



**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: May 13, 2019

Re: UDO Proposed Amendment #2019-1  
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 June 3, 2018.*

PROPOSAL

The planning staff is proposing amendments to Section 2.4.9 of the Lincoln County Unified Development Ordinance as follows:

1) Amend Section 2.4.9.A.7 to require site improvements or amenities that are part of the master plan of a Planned Development to be constructed with the first phase of the project or by the platting of 25% of the proposed lots, and to require monetary contributions or land donations that are included in the master plan to be made prior to the platting of the first phase of the development, unless waived by the Board of Commissioners.

2) Amend Section 2.4.9.B.3 to require an undisturbed buffer at least 20 feet in width to be maintained along all project boundaries of a PD-R (Planned Development-Residential) district.

Part 1 of the proposed amendment would clarify at what stage in a project that planned site improvements or amenities such as swimming pools and clubhouses have to be constructed, and specify that monetary contributions toward off-site road improvements or donations of land for schools or parks must be made prior to the recording of a plat for the first phase of the development.

Part 2 of the proposed amendments is aimed at preserving existing trees and protecting views along roads, preventing developers from grading sites all the way to the project's boundaries, and keeping retaining walls away from adjoining property owners' boundary lines. Currently, the minimum buffer width in a PD-R district is 10 feet, and the buffer area can be graded and replanted with small trees.

Objective 5.1 of the Lincoln County Land Use Plan calls for preserving viewsheds along the county's road network. Strategy 5.3.2 of the Land Use Plan calls for amending land regulations to promote the preservation of the county's tree canopy.

Following is the full text of the proposal:

## **PART 3. PLANNED DEVELOPMENT DISTRICTS**

### **§2.4.9. Planned Development District Standards**

#### **A. General Provisions for all Planned Developments (PD-R, PD-C, PD-I, PD-MU)**

##### **1. Rezoning Criteria**

In approving a rezoning for a planned development, the Board of Commissioners shall find the district designation and planned development master plan comply with the general standards for all planned development in this section and the specific standards for the proposed planned development listed in paragraphs B through E below, respectively.

##### **2. Planned Development Master Plan**

The development proposed in the master plan is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties. The master plan shall be prepared by a design professional as defined in Article 12.

##### **3. Design Guidelines and Dimensional Standards**

Each planned development shall provide a comprehensive set of design guidelines that demonstrate the project will be appropriate within the context of the surrounding properties and the larger community. All bulk, area and dimensional standards shall be established by the Board of Commissioners at the time of approval.

##### **4. Development Standards**

Unless specifically waived by the Board of Commissioners, all standards specified in Article 3, General Development Standards, and Article 7, Natural Resource Protection, shall apply.

##### **5. Recreation and Open Space**

The planned development master plan shall include a minimum of 12.5 percent recreation and open space. (See §3.3).

##### **6. Stormwater Management**

When determined necessary by the Board of Commissioners, the planned development master plan shall contain a comprehensive stormwater management plan prepared by a professional engineer, geologist and land surveyor licensed in the State of North Carolina.

##### **7. Phasing**

If development is proposed to occur in phases, the planned development master plan shall include a phasing plan for the development, and if appropriate, with specific build-out dates. ~~Guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents and tenants of the project, or that are of benefit to the County, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.~~ Unless waived by the Board of Commissioners, site improvements or amenities that are part of the master plan shall be constructed with the first phase of the project or by the platting of 25% of the lots proposed in the development, whichever comes first. Any

monetary contributions in lieu of constructing off-site improvements or donations of land that are included in the master plan shall be made prior to platting the first phase of the development.

## **B. Planned Development-Residential (PD-R) District**

### **1. Minimum Requirements**

The Planned Development-Residential District is an option provided to encourage a mix of housing options within a comprehensively planned development, allowing a density bonus in return for the provision of a higher quality development.

### **2. Permitted Uses**

All uses permitted by right, as conditional uses, and as special uses in residential districts are permitted in a PD-R District (§2.2.1), subject to approval by the Board of Commissioners.

### **3. Project Boundary Buffer**

- ~~(a) No buffer is required where the width of the project's perimeter lots is equal to or greater than the minimum lot width of the adjoining development or the minimum lot width required by the zoning district applied to any adjoining undeveloped parcel.~~
- ~~(b) Where narrower lot widths are provided, a Class B buffer shall be (see §3.4, Landscaping, Screening and Buffering) shall be provided along all project boundaries.~~

An undisturbed buffer at least 20 feet in width and meeting the standards for a Class B buffer (see §3.4, Landscaping, Screening and Buffering) shall be maintained along all project boundaries.

## **C. Planned Development-Commercial (PD-C) District**

### **1. Minimum Requirements**

The Planned Development-Commercial District is an option provided to enhance the design of a commercial development within a comprehensively planned development by allowing for additional flexibility not available in nonresidential districts.

### **2. Permitted Uses**

All uses permitted by right, as conditional uses, and as special uses in the O-R, B-N, and B-G districts are permitted in a PD-C District (§2.2.1), subject to approval by the Board of Commissioners.

### **3. Project Boundary Buffer**

- (a) Unless waived by the Board of Commissioners, a Class B buffer (see §3.4, Landscaping, Screening and Buffering) shall be provided along all project boundaries abutting a nonresidential district.
- (b) Unless waived by the Board of Commissioners, a Class C buffer (see §3.4, Landscaping, Screening and Buffering) shall be provided along all project boundaries abutting a residential district.

## **D. Planned Development-Industrial (PD-I) District**

### **1. Minimum Requirements**

The Planned Development-Industrial District is an option provided to encourage unified industrial complexes of high quality by allowing for additional flexibility not available in nonresidential districts.

### **2. Permitted Uses**

- (a)** All uses permitted by right, as conditional uses, and as special uses in the B-N, B-G, I-L, and I-G districts are permitted in a PD-I District (§2.2.1), subject to approval by the Board of Commissioners.
- (b)** Non-industrial or non-manufacturing uses located in a PD-I District are intended to serve the needs of the development and not the needs of a surrounding area. Areas designated for non-industrial and non-manufacturing activities shall be oriented towards the interior of the project and shall not be located on exterior or perimeter roads or property boundaries, but shall be centrally located within the project to serve the employees of the district.

### **3. Project Boundary Buffer**

A Class C buffer shall be provided (see §3.4, Landscaping, Screening and Buffering) along all project boundaries.

### **4. Landscape Area and Tree Canopy**

Landscaping area and tree canopy requirements shall be in accordance with §3.4, unless otherwise approved by the Board of Commissioners.

### **5. Building Design**

Building design shall be in accordance with §3.2, unless otherwise approved by the Board of Commissioners.

## **E. Planned Development-Mixed Use (PD-MU) District**

### **1. Minimum Requirements**

The Planned Development-Mixed Use District is an option provided to encourage coordinated mixed use developments.

### **2. Permitted Uses**

- (a)** All uses permitted by right, as conditional uses, and as special uses in the Permitted Use Table are permitted in a PD-MU District (§2.2.1), subject to approval by the Board of Commissioners.
- (b)** The mix of uses shall be established by the Board of Commissioners at the time of approval.

### **3. Project Boundary Buffer**

Unless waived by the Board of Commissioners, a Class C buffer shall be provided (see §3.4, Landscaping, Screening and Buffering) along all project boundaries.



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### **Zoning Amendment Staff's Proposed Statement of Consistency and Reasonableness**

Case No. **UDO Proposed Amendment #2019-1**

Applicant **Lincoln County Planning and Inspections Department**

Proposed amendments **Amend the Lincoln County Unified Development Ordinance as follows:**

**1) Amend Section 2.4.9.A.7 to require site improvements or amenities that are part of the master plan of a Planned Development to be constructed with the first phase of the project or by the platting of 25% of the proposed lots, and to require monetary contributions or land donations that are included in the master plan to be made prior to the platting of the first phase of the development, unless waived by the Board of Commissioners.**

**2) Amend Section 2.4.9.B.3 to require an undisturbed buffer at least 20 feet in width to be maintained along all project boundaries of a PD-R (Planned Development-Residential) district.**

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

**Part 1 is not contrary to any of the guiding principles, objectives or strategies of the Land Use Plan. Part 2 is consistent with Objective 5.1, which calls for preserving viewsheds along the county's road network, and with Strategy 5.3.2, which calls for amending land regulations to promote the preservation of the county's tree canopy.**

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

**Part 1 ensures that planned on-site improvements and contributions toward off-site improvements will be provided early in the development process, unless an exception is approved by the Board of Commissioners. Part 2 provides greater protection for properties bordering planned residential developments and requires preservation of existing trees.**



## 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.

- 1) Amend Section 2.4.9.A.7 to require site improvements or amenities that are part of the master plan of a Planned Development to be constructed with the first phase of the project or by the platting of 25% of the proposed lots, and to require monetary contributions or land donations that are included in the master plan to be made prior to the platting of the first phase of the development, unless waived by the Board of Commissioners.
- 2) Amend Section 2.4.9.B.3 to require an undisturbed buffer at least 20 feet in width to be maintained along all project boundaries of a PD-R (Planned Development-Residential) district.

*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 Hawk  
Applicant

May 10, 2019  
Date