



LINCOLN COUNTY PLANNING & INSPECTIONS DEPARTMENT
302 NORTH ACADEMY STREET, SUITE A, LINCOLNTON, NORTH CAROLINA 28092
704-736-8440 OFFICE 704-736-8434 INSPECTION REQUEST LINE 704-732-9010 FAX

To: Board of Commissioners
Planning Board

From: Randy Hawkins, Zoning Administrator

Date: December 22, 2017

Re: UDO Proposed Amendment #2018-2
Lincoln County Planning and Inspections Department, applicant

The following information is for use by the Lincoln County Board of Commissioners and the Planning Board at their joint meeting/public hearing on January 8, 2018.

PROPOSAL

The planning staff is proposing an amendment to Section 4.6.2.C.2 of the Lincoln County Unified Development Ordinance to state that a residential accessory structure may be located in the road yard provided it is set back a minimum of 100 feet from the edge of the road right-of-way.

This proposal would allow more leeway for detached garages and other residential accessory structures to extend past the front building line of a house or be located entirely in the road yard.

Currently, under the UDO, an accessory structure may extend past the front building line of a house provided the lot is one acre or greater in size and provided the accessory structure is set back a minimum of 150 feet from the edge of the road right-of-way.

This proposal would eliminate the one-acre requirement and reduce the minimum setback to 100 feet.

It would leave in place a provision that allows the Board of Commissioners to grant special exceptions for accessory structures on lots adjacent to Lake Norman, where the option of locating buildings in the rear (lakeside) yard is often not available. Approval would remain on a case-by-case basis through a conditional use permit process.

If this proposed amendment had been in effect, two conditional use permit hearings that were held last year would not have been necessary. In those two cases, site plans showed the proposed accessory structures would be located more than 150 feet from the edge of the road right-of-way, but the lake lots were less than one acre in size.

The planning staff had previously considered proposing an amendment to the UDO to establish criteria for administrative approval for accessory structures to be located in the road yard on lake lots – for example, a standard that a detached garage be architecturally similar to the house. However, in 2015, the General Assembly amended

the zoning enabling statute to prohibit the unilateral application of any building design regulations to any structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings. The code applies to residential accessory structures as well as houses and duplexes.

(Under the state statute, a building design requirement may be applied as part of a conditional use approval if the property owner voluntarily consents to it.)

By reducing the minimum setback, this proposal would allow more latitude for the location of accessory structures on lots with relatively large front yards in all areas of the county.

In the case of lake lots, the proposed amendment would specify that a conditional use permit could not be approved to allow an accessory structure to be located closer than 30 feet from the edge of the road right-of-way, the same as the minimum setback for a house.

Following is the full text of the proposed amendment, with the proposed changes highlighted in red.

UDO Proposed Amendment #2018-2

§4.6. Accessory Structures and Uses

§4.6.2. General

C. Setbacks

The following setback requirements apply to all accessory structures not specifically excepted by §2.6.10.D Yard Encroachments:

1. General

No accessory structure shall be located closer than ten feet to any other structure.

2. Residential Districts

~~(a) On lots less than one acre, no accessory structure shall extend in front of the front line of the principal structure, except on lots adjacent to Lake Norman where the Board of Commissioners may approve a conditional use permit (See §9.11) for an accessory use or structure to be placed in any yard other than the rear yard.~~

No accessory structure shall extend in front of the front line of the principal structure, unless it is set back a minimum of 100 feet from the edge of the road right-of-way. On lots adjacent to Lake Norman, the Board of Commissioners may approve a conditional use permit (See §9.11) to allow an accessory structure to be located in the road yard less than 100 feet but no closer than 30 feet from the edge of the road right-of-way.

~~(b) On lots of one acre or more, accessory structures may be located in the road yard, a minimum of 150 feet from the edge of the road right-of-way line.~~

~~(c)~~ Accessory structures are allowed in side (interior) and rear yards no closer than ten feet to the property line; provided that, as the size of the accessory structure increases the required setback shall increase as follows:

Size of Accessory Structure (sq. ft.)	Required Setback (ft.)
1,000 or Less	10
1,001 to 2,000	20
2,001 to 3,000	30
3,001 to 4,000	40
4,001 or more	50



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Zoning Amendment Staff's Proposed Statement of Consistency and Reasonableness

Case No. **UDO Proposed Amendment #2018-2**

Applicant **Lincoln County Planning and Inspections Department**

Proposed amendment **Amend Section 4.6.2.C.2 of the Lincoln County Unified Development Ordinance to state that a residential accessory structure may be located in the road yard provided it is set back a minimum of 100 feet from the edge of the road right-of-way.**

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

This proposal is not contrary to any of the guiding principles, objectives or strategies of the Land Use Plan.

This proposed amendment is **reasonable and in the public interest** in that:

It will provide more latitude for the location of detached garages and other accessory structures on lots with relatively large front yards, while maintaining an adequate safeguard against accessory structures crowding front yards and marring the appearance of neighborhoods.



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., Lincolnton, NC 28092**

Phone Number **(704) 748-1507**

Part II

Briefly describe the proposed text amendment.

Amend Section 4.6.2.C.2 of the Lincoln County Unified Development Ordinance to state that a residential accessory structure may be located in the road yard provided it is set back a minimum of 100 feet from the edge of the road right-of-way

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

Nov. 27, 2017
Date