



## COUNTY OF LINCOLN, NORTH CAROLINA

302 NORTH ACADEMY STREET, SUITE A, LINCOLNTON, NORTH CAROLINA 28092

PLANNING AND INSPECTIONS DEPARTMENT  
704-736-8440 OFFICE  
704-732-9010 FAX

To: George Wood  
County Manager

From: Randy Hawkins  
Zoning Administrator

Date: October 19, 2010

Re: UDO Proposed Amendments #2010-2  
Brian Temerson, applicant

*The following information is for use by the Lincoln County Board of Commissioners and Planning Board at their meeting/public hearing on November 1, 2010.*

### PROPOSED AMENDMENTS

Under Section 9.3 of the Lincoln County Unified Development Ordinance, anyone can apply to amend the text of the ordinance. The applicant is proposing to amend the standards contained in Section 3.2.6 (Service Bay Orientation) and Section 4.4.8 (Gas Station with Convenience Retail).

Specifically, the proposal calls for:

1) Amending Section 3.2.6 to state that a service bay door of an accessory automatic car wash may be oriented toward the road provided the automatic car wash meets the provisions of Section 4.4.8. Under the current text of this section, a bay door would have to be screened from the road to be oriented that way.

2) Amending Section 4.4.8.A.2 to change the minimum setback for all structures at gas stations/convenience stores to 100 feet from any residential district or residential use located on another lot. The current text requires a minimum setback of 200 feet.

3) Amending Section 4.4.8.C to allow an accessory automatic car wash to have more than one bay. The current text has a limit of one bay.

4) Amending Section 4.4.8.C.2 to change the maximum building dimensions of a one-bay automatic car wash to 30 x 65 feet and to establish the maximum dimensions of a two-bay automatic car wash at 45 x 65 feet. The current text limits the dimensions to 25 x 50 feet.

5) Amending Section 4.4.8.C.3 to state that the car wash structure shall not extend in front of the front building line of the principal building. The current text requires that the structure be located behind the rear building line of the principal building.

The full text of the sections with the proposed changes is included with the application.

#### STAFF'S RECOMMENDATION

Staff recommends increasing the maximum dimensions of a one-bay automatic car wash to 30 x 65 feet, but staff does not recommend any of the other proposed changes.

Strategy 4.3.4 of the Lincoln County Land Use Plan, which was adopted in 2007, calls for applying additional standards to non-residential development. The commentary with this strategy noted that the regulations in the Zoning Ordinance in effect at that time were largely silent with respect to non-residential building design, with no standards for elements such as building orientation. New standards for non-residential development, including the ones at issue in this case, were included in the Unified Development Ordinance to address that shortcoming.



## **UDO Proposed Amendment #2010-2**

Summary: Amend Section 4.4.8 to revise the standards for gas stations/convenience stores and automatic car washes, and amend Section 3.2.6 to allow service bay doors of accessory automatic car washes to be oriented toward the road provided they meet the provisions of Section 4.4.8.

The underlined text is proposed to be added. The text that is proposed to be deleted is shown as struck through.

### **§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.

A service bay door of an accessory automatic car wash may be oriented toward the road provided the automatic car wash meets the provisions of

§4.4.8.

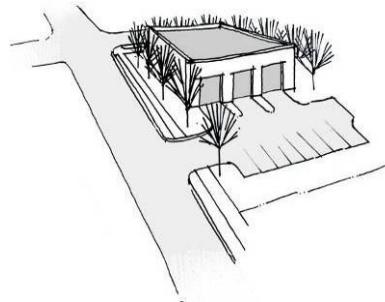


Figure 1. Service Bay Orientation

### **§4.4.8 Gas Station with Convenience Retail**

#### **A. General Standards**

1. Vehicle repair or service shall not be permitted.
2. All structures, including any attached canopy, shall conform to all setback requirements and be setback at least 200 100 feet from any residential district or use located on another lot.
3. Gasoline pumps, tanks and pump islands shall be located no closer than 20 feet to any side or rear property line or right-of-way.
4. No sign of any type or any gasoline pump or tank shall be located within 20 feet of a residential use.
5. A Class C buffer (see §3.4) shall be established along any side of the property where the gas station abuts a residential use, provided such buffer shall not restrict clear sight at any intersection or driveway.
6. Freestanding vents shall not be permitted.

7. Outdoor storage and display may be allowed subject to Board of Commissioners approval (see §3.10, Outdoor Storage and Display).

**B. Fuel Canopies**

1. The canopy shall be located no closer than 15 feet to any side or rear property line or right-of-way.
2. The canopy shall not exceed the height of the principal building, but in no case shall the canopy height exceed 20 feet.

**C. Single-Bay Automatic Car Wash**

An accessory single-bay automatic (not self-service) car wash completely enclosed except for openings necessary to allow entry and exit of vehicles shall be permitted subject to the following:

1. The car wash structure shall be located no closer than 20 feet to any side or rear property line or right-of-way.
2. The car wash structure shall not exceed a height of 20 feet or exceed an overall building dimension of 25 30 feet in width and 50 65 feet in length for a single-bay car wash and 45 feet in width and 65 feet in length for a double-bay car wash.
3. The car wash structure shall be located behind the rear building line of the principal building not extend in front of the front building line of the principal building. All car wash structures shall meet all applicable yard requirements.



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**Zoning Amendment**  
**Proposed Statement of Consistency and Reasonableness**  
Adopted by the Lincoln County Planning Board on \_\_\_\_\_

Case No. **UDO Proposed Amendments #2010-2**

Applicant **Brian Temerson**

Proposed amendments

- 1) Amend Section 3.2.6 to state that a service bay door of an accessory automatic car wash may be oriented toward the road provided the automatic car wash meets the provisions of Section 4.4.8.**
- 2) Amend Section 4.4.8.A.2 to change the minimum setback for all structures at gas stations/convenience stores to 100 feet from any residential district or use located on another lot.**
- 3) Amend Section 4.4.8.C to allow an accessory automatic car wash to have more than one bay.**
- 4) Amend Section 4.4.8.C.2 to change the maximum building dimensions of a one-bay automatic car wash to 30 x 65 feet and to establish the maximum dimensions of a two-bay automatic car wash at 45 x 65 feet.**
- 5) Amend Section 4.4.8.C.3 to state that the car wash structure shall not extend in front of the front building line of the principal building.**

These proposed amendments are

consistent  
 inconsistent

with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that:

These proposed amendments are

reasonable and in the public interest  
 not reasonable and not in the public interest

in that: