



**LINCOLN COUNTY PLANNING & INSPECTIONS DEPARTMENT**  
302 NORTH ACADEMY STREET, SUITE A, LINCOLNTON, NORTH CAROLINA 28092  
704-736-8440 OFFICE 704-736-8434 INSPECTION REQUEST LINE 704-732-9010 FAX

To: Board of Commissioners  
Planning Board

From: Randy Hawkins, Zoning Administrator

Date: March 20, 2015

Re: UDO Proposed Amendments #2015-1  
Lincolnton-Lincoln County Chamber of Commerce, applicant

*The following information is for use by the Lincoln County Board of Commissioners and the Planning Board at their joint meeting/public hearing on April 6, 2015.*

This is a proposal to amend the Lincoln County Unified Development Ordinance as follows:

1) Amend Section 3.2 to delete façade requirements for side and rear walls of nonresidential and multi-family buildings, to allow non-corrugated metal as a primary material on a road yard façade, and to delete requirements for service bay orientation and screening.

2) Amend Section 3.4.5 to state that foundation plantings shall be provided along building walls facing a public road or a parking area in a side yard (but not a parking area in a rear yard).

3) Amend Section 3.4.10 to apply the interior landscaping requirement to parking lots with more than 40 spaces (up from 25), and to state that no parking space shall be located more than 75 feet (up from 50) from a planting island located in the same row of spaces.

4) Amend Section 3.5.9 to allow a developer of a commercial property to defer the construction of a driveway connection to adjacent property until the adjacent property is developed, and to allow the Director of the Planning and Inspections Department to waive the connection requirement in cases where property uses are not complementary or conducive for connections.

The full text of the proposed amendments follows this report.

**Land Use Plan's recommendations**

These four sections of the ordinance are part of the UDO's General Development Standards, which apply countywide to nonresidential and multi-family development. The UDO went into effect in 2009, replacing the old Zoning Ordinance, which contained no regulations regarding building facades, foundation plantings, parking lot landscaping, or driveway connections between existing lots.

The UDO implemented many of the goals of the Lincoln County Land Use Plan, which was adopted in 2007. Among the plan's recommendations:

Strategy 4.3.4 recommended applying building design standards to areas that currently are or are anticipated to be urban in nature (i.e., served by both public water and sewer), possibly through an overlay zoning district.

Strategy 4.3.3 recommended modifying parking standards to require landscaping to avoid the appearance of a "sea of asphalt" and to reduce stormwater runoff.

Strategy 2.4.1 called for updating connectivity standards for subdivisions and between individual uses along major roads.

### **Current requirements for facades**

The UDO currently includes the following façade requirements:

1) Building facades facing a road must be constructed of the following materials: masonry (including brick, stone, architectural concrete or stucco), any type of fiber cement siding such as HardiePlank, wood or glass (at least 10 percent of the façade must be glass). (Note: Masonry also includes masonry veneer, a nonstructural layer of masonry that's added to the structural framing, typically brick veneer, also known as thin brick.)

2) Any side or rear wall within 100 feet of a residential zoning district or public or semi-public area (i.e., a parking area) must consist of the same facing materials as the building front.

3) Corrugated metal may not be used on any façade that's visible from a public road.

4) Building facades facing a road may not have a blank wall area that extends more than 15 feet in the vertical direction or more than 40 feet in the vertical direction. In other words, facades facing a road must be accented by architectural features.

In addition to metal siding, materials that are not permitted for road facades – and in some cases for side and rear facades – include EIFS (an Exterior Insulation and Finishing System, sometimes called synthetic stucco) and vinyl siding.

### **Effect of proposed changes**

Under the General Development Standards, the "front" of a building, or the side with the primary entrance, doesn't have to face the road or, in the case of corner lots, what's deemed the main road.

This proposal would apply façade requirements only to one side of a building, the "road yard" façade, even if the building were located on a corner lot. Under the UDO, a corner lot has four distinctly named yards, or setback areas: road yard, side yard, side yard (road) and rear yard.

The required building setbacks for the road yard and side yard (road) are different, and a developer has a choice of which side to designate as the road yard, provided a building would fit inside either of the building envelopes formed by the different setbacks.

Under the proposed amendment, the longer side of a building, the side featuring the main entrance, could face the main road and not have to meet the façade requirements, while the shorter side facing a side road would have to comply.

In the case of a lot that's not located on the corner of an intersection, a building may be placed with the longer side, possibly the side with the main entrance, facing a parking area rather than the road. In that case, only the shorter side of the building facing the road would have to meet the façade requirements.

This proposal would have the effect of relaxing standards in the Eastern Lincoln Development District. The ELDD regulations go beyond the rules set by the General Development Standards, addressing additional aspects of building design but not including all of the facade standards found in Section 3.2.

### **Staff's recommendation**

Staff has no issues with proposed amendments No. 2 (foundation plantings) and No. 3 (parking lot landscaping), but we recommend revising the proposal for No. 1 (building design) and deleting Section 3.5.9 (access to adjacent development) entirely.

**1) Building design:** Why require building facades to be constructed of certain materials? Because certain materials are more attractive and more durable than others. The appearance of businesses is important to communities.

Applying façade standards to only the road yard side of a building would result in situations in which the standards don't apply to the side of a building that functions as its front, the side where the public parks and enters.

Staff recommends that the standards apply to any side facing a public right-of-way or a parking area that's located in a side yard.

For a small business that's not located on a corner lot and that only requires a parking area in front of the building (and possibly employee parking behind the building), the façade standards would apply only to the road yard façade.

**4) Access to adjacent development:** Driveway connections between commercial developments can benefit businesses and the public by offering more convenient and safer access, allowing customers to drive from one store or office to another without going back out onto a main highway.

However, requiring a one-lot development to construct stubs or to show locations of future connections on a recorded survey, and then requiring connections to be completed if and when adjacent lots are developed, is problematic. Connections may not make sense between some businesses. Topography can present major challenges in constructing connections. Adjacent property may never be developed commercially.

To ensure access, connections require that two property owners enter into a cross-easement agreement, which typically provides for shared maintenance costs. Future owners may not want driveway connections and refuse to sign an agreement.

Deleting the connection requirement from the General Development Standards won't leave the county without effective means of accomplishing the same goal in many cases. Connectivity requirements are part of the UDO's subdivision standards. Connections can also be achieved with Planned Development and conditional rezonings.

Following are the Chamber's application to amend the UDO, the full text of the Chamber's proposal, the full text of staff's recommended revisions to Nos. 1 and 4, the ELDD's building design standards, and staff's proposed statement regarding its recommendation.



## **UDO Text Amendment Application**

Lincoln County Planning and Inspections Department  
Zoning Administrator  
302 N. Academy St., Suite A, Lincolnton, NC 28092  
Phone: (704) 736-8440 Fax: (704) 732-9010

### **Part I**

Applicant Name Lincolnton-Lincoln County Chamber of Commerce

Applicant Address 101 E. Main St., Lincolnton, NC 28092

Applicant Phone Number (704) 735-3096

### **Part II**

Briefly describe the proposed text amendments.

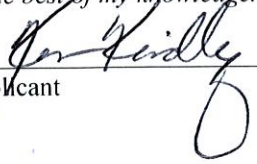
1) Amend Section 3.2 to delete façade requirements for side and rear walls of nonresidential buildings, to allow non-corrugated metal as a primary material on a road yard façade, and to delete requirements for service bay orientation and screening.

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*I hereby certify that all of the information provided for this application and attachments is true and correct to the best of my knowledge.*

  
Applicant

2-18-15  
Date

# **Chamber's proposed changes in UDO**

**Proposed added text**

~~Proposed deleted text~~

*1) Amend Article 3 (General Development Standards) to delete façade requirements for side and rear walls of nonresidential buildings, to allow non-corrugated metal as a primary material on a road yard façade, and to delete requirements for service bay orientation and screening.*

## **§3.2 Building Design**

### **§3.2.1. Purpose**

The purpose of this subsection is to provide interest in design, articulation and human scale to the façade of the building.

### **§3.2.2. Applicability**

This subsection shall apply to the construction, renovation or redevelopment of nonresidential structures, multi-family structures, and residential and nonresidential multi-building complexes.

### **§3.2.3. General**

Design for buildings within multi-building complexes shall exhibit a unity of design through the use of similar elements such as rooflines, materials, window arrangement, sign location, and details.

### **§3.2.4. Facades**

#### **A. General**

1. All nonresidential road **yard** façades may be constructed of the following materials:
2. Masonry including brick, stucco, architectural concrete, hardiplank or similar siding or stone;
3. Wood;
4. Non-corrugated metal (~~for beams, lintels, trim elements and ornaments~~); or
5. Glass (no less than 10 percent).

The provisions of this subsection shall not apply to lots in the I-G district in subdivisions recorded prior to August 31, 2009, that do not front on an arterial or collector road. This does not exempt any parcel which is located within the Eastern Lincoln Development District (ELDD) from the provisions contained within §2.5.1.

#### **~~B. Nonresidential Districts (Except Industrial)~~**

~~In addition to complying with the general requirements of subsection A, above, nonresidential façades outside of industrial districts may be constructed of the following materials:~~

- ~~1. Corrugated metal may be used on any façade not visible from any public road.~~

2. Any side or rear wall within 100 feet of a residential zoning district or public or semi-public area shall consist of the same facing materials as the building front.

These provisions shall not apply to the enlargement of a nonconforming building in regard to side and rear facades provided the existing building is being enlarged by 25 percent or less of its gross floor area.

### C. Industrial Districts

The provisions of subsection §3.2.4.B, above, shall not apply in the I-L, I-G and PD-I districts.

#### §3.2.5. Blank Wall Area

Blank wall areas on building road yard facades of nonresidential buildings facing a public road shall extend a maximum of 15 feet in the vertical direction or 40 feet in the horizontal direction.

The standards of this subsection §3.2.5 shall not apply to the facades in the I-L, I-G, and PD-I districts.

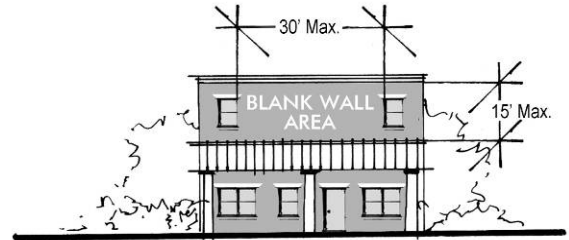


Figure 1. Blank Wall Area

#### §3.2.6. Service Bay Orientation

Service bay doors shall not be oriented toward the road or any residential use, unless such bays are screened from view from the road and residential uses.

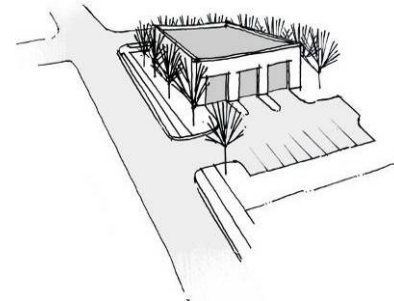


Figure 2. Service Bay Orientation

2) Amend Section 3.4.5 to state that foundation plantings shall be provided along building walls facing a public road or a parking area in a side yard (but not a parking area in a rear yard).

#### §3.4.5. Foundation Planting Requirements

Foundation plantings; i.e., plantings located along a building wall, shall be used to provide a transition between the ground surface and the building wall. A minimum five foot wide planting area shall be provided between all along building walls facing a public road or a parking area in a side yard and paved areas except at service and pedestrian access points. Foundation plantings shall be provided along any building wall facing a parking area or public road.

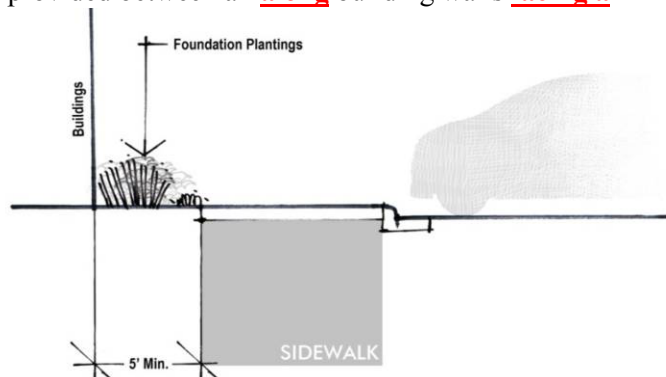


Figure 3. Foundation Planting Requirements

3) Amend Section 3.4.10 (Parking Lot Landscaping Requirements) to apply the interior landscaping requirement to parking lots with more than 40 spaces (up from 25), and to state that no parking space shall be located more than 75 feet (up from 50) from a planting island located in the same row of spaces.

### §3.4.10 Parking Lot Landscaping Requirements

#### B. Interior Landscaping

Interior parking lot landscaping shall be used to satisfy the landscape area requirements and the permeable area requirements of §3.6.3.C.2(b); provided, however, the provisions of this section shall only apply to parking lots with more than ~~25~~ **40** spaces. Where interior landscaping is provided, such landscaping shall comply with the following requirements:

##### 1. Interior Islands

Each island shall contain a minimum of 200 square feet with a minimum width of eight feet inside the curb and include a minimum of one tree with a minimum caliper of 1½ inches. Planting islands should be evenly distributed throughout the parking area, with no parking space located more than ~~50~~ **75** feet from a planting island located in the same row of spaces. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.

4) Amend Section 3.5.9 to allow a commercial developer to defer the construction of a driveway connection to adjacent property until the adjacent property is developed, and to allow the Director of the Planning and Inspections Department to waive the connection requirement in cases where property uses are not complementary or conducive for connections.

### §3.5.9. Nonresidential Access to Adjacent Development

- A. **The location of potential** ~~D~~driveway connections to adjacent development shall be provided and clearly identified **on survey/deed. Owner may build driveway connection if desired.** All driveway connections **built** shall be ~~constructed and stubbed~~ **at least three feet in length**, and future development of adjacent property shall complete a connection to any existing stub.
- B. Access easements may be required to ensure outparcels or adjacent developments have adequate access if ownership patterns change. **In cases where no connections have been built then both property owners will be required to complete the connection. Where one party has built a connection then the new party will be required to complete the connection.**

- C. The **Director** ~~Board of Commissioners~~ may waive the requirement for a driveway connection required above in those cases where unusual topography or site conditions would render such an easement of no benefit to adjoining properties **or where property uses are not complementary or are not conducive for connections.**
- D. The **Director** ~~Board of Commissioners~~ may approve the closure of driveway access in those cases where adjoining parcels are subsequently developed with a residential use.



# **Staff's proposed revisions to Chamber proposal**

**Proposed added text**

~~Proposed deleted text~~

*1) Amend Article 3 (General Development Standards) to apply façade requirements for nonresidential buildings to any façade facing a public road and to any wall facing a public or semi-public area in a side yard, to allow non-corrugated metal as a primary material on a road façade, and to delete requirements for service bay orientation and screening.*

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2. Masonry including brick, stucco, architectural concrete, hardiplank or similar siding or stone;
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4. Non-corrugated metal (~~for beams, lintels, trim elements and ornaments~~); or
5. Glass (no less than 10 percent).

The provisions of this subsection shall not apply to lots in the I-G district in subdivisions recorded prior to August 31, 2009, that do not front on an arterial or collector road. This does not exempt any parcel which is located within the Eastern Lincoln Development District (ELDD) from the provisions contained within §2.5.1.

#### **B. Nonresidential Districts (Except Industrial)**

In addition to complying with the general requirements of subsection A, above, nonresidential façades outside of industrial districts may be constructed of the following materials:

- ~~1. Corrugated metal may be used on any façade not visible from any public road.~~

~~2. Any side or rear wall within 100 feet of a residential zoning district or facing a public or semi-public area in a side yard shall consist of the same facing materials as the building front road facade.~~

~~These This provisions shall not apply to the enlargement of a nonconforming building in regard to side and rear facades provided the existing building is being enlarged by 25 percent or less of its gross floor area.~~

### C. Industrial Districts

The provisions of subsection §3.2.4.B, above, shall not apply in the I-L, I-G and PD-I districts.

#### §3.2.5. Blank Wall Area

Blank wall areas on building facades of nonresidential buildings facing a public road shall extend a maximum of 15 feet in the vertical direction or 40 feet in the horizontal direction.

The standards of this subsection §3.2.5 shall not apply to the facades in the I-L, I-G, and PD-I districts.

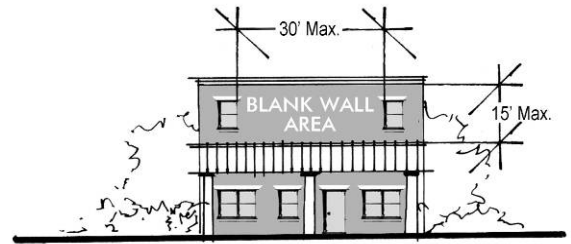


Figure 1. Blank Wall Area

#### ~~§3.2.6. Service Bay Orientation~~

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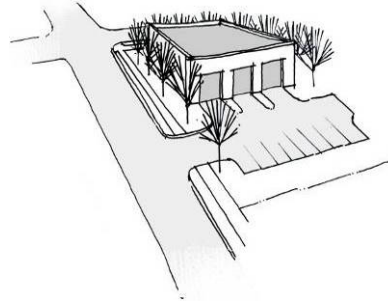


Figure 2. Service Bay Orientation

*4) Delete Section 3.5.9 to remove a requirement that nonresidential developments provide driveway connections to adjacent properties.*

#### §3.5.9. Nonresidential Access to Adjacent Development Reserved

- ~~A. Driveway connections to adjacent development shall be provided and clearly identified. All driveway connections shall be constructed and stubbed, and future development of adjacent property shall complete a connection to any existing stub.~~
- ~~B. Access easements may be required to ensure outparcels or adjacent developments have adequate access if ownership patterns change.~~

- C.** ~~The Board of Commissioners may waive the requirement for a driveway connection required above in those cases where unusual topography or site conditions would render such an easement of no benefit to adjoining properties.~~
- D.** ~~The Board of Commissioners may approve the closure of driveway access in those cases where adjoining parcels are subsequently developed with a residential use.~~

# **ELDD building design standards**

## **§2.5.1 Eastern Lincoln Development District**

### **G. Building Standards**

#### **1. Articulation**

##### **(a) General**

Facades greater than 80 feet in length, measured horizontally, that face public or private rights-of-way or parking areas shall incorporate wall plane projections or recesses having a minimum depth of three percent of the length of the facade and extending a minimum of 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 30 horizontal feet.

1. Ground floor facades that face public or private rights-of-way or parking areas shall have arcades, display windows, entry areas, awnings or other such features along a minimum of 75 percent of their horizontal length and a corner wrap of the same facade treatment for a distance equal to five percent of the ground floor façade extending from all front building corners.
2. No horizontal wall section shall extend for a distance greater than three times its height without a change in elevation of a minimum of 15 percent of such height. This height change shall continue for a minimum of 25 percent of the length of either adjacent plane.

##### **(b) Industrial Districts**

The standards of this subsection shall not apply to facades in the I-L, IG and PD-I districts.

#### **2. Façade Materials**

##### **(a) Commercial Uses**

Corrugated metal, vinyl panels or unpainted smooth-faced cinder blocks shall not be used on any façade facing a road, parking area or residential zoning district.

This provision shall not apply to the enlargement of a nonconforming building in regard to side and rear facades provided the existing building is being enlarged by 25 percent or less of its gross floor area.

##### **(b) Industrial Uses**

Corrugated metal shall not be used on any façade facing a road.

Vinyl panels shall not be used on any façade facing a road.

Unpainted smooth faced cinder blocks shall not be used on any façade facing a road, parking area or residential zoning district.

- (c) Use of “Green Walls” or “Vertical Gardens” and similar innovative wall designs incorporating Leadership in Energy and Environmental Design (LEED) construction or equivalent standards is permitted.

### **3. Historic Structures**

Buildings listed in the National Register of Historic Places are exempt from the standards within the Eastern Lincoln Development District where they are in conflict with the Secretary of Interior guidelines.

### **4. Roof Pitch**

Roof pitches less than 3 ½ to 12 will require a parapet wall which must be of sufficient height to screen any mechanisms or mechanical equipment placed on the roof. A pitched roof must be profiled by eaves that extend a minimum of 8 inches from the building façade. Convenience store, gas/fuel, drive-through and other such canopies shall not have a consistently flat roof. The pitch of the canopy and exterior materials must resemble / replicate the roof design of the principal structure

### **5. Primary entrances**

The main or primary entrance(s) for the building must face the road, except for developments built in a courtyard or similar design. All primary entrances shall have architectural elements which identify the entrance as such. Acceptable elements include canopies, arcade, columns, porticos, recess or projections, corniced parapet, gables, arches and similar treatments which accentuate the entrance. These elements may be used to meet the articulation standards in Section 2.5.1 G 1.

This requirement may be modified by the Director where topography or special building placement requires the entrance face a different direction. In such case the building side facing the road shall be treated with the same façade standards as if the primary entrance faced the road.

### **6. Secondary entrances and other openings**

- (a) Any building façade that directly faces a road and includes an entrance must include elements with similar architectural features of the primary entrance.
- (b) Service entrances primarily used for shipping, receiving and similar distribution shall not front the road unless no other access is feasible as determined by the Director.

### **7. Accent Lighting**

- (a) In addition to the accent lighting standards found in Section 3.11.4.B and 3.11.5, lights that flash, move, revolve, rotate, blink, flicker, vary in intensity or color, or strobe are prohibited.

- (b)** Awnings and canopies used for building accents over doors, windows and other areas shall not be internally lit (i.e. from underneath or behind). If lit from above, the lighting must be spaced sparingly so that only limited portions of the awnings and canopies are accented.



## LINCOLN COUNTY PLANNING & INSPECTIONS DEPARTMENT

302 NORTH ACADEMY STREET, SUITE A, LINCOLNTON, NORTH CAROLINA 28092  
704-736-8440 OFFICE 704-736-8434 INSPECTION REQUEST LINE 704-732-9010 FAX

### **Zoning Amendment** **Staff's Proposed Statement of Consistency and Reasonableness**

Case No. **UDO Proposed Amendments #2015-1**

Applicant **Lincolnton-Lincoln County Chamber of Commerce**

#### **Proposed revised amendments as recommended by staff**

- 1) Amend Article 3 (General Development Standards) to apply façade requirements for nonresidential buildings to any façade facing a public road and to any wall facing a public or semi-public area in a side yard, to allow non-corrugated metal as a primary material on a road façade, and to delete requirements for service bay orientation and screening.**
- 2) Amend Section 3.4.5 to state that foundation plantings shall be provided along building walls facing a public road or a parking area in a side yard (but not a parking area in a rear yard).**
- 3) Amend Section 3.4.10 (Parking Lot Landscaping Requirements) to apply the interior landscaping requirement to parking lots with more than 40 spaces (up from 25), and to state that no parking space shall be located more than 75 feet (up from 50) from a planting island located in the same row of spaces.**
- 4) Delete Section 3.5.9 to remove a requirement that nonresidential developments provide driveway connections to adjacent properties.**

These proposed amendments **are consistent** with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that:

**Strategy 4.3.4 recommended applying building design standards to areas that currently are or are anticipated to be urban in nature (i.e., served by both public water and sewer), possibly through an overlay zoning district. Proposed amendment No. 1 would not significantly affect the cumulative standards that apply in the Eastern Lincoln Development District. Strategy 4.3.3 recommended modifying parking standards to require landscaping to avoid the appearance of a “sea of asphalt” and to reduce stormwater runoff. Proposed amendment No. 2 only tweaks the current requirements, applying them to larger parking lots and allowing landscaping islands to be spaced further apart. Strategy 2.4.1 called for updating connectivity standards for subdivisions and between individual uses along major roads. With Section 3.5.9 deleted, connectivity can still be accomplished through subdivision regulations and Planned Development rezonings.**

These proposed amendments **are reasonable and in the public interest** in that:

**Proposed amendment No. 1 (as revised) would maintain building design standards for facades that are more visible to the public while relaxing regulations for the other sides. Proposed amendments Nos. 2 and 3 are not relatively minor changes. Proposed amendment No. 4 (as revised) would eliminate unnecessary costs and avoid potential problems while still leaving the county with tools to achieve connectivity.**