



PLANNING & INSPECTIONS DEPARTMENT

Joshua L. Grant, Manager

**To:** Board of Commissioners  
Planning Board

**From:** Joshua L. Grant, Manager

**Date:** April 17, 2024

**Re:** UDO Proposed Amendment #2024-1  
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 May 6, 2024.

**Proposal**

The planning staff is proposing the following amendment to the Lincoln County Unified Development Ordinance:

- 1) Article 2.1.3 Conditional Zoning Districts – amend to only include a description and move procedural language to Article 9 - Development Review
- 2) Article 2.5.1.F - amend Permitted Use Chart in the Eastern Lincoln Development District overlay to better align the recreational uses as listed in Article 2.2.1 Use Table for the base zoning districts
- 3) Article 2.6.10.D.6 - strike language for standard regulating driveway setback of 2 feet
- 4) Article 4.2.1 - adding a standard that clarifies the Alley Loaded Homes are only permitted in Cluster Subdivisions
- 5) Article 4.6.2.A.3 - remove the requirement that accessory structures must be in keeping with the principal structure (prohibited by state law N.C.G.S. 160D-702b)
- 6) Article 5.4.4.D.1 - remove language inconsistent with state law (N.C.G.S 160D-702c) and updated NC Fire Code for fire apparatus access roads.

**Background**

The purpose of Amendment 1 is to move the process language associated with Conditional Zoning Districts and how they are administered to the chapter in the County's UDO that outlines procedure and requirements where it is most applicable.



**PLANNING & INSPECTIONS DEPARTMENT**

Joshua L. Grant, Manager

The purpose of Amendment 2 is to include the new recreational uses in the ELDD Use Table in addition to the regular Table of Uses which was updated and adopted by the board in 2023.

The purpose of Amendment 3 is to eliminate a standard that is unenforceable by the Planning & Inspections Department. Driveway placement does not carry with it the same safety concerns as the vertical construction of a dwelling and therefore carries very little benefit for having a setback requirement.

The purpose of Amendment 4 is to make clear a discrepancy that exists between the Table of Uses and the dimensional tables for the Conventional subdivision type. Currently, it appears to the reader that Alley Loaded Homes are permitted in several residential districts but is not shown in the dimensional tables. This is because Alley Loaded Homes are only allowed in the Cluster subdivision type. Therefore, a standard is being added in Article 4 to make this clearer.

The purpose of Amendment 5 and 6 is to amend language in the ordinance to be in compliance with the state laws as listed above.



## **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.

Amend Article 2.1.3 Conditional Zoning Districts to only include a description and move procedural language to Article 9 - Development Review; to amend Article 2.5.1.F Permitted Use Chart in the Eastern Lincoln Development District overlay to better align the recreational uses as listed in Article 2.2.1 Use Table for the base zoning districts; to amend Article 2.6.10.D.6 to strike language regulating driveway setback; to amend Article 4.2.1 adding a standard that clarifies the Alley Loaded Homes are only permitted in Cluster Subdivisions; to amend Article 4.6.2.A.3 to remove the requirement that accessory structures must be in keeping with the principal structure (prohibited by state law N.C.G.S. 160D-702b); to amend Article 5.4.4.D.1 to remove language inconsistent with state law (N.C.G.S 160D-702c) and updated NC Fire Code for fire apparatus access roads.

