



To: Board of County Commissioners
Planning Board

From: Joshua L. Grant, Manager

Date: September 6, 2023

Re: UDO Proposed Amendment #2023-4
Lincoln County Planning and Inspections Department, applicant

The following information is for use by the Lincoln County Board of Commissioners and Planning Board at their joint meeting/public hearing on October 2nd.

Proposal

The planning staff is proposing the following amendment to the Lincoln County Unified Development Ordinance: A request to amend Section 2.2.1 to permit Short-term Rental as a land use in existing zoning districts where residential and/or lodging uses are permitted, to amend Article 12 to define Short-term Rental, and to amend Section 4.2 to add specific use standards for Short-term Rental.

Background Information

Short Term Rental units have become an increasingly popular choice for tourists, especially in areas where hotel options are limited or unavailable. Many homeowners choose to make their homes available seasonally or year-round for short term tenancy as a means of supplemental income. This trend has led to the Planning staff consistently receiving inquiries about the permissibility of short term rentals and applicable zoning standards, both from prospective landlords and from concerned neighbors.

The purpose of the proposed amendment is to recognize Short-term Rental as a defined land use and to apply specific use standards in a similar manner as other residential land uses defined in the UDO.

The full text of the proposed amendment is included with the text amendment application.



Unified Development Ordinance **Text Amendment Application**

Lincoln County Planning and Inspections Department
115 W. Main St., Lincolnton, NC 28092
Phone: (704) 736-8440

Part I

Applicant Name Lincoln County Planning & Inspections

Applicant Address 115 W. Main St., Lincolnton, NC 28092

Applicant Phone Number (704)736-8440

Part II

Briefly describe the proposed text amendment.

A request to amend Section 2.2.1 to permit Short-term Rental as a land use in existing zoning districts where residential and/or lodging uses are permitted, to amend Article 12 to define Short-term Rental, and to amend Section 4.2 to add specific use standards for Short-term Rental.

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.

See attached pages

\$400 APPLICATION FEE MUST BE RECEIVED BEFORE PROCESSING.

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

A handwritten signature in black ink, appearing to read "John L. Jones".

Applicant

09/06/2023

Date



PLANNING & INSPECTIONS DEPARTMENT
Joshua L. Grant, Manager

Zoning Amendment

Proposed Statement of Consistency and Reasonableness

Case UDO #2023-4

Applicant Lincoln County Planning & Inspections

Parcel ID# N/A

Location N/A

Proposed amendment

A request to amend Section 2.2.1 to permit Short-term Rental as a land use in existing zoning districts where residential and/or lodging uses are permitted, to amend Article 12 to define Short-term Rental, and to amend Section 4.2 to add specific use standards for Short-term Rental.

The amendment is consistent with the Future Land Use Plan in that it works to achieve two of the plan's essential desired outcomes: Growing Responsibly - through the promotion of residential development that provides a variety of housing options; and Strengthening Our Economy – by fostering economic growth through land use decisions that allow the flexibility to accommodate tourists and visitors.

	R-R	R-T	R-S	R-SF	R-CR	R-14	R-20	R-MR	R-MF	O-R	B-N	B-G	I-L	I-G	Use Standard
	P = Permitted				S = Special Use (§9.10)				* = Group of Uses (§2.3)						
Residential Uses ¹	R-R	R-T	R-S	R-SF	R-CR	R-14	R-20	R-MR	R-MF	O-R	B-N	B-G	I-L	I-G	Use Standard
Single-family detached	P	P	P	P	P	P	P	P							
Modular (CABO)	P	P	P	P	P	P	P	P							
Alley-loaded house	P	P	P	P	P	P	P	P							\$4.2.1
Zero lot line house								P	P						\$4.2.2
Two-family house	P	P	P					P	P						\$4.2.3
Townhouse			S		S			P	P	S	S				\$4.2.4
Multi-family			S		S			P							\$4.2.5
Upper-story residential										P	S	S			\$4.2.6
Boarding house	P	P	P					P	P						\$4.2.7
Manufactured home, Class A	P	P	P												\$4.2.8
Manufactured home, Class B	P	P	P												\$4.2.9
Manufactured home, Class C	P	P	S												\$4.2.10
Manufactured home, Class D	S	S													\$4.2.11
Manufactured home, Class E	P	P	S												\$4.2.12
Manufactured home, Class F															\$4.2.13
Manufactured home park (<20 units)	S	S													\$4.2.14
Manufactured home park (>20 units)	S	S													\$4.2.14
Short-term Rental	P	P	P	P	P	P	P	P	P						\$4.2.15
Storage, private (on <2 ac.)	S	S	S	S	S										
Storage, private (on >2 ac.)	P	P	P	P	P										
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	I-L	I-G	Use Standard
Airport, public or private	S	S													S
Adult care home	S	S	S						S	S	S				
Bus terminal, public	S	S									P		P	P	
Cemetery	P	P	S	S	S						S				\$4.3.1
Civic club or community center	S	S	S	S	S					P	P	P		P	
Coliseums 1000+ seats											S				
College										P	S	S			
Correctional facility														S	
County facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	\$4.3.5
Child care center, small group (1-6)	P	P	P	P	P			P	P	P	P	P			
Child care center (6+)	S	S	S	S	S			S	S	P	P	P	P	S	\$4.3.2
Child care center (6+) as accessory use													P	P	
Family care home	P	P	P	P	P	P	P	P	P	P	P				\$4.3.3
Hospital										S	P	P			
Museum (privately owned)										P	P	P			
Nursing home	S	S	S							S	S	S			
Place of worship, seating capacity <500	P	P	P	P	P					P	P	P			\$4.3.4
Place of worship, seating capacity 500 to 1000	P	P	S	S	S					P	P				\$4.3.4
Place of worship, seating capacity >1000										P	P				\$4.3.4
State or federal facility not listed as C use										P	P	P	P	P	\$4.3.5
Public safety facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	\$4.3.5
Railroad terminal and yard													P	P	
School, elementary and secondary	P	P	P	P	P					S	S				\$4.3.6

¹ Some residential uses listed in this table may only be allowed in cluster subdivisions (See §2.4.5 and §2.4.6)

1. The proposed development attempts to meet the intent of the Eastern Lincoln Development District.
2. There are physical conditions, not only economic considerations, which prevent the proposed development from meeting the specific standards of this Eastern Lincoln Development District.
3. The proposed development will be designed to meet the standards of this section to the fullest extent possible.

In determining alternative means of compliance, the Planning Board may consider various features such as width in relation to opacity of landscaping in road yard, number of required parking spaces, and driveway locations and/or distances from nearby intersections.

E. Permitted Uses

Land uses in the Eastern Lincoln Development District shall be subject to the Use Table contained in Section 2.2.1 and to the following table. In addition, any use which has an anticipated peak hour trip generation of 100 trips or greater, based on the latest edition of the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, shall be considered a special use and shall be subject to the review requirements of Section 9.11.

F. Permitted Use Chart

Eastern Lincoln Development District Uses		ELDD
P = PERMITTED	S = SPECIAL (9.11)	
Residential Uses²		
Single family detached		P
Modular (CAPO)		P
Alley-loaded house		P
Zero lot line house		S
Two-family house		S
Townhouse		S
Multi-family		S
Upper-story residential		S
Boarding house		S
Manufactured home, Class A		P
Manufactured home, Class B		P
Manufactured home, Class C		P
Manufactured home, Class D		P
Manufactured home, Class E		P
Manufactured home, Class F		P
Manufactured home park (<20 units)		
Manufactured home park (>20 units)		
Short-term Rental		P
Civic Uses		
Airport, public or private		
Adult care home		S
Bus terminal, public		S

(c) The owner of the manufactured home park shall provide each manufactured home space with one or more covered trash containers having a minimum capacity of twenty-four gallons either individually or in combination.

3. If alternatives 2(a) or 2(b), above, are chosen, it shall be the responsibility of the manufactured home park owner to insure that trash from said containers or dumpsters is picked-up at least once per week. Similarly, if trash removal is contracted with a private firm, such trash shall also be picked up at least once per week. All trash picked up from the manufactured home park shall be disposed of in accordance with all County and State regulations.

§4.2.15. Short Term Rentals

A. Short-term Rentals (STRs) are allowed in any existing zoning districts where residential and/or lodging uses are permitted.

B. One Short-term Rental is allowed per parcel.

C. No exterior advertising shall be allowed.

D. In residential zoning districts, short-term renters shall not utilize the premises for holding pre-planned special events or gatherings (such as weddings, corporate retreats, or other large gatherings).

E. Must provide one parking space per bedroom, up to two parking spaces per unit. One additional parking space for an accessory dwelling unit shall be provided on site. All parking shall occur in the garage, driveway, or designated parking space.

F. Solid Waste collection service must be provided at the property. The dates and instructions for solid waste disposal collection shall be posted prominently within the dwelling. All trash is required to fit into trash receptacles as maintained at the property. The operator shall ensure that trash pickup occurs at least once a week at the residence and as otherwise needed for additional trash.

G. Short-term rental operators shall comply with all applicable local, state, and federal laws, according to the local authority having jurisdiction related to fire and safety, including but not limited to smoke and carbon monoxide detecting equipment; and payment of taxes to appropriate governmental entities, including occupancy taxes.

H. The operator of a Short-term Rental shall be required to be issued a Zoning Permit prior to commencement of the use.

I. Transitional Provisions: The operator of a Short-term Rental shall have 90 days from the enactment of this provision to obtain the appropriate Zoning Permit to continue the operation of the use.

§4.3. Civic Use Standards

The following standards shall apply to all permitted uses and special uses as set forth in the Permitted Land Use Table (see §2.2.1).

§4.3.1. Cemetery

A. Minimum Lot Area: 1 acre

B. Minimum Road Yard: 25 feet

General Terms

ROOF LINE. The top edge of the roof or the top edge of the parapet, whichever forms the top line of the building silhouette, but not including equipment structures.

RUNWAY. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

SCHOOL, PUBLIC OR PRIVATE. A public or private institution offering a curriculum of education authorized by the State of North Carolina giving regular instruction at the primary, secondary level, or a school for the mentally or physically handicapped. Included in this definition are preschool programs. However, this definition does not include child care facilities, individual instruction, or classes in a specialized subject.

SCHOOL, TRADE, OR BUSINESS. An institution offering instruction beyond high school level with a course of study in vocational, technical or other special subjects.

SCREENING. The method by which a view of one site from another abutting site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

SELF-STORAGE FACILITY. A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

SHORT-TERM RENTAL. A residential use that is used for overnight lodging accommodations for renters for less than 25 days per rental period. Renters shall occupy the entire structure, and individual rooms shall not be rented.

SIGN. Any device or visual communicator that is used for the purpose of bringing the subject thereof to the attention of the public. (See §3.9.3 for individual sign types)

DETACHED SINGLE-FAMILY. A building arranged to be occupied by no more than one family. This term shall include single-family detached, zero-lot line and alley-loaded dwelling units.

SINGLE-FAMILY RESIDENTIAL DEVELOPMENT. The development of single-family detached dwellings, including single-family detached, zero lot line houses, and alley-loaded houses.

SITE AREA. See §2.6.7.C.

SITE PLAN, MAJOR. See §9.7.2.B.

SITE PLAN, MINOR. See §9.7.2.A.

SITE PLAN. A plan prepared to scale, showing accurately and with complete dimensions, the boundaries of the site and the location of all buildings, roads, uses, and principal site development features proposed for a specific parcel of land. (See §9.7)

SITE SPECIFIC VESTING PLAN. A plan of land development submitted to the County for purpose of obtaining one of the following zoning or land use permits or approvals in which the applicant requests vesting pursuant to §9.20 of this UDO: major subdivision plat, major site plan, special use permit, conditional zoning district, or Planned Development district. The plan shall describe with reasonable certainty the type and intensity of use for a specific parcel or parcels of property and include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, pedestrian walkways, driveways and parking areas; and required landscaping areas and buffers.

SITE. See §2.6.7.C.

SOLAR FARM. A solar photovoltaic facility whose primary purpose is to generate power for off-site use, typically to sell to energy companies.