



COUNTY OF LINCOLN, NORTH CAROLINA
302 NORTH ACADEMY STREET, SUITE A, LINCOLNTON, NORTH CAROLINA 28092

PLANNING AND INSPECTIONS DEPARTMENT
704-736-8440 OFFICE

To: Alex Patton, Board of Commissioners Chairman
George Wood, County Manager
Jeff Frushtick, Planning Board Chairman

From: Randy Hawkins, Zoning Administrator

Date: January 18, 2012

Re: UDO Proposed Amendments #2012-1
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 meeting/public hearing on February 6, 2012.

Staff is proposing a number of amendments to the Lincoln County Unified Development Ordinance to address various issues with the current regulations. Following are summaries and explanations of the proposed amendments.

UDO Proposed Amendments 2012-1

1) Eastern Lincoln Development District

Amend Section 2.1.4.A to add a purpose statement for the Eastern Lincoln Development District.

Explanation:

A map of the Eastern Lincoln Development District and standards for the district were officially adopted in June 2011, but a purpose statement wasn't included in the section of the UDO that includes purpose statements for all of the other zoning districts.

Proposed text changes shown:

§2.1.4 Overlay Districts

A. Reserved Eastern Lincoln Development District (ELLD)

~~(This section is reserved for future district(s) which may apply to certain area(s) of the County incorporating supplemental development standards.) 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.~~

2) Little Creek Cove Overlay

Amend Section 2.1.4 (Overlay Districts) to delete a reference to the establishment of a Little Creek Cove Overlay district, and amend Section 2.5.4 (Overlay District Standards) to delete standards for a Little Creek Cove Overlay district.

Explanation:

When the UDO was adopted in 2009, an idea had been advanced to create an overlay district to set additional standards to protect the area around the county's water intake on Lake Norman. After further consideration, staff has concluded and the Planning Board has concurred that the current regulations contained in the UDO provide appropriate protection.

Proposed text changes shown:

§2.1.4 Overlay Districts

E. Little Creek Cove Overlay (-LCCO) Reserved

The Little Creek Cove Overlay (-LCCO) District is established to protect the Little Creek domestic water intake and the water quality of the lake. Due to the importance of the county's domestic water supply, additional standards and protective measures are merited beyond those applicable county-wide and described in the general development standards of Article 3, and the natural resource protection of Article 7. The district is designed, along with other provisions of this UDO, to implement the "Source Water Protection Plan for Lincoln County Water System." The standards established in §2.5.5 shall be applied to all development in the LCCO district, in addition to other applicable standards of this UDO.

§2.5.5 Little Creek Cove Overlay (-LCCO) Reserved

A. Permitted Uses

All permitted and conditional uses of the underlying zoning district are allowed subject to the specific requirements and procedures for each use classification.

B. Dimensional Requirements

The dimensional requirements of this overlay district shall be the same as the underlying zoning district.

C. District Standards

1. Stormwater Management and Erosion Control

All development in the LCCO district shall:

- (a) Comply with the requirements of §3.8, Stormwater Management and Erosion Control; and
- (b) Prevent non-point source pollution to the maximum extent possible, by taking into account site conditions such as slope, soil type and erosive potential and vegetative cover.

2. Watershed Protection

All development in the LCCO district shall comply with the requirements of §7.3, Watershed Protection.

3. Streamside Buffers

All development in the LCCO district shall comply with the requirements of §7.5, Streamside Buffers.

3) Agriculture

Amend Section 2.2.1 (Use Table), under Commercial Uses, to change “Agriculture (involving livestock)” to simply “Agriculture” and to indicate that it is permitted in all zoning districts; and amend Section 2.3.4 (Commercial Use Groups) to redefine “Agriculture” by referencing the state statute that exempts “bona fide farm purposes” from county zoning regulations.

Explanation:

The Use Table currently indicates that “Agriculture (involving livestock)” is permitted in residential districts, but not in business or industrial districts. Under state law, the production of livestock and other “bona fide farm purposes” are not subject to county zoning regulations.

Proposed text changes shown:

§2.2.1 Use Table

Commercial 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
Agriculture (involving livestock) *	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

§2.3.4 Commercial Use Groups

~~Agriculture: Characterized by uses that create or preserve areas intended primarily for the raising of animals and crops, conservation, and the secondary industries associated with agricultural production.~~

~~Agriculture shall include the following: animal raising including horses, hogs, cows, sheep, goats, and swine, poultry, rabbits, and other small animals, apiculture, aquaculture, dairying, personal or commercial animal breeding and development; floriculture, horticulture, pasturage, row and field crops, viticulture, tree or sod farm, silviculture; animal boarding, outdoor; milk processing plant; packing house for fruits or vegetables; plant nursery; plant nursery with landscape supply; stable; or any similar use. Bona fide farm purposes as defined by N.C. General Statutes 153A-340(b), including the production and activities relating to or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market.~~

4) Two-family houses

Amend Section 2.2.1 (Use Table), under Residential Uses, to change “Two-family house” from a permitted use in the R-14, R-20, R-MR and R-MF districts to not permitted; and Amend Section 2.4.6 (Cluster Subdivision Standards) to reflect this change.

Explanation:

Two-family house, or duplex, is listed as being permitted in these districts. A note at the bottom of the page, however, states: “Some residential uses listed in this table may only be allowed in cluster subdivisions. See §2.4.5 and §2.4.6.” Those sections indicate that duplexes are permitted in cluster subdivisions in the R-14 and R-20 districts. The R-14 and R-20, R-MR and R-MF districts are the old Westport zoning districts. This proposed change would eliminate any confusion about whether duplexes are permitted in existing subdivisions and would not allow duplexes in a new cluster subdivision in these areas.

Proposed text changes shown:

§2.2.1 Use Table

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	B-C	I-L	I-G	Use Standard
Two-family house	P	P			P	P	P	P	P							§4.2.4

§2.4.6 Cluster Subdivision Standards

Cluster Residential Subdivision

R-20	Single-family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse	Multi-family
Use	Permitted	Permitted	Permitted	Not Permitted	Not Permitted	Not Permitted
Density (max. units/acre)	2.2	2.2	2.2	2.2		
Site (min.)						
Area (acres)	5	5	5	5		
Recreation/open space (sq. ft.)	50%	50%	50%	50%		
Parcel (min. sq. ft.)				—		
Lot (min.)			—	—		
Lot area (sq. ft.)	4,000	5,000	4,500	5,000		
Lot width (ft.)	50	50	40	50		
Water/sewer, public	Required	Required	Required	Required		
Yards (min. ft.)						
Road yard	15	15	10	15		
Side yard (interior)	5	0	5	5		
Side yard (total)	10	10	10	10		
Side yard (road)	10	10	10	10		
Rear yard	15	15	15	15		

Cluster Residential Subdivision

Bulk (max.)						
Height (ft.)	35	35	35	35	35	
Building coverage	35%	35%	35%	35%	35%	
Impervious surface	50%	50%	50%	50%	50%	

R-14	Single-family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse	Multi-family
Use	Permitted	Permitted	Permitted	<u>Not Permitted</u>	Not Permitted	Not Permitted
Density (max. units/acre)	3.5	3.5	3.5	3.5		
Site (min.)						
Area (acres)	5	5	5	5		
Recreation/open space (sq. ft.)	50%	50%	50%	50%		
Parcel (min. sq. ft.)						
Area per building	--	--	--	--		
Lot (min.)						
Lot area (sq. ft.)	3,000	3,000	2,500	5,000		
Lot width (ft.)	50	50	40	50		
Water/sewer, public	Required	Required	Required	Required		
Yards (min. ft.)						
Road yard	15	15	10	15		
Side yard (interior)	5	0	5	5		
Side yard (total)	10	10	10	10		
Side yard (road)	10	10	10	10		
Rear yard	15	15	15	15		
Bulk (max.)						
Height (ft.)	35	35	35	35		
Building coverage	35%	35%	35%	35%		
Impervious surface	50%	50%	50%	50%		

5) Retail and service uses in B-N district

Amend Section 2.2.1 (Use Table) to make “Retail, general” and Service, general” permitted uses in the B-N district, and amend Section 2.4.8.B (Nonresidential Dimensional Standards in Nonresidential Districts) to change the maximum gross floor area in the B-N district to 10,000 square feet.

