



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: April 17, 2015

Re: UDO Proposed Amendments #2015-2
Lincoln County Planning and Inspections, 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 May 4, 2015.

Staff is proposing amendments to the Lincoln County Unified Development Ordinance as follows:

1) Amend Section 3.4.8.A to allow drive-thru lanes to be placed between the road and the associated building.

2) Amend Section 3.6.3.B.3 to make the maximum parking ratio applicable only to developments with more than 40 spaces and to increase the threshold for requiring pervious parking to 110 percent of the required minimum number of spaces.

3) Amend Section 3.6.3.C.2(b) to delete rescinded state stormwater requirements for parking areas of one acre or more that are not located in a water-supply watershed.

4) Amend Section 5.10.3 to stipulate that the amount of a required warranty bond for subdivision improvements is not less than 10 percent of the construction costs, to clarify that the one-year bond period starts with the county's acceptance or approval of improvements, to make the bond subject to the approval of the Board of Commissioners, and to allow an irrevocable letter of credit as a bond option.

5) Amend Section 8.2.2.A to state that a Planning Board member may be appointed to a total of three successive three-year terms but no more than two successive terms in the same seat.

These proposals stem from issues that arisen with various sections of the UDO. Following are summaries, explanations and the full text of the proposed amendments.

UDO Proposed Amendments #2015-2

1) Drive-thru lanes

Amend Section 3.4.8.A to allow drive-thru lanes to be placed between the road and the associated building.

Explanation: This proposed amendment is aimed at dealing with reverse frontage lots that are accessed from an internal driveway instead of a road. Drive-thru lanes at fast-food restaurants extend around two or three sides of the building. In the case of a reverse frontage lot, it's only practical to locate part of the drive-thru lane between the road and the building.

Proposed text changes shown:

§3.4.8 Screening Requirements

A. Drive-Thru Facilities

Drive-thru windows and lanes shall be designed to adhere to the following standards:

1. Drive-thru windows ~~and lanes~~ shall not be placed between the road and the associated building and shall require landscape plantings installed and maintained along the entire length of the drive-thru lane.
2. Such screening shall be a compact evergreen hedge or other type of dense foliage. At the time of installation, such screening shall be at least 36 inches in height and shall reach a height of 48 inches within two years of planting.
3. No drive-thru window shall be permitted on the side of a building adjacent to any residential district.

2) Maximum number of regular parking spaces

Amend Section 3.6.3.B.3 to make the maximum parking ratio applicable only to developments with more than 40 spaces and to increase the threshold for requiring pervious parking to 110 percent of the required minimum number of spaces.

Explanation: The UDO's General Development Standards not only establish a minimum number of parking spaces that must be provided based on the type and size of the use, the regulations also set a maximum number, above which any additional spaces must be constructed of pervious pavement. The regulations are aimed at reducing stormwater runoff and discouraging the provision of excess spaces that would be rarely, if ever, used. However, the current requirement overly restricts the number of regular (i.e.,

impervious) spaces that smaller businesses can have, imposing additional costs to install pervious pavement on businesses that really need extra spaces. This proposed amendment would also increase the pervious parking threshold for larger businesses in order to provide more flexibility.

Proposed text changes shown:

§3.6.3. Off-Road Parking Requirements

B. Parking Ratios

3. Maximum

- (a) No use with more than 40 parking spaces shall provide more than ~~105~~ 110 percent of the required parking shown in the table above unless any parking above the ~~105~~ 110 percent threshold is pervious or is provided through use of structured parking.

3) Parking areas of an acre or more

Amend Section 3.6.3.C.2(b) to delete rescinded state stormwater requirements for parking areas of one acre or more that are not located in a water-supply watershed.

Explanation: This section was included in the UDO when it was adopted in 2009 to reference a relatively new state statute. That statute was repealed in 2013. It applied to parking lots one acre or greater in size not located in water-supply watersheds and included relatively minimal stormwater requirements. For example, one of the options to comply with the statute simply called for including landscaping areas in parking areas, a measure that will still be required for larger parking lots by the UDO's landscaping section.

Proposed text changes shown:

§3.6.3. Off-Road Parking Requirements

C. Design Standards

2. Surfacing

(b) Built-upon Area Reserved

- ~~(1)~~ Pursuant to the requirements of G.S. § 113A-71, any area of one acre or more that is primarily used for the parking of private passenger vehicles, not including covered vehicle parking areas or multi-level vehicle parking areas, shall comply with the following:

- ~~(i)~~ No more than 80 percent of the surface area may be impervious surface; or

~~(ii) The stormwater runoff generated by the first two inches of rain that falls on at least 20 percent of the vehicular area during a storm event must flow to an appropriately sized bioretention area that is designed in accordance with the standards established by the North Carolina Department of Environment and Natural Resources.~~

~~(2) These requirements do not apply in a WS II, WS III or WS IV watershed.~~

4) Subdivision warranty bond

Amend Section 5.10.3 to stipulate that the amount of a required warranty bond for subdivision improvements is not less than 10 percent of the construction costs, to clarify that the one-year bond period starts with the county's acceptance or approval of improvements, to make the bond subject to the approval of the Board of Commissioners, and to allow an irrevocable letter of credit as a bond option.

Explanation: This section currently establishes no basis for the amount of the bond that a subdivision developer must provide to guarantee roads, utilities and other improvements against defects for one year after completion. It also refers to the county's acceptance of improvements. In the sense of taking over ownership and responsibility for maintenance, the county only accepts water and sewer lines, not roads or other improvements. Before a subdivision plat receives final approval under the typical scenario, the county simply verifies that the roads were constructed according to specifications. (A subdivision plat may receive final approval before improvements are completed if the developer provides a performance bond.) This proposal would also require the bond to be approved by the Board of Commissioners as is the case with other bonds, and allow the bond to be in the form of an irrevocable letter of credit.

Proposed text changes shown:

5.10.3. Warranty Bond

The County shall require a bond guaranteeing road improvements, curbs, gutters, stormwater drainage facilities, sidewalks, ~~electrical facilities~~, water and sewer lines and taps and all other required improvements against defects for one year from the date of ~~final acceptance by the County~~ final plat approval when improvements are completed beforehand, or one year from the date of the County's acceptance or approval of improvements in the case of their construction following final plat approval. This bond shall be in ~~the an~~ an amount not less than 10 percent of the construction costs as determined by the design engineer, subject to the approval of the ~~Director~~ Board of Commissioners, and shall be in the form of cash, certified check, an irrevocable letter of credit, or be made by a bonding/insurance company authorized to do business in North Carolina.

5) Planning Board appointments

Amend Section 8.2.2.A to state that a Planning Board member may be appointed to a total of three successive three-year terms but no more than two successive terms in the same seat.

Explanation: Planning Board members are currently limited to two consecutive terms. This proposed amendment would allow a member to serve a third consecutive term but only if he or she is appointed to a different seat for one of the terms.

Proposed text changes shown:

§8.2. Planning Board

§8.2.2. Composition

A. Number and Term

The Planning Board shall consist of nine members who reside in the county, one member from each township and four at-large. Members of the Planning Board shall be appointed by the Board of Commissioners for designated terms. ~~Once appointed, the Board of Commissioners may reappoint a Planning Board member for one successive term.~~ A Planning Board member may be appointed to a maximum of three successive three-year terms but to no more than two successive terms in the same seat.



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Zoning Amendment

Staff's Proposed Statement of Consistency and Reasonableness

Case No. **UDO Proposed Amendments #2015-2**

Applicant **Lincoln County Planning and Inspections Department**

Proposed Amendments

- 1) Amend Section 3.4.8.A to allow drive-thru lanes to be placed between the road and the associated building.**
- 2) Amend Section 3.6.3.B.3 to make the maximum parking ratio applicable only to developments with more than 40 spaces and to increase the threshold for requiring pervious parking to 110 percent of the required minimum number of spaces.**
- 3) Amend Section 3.6.3.C.2(b) to delete rescinded state stormwater requirements for parking areas of one acre or more that are not located in a water-supply watershed.**
- 4) Amend Section 5.10.3 to stipulate that the amount of a required warranty bond for subdivision improvements is not less than 10 percent of the construction costs, to clarify that the one-year bond period starts with the county's acceptance or approval of improvements, to make the bond subject to the approval of the Board of Commissioners, and to allow an irrevocable letter of credit as a bond option.**
- 5) Amend Section 8.2.2.A to state that a Planning Board member may be appointed to a total of three successive three-year terms but no more than two successive terms in the same seat.**

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

These proposed amendments are not in conflict with any of the goals and strategies of the Land Use Plan.

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

Proposed amendment No. 1 removes an impractical restriction involving drive-thru lanes and reverse frontage lots.

Proposed amendment No. 2 will make it less costly for smaller businesses that need more than the prescribed minimum number of parking spaces to construct additional spaces, and will offer more flexibility for larger businesses.

Proposed amendment No. 3 removes a requirement of state statute that has been repealed.

Proposed amendment No. 4 clarifies a requirement for a warranty bond to guarantee subdivision improvement against defects.

Proposed amendment No. 5 will allow the Board of Commissioners the option to reappoint a veteran Planning Board member to a third term in a different seat.



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.

- 1) Amend Section 3.4.8.A to allow drive-thru lanes to be placed between the road and the associated building.
- 2) Amend Section 3.6.3.B.3 to make the maximum parking ratio applicable only to developments with more than 40 spaces and to increase the threshold for requiring pervious parking to 110 percent of the required minimum number of spaces.
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- 5) Amend Section 8.2.2.A to state that a Planning Board member may be appointed to a total of three successive three-year terms but no more than two successive terms in the same seat.

I hereby certify that all of the information provided for this application and attachments is true and correct to the best of my knowledge.

Fandy Hawkins
Applicant

March 20, 2015
Date