



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: Alex Patton, Board of Commissioners Chairman
George Wood, County Manager
Christine Poinsette, Planning Board Chair

From: Randy Hawkins, Zoning Administrator

Date: September 13, 2012

Re: UDO Proposed Amendments #2012-4
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 October 1, 2012.

The planning staff, on behalf of the Planning Board, is proposing amendments to various sections of the Lincoln County Unified Development, largely aimed at relaxing regulations. These proposed amendments are the result of a review of the ordinance by the Planning Board and staff.

The UDO has been in effect for three years now. Last year, the Eastern Lincoln Development District was established and additional standards were approved for areas where commercial and multi-family development is most likely to occur. With the district in place, the Board of Commissioners asked the Planning Board to re-examine the UDO for possible revisions.

Following are summaries, explanations and the text of the proposed amendments:

UDO Proposed Amendments 2012-4

1) Offices in I-G district

Amend Section 2.2.1 to permit office uses in the I-G district.

Explanation: The Use Table currently indicates that none of the office classifications (General Office, Professional Office or Medical Office) are permitted in the I-G (General Industrial) district. Office uses are permitted in business districts and in the I-L (Light Industrial) district and should be permitted in the I-G district.

Proposed text changes shown:

§2.2. Permitted Land Uses

§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
Office, general *										P	P	P	P	P	P	
Office, professional										P	P	P	P	P	P	
Office, medical *										P	P	P	P	P	P	

2) Minimum lot size in B-G and B-C districts

Amend Section 2.4.8.B to reduce the minimum lot size in the B-G and B-C districts to 32,500 square feet (0.75 acres).

Explanation:

The minimum lot size for subdividing property in the B-G (General Business) and B-C (Corporate Business) districts is currently one acre. Smaller lots would be suitable for some businesses, particularly in areas where public water and sewer are available.

Proposed text changes shown:

§2.4.8. Nonresidential District Standards

B. Nonresidential Dimensional Standards in Nonresidential Districts

- As set forth in the Permitted Land Use Table (see §2.2.1) certain nonresidential uses are permitted in nonresidential districts. Permitted nonresidential uses shall meet the following dimensional standards. Applicants shall comply with all other provisions of this UDO and all other applicable laws.

	O-R	B-N	B-G	B-C	I-L	I-G
Parcel (min.)			1-acre	1-acre		
Parcel area (sq. ft.)	10,000	22,500	<u>32,500</u>	<u>32,500</u>	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	10,000	50,000	50,000	N/A	N/A
Building coverage	50%	50%	50%	50%	50%	50%
Impervious surface	75%	75%	75%	75%	75%	75%

3) Project boundary buffer in PD-R district

Amend Section 2.4.9.B.3 to reduce the buffer requirement for a Planned Development-Residential District to a Class B buffer when the width of the perimeter lots are less than the minimum lot width of the adjoining development or zoning district.

Explanation:

The UDO currently requires a Class C buffer in a situation where, for example, patio home lots with a width of 70 feet back up to a regular residential district with a minimum lot width of 100 feet. A Class C buffer is the highest degree of buffer, calling for a berm or wall in addition to trees and shrubs if the buffer less than 40 feet in width. A Class B buffer consists of plantings only. No buffer is required if the width of the perimeter lots in a PD-R district is equal to or greater than adjoining lots or district. Staff believes that a Class B buffer is sufficient when smaller single-family lots adjoin somewhat larger existing or future lots.

Proposed text changes shown:

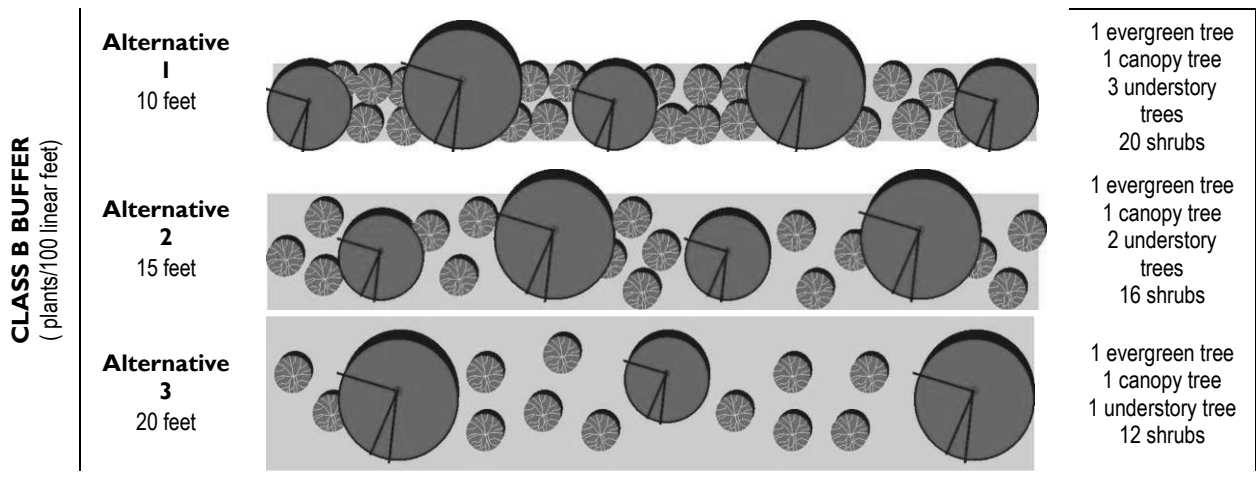
§2.4.9. Planned Development District Standards

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

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 provided (see §3.4, Landscaping, Screening and Buffering) along all project boundaries.

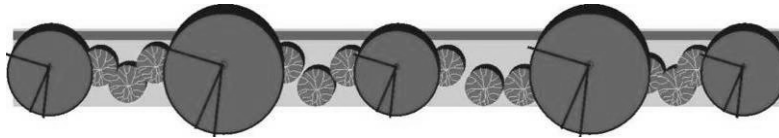
Class B Buffer Alternatives:



Class C Buffer Alternatives:

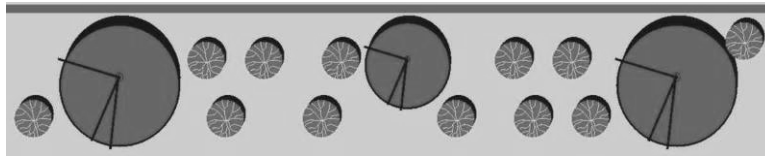
CLASS C BUFFER
(plants/100 linear feet)

Alternative 1
10 feet



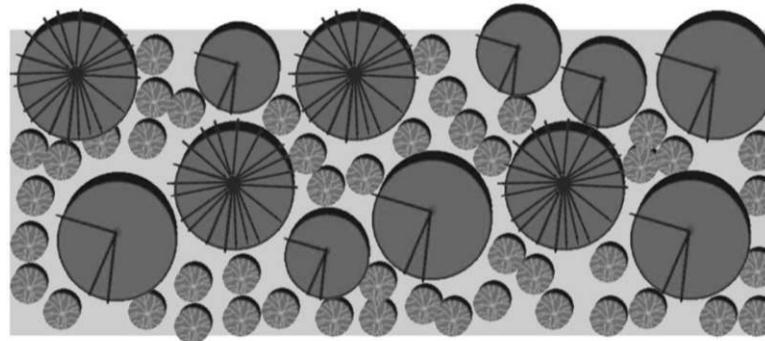
1 wall
1 evergreen tree
1 canopy tree
3 understory trees
12 shrubs

Alternative 2
20 feet



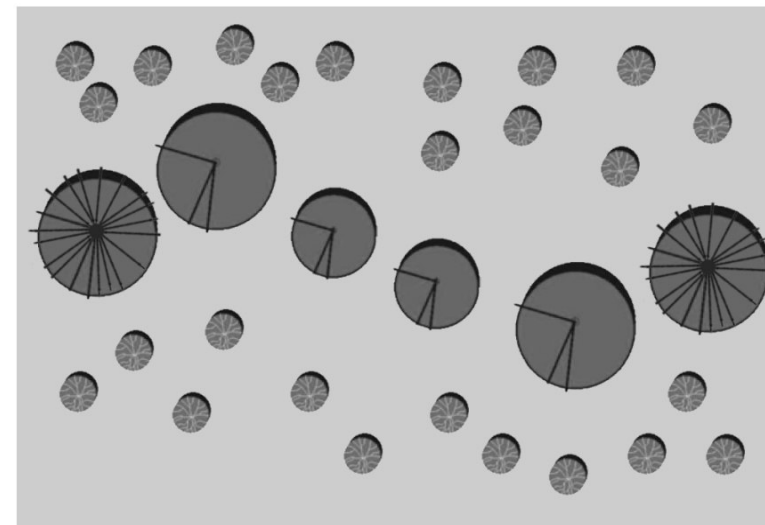
1 wall or berm
1 evergreen tree
1 canopy tree
1 understory tree
12 shrubs

Alternative 3
40 feet



4 evergreen trees
4 canopy trees
4 understory trees
48 shrubs

Alternative 4
70 feet



2 evergreen trees
2 canopy trees
2 understory trees
24 shrubs

4) Commercial Facades in Eastern Lincoln Development District

Amend Section 2.5.1.G.2 of the Eastern Lincoln Development District standards to allow corrugated metal and vinyl panels to be used on commercial buildings on facades that do not face a road, parking area or residential zoning district, and to allow nonconforming buildings to be enlarged by up to 25 percent without being subject to the façade standards.

Explanation: The ELDD standards currently prohibit the use of corrugated metal or vinyl siding on any facade of any commercial building. These changes would allow these types of siding in certain cases, including expansions of existing buildings that already have these types of siding.

Proposed text changes shown:

§2.5.1. Eastern Lincoln Development District

G. Building Standards

2. Façade Materials

(a) Commercial Uses

Corrugated metal, vinyl panels or unpainted smooth-faced cinder blocks ~~shall not be used on any façade.~~

~~Vinyl panels shall not be used on any façade.~~

~~Unpainted smooth faced cinder blocks shall not be used on any façade facing a road, parking area or residential zoning district.~~

This provision shall not apply to the enlargement of a nonconforming building in regard to side and rear facades provided the existing building is being enlarged by 25 percent or less of its gross floor area.

(b) Industrial Uses

Corrugated metal shall not be used on any façade facing a road. Vinyl panels shall not be used on any façade facing a road. Unpainted smooth faced cinder blocks shall not be used on any façade facing a road, parking area or residential zoning district.

5) ELDD provisions for secondary entrances, other openings

Amend Section 2.5.1.G.6 of the Eastern Lincoln Development District standards to delete requirements for ventilation grates, emergency door exits and service entrances.

Explanation: This subsection requires ventilation grates and emergency exits on road facades to include architectural elements similar to the primary entrance, and prohibits service entrances from facing the road. Deleting these provisions would allow more flexibility in design.

Proposed text changes shown:

§2.5.1. Eastern Lincoln Development District

G. Building Standards

6. Secondary entrances and other openings.
 - (a) Any building façade that directly faces a road and includes an entrance must include elements with similar architectural features of the primary entrance.
 - ~~(b) Ventilation grates or emergency exit doors at the first floor level façade facing any road must include elements with similar architectural features of the primary entrance.~~
 - ~~(c) Service entrances primarily used for shipping, receiving and similar distribution shall not front the road.~~

6) General development standards for building design

Amend Section 3.2 of the General Development Standards to relax building design standards for nonresidential and multi-family structures.

Explanation: In response to issues that have arisen with projects, several changes are proposed to relax the building design standards, including reducing the glass requirement for road facades, reducing the distance from a residential zoning district that triggers requirements for side and rear facades, permitting a facade to be entirely corrugated metal if it's not visible from a public road, allowing nonconforming buildings to be enlarged by up to 25 percent without being subject to the provisions for side and rear facades, and increasing the allowance for uninterrupted wall areas.

Proposed text changes shown:

§3.2. Building Design

§3.2.1. Purpose

The purpose of this subsection is to provide interest in design, articulation and human scale to the façade of the building.

§3.2.2. Applicability

This subsection shall apply to the construction, renovation or redevelopment of:

- A. Nonresidential structures;
- B. Multi-family structures; and
- C. Residential and nonresidential multi-building complexes.

