition to the large retail establishment if the addition constitutes an increase in gross floor area by a factor of greater than 50% and, as a result of the expansion, the large retail expansion has a GFA of 85,000 plus square feet. The addition shall, to the greatest degree feasible and practical, be made to meet the supplemental regulations contained below.

(G) Development standards for all large retail establishments.

(1) (a) Principal buildings shall be substantially parallel to the public road upon which they front. For the purposes of this standard, the term FRONT relates to the relationship between the building plane and the street or streets and not the arrangement or orientation of the structure and its entrances on the site. When more than one principal building is located on site, the regulation shall apply to the principal building closest to the adjacent public road. When located on a corner lot, the building shall be parallel with the road with the greatest traffic volumes.

(b) This standard may be waived by the City Council where, due to practicalities, it would be more suitable to face the building(s) to the lesser traveled road.

(c) 1. Buildings located on outparcels within a shopping center must substantially address (i.e., be parallel to) the adjoining non-limited access highway and be readily accessed via sidewalks and/or walkways from that adjoining road.

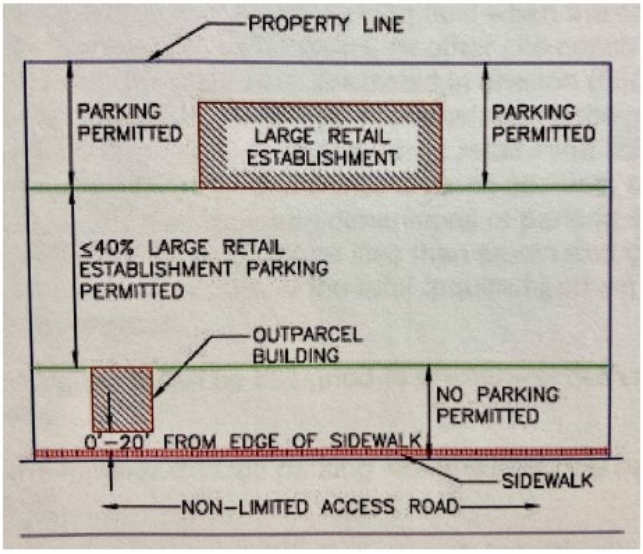
2. All buildings occupying the outparcel lots shall have their architectural fronts facing the roads and shall have a usable door providing access to pedestrians. The fronts all buildings located on outparcels shall have a setback no greater than 20 feet as measured from the edge of the adjoining sidewalk.

3. Any setback areas shall be geared for pedestrian as opposed to automobile use. No off-street parking or loading shall be allowed in this area.

4. Outdoor storage of retail goods (during daylight hours) shall be permitted, as shall outdoor seating areas.

Figure F

Figure F



(2) A sidewalk and plant strip shall be placed parallel to all public roads which the development fronts upon and where pedestrians could be reasonably expected to access the development. (For instance, if the development adjoined a limited access highway where there was no feasible means for pedestrian access, the rule could be waived.) The sidewalk and plant strip shall be constructed in accordance with § 153.395 of this chapter.

(3) Street trees shall be planted along and parallel to the public road. The trees shall be planted within 25 feet of the edge of the road right-of-way, between the right-of-way and any buildings on the lot. The number of trees to be planted shall be as prescribed in § 153.047(B). Large trees may not be planted under any utility lines. The distribution of trees shall generally be proportionate to the street frontage. While an equal interval between trees is not required, it is the intent of this chapter to not have long intervals without trees. Waivers to these regulations may be granted where the adherence of these regulations would interfere or have the potential to interfere with any utility lines.

(4) Large expanses of off-street parking readily visible from an adjoining public road are strongly discouraged. Rather, off-street parking in the interior of the development (i.e., behind building façades) or in screened portions of the side yard is recommended. Notwithstanding, upwards of 40% of the amount of off-street parking provided for the large retail establishment (or the multi-tenant development) may be located in the front yard of the large retail establishment. The remainder of the parking may be placed in the rear of the development or in screened portions of the side yard. The side-yard screening need not be in full compliance with the screening options provided in § 153.046(C), but rather shall serve as a means of significantly shielding the parking from the view of motorists and pedestrians from adjacent roads. Alternative

techniques such as changes in elevation or from the street and sidewalk can be used to augment the landscaping. The location of parking may be shifted to a combination of front, side, and rear yard parking in a single parking field when the shape and/or configuration of the site, limited access locations, or other site constraints would prevent a typical configuration of the site such as is illustrated in division (G)(1) above. In order to minimize the impact of the parking field, and notwithstanding the provisions of § 153.185(K), the standard for parking for these "large retail establishments" shall be one space for each 250 square feet of gross floor area. In addition, and notwithstanding the provisions of § 153.185(F), the minimum dimensions of parking spaces in parking lots for large retail establishments shall not be less than seven and one-half feet in width nor 17 feet in length. No more than 20% of the total required parking may be built utilizing the minimum dimensions.

(5) Off-street parking lots shall be designed to encourage pedestrian mobility. This can be accomplished by:

(a) Reducing the number of large parking lots and breaking parking into separate smaller areas of parking;

(b) Locating parking facilities as close as possible to entrance areas into the large retail establishment; and

(c) Other suitable alternative methods.

(6) The following regulations are designed to create visually distinct and aesthetically appealing structures. To the greatest degree feasible and practical, exterior architectural characteristics shall be designed to differentiate the structures from similar structures containing the same uses) which may be found outside the city. Accordingly, the external appearances of the front of all buildings (and including any building sides that are oriented to any public street right-of-way as required in division (G)(1) above whether located within the development or not) shall be governed as follows:

(a) Seventy-five percent plus of the area below the facia of the building shall be comprised of: brick, brick veneer, decorative concrete block, pre-cast or field poured tilt concrete panels with texture; stone or stone veneer, flush architectural metal panels; stucco or artificial stucco; glass, wood, or wood materials, or similar decorative materials. Notwithstanding, not more than 50% of the exterior building materials shall include smooth-faced concrete block, or smooth faced tilt-up concrete panels.

(b) Façades of buildings having a horizontal length of 150 feet or greater shall have an articulated wall plane that incorporated plane projections or recesses to create an interesting and attractive architectural design which is comprised of more than flat walls with minimal features. Any wall offsets designed to meet this requirement shall have a minimum projection or recess depth of two feet and a minimum width of two feet.

(c) Rooflines should consist of one or more sloped planes. However, flat roofs may be allowed so long as they are concealed from view by a parapet. The parapet shall not be of a constant height for greater than 150 linear feet. Rooftop HVAC

equipment shall be concealed by a parapet or via an enclosure consisting of materials outlined in division (G)(6)(a) above.

(d) External ground-level mechanical appurtenances and dumpsters shall be similarly screened.

(e) Those portions of any roof that is visible from a pubic road shall not have a shiny surface appearance similar to aluminized or galvanized metal. Notwithstanding, anodized, baked or other nonreflective roof material shall be allowed.

(f) Off-street loading docks and facilities shall not be visible from any adjoining public road located entirely outside the lot(s) containing the large retail structure (i.e., the requirement shall not apply to roads, public or private, located entirely within the development containing the large retail structure).

(g) There shall not be any overnight external (i.e., not contained within a fully or partially enclosed structure) storage of retail goods visible from any adjoining public road not located within the development.

(h) Ground floor façades that face public streets shall have arcades, clear display windows and entry areas along no less than 40% of their horizontal space.

(i) Façade colors shall be of low reflectance, subtle or neutral earth tone colors. High intensity colors, metallic colors, black or fluorescent colors are prohibited.

