



**LINCOLNTON
AGENDA
April 3, 2025
7:00 PM**

CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

1. AGENDA APPROVALS

1a Approval of REGULAR AGENDA

1b Approval of CONSENT AGENDA

- March 6, 2025 - Regular Meeting Minutes
- Lincoln County Tax Department - Request for Release for February 16, 2025 - March 15, 2025
- PROCLAMATION - Line Worker Appreciation Day 2025

SPECIAL PRESENTATION - Intermediate Law Enforcement Certificate to Hunter White

PUBLIC COMMENT

Speakers will be limited to three (3) minutes to address Mayor and City Council. You must sign in with the City Clerk to be eligible to speak

2. PUBLIC HEARINGS

- 2a CZ-2-2025 Application from Lorrie V. Jones requesting a Conditional District Rezoning of 0.36 acres of land from Residential-10 (R-10) District to the Neighborhood Business Conditional District (NB-CD) District for the purpose of using a portion of the existing church for a Hair Salon. The subject property is located at 416 Louise Avenue (Parcel ID 01233)**

Jean Derby, Planning Director

- 2b ZMA-2-2025 Application from Danny B. Dellinger Jr. requesting the rezoning of approximately 21.56 acres of land from General Manufacturing and Commercial (GMC) District to the Residential-25 (R-25) District. The subject property is located to the south of Carolina Mill Circle (Parcel ID 53616)**

Jean Derby, Planning Director

**114 WEST SYCAMORE STREET • P.O. BOX 617 • LINCOLNTON, NORTH CAROLINA 28093-0617
PHONE (704) 736-8980**

2c ZTA-1-2025 Consideration of Request for Zoning Text Amendments to Chapter 153 Unified Development Ordinance

Jean Derby, Planning Director

3. REGULAR AGENDA

3a C-08-25 Consideration of Approval of Contract to Audit Accounts for Fiscal Year 2024-2025

Pamela McBryde, Finance Director

3b BA-04-25 Budget Amendment to the Annual Budget Ordinance for Fiscal Year ending June 30, 2025

Pamela McBryde, Finance Director

4. OTHER BUSINESS

4a O-01-25 Consideration of Request to Approve Amendment to Public Art Ordinance

Ritchie Haynes, City Manager

4b 2025 July 4th Celebration Fireworks Contract

Ritchie Haynes, City Manager

NEWS MEDIA

ADJOURNMENT

REGULAR MEETING – MARCH 6, 2025

The Lincolnton City Council met in Regular Session on Thursday, March 6, 2025, at 7:00 p.m. in the Council Chambers of City Hall located at 114 West Sycamore Street, Lincolnton, NC.

The following Council members were present and accounted for:

DEMENY JOHNSON TIPTON JETTON

Mayor Ed Hatley called the meeting to order asking all to rise for the moment of silence, followed by the pledge of allegiance.

Councilmember Jill Tipton made a motion to approve the REGULAR AGENDA as submitted. Members voted 4-0 in favor of the motion.

Councilmember Kevin Demeny made a motion to approve the CONSENT AGENDA items as follows:

- February 6, 2025 – Regular Meeting Minutes
- Lincoln County Tax Department – Request for Release for January 16, 2025 – February 15, 2025
- Retirement Recognitions – Effective March 1, 2025
 - William C Harrelson, Jr, Dennis R. Harris, William K. Lovingood
- Resolution to Surplus LPD Captain Dennis Harris's Service Gun and Badge
- Proclamation – "Women's History Month" 2025

Members voted 4-0 in favor of the motion.

PUBLIC COMMENT

Mayor Ed Hatley opened the public comment. Mr. Alan Hoyle and Mr. Trent Mason both signed up to speak during this portion of the meeting.

Mr. Alan Hoyle addressed council regarding a number of social issues and expressed his thoughts on how they are being handled in Lincolnton and Lincoln County. Mr. Trent Mason spoke to the various upcoming events and activities scheduled as we enter into the warmer months. Mr. Mason took this time to promote the Price Is Right event scheduled for March 22nd, inviting all to attend and show support for the Child Advocacy Center. He also reminded members of upcoming soccer season and his request for lights in the near future.

PUBLIC HEARING

ZTA -1-2025

Zoning Test Amendments to Chapter 153 Unifited Development Ordinance

Mayor Ed Hatley opened the public hearing and recognized Jean Derby, Planning Director, to speak to the item. Ms. Derby presented a number of text amendments to the various sections of the city's current ordinance, describing the requested changes as cleanup text amendments that are needed to the City's Code of Ordinances. She explained that no regulations are being changed, sections were just re-organized, grammatical errors were corrected and things that were not necessary were removed. Ms. Derby stressed that changes are being made in order to make the information easy, concise and clear to read by using plain language.

Councilmember Roby Jetton made a motion to close the public hearing, as well as making a motion to table any action for one month until the next meeting. Members voted 4-0 in favor of the motion.

REGULAR AGENDA

Contract for Engineering and Surveying Services – TGS Engineers

Planning Director Jean Derby came before council to request approval of a contract for engineering and surveying services. Ms. Derby identified this as the Highway 27 sidewalk connector project. She explained that this proposed sidewalk is to be constructed to go over the 321 bridge on East Main Street. Ms. Derby provided members with the history of the project, dating back to 2015. She informed due to State funding problems, the project was put on hold but picked back up in 2023. She stated that in order to move forward with the project, the engineering plans must be updated to 2024 standards.

Mayor Hatley shared the desire of the council when the project was approved was to have continuous sidewalks through the City of Lincoln. There were questions and discussion regarding the funding for the completion of the project once the engineering is updated. Ms. Derby informed that the City's 20% of the \$700,000.00 project will be \$100,000.00. Councilmember Kevin Demeny voiced his concern with the issue with the possibility of the project being put on hold again.

Councilmember Kevin Demeny made a motion to approve the contract as submitted. Members voted 4-0 in favor of the motion.

IT-003 Ocean 10 “Tsunami” 3 Year Proposal

Technology & Innovation Director Chris Jones presented a request to enter into an agreement with Ocean 10 Security LLC, who agrees to provide TSUNAMI 360 surveillance systems and optional Monsoon Pack (PTZ cameras) on a subscription basis.

Mr. Jones informed that the proposed project will cost \$184,000 per year for the next three years. He stated that this includes 26 different tsunamis throughout the City. Mr. Jones display several views explaining that each of the 26 cameras provides five to six view, totaling 150 to 160 view throughout the city. City Manager Ritchie Haynes provided some background history explaining staff being tasked (by the previous council) to provide cameras on the rail-trail, downtown, at the parks etc. He spoke to the difficulty keeping up with the technology needed in the cost in replacing the camera's when they became obsolete. Mr. Haynes spoke to the difference between what was done in the past and what is being done now, as well as the options this method offers.

Some discussion was generated among council members and staff regarding the scope and details of the project. There were also conversations regarding backups plans and the cost.

Councilmember Mark Johnson made a motion to approve the three-year plan as outlined. Members voted 4-0 in favor of the motion.

IT-004

Uplink Logistics-142 Ross Street – 3 Year Proposal

Technology & Innovation Director Chris Jones presented an Uplink contract to provide an internet source to the City's logistics building in Boger City.

Mr. Jones spoke to the current plans to use building for shared services between the Police Department and the Fire Department, as well as shelter in place in case of an emergency with McGuire Nuclear Station. Approval of the contract is the first step needed for staff to service the proposed location with network to be able to put the needed resources such as the internet, phone, security and door locks. Mr. Jones informed it is a three-year contract for \$650.00 a month.

Councilmember Jill Tipton made a motion to approve the 3 year proposal. Members voted 4-0 in favor of the motion.

REGULAR MEETING – MARCH 6, 2025

BA-03-25

Budget Amendment to the Annual Budget Ordinance for Fiscal Year ending June 30, 2025

Finance Director Pamela McBryde presented a request to amend the budget as follows:

BE IT ORDAINED by the Governing Board of the City of Lincolnton, North Carolina, that the following amendment be made to the Annual Budget Ordinance for the fiscal year ending June 30, 2025.

Section 1: To amend the General Fund, the expenditures are to be changes as follows:

General Expense	\$	65,376
Solid Waste		960
Planning/Zoning		1,275
Recreation		2,300
	\$	69,911

Section 2: To amend the General Fund, the revenues are to be changed as follows:

SW: Rollout Fees	\$	960
General: Cemetery Lot Sales		4,000
P&Z: Zoning Department Fees		1,275
General: Interest		56,276
General: Insurance Settlement		5,005
General: WEX-Fuel Rebates		94
Rec: Veterans Banner Project		2,300
General: Federal Equitable Deposits		0
	\$	69,911

General Fund: Misc Revenues for the P&Z and Solid Waste departments, Interest income, Insurance/Repair Settlements from: NCLM - PD; Officer Darius Collins hit a deer, & Federal Equity Interest income.

Section 3: To amend the Powell Bill Fund, the expenditures are to be changes as follows:

Powell Bill Construction/Other	\$	2,069
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Section 4: To amend the Powell Bill Fund, the revenues are to be changed as follows:

Investment Income	\$	2,069
	\$	2,069

Powell Bill Fund: Record interest income earned.

REGULAR MEETING – MARCH 6, 2025

Section 5: To amend the Water and Sewer Fund, the expenditures are to be changes as follows:

Distribution and Collection	\$	24,750
Wastewater Treatment Plant	33,816	
	\$	58,566

Section 6: To amend the Water and Sewer Fund, the revenues are to be changed as follows:

Investment Income	\$	33,666
Connection Charges	24,720	
Other Operating Revenues	150	
	\$	58,536

Water and Sewer Fund: D.R. Horton Inc, Red Cedar Homes, Carolina Elite Builder, & NRGEE Construction Services connection fees, miscellaneous fees, and Interest income

Section 7: To amend the Electric Fund, the expenditures are to be changes as follows:

Electric Operations	\$	27,097
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Section 8: To amend the Electric Fund, the revenues are to be changed as follows:

Investment Income	\$	25,527
Other Operating Revenue	1,570	
	\$	27,097

Electric Fund: Interest income earned, Electric meter charges to Carolina Elite Builder & NRGEE Construction Services. and Utility receivables.

Section 16: Appropriations are authorized by fund totals. The City Manager is authorized to reallocate fund appropriations among line item objects of expenditures and revenues as necessary during the budget year.

Section 17: Copies of this Budget Ordinance shall be furnished to the Clerk to the Governing Board and to the Budget Officer and Finance Director to be kept on file by them for their direction in the disbursement of funds.

TOTAL AMENDMENT	\$	157,612
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Ms. McBryde reviewed the amendment, requesting to add an additional \$158,000.00 to the budget, explaining the majority is investment income.

Councilmember Roby Jetton made a motion to approve the Budget Amendment as presented. Members voted 4-0 in favor of the motion.

**Request to Approve a Proposed
Uniform Guidance Procurement Policy**

Finance Director Pam McBryde addressed council to request approval of a written procurement policy that local governments are required to have to expend federal funds. She presented the Uniform Guidance Procurement policy, which is the template from the UNC School of Government. This policy covers normal purchasing, service contracts, construction contracts and professional contracts. Ms. McBryde assured members that she was not asking to eliminate Policy# 13 due to the fact that it is more restrictive than the proposed policy.

Councilmember Jill Tipton made a motion to approve the Uniform Guidance Procurement Policy. Members voted 4-0 in favor of the motion.

Before taking her seat, Ms. McBryde informed the members that the first FEMA check was received. She recognized all of the departments that helped with the debris removal (street department, solid waste and equipment services) for their hard work. She reported that the check was a little less than \$163,000.00.