### **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 red lined pages of the Unified Development Ordinance.

**\$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. Yount".

Applicant

03/22/2024

Date



PLANNING & INSPECTIONS DEPARTMENT

Joshua L. Grant, Manager

## Zoning Amendment

### Proposed Statement of Consistency and Reasonableness

**Case** UDO #2024-1

**Applicant** Lincoln County Planning & Inspections

**Parcel ID#** N/A

**Location** N/A

#### Proposed amendment

Amend Article 2.1.3 Conditional Zoning Districts to only include a description and move procedural language to Article 9 – Development Review; to amend Article 2.5.1.F Permitted Use Chart in the Eastern Lincoln Development District overlay to better align the recreational uses as listed in Article 2.2.1 Use Table for the base zoning districts; to amend Article 2.6.10.D.6 to strike language regulating driveway setback; to amend Article 4.2.1 adding a standard that clarifies the Alley Loaded Homes are only permitted in Cluster Subdivisions; to amend Article 4.6.2.A.3 to remove the requirement that accessory structures must be in keeping with the principal structure (prohibited by state law N.C.G.S. 160D-702b); to amend Article 5.4.4.D.1 to remove language inconsistent with state law (N.C.G.S 160D-702c) and updated NC Fire Code for fire apparatus access roads.

This proposed amendment is consistent with the Lincoln County Land Use Plan and other adopted plans in that:

The proposed amendments make no major policy shifts in zoning and planning and are not contrary to any of the guiding principles, objectives or strategies of the Land Use Plan.

variety of land uses available in this district allows flexibility to respond to market demands and the needs of tenants, which provides for a variety of physically and functionally integrated land uses.

#### **§2.1.2. Reserved**

#### **§2.1.3. Conditional Zoning Districts**

##### **A. Authority**

Pursuant to G.S. § 160D-703(b), the Board of Commissioners may establish by ordinance various conditional zoning districts. Property may be placed in a conditional zoning district only in response to a petition by all owners of the property to be included.

##### **B. Purpose**

Conditional zoning is a legislative process in which an applicant proposes, and the local government considers, a map amendment that includes additional conditions. A site plan is required and will include within the entitlement process, any mutually agreed upon conditions by the applicant and the Board of County Commissioners.

##### **C. Procedure**

See Article 9.21

##### **B. Community Involvement Meeting (CIM)**

Prior to final acceptance of an application by the Director, all applicants petitioning for conditional zoning districts shall hold a community involvement meeting (CIM) in accordance with the following requirements:

- A. Only the initial application for conditional zoning districts shall require a CIM. Subsequent applications for subdivision or site plan review do not require further CIMs.
- B. The purpose of the CIM shall be to inform the neighborhood of the nature of the proposed land use and development features, explain the site plan if any, and solicit comments.
- C. The applicant shall provide notice by mail in accordance with §9.2.3.B.3. The notice shall be mailed at least ten days but not more than 25 days prior to the date of the CIM.
- D. The applicant shall prepare and submit to the Director detailed minutes that outlines attendance, major points discussed, and any agreements reached between the parties involved.
- E. Following the CIM, the applicant shall have the opportunity to make changes to the application to take into account information and comments received. One or more revised copies of the application shall be submitted to the Director for review. No additional fee shall be required to be paid for making such changes provided the Director receives the revised application within 30 days following the CIM. If a revised application is not received during said 30 day period, the Director shall review the original application submitted.

~~F. The Director may develop administrative rules pertaining to any additional requirements for the conduct of the meeting.~~

**C. Minimum Requirements**

All zoning regulations that apply to the general use district are minimum requirements for development within conditional zoning districts.

**Conditions of Approval**

- Specific conditions may be proposed by the petitioner or the County or its agencies, but only those conditions mutually approved by the County and the petitioner may be incorporated into the zoning regulations. Conditions imposed in a conditional zoning district shall be limited to those that address the conformance of the development and use of the site to county ordinances, plans adopted pursuant to G.C. 160D-501, or the impacts reasonably expected to be generated by the development or use of the sites. Unless consented to in writing by the petitioner, the County may not require, enforce, or incorporate into the zoning regulations or permit requirements any condition or requirement not authorized by otherwise applicable law, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway related improvements in excess of those allowed in G.S. 136-18(29), or other unauthorized limitations on development or use of land.
- A conditional zoning district may provide for greater but not lesser setbacks than those applicable to the corresponding general use district, and may specify that only one or some of the uses allowed (either on a permitted or a special use basis) in the general use district are allowed in the conditional zoning district.

**Effect of Approval; Zoning Map Designation**

If a petition for a conditional zoning district is approved, the development and use of the property shall be governed by the UDO requirements applicable to the district's zoning classification, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the Zoning Map. Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the Zoning Map by the appropriate district designation preceded by the letters CZ (i.e., CZ B-G).

**Modifications to Conditional Zoning Districts**

- Minor changes in a conditional zoning district may be approved by the Director, provided such changes will not:
  0. Alter the basic relationship of the proposed development to adjacent property;
  0. Alter the uses permitted or increase the density or intensity of development; or
  0. Change the boundaries of the approved site.
  0. Substantially change the vehicular access or circulation.

---

Overlay Districts

- ~~0. Substantially change the location of principal or accessory structures, or the location or size of open space and recreation facilities.~~
- ~~0. Significantly alter the basic size, form, style, ornamentation, and appearance of principal and accessory structures as shown on the approved site plan or described in the applicant's narrative.~~
- ~~0. Substantially reduce the degree or change the location of landscape buffers.~~
- ~~• A major modification in a conditional zoning district shall be subject to approval in accordance with the procedure which governed the district's approval.~~

**§2.1.20-§2.1.4. Overlay Districts****A. Eastern Lincoln Development District (ELDD)**

The ELDD is established to address the growth opportunities in eastern Lincoln County, primarily along the NC 16 Business and NC 16 Bypass corridors. Due to the importance and special nature of these corridors and the development pressures in these areas, additional standards are needed beyond those applicable countywide and described in the general development standards of Article 3. The standards established in §2.5.1 apply to nonresidential, mixed-use, multi-family and planned development.

**B. Watershed Protection Overlay (-WPO)**

The -WPO district is established to protect the following designated watersheds: WS-II-CA (Critical Area); WS-II-BW (Balance of Watershed); WS-III-BW (Balance of Watershed); WS-IV-CA (Critical Area); WS-IV-PA (Protected Area). The designated watersheds under this district are defined and established by the overlay district “-WPO Watershed Protection Overlay” on the Zoning Map. Land use and development within the -WPO district must comply with all the requirements of both the underlying zoning district and the respective watersheds. The -WPO district is intended for application to lands designated as a Public Water Supply Watershed by the North Carolina Environmental Management Commission and as defined and established on the map entitled, "Watershed Protection Map of Lincoln County, North Carolina" (the Watershed Map"). See §7.3 for watershed protection standards.

**C. Historic Overlay (-HO)**

The -HO district is established to protect, enhance, and perpetuate landmarks or areas of historical and cultural importance and significance. Designation of historic overlay areas is necessary to promote the economic, cultural, educational, and general welfare of the public, because such areas represent the unique confluence of time and place that shaped the identity of generations of citizens, both collectively and individually, and produced significant historic, architectural, and cultural resources that constitute their heritage.

**D. Airport Overlay (-AO)**

The -AO district is established to prevent the creation or establishment of obstructions that are hazards to air navigation. Prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation. The prevention of the creation or establishment of

hazards to air navigation or obstructions and the elimination, removal, alteration or mitigation of air hazards to air navigation or obstructions, or the marking and lighting of obstructions, are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

**E. Reserved****§2.1.21-§2.1.5. Interpretation of District Boundaries****A. Defined**

District boundaries as are shown upon the Zoning Map of the County, and the provisions of this UDO are hereby established and declared to be in effect upon all land included within the boundaries of each and every district shown on the map.

**B. Rules for Interpretation**

- A.** The Director is authorized to interpret the Zoning Map and to pass upon disputed questions of lot lines or district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the Director, they shall be handled as provided in §9.19, Administrative Appeals.
- B.** An application for a Zoning Map interpretation shall be submitted by filing the application with the Director. The application shall contain sufficient information to enable the Director to make the necessary interpretation.
- C.** Where uncertainty exists as to the boundaries of any district shown on the Zoning Map, the following rules shall apply:
  - 1.** Boundaries indicated as approximately following the centerlines of roads, alleys, highways, streams or railroads shall be construed to follow such centerlines.
  - 2.** Boundaries indicated as approximately following lot lines, any municipal boundaries or extraterritorial jurisdiction boundary lines, shall be construed as following such lines, limits or boundaries; and
  - 3.** Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such changed shorelines.
- D.** Where a district boundary divides a lot or where distances are not specifically indicated on the Zoning Map, the boundary shall be determined by measurement, using the scale of the Zoning Map.
- E.** Where any road or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such road or alley added thereto by virtue of such vacation or abandonment.

## Eastern Lincoln Development District

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)	

Civic Uses	
Airport, public or private	
Adult care home	S
Bus terminal, public	S
Cemetery	P
Civic club or community center	S
Coliseums 1000+ seats	S
College	S
Correctional facility	
Child care center, small group (1-6 )	P
Child care center (6+)	S
Family care home	P
Hospital	S
Museum, library	P
Nursing home	S
Park, open area *	P
Place of worship, seating capacity<500	P
Place of worship, seating capacity 500 to 1000	S
Place of worship, seating capacity >1000	S
Public facility	P
Railroad terminal and yard	
Recreation facilities, private	S
Recreation facilities, public	S
School, elementary and secondary	P
Solar farm	S
Technical, trade, business school	S
Utility, minor *	P
Utility, major *	S
Wireless facility and tower (up to 60 ft)	P
Wireless facility and tower (60-100 ft)	S
Wireless facility and tower (101-325 ft.)	

Recreational Uses	
Amusement Center - Indoor	
Amusement Center – Outdoor	
Amusement Center – Outdoor & Indoor	
Fitness Gym	

<u>Golf Course/Golf Club</u>	
<u>Gymnasium</u>	
<u>Outdoor Recreation Fields</u>	
<u>Outdoor Private Swimming Pool</u>	
<u>Public Recreation Facilities &amp; Parks</u>	
<u>Recreational Fishing Lake</u>	
<u>Riding Stables</u>	
<u>Event Venue</u>	
<b>Commercial Uses</b>	
Adult establishment	S
Agriculture (involving livestock) *	
Agriculture (sales, processing) *	
Agricultural supply/equipment sales	S
Amusement center, indoor	S
Animal shelter	
Artist studio, gallery	S
Auctions, live stock or outdoor	
Bank or financial institution	P
Bar or nightclub	S
Bed & breakfast	S
Cabinet shop	S
Campground	
Catering, food	S
Club, private	S
Contractor's office	S
Contractor's yard	S
Convenience store without fuel sales	P/S**
Commercial fishing lake	
Farm stand	S
Flea market	S
Florist, wholesale	S
Freezer lockers	
Funeral home	P/S**
Gas station with convenience retail	S
Hotel, motel	S
Indoor Recreation *	S
Kennel	S
Machinery repair	S
Marina	
Microbrewery	P
Microbrewery combined with restaurant	P
Newspaper publisher	S
Office, general *	P
Office, professional	P
Office, medical *	P
Outdoor recreation, private *	S
Outdoor recreation, public *	S
Parking lot, commercial	
Photo finishing laboratory	S
Post office	P
Postal/parcel processing	S
Racetrack	
Radio or television studio	S
Recreational club, private	S
Restaurant, fast food	P/S**
Restaurant, general	P/S**

### C. Measurement of Yards

- A. Depth of a required road yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot lines, in the case of rounded property corners at road intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.
- B. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.
- C. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

### D. Yard Encroachments

The following encroachment standards shall apply to all required yards, so long as they do not extend into any easements or create hazards:

- A. Mail boxes, newspaper boxes and school bus shelters may be located in any required yard. Water wells shall encroach to within ten feet.
- B. Signs may extend into required yards in conformance with standards found in the §3.9.
- C. Gates and guard stations may be located within any required yard.
- D. Mechanical equipment for residential uses, such as HVAC units and security lighting, may extend into any required side yard but shall remain at least four feet from the property line.
- E. Structures below and covered by the ground may extend into any required yard.
- F. Driveways may extend into any required yard, provided that, to the extent practicable, they extend across rather than along the setback area ~~and may be no closer than two feet from the property line.~~

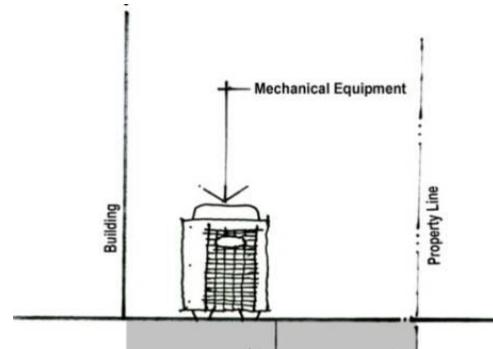


Figure 22. Mechanical Equipment

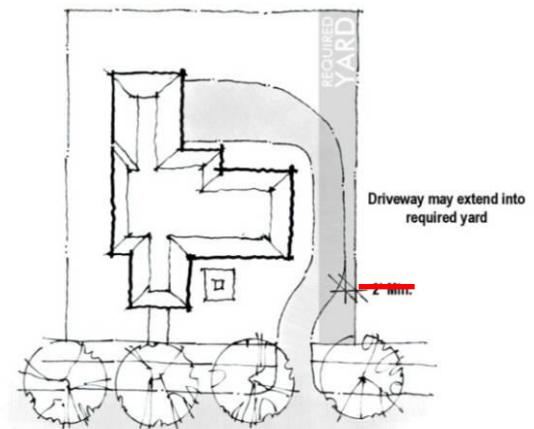


Figure 23. Driveways

## Building Separation

**§4.1.7. Building Separation**

The minimum spacing between buildings in a complex shall be 20 feet, with an additional ten feet provided between buildings for every story over two.

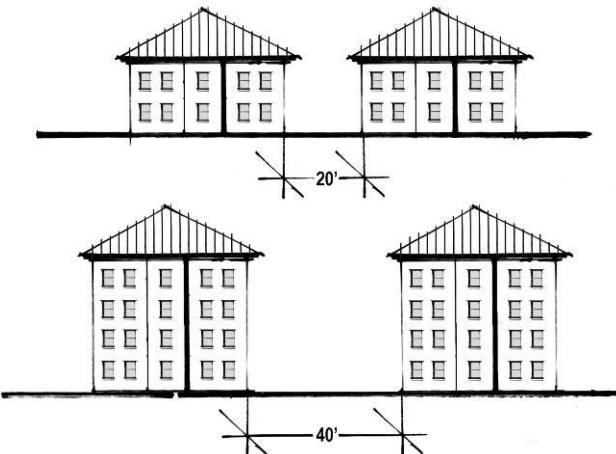


Figure 76. Building Separation

**§4.2. Residential 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).

**§4.2.1. Alley-loaded House**

Alley-loaded homes are only permitted in the Cluster/Conservation Subdivision type. An alley shall be provided to the rear of all alley-loaded houses. All vehicular access shall take place from the alley and all parking shall be in the rear yard. No parking shall be permitted in the required road yard.

**§4.2.2. Zero Lot Line House**

- A. A single side yard shall be provided comprising the equivalent of two side yards of a conventional detached house. This reduction shall not be allowed on the road yard or to the side yard adjacent to lots that are not part of the zero lot line project.
- B. An easement between the two property owners to allow for maintenance or repair of the house shall be required when the roof overhang or side wall of the house are within four feet of the adjacent property line (no roof overhang shall be permitted to extend across the property line). The easement on the adjacent property must provide at least five feet of unobstructed space. The easement shall be recorded on the subdivision plat.

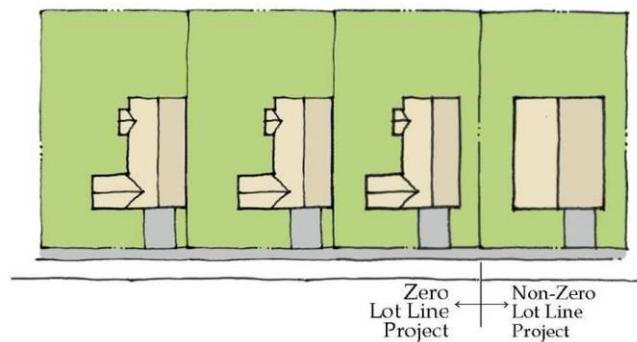


Figure 77. Zero Lot Line House

## §4.6. Accessory Structures and Uses

### §4.6.1. Zoning Permit Required

It shall be unlawful to begin moving, constructing, altering or repairing, except ordinary repairs, of an accessory structure, until the Director has issued a zoning permit for such work (see §9.9).

### §4.6.2. General

#### A. Minimum Requirements

Accessory structures and uses shall be consistent with all standards in the district for the principal use, except as expressly set forth below.

- A. Accessory structures and uses shall be accessory and clearly incidental and subordinate to a permitted principal use. An accessory use shall only be allowed when a principal use exists.
- B. Accessory structures and uses shall be located within the same district, on the same lot, and in the same ownership as the principal use or structure unless otherwise specified.
- ~~C. Accessory structures and uses shall not involve operations or structures not in keeping with the character of the primary use or principal structure served.~~
- ~~D.C. Accessory structures and uses shall not be of a nature likely to attract visitors in larger numbers than would normally be expected, where applicable.~~
- ~~E.D. An accessory use shall contribute to the comfort, convenience or necessity of occupants of the primary use served.~~
- ~~F.E. In no event shall "accessory use or structure" be construed to authorize a use or structure not otherwise permitted in the district in which the principal use is located.~~
- ~~G.F. "Accessory use" or "accessory structure" shall include all distribution lines located on the property which deliver electric, telephone, CATV, and other utility service to the end user from a transmission line providing service to an area larger than the project area or individual parcel.~~
- ~~H.G. A pier which is located on a lot which does not contain any other structures shall not be deemed to be an accessory structure.~~
- ~~I.H. Tractor trailers and storage pods are prohibited for storage buildings or structures except as permitted on an active construction site.~~

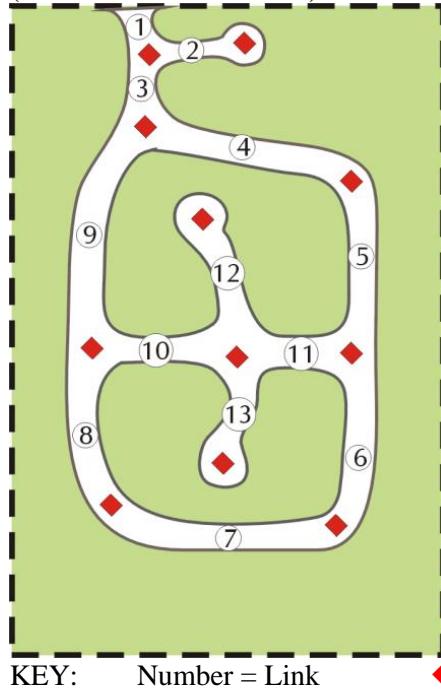
#### B. Fencing and Walls in Residential Districts

- A. The maximum height of fencing and walls shall be eight feet.
- B. Barbed wire and electrical fences are prohibited, except for livestock protection fences.
- C. Concertina wire is prohibited.
- D. No zoning permit is required for fencing or walls complying with these regulations.