(7) Large retail establishments shall provide at least one outdoor space or site amenity to beautify the site and to enhance the vehicular and pedestrian entryways to the site and any other buildings on the site. A preferred option (although other options may be considered and approved) include a public plaza or courtyard that contains furniture items such as seating walls, benches, drinking and/or decorative fountains, clock towers and other features that are designed to external aesthetics of the site. The outdoor spaces can be located in the front yard (and, if so, can be designed to be accessed exclusively through the development rather than from the adjoining street) or in the interior portion of the development.

(8) When located on a lot fronting two or more streets, the primary access to the large retail establishment shall be from the more "auto-oriented street" (i.e., normally considered to be the street with the higher traffic volume). A secondary access point may be provided from the other street. The second access point may be denied when it is deemed that an undue or unsafe amount of traffic will be generated on the secondary street or if the traffic will have a negative impact on surrounding residentially developed neighborhoods.

(9) Due to the nature of large scale development, the complexity of design, the development design and review process, economic cycles and market conditions, and the time necessary to complete the necessary transactions to secure the property and commence construction, it is recognized that it is appropriate and necessary to allow for additional time for such developments to be commenced. Therefore, and notwithstanding other provisions of the Zoning Ordinance, developments that include large retail establishments may be granted a five-year vesting under the provisions of

G.S. § 160D-108 if such request is included and approved as part of the application for such development. In addition, the time limit for the issuance of a building permit shall be the same as the vesting period that is proposed and approved for the development of the site.

(H) Reuse/compartmentalization. As part of the conditional district rezoning review process, any large retail establishment constructed after the adoption of this chapter shall be designed to include specific elements for adaptation to multi tenant re-use. The elements may include but are not limited to the following:

(1) Compartmentalized constructions include plumbing, electrical service, heating, ventilation, and air conditioning to the extent possible per all applicable codes;

(2) Building design shall also allow for the interior subdivision of the structure into separate tenancies;

(3) Façades shall be readily adaptable to multiple entrances;

(4) Parking lot schemes shall be designed to enable users of any future tenants to readily walk from their vehicles to the storefront; and

(5) Other design elements that facilitate the multi-tenant re-use of the building.

(Ord. passed - -)

§ 153.142 NONCONFORMING MANUFACTURED HOME (MOBILE HOME) PARKS.

(A) (1) Any manufactured home park which is not constructed in accordance with the standards set forth in § 153.128(C) *Standards* of this chapter and/or is a use which is not a use permitted in the district in which it is located, shall be allowed to continue in operation for a period of ten years following the effective date of this chapter.

(2) Thereafter, the manufactured home parks shall either:

(a) Cease operation and all manufactured homes shall be removed;

(b) Be reconstructed to conform to the following requirements:

1. Space dimensions and sizes shall be dictated by on-site sewage disposal standards contained in county's environmental health regulations. Otherwise no setback, minimum lot size or other dimensional requirements shall apply; and

2. No manufactured home shall be placed in a manufactured home park unless it meets the standards of either Class A manufactured home or Class B manufactured home as defined in § 153.031 *Definitions* of this chapter.

(c) The location of each manufactured home stand must be at an elevation, distance and angle in relation to the adjacent access drive so that placement and removal of the manufactured home is practical by means of customary moving equipment. All manufactured homes shall have a continuous brick, cinder block, concrete block, stucco, stone or other masonry-type underpinning or other skirting specifically manufactured for manufactured homes, or pressure treated wood (but plain standard surface pressure treated plywood is not acceptable), unpierced except for required ventilation and an access door. The underpinning and skirting shall be installed under all elements of the manufacture home. Each manufactured home in the park shall conform to the State Department of Insurance Standards for tie-down requirements. All replacement skirting in nonconforming manufactured home parks shall be of a nonreflective type;

(d) Section 153.128(C)(10) *Steps and Patios* ~~(manufactured home parks)~~ shall apply;

(e) Each manufactured home park shall have a space number affixed either to the manufactured home or on a post or stand made of durable material. The number shall be set at a location as to clearly indicate the space to which it is assigned;

(f) Interior streets must be sufficient to carry normal traffic entering and leaving the manufactured home park;

(g) Section~~s 153.202(P) and~~ 153.128(C)(16) *Parking* ~~(manufactured home parks)~~ shall apply;

(h) Sections 153.202(Q) and 153.128(C)(17)(*Trash Facilities*) (manufactured home parks) shall apply;

(i) Sections 153.202(BB) and 153.128(C)(27) *Recreation Areas* and (28) *Maintenance* (manufactured home parks) shall apply; and

(j) Where a manufactured home park is adjacent to a public street or road, street landscaping shall be required as follows:

1. The landscaping shall be provided in a designated landscaped area, which shall include, as width, at least the first 12 feet of the front yard and side yard as measured from the street right-of-way line;

2. Landscaping shall consist of, at a minimum, four small trees and 12 shrubs or four large trees per 100 linear feet of lot frontage on street right-of-way. No part of the landscaped area shall be left as bare soil; or

3. In the event that unusual topography or size of a parcel to be developed would make strict adherence to these requirements serve no meaningful purpose or would make it physically impossible to install and/or maintain the required screen, the provisions of § 153.046(D) *Relief to screening requirements* of this chapter shall apply.

(3) A manufactured home park that is a nonconforming use may continue after the ten-year period only if it conforms or is improved to conform to the requirements of § 153.128153.202 of this chapter. Provided however, no manufactured home park, as long as it remains a nonconforming use, shall be allowed to occupy lands beyond the boundaries of the tract on which it was located at the time it became nonconforming except to comply with the requirements of §153.128153.202 of this chapter. In no case shall any nonconforming manufactured home park either nonconforming as a use or nonconforming due to the standards of this chapter be allowed an increase in the number of manufactured home spaces unless it shall first become both a conforming use and conforming to the standards of §153.128153.202 of this chapter.

(4) In meeting the requirements of §153.128153.202 certain requirements in that section are waived for nonconforming manufactured home parks in bringing them into conformance with this chapter. Those requirements waived are as follows:

(a) Section 153.128(C)(1), Occupancy;

(b) Sections 153.202(B) and 153.128(C)(2), *Minimum Park Area*;

(c) Sections 153.202(L) and 153.128(C)(12), *Public Road Frontage of Park*; and

(d) Sections 153.202(M) and 153.128(C)(13), *Ingress and Egress*.

(B) During the period nonconforming manufactured home parks are allowed to continue in operation as provided for in this section the following requirements shall be met:

(1) Any expansion of the manufactured home parks (this is only permitted where a manufactured home park is a conforming use) shall conform to § 153.128(C) *Standards* of this chapter;

(2) If the park ceases operation for a period of greater than 90 days it shall only be re-established in accordance with § 153.128(C) *Standards* of this chapter (cessation of operation occurs when either all manufactured homes have been removed or when a manufactured home park is closed by a public authority due to violation of law); and

(3) When a space vacancy occurs or when one manufactured home is replaced with another manufactured home, the replacement manufactured home shall meet the requirements of either Class A or Class B manufactured homes as defined in § 153.031 *Definitions* of this chapter.

(Prior UDO, § 8.8) (Ord. passed - -) Penalty, see § 153.999

§ 153.277 VARIANCES.

(A) When practical difficulties, special conditions or unnecessary hardships would result from carrying out the strict letter of this chapter, the Board of Adjustment shall have the power to vary or modify any of the regulations or provisions of this chapter relating to the construction or alteration of buildings or structures or the use of land. Waivers and modifications associated with the approval of a subdivision plat shall be subject to the provisions of § 153.378 *Waivers and Modifications*, rather than this section.

(B) The request for a variance for a use expressly, or by inference, prohibited in the district involved, shall not be granted.

(C) The Board of Adjustment may grant a variance only after having first held a public hearing on the matter. When unnecessary hardships would result from carrying out the strict letter of these zoning regulations, the Board of Adjustment shall vary any of the provisions of the zoning regulations upon a showing of all of the following:

(1) Unnecessary hardship would result from the strict application of the zoning regulations. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

(4) The requested variance is consistent with the spirit, purpose, and intent of the zoning ordinance, such that public safety is secured and substantial justice is achieved.

(D) The Board of Adjustment, in granting a variance, may prescribe appropriate conditions and safeguards in conformity with this chapter provided the conditions are reasonably related to the variance. Violation of the conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of this chapter and shall be punishable as prescribed in § 153.999 *Penalty* of this chapter.

(E) Unless otherwise authorized by the Board of Adjustment, any order of the Board of Adjustment in granting a variance shall expire~~,~~ one year from the date of the Board of Adjustment's decision if either: ~~a building permit or certificate of occupancy (for a use if a building permit is not required) has not been obtained within one year from the date of the Board of Adjustment's decision~~.

(1) A required permits have not been obtained within the one-year time frame; or

(2) A plat notating the variance was not recorded according to the procedures set forth in 153.382(C)(5) *Procedure for Review of Minor Subdivisions*.

(F) If the variance has expired, the zoning administrator shall have the authority to either:

(1) Issue the permit or approve the plat if the zoning administrator determines that, based upon the board's decision, the circumstances for the granting of the variance have not changed and no changes to the ordinance would affect that decision; or

(2) Advise the applicant to reapply for a variance to be heard by the Board of Adjustment.

~~§ 153.118 ROS RESIDENTIAL OFFICE SINGLE-FAMILY.~~

~~(A) Permitted uses. The following principal uses are permitted by right.~~

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

~~(2) Office buildings containing 2,000 square feet or less of gross floor area;~~

~~(3) Churches including customary accessory uses. Church owned and maintained cemeteries as an accessory use are permitted;~~

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

~~(5) Family care homes;~~

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

~~(7) Day care center, small group;~~

~~(8) 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;~~

~~(9) 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; and~~

~~(10) Public safety stations.~~

~~(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) Essential services, Class II provided that the use is screened from any adjoining property located in a residential district in accordance with § 153.046;~~

~~(2) Essential services, Class III provided that the use is screened from any abutting street and any abutting property in accordance with § 153.046;~~

~~(3) Rest homes, nursing care facilities and continuing care communities provided the site is located a minimum of 100 feet from any residential use, 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;~~

~~(4) Day care centers provided the site is located a minimum of 100 feet from any residential use, 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;~~

(5) Florists provided the site is located a minimum of 100 feet from any residential use, 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;

(6) Copying service provided the site is located a minimum of 100 feet from any residential use, 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;

(7) Museums provided the site is located a minimum of 100 feet from any residential use, 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;

(8) Bed and breakfast inns provided the site is located a minimum of 100 feet from any residential use, 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;

(9) Office buildings containing over 2,000 square feet of gross floor area provided the site is located a minimum of 100 feet from any residential use, 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;

(10) Travel agency provided the site is located a minimum of 100 feet from any residential use, 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;

(11) Art and photography studios provided the site is located a minimum of 100 feet from any residential use, 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;

(12) Tailor and alteration shop provided the site is located a minimum of 100 feet from any residential use, 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;

(13) Libraries provided the site is located a minimum of 100 feet from any residential use, 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;

(14) Barber shop/beauty shop provided the site is located a minimum of 100 feet from any residential use, 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; and

(15) Off-street parking for a principal use not listed as a permitted use or use subject to prescribed standards in a Residential (R) district subject to the provisions outlined in § 153.188(B).

(C) Yard requirements.

(1) Minimum lot size.

(a) Bed and breakfast inn: 12,000 square feet.

(b) Churches: 20,000 square feet.

(c) Copy service: 10,000 square feet.

(d) Day care centers: 10,000 square feet.

(e) Florists: 10,000 square feet.

(f) Museum: 21,780 square feet.

(g) Office buildings: 10,000 square feet.

(h) Rest homes, nursing care facilities and continuing care communities: 20,000 square feet.

(I) Travel agency, art/photography studio, tailor/alteration shop and library: 10,000 square feet.

(j) Other uses: same as in the R-10 District.

(2) Minimum front setback.

(a) Single-family dwellings, family care homes, bed and breakfast inns: 30 feet.

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

(c) Office buildings containing 2,000 square feet or less of gross floor area: 30 feet; except for any structure existing at the time this chapter is enacted, the actual setback of the structure shall be allowed for any office use provided there are no further encroachments into the 30- foot front yard.

(d) All other uses: 40 feet.

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

(a) Museum, office buildings, florist, copying service, travel agency, art and photography studios, tailor and alteration shop, library: 15 feet.

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

(4) Minimum rear yard setback. All uses: 25 feet.

~~(5) Minimum lot width (as measured at the required front setback). At least 35 feet of lot width measured at the street right-of-way line shall be required except as noted.~~

~~(a) Office buildings, museums, libraries, florist, copy service, church, schools: 100 feet with at least 50 feet at the street right-of-way line.~~

~~(b) Churches and schools: 120 feet with at least 50 feet at the street right-of-way line.~~

~~(c) Other uses: 80 feet.~~

~~(6) Maximum building height. All uses: 40 feet, except as provided in § 153.054 of this chapter.~~

~~(D) Screening and landscaping.~~

~~(1) Screening, when required by § 153.046(A) of this chapter, shall be installed pursuant to § 153.046 of this chapter.~~

~~(2) Where applicable, landscaping shall be provided in accordance with § 153.047 of this chapter.~~

~~(Prior UDO, § 7.13) (Ord. passed - -) Penalty, see § 153.999~~

§ 153.383 SUBMISSION AND REVIEW PROCEDURE FOR ~~MAJOR SUBDIVISIONS~~ SKETCH PLANS.

(A) ~~Prior to the preliminary plat submission, the subdivider shall submit to the Administrator two or more copies of a sketch plan of the proposed subdivision containing the following information:~~

Prior to the preliminary plat submission, the subdivider shall submit three paper copies and a digital version of the sketch plan for the proposed subdivision to the Administrator along with a completed application by the application deadline on the City's website, to be reviewed at the meetings corresponding to the schedule. The sketch plan shall be prepared by a registered architect, engineer, or land surveyor licensed and registered by the appropriate state board. At a minimum, the sketch plan shall contain or be accompanied by the following:

~~(1) A sketch vicinity map including north arrow showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads and waterways;~~

~~(2) The boundaries of the lot(s) to be subdivided;~~

~~(3) The total acreage to be subdivided;~~

~~(4) The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;~~

~~(5) The proposed street layout with approximate pavement and right-of-way widths, lot layout and size of lots;~~

~~(6) The name, address and telephone number of the owner(s) of the tract to be subdivided;~~

~~(7) The name of the proposed subdivision;~~

~~(8) The zoning classification of the lot(s) to be subdivided and of adjacent properties, if applicable; and~~

~~(9) Parcel identification number (PIN) of the lot(s) to be subdivided.~~

(1) A sketch vicinity map including north arrow showing the location of the planned development in relation to neighboring tracts, subdivisions, roads, and waterways;

(2) The boundaries of the tract and the portion of the tract proposed to be in the subdivision;

(3) The total acreage of the lot to be subdivided;

(4) Locations of any existing public streets or utilities and rights-of-way of the facilities;

(5) The existing and proposed uses of the land within the major subdivision and the existing uses of land adjoining it;

(6) General locations of existing natural features of the site, such as wooded areas, water features, and significant topographic features;

(7) The proposed street layout with approximate pavement and right-of-way width;

(8) Existing property lines and approximate (sketch) locations of proposed property lines within the subdivision showing all proposed lots or other divisions of land;

(9) Sketch of conceptual building locations;

(10) The name, address, and telephone number of the owner;

(11) The name, if any, of the proposed subdivision;

(12) Streets and lots of adjacent developed or platted properties; and

(13) The zoning classification of the tract and of adjacent properties.

(B) The Administrator and Technical Review Committee shall review the sketch plan for general compliance with the requirements of these regulations and any applicable zoning or other ordinance requirements. The Administrator shall advise the subdivider or his or her authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the preliminary and final plats.

(C) One copy of the sketch plan shall be retained as a part of the city's record by the Administrator, with a copy ~~the other copy(ies)~~ being returned to the subdivider or his or her authorized agent along with any comments made by the Administrator concerning the proposed plat.

(D) ~~The Administrator shall have 21 days from the receipt of sketch plan to review and make comments. If comments are not forwarded during the period, the subdivider may submit his or her preliminary plat for review having not received comments from the Administrator on the sketch plan.~~ Once the comments are corrected, the subdivider may submit a preliminary plat containing all of the information set forth in § 153.384 of this chapter.

(Prior UDO, § 17.13) Penalty, see § 153.999

§ 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) Single-family dwellings;

(2) Two-family dwellings;

(3) Multi-family dwellings *with additional requirements (see section (C) below);* ~~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;

(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 one acre or less in size and not containing a swimming pool.

(B) *Yard regulations.*

(1) *Minimum lot size.*

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

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

(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) Essential services: none.

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

(a) All residential uses: 30 feet.

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

(c) All other uses: 40 feet.

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

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

(b) Multi-family dwellings: 12 feet.

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

(d) Church: 20 feet.

(e) All other uses: 15 feet.

(4) *Minimum rear yard setback.* All uses: 25 feet.

(5) *Maximum building height.* All uses: 40 feet, except as provided in § 153.054 of this chapter.

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

(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) Multi-family developments: 100 feet at the street right-of-way.

(d) All other uses: 100 feet.

(C) ~~*Screening and landscaping.*~~ Additional Requirements for Multi-Family Dwellings

(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.

(2) Where applicable, landscaping shall be provided in accordance with § 153.047 of this chapter.

(3) Off-street parking, as provided in 153.185

(D) Other requirements (if applicable)

(1) Water Supply Watershed Overlay District, as provided in 153.121

(Prior UDO, § 7.5) (Ord. passed - - ; Ord. passed 6-29-2023; Ord. O-5-2024, passed 6-6-2024) Penalty, see § 153.999

§ 153.137 NONCONFORMING STRUCTURES.

(A) A nonconforming structure devoted to a use permitted in the zoning district in which it is located may continue only in accordance with the provisions of this section.

(B) Normal repair and maintenance may be performed to allow the continuation of nonconforming structures.

(C) A nonconforming structure may not, under any circumstances, be enlarged or altered in a way that increases its nonconformity.

(D) Destruction – rebuilt structures shall be placed in a manner most in conformance with all applicable regulations contained in this chapter. If the structure can be placed on the lot in a conforming manner, it shall.

(1) *Nonresidential* - If a nonresidential nonconforming structure is destroyed to an extent of more than 60% of its replacement cost at the time of destruction, it may be rebuilt in a nonconforming manner only if a permit for construction has been issued by the Board of Adjustment in accordance with § 153.279 of this chapter. ~~A residential structure which is destroyed to an extent of more than 60% of its replacement cost at the time of destruction may be reconstructed on the lot. If the structure can be placed on the lot in a conforming manner, it shall.~~

(2) *Residential* - ~~Otherwise, the residential structure shall be placed in a manner most in conformance with all applicable regulations contained in this chapter.~~ A building permit for reconstruction must be secured no later than ~~180 days~~ one year from the date of destruction of the residential structure.

(E) Should a nonconforming structure be moved for any distance on the lot of record, it shall be placed in a manner most in conformance with this chapter.

(Prior UDO, § 8.3) Penalty, see § 153.999