§3.2.3. General

Design for buildings within multi-building complexes shall exhibit a unity of design through the use of similar elements such as rooflines, materials, window arrangement, sign location, and details.

§3.2.4. Facades

A. General

All nonresidential road façades may be constructed of the following materials:

1. Masonry including brick, stucco, architectural concrete, hardiplank or similar siding or stone;
2. Wood;
3. Non-corrugated metal (for beams, lintels, trim elements and ornaments); or
4. Glass (no less than 20 10 percent ~~or more than 80 percent of any façade~~).

The provisions of this subsection shall not apply to lots in the I-G district in subdivisions recorded prior to August 31, 2009, that do not front on an arterial or collector road. This does not exempt any parcel which is located within the Eastern Lincoln Development Districts (ELDD) from the provisions contained within §2.5.1.

B. Nonresidential Districts (Except Industrial)

In addition to complying with the general requirements of subsection A, above, nonresidential ~~road~~ façades outside of industrial districts may be constructed of the following materials:

1. Corrugated metal may be used on ~~compose a maximum of 50 percent of~~ any façade not visible from any public road.
2. Any side or rear wall within ~~300~~ 100 feet of a ~~road~~, residential zoning district or public or semi-public area shall consist of the same facing materials as the building front.

These provisions shall not apply to the enlargement of a nonconforming building in regard to side and rear facades provided the existing building is being enlarged by 25 percent or less of its gross floor area.

C. Industrial Districts

The provisions of subsection §3.2.4.B, above, shall not apply in the I-L, I-G and PD-I districts.

§3.2.5. Blank Wall Area

- A. Blank wall areas on building facades of nonresidential buildings facing a public road shall extend a maximum of 15 feet in the vertical direction or ~~30~~ 40 feet in the horizontal direction.

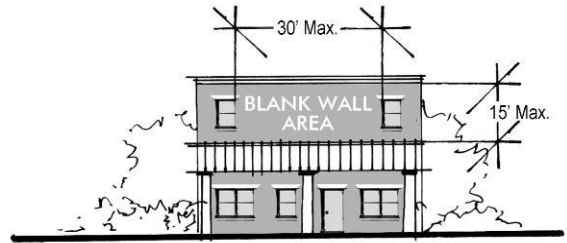


Figure 1. Blank Wall Area

- B. The standards of this subsection §3.2.5 shall not apply to the facades in the I-L, I-G, and PD-I districts.

§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.

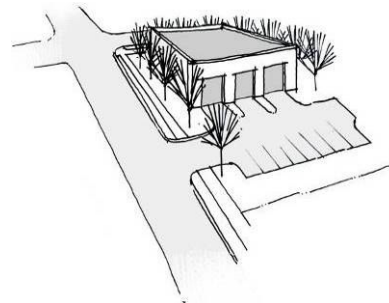


Figure 2. Service Bay Orientation

7) Credit for active recreation areas

Amend Section 3.3.3.C to increase the open space credit for active recreation areas in planned developments and cluster subdivisions.

Explanation: The minimum requirement for open space is 12.5 percent in planned developments and 50 percent in cluster subdivisions. Active recreation areas, such as playgrounds, ballfields and parks, can currently count toward 50 percent of the requirement. This proposal would increase the credit to 75 percent, reducing the amount of additional open space that must be provided.

Proposed text changes shown:

§3.3. Recreation and Open Space Requirements

§3.3.3. Types of Open Space

C. Tertiary Open Space Areas

Important natural or cultural features that may comprise the required open space provided the entire primary and secondary conservation areas within the site have been delineated and counted toward the open space requirement. Public and/or private recreation areas and facilities, including:

1. Active recreation areas, such as public recreation areas (including district and community parks) and private recreation facilities (including golf courses, playing fields, playgrounds, swimming pools, and courts for tennis, basketball, volleyball, and similar sports), whether public or private. Because they represent uses in which natural lands are cleared, graded and managed for intensive activities, the land in this category may be credited toward meeting up to ~~50~~ 75 percent of the minimum open space requirement, provided that impervious area is limited to no more than ten percent of the total open space.
2. Passive recreation areas, such as pedestrian, bicycle, and equestrian trails, picnic areas, community commons or greens, and similar kinds of areas, whether public or private. Land in this category receives full credit toward meeting the minimum open space requirement.

8) Landscape buffers at public safety facilities

Amend Section 3.4.6.K to allow buffer requirements to be modified in the case of a public safety facility.

Explanation: The UDO's general development standards require a Class A buffer to be provided along the edge of the road right-of-way, with a certain number of trees and

shrubs per 100 feet depending on the width of the buffer. In the case of a public safety facility, plantings could hinder visibility as emergency vehicles are leaving a station on a call. This proposal would allow staff more flexibility in approving landscaping plans.

Proposed text changes shown:

§3.4.6. Buffer Requirements

K. Alternative Compliance

1. The buffer requirements may be modified by the Director upon a finding that a modification would be consistent with the purpose of this UDO, this section and the adopted plans and policies of the County; that such modification would not adversely affect the land use compatibility or public interest; and that the subject parcel or modified buffer complies with one or more of the following criteria:
 - (a) The buffer is parallel and adjacent to an existing utility or drainage easement of at least 100 feet in width;
 - (b) The buffer is between uses that are to be developed under a common development plan or series of development plans;
 - (c) The buffer is adjacent to a property that has a joint use agreement with the subject parcel;
 - (d) The buffer is parallel and adjacent to an existing railroad right-of-way; ~~or~~
 - (e) The topography of the parcel is such that buffering would not be effective; or
 - (f) The buffer is located on the site of a public safety facility where emergency vehicles are based.
2. Financial hardship due to meeting the requirements of this section shall not be sufficient justification for alternative compliance

9) Window signs

Amend Section 3.9.5.A.1 to delete a statement that wall signs include signage or letters affixed to a window.

Explanation: Signage attached to a building is limited to 10 percent of the area of the façade. Including window signs in the 10-percent limit isn't reasonable from a business aspect or an enforcement standpoint.

Proposed text changes shown:

§3.9. Signs

§3.9.5. Specific Sign Regulations

A. On-Premises Signs

1. Wall/Fascia Sign

~~Including signage or letters affixed to the inside or outside of a window.~~

(a) Size

The maximum size of a wall/fascia sign shall not exceed the limits established in this section. Further, no more than ten percent of the area of any wall ~~or window~~ up to a maximum of 100 square feet may be devoted to signage, except as allowed below. The maximum size of such signs may be increased based on the distance of the sign from the front building line as follows:

Distance of Principal Building from Front Building Line (Feet)	Total Allowed Sign Surface Area Increase (percent)
Less than 50	0
50 to 99	25
100 to 149	50
150 to 199	75
200 to 249	100
250 to 299	125
300 to 349	150
350 to 399	175
400 or more	200

10) Outdoor display of products

Amend Section 3.10.2 to state that vending machines are not considered outdoor display.

Explanation: This section includes standards for the outdoor display of products for sale, and requires display areas to be approved as part of a site plan review by the Board of Commissioners. Vending machines are currently included under the classification of outdoor display. This change would allow a new store to place vending machines outside the building without going through a special approval process.

Proposed text changes shown:

§3.10. Outdoor Storage and Display

§3.10.1. Applicability

- A. Any merchandise, material or equipment stored outside of a fully-enclosed building shall be subject to the requirements of this section.
- B. Vehicles and housing for sale, lease or rent as part of a properly permitted use (including golf carts, motorcycles, and scooters, boats and manufactured housing) shall not be considered merchandise, material or equipment. (See §2.2.1)

§3.10.2. Outdoor Display

- A. Outdoor display shall be defined as the outdoor display of products actively available for sale. The outdoor location of soft drink or similar vending machines shall not be considered outdoor display. Outdoor display shall not include merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers. Such merchandise shall be considered limited outdoor storage.
- B. Outdoor display shall be permitted in association with any nonresidential use following Board of Commissioners

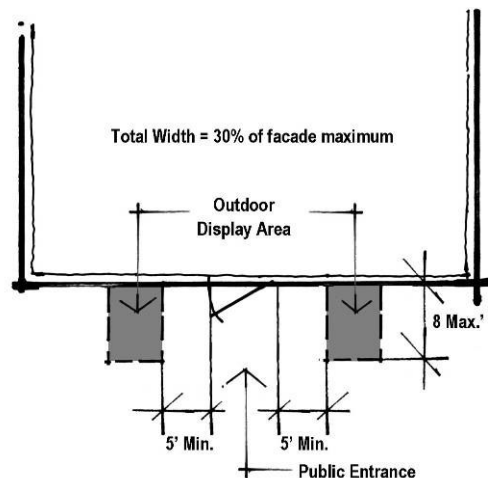


Figure 1. Outdoor Display

review of a major site plan in accordance with §9.7, Site Plan Review, illustrating the extent of the permitted area for outdoor display, provided it meets the standards below.

1. Outdoor display shall be permitted adjacent to the primary façade (façade with principal customer entrance) and shall extend no more than eight feet from such façade.
2. Outdoor display shall be located no closer than five feet from any public entrance.
3. Outdoor display shall occupy no more than 30 percent of the horizontal length of the façade.
4. Outdoor display shall not impair the ability of pedestrians to use the sidewalk or parking areas.

11) Churches and church accessory uses

Amend Sections 4.3.2.G and 4.6.5.J to allow a church day care center as a permitted use by right, amend Section 4.6.5.J to delete a provision that limits the size of churches and church accessory uses in residential areas if access to an arterial road is lacking, and amend Section 4.6.5.J. to delete a provision that church accessory uses in excess of 3,000 square feet of gross floor area are subject to site plan review by the Board of Commissioners.

Explanation: Currently, a church day care center is a conditional use and any church accessory use in excess of 3,000 square feet of gross floor area is classified as a major site plan, meaning they can only be approved through a public hearing process. This change would exempt churches from the requirements. It would also remove significant restrictions on the size of churches that aren't located on or near an arterial road. Section 4.6.5.J. currently requires a church with a seating capacity for more than 300 people or more than 3,000 square feet of accessory uses to have its main driveway on or within 150 feet of an arterial road, a classification that includes roads such as N.C. 27 and Reepsville Road. Many churches are located on collector roads or local roads. Plans for large churches would still be subject to the public hearing process under another section of the UDO. Under the Use Table, churches with a seating capacity of 500-1,000 are conditional uses in the R-SF and R-S districts, and churches with a seating capacity in excess of 1,000 are permitted only in business districts.

Proposed text changes shown:

§4.3. Civic Use Standards

§4.3.2. Day Care Center

- A. Minimum Lot Area: 1 acre.

- B. A day care center shall have a maximum certification capacity as determined by the North Carolina Department of Health and Human Services, Division of Child Development.
- C. The principal structure housing the day care center shall be at least 100 feet from any pre-existing principal residential structure.
- D. Outdoor play areas shall be located at least 50 feet from any side or rear lot line.
- E. A maximum of one wall identification or free-standing sign shall be allowed. If a wall sign, it shall not be allowed to extend above the parapet of the building. If a free-standing sign, it shall be located behind the road right-of-way line. The maximum height of a free-standing sign shall be three feet. The maximum area of any identification sign shall be 15 square feet.
- F. Day care centers shall not be allowed to operate between the hours of 10PM and 6AM.
- G. Day care centers located within a church are ~~also conditional uses (See §4.6.5.)~~ permitted by right, but and are not subject to the performance criteria listed in §4.3.2.A through F, above.

§4.6. Accessory Structures and Uses

J. Place of Worship Accessory Uses

1. General

- (a) The seating capacity of the sanctuary or other principal worship or assembly space shall not exceed a number equal to the lot area (expressed in square feet) divided by 100.
- ~~(b) A place of worship in or adjacent to any residential district with seating capacity for more than 300 persons or more than 3,000 square feet of accessory uses shall have its principal vehicular entrance and exit on an arterial road or on a collector road within 150 feet of its intersection with an arterial road.~~
- (c) Buffering in excess of that required by §3.4.6 may be required through the review and approval of a major or minor site plan to address the intensity of the proposed place of worship and the proposed accessory uses.
- (d) Accessory uses shall require additional lot area to meet the dimensional standards applicable to the use and the general use district. (See §2.4)

2. Accessory Uses Permitted by Right

- (a) The following accessory uses are permitted by right ~~up to a maximum 3,000 square feet of gross floor area:~~
- (b) Offices for the place of worship;
- (c) Meeting rooms for intermittent community meetings or instruction;
- (d) Fellowship hall;
- (e) Kitchen facilities, including "Meals on Wheels" or other similar programs using the kitchen in the place of worship but delivering food elsewhere;
- (f) Senior center, neighborhood arts center or other community center;
- (g) Temporary child care during religious services or events;
- (h) Outdoor play area;
- (i) School with enrollment of less than 180 students;
- (j) Unlighted athletic field or similar facility;
- (k) Gymnasium or similar indoor recreational facility;
- (l) Cemetery and/or Columbarium; and
- (m) Residence for clergy employed by the place of worship.
- (n) Day care center

3. Accessory Uses Permitted by Major Site Plan Review

The following accessory uses may be approved by the Board of Commissioners pursuant to §9.7:

- ~~(a) Accessory uses totaling more than 3,000 square feet gross floor area;~~
- ~~(b) Child care center;~~
- (c) School with enrollment of more than 180 students; and
- (d) Lighted athletic field or similar facility.

12) Minimum lot size for church

Amend Section 4.3.4 to reduce the minimum lot size for a place of worship to 32,500 square feet (0.75 acre).

Explanation: The minimum lot size for a church is currently one acre. Smaller churches may not require that much land.

Proposed text changes shown:

§4.3. Civic Use Standards

§4.3.4. Place of Worship

- A. Minimum Lot Area: ~~1.0-acre~~ 32,500 square feet
- B. Minimum Road Yard: 50 feet
- C. Minimum Side Yard (road): 30 feet
- D. Minimum Rear Yard: 30 feet
- E. Minimum Side Yard: 25 feet
- F. Places of worship shall be limited to sanctuaries, parish houses, Sunday school buildings and similar buildings.
- G. Signs shall be limited to one identification sign and one bulletin board. The identification sign shall have a maximum area of 32 square feet. The bulletin board shall have a maximum area of 15 square feet. Both signs may be lighted but not luminous.
- H. Standards for a school, cemetery and other accessory uses for a place of worship are set forth in §4.6.5.J.

13) Minimum lot size for public facility

Amend Section 4.3.5 to reduce the minimum lot size for a public facility to 32,500 square feet (0.75 acre).

Explanation: The minimum lot size for a public facility is currently one acre. Smaller facilities may not require that much land.

Proposed text changes shown:

§4.3. Civic Use Standards

§4.3.5. Public Facility

- A. Minimum Lot Area: ~~1-acre~~ 32,500 square feet
- B. Minimum Road Yard: 30 feet
- C. Minimum Side (Road) Yard: 30 feet
- D. Minimum Side (Interior) Yard: 25 feet
- E. Minimum Rear Yard: 25 feet

14) Adoption of statement in rezoning cases

Amend Sections 9.4.8, 9.4.9, 9.5.9 and 9.5.10 to mirror the state statute concerning the adoption of an explanatory statement in rezoning cases.

Explanation: At present, Sections 9.4.8 and 9.5.9 call for the Board of Commissioners to adopt a statement concurrently with adopting, denying or remanding any rezoning. N.C. General Statute 153A-341 says a statement must be adopted by the governing board “prior to” adopting or rejecting any zoning amendment. A statement does not need to be adopted if the rezoning is sent back to the Planning Board for additional consideration. Sections 9.4.9 and 9.5.10 currently indicate that a rezoning cannot be approved if it’s inconsistent with an adopted plan, but the state statute explicitly allows such a scenario.

Proposed text changes shown:

§9.4. Rezoning

§9.4.8. Action by Board of Commissioners

- A. Before taking action on a rezoning, the Board of Commissioners shall consider the recommendations of the Planning Board and Director. The Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners.

- B. The Board of Commissioners may approve the rezoning, deny the rezoning, or send the rezoning back to the Planning Board for additional consideration.
- C. ~~Concurrently with~~ Prior to adopting, ~~or denying, or remanding~~ any rezoning, the Board of Commissioners shall adopt a statement describing whether its action is consistent with ~~the adopted plans and policies of the County~~ an adopted comprehensive plan and explaining why the Board of Commissioners considers the action taken to be reasonable and in the public interest.

~~§9.4.9.~~ Approval Criteria

~~No rezoning may be approved by the Board of Commissioners unless the proposal is consistent with the adopted plans and policies of the County.~~

§9.5. Planned Development Review

§9.5.9. Action by Board of Commissioners

- A. Before taking action on a planned development rezoning, the Board of Commissioners shall consider the recommendations of the Planning Board and Director. The Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners.
- B. The Board of Commissioners may approve the rezoning, deny the rezoning, or send the rezoning back to the Planning Board for additional consideration.
- C. ~~Concurrently with~~ Prior to adopting, ~~or denying, or remanding~~ any rezoning, the Board of Commissioners shall adopt a statement describing whether its action is consistent with ~~the adopted plans and policies of the County~~ an adopted comprehensive plan and explaining why the Board of Commissioners considers the action taken to be reasonable and in the public interest.

~~§9.5.10. Rezoning Approval Criteria~~

~~No rezoning may be approved by the Board of Commissioners unless the proposal is consistent with the adopted plans and policies of the County.~~



COUNTY OF LINCOLN, NORTH CAROLINA

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

PLANNING AND INSPECTIONS DEPARTMENT
704-736-8440 OFFICE
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Zoning Amendment **Staff's Proposed Statement of Consistency and Reasonableness**

Case No. **UDO Proposed Amendments #2012-4**

Applicant **Lincoln County Planning and Inspections Department**

Proposed amendments

- 1) Amend Section 2.2.1 to permit office uses in the I-G district.
- 2) Amend Section 2.4.8.B to reduce the minimum lot size in the B-G and B-C districts to 32,500 square feet.
- 3) Amend Section 2.4.9.B.3 to reduce the buffer requirement for a Planned Development-Residential District to a Class B buffer when the width of the perimeter lots are less than the minimum lot width of the adjoining development or zoning district.
- 4) Amend Section 2.5.1.G.2 of the Eastern Lincoln Development District standards to allow corrugated metal and vinyl panels to be used on commercial buildings on facades that do not face a road, parking area or residential zoning district, and to allow nonconforming buildings to be enlarged by up to 25 percent without being subject to the façade standards.
- 5) Amend Section 2.5.1.G.6 of the Eastern Lincoln Development District standards to delete requirements for ventilation grates, emergency door exits and service entrances.
- 6) Amend Section 3.2 of the General Development Standards to relax building design standards for nonresidential and multi-family structures.
- 7) Amend Section 3.3.3.C to increase the open space credit for active recreation areas in planned developments and cluster subdivisions.
- 8) Amend Section 3.4.6.K to allow buffer requirements to be modified in the case of a public safety facility.
- 9) Amend Section 3.9.5.A.1 to delete a statement that wall signs include signage or letters affixed to a window.
- 10) Amend Section 3.10.2 to state that vending machines are not considered outdoor display.
- 11) Amend Sections 4.3.2.G and 4.6.5.J to allow a church day care center as a permitted use by right, amend Section 4.6.5.J to delete a provision that limits the size of churches and church accessory uses in residential areas if access to an arterial road is lacking, and amend Section 4.6.5.J. to delete a provision that church accessory uses in excess of 3,000 square feet of gross floor area are subject to site plan review by the Board of Commissioners.
- 12) Amend Section 4.3.4 to reduce the minimum lot size for a place of worship to 32,500 square feet.
- 13) Amend Section 4.3.5 to reduce the minimum lot size for a public facility to 32,500 square feet.
- 14) Amend Sections 9.4.8, 9.4.9, 9.5.9 and 9.5.10 to mirror the state statute concerning the adoption of an explanatory statement in rezoning cases.

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

These amendments add flexibility to the Unified Development Ordinance in carrying out objectives of the Land Use Plan.

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

These amendments ease certain regulations while maintaining adequate standards for new development.



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 amendments.

Amend various sections of the Unified Development Ordinance to relax certain standards (see list for details).

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

Aug. 17, 2012
Date