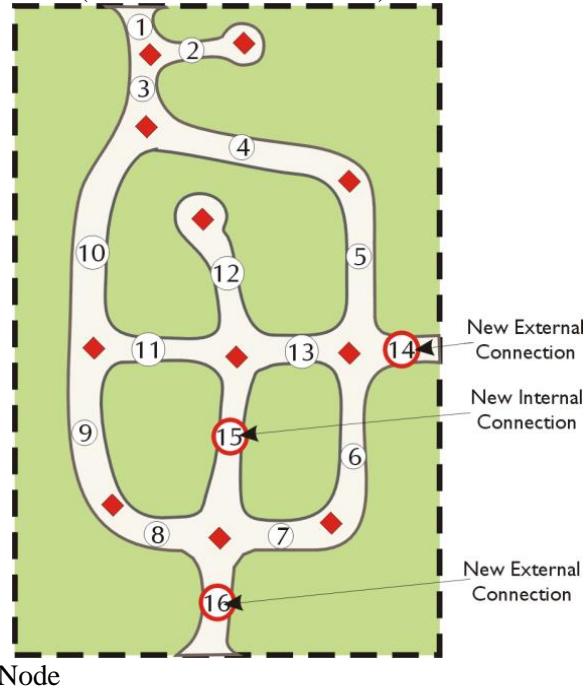
## Road Connectivity

- B. Within the R-R district, the road network for any subdivision with internal roads or access to any public right-of-way shall achieve a connectivity ratio of not less than 1.20, measured within the subdivision.
- C. Road links and nodes along a collector or arterial road providing access to a proposed subdivision shall not be considered in computing the connectivity ratio.

**EXAMPLE 1:** Does not meet ratio  
(13 links/11 nodes = 1.18)



**EXAMPLE 2:** Modified to meet ratio  
(16 links/11 nodes = 1.45)



**Figure 78. Internal Connectivity Ratio**

**Commentary:** The internal connectivity ratio in this subsection C provides a formula that ensures a consistent number of links within a development. But, one could design a subdivision with a sufficient number of internal connections to meet the ratio standard and only one external connection; hence the "double standard". See External Access Required in D, below.

#### D. External and Internal Access Required

In order to accommodate emergency and service vehicles, the following standards shall apply:

- A.** Any residential subdivision of greater than 30 lots shall be provided with separate and approved fire apparatus access roads as defined in the latest edition of the North Carolina State Building Code Fire Prevention Code. Within a residential subdivision, no more than 30 lots shall be located on any road that lacks emergency access from two directions.
- B.A.** Any residential subdivision of greater than 50 lots shall include a minimum of two access points.
- C.B.** Residential subdivisions of 250 or more lots shall provide three separate access points. Where three or more access points are required, the Board of

## **§9.21. Conditional Zoning**

### **§9.21.1. Applicability**

### **§9.21.2. Community Involvement Meeting (CIM)**

Prior to final acceptance of an application by the Director, all applicants petitioning for conditional zoning districts shall hold a community involvement meeting (CIM) in accordance with the following requirements:

- A. Only the initial application for conditional zoning districts shall require a CIM. Subsequent applications for subdivision or site plan review do not require further CIMs.
- B. The purpose of the CIM shall be to inform the neighborhood of the nature of the proposed land use and development features, explain the site plan if any, and solicit comments.
- C. The applicant shall provide notice by mail in accordance with §9.2.3.B.C. The notice shall be mailed at least ten days but not more than 25 days prior to the date of the CIM.
- D. The applicant shall prepare and submit to the Director detailed minutes that outlines attendance, major points discussed, and any agreements reached between the parties involved.
- E. Following the CIM, the applicant shall have the opportunity to make changes to the application to take into account information and comments received. One or more revised copies of the application shall be submitted to the Director for review. No additional fee shall be required to be paid for making such changes provided the Director receives the revised application within 30 days following the CIM. If a revised application is not received during said 30 day period, the Director shall review the original application submitted.
- F. The Director may develop administrative rules pertaining to any additional requirements for the conduct of the meeting.