**Prequalification Resolution for Bidders on Construction
& Repair Projects**

Business Services Director David Ramsey represented a request to Council to approve the prequalification resolutions as follows:

WHEREAS, N.C. General Statute 143-135.8 provides authorization for the prequalification of bidders on construction and repairs projects.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincolnton that the City's prequalification policy be adopted as follows and included in the City's Procurement and Purchasing Policy: *Complete resolution and policy is attached to and made a part of these minutes*

Mr. Ramsey explained that in order to accept bidders they are required to through this pre-qualification process. He stated that this allows the City to rank the bidders and confirm that they have all of the qualifications required to bid. He summarized by saying that pre-qualifying your bidders makes the bidding process cleaner.

Councilmember Kevin Demeny made a motion to approve the resolution as presented. Members voted 4-0 in favor of the motion.

OTHER BUSINESS

Administrative Policy #25
Pregnant Workers Fairness Act

Human Resources Director presented an administrative policy for consideration of approval. Ms. Osborne explained the details of the policy, the Pregnant Workers Fairness Act (PWFA), explaining that the policy was previously put in place last year, however the guidance had not been completed. She stated that this portion of the policy addresses how you treat accommodations for pregnant works. Ms. Osborne confirmed that this is something that the City already does, however there must be a policy in place outlining the process an employee should follow.

Councilmember Roby Jetton made a motion to approve the Pregnant Workers Fairness Act policy. Members voted 4-0 in favor of the motion.

Manager's Report / Activity Update

City Manager Ritchie Haynes reviewed his manager's report and activity update. Mr. Haynes began dates and a reminders of things to remember. Mr. Haynes recognized Finance Director Pamela McBryde and her staff for the countless hours spent working with FEMA. He mentioned the City Page newsletter, spotlighting some of the information included. Mr. Haynes announced recent promotions, trainings and certifications, and referred to the homeless report that was included. Mr. Haynes moved into the other business, announcing the purchase of the property adjacent to First Federal Park.

Mr. Haynes informed members of his continued work on the budget. He also noted the housing report and the information regarding the proposed improvements at the top of Tank Hill.

NEWS MEDIA

Mayor Ed Hatley opened the floor for questions from the new media in attendance. Mr. Mike Powell asked a question regarding the specific location of the property recently purchased. He also requested a list of the Alive After Five concert dates. City Manager Ritchie Haynes responded to those questions.

CLOSED SESSION

Mayor Ed Hatley asked for a motion to enter into closed session, with City Attorney John Friguglietti citing the reason as N.C. General Statute 143-318.11(a)(5) – to establish or instruct the staff or agent concerning the negotiation of a price in terms of a contract concerning the acquisition of real.

**Councilmember Roby Jetton made a motion to go into closed session.
Members voted 4-0 in favor of the motion.**

ADJOURNMENT

Upon returning to open session, Councilmember Roby Jetton made motion to adjourn. Members voted 4-0 in favor of the motion.

**DAPHNE INGRAM, CMC
CITY CLERK**

**ED HATLEY
MAYOR**

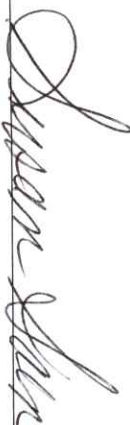
PERIOD COVERED

February 16, 2025 through March 15, 2025

CITY RELEASES \$100 AND OVER

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Checkered Flag Plumbing Company	2025	22	0308947	\$127.67	Listed in Catawba Co.
Total				\$127.67	

SUBMITTED BY:

 DATE: 3-20-25
SUSAN SAIN, TAX ADMINISTRATOR

APPROVED BY:

RICHARD HAYNES, CITY MANAGER
DATE:

LINCOLN COUNTY
TAX DEPARTMENT

REQUEST FOR RELEASES

PERIOD COVERED

February 16, 2025 through March 15, 2025

CITY RELEASES LESS THAN \$100

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Ahmed Kennedy Hamood	2025	22	0308930	\$13.77	Gap less than one month
Avery Trynadi Chereice	2025	22	0308917	\$3.56	Gap less than one month
Chumichov Eduard	2025	22	0308933	\$5.55	Gap less than one month
DFD Inc.	2025	22	0274834	\$2.10	Gap less than one month
Goins Christopher Logan	2025	22	0308918	\$1.12	Gap less than one month
Hernandez Horalia Albarra	2025	22	0181249	\$14.24	Gap less than one month
Howell Tina Michelle	2025	22	0308950	\$6.85	Gap less than one month
Littlejohn Tamara Marie	2025	22	0272297	\$4.73	Gap less than one month
Marshall Johnny Lyndon	2025	22	0301817	\$3.32	Gap less than one month
Moncree Darryl	2025	22	0131783	\$2.68	Gap less than one month
Moncree Vivian McClain	2025	22	0268170	\$11.32	Gap less than one month
Nelson Susan Hoffman	2025	22	0308911	\$5.65	Gap less than one month
Nixon Brenda Foster	2025	22	0273670	\$2.68	Gap less than one month
Thompson Derek James Sr.	2025	22	0237562	\$3.08	Gap less than one month
Valhalla Southland Inc.	2025	22	0300332	\$3.20	Gap less than one month

Total \$83.85

SUBMITTED BY:


SUSAN SAIN, TAX ADMINISTRATOR

DATE: 3-20-25

APPROVED BY:

DATE: _____

RICHARD HAYNES, CITY MANAGER

CITY COUNCIL

Ed L. Hatley, Mayor
Kevin Demeny, Mayor Pro Tem
Mark Johnson
Jill Tipton
Roby Jetton



CITY MANAGER

Ritchie Haynes
rhaynes@lincolntonnc.org
CITY CLERK
Daphne Ingram
[dingram@lincolntonnc.org](mailto:d Ingram@lincolntonnc.org)
CITY ATTORNEY
John M. Friguglietti, Jr.

**LINE WORKER
APPRECIATION DAY**

WHEREAS, on April 10, 2013, a resolution was passed in the United States Senate to recognize April 18 annually as National Lineman (Line Worker) Appreciation Day; and

WHEREAS, the profession of the electrical line worker is steeped in personal, family, and professional tradition; and

WHEREAS, line workers are often first responders during storms and other catastrophic events, working to make the scene safe for other public safety officials, and to expedite the return of vital electrical power to our communities; and

WHEREAS, these brave men and women work with thousands of volts of electricity high atop power lines 24 hours a day, 365 days a year, risking and sometimes losing their lives to keep electricity flowing; and

WHEREAS, line workers are often faced with dangerous conditions, far from their families, as they work to construct and maintain energy infrastructure throughout the State of North Carolina and the United States; and

WHEREAS, line workers must use their technical knowledge, physical strength and ingenuity to achieve success in challenges they face every day; and

WHEREAS, the Lincolnton City Council thanks these skilled and heroic line workers who brave hurricanes, ice storms, snow storms, floods, and other natural disasters to maintain our community's energy grid.

NOW THEREFORE BE IT RESOLVED that I, Mayor Ed Hatley, Lincolnton, North Carolina, do hereby proclaim Friday, April 18, 2025, as "Line Worker Appreciation Day" in the City of Lincolnton.

This 3rd day of April, 2025.

Ed Hatley, Mayor

Daphne Ingram, City Clerk



Lincolnton NC

Near the City. Near the Mountains. Near Perfect.

Public Hearing Staff Analysis

CZ-2-2025

416 Louise Avenue

Parcel 01233

Zoning:

Existing: R-10

Proposed: Neighborhood
Business (NB-CD)

Current Use:

Church

Proposed Use:

Church with an accessory use
of a Hair Salon.

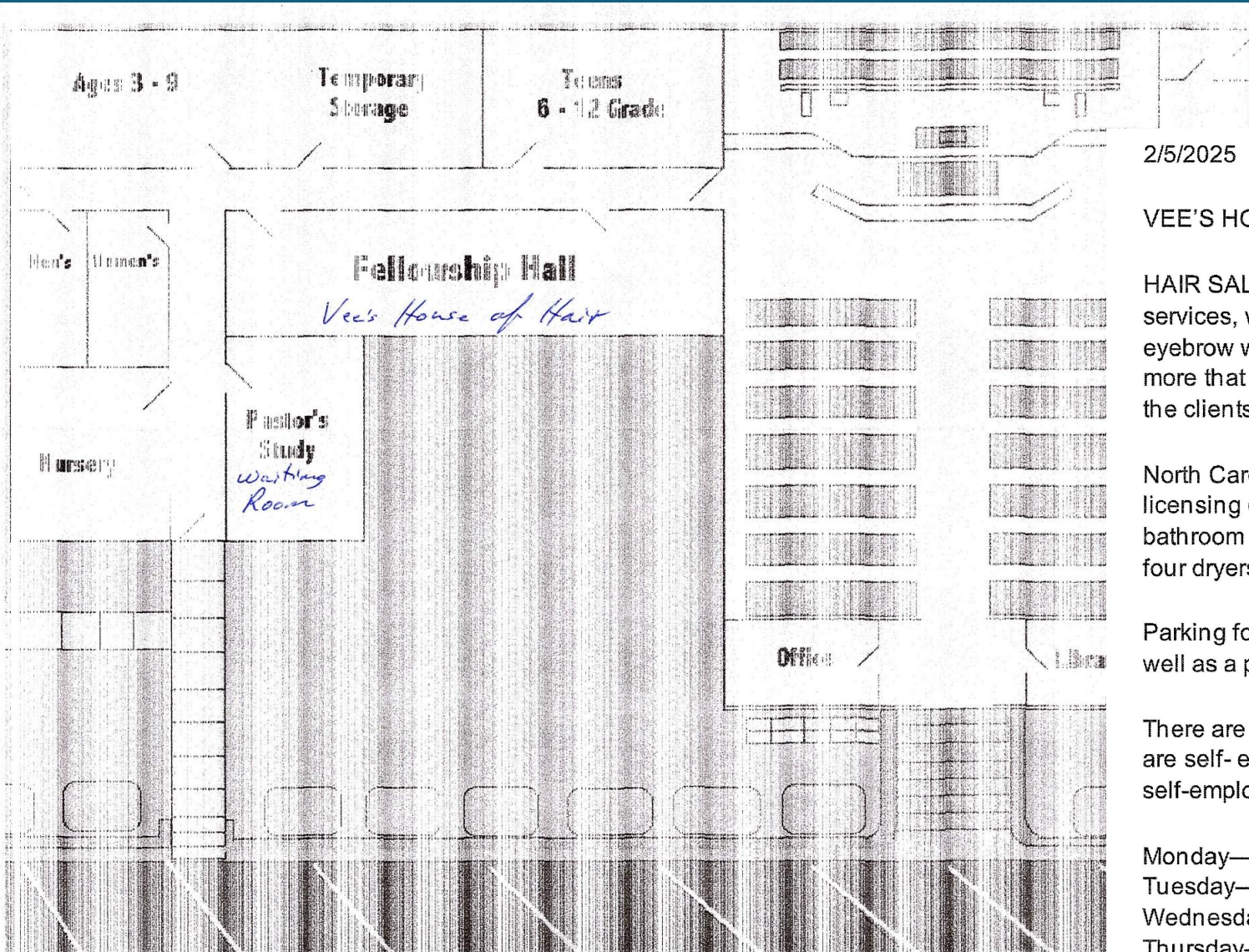
Background:

The church was built in 1955,
prior to zoning, and has either
been a church or been for sale
as a church since then. The
church is a nonconforming use
that is allowed to continue.









2/5/2025

VEE'S HOUSE OF HAIR

HAIR SALON- We are licensed and trained Cosmetologists who perform a range of client services, which includes cutting, coloring and chemically treating hair, eyebrow waxing, relaxing, permanent waves, braiding and so much more. There is more that we can do but we do not offer. These are the services that we do render to the clients we serve.

North Carolina's Cosmetic of Arts, requires inspections to take place annually for licensing of individual stylists and salon inspection. There's a waiting room area and bathroom accommodations for both male and female. There are two shampoo bowls, four dryers with four dryer chairs and three styling chairs and a storage closet.

Parking for the clients is not a problem. There's parking at the front of the building as well as a parking lot availability to accommodate the clients.

There are three licensed Hair Stylists occupying the three styling chairs, two of which are self-employed, booth renters. The days and hours of operation vary because of self-employment, and they schedule their own schedules.

Monday—Closed

Tuesday—9:00-7:00 pm (1) stylist// 4:00pm-9:30pm (1)stylist

Wednesday—8:00-4:00pm (1)stylist

Thursday—8:00-7:00pm (2)stylist// 8:00-10:00pm/ maybe (1)stylist

Friday—8:00-3:00pm (2)stylist// 8:00-7:00pm (1)

Saturday—9:00-3:00pm(1) not always

Respectfully,
Lorrie V. Jones

PERTINENT ORDINANCE INFORMATION:

§ 153.107 R-10 SINGLE-FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT.

(A) Permitted uses. The following uses are permitted by right. The following uses are allowed upon the issuance of a zoning permit by the Zoning Administrator in accordance with §§ 153.255 through 153.256.

- (1) Single-family dwellings;
- (2) Day care centers, small group;
- (3) Customary home occupations in accordance with § 153.045 of this chapter;
- (4) Family care homes;
- (5) Essential services, Class I and II;
- (6) Accessory structures in accordance with § 153.057 of this chapter;
- (7) Signs in accordance with §§ 153.160 through 153.172 of this chapter;
- (8) Off-street parking in accordance with §§ 153.185 through 153.188 of this chapter;
- (9) Publicly owned and operated outdoor recreation facility one acre or less in size and not containing a swimming pool.

§ 153.136 NONCONFORMING USES OTHER THAN MANUFACTURED HOME PARKS, SIGNS AND JUNK YARDS.

(A) **Nonconforming uses of land or structures, and nonconforming structures that contain nonconforming uses, may continue only in accordance with the provisions of this subchapter.**

(B) Normal structural repair and maintenance may be performed to allow the continuation of a nonconforming use (except as required in division (E) below of this section).

(C) **A nonconforming use shall not be expanded**, nor shall a nonconforming use be enlarged by additions to the structure in which the nonconforming use is located (either attached or detached) except pursuant to § 153.279(B) of this chapter. Any occupation of additional lands beyond the boundaries of the lot on which the nonconforming use is located is prohibited.

§ 153.045 CUSTOMARY HOME OCCUPATIONS.

Customary home occupations may be established in any dwelling unit. The following requirements shall apply in addition to all other applicable requirements of this chapter for the district in which the uses are located.

(J) Home occupations may only be conducted between the hours of **7:00 a.m. and 9:00 p.m.**

§ 153.112 N-B NEIGHBORHOOD BUSINESS DISTRICT.

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

(2) Services.

- (a) Art and photography studio (excluding adult establishments);
- (b) Automobile parking lot;
- (c) Automobile wash establishment (self-service);
- (d) Banks;
- (e) Barber shop;
- (f) Beauty shop;
- (g) Bed and breakfast inn;
- (h) Branch library;
- (l) Churches;

This district is designed primarily for local business centers for retailing of merchandise such as groceries, drugs, and household items and for furnishing certain personal, business, and professional services. Unlike some of the other commercial zones, this district is established to serve local neighborhoods and other relatively small trading areas. The standards established for these business areas are designed to promote sound, permanent business development and also to protect abutting or surrounding residential areas from undesirable aspects of nearby business developments. These districts are located at accessible places with respect to traffic circulation in order to conveniently serve the trading population and to promote the grouping of several places of business at locations so designated. Since this district is established to provide for small neighborhood-oriented businesses, limitations on gross floor areas are established for certain uses.

LAND USE PLAN COMPLIANCE

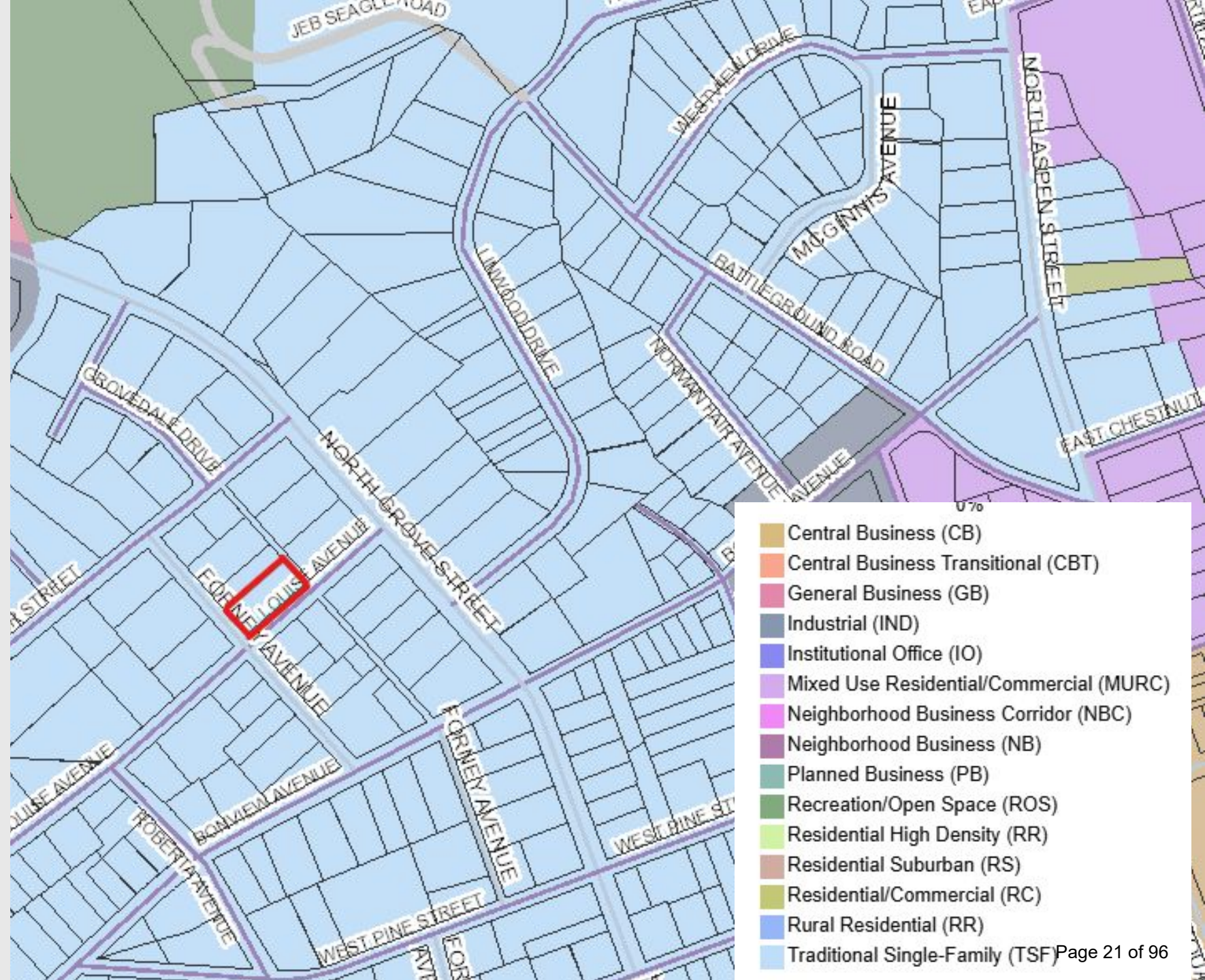
The land use plan shows the property in the **Traditional Single-Family Planning Area**.

Traditional Single Family These planning areas will consist of single-family uses on smaller to medium-sized lots in older, established portions of the community. As these areas are primarily residential in character, they should be protected from encroachment of incompatible business and industrial development.

Staff feels that this project is NOT consistent with the Land Use Plan.

If this rezoning were approved, the Future Land Use Map would need to be amended.

The most appropriate designation would be the **Neighborhood Business Planning area**. These planning areas are for small business clusters that cater to the needs of a relatively small trading area. Accordingly, they are appropriate for smaller-sized stores and establishments. Such areas are not designed to be Citywide commercial destination spots. Neighborhood business planning areas are designed to be compact in nature (as opposed to elongated strips along a thoroughfare) and located at key road intersections.



Conditions of Approval

City Planning:

1. Hours of operation should not go past 9:00 and **all customers would leave the premises by 9:00 PM.**
2. Any plumbing or electrical work would need to be permitted through Lincoln County Inspections.
3. If rezoning is approved, you need to apply for zoning permit with the City of Lincoln and Change of Occupancy permit with Lincoln County for the business and for any new signs
4. Signage could only be a wall sign not to exceed 8 square feet
5. Would need to meet all building and fire code requirements
6. Screening either natural plantings or a privacy fence between the parking lot and 608 Forney Avenue as shown in diagram:



NOTE: The conditional zoning has an expiration date of 5 years from the date of approval. Any adjustments to the conditions of approval that do not affect the overall layout of the site plan and that are technical in nature, can be approved by the department making the comment/condition.

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

Case No. CZ-2-2025

Applicant: Lorrie Jones

Parcel ID#: 01233

Location: 416 Louise

Request: Rezone from R10 and NB(CD)

Proposed Consistency and Reasonableness Statement:

The Lincoln Land Use Plan designates this property as part of the Traditional Single Family Planning Area. The proposed rezoning request **is not consistent** however is consistent and reasonable with the Lincoln Land Use Plan in the following ways.

CONSISTENCY:

- STRATEGY R-G1: Encourage mixed-use development (in a more urban manner) in areas other than Downtown.

REASONABLENESS:

- While this location is in a residential district, integrating a small-scale commercial use such as a beauty salon within a church aligns with the spirit of mixed-use development by promoting accessibility to services without altering the fundamental residential character of the neighborhood.

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

Case No. CZ-2-2025

Applicant: Lorrie Jones

Parcel ID#: 01233

Location: 416 Louise

Request: Rezone from R10 and NB(CD)

Proposed Consistency and Reasonableness Statement:

The Lincoln Land Use Plan designates this property as part of the Traditional Single Family Planning Area. The proposed rezoning request **is not consistent** with the Lincoln Land Use Plan in the following ways:
CONSISTENCY:

- As these areas are primarily residential in character, they should be protected from encroachment of incompatible business and industrial development.
- Protect the integrity and viability of the City's established residential neighborhoods.

REASONABLENESS:

- The requested rezoning is **not reasonable** because it introduces a commercial use that does not align with the established zoning protections for residential areas. It is **not consistent** with the city's adopted land use plan, which explicitly seeks to protect residential neighborhoods from business encroachment. Allowing this rezoning could lead to further commercial pressures in other residential areas, jeopardizing neighborhood integrity.

Planning Board Vote

6-0 in favor of recommending denial of the conditional rezoning

Motion to Approve, make a motion that encompasses 1-4 or you need a motion for each item:

1. Approval of rezoning of the property from R-10 to NB(CD)
2. Approval of the statement of consistency for approval of the rezoning request
3. Zoning be effective upon receipt of signed conditions of approval
4. Amend the Land Use Plan to show the property in the Neighborhood Business Planning Area

Motion to Deny with Planning Board's recommendation:

1. Denial of rezoning of the property from R-10 to NB(CD)
2. Approval of the statement of consistency for denial of the rezoning request



Lincolnton NC

Near the City. Near the Mountains. Near Perfect.

**Public Hearing Staff Analysis
ZMA-2-2025
Carolina Mill Circle, PID 53616**



Zoning

Existing: GMC
Proposed: Residential 25 (R-25)

Current Use

Vacant lot

Site Information

This is a 21.586-acre lot located on Carolina Mill Circle. Adjacent properties are a mix of GMC, R-8 and R-25.

§ 153.315 AMENDMENTS TO TEXT AND MAP.

Except for conditional rezonings, neither the Planning Board nor the City Council shall evaluate a rezoning petition based on any specific proposal for the use or development of the property. The petitioner shall refrain from using any graphic materials or descriptions before either body except for those that would apply to any use permitted in the requested zoning district.







Carolina







§ 153.117 GMC GENERAL MANUFACTURING AND COMMERCIAL DISTRICT (Current District)

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

- (1) Manufacturing, refining, processing or assembly of goods or products;
- (2) Agriculture equipment, sales and service;
- (3) Assembly halls, coliseums and ballrooms;
- (4) Auction houses, indoors, excluding livestock;
- (5) Automobile parking lots;
- (6) Automobile painting, upholstering, repairs, reconditioning and body work;
- (7) Automobile sales;
- (8) Automobile service stations;
- (9) Automobile wash establishments;
- (10) Bail bond service;
- (11) Bookbinding shops;
- (12) Building materials and lumber sales;
- (13) Cabinet, woodworking and upholstery shops;
- (14) Commercial schools and schools providing training in any of the arts, sciences, trades and professions;
- (15) Contractors storage and equipment yards;
- (16) Convenience stores;
- (17) Domestic violence shelter;
- (18) Dry cleaning and laundry plants;
- (19) Electric, plumbing, heating ventilating and air conditioning and construction supply houses;
- (20) Essential services, Class I and II;
- (21) Farm equipment sales and service;
- (22) Financial institution;
- (23) Florist, wholesale;
- (24) Food catering service and food vending supply;
- (25) Freezer lockers;
- (26) Government facilities not otherwise listed (excluding jails, prisons and similar penal institutions);
- (27) Greenhouses and horticultural nurseries;
- (28) Ice plants;
- (29) Laboratories: dental, medical, optical and research;
- (30) Machinery repair;
- (31) Manufactured home and recreational vehicle sales and service;
- (32) Moving and storage facilities (including mini-warehouses);
- (33) Office-business, medical, optical and professional;
- (34) Passenger bus terminal;
- (35) Photo processing laboratories;
- (36) Postal and parcel service processing facility;
- (37) Post office;
- (38) Product distribution plants;
- (39) Public safety stations;
- (40) Railroad terminals and yards;
- (41) Recycling terminals and yards;
- (42) Recycling sorting facility;
- (43) Restaurants, including fast-food restaurants;
- (44) Retail: all uses permitted in § 153.113(A);
- (45) Roofing manufacturing, repair and installation facilities;
- (46) Sign painting and manufacturing shops;
- (47) Slaughterhouse/abattoir;
- (48) Tin and sheet metal shops;
- (49) Tire recapping shops;
- (50) Towers and antennas 50 feet or less in height;
- (51) Truck sales and repair;
- (52) Trucking terminals;
- (53) Union halls, fraternal and civic organization meeting facility;
- (54) Vehicular and equipment outdoor storage (as a principal use) not for retail sales where:
 - (a) The items are owned and/or operated by the owner of the lot upon which they are located; and
 - (b) The items are in operating condition or intended to be operated.
- (55) Warehouses, including mini-warehouses;
- (56) Wholesaler, jobbers, bulk warehouses;
- (57) Accessory outlet store, provided that parking for the store shall be computed separately from the principal use and reserved for those purpose

§ 153.105 R-25 RURAL RESIDENTIAL DISTRICT (Proposed District)

(A) Permitted uses. The following uses are permitted by right. The following uses are allowed upon the issuance of a zoning permit by the Zoning Administrator in accordance with §§ 153.255 through 153.256.

- (1) Single-family dwellings;
- (2) Two-family dwellings;
- (3) Manufactured homes, Class A;
- (4) Agriculture uses;
- (5) Family care homes;
- (6) Day care centers, small group;
- (7) Customary home occupations in accordance with § 153.045 of this chapter;
- (8) Essential services, Class I;
- (9) Churches with a maximum sanctuary seating capacity of not greater than 500 seats. Customary accessory uses shall also be permitted. Church owned and maintained cemeteries as an accessory use are permitted;
- (10) Publicly owned and operated outdoor recreation facilities which are one acre or less in area. No facility shall contain a swimming pool or indoor community center or meeting facility;
- (11) Private recreation facilities constructed pursuant to a permit authorizing the construction of some residential development and intended primarily for the use and enjoyment of the residents thereof;
- (12) Public and private elementary and secondary schools and private schools district administrative offices where located on the same parcel as a school;
- (13) Stands for the in-season sale of produce out of a home garden located on the premises where the produce is being sold;
- (14) Accessory structures in accordance with § 153.057 of this chapter;
- (15) Signs in accordance with §§ 153.160 through 153.172 of this chapter;
- (16) Off-street parking in accordance with §§ 153.185 through 153.188 of this chapter; and
- (17) Private residential quarters provided there is sufficient off-street parking to accommodate the private residential quarters in addition to the spaces required for the principal dwelling.

(B) Uses subject to prescribed standards.

- (1) Cemeteries as a principal use (setbacks apply to both buildings and graves) provided primary vehicular access is not provided by a local residential road;
- (2) Customary home occupations which meet all the criteria in § 153.045 provided however, if an accessory or outside storage building is used in connection with a home occupation it shall not exceed 800 SF and not more than one building shall be used and the building is located in the rear yard and not less than 50 feet from any property line.
- (3) Auto hobbyist provided the use is screened from any abutting property located in a residential district in accordance with § 153.046;
- (4) Churches having a sanctuary seating capacity in excess of 500 seats provided that primary vehicular access is not provided by a local residential road and the use is screened from any adjoining property located in a residential district
- (5) Country clubs and privately-owned outdoor recreation facilities provided that go-cart tracks and outdoor vehicular racing facilities shall not be permitted provided that primary vehicular access is not provided by a local residential road and the use is screened from any adjoining property
- (6) Publicly owned and operated outdoor recreation facilities in excess of one acre in area and/or containing a swimming pool, or indoor community center or meeting facility provided that primary vehicular access is not provided by a local residential road
- (7) Bed and breakfast inns provided the use is screened from any abutting property located in a residential district
- (8) Public safety stations provided that the use is screened
- (9) Rest homes, nursing care facilities and continuing care communities provided that primary vehicular access is not provided by a local residential road and the use is screened from any adjoining property located in a residential district in accordance with § 153.046;
- (10) Public schools administrative offices (freestanding) provided that primary vehicular access is not provided by a local residential road and the use is screened from any adjoining property located in a residential district in accordance with § 153.046; on towers subject standards.

Examples of Technical Review Committee comments from past potential commercial projects:

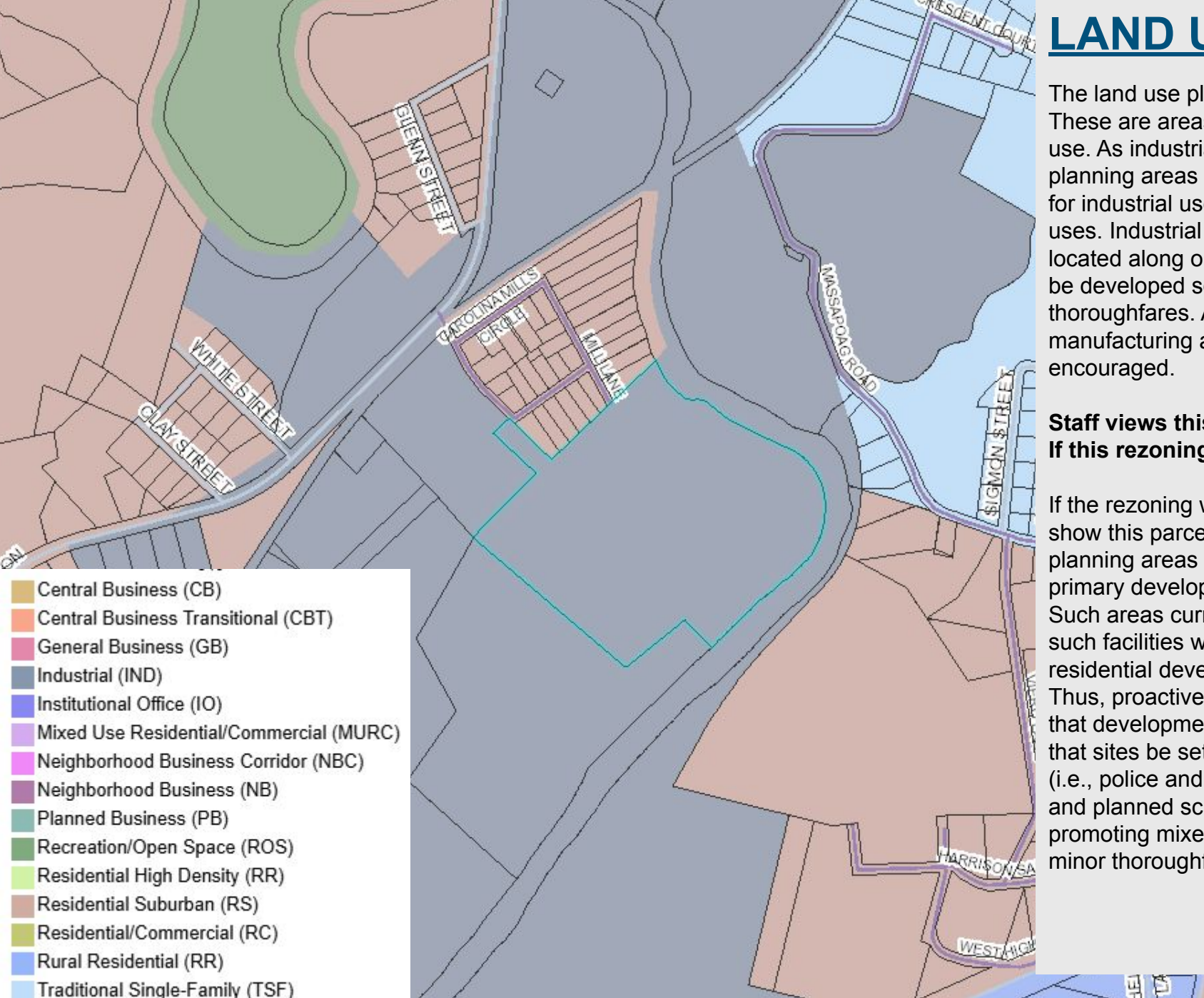
- The access road must be 26 ft wide and hold up to 40k lbs.
- Water line on S Grove St; Sewer line on Carolina Mill Cr
- Will likely need a pump for the sewer. Could do City water/septic tank
- Questionable soil
- Assess the flooding risk
- Maximize the 30ft entrance, possibly requiring neighboring properties permission

LAND USE PLAN COMPLIANCE

The land use plan shows the property in the **Industrial Planning Area**. These are areas in use or designated for future industrial/manufacturing use. As industrial uses play a vital role in the local economy, any such planning areas designated on the Future Land Use Map should be reserved for industrial uses and should be protected from encroachment from other uses. Industrial park development is encouraged. Industrial developments located along or in close proximity to the City's major thoroughfares should be developed so as to protect and enhance the viewsheds from these thoroughfares. Adaptive reuse of older manufacturing buildings (for both manufacturing and other compatible non-industrial uses) is also encouraged.

Staff views this rezoning as inconsistent with the Land Use Plan.
If this rezoning were approved

If the rezoning were to be approved the map would need to be amended to show this parcel in the **Residential Suburban Planning Area**. These planning areas are primarily single-family in character and where the primary development pattern should continue to be single-family dwellings. Such areas currently have public water and sewer, or are likely to have such facilities within the next twenty years. Most new single-family residential development within Lincolnton is likely to occur in such areas. Thus, proactive planning is strongly encouraged. This includes ensuring that developments be connected to existing and proposed greenways, and that sites be set aside for new school facilities and other essential services (i.e., police and fire stations) as needed. Pedestrian accessibility to existing and planned schools is a high priority for such areas. As a means of promoting mixed-use development, larger subdivisions that border major or minor thoroughfares are encouraged to contain neighborhood retail uses.



**Staff’s Proposed Statement of Consistency
and Reasonableness
for **APPROVAL** of Application**

Case No. ZMA-2-2025
Applicant: Danny Boyd Dellinger Jr.
Parcel ID#: 53616
Location: Carolina Mill Circle
Request: GMC to R25

The Lincolnton Land Use Plan designates this property as part of the Industrial Planning Area. The proposed rezoning request **is not consistent** with the Lincolnton Land Use Plan however it is reasonable and consistent with goals and strategies from the plan in the following ways:

CONSISTENCY:

- While the rezoning does not match the future land use map, the current road infrastructure does not adequately support high-intensity commercial or industrial operations. Limited road capacity and access constraints could create challenges for large-scale truck traffic, logistics, and business operations, making industrial or commercial uses less practical.

REASONABLENESS:

- Low-density residential zoning would be a more compatible use for the existing infrastructure and would help prevent potential traffic congestion and safety concerns associated with industrial activities.

**Staff’s Proposed Statement of Consistency
and Reasonableness
for **DENIAL** of Application**

Case No. ZMA-2-2025
Applicant: Danny Boyd Dellinger Jr.
Parcel ID#: 53616
Location: Carolina Mill Circle
Request: GMC to R25

The Lincolnton Land Use Plan designates this property as part of the Industrial Planning Area. The proposed rezoning request is not **consistent** with the Land Use Plan in the following ways:

CONSISTENCY:

- The adopted land use plan prioritizes **preserving and revitalizing older industrial areas** by improving infrastructure and preventing business relocation to other areas. Rezoning this site to residential use would contradict this objective by reducing the amount of land available for industrial and commercial activities.

REASONABLENESS:

- The proposed rezoning is **not reasonable** because it conflicts with the city’s goal of revitalizing industrial areas and preserving employment opportunities. The land use plan seeks to improve infrastructure and support economic growth in older industrial districts. Allowing this rezoning would undermine long-term economic sustainability and reduce the city’s ability to retain and attract businesses.

Planning Board Vote:

5-1 in favor of recommending approval of rezoning

Motion to Approve with Planning Board recommendations:

1. Approval of rezoning of the property from General Manufacturing and Commercial to Residential 25 District
2. Approve the statement of consistency for approval of the rezoning request
3. Amend the Future Land Use Map to show this area in the Residential Suburban Planning Area

Motion to Deny (two separate motions):

1. Motion to deny rezoning of the property from General Manufacturing and Commercial to Residential 25 District
2. Motion to approve the statement of consistency for denial of the rezoning request

MEMO TO: Mayor and City Council

FROM: Planning Staff

SUBJECT: ZTA-1-2025 - Zoning Text Amendments to Chapter 153 Unified Development Ordinance

DATE: March 6, 2025

Background

Occasionally, minor errors in the text or changes in circumstances necessitate amendments to the Unified Development Ordinance (UDO). To enhance the UDO's enforceability and effectiveness, it is essential to modify, update, or add specific sections of the ordinance. Proposed changes are highlighted in yellow, while language intended for removal is indicated with a strikethrough. Below are the sections that require modification.

Proposed Amendment Sections: (see attached redlined/highlighted sheet for all changes)

§ 153.057 Accessory Structures

Staff Comment: Residential and commercial requirements were grouped respectively, and repetitive language was removed.

Proposed Amendment Section:

§ 153.091 Establishment of Zoning Districts

Staff Comment: Inconsistent wording was updated (e.g., "One-family" to "Single Family"), unnecessary language was deleted, and the title/abbreviation for "Highway Business" was corrected to "Highway Commercial."

Proposed Amendment Sections:

§ 153.110 Residential Office District

Staff Comment: Grammatical errors were corrected. Remove multi-family from minimum lot width, multi-family as a use was removed during the 160D update in 2021.

Proposed Amendment Section:

§ 153.115.1 Highway Commercial District

Staff Comment: (B)(3) regarding Planned Unit Developments was removed. PUDs are conditional districts and should **not** be listed as a use to prescribed standards and allowed with the issuance of a zoning permit. A section number was corrected, and section titles were added beside section number links. A link to Off-street parking requirements was added. The editor's note was moved to the top of the ordinance in (A)(1) along with the square footage limit allowed in HC.

Proposed Amendment Sections:

§ 153.127 Application Requirements, Review Procedures And Watershed Overlay Cluster Developments.

Staff Comment: Section titles were added beside any section number links. The timeframe for formal application submittals was corrected to align with other sections of the ordinance and our policy.

Proposed Amendment Sections:

§ 153.129 CC Commercial Center District

Staff Comment: Section titles were added beside any section number links. The timeframe for the sketch plan and formal submittals was corrected to align with other sections of the ordinance and our policy.

Proposed Amendment Sections:

§ 153.142 Nonconforming Manufactured Home Parks

Staff Comment: Section numbers were added next to section titles. Links to sections that were removed during the 160D rewrite in 2021 were deleted.

Proposed Amendment Sections:

§ 153.277 Variances

Staff Comment: The updated language regarding Variance expiration is intended to create a more efficient process. Section titles were added beside any section number links.

Planning Board Recommendation: changing the expiration date to 2 years and deleting section F.

Proposed Amendment Sections:

§ 153.118 ROS Residential Office Single-Family

Staff Comment: The section pertaining to ROS zoning has been present in the ordinance since before 2004, yet it has never been utilized. There are currently no properties with a ROS zoning designation. Furthermore, all permitted uses under ROS zoning are also allowed in other districts, rendering this section unnecessary.

Proposed Amendment Sections:

§ 153.383 Submission And Review Procedure For Major Subdivisions Sketch Plan

Staff Comment: Sections 153.383 and 153.127 both list sketch plan requirements, but they do not match. The requirements were adjusted so they were the same. Timeframes were corrected to align with other sections of the ordinance and our policy.

Proposed Amendment Sections:

§ 153.109 RMF Residential Multi-Family District

Staff Comment: Reorganized section and added links for screening, landscaping, parking, and Water Supply Watershed Overlay District.

Proposed Amendment Sections:

§ 153.137 Nonconforming Structures

Staff Comment: Reorganized section for clarity and extended the timeframe to allow destroyed residential structures to obtain a building permit within one year.

Planning Board Recommendation: allowing reconstruction within 2 years, and if the two years expires, the applicant would need to appeal to the Board of Adjustment for an extension.

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

Case No. ZTA-1-2025

Applicant: City of Lincolnnton Planning Department

Request: ZTA-1-2025 - Zoning Text Amendments to Chapter 153 Unified Development Ordinance

Proposed Consistency and Reasonableness Statement:

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

CONSISTENT: Because it updates text language to match current procedures and best practices and it provides additional direction to assist citizens in understanding the regulations.

Staff Recommendation:

Approve ZTA-1-2025 as written.

Planning Board Recommendation:

Approve ZTA-1-2025 with the modifications recommended by the Planning Board.

Motions:

Motion to approve with Staff recommendations

Or

Motion to approve with Planning Board recommendations

§ 153.057 ACCESSORY STRUCTURES.

(A) Within any Residential (R) District, accessory structures shall be located as follows.

(1) Except as herein provided, no portion of any accessory structure shall be located within any front yard. Exceptions are:

(a) ~~Water wells on any lot~~ Water wells may be located in any front, side or rear yard; and

(b) ~~Garages used primarily to house automobiles.~~ Automobile garages designed to accommodate no greater than three automobiles may be located in any front yard other than in the required front setback. Any garage shall also observe the minimum dwelling side setback requirement for the zoning district in which it is located.

~~(2) Water wells may be located in any front, side or rear yard.~~

~~—(3) Automobile garages designed to accommodate no greater than three automobiles may be located in any front yard other than in the required front setback. Any garage shall also observe the minimum dwelling side setback requirement for the zoning district in which it is located.~~

(2) Accessory structures are allowed in any side yard, provided they observe a setback of ten foot side yard from any side yard lot line.

(3) Accessory structures are allowed in any rear yard provided that all accessory structures observe a ten foot setback from any rear lot line.

(B) On any lot containing a principal residential use, the aggregate area of all accessory structures (excluding barns, farm-related structures and satellite dish antennas) shall not cover more than 30% of the required rear yard nor exceed the height of the principal building. All lots, however, shall be allowed to have an accessory garage of no greater than 500 square feet provided that the garage:

(1) Meets all required setbacks; and

(2) Is designed primarily to house automobiles.

(C) For all nonresidential uses, no off-street parking or loading areas shall be located within 12 feet of any street right-of-way line.

(D) Within any NB, CB, CBT, GB, CC, HB, PB, GMC or GI District, accessory structures shall be located as follows.

(1) Except as herein provided, no accessory structure shall be located in any required front or side setback. A water well may be located in any front, side or rear yard.

(2) Accessory structures are allowed within with rear principal building setback area provided that no accessory structure (except as provided in division (B)(1) above of this section) shall be allowed within ten feet of a rear or side yard line or within 20 feet in the case of any rear or side yard line which abuts a Residential (R) District.

~~(C) On any lot containing a principal residential use, no accessory structure shall be permitted that involves or requires any construction features which are not primarily residential in nature or character; provided, however, this requirement shall not apply in the R-25 District to structures erected for agricultural purposes.~~

~~(D) (D) On any lot containing a principal residential use, the aggregate area of all accessory structures (excluding barns, farm-related structures and satellite dish antennas) shall not cover more than 30% of the required rear yard nor exceed the height of the principal building. All lots, however, shall be allowed to have an accessory garage of no greater than 500 square feet provided that the garage:~~

~~—(1) Meets all required setbacks; and~~

~~—(2) Is designed primarily to house automobiles.~~

(E) For all nonresidential uses, no off-street parking or loading areas shall be located within 12 feet of any street right-of-way line.

(F) Outpatient wellness centers, medical education centers, nursing care facilities and helistops are permitted as accessory uses to hospitals and health centers.

(G) Accessory structures of a bona fide farm are exempt from the North Carolina State Building Code in accordance with G.S § 160D-903.

(Prior UDO, § 5.13) (Ord. O-10-19, passed 11-7-2019; Ord. passed - -) Penalty, see § 153.999

§ 153.091 GENERAL ZONING DISTRICTS.

General zoning districts are designated throughout the zoning jurisdiction and include numerous uses that are allowed by right subject to those uses meeting yard and height regulations. In addition, some zones allow for uses subject to prescribed standards. The following general zoning districts are hereby established.

(A) R-25 Rural Residential District. This district is intended to accommodate very low-density residential and agricultural uses in fringe areas of the zoning jurisdiction that generally are non-intensely developed. This district is established to accommodate very low-density development where public utilities are nonexistent or partially existent. ~~and to accommodate greater densities where services are present, therefore, density levels are variable to the existence of the facilities.~~ The continuance of agricultural operations is encouraged within this district.

(B) R-15 Single-Family Residential District. This district is established to provide areas consisting primarily of single-family residences located in both urban and suburban settings. Generally, public water and sewer are available or are readily available. Permitted residential uses consist solely of single-family residences and the minimum lot size shall be 15,000 square feet. In addition to single-family residences, a limited number of private and public community uses are allowed.

(C) R-10 Residential District. This district is established to provide primarily for single-family residences. The minimum lot size for single-family dwellings on a use by right basis is established at 10,000 square feet. These areas are served by water and sewer. Certain public and private community ~~uses are allowed facilities are also allowed.~~

(D) R-8 Residential District.

(1) This district is established to accommodate single-family dwellings on 6,000 minimum square foot lots and two-family dwellings on 12,000 minimum square foot lots. These districts are located where water and sewer are present. The district accommodates both ~~one-~~ single and two-family residences.

(2) A limited number of private and public community uses are allowed or may be allowed where certain criteria specified in this chapter are met.

(E) RMF Residential Multi-Family District. This district is intended primarily as a residential district for the location of detached single-family dwellings, two-family dwellings, and multi-family dwellings along with their customary accessory uses ~~so as~~ to establish areas where development patterns are somewhat more dense than surrounding areas. A limited number of private and public community uses are allowed.

(F) RO Residential Office District. This district allows for single- ~~one~~ and two- ~~and multi-~~ family residential uses and certain commercial, office, and institutional uses which would create an area convenient for both residential and employment purposes. In

certain areas this district is also established to provide a transition between purely residential areas and primarily commercial areas. In order to enhance the district's residential character, the R-O District, for purposes of this chapter is deemed a residential district. This classification does require screening and buffering from all new uses in adjacent commercial and industrial districts. Small offices, certain community facilities, and single-~~one~~ and two-family residences are permitted by right.

(G) O-I Office Institutional District. This district is established to allow for a wide variety of offices, certain commercial uses having minor impacts, certain community facilities, professional and medical service and certain institutions. Single-family and two-family residences are permitted, but unlike the R-O District Zone, the emphasis of this zone is on nonresidential uses. This zone may also be established in certain areas to provide an orderly transition between residential areas and more intensive commercial uses.

(H) N-B Neighborhood Business District. ~~—(1)~~ This district is designed primarily for local business centers for retailing of merchandise such as groceries, drugs, and household items and for furnishing certain personal, business, and professional services. Unlike some of the other commercial zones, this district is established to serve local neighborhoods and other relatively small trading areas. The standards established for these business areas are designed to promote sound, permanent business development and also to protect abutting or surrounding residential areas from undesirable aspects of nearby business developments. These districts are located at accessible places with respect to traffic circulation in order to conveniently serve the trading population and to promote the grouping of several places of business at locations so designated. Since this district is established to provide for small neighborhood oriented businesses, limitations on gross floor areas are established for certain uses. A Neighborhood Business District is typically a relatively small area. ~~but shall consist of at least two lots in separate ownership or at least two acres regardless of ownership.~~ Off-street parking, landscaping and yard requirements are established for the NB District.

~~—(2) Unlike the CB District, off-street parking, landscaping and yard requirements are established for the NB District.~~

(I) C-B Central Business District. The purpose of this district is to permit concentrated development of a wide variety of retail establishments, personal services, and professional and non-professional offices. In light of the concentrated amount of a development normally found in a downtown area, yard regulations are minimal. Given the lack of space for off-street parking, this requirement has also been eliminated.

(J) CBT Central Business Transitional District. The purpose of this district is to permit concentrated development of a wide variety of retail establishments, personal services, and professional and non-professional offices. Like the Central Business District, yard regulations are minimal. However, unlike the Central Business District, off-street parking standards must be met for all uses permitted in the district. The number of off-street parking spaces required for uses in the Central Business Transitional District is less

than that for other Business and Commercial Districts since land size limitations restrict parking area availability. Land in this district exhibits some of the same characteristics as land within the Central Business District but is generally not developed in the same concentrations as the Central Business District.

(K) G-B General Business. The purpose of this district is to provide an array of retail, wholesale and service uses to serve the entire community and with access to the uses being primarily by automobile. The districts are located along major arterial and collector streets. ~~and adjacent to the Central Business District in order to have a minimal effect on residential neighborhoods.~~

(L) H-B **C** Highway **Business Commercial**. The purpose of this district is to provide an array of highway-oriented retail, wholesale and service uses to serve the entire community and with access to the uses being primarily by automobile. The districts are generally located along major arterial and collector streets in order to have a minimal effect on residential neighborhoods.

(M) P-B Planned Business. The purpose of this district is to promote orderly and aesthetic commercial development along major highways and entranceways in the Lincoln area.

(N) GMC General Manufacturing and Commercial. This district is designed primarily for general commercial and industrial land uses, including manufacturing, processing and assembling of parts and products; distribution of products at wholesale outlets, retail outlets; transportation terminals; various public and utility uses; and a broad variety of specialized commercial and industrial operations.

(O) GI General Industrial. This district is designed primarily for general and heavy commercial and industrial land uses, including outdoor storage.

~~—(P) ROS Residential Office Single-Family. This district is established to accommodate both single-family residential uses and other light office and institutional uses in older areas of the city that have developed in a manner that includes those uses. It is important that areas zoned ROS exist in harmony with adjacent established single-family areas. Like the OR District, the ROS District is a residential district. This classification requires screening and buffering from all new uses in adjacent commercial and industrial districts.~~

Remove ROS from the following sections:

- 153.118 ROS
- 153.168 Signs
- 153.046 Screening
- 153.315 Amendments
- 153.047 Landscaping

(Prior UDO, § 6.2) (Ord. passed - - ; Ord. passed 6-29-2023) Penalty, see § 153.999

§ 153.110 R-O RESIDENTIAL OFFICE DISTRICT.

(B) Yard regulations.

(1) Minimum lot size.

- (a) Single-family dwelling: 8,000 square feet.
- (b) Two-family dwellings: 12,000 square feet.
- (c) Private residential quarters: no additional lot size beyond that required for the principal dwelling.
- (d) Essential services: none.
- (e) All other principal uses: one acre.
- (f) Churches: 20,000 square feet.
- (g) Office buildings: 9,000 square feet.

(2) Minimum front setback (as measured from the edge of the street right-of-way line).

- (a) All uses: 30 feet.

(3) Minimum side yard setback (an additional ten feet shall be provided on all side yards which abut a public street).

- (a) Single- and two-family dwellings: ten feet.
- (b) Public and private elementary and secondary schools: 20 feet.
- (c) Churches: 20 feet.
- (d) All other uses: 15 feet.

(4) Minimum rear yard setback. All uses: 25 feet.

(5) Minimum lot width (as measured at the required front setback); at least 35 feet of lot width measured at the street right-of-way line shall be required except as noted.

- (a) ~~Multi-family dwelling, church,~~ Churches, schools: 100 feet with at least 50 feet at the street right-of-way line.
- (b) Two-family dwellings: 80 feet.
- (c) Churches and schools: 120 feet with at least 50 feet at the street right-of-way line.
- (d) All Other uses: 70 feet.

§ 153.115.1 HC HIGHWAY COMMERCIAL DISTRICT.

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

(1) All uses as permitted in § 153.115(A) and (B) *General Business* of this chapter up to 85,000 square feet. Any retail use in excess of 85,000 square feet is subject to § 153.129 *Commercial Center District*.

(2) Retail uses.

- (a) Automobile, truck and motorcycle sales and related service and repair;
- (b) Automobile wash establishment;
- (c) Express fuel/mini-mart;
- (d) Shopping center;
- (e) Building materials, hardware and related sales with outdoor storage, and outdoor storage of building materials by contractors;
- (f) Flea markets;
- (g) Garden center, commercial greenhouse and horticultural nursery;
- (h) Restaurant; and
- (i) Tavern.

(3) Service uses.

- (a) Assembly halls, coliseums, ballrooms and similar uses;
- (b) Bowling alleys and skating rinks;
- (c) Office buildings;
- (d) Essential services, Class 1, 11 or 111;
- (e) Family theme parks, carnivals, circuses, tent assemblies, and similar commercial and charitable uses;
- (f) Jails;
- (g) Hotel, motel or motor lodge;
- (h) Moving and storage services;
- (i) Machining of metals shop (machine shop);
- (j) Postal and parcel service processing facility;
- (k) Outdoor recreation, baseball hitting or golf driving ranges;

- (l) Outdoor storage of materials by contractors;
- (m) Publicly operated alcohol beverage control (ABC) store;
- (n) Road, grading, and utility contractors; and
- (o) Tattoo studio

(B) Uses subject to prescribed standards. The following uses are allowed upon the issuance of a zoning permit by the Zoning Administrator in accordance with §§ 153.255 *Administrator* through ~~153.259~~ **153.258 Site Plan Requirements** of this chapter and subject to the associated below prescribed standards.

(1) Adult establishments subject to § 153.130(B) *Supplementary Requirements of Certain Uses* of this chapter;

(2) Arcade or amusement center or game room subject to § 153.130(B) of this chapter and approval of a license in accordance with Chapter 111 *Poolrooms and Bowling Alleys*;

~~—(3) Planned unit developments (mixed uses) in accordance with § 153.216 of this chapter and provided the uses within the development are otherwise listed as permitted uses or uses subject to in the HC District and the use is screened from any abutting property located in a residential district in accordance with § 153.046;~~

(4) Accessory apartments in commercial structures provided all building and fire codes are met, living quarters do not exceed 30% of the total square footage of the structure and occupancy is limited to employees of the business located in the commercial structure on the premises;

(5) Indoor shooting range subject to § 153.130(B); and

(6) Outdoor shooting range subject to § 153.130(B).

(C) Yard requirements.

(1) Minimum lot size: none.

(2) Minimum lot width: 70 feet (as measured at the required front setback).

(3) Minimum front setback: 40 feet (as measured from the edge of the street right-of-way line).

(4) Minimum side setback: ten feet, except 20 feet shall be required on all corner lots and lots whose side yard abuts any Residential (R) District.

(5) Minimum rear setback: 20 feet, except 30 feet shall be required on all lots whose rear yard abuts any Residential (R) District.

(D) Screening and landscaping.

(1) Screening when required by § 153.046(A) **Screening** of this chapter, shall be installed pursuant to § 153.046 of this chapter. Any outdoor storage is to be screened from abutting properties in accordance with § 153.046(A).

(2) Where applicable, landscaping shall be provided in accordance with § 153.047 **Landscaping** of this chapter.

(E) Off-street parking and loading in accordance with § 153.185 *Off Street Parking Requirements* through 153.188 of this chapter;

(Ord. passed - -; Ord. O-5-23, passed 4-6-2023)

Editor's note:

~~—Any retail use in excess of 85,000 square feet is subject to § 153.129.~~

UPDATED FROM PB

§ 153.127 APPLICATION REQUIREMENTS, REVIEW PROCEDURES AND WATERSHED OVERLAY CLUSTER DEVELOPMENTS.

All planned developments are established through the conditional district rezoning process. The conditional district rezoning application and review procedures, therefore, serve as the primary procedures for **the** review of planned developments. There are, however, additional submissions required for planned developments and one additional step in the review procedure (sketch plan review by the Administrator). A separate fee, as established by the City Council, must also be submitted for planned developments. The purpose of this section is to set forth the special application and review procedures for planned developments.

(A) Sketch plan submission. Prior to **the** formal submission of the full planned development plan, a sketch plan shall be submitted **in accordance with § 153.383 Submission and Review Procedures for Sketch Plans.** ~~to the Administrator. The sketch plan shall be prepared by a registered architect, engineer or land surveyor currently licensed and registered by the appropriate state board. At a minimum the sketch plan shall contain or be accompanied by the following:~~

(1) Once all comments have been corrected, the applicant may proceed with the formal plan submission.

- ~~— (1) A sketch vicinity map including north arrow showing the location of the planned development in relation to neighboring tracts, subdivisions, roads, and waterways;~~
- ~~— (2) The boundaries of the tract and the portion of the tract proposed to be in the planned development;~~
- ~~— (3) The total acreage of the planned development;~~
- ~~— (4) Locations of any existing public streets or utilities and rights-of-way of the facilities;~~
- ~~— (5) The existing and proposed uses of the land within the planned development and the existing uses of land adjoining it;~~
- ~~— (6) General locations of existing natural features of the site, such as wooded areas, water features, and significant topographic features;~~
- ~~— (7) The proposed street layout with approximate pavement and right-of-way width;~~
- ~~— (8) Existing property lines and approximate (sketch) locations of proposed property lines within the development showing all proposed lots or other divisions of land;~~
- ~~— (9) Sketch of conceptual building locations;~~
- ~~— (10) The name, address, and telephone number of the owner;~~
- ~~— (11) The name, if any, of the proposed planned development;~~

~~—(12) Streets and lots of adjacent developed or platted properties; and~~

~~—(13) The zoning classification of the tract and of adjacent properties.~~

~~—(B) Sketch plan review procedures. The sketch plan should be submitted at least 30 days prior to the date the applicant expects to submit his or her formal application for the planned development/ conditional district rezoning.~~

~~—(1) The Administrator shall, within 21 days of receipt of the sketch plan, review the sketch plan for general compliance with the requirements of this chapter.~~

~~—(2) The Administrator shall advise the applicant or his or her authorized agent of the regulations pertaining to the proposed planned development and the procedures to be followed in the preparation and submission of the formal application. One copy of the sketch plan shall be retained as a part of the record of the Administrator with another copy being returned to the applicant or his or her authorized agent along with any comments made by the Administrator.~~

(C) Formal plan submission. ~~Following the Administrator's review and submission of comments on the sketch plan, or after 21 days following submission of the sketch plan has elapsed without the Administrator having submitted his or her comments to the applicant, the applicant may submit his or her~~ the formal plan and application for the planned development and application for conditional district rezoning. The formal application which must be submitted to the Administrator at least 15 days prior to the Planning Board meeting at which it is to be reviewed, or his or her designee, by the application deadline on the City's website, to be reviewed at the meetings corresponding to the schedule. Timing of the submission and waivers of submission deadlines shall in all respects conform to the requirements set forth in § 153.316 *Additional Provisions Pertaining to Conditional Zoning Amendments* of this chapter.

(1) The formal plan shall contain all of the information set forth in § 153.316 of this chapter, and in addition, shall contain or be accompanied by the following information:

(a) Title block containing development name, name of owner, date or dates plan was plan was prepared, a scale drawing in feet per inch listed in words or figures, north arrow, the name of the applicant;

(b) A sketch vicinity map with a north arrow showing the relationship between the proposed planned development and the surrounding area;

(c) The names, addresses, and telephone numbers of all owners, mortgagees, registered land surveyors, land planners, architects, landscape architects, and professional engineers responsible for the planned development;

(d) The registration numbers and seals of the professional engineers, land surveyors, and/or architects;

(e) Locations of proposed property lines and proposed divisions of land within the development;

(f) The names of owners of adjoining properties;

(g) For all proposed public streets and private streets proposed within or adjoining the development the following information:

1. Rights-of-way, location and dimensions;
2. Pavement widths;
3. Approximate grades;
4. Design engineering data for all corners and curves;
5. Typical street cross-sections; and
6. Road names and whether to be public or private.

(h) The location and dimensions of existing and proposed utilities;

(i) Location of any proposed recreation or facilities and other areas designated as, and meeting the requirement of, improved common open space as set forth in § 153.123(D)(14) **PRD District, Project Requirements, Multi-Family Units** of this chapter (area in square feet of each area shall be provided);

(j) The future users and ownership (dedicated or reservation for public use to a governmental body, for owners' use to duly constituted homeowner's association, or for tenants' use and remaining in developer's ownership) of recreation and open space lands;

(k) Location and proposed use of any existing wooded areas within the development site;

(l) Existing and proposed topography at minimum two-foot elevation intervals;

(m) Marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds, and any other natural features affecting the site;

(n) Average calculations for the entire planned development, for each proposed division of land within the development, for each phase of the development, and by general land use within each phase; and

(o) The name and location of any site or buildings within the proposed development or within any contiguous property that is listed on the U.S. Department of Interior's National Register of Historic Places, or is designated as a local historic property by the county, or is within the HO-Historic Overlay Zone as set forth in this chapter.

(2) The Planning Board and City Council shall review the application in accordance with the procedures set forth in §§ 153.315 **Amendments to Text and Map** and 153.316 **Additional Provisions Pertaining to Conditional Zoning Amendments** of this chapter.

(3) Upon completion of the project (or each phase thereof) a complete set of "as-built" drawings shall be furnished to the city.

(D) Planned developments in Water Supply Watershed Overlay District; cluster developments.

(1) Minimum lot sizes are not applicable to single-family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single-family detached developments in § 153.121 *WSW Water Supply Overlay District* of this chapter. Built-upon area or stormwater control requirements of the project shall not exceed that allowed for the critical area or the protected area, whichever applies.

(2) All built-upon areas shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.

(3) The remainder of the tract shall remain in a vegetated or natural state. Where the development has an incorporated property owner's association, the title of open space area shall be conveyed to the association for management. Where a property owner's association is not incorporated, a maintenance agreement shall be filled with the property deeds.

(Ord. passed - -)

§ 153.129 CC COMMERCIAL CENTER DISTRICT.

(A) A request for rezoning to the CC district may be approved by the City Council subject to §§ 153.315 *Amendments to Text and Map* and 153.316 *Additional Provisions Pertaining to Conditional Zoning Amendments* and only after having first been reviewed by the Planning Board.

(B) The Planning Board shall consider the request only after a completed application has been submitted to the Administrator. Prior to the formal submission of the site plan and application, the applicant ~~must~~ *is encouraged to* submit a preliminary sketch plan for review by the Administrator *and the Technical Review Committee.*

(C) Sketch plan review procedures. ~~The sketch plan should be submitted at least 30 days prior to the date the applicant expects to submit his or her formal application for the planned development/ conditional district rezoning.~~ Prior to the formal submission, the subdivider shall submit three paper copies and a digital version of the sketch plan for the proposed subdivision to the Administrator along with a completed application by the application deadline on the City's website, to be reviewed at the meetings corresponding to the schedule.

~~—(1) The Administrator shall, within 21 days of receipt of the sketch plan, review the sketch plan for general compliance with the requirements of this chapter.~~

(2) The Administrator shall advise the applicant or his or her authorized agent of the regulations pertaining to the proposed planned development and the procedures to be followed in the preparation and submission of the formal application. One copy of the sketch plan shall be retained as a part of the record of the Administrator with another copy being returned to the applicant or his or her authorized agent along with any comments made by the Administrator.

(D) Formal plan submission. Following the Administrator's review and submission of comments on the sketch plan, ~~or after 21 days following submission of the sketch plan has elapsed without the Administrator having submitted his or her comments to the applicant,~~ the applicant may submit his or her formal application for the planned development and application for conditional district rezoning. ~~The formal application must be submitted to the Administrator at least 15 days prior to the Planning Board meeting at which it is to be reviewed.~~ The Planning Board shall consider no application unless it has been properly completed and submitted to the Administrator, or his or her designee, by the application deadline on the City's website, to be reviewed at the meetings corresponding to the schedule. Timing of the submission and waivers of submission deadlines shall in all respect conform to the requirements set forth in § 153.316 *Additional Provisions Pertaining to Conditional Zoning Amendments* of this chapter. The formal plan shall contain all of the information set forth in § 153.258 *Site Plan Review Requirements* of this chapter.

(E) Permitted uses.

(1) All uses permitted in § 153.115 *General Business District* of this chapter.

(2) Uses subject to prescribed standards.

(a) Any individual retail use of 85,000 or more gross floor area (GFA) subject to division (G) of this section.

(b) Any individual retail use that existed at the time of adoption of this chapter and expands by a factor of 50% or greater and as a result of the expansion, the GFA of the structure equals or exceeds 85,000 square feet GFA subject to divisions (F) and (G) of this section.

(F) Applicability. For purposes of this section, any retail establishment with a gross floor area of 85,000 plus square feet GFA shall be identified as a large retail establishment. The following standards shall apply to any large retail establishment. Notwithstanding, if a large retail establishment or a shopping center that contained a large retail establishment existed at the time of adoption of these regulations, the regulations contained in this section will only apply to an addition to the large retail establishment if the addition constitutes an increase in gross floor area by a factor of greater than 50% and, as a result of the expansion, the large retail expansion has a GFA of 85,000 plus square feet. The addition shall, to the greatest degree feasible and practical, be made to meet the supplemental regulations contained below.

(G) Development standards for all large retail establishments.

(1) (a) Principal buildings shall be substantially parallel to the public road upon which they front. For the purposes of this standard, the term FRONT relates to the relationship between the building plane and the street or streets and not the arrangement or orientation of the structure and its entrances on the site. When more than one principal building is located on site, the regulation shall apply to the principal building closest to the adjacent public road. When located on a corner lot, the building shall be parallel with the road with the greatest traffic volumes.

(b) This standard may be waived by the City Council where, due to practicalities, it would be more suitable to face the building(s) to the lesser traveled road.

(c) 1. Buildings located on outparcels within a shopping center must substantially address (i.e., be parallel to) the adjoining non-limited access highway and be readily accessed via sidewalks and/or walkways from that adjoining road.

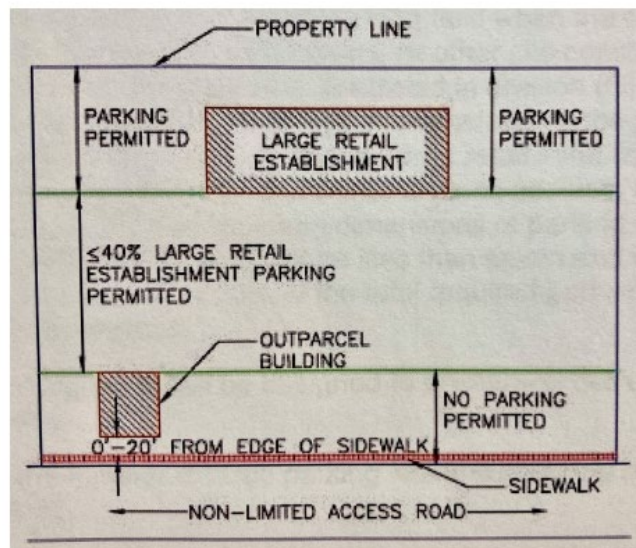
2. All buildings occupying the outparcel lots shall have their architectural fronts facing the roads and shall have a usable door providing access to pedestrians. The fronts all buildings located on outparcels shall have a setback no greater than 20 feet as measured from the edge of the adjoining sidewalk.

3. Any setback areas shall be geared for pedestrian as opposed to automobile use. No off-street parking or loading shall be allowed in this area.

4. Outdoor storage of retail goods (during daylight hours) shall be permitted, as shall outdoor seating areas.

Figure F

Figure F



(2) A sidewalk and plant strip shall be placed parallel to all public roads which the development fronts upon and where pedestrians could be reasonably expected to access the development. (For instance, if the development adjoined a limited access highway where there was no feasible means for pedestrian access, the rule could be waived.) The sidewalk and plant strip shall be constructed in accordance with § 153.395 of this chapter.

(3) Street trees shall be planted along and parallel to the public road. The trees shall be planted within 25 feet of the edge of the road right-of-way, between the right-of-way and any buildings on the lot. The number of trees to be planted shall be as prescribed in § 153.047(B). Large trees may not be planted under any utility lines. The distribution of trees shall generally be proportionate to the street frontage. While an equal interval between trees is not required, it is the intent of this chapter to not have long intervals without trees. Waivers to these regulations may be granted where the adherence of these regulations would interfere or have the potential to interfere with any utility lines.

(4) Large expanses of off-street parking readily visible from an adjoining public road are strongly discouraged. Rather, off-street parking in the interior of the development (i.e., behind building façades) or in screened portions of the side yard is recommended. Notwithstanding, upwards of 40% of the amount of off-street parking provided for the large retail establishment (or the multi-tenant development) may be located in the front yard of the large retail establishment. The remainder of the parking may be placed in the rear of the development or in screened portions of the side yard. The side-yard screening need not be in full compliance with the screening options provided in § 153.046(C), but rather shall serve as a means of significantly shielding the parking from the view of motorists and pedestrians from adjacent roads. Alternative

techniques such as changes in elevation or from the street and sidewalk can be used to augment the landscaping. The location of parking may be shifted to a combination of front, side, and rear yard parking in a single parking field when the shape and/or configuration of the site, limited access locations, or other site constraints would prevent a typical configuration of the site such as is illustrated in division (G)(1) above. In order to minimize the impact of the parking field, and notwithstanding the provisions of § 153.185(K), the standard for parking for these "large retail establishments" shall be one space for each 250 square feet of gross floor area. In addition, and notwithstanding the provisions of § 153.185(F), the minimum dimensions of parking spaces in parking lots for large retail establishments shall not be less than seven and one-half feet in width nor 17 feet in length. No more than 20% of the total required parking may be built utilizing the minimum dimensions.

(5) Off-street parking lots shall be designed to encourage pedestrian mobility. This can be accomplished by:

(a) Reducing the number of large parking lots and breaking parking into separate smaller areas of parking;

(b) Locating parking facilities as close as possible to entrance areas into the large retail establishment; and

(c) Other suitable alternative methods.

(6) The following regulations are designed to create visually distinct and aesthetically appealing structures. To the greatest degree feasible and practical, exterior architectural characteristics shall be designed to differentiate the structures from similar structures containing the same uses) which may be found outside the city. Accordingly, the external appearances of the front of all buildings (and including any building sides that are oriented to any public street right-of-way as required in division (G)(1) above whether located within the development or not) shall be governed as follows:

(a) Seventy-five percent plus of the area below the fascia of the building shall be comprised of: brick, brick veneer, decorative concrete block, pre-cast or field poured tilt concrete panels with texture; stone or stone veneer, flush architectural metal panels; stucco or artificial stucco; glass, wood, or wood materials, or similar decorative materials. Notwithstanding, not more than 50% of the exterior building materials shall include smooth-faced concrete block, or smooth faced tilt-up concrete panels.

(b) Façades of buildings having a horizontal length of 150 feet or greater shall have an articulated wall plane that incorporated plane projections or recesses to create an interesting and attractive architectural design which is comprised of more than flat walls with minimal features. Any wall offsets designed to meet this requirement shall have a minimum projection or recess depth of two feet and a minimum width of two feet.

(c) Rooflines should consist of one or more sloped planes. However, flat roofs may be allowed so long as they are concealed from view by a parapet. The parapet shall not be of a constant height for greater than 150 linear feet. Rooftop HVAC

equipment shall be concealed by a parapet or via an enclosure consisting of materials outlined in division (G)(6)(a) above.

(d) External ground-level mechanical appurtenances and dumpsters shall be similarly screened.

(e) Those portions of any roof that is visible from a public road shall not have a shiny surface appearance similar to aluminized or galvanized metal. Notwithstanding, anodized, baked or other nonreflective roof material shall be allowed.

(f) Off-street loading docks and facilities shall not be visible from any adjoining public road located entirely outside the lot(s) containing the large retail structure (i.e., the requirement shall not apply to roads, public or private, located entirely within the development containing the large retail structure).

(g) There shall not be any overnight external (i.e., not contained within a fully or partially enclosed structure) storage of retail goods visible from any adjoining public road not located within the development.

(h) Ground floor façades that face public streets shall have arcades, clear display windows and entry areas along no less than 40% of their horizontal space.

(i) Façade colors shall be of low reflectance, subtle or neutral earth tone colors. High intensity colors, metallic colors, black or fluorescent colors are prohibited.

(7) Large retail establishments shall provide at least one outdoor space or site amenity to beautify the site and to enhance the vehicular and pedestrian entryways to the site and any other buildings on the site. A preferred option (although other options may be considered and approved) include a public plaza or courtyard that contains furniture items such as seating walls, benches, drinking and/or decorative fountains, clock towers and other features that are designed to external aesthetics of the site. The outdoor spaces can be located in the front yard (and, if so, can be designed to be accessed exclusively through the development rather than from the adjoining street) or in the interior portion of the development.

(8) When located on a lot fronting two or more streets, the primary access to the large retail establishment shall be from the more "auto-oriented street" (i.e., normally considered to be the street with the higher traffic volume). A secondary access point may be provided from the other street. The second access point may be denied when it is deemed that an undue or unsafe amount of traffic will be generated on the secondary street or if the traffic will have a negative impact on surrounding residentially developed neighborhoods.

(9) Due to the nature of large scale development, the complexity of design, the development design and review process, economic cycles and market conditions, and the time necessary to complete the necessary transactions to secure the property and commence construction, it is recognized that it is appropriate and necessary to allow for additional time for such developments to be commenced. Therefore, and notwithstanding other provisions of the Zoning Ordinance, developments that include large retail establishments may be granted a five-year vesting under the provisions of

G.S. § 160D-108 if such request is included and approved as part of the application for such development. In addition, the time limit for the issuance of a building permit shall be the same as the vesting period that is proposed and approved for the development of the site.

(H) Reuse/compartmentalization. As part of the conditional district rezoning review process, any large retail establishment constructed after the adoption of this chapter shall be designed to include specific elements for adaptation to multi tenant re-use. The elements may include but are not limited to the following:

(1) Compartmentalized constructions include plumbing, electrical service, heating, ventilation, and air conditioning to the extent possible per all applicable codes;

(2) Building design shall also allow for the interior subdivision of the structure into separate tenancies;

(3) Façades shall be readily adaptable to multiple entrances;

(4) Parking lot schemes shall be designed to enable users of any future tenants to readily walk from their vehicles to the storefront; and

(5) Other design elements that facilitate the multi-tenant re-use of the building.

(Ord. passed - -)

§ 153.142 NONCONFORMING MANUFACTURED HOME (MOBILE HOME) PARKS.

(A) (1) Any manufactured home park which is not constructed in accordance with the standards set forth in § 153.128(C) **Standards** of this chapter and/or is a use which is not a use permitted in the district in which it is located, shall be allowed to continue in operation for a period of ten years following the effective date of this chapter.

(2) Thereafter, the manufactured home parks shall either:

(a) Cease operation and all manufactured homes shall be removed;

(b) Be reconstructed to conform to the following requirements:

1. Space dimensions and sizes shall be dictated by on-site sewage disposal standards contained in county's environmental health regulations. Otherwise no setback, minimum lot size or other dimensional requirements shall apply; and

2. No manufactured home shall be placed in a manufactured home park unless it meets the standards of either Class A manufactured home or Class B manufactured home as defined in § 153.031 **Definitions** of this chapter.

(c) The location of each manufactured home stand must be at an elevation, distance and angle in relation to the adjacent access drive so that placement and removal of the manufactured home is practical by means of customary moving equipment. All manufactured homes shall have a continuous brick, cinder block, concrete block, stucco, stone or other masonry-type underpinning or other skirting specifically manufactured for manufactured homes, or pressure treated wood (but plain standard surface pressure treated plywood is not acceptable), unpierced except for required ventilation and an access door. The underpinning and skirting shall be installed under all elements of the manufacture home. Each manufactured home in the park shall conform to the State Department of Insurance Standards for tie-down requirements. All replacement skirting in nonconforming manufactured home parks shall be of a nonreflective type;

(d) Section 153.128(C)(10) **Steps and Patios** ~~(manufactured home parks)~~ shall apply;

(e) Each manufactured home park shall have a space number affixed either to the manufactured home or on a post or stand made of durable material. The number shall be set at a location as to clearly indicate the space to which it is assigned;

(f) Interior streets must be sufficient to carry normal traffic entering and leaving the manufactured home park;

(g) Sections ~~s 153.202(P) and~~ 153.128(C)(16) **Parking** ~~(manufactured home parks)~~ shall apply;

(h) Sections ~~153.202(Q) and~~ 153.128(C)(17) (*Trash Facilities*) (~~manufactured home parks~~) shall apply;

(i) Sections ~~153.202(BB) and~~ 153.128(C)(27) *Recreation Areas* and (28) *Maintenance* (~~manufactured home parks~~) shall apply; and

(j) Where a manufactured home park is adjacent to a public street or road, street landscaping shall be required as follows:

1. The landscaping shall be provided in a designated landscaped area, which shall include, as width, at least the first 12 feet of the front yard and side yard as measured from the street right-of-way line;

2. Landscaping shall consist of, at a minimum, four small trees and 12 shrubs or four large trees per 100 linear feet of lot frontage on street right-of-way. No part of the landscaped area shall be left as bare soil; or

3. In the event that unusual topography or size of a parcel to be developed would make strict adherence to these requirements serve no meaningful purpose or would make it physically impossible to install and/or maintain the required screen, the provisions of § 153.046(D) *Relief to screening requirements* of this chapter shall apply.

(3) A manufactured home park that is a nonconforming use may continue after the ten-year period only if it conforms or is improved to conform to the requirements of § ~~153.128~~ ~~153.202~~ of this chapter. Provided however, no manufactured home park, as long as it remains a nonconforming use, shall be allowed to occupy lands beyond the boundaries of the tract on which it was located at the time it became nonconforming except to comply with the requirements of § ~~153.128~~ ~~153.202~~ of this chapter. In no case shall any nonconforming manufactured home park either nonconforming as a use or nonconforming due to the standards of this chapter be allowed an increase in the number of manufactured home spaces unless it shall first become both a conforming use and conforming to the standards of § ~~153.128~~ ~~153.202~~ of this chapter.

(4) In meeting the requirements of § ~~153.128~~ ~~153.202~~ certain requirements in that section are waived for nonconforming manufactured home parks in bringing them into conformance with this chapter. Those requirements waived are as follows:

(a) Section 153.128(C)(1), *Occupancy*;

(b) Sections ~~153.202(B) and~~ 153.128(C)(2), *Minimum Park Area*;

(c) Sections ~~153.202(L) and~~ 153.128(C)(12), *Public Road Frontage of Park*; and

(d) Sections ~~153.202(M) and~~ 153.128(C)(13), *Ingress and Egress*.

(B) During the period nonconforming manufactured home parks are allowed to continue in operation as provided for in this section the following requirements shall be met:

(1) Any expansion of the manufactured home parks (this is only permitted where a manufactured home park is a conforming use) shall conform to § 153.128(C) **Standards** of this chapter;

(2) If the park ceases operation for a period of greater than 90 days it shall only be re-established in accordance with § 153.128(C) **Standards** of this chapter (cessation of operation occurs when either all manufactured homes have been removed or when a manufactured home park is closed by a public authority due to violation of law); and

(3) When a space vacancy occurs or when one manufactured home is replaced with another manufactured home, the replacement manufactured home shall meet the requirements of either Class A or Class B manufactured homes as defined in § 153.031 **Definitions** of this chapter.

(Prior UDO, § 8.8) (Ord. passed - -) Penalty, see § 153.999

§ 153.277 VARIANCES.

(A) When practical difficulties, special conditions or unnecessary hardships would result from carrying out the strict letter of this chapter, the Board of Adjustment shall have the power to vary or modify any of the regulations or provisions of this chapter relating to the construction or alteration of buildings or structures or the use of land. Waivers and modifications associated with the approval of a subdivision plat shall be subject to the provisions of § [153.378](#) *Waivers and Modifications*, rather than this section.

(B) The request for a variance for a use expressly, or by inference, prohibited in the district involved, shall not be granted.

(C) The Board of Adjustment may grant a variance only after having first held a public hearing on the matter. When unnecessary hardships would result from carrying out the strict letter of these zoning regulations, the Board of Adjustment shall vary any of the provisions of the zoning regulations upon a showing of all of the following:

(1) Unnecessary hardship would result from the strict application of the zoning regulations. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

(4) The requested variance is consistent with the spirit, purpose, and intent of the zoning ordinance, such that public safety is secured and substantial justice is achieved.

(D) The Board of Adjustment, in granting a variance, may prescribe appropriate conditions and safeguards in conformity with this chapter provided the conditions are reasonