

PART 6

ESTABLISHMENT OF ZONING DISTRICTS

Section 6.1 Introduction

In order to achieve the purpose of this Ordinance, the following districts, based on the concepts and proposals of the City of Lincolnton Land Use Plan and other plans and policies are hereby established. In addition to the primary uses that are permitted by right or through the issuance of a conditional use permit, other uses including accessory uses, off-street parking and signs are permitted as listed in this Ordinance. The districts are divided into three different categories: (1) General Zoning Districts, (2) Overlay Districts and (3) Parallel Conditional Use Districts.

Section 6.2 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, each zone allows for conditional uses that may be developed once a conditional use permit has been issued by the City Council. The following general zoning districts are hereby established.

6.2.1 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 non-existent or partially existent, and to accommodate greater densities where services are present, therefore, density levels are variable to the existence of such facilities. The continuance of agricultural operations is encouraged within this district. Under certain circumstances certain conditional uses may be allowed depending upon facilities to support such uses, compatibility with existing and proposed surrounding development, and other criteria set forth in this Ordinance.

6.2.2 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, on either a permitted by right basis or on a conditional use basis where certain criteria specified in this Ordinance are met.

6.2.3 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 facilities are also allowed or may be allowed on a conditional basis. Certain cluster type residential developments may be allowed on a conditional basis whereby gross densities within such developments are generally similar to those which would be achieved through 10,000 square foot lots.

6.2.4 R-8 Residential District

This district is established to accommodate single-family dwellings on 8,000 minimum square foot lots and two-family dwellings on 12,000 minimum square foot lots and to allow under certain conditions, and after review and approval by the City Council, a variety of residential dwelling unit arrangements in Planned Residential Developments. Review by the Planning Board, and review and approval by the City Council for residential uses and arrangements, other than those specifically permitted by right, is established to ensure that developments are well-planned, and where applicable, compatible with adjoining single-family residences and neighborhoods. These districts are located where water and sewer are present. The district accommodates both one and two-family residences.

A limited number of private and public community uses are allowed or may be allowed on a conditional use basis where certain criteria specified in this Ordinance are met.

6.2.5 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. In order to ensure that developments are well planned and compatible with adjoining residential areas, multi-family projects with a density greater than six (6) units per acre shall be a conditional use subject to review procedures set forth in Part 13 of this Ordinance. Under the same intent and criteria set forth for the R-8 District, a variety of residential dwelling units arrangements in Planned Residential Developments may be allowed on a conditional basis. A limited number of private and public community uses are allowed or may be allowed on a conditional use basis whereby certain criteria specified in this Ordinance are met.

6.2.6 RO Residential Office District

This district allows for one, 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 Ordinance is deemed a "Residential" District. Such a classification does require screening and buffering from all new uses in adjacent commercial and industrial districts. Small offices, certain community facilities and one and two-family residences are permitted by right. Larger offices, multi-family dwellings, other community facilities, and certain businesses are allowed only on a conditional use basis. Planned residential developments are a conditional use allowed on the same basis as in the R-8 District.

6.2.7 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 residences are permitted, but unlike the R-O Zone, the emphasis of this zone is on non-residential uses. This zone may also be established in certain areas to provide an orderly transition between residential areas and more intensive commercial uses.

6.2.8 N-B Neighborhood Business District

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 (2) lots in separate ownership or at least two (2) acres regardless of ownership.

Unlike the CB District, of-street parking, landscaping, and yard requirements are established for the NB District.

6.2.9 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 addition, certain industrial and residential uses may be developed with City Council approval. 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.

6.2.9.A 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. In addition, certain industrial and residential uses may be developed with City Council approval. 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.

6.2.10 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 such 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.

6.2.11 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. In order to achieve this goal, the

conditional use process will be employed here for larger tracts of property and for larger-sized building. In this manner, the City Council will be able to review plans for most new developments in these districts and be able to insure that provisions such as adequate ingress and egress, buffering, landscaping, screening, traffic flow, etc. are properly addressed.

6.2.12 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. Many types of such operations are permitted by right. Certain types of manufacturing and commercial operations, however, will be allowed only upon issuance of a conditional use permit. Such permits are issued only after review by the Planning Board and City Council, and the City Council having made certain findings and determined any required conditions as set forth in Part 13.

6.2.13 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 such uses. It is important that areas zoned ROS exist in harmony with adjacent established single-family areas. Unlike the RO District the ROS District does not allow for the conditional use of multi-family or planned residential developments. Like the RO District, however, the ROS District is a "Residential" District. This classification requires screening and buffering from all new uses in adjacent commercial and industrial districts.

Section 6.3 Overlay Districts

Overlay Districts are established to provide for certain additional requirements and/or uses for properties located in one or more general zoning districts. Thus, in addition to the requirements of the underlying general zoning district, the provisions of the Overlay District and/or any subsequent rezonings may be initiated by an individual, Planning Board or City Council. A zoning map change either establishing or changing any Overlay District shall be subject to the same procedures and requirements as any other zoning map change.

6.3.1 MHO Manufactured Home Overlay

The purpose of this district is to provide areas in which Class A manufactured homes can be located on individual lots. In order that such homes, when placed on the lot, are compatible with single-family residences, the MH District does provide certain size, construction and aesthetic standards for manufactured homes by allowing only Class A manufactured homes (as defined in Part 4). The MH Overlay District supplements the range of uses permitted in the underlying district. All other uses and regulations for the underlying district shall continue to remain in effect for properties classified in the MH Overlay District. The MH Overlay District may only be located in areas that contain a Residential (R) underlying general zoning district. Such overlay areas may not consist of an individual lot or scattered lots, but shall consist of a defined area within which additional requirements or standards are placed upon manufactured homes. The intent of this approach is to allow manufactured homes in parts of a zoning district where they would not otherwise be allowed, subject to appropriate conditions. In determining such areas, the City Council will give close consideration to whether manufactured homes would be compatible with surrounding land uses.

6.3.2 SH Special Highway Overlay District

The purpose of this district is to protect and preserve the natural scenic beauty of the landscape of areas which lie near or adjacent to designated Special Highways and that development which takes place on land which lies near such highways be developed in a manner which maximizes the attractiveness of uses and the safety and order of development of the area through the application of additional development standards. Ensuring that development occurs in such a manner, it will in turn contribute to and enhance trade, tourism, capital investment, public safety and the general welfare.

6.3.3 HO Historic Overlay District

This shall be an additional zone established pursuant to Part 3C of Chapter 160A of the General Statutes of North Carolina, which may overlay other zoning districts on the official zoning map. That portion of any zoning district to which the HO District shall apply shall also be delineated on the official zoning map. The HO District is intended as an area in which conservation, preservation, restoration and development of historic character and significance and be fostered and maintained. No historic district or districts shall be designated until:

1. An investigation and report describing the significance of the buildings, structures, features, sites or surroundings included in any such proposed district, and a description of the boundaries of such district has been prepared; and
2. The State of North Carolina Department of Cultural Resources, acting through the State Historic Preservation Officer or his designee shall have made an analysis of and recommendations concerning such report and description of proposed boundaries. Failure of the Department to submit its written analysis and recommendations to the City Council within 30 calendar days after a written request for such analysis has been received by the Department of Cultural Resources shall relieve the City of any responsibility for awaiting such analysis, and the City Council may at any time thereafter take any necessary action to adopt or amend the Zoning Ordinance.

Section 6.4 Reserved

Section 6.5 CU Parallel Conditional Use Districts

Parallel Conditional Use Districts are established to consider situations where a particular use may be acceptable on a lot or tract of land but the other uses permitted in a General Zoning District would not be acceptable. In such instances, the City Council may elect to rezone the lot(s) in question to a parallel conditional use district. Such rezonings may be made contingent upon the property owner meeting fair and reasonable conditions which assure the compatibility of the use with surrounding properties and promote the general welfare of the community. Zoning to a CU District shall be a voluntary procedure on the part of the property owner or his agent and is intended for firm development proposals. It is not intended for securing early zoning for tentative proposals.

The following CU Districts are hereby established:

CU-R-25

CU-RMF

CU-CBT

CU-R15

CU-ROS

CU-NB

CU-R-10

CU-RO

CU-GB

CU-R-8

CU-OI

CU-PB

CU-CB

CU-GMC