Explanation:

“Retail, general” and “Service, general” are permitted in the B-G (General Business) district but not in the B-N (Neighborhood Business) district. Only “Retail, neighborhood” and “Service, Neighborhood” are currently allowed in the B-N district. These four groups are defined by specific types of products and services. The types that can be offered in the B-N district are significantly limited (see below). For example, the sale of clothing or electronic equipment is not permitted. Neither are services such as animal grooming or watch repair.

The issue of which uses should be permitted in the B-N district is more one of scale than of types of products or services. For example, a furniture warehouse may not be appropriate in a B-N district, while a small store that sells used furniture would be.

Under Section 2.4.8.B, a store as large as 25,000 square feet is currently permitted in the B-N district. This proposal would limit the size of a store to 10,000 square feet in order to better address the issue of scale. A larger store would require a rezoning and the additional review that's entailed in that process.

This proposal wouldn't affect other differences between B-G and B-N. For example, vehicle sales would remain a conditional use in the B-G district and not permitted in the B-N district. In the Eastern Lincoln Development District, "Retail, general" and "Service, general" would remain conditional uses if located adjacent to or within 100 feet of a residential zoning district, and permitted otherwise.

§2.3.4 Commercial Use Groups

Retail, General: A facility involved in the wholesale or retail sale, lease, or rental of new or used products to through traffic as well as the surrounding neighborhood. General retail shall include the selling, leasing or renting of the following goods: antiques; art; art supplies; bicycles; building supplies; cameras; carpet and floor coverings; crafts; clothing; computers; dry goods; electronic equipment; fabric; furniture; garden supplies; hardware; household products; jewelry; medical supplies; musical instruments; music; pets; pet supplies; printed materials; sporting goods; or any similar use. The retail sale of automobile parts shall be considered retail general provided no on-site automobile service or repair is provided. This definition does not include any adult entertainment establishment.

Retail, Neighborhood: A facility involved in the sale, lease, or rental of new or used products primarily to local traffic in the surrounding neighborhood. Neighborhood retail shall include the selling, leasing or renting of the following goods: books; health and beauty products; photo finishing; crafts; flowers; gifts or souvenirs; groceries; plants; picture frames; produce; stationery; tobacco; videos or any similar use. Also includes preparation and sale of baked goods, coffee, ice cream, fountain drinks, confections and similar products whose preparation does not require installation of an exhaust hood.

Service, General: A facility involved in providing personal or repair services to through traffic as well as the surrounding neighborhood. General services shall include the following personal services: animal grooming; dance, martial arts, photographic, music studio or classroom; photocopy, blueprint, quick-sign service; psychic or medium; security service; taxidermist; catering service or any similar use. General services shall also include the following repair services: bicycles; mopeds, canvas products; clocks; computers; jewelry; musical instruments; office equipment; radios; shoes; televisions; furniture; watches or any similar use. Also includes a tailor, milliner, upholsterer or locksmith. This definition does not include any adult entertainment establishment.

Service, Neighborhood: A facility involved in providing limited personal services to local traffic in the surrounding neighborhood. Neighborhood

services shall include the following: personal care services such as hair, nail, tanning, massage therapy; laundromat; dry cleaning and laundry pickup station; pack and ship facility; or any similar use.

Proposed text changes shown:

§2.2.1 Use Table

Commercial 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
Retail, neighborhood *										P	P					§4.4.14
Retail, general *										P	P					§4.4.14
Service, neighborhood *										P	P		P			§4.4.17
Service, general *										P	P		P	P		§4.4.17

§2.4.8 Nonresidential District Standards

B. Nonresidential Dimensional Standards in Nonresidential Districts

	O-R	B-N	B-G	B-C	I-L	I-G
Parcel (min.)						
Parcel area (sq. ft.)	10,000	22,500	1 acre	1 acre	1 acre	1 acre
Parcel width (ft.)	50	70	70	70	100	100
Water/sewer	Required	Required	Required	Required	Required	Required
Yards (min. ft.)						
Road yard (min.)	20	20	30	30	50	50
Road yard (max.)	30	90	150	N/A	N/A	N/A
Side yard (interior)	10	10	15	15	20	20
Abutting residential district	30	20	30	30	50	50
Side yard (road)	20	20	30	30	30	30
Rear yard	20	20	25	25	30	30
Abutting residential district	30	30	30	30	50	50
Building Separation	20	20	20	20	20	20
Bulk (max.)						
Height (ft.)	35	35	60	60	60	60
Gross floor area (sq. ft.)	10,000	25,000	50,000	50,000	N/A	N/A
Building coverage	50%	50%	50%	50%	50%	50%
Impervious surface	75%	75%	75%	75%	75%	75%

6) Storage, private

Amend Section 2.2.1 (Use Table) to move the lines “Storage, private (on <2 ac.)” and “Storage, private (on 2+ ac.)” from Commercial Uses to Residential Uses, delete Section 4.4.19 (Storage, Private) under Commercial Use Standards, and amend Section 12.3.2 (General Terms) to add a definition for “Storage, private.”

Explanation:

“Storage, private” refers to a storage building on an otherwise vacant residential lot. This is a provision that allows a property owner to erect a storage building on a lot prior

to building a home. It's permitted on a lot that's two acres in size or greater, but it's a conditional use on a lot that's less than two acres in size. This provision was carried over from the old Zoning Ordinance to the UDO, but it was listed under Commercial Uses in error and the standards that were included are standards for commercial self-storage facilities. This proposal would add the definition that was included in the Zoning Ordinance.

Proposed text changes shown:

§2.2.1 Use Table

Commercial 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
Storage, private (on <2 ac.)	€	€	€	€	€											§4.4.19
Storage, private (on 2+ ac.)	P	P	P	P	P											§4.4.19

Residential 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
Storage, private (on <2 ac.)	€	€	€	€	€											
Storage, private (on 2+ ac.)	P	P	P	P	P											

§4.4.19 Storage, Private

- A. Minimum Lot Area: 1 acre
- B. Minimum Road Yard: 30 feet
- C. Minimum Side (Road) Yard: 50 feet
- D. Minimum Side (Interior) Yard: 50 feet
- E. Minimum Rear Yard: 50 feet
- F. All storage shall be contained within a fully enclosed building.
- G. A Class C buffer (see §3.4) shall be established along any side of the property where the self-storage facility abuts or is across the road from a residential use or a residential district.
- H. Where the end wall of the self-storage facility is visible from a public road, the wall shall be buffered by a hedge that has a mature height of at least four feet.
- I. The following activities shall be prohibited on the premises:
 - 1. Commercial storage or rental of storage space, rather such storage shall be utilized by a single user;
 - 2. Commercial, wholesale or retail sales, flea markets or peddling, or miscellaneous or garage sales;
 - 3. Servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or other similar equipment;

4. Operation of a transfer and storage business;
5. Operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment except when needed for maintenance of the use;
6. Any activity that is noxious or offensive because of odors, dust, noise, fumes or vibrations; and
7. Storage of hazardous chemicals, flammable liquids or combustible and explosive materials.

§12.3.2 General Terms

STORAGE, PRIVATE. A structure used for storage, consistent with the type of storage allowed in a residential accessory structure. The structure must be residential in character and must be owned and used solely by the owner of the property on which it is located. The structure cannot be rented. The structure shall not be used in any manner that would not be allowed in the zoning district in which is located. This structure shall become an accessory structure immediately following the placement of a principal residential structure on the property.

7) Traffic Impact

Amend Section 2.5.1 (Eastern Lincoln Development District) to stipulate that any use which has an anticipated peak hour trip generation of 100 trips or greater shall be subject to review as a conditional use, and amend Section 9.8 (Traffic Impact Analysis) to change the threshold for requiring a traffic impact analysis to 100 peak hour trips.

Explanation:

This proposal would ensure that any commercial project in the Eastern Lincoln Development District that would generate a substantial level of peak hour traffic would be subject to review by the Planning Board and the Board of Commissioners. It would also increase the threshold for requiring a traffic impact analysis to that same level. The current threshold of 50 trips applies countywide.

Proposed text changes shown:

§2.5.1 Eastern Lincoln Development District

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 conditional use and shall be subject to the review requirements of Section 9.11.

§9.8 Traffic Impact Analysis

§9.8.1 Applicability

- A.** A traffic impact analysis may be required to be submitted in conjunction with applications for planned development, preliminary plat, major site plan, special use permit and conditional use permit.
- B.** Unless exempted in §9.8.2 below, a traffic impact analysis shall be required for all projects which can be anticipated to generate at least 50 100 peak hour trips based on the latest edition of the Institute of Transportation Engineers (ITE) *Trip Generation Manual*.