### **§9.21.3. Minimum Requirements**

All zoning regulations that apply to the general use district are minimum requirements for development within conditional zoning districts.

### **§9.21.4. Conditions of Approval**

- A. Specific conditions may be proposed by the petitioner or the County or its agencies, but only those conditions mutually approved by the County and the

---

Effect of Approval; Zoning Map Designation

petitioner may be incorporated into the zoning regulations. Conditions imposed in a conditional zoning district shall be limited to those that address the conformance of the development and use of the site to county ordinances, plans adopted pursuant to G.C. 160D-501, or the impacts reasonably expected to be generated by the development or use of the sites. Unless consented to in writing by the petitioner, the County may not require, enforce, or incorporate into the zoning regulations or permit requirements any condition or requirement not authorized by otherwise applicable law, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29), or other unauthorized limitations on development or use of land.

**B.** A conditional zoning district may provide for greater but not lesser setbacks than those applicable to the corresponding general use district, and may specify that only one or some of the uses allowed (either on a permitted or a special use basis) in the general use district are allowed in the conditional zoning district.

#### **§9.21.5. Effect of Approval; Zoning Map Designation**

If a petition for a conditional zoning district is approved, the development and use of the property shall be governed by the UDO requirements applicable to the district's zoning classification, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the Zoning Map. Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the Zoning Map by the appropriate district designation preceded by the letters CZ (i.e., CZ B-G).

#### **§9.21.6. Modifications to Conditional Zoning Districts**

**A.** Minor changes in a conditional zoning district may be approved by the Director, provided such changes will not:

1. Alter the basic relationship of the proposed development to adjacent property;
2. Alter the uses permitted or increase the density or intensity of development; or
3. Change the boundaries of the approved site.
4. Substantially change the vehicular access or circulation.
5. Substantially change the location of principal or accessory structures, or the location or size of open space and recreation facilities.
6. Significantly alter the basic size, form, style, ornamentation, and appearance of principal and accessory structures as shown on the approved site plan or described in the applicant's narrative.

7. Substantially reduce the degree or change the location of landscape buffers.

B. A major modification in a conditional zoning district shall be subject to approval in accordance with the procedure which governed the district's approval.

## ARTICLE 10. NONCONFORMITIES

### §10.1. General

A lawful preexisting use, structure, or lot that does not meet the requirements of this UDO is deemed a nonconformity. Special provisions apply to nonconformities, as set forth in this article.

### §10.2. Nonconforming Structures

#### §10.2.1. Continuation

The conforming use of a structure, as explained in §1.14.1, existing at the effective date of this UDO, may be continued, although the structure's size or location does not conform with the yard, dimensional, height, parking, loading, access, lot area, and lot coverage provisions of this UDO.

#### §10.2.2. Damaged or Destroyed

Nonconforming structures which are damaged or destroyed by fire, explosion, flood, or other calamity to the extent of more than 50 percent of the value of the structure, as determined by the County, may be reconstructed and shall comply with the applicable provisions of this UDO for the district in which such structure is located, unless the structure is situated on a substandard lot of record, in which case the provisions concerning substandard lots of record shall apply.

#### §10.2.3. Movement

A nonconforming structure, including a manufactured home, may not be moved off the lot or lots on which it is located, unless when relocated within the jurisdiction of the County, it complies with the regulations for the district in which it is located. Further, any subsequent reuse of the lot or lots from which the nonconforming structure has been moved must comply with the regulations for the district in which it is located.

#### §10.2.4. Expansion

A nonconforming structure may be enlarged or expanded by a maximum of 50 percent, subject to the approval of the Director, provided that any expansion does not increase the degree of nonconformity and meets all of the requirements for the zoning district; including, but not limited to the yard, dimensional, height, parking, loading, access, lot area, and lot coverage provisions of this UDO.

### §10.3. Nonconforming Uses

#### §10.3.1. Continuation

The nonconforming use of a structure or land at the effective date of this UDO may be continued, except for the following: