



To: Board of County Commissioners
Planning Board

From: Joshua L. Grant, Manager

Date: September 6, 2023

Re: UDO Proposed Amendment #2023-5
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 4.7.3.I to permit the use of recreational vehicles or a camper as dwellings on a temporary basis while the applicant is constructing, repairing, or renovating the principle structure.

Background Information

The request for use of recreational vehicles or campers as dwellings on a temporary basis has become more frequent in the community as property owners work toward completion of a new primary dwelling on a property. Prior to this proposal, land owners constructing a new home or undergoing renovation on an existing home were required to reside elsewhere, whether that be living with friends or relatives, or even having to rent an apartment or house.

The purpose of the proposed amendment is to allow recreational vehicles and campers to be used temporarily as dwellings by obtaining a temporary use permit while holding an active building permit for renovation, repair, or new construction of a principle structure with certain standards and stipulations that apply.

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 4.7.3.I to permit the use of recreational vehicles or a camper as dwellings on a temporary basis while the applicant is constructing, repairing, or renovating the principle structure.

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 #2023-5

Applicant Lincoln County Planning & Inspections

Parcel ID# N/A

Location N/A

Proposed amendment

A request to amend Section 4.7.3.I to permit the use of recreational vehicles or a camper as dwellings on a temporary basis while the applicant is constructing, repairing, or renovating the principle structure.

The amendment is consistent with the Future Land Use Plan in that it helps foster responsible growth in ways that promotes efficiency.

4. Model homes shall only be occupied for residential habitation after all business activities have ceased and upon sale of the home and shall comply with the applicable residential parking standards at that time.
5. The temporary use of a dwelling unit as a model home/real estate sales center shall expire when the number of dwelling units remaining to be sold is less than ten percent of the total number of dwelling units approved for the development or 5, whichever is less.
6. Comply with all other applicable standards for single-family detached uses.

H. Outdoor Vehicle Show or Sale, Temporary

Outdoor motor vehicle or recreational vehicle show or sale, for three consecutive days, twice per calendar year.

I. Recreational Vehicle / Camper Use, Temporary

In all residential districts, the Director shall have the authority to issue a temporary use permit for use of a recreational vehicle or camper on a lot under the following conditions:

1. The parcel has an active building permit for residential new construction of a principal structure, or the existing principal residential structure, has an active building permit for renovation, or repair (if destroyed by a fire, tornado or other disaster) and a temporary permit for a recreational vehicle is necessary to allow the owner to live at the property during the completion of work associated with the applicable building permit(s), reconstruction of the principal structure.
2. In cases of repair or renovation, an visual inspection shall be conducted by the County to determine that the principal structure home is rendered uninhabitable or in a condition, that necessitates or qualifies for the issuance of a temporary use permit. Qualification is at the discretion of the Chief Building Official, prior to the issuance of a temporary use permit.
3. The fee for a temporary use permit and electrical permit shall be waived in the case of repair due to fire, tornado, or other disaster.
4. The temporary use permit shall only be valid for the time-period as prescribed in the table below in accordance with the applicable type of work being completed on the principal structure. of nine months. However, the permit The temporary use permit may be extended on a one-time basis for a period as listed in the table if deemed necessary by the Director or their designee. of three months if the County determines that significant progress is being made in completing the reconstruction of the principal structure. Each work type listed in the table below has a progression milestone at 60 days whereby a passing inspection on the active building permit (BP) must be obtained in order for the temporary use permit (TUP) to remain valid.

Principal Structure Work Type	TUP Time-Period (Initial / Ext.)	BP Milestone
<u>Renovation</u>	<u>6 Months / 3 Months</u>	<u>First Inspection</u>
<u>Repair (Fire, Tornado, Natural Disaster)</u>	<u>9 Months / 3 Months</u>	<u>First Inspection</u>
<u>New Construction</u>	<u>18 Months / 6 Months</u>	<u>Foundation / Slab</u>

Temporary Use Permit Required

Unless otherwise invalidated or revoked prior, the temporary use permit shall expire upon the issuance of the certificate of occupancy or final inspection for the active building permit for the principal structure.

Applicants or holders of temporary use permits that are revoked due to inactivity for failing to meet the required time-period(s) listed in the table above are subject to a waiting period of 6 months before application for any future temporary use permit can be approved.

The Director or their designee reserves the right to evaluate the time-period(s) listed in the above table based on the active building permit and make determinations with guidance from the Chief Building Official in the case of extenuating circumstances that may necessitate further extension beyond what is prescribed herein.

3.5. The recreational vehicle may only be placed in the side or rear yard (in relation to the principal residential structure) or in the front yard a minimum of 100 feet from the edge of the road right-of-way line, and no closer than ten feet to any side or rear lot line. The Director shall have the authority to reduce the 100-foot front setback requirement by up to 50 percent if he determines that special circumstances make it impracticable unfeasible to place the recreational vehicle in the side or rear yard.

6. Electrical connections shall be inspected and approved by the county. The property owner shall properly dispose of sewage and obtain any required permit and approval.

J. **Outdoor Display of Merchandise, Temporary**

Outdoor display of merchandise in nonresidential districts by merchants occupying the premises and having a valid certificate of occupancy, occurring no longer than nine consecutive days up to four times per year, is allowed subject to issuance of a temporary use permit and all of the following conditions. The temporary outdoor display of merchandise should not be confused with the permanent outdoor display of merchandise approved as part of major site plan (see §3.10).

1. Merchandise shall only be displayed in front of the premises occupied by the merchant.
2. Merchandise shall not be displayed closer than five feet to any entrance to the premises.
3. Merchandise shall only be displayed in a manner that does not obstruct pedestrian or vehicular circulation or traffic.
4. The display of merchandise shall not exceed eight feet in height.
5. Merchandise shall only be displayed during the merchant's hours of operation, and must be taken inside the premises at closing.
6. Merchandise shall only be displayed in an area not wider than 50 percent of the total linear foot frontage of the building occupied by the merchant.
7. The required temporary use permit must be visibly displayed at the main entrance of the associated merchant.