§9.8.2 Exemptions

The following projects shall not be required to submit a traffic impact analysis:

- A.** Developments approved prior to the effective date of this UDO that have maintained valid planned development master plans, preliminary plats, major site plans or conditional use permit
- B.** Where approved by the Director, redevelopment of any site on which the additional traffic at peak hour represents an increase of less than 50 100 trips from the previous development, where the redevelopment is initiated within 12 months of the completion of the demolition of the previous project.
- C.** Minor site plans.

8) Parking requirements for industrial uses

Amend Section 3.6.3 (Off-Road Parking Requirements) to add minimum requirements for manufacturing, transportation and warehousing, and wholesale trade.

Explanation:

When the UDO was amended in February 2011 to incorporate the North American Industrial Classification System (NAICS) codes into the Use Table, the use groups of Limited Manufacturing, General Manufacturing, Heavy Manufacturing, and Warehouse

and Freight Movement were deleted. The parking requirements table in Section 3.6.3.B.1 referred to these use groups. This proposal would establish the same parking requirements that were included in the old Zoning Ordinance.

Proposed text changes shown:

§3.6.3 Off-Road Parking Requirements

B. Parking Ratios

1. Minimum

The following minimum off-road parking ratios shall be applicable to all general use zoning districts. The number of required off-road parking spaces designed for use by handicapped persons as prescribed by the North Carolina State Building Code shall be computed separately from the off-road parking requirements as otherwise contained in this section. Where, in the opinion of the applicant, a listed ratio requires too much or too little parking, the applicant may provide an alternative parking plan with data submitted in support of higher or lower ratios (see §3.6.3.D).

Industrial Uses		
Crematorium	--	1 per 3 seats in largest assembly room
Manufacturing	All uses	1 per employee on shift of greatest employment
Research and development *	All uses	1 per 1,000 sq. ft. Of GFA
Transportation and warehousing		1 per employee on shift of greatest employment in addition to spaces used for vehicles in the operation
Wholesale trade		1 per employee on shift of greatest employment plus 1 per 500 sq. ft. of office space plus 1 per 500 sq. ft. devoted to on-premise sales such as showrooms and sales counter
Waste service *	All uses	1 per 5,000 sq. ft. Of GFA + 1 per 5,000 sq. ft. Of outside storage area

9) Kennel standards

Amend Section 4.4 (Commercial Use Standards) to stipulate that the standards for a kennel apply only in a residential zoning district.

Explanation:

A commercial kennel is a conditional use in the R-R, R-T, B-N, B-G and I-G districts, and is not permitted in other districts. The standards contained in this section were carried over from the old Zoning Ordinance. Under the old ordinance, the standards applied only in residential districts. They don't necessarily make sense in a business or industrial district.

Proposed text changes shown:

§4.4.10 Kennel

In residential districts, the following standards shall apply:

- A.** For any animal kennel designed to accommodate 15 or fewer animals, the minimum lot area shall be 3 acres; and no structure housing the animals, nor any outdoor animal runs or pens may be located closer than 100 feet from any lot line.
- B.** For any animal kennel designed to accommodate greater than 15 animals, the minimum lot area shall be ten acres; and no structure housing the animals, nor any outdoor animal runs or pens may be located closer than 200 feet from any lot line.
- C.** Manure piles in association with the animal kennel may be located no closer than 200 feet from any lot line and shall be disposed of on a daily basis.
- D.** The minimum area for any lot containing an animal kennel shall be three acres.
- E.** Notwithstanding any other provision of this UDO, an animal kennel may be located on a lot which also contains a principal detached single-family use.
- F.** A Class C buffer (see §3.4) shall be established along any side of the property where the kennel abuts a residential use, provided such buffer shall not restrict clear sight at any intersection or driveway.

10) Vehicle service and sales

Amend Section 4.4 (Commercial Use Standards) to permit vehicle sales in conjunction with vehicle service and vehicle repair.

Explanation:

The standards for vehicle service (oil change, brake service, etc.) and vehicle repair (body work, engine rebuilding, etc.) currently prohibit vehicle sales. Car dealerships, however, commonly provide include these services. This proposed change would allow the combination. Because vehicle sales are allowed only as a conditional use in the B-G, I-L and I-G districts, any proposed operation would be subject to the review of the Planning Board and Board of Commissioners.

Proposed text changes shown:

4.4.20 Vehicle Repair

- ~~A. No vehicle sales shall be permitted.~~

- B. A Class C buffer (see §3.4) shall be established along any side of the property adjacent to a residential use.
- C. Service bay doors shall be oriented as required by §3.2.6.
- D. All repair or service operations, excluding washing, shall be conducted entirely within a fully-enclosed building. The term fully-enclosed building shall not be construed to limit open bay doors during hours of operation.
- E. Operable vehicles may be parked on-site during business hours. All vehicle parking shall be accomplished on the site and in no case shall a parked vehicle encroach within 10 feet of the right-of-way.
- F. The outdoor overnight storage of vehicles may be allowed subject to Board of Commissioners approval (see §3.10, Outdoor Storage and Display).
- G. There shall be no dismantling of vehicles for salvage.
- H. The storage of impounded vehicles shall not be permitted.

§4.4.22 Vehicle Service

- ~~A. No vehicle sales shall be permitted.~~
- B. A Class C buffer (see §3.4) shall be established along any side of the property adjacent to a residential use.
- C. Service bay doors shall be oriented as required by §3.2.6.
- D. All repair or service operations, excluding washing, shall be conducted entirely within a fully-enclosed building. The term fully-enclosed building shall not be construed to limit open bay doors during hours of operation.
- E. Operable vehicles may be parked on-site during business hours. All vehicle parking shall be accomplished on the site, and in no case shall a parked vehicle encroach within ten feet of the right-of-way.
- F. The outdoor overnight storage of vehicles may be allowed subject to Board of Commissioners approval (see §3.10, Outdoor Storage and Display).
- G. There shall be no dismantling of vehicles for salvage.
- H. The storage of impounded vehicles shall not be permitted.

11) Campground definition

Amend Section 12.3.2 (General Terms) to add a definition for campground.

Explanation:

“Campground” is listed in the Use Table as a conditional use in the R-R, R-CR and B-G districts, but there’s no definition. This proposal would clarify that a campground could consist of sites for recreational vehicles, tents and/or cabins.

Proposed text changes shown:

§12.3.2 General Terms

CAMPGROUND. Land containing 2 or more campsites which are located, established or maintained for occupancy by people in temporary living quarters such as recreational vehicles, cabins or tents, for recreation, education or vacation purposes. A campground also includes a summer camp or other camping facilities consistent with this definition.



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

Zoning Amendment Staff's Proposed Statement of Consistency and Reasonableness

Case No. **UDO Proposed Amendments #2012-1**

Applicant **Lincoln County Planning and Inspections Department**

Proposed amendments

- 1) Amend Section 2.1.4.A to add a purpose statement for the Eastern Lincoln Development District.
- 2) Amend Section 2.1.4 (Overlay Districts) to delete a reference to the establishment of a Little Creek Cove Overlay district, and amend Section 2.5.4 (Overlay District Standards) to delete standards for a Little Creek Cove Overlay district.
- 3) Amend Section 2.2.1 (Use Table), under Commercial Uses, to change "Agriculture (involving livestock)" to simply "Agriculture" and to indicate that it is permitted in all zoning districts; and amend Section 2.3.4 (Commercial Use Groups) to redefine "Agriculture" by referencing the state statute that exempts "bona fide farm purposes" from county zoning regulations.
- 4) Amend Section 2.2.1 (Use Table), under Residential Uses, to change "Two-family house" from a permitted use in the R-14, R-20, R-MR and R-MF districts to not permitted; and Amend Section 2.4.6 (Cluster Subdivision Standards) to reflect this change.
- 5) Amend Section 2.2.1 (Use Table) to make "Retail, general" and Service, general" permitted uses in the B-N district, and amend Section 2.4.8.B (Nonresidential Dimensional Standards in Nonresidential Districts) to change the maximum gross floor area in the B-N district to 10,000 square feet.
- 6) Amend Section 2.2.1 (Use Table) to move the lines "Storage, private (on <2 ac.)" and "Storage, private (on 2+ ac.)" from Commercial Uses to Residential Uses, delete Section 4.4.19 (Storage, Private) under Commercial Use Standards, and amend Section 12.3.2 (General Terms) to add a definition for "Storage, private."
- 7) Amend Section 2.5.1 (Eastern Lincoln Development District) to stipulate that any use which has an anticipated peak hour trip generation of 100 trips or greater shall be subject to review as a conditional use, and amend Section 9.8 (Traffic Impact Analysis) to change the threshold for requiring a traffic impact analysis to 100 peak hour trips.
- 8) Amend Section 3.6.3 (Off-Road Parking Requirements) to add minimum requirements for manufacturing, transportation and warehousing, and wholesale trade.
- 9) Amend Section 4.4 (Commercial Use Standards) to stipulate that the standards for a kennel apply only in a residential district.
- 10) Amend Section 4.4 to allow vehicle sales in conjunction with vehicle service and vehicle repair.
- 11) Amend Section 12.3.2 (General Terms) to add a definition for campground.

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

These amendments will update, clarify, correct and improve the Unified Development Ordinance, which carries out various objectives of the Land Use Plan.

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

Amendment 5 will eliminate a somewhat arbitrary distinction between types of products and services that are permitted to be offered in B-N districts, and instead protect neighborhoods by limiting the size of stores.

Amendment 7 will ensure that commercial projects in the Eastern Lincoln Development District will be subject to the public hearing process if they are anticipated to generate a substantial amount of traffic, and will establish a more reasonable threshold for requiring a traffic impact analysis.

Amendment 9 will allow a kennel to be located in a business or industrial district without being subject to the stringent requirements for a kennel in a residential district.

Amendment 10 will allow car dealerships to service and repair vehicles.

Amendments 1-4, 6, 8 and 11 will update, clarify or correct the ordinance.



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 changes.

- 1) Amend Section 2.1.4.A to add a purpose statement for the Eastern Lincoln Development District.
- 2) Amend Section 2.1.4 (Overlay Districts) to delete a reference to the establishment of a Little Creek Cove Overlay district, and amend Section 2.5.4 (Overlay District Standards) to delete standards for a Little Creek Cove Overlay district.
- 3) Amend Section 2.2.1 (Use Table), under Commercial Uses, to change "Agriculture (involving livestock)" to simply "Agriculture" and to indicate that it is permitted in all zoning districts; and amend Section 2.3.4 (Commercial Use Groups) to redefine "Agriculture" by referencing the state statute that exempts "bona fide farm purposes" from county zoning regulations.
- 4) Amend Section 2.2.1 (Use Table), under Residential Uses, to change "Two-family house" from a permitted use in the R-14, R-20, R-MR and R-MF districts to not permitted; and Amend Section 2.4.6 (Cluster Subdivision Standards) to reflect this change.
- 5) Amend Section 2.2.1 (Use Table) to make "Retail, general" and Service, general" permitted uses in the B-N district, and amend Section 2.4.8.B (Nonresidential Dimensional Standards in Nonresidential Districts) to change the maximum gross floor area in the B-N district to 10,000 square feet.
- 6) Amend Section 2.2.1 (Use Table) to move the lines "Storage, private (on <2 ac.)" and "Storage, private (on 2+ ac.)" from Commercial Uses to Residential Uses, delete Section 4.4.19 (Storage, Private) under Commercial Use Standards, and amend Section 12.3.2 (General Terms) to add a definition for "Storage, private."
- 7) Amend Section 2.5.1 (Eastern Lincoln Development District) to stipulate that any use which has an anticipated peak hour trip generation of 100 trips or greater shall be subject to review as a conditional use, and amend Section 9.8 (Traffic Impact Analysis) to change the threshold for requiring a traffic impact analysis to 100 peak hour trips.
- 8) Amend Section 3.6.3 (Off-Road Parking Requirements) to add minimum requirements for manufacturing, transportation and warehousing, and wholesale trade.
- 9) Amend Section 4.4 (Commercial Use Standards) to stipulate that the standards for a kennel apply only in a residential zoning district.
- 10) Amend Section 4.4 to allow vehicle sales in conjunction with vehicle service and vehicle repair.
- 11) Amend Section 12.3.2 (General Terms) to add a definition for campground.

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

Dec. 19, 2011
Date