

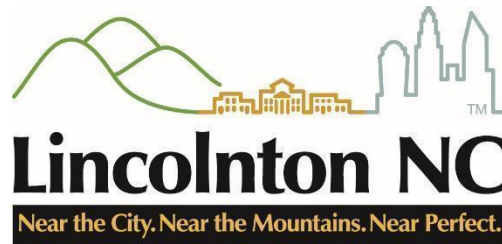
**LINCOLNTON PLANNING BOARD
AGENDA
December 20, 2022
At 4:00 P.M. in City Council Chambers**

1. Roll Call
2. Call to Order
3. Approval of minutes from the November 15, 2022 meeting
4. ZTA-2-2022 - Application from Lincoln Planning Department requesting amendment to Section 153.113, (CB - Central Business), of the Unified Development Ordinance to add classic arcade as a permitted use and to section 153.031 to add a definition of classic arcade.
5. Adjournment

PB Agenda122022

Absences(A=absent, C=cancelled)/Not in Good Standing

Member	June 2022	July 2022	August 2022	September 2022	October 2022	November 2022
Gene Poinsette	✓	✓	✓	✓	✓	A
Rebecca Abernethy	✓	A	✓	✓	✓	✓
Greg McBryde	✓	✓	✓	✓	✓	✓
Becky Shaw	n/a	✓	✓	✓	A	A
Trent Mason	✓	✓	✓	✓	✓	✓
Joy Smith	A	✓	✓	A	N/A	N/A
Monte Tyson	✓	✓	A	✓	✓	✓



**CITY OF LINCOLNTON
PLANNING BOARD
PO DRAWER 617, LINCOLNTON, NC 28092
MINUTES
www.LincolntonNC.org**

BOARD MEMBERS: Trent Mason, Chair, trentonmason@gmail.com; Greg McBryde, Vice-Chair, Gregory.McBryde@gmail.com; Gene Poinsette, poinsetteg@charter.net; Rebecca Abernethy, rabernethy21@bellsouth.net; Becky Shaw, becky.greer82@gmail.com; Monte Tyson, monte@cbdeastmain.com

Tuesday, November 15, 2022 Meeting

Present: Greg McBryde, Trent Mason, Rebecca Abernethy and Monte Tyson

Absent: Gene Poinsette and Becky Shaw

Call to Order

Chair Trent Mason called the meeting to order and stated that Gene Poinsette and Becky Shaw were absent.

Approval of Minutes

Chair Trent Mason asked the Board if there were any additions or corrections to the minutes of the October 18, 2022 meeting.

Motion: Greg McBryde made a motion to approve the minutes. Rebecca Abernethy seconded. Motion carried unanimously.

CZ-10-2022 - Application from Bean Brothers Real Estate LLC requesting a conditional zoning change from Residential-25 (R-25) to General Manufacturing and Commercial-Conditional District (GMC-CD). The applicant is proposing to construct a 3,600 Square foot building for storage, a mulch yard, and parking for the adjacent Home and Garden Center. The subject property is located at the southeast corner of Reepsville Road and Lore Road (Parcel ID 00512)

Jean Derby presented the staff report included in the agenda packet to the Board regarding CZ-10-2022.

After some discussion, Chair Trent Mason asked if there was a motion. The motion is as follows:

Motion: Greg McBryde made a motion to approve. Rebecca Abernethy seconded. Motion carried unanimously.

Chair Trent Mason asked the Board if there was any other business to be addressed, to which there was none.

Adjournment

Motion: Monte Tyson made a motion to adjourn. Greg McBryde seconded. Motion carried unanimously.

Jean Derby

MEMO TO: Planning Board Members

FROM: Planning Staff

SUBJECT: ZTA-2-2022 Application from Lincoln Planning Department requesting amendment to Section 153.113, (CB - Central Business), of the Unified Development Ordinance to add classic arcade as a permitted use and to section 153.031 to add a definition of classic arcade.

DATE: December 20, 2022

Proposed Amendment to Section 153.113

The proposed amendment seeks to add classic arcade as a permitted use to the Central Business District.

Proposed Definition in Section 153.031

ARCADE, CLASSIC. An establishment which provides an assortment of equipment and devices such as classic video games and other electronic games, often requiring insertion of coins or tokens to begin the play sequence, for amusement purposes only. ***This category excludes establishments that are engaged in or resemble gambling activities.***

REASON FOR THE AMENDMENT

We have met with a citizen that is proposing to open a classic arcade in the Central Business District similar to the Carolina Arcade Museum in Forest City. The arcade would have classic arcade games from the 80s and 90s. Currently the proposed location is on Water Street and would fit in with the idea of making Water Street an entertainment district. This establishment would be family friendly.

Staff Recommendation

- approval of the zoning text amendment
- approval of the statement of consistency for approval of the zoning text amendment

Photos from Carolina Arcade Museum



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

Case No. ZTA-2-2022

Applicant: City of Lincoln Planning Department

Request: ZTA-2-2022 Application from Lincoln Planning Department requesting amendment to Section 153.113, (CB - Central Business), of the Unified Development Ordinance to add classic arcade as a permitted use and to section 153.031 to add a definition of classic arcade.

Proposed Consistency and Reasonableness Statement:

The proposed amendment is **consistent** with the adopted Lincoln Land Use Plan in that it is not contrary to the goals and objectives outlined by the Plan. Future land uses are encouraged as to accentuate and enhance the area's unique downtown atmosphere and ambience. **Approval of the amendment is reasonable and in the public interest.**

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

Case No. ZTA-2-2022

Applicant: City of Lincoln Planning Department

Request: ZTA-2-2022 Application from Lincoln Planning Department requesting amendment to Section 153.113, (CB - Central Business), of the Unified Development Ordinance to add classic arcade as a permitted use and to section 153.031 to add a definition of classic arcade.

Proposed Consistency and Reasonableness Statement:

The proposed amendment is **not consistent** with the adopted Lincoln Land Use Plan in that it is contrary to the goals and objectives outlined by the Plan and **denial of the proposed amendment is reasonable and in the public interest.**

AN ORDINANCE TO AMEND THE LINCOLNTON UDO TO SECTION 153.113
(changes are highlighted in yellow)

§ 153.113 C-B CENTRAL BUSINESS DISTRICT.

(A) Permitted uses. The following uses are permitted by right.

- (1) Retail uses.
 - (a) Antique store;
 - (b) Appliance and appliance repair store;
 - (c) Arts and crafts store;
 - (d) Automobile and boat supply store;
 - (e) Bakeries (retail and wholesale);
 - (f) Bicycle store;
 - (g) Beauty supply store;
 - (h) Book and stationery store (excluding adult establishments);
 - (i) Box and gift-wrap store;
 - (j) Card (greeting) shop.
 - (k) Camera shop and film developing service depository and/or walk-in service developing lab;
 - (l) Catalog sales store;
 - (m) Clock shop;
 - (n) Clothing shop/department store;
 - (o) Computer service store;
 - (p) Convenience stores (no fuel sales);
 - (q) Copy service;
 - (r) Curtains, drape and other window treatments store;
 - (s) Delicatessen;
 - (t) Dressmaking shop;
 - (u) Drugstore;
 - (v) Dry cleaning (pick-up and delivery station);
 - (w) Dry goods shop;

- (x) Electronics sales;
- (y) Sign printing and manufacturing, outside of the downtown fire district and with no outdoor storage and with all activities conducted indoors;
- (z) Florist and gift shop;
- (aa) Floor covering, lighting, wallpaper, paint and window covering store;
- (bb) Food store;
- (cc) Formalwear sales and rental;
- (dd) Furniture, rugs and other home furnishings store;
- (ee) Furrier;
- (ff) Hardware store (but not outdoor storage or enclosed lumber yards);
- (gg) Hobby store;
- (hh) Household goods shop;
- (ii) Jewelry and jewelry repair shop;
- (jj) Key shop;
- (kk) Linen shop;
- (ll) Luggage and leather shop;
- (mm) Medical supply sales and rental store;
- (nn) Music store including recordings of the various media, print music, sound and high fidelity equipment and supplies, and musical instruments sales and service;
- (oo) Notion and fabric store;
- (pp) Office buildings with a maximum gross floor area of 10,000 square feet;
- (qq) Office supply, stationary office equipment;
- (rr) Party rental shop;
- (ss) Pet store;
- (tt) Postal store;
- (uu) Restaurant and auxiliary food catering service;
- (vv) Second-hand shop;
- (ww) Shoe store;
- (xx) Shoe repair shop;

- (yy) Sporting goods and trophy shop;
- (zz) Tailor and alteration shop;
- (aaa) Toy store;
- (bbb) Variety and department store;
- (ccc) Video rental and sales shop (excluding adult establishments); and
- (ddd) Motorcycle sales with outdoor storage during business hours only.

(2) Services.

- (a) Arcade, classic
- (b) Art and photography studios (excluding adult establishments);
- (c) Automobile parking lot;
- (d) Barber shop;
- (e) Beauty shop;
- (f) Community center;
- (g) Commercial schools providing training in any of the arts, sciences, trades or professions, conducted indoors, with up to 100 enrolled students;
- (h) Essential services, Classes I and II;
- (i) Exterminator service;
- (j) Finance company;
- (k) Film processing service;
- (l) Fitness and tanning center (excluding adult establishments);
- (m) Interior decorating service;
- (n) Laundromat;
- (o) Library;
- (p) Museum;
- (q) Newspaper office and broadcast media offices and studios only;
- (r) Offices-business, professional, medical and public;
- (s) Opticians and optical services;
- (t) Post office;

**AN ORDINANCE TO AMEND THE LINCOLNTON UDO TO SECTION 153.031
(changes are highlighted in yellow)**

§ 153.031 DEFINITIONS OF SPECIFIC TERMS AND WORDS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Except where specifically noted, the following is a list of terms and words used in this chapter. All words not specifically defined in this chapter shall be assigned their customary dictionary definitions. Additional definitions are found in §§ 153.121(B) and 153.346.

ABANDONMENT. A use shall be deemed to be abandoned when:

- (1) The use is discontinued for a consecutive period of 180 days;
- (2) The premises are devoted to another use;
- (3) When the characteristic equipment and furnishings of the nonconforming nonresidential use have been removed from the premises and have not been replaced by the same or similar equipment within 30 days; or
- (4) Failure to take all positive action to resume the nonconforming use with reasonable dispatch, including the failure to advertise the property for sale or for lease.

ACCESSORY STRUCTURE. A structure detached from the principal structure on the same lot and customarily incidental and subordinate to the principal structure.

ACCESSORY USE. A use customarily and clearly incidental and subordinate to the principal use or building and located on the same lot with the principal use or building.

ADMINISTRATOR, UNIFIED DEVELOPMENT. The administrative official(s) appointed by the City Manager of the City of Lincolnton to administer this chapter. This person(s) may also be referred to as the ADMINISTRATOR.

ADULT CABARET. Any place featuring topless dancers, go-go dancers, strippers, male or female impersonators or entertainers displaying SPECIFIED ANATOMICAL AREAS as defined by G.S. § 14-202.10 as the statute may be amended from time to time, or other similar entertainers.

ADULT ESTABLISHMENT. Any place as defined by G.S. § 14-202.10 as the statute may be amended from time to time, including adult cabarets, except that the definition of massage business shall not include any establishment or business where massage is practiced that is a health club, exercise studio, hospital, physical therapy business or other similar health-related business. ADULT ESTABLISHMENT specifically includes, however, any massage business where massages are rendered by any person exhibiting specified anatomical areas. SPECIFIED ANATOMICAL AREAS are those defined by G.S. § 14-202.10 as the statute may be amended from time to time.

AGRICULTURE USES. The commercial production, keeping or maintenance, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed

crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, goats or any mutations or hybrids thereof, including the breeding and grazing of any or all or the animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including nuts and vegetables; nursery, floral and ornamental products; or lands devoted to a soil conservation or forestry management program.

ALLEY. A public or private way that affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION. A change in the size, configuration, or location of a structure; or a change in the use of a structure or lot from a previously approved or legally existing size, configuration, location or use.

ANIMAL HOSPITAL. A place where animals are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use. All facilities associated with an animal hospital shall be located indoors.

ANIMAL KENNEL. A commercial enterprise where more than six dogs or other domesticated animals are groomed, bred, boarded, trained or sold.

ARCADE, AMUSEMENT CENTER or GAME ROOM. An establishment operated for profit where two or more billiard tables or ten or more other type amusement devices and/or games of skill such as video games, pinball or table games, are provided for public use. This definition shall be construed to include facilities for the conduct of bingo gaming as a principal use.

ARCADE, CLASSIC. An establishment which provides an assortment of equipment and devices such as classic video games and other electronic games, often requiring insertion of coins or tokens to begin the play sequence, for amusement purposes only. This category excludes establishments that are engaged in or resemble gambling activities.

ATRIUM HOUSE. Attached or semi-attached one-story house on a small lot, the lot having a small yard space that is surrounded by the house and its privacy walls. As distinguished from the patio house, an ATRIUM HOUSE is always one-story, its yard space and lot size is usually smaller, and it is always attached (to another unit) in some fashion.

AUTO HOBBYIST. One who collects, repairs or alters automobiles to which he or she holds title for enjoyment, and not for commercial purposes, as an incidental, use on the premises where the person resides.

AUTOMOBILE BODY SHOP. Any building, premises and land in which or upon which a business is conducted that primarily involves the painting of vehicles or external repairing of damaged vehicles.

AUTOMOBILE GARAGE, REPAIR AND SERVICE. Any building, premises and/or land in which or upon which a business is conducted involving the maintenance or servicing of vehicles.