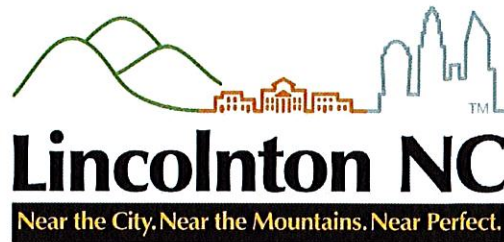


LINCOLNTON PLANNING BOARD
AGENDA
February 16, 2021
At 4:00 P.M. in City Council Chambers

1. Roll Call
2. Call to Order
3. Approval of minutes from the January 19, 2020 meeting
4. ZMA-1-2021 Application from Tom Engle requesting the rezoning of 3.67 acres from R-25 to GB
5. ZTA-1-2021, Application from Lincolnnton Planning Department requesting amendment of the City of Lincolnnton Unified Development Ordinance, Chapter 153 of the City Code, to comply with recently adopted state enabling legislation (Chapter 160D).
6. Adjournment



**CITY OF LINCOLNTON
PLANNING BOARD
PO DRAWER 617, LINCOLNTON, NC 28092
www.ci.lincolnton.nc.us**

BOARD MEMBERS: Jamel Farley, Chair afarley2351@gmail.com; Greg McBryde, Vice-Chair, Gregory.McBryde@gmail.com; Gene Poinsette, poinsetteg@charter.net; Jerry Hoffman, jlskhoffman@charter.net; Rebecca Abernethy, rabernethy21@bellsouth.net; Stephen Silva, soundcity1@ymail.com; Trent Mason, trentonmason@gmail.com; Joy Smith, joysmithmsnrn@gmail.com

Tuesday, January 19, 2021 Meeting

Present: Gene Poinsette, Jamel Farley, Jerry Hoffman, Rebecca Abernethy, Greg McBryde, Stephen Silva, Trent Mason and Joy Smith

Absent: N/A

Call to Order

Vice-Chair Jamel Farley called the meeting to order and all members were present.

Approval of Minutes

Vice-Chair Jamel Farley asked the Board if there were any additions or corrections to the minutes of the December 15, 2020 meeting.

Motion: Gene Poinsette made a motion to approve the minutes. Rebecca Abernethy seconded. Motion carried unanimously.

Election of Officers

Jean Derby stated that it was time to elect Planning Board officers.

After some discussion, Vice-Chair Jamel Farley asked if there was a motion. The motion is as follows:

Motions: Rebecca Abernethy made a motion to appoint Jamel Farley as Chair and Greg McBryde as Vice-Chair. Jerry Hoffman seconded. Motion carried unanimously.

CUP-1-2021- Application from Shawna Moore requesting a conditional use permit to operate a Tattoo Studio in the PB district. The subject property is located at 1414 East Main Street (Parcel ID 15674)

Mark Carpenter presented the staff report provided in the agenda packet to the board.

After some discussion, Vice-Chair Jamel Farley asked if there was a motion. The motion is as follows:

Motion: Gene Poinsette made a motion to recommend approval. Rebecca Abernethy seconded. Motion carried unanimously.

Vice-Chair Jamel Farley asked the Board if there was any other business to be addressed, to which there was none.

Adjournment

Motion: Greg McBryde made a motion to adjourn. Gene Poinsette seconded. Motion carried unanimously.

Jean Derby

MEMO TO: Lincolnnton Planning Board

FROM: City of Lincolnnton Planning Department

SUBJECT: ZMA-1-2021 – Application from Tom Engle requesting the rezoning of 3.67 acres from R-25 to GB

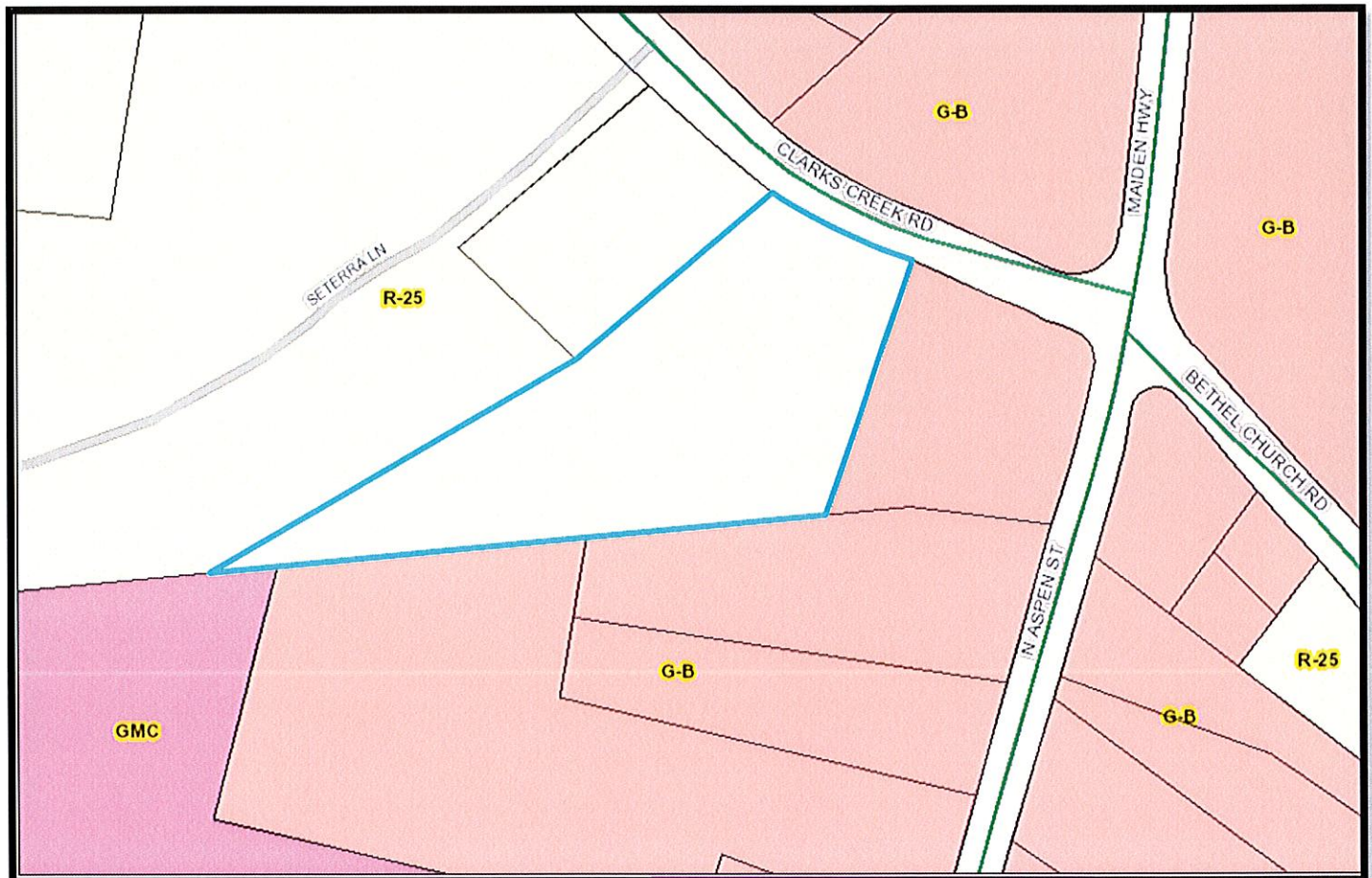
DATE: February 16, 2021

SITE AND AREA DESCRIPTION

The applicant is requesting the rezoning of 3.67 acres from the Residential-25 District to the General Business (GB) District. The subject property is located on the south side of Clarks Creek Road approximately 250 feet west of the intersection of Clarks Creek Road and North Aspen Street/Maiden Highway (Parcel ID 21504).

The subject property is currently vacant. Land uses in the area include a mixture of single family and commercial. A new Dollar General Retail Store is to the east of the site. The property is surrounded by GB zoning on all sides except to the west which is zoned R-25.

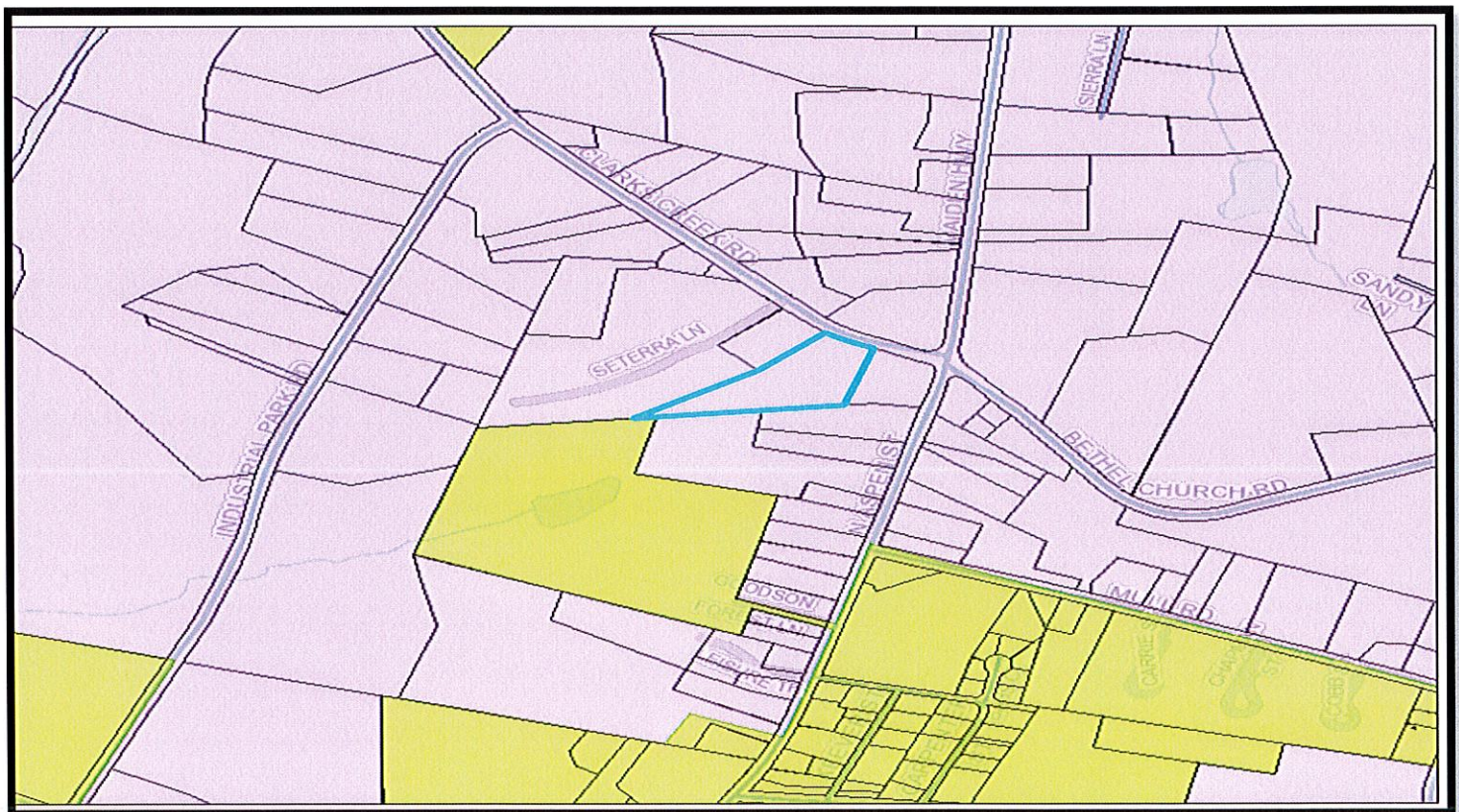
CURRENT ZONING MAP



CURRENT AERIAL VIEW



CITY LIMITS/ETJ BOUNDARY MAP



LAND USE PLAN COMPLIANCE

The land use plan shows the property in the General Business Planning Area. The proposed rezoning request is consistent with the Land Use Plan.

STAFF RECOMMENDATION

Staff recommends approval of rezoning of the property from R-25 to GB.

Zoning Amendment
Staff's Proposed Statement of Consistency and Reasonableness
for APPROVAL of Application

Case No. ZMA-1-2021

Applicant: Tom Engle

Parcel ID#: 21504

Location: Clark Creek Road

Request: Rezone from R-25 to GB

Proposed Consistency and Reasonableness Statement:

The Lincolnnton Land Use Plan designates this property as part of the General Business Planning Area. The proposed rezoning request **is consistent** with the Lincolnnton Land Use Plan. Therefore, **approval of the proposed amendment is reasonable and in the public interest.**

Zoning Amendment
Staff's Proposed Statement of Consistency and Reasonableness
for DENIAL of Application

Case No. ZMA-1-2021

Applicant: Tom Engle

Parcel ID#: 21504

Location: Clarks Creek Road

Request: Rezone from R-25 to GB

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan designates this property as part of the General Business Planning Area. However, due to a lack of a clear plan for the property and how it may affect neighboring properties, **denial of the proposed amendment is reasonable and in the public interest.**

MEMO TO: Lincolnnton Planning Board

FROM: City of Lincolnnton Planning Department

SUBJECT: ZTA-1-2021 - Application from Lincolnnton Planning Department requesting amendment of the City of Lincolnnton Unified Development Ordinance, Chapter 153 of the City Code, to comply with recently adopted state enabling legislation (Chapter 160D).

DATE: February 16, 2021

BACKGROUND

In 2019 and 2020, the North Carolina General Assembly adopted updated and consolidated state planning and development regulation statutes commonly referred to as “Chapter 160D.” The new Chapter 160D consolidates and relocates the current statutes for local planning and development regulations that are now located in Chapters 153A and 160A.

All city and county zoning, subdivision, and other development regulations will need to be updated by that date to conform to the new statutes.

Chapter 160D is effective now but local governments have until July 1, 2021 for the development, consideration and adoption of necessary amendments to conform local ordinances to the new statutes.

PROPOSED TEXT AMENDMENT

- Updates references to state enabling legislation in order to conform with Chapter 160D.
- Replaces parallel conditional use rezoning with parallel conditional district rezoning.
- Within each zoning district, uses that formally required a conditional use permit are now handled a different way. In most instances, such uses are no longer permitted in that zoning district and establishment of that use will now require rezoning to another district. In some instances, such uses continue to be permitted within the zoning district but are now “subject to prescribed standards” such as access to a certain type of street or subject to screening requirements.
- Creates new zoning districts to provide for uses that were previously allowed as conditional use permits.

PROPOSED CHANGES TO EXISTING ZONING DISTRICTS

R-25 District

Conditional uses replaced with uses subject to prescribed standards:

- Cemeteries
- Customary home occupations
- Auto hobbyist
- Churches with over 500 seats
- Country clubs
- Outdoor recreation
- B and B's
- Public safety stations
- Rest homes
- Public school administrative offices

Conditional uses eliminated from the district:

- Planned residential developments
- Planned unit developments
- Manufactured home parks
- Essential services Class II and III (substations, lift stations, power plants, sewage treatment plants, cell towers, etc)

R-15 District

Conditional uses replaced with uses subject to prescribed standards:

- Country clubs/private recreation facilities

Conditional uses eliminated from the district:

- Cemeteries
- Churches
- Essential services Class II (substations, lift stations, etc)
- Community center/meeting facility
- Open air venue
- Schools
- Public safety stations
- Public outdoor recreation over one acre and/or containing swimming pool

R-10 District

Conditional uses eliminated from the district:

- Planned residential developments
- Planned unit developments

R-8 District

Conditional uses eliminated from the district:

- B and B's
- Public safety stations
- Rest homes
- Planned residential developments
- Planned unit developments
- Day care centers
- Group homes for at risk youth
- Domestic violence shelters
- Traditional infill developments
- Homeless shelters

RMF District

Conditional uses replaced with uses subject to prescribed standards:

- Country clubs/private recreation facilities

Conditional uses eliminated from the district:

- Multi family over six units per acre
- Planned residential developments
- Planned unit developments
- Essential services Class II (substations, lift stations, etc)
- Cemeteries as a principal use
- Churches over 500 seats
- Public outdoor recreation over one acre and/or containing swimming pool
- Community center
- Public safety stations
- B and B's
- Rest homes
- Schools
- Traditional infill developments

R-O District

Conditional uses replaced with uses subject to prescribed standards:

- Country clubs/private recreation facilities

Conditional uses eliminated from the district:

- Multi family up to ten units per acre
- Planned residential developments
- Planned unit developments
- Essential services Class II (substations, lift stations, etc)
- Rest homes
- Day care centers
- Florists
- Copying service
- Museums
- Funeral homes
- Laboratories
- B and B's
- Office buildings containing over 5,000 square feet of gross floor area
- Travel agency
- Art and photography studios (excluding adult establishments)
- Tailor and alteration shop
- Libraries
- Optician;
- Cemeteries as a principal use
- Country clubs/ private recreation facilities
- Publicly outdoor recreation facilities greater than one acre in area and/or containing a swimming pool
- Community centers
- Group home for pregnant women in recovery from substance abuse
- Traditional infill developments
- Child advocacy center
- Temporary homeless shelters.

O-I District

Conditional uses replaced with uses subject to prescribed standards:

- Financial institutions
- Post office

Conditional uses eliminated from the district:

- Multi family up to ten units per acre
- Planned residential developments
- Planned unit developments

- Jails
- Traditional infill developments

N-B District

Conditional uses replaced with uses subject to prescribed standards:

- Accessory apartments in commercial structures

Conditional uses eliminated from the district:

- Fast food restaurants
- Class A shopping centers (10,000 s.f. or less)
- Office buildings over 15,000 s.f.
- Taverns
- Animal hospitals
- Auction houses
- Commercial schools with over 100 students
- Taxidermists
- Mini-warehouses
- Planned unit developments
- Family care homes
- Child advocacy centers

C-B District

Conditional uses replaced with uses subject to prescribed standards:

- Hotels
- Newspaper printing/publishing
- Parking facilities
- Tavern

Conditional uses eliminated from the district:

- Shopping centers Class A and B (50,000 s.f. or less)
- Arcades/amusement centers
- Auction houses, indoors
- Automobile service stations
- Bail bond services
- B and B's
- Check cashing establishments
- Churches
- Commercial schools with over 50 students

- Day care centers
- Financial institutions
- Jails
- Motels
- Office buildings over 10,000 s.f.
- Pawn shops
- Planned unit developments
- Multi family dwellings
- Family care homes

G-B District

Conditional uses replaced with uses subject to prescribed standards:

- Express fuel/mini-marts
- Shopping centers Class C (over 50,000 s.f.)
- Office buildings over 50,000 s.f.
- Machining of metals 10,000 s.f. or less
- Post offices/parcel service processing facilities
- Taverns
- Accessory apartments in commercial structures

Conditional uses eliminated from the district:

- Building materials, hardware and related sales with outdoor storage and outdoor storage of building materials by contractors
- Flea markets, indoor and fully enclosed
- Adult establishments
- Arcade/amusement center
- Essential services Class III (power plant, sewage treatment plant, etc)
- Jails
- Moving and storage services
- Baseball hitting/golf driving range
- Outdoor storage of materials by contractors
- Road grading/utility contractors
- Planned unit developments

Other change:

- Arcade/amusement center/game room previously permitted as a use by right eliminated from the district.

P-B District

Conditional uses replaced with uses subject to prescribed standards:

- Accessory apartments in commercial structures

Conditional uses eliminated from the district:

- Planned unit developments
- Assembly halls, coliseums, etc
- Bowling alleys/skating rinks
- Motel/motor lodges
- Garden center/commercial greenhouses, etc
- Auto, truck, and motorcycle sales and service/repair
- Shopping centers Class C (over 50,000 s.f.)
- Indoor shooting range/sales of fire arms and ammunition

GMC District

Conditional uses replaced with uses subject to prescribed standards:

- Taverns

Conditional uses eliminated from the district:

- Mines and quarries
- Airports and air strips/airplane sales, services and fuel and rentals
- Auctions, outdoors and/or livestock
- Day care centers as a principal use
- Essential services, Class III (power plant, sewage treatment plant, etc)
- Express fuel/mini-marts
- Farmers' market
- Flea markets
- Fuel oil distribution facilities
- Fish hatcheries
- Junkyards, automobile graveyards and scrap salvage yards
- Kennels (indoor and outdoor)
- Military reserve center/national guard armory
- Outdoor storage of vehicles and/or equipment that are not for retail sale as a principal use
- Penal institutions;
- Race tracks
- Septic tank cleaning service
- Paintball gaming facility, outdoor
- Outdoor shooting range
- Haunted attraction (indoor/outdoor)
- Churches
- Recycling station - construction and demolition material

ROS District

Conditional uses replaced with uses subject to prescribed standards:

- Essential services Class II (substations, lift stations, etc)
- Essential services, Class III (power plant, sewage treatment plant, etc)
- Rest homes
- Day care centers
- Florists
- Copying service
- Museums
- B and B's
- Offices over 2,000 s.f.
- Travel agencies
- Art and photography studios
- Tailor/alteration shops
- Libraries
- Barber/beauty shop

Special Highway Overlay District

- Requirement for review through the conditional use permit process in order to grant exception to the prohibition against more than two driveways per lot per road front is replaced with requirement for review through the conditional district process.

PROPOSED NEW ZONING DISTRICTS

Highway Commercial (HC)

- Accommodates uses formerly allowed in GB with a conditional use permit.

General Industrial (GI)

- Accommodates uses formerly allowed in GMC with a conditional use permit.

Planned Residential Development (PRD)

- Accommodates planned residential developments formerly allowed in R-25, R-10, R-8, RMF, R-O and O-I with a conditional use permit.

Planned Unit Development (PUD)

- Accommodates planned unit developments formerly allowed in R-25, R-10, R-8, RMF, R-O, O-I, N-B, CB, G-B and P-B with a conditional use permit.

Traditional Neighborhood Development (TND)

- Accommodates traditional neighborhood developments formerly allowed in R-O, O-I, N-B and CB, with a conditional use permit.

Transitional Infill Development (TID)

- Accommodates transitional infill developments formerly allowed in R-8, RMF, R-O and O-I with a conditional use permit.

Manufactured Home Park (MHP)

- Accommodates manufactured home parks previously allowed in R-25 with a conditional use permit.

Commercial Center (CC)

- Accommodates big box retail formerly allowed in G-B, P-B and GMC with a conditional use permit.

OTHER CHANGES

Bona Fide Farms In ETJ

- Adds provisions for exemption from zoning of “bona fide farms” in the ETJ.
- Exempts accessory structures on bona fide farm from the State Building Code.

Zoning Permit Expiration

- Permits to expire in one year rather than six months.

Off street parking for a principal use not permitted in a residential district

- No longer permitted with a conditional use permit.
- Now accommodated through rezoning to ROS district.

Temporary permit for manufactured home

- Current allowance for a temporary conditional use permit to allow a manufactured home to be placed on a residential lot as an accessory use where immediate family member requires medical care is replaced with language that mirrors the state enabling legislation.

License through Police Department

- Adds requirement for license through the PD for arcades, amusement centers, game rooms and adult establishments.

Fence Wraps

- Adds allowance for temporary fence wrap signage to the sign regulations

Downzonings

- Prohibits third party downzonings.

Enforcement

- Outlines provisions for notices of violations, stop work orders and revocation of development approval for ordinance violations.

Rezoning Hearing Notifications

- Abutting property owners to receive notice even if separated by a street, railroad or other transportation corridor.

Statement of Reasonableness

- No longer required for text amendments.

Conditional Zoning

- Conditions approved by the City and consented to by the applicant must be in writing.
- Review of conditional districts five years after approval to determine progress made toward development of the property.

Variances

- Adds allowance for a variance when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

Board of Adjustment Make-up

- Revises the make-up of the Board of Adjustment to change from three City residents and two ETJ residents to four City residents and one ETJ resident.

Planning Board Public Hearing in Addition to City Council Public Hearing

- Currently the Planning Board meets to review rezoning and text amendment applications prior to the public hearing held by City Council. The proposed ordinance would change the Planning Board meeting to a public hearing so that interested parties have an additional opportunity to provide input.

Conflicts of Interest

- The statutory provision regarding governing board conflicts of interest is included verbatim and disallows voting on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the governing board member has a close familial, business, or other associational relationship.

STAFF RECOMMENDATION

Staff recommends approval of the text amendment.