Cross-reference:

Definition of accessory day care center, see § 153.031

§ 153.069 COMMERCIAL VEHICLES.

(A) On any residential lot of less than two acres in size and located in a Residential (R) zone, commercial vehicles which may be parked on an overnight basis shall be limited to school buses, vans and pick-up trucks. This requirement shall not be interpreted to prohibit vehicles from loading and unloading household goods in any Residential (R) District for a period of up to 24 hours nor shall this restrict the overnight parking of freight truck tractors without trailers on any lot.

(B) A residentially developed lot shall not be used as the base of operation for any freight hauling truck.

(Prior UDO, § 5.25) Penalty, see § 153.999

§ 153.070 CANOPIES IN NB, GB, CC, HB, PB, GMC AND GI DISTRICTS.

On any lot where a canopy or canopies are used to shelter vehicles, such as lots containing convenience stores, service stations, express-fuel mini-marts and other similar uses requiring vehicular shelter, the edge of the canopy may extend to within ten feet of the front and rear property lines and five feet of the side yard property line. However, in no case, shall a canopy or canopies extend to within ten feet of a street right-of-way boundary.

(Prior UDO, § 5.26) Penalty, see § 153.999

§ 153.071 CANOPIES AND AWNINGS IN CB, CBT DISTRICT.

A canopy or awning may extend beyond a structure to cover a sidewalk or other walkway provided that no canopy or awning may extend over the portion of a public right-of-way used for vehicular traffic or parking.

(Prior UDO, § 5.27) Penalty, see § 153.999

§ 153.072. RESERVED.

§ 153.073 RESERVED.

§ 153.074 SUPPLEMENTARY REQUIREMENTS FOR DEVELOPMENT IN THE CENTRAL BUSINESS AND TRANSITIONAL BUSINESS DISTRICTS.

(A) *Purpose.* The purpose of establishing supplementary requirements for development in the Central Business (CB) and Central Business Transitional (CBT) Districts is to protect and enhance the visual character of development and to preserve the unique streetscape of downtown by encouraging compatibility among downtown structures.

(B) *Development standards.*

(1) Buildings within the CB and CBT Districts exhibit design elements that contribute to the unique sense of character of downtown Lincolnton. Specifically, older retail style buildings tend to have flat or low pitch roofs concealed by the front façade parapet, no front or side yard setback, large storefront windows on the first floor and strong horizontal separations between the first and any upper floors created by window and/or changes in façade materials. Adjacent retail structures should embrace that style when possible. The many churches exhibit primarily two distinct styles, late gothic revival and classic (Greek) revival. Perimeter buildings and residential buildings convey a more common pitched roof, with styles of colonial, revival and craftsman (among others) intermingled. Some of the older structures have or had steep pitched metal roofs in neutral or muted colors. New or renovated structures in CB and CBT zones are expected to compliment the nearby structures, extending styles that adjoin or creating an aesthetic blend from style to style where adjoining styles transition, particularly at the zoning district edges where blending from style to style is important.

(2) In order to continue, recreate and, in some cases, replicate (such as in the CBT District) the historic development pattern of downtown Lincolnton, the following standards shall apply to all new construction, additions, and substantial modifications to existing structures; except that the Board of Adjustment may waive or modify one or more requirements whenever, in its opinion, the waiver or modification is consistent with the intent of this section and results in a development which meets the findings of fact required herein. For the purposes of this section, ***SUBSTANTIAL MODIFICATION*** shall be defined as any work which involves the alteration of the building's footprint, construction of additional stories, changes in roof pitch, modification of building fenestration and entryways, material changes to the building façade, or painting which does not use natural material colors.

(a) *Awnings and canopies.* When used, awnings and canopies shall be placed at the top of window openings and shall relate to the shape of the top of the window. Awnings shall be made of canvas or treated canvas material; or standing seam prefinished metal on open metal framing. Awnings, where existing conditions are in place and subject to staff review, can be recovered with slate or simulated slate, shingles, or standing seam metal in neutral or earth tone colors. In new construction the above standards may be incorporated when determined by staff that it is appropriate, based on review of other nearby structures, generally within approximately 300 feet of the new building and within the same zoning district. Vinyl or metal awnings are not permitted. No awning shall extend more than two-thirds the width of the sidewalk or nine feet, whichever is less. Awnings and canopies must be self-supporting from the wall; no supports shall rest on or interfere with the use of pedestrian walkways or street. In no case shall any awning extend beyond the street curb or interfere with street trees or public utilities. The use of metal or other rigid roofing material is not intended to be used as a vertical facade for awnings or canopies. A vertical drop of acceptable scale is permitted. Metal is not permitted as a vertical wall face or screen.

(b) *Building height.* In no case shall any structure in the downtown exceed the height of the base of dome on the Lincoln Cultural Center.

(c) *Building presentation.* In individual commercial buildings, building entrances shall face the street and be accessible from the public sidewalk. Any portion of a building that faces an adjacent street right-of-way shall be considered a building front and shall be subject to the presentation entrance and fenestration requirements of this section. For non-commercial buildings (residential, religious, etc) or for commercial cluster group development, when approved, the street facade shall be addressed via fenestration requirements or design elements and entrances shall be accessible via walkways or plazas from the public sidewalk.

(d) *Building width.* Additions and new construction located in the CB or CBT Districts shall maintain the existing building wall by extending the building front from side lot line to side lot line, except that an appropriate architectural wall or similar design feature may be used instead of a building extension. Where penetration through the lot line is required, such as access for pedestrians or vehicular access to an area behind the front, such as rear yard parking or courtyards, the penetration shall be appropriately visually framed, by use of a fence termination feature, walls, replicated or existing building walls, or scalable landscaping where appropriate, subject to staff review.

(e) *Color.* Additions and new construction shall relate paint colors to natural material colors found on neighboring historic buildings and nearby buildings. Contrasting colors, which accent architectural details and entrances may be used. (A pallet of suggested colors is available.)

(f) *Fenestration.* New construction and remodeling of existing buildings in the CB and CBT Districts shall maintain the prevalent pattern and spacing of the windows and doorways on downtown buildings. Windows on the street level front of buildings shall constitute at least 20% and not more than 50% of the façade. Window on subsequent levels shall be a minimum of 15 square feet. Windows must be clear, transparent glass (not mirrored or tinted dark) and shall not be lower than two feet above grade. Double-hung windows with a height-to-width ratio of 2:1 are preferred for upper stories. No window or door shall be horizontally separated by more than 15 feet from the nearest other window or door in the same façade. Frames and sashes for windows shall be of wood, vinyl or pre-finished metal and may have stone, brick or cast concrete lintels and stills. Window glass shall always be set back from the building face rather than flush.

(g) *Front build-to-line.*

1. The fronts of all new commercial buildings constructed in the CB District shall abut existing sidewalks, where provided, except for outdoor café-type uses when a low wall or other architectural articulation is carried across the right-of-way to continue the visual continuity of building faces.

2. The fronts all new commercial buildings constructed in the CBT District may vary from zero to 20 feet (i.e., thus creating a maximum front yard setback of zero to 20 feet) as measured from the street right-of-way boundary. Variable front yard setbacks are encouraged in the CBT District to allow for building articulation. Any setback areas shall be geared for pedestrian use. No off-street parking shall be allowed in these areas. Outdoor storage of retail goods (during daylight hours) shall be permitted, as shall outdoor seating areas.

(h) *Horizontal rhythms.* Downtown building patterns traditionally emphasized a strong horizontal design element. New construction and additions to or remodeling of existing buildings shall maintain a clear visual division between street level and any upper architectural feature used to accomplish this effect.

(i) *Materials.* Façade materials found in the downtown district include wood, brick and stone. Additions and new construction shall use facing materials that are compatible in quality, color, texture, finish, and dimension to those common in the downtown area. Acceptable materials include, but may not be limited to brick, stone or wood. Under no circumstances shall metal siding, unfinished concrete block or vinyl siding be allowed.

(j) *Roofs.* Additions and new construction using flat pitch or low pitch roof design (anything under 3:12) must install parapet walls on all sides or cap the walls with a cornice treatment that provides articulation to the roofline. When the roof drains to the rear of the building and is guttered the parapet may be eliminated upon staff approval.

(k) *Signs.* Signs should relate in placement and size to other building elements and shall not obscure building elements such as windows, cornices or decorative details. Sign material, style and color shall complement the building façade in terms of design, scale, color and materials. Individual shop signs in a single storefront shall relate to each other in design, size, color, placement on the building, and lettering style. Canvas signs placed on the outside of buildings, excluding canopy signs, whether for permanent or temporary use are prohibited. Signs placed on the inside of window areas shall conceal no more than 20% of the area of the window on which the signs are located.

(l) *Streetscape protection.* Any damage to the existing streetscape design, including street trees, by development, use, or condition or private property shall be corrected by the proper owner at the owner's expense to the satisfaction of the city's Public Works Department, prior to the release of a certificate of occupancy. Any damage not corrected by the owner shall be corrected by the city, the cost of which is to be billed to the owner, including city administrative costs. For the purposes of this section, ***STREETSCAPE*** shall be defined to include any public improvement adjacent to private property.

(m) *Walls and entrances.* Walls and entrances in the CB and CBT Districts shall be designated to encourage and complement pedestrian-scale activity. Recessed doorways at building fronts are required.

(C) *Demolition.*

(1) No building shall be demolished without the building owner or his or her representative first consulting with the city's Planning Director or his or her designee. Following initial communication from the building owner, the Director shall have 21 days to render a recommendation to the applicant.

(2) If the property owner so desires, he or she may secure a demolition permit from the Lincoln County Building Inspector at the end of the 21-day review period. The demolition of any contributing member of the National Register District is strongly discouraged.

(D) *Procedures.* Prior to the construction of any new building, structure or parking area or the substantial renovation of that, a zoning permit must be secured from the Administrator.

(E) *Permit applications.* Applications for a zoning permit shall be accompanied by supporting material sufficient to determine compliance with the standards outlined in this section. The material shall include, but may not be limited to, a detailed site plan, street elevations, a height disclosure statement, and where necessary, the location of all public utilities. The information shall be sealed by a registered engineer, surveyor, architect or landscape architect licensed in the state. Applications for a zoning permit shall be filed on forms provided by the Planning Department. The Administrator will consider no incomplete applications. All applications will be reviewed by the Administrator within 21 working days from the date of submittal.

(Prior UDO, § 5.30) (Ord. ZTA-7-2016, passed 1-5-2017) Penalty, see § 153.999

§ 153.075 -RESERVED

§ 153.076 BONA FIDE FARMS IN EXTRATERRITORIAL JURISDICTION

(A) Property located in the city's extraterritorial planning and development regulation jurisdiction and that is used for bona fide farm purposes is exempt from the city's zoning regulations as provided by G.S. 160D-903. As used in this subsection, "property" means a single tract of property or an identifiable portion of a single tract.

(B) Property that ceases to be used for bona fide farm purposes shall become subject to exercise of the city's zoning regulations under this Chapter.

NOTE: In accordance with G.S. 160D-903, property that is exempt from the exercise of municipal extraterritorial planning and development regulation jurisdiction pursuant to G.S. 160D-903(c) is subject to Lincoln County's floodplain regulations or all floodplain regulation provisions of the Lincoln County Unified Development Ordinance.

ESTABLISHMENT OF ZONING DISTRICTS

§ 153.090 INTRODUCTION.

(A) In order to achieve the purpose of this chapter, the following districts, based on the concepts and proposals of the city's land use plan and other plans and policies are hereby established. In addition to the primary uses that are permitted by right or subject to prescribed standards, other uses including accessory uses, off-street parking and signs are permitted as listed in this chapter.

(B) The districts are divided into three different categories:

(1) General zoning districts;

(2) Overlay districts; and

(3) Conditional zoning districts.