



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: May 19, 2017

Re: UDO Proposed Amendments #2017-2
Lincoln County Planning and Inspections Department, 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 June 5, 2017.

PROPOSAL

Staff is proposing amendments to Section 2.2 of the Lincoln County Unified Development Ordinance to show that county facilities are permitted uses in all zoning districts as currently stated in Section 9.11.1.D, and to stipulate that state and federal facilities not otherwise listed as a conditional use are permitted uses in the O-R, B-N, B-G, I-L and I-G districts.

BACKGROUND INFORMATION

This proposal stems from a planned donation of land to the county for a site for a new West Lincoln branch library. The proposed site is zoned R-SF. Currently, the UDO's Use Table shows that a library (and a companion listing of a museum) is permitted only in the O-R, B-N and B-G districts and is a conditional use in the B-C district. The Use Table shows that a public facility (defined as "a building, facility or area owned or used by any department or branch of Lincoln County, the State of North Carolina, or the Federal Government") is a conditional use in all zoning districts. However, Section 9.11.1.B states that facilities owned by Lincoln County are not subject to conditional use review and are considered permitted uses, notwithstanding the provisions of Section 2.2 to the contrary.

The exemption from conditional use review for county facilities was included in the UDO because it makes little sense to put the Board of Commissioners in the position of deciding through a zoning hearing process whether or not to approve a project that requires the board's approval through a plan review and budgetary process. Instead of this exemption appearing only under the conditional use section, the proposed amendments would add it to the Use Table.

This proposal would also delete library as a listing (so that the location of a county library wouldn't be limited to business districts) and revise the museum listing to "privately owned museum."

In addition, this proposal would add a listing, "state or federal facility not otherwise listed as a conditional use," and show that such a use is permitted in the O-R, B-N, B-G, I-L and I-G districts. This would permit state and federal offices, including post offices. Potential state or federal facilities that would remain a conditional use include a correctional facility and a landfill.

Following is the section of the UDO that exempts county facilities from conditional use review:

§9.11. Conditional Use Review

§9.11.1 Applicability

D. Notwithstanding the provisions of §2.2 to the contrary, land uses owned by Lincoln County shall not be subject to the conditional use review requirements of this section. Public facilities, major and minor utilities and other land uses owned by Lincoln County shall be considered Permitted Uses.

Following are the proposed amendments to the Use Table:

§2.2. Use Table

Civic Uses	R-R	R-T	R-S	R-SF	R-CR	R-I4	R-20	R-MR	R-MF	O-R	B-N	B-G	B-C	I-L	I-G	Use Standard
<u>Privately owned</u> museum, <u>library</u>										P	P	P	C			
<u>Public County</u> facility	CP	CP	CP	CP	CP	CP	CP	CP	CP	CP	CP	CP	CP	CP	CP	§4.3.5
<u>State or federal facility not otherwise listed as a conditional use</u>										P	P	P		P	P	§4.3.5



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Zoning Amendment Staff's Proposed Statement of Consistency and Reasonableness

Case No. **UDO Proposed Amendments #2017-2**

Applicant **Lincoln County Planning and Inspections Department**

Proposed amendments **Amend Section 2.2 (Use Table) of the Lincoln County Unified Development Ordinance to show that county facilities are permitted uses in all zoning districts as currently stated in Section 9.11.1.D, and to stipulate that state and federal facilities not otherwise listed as a conditional use are permitted uses in the O-R, B-N, B-G, I-L and I-G districts.**

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

This proposal is not contrary to any of the guiding principles, objectives or strategies of the Land Use Plan.

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

By breaking “public facility” into two separate categories in the Use Table, this proposal clarifies an exemption for county facilities that’s found in another section. This proposal eliminates red tape by making state and federal offices a permitted use by right in non-residential districts.



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 Lincoln County Planning and Inspections Department

Applicant Address 302 N. Academy St., Suite A, Lincolnton, NC 28092

Applicant Phone Number (704) 748-1507

Part II

Briefly describe the proposed text amendment.

Amend Section 2.2 of the Lincoln County Unified Development Ordinance to show that county facilities are permitted uses in all zoning districts as currently stated in Section 9.11.1.D, and to stipulate that state and federal facilities not otherwise listed as a conditional use are permitted uses in the O-R, B-N, B-G, I-L and I-G districts

Part III

Provide the full text of the proposed amendment (on a separate sheet if necessary) with proposed deleted text shown as struck through and proposed added text underlined.

§2.2. Use Table

Civic Uses	R-R	R-T	R-S	R-SF	R-CR	R-14	R-20	R-MR	R-MF	O-R	B-N	B-G	B-C	I-L	I-G	Use Standard
Privately owned museum, library										P	P	P	C			
Public County facility	CP	CP	CP	CP	CP	CP	CP	CP	CP	CP	CP	CP	CP	CP	CP	§4.3.5
State or federal facility not otherwise listed as a conditional use										P	P	P		P	P	§4.3.5

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

Randy Hawkins
Applicant

May 9, 2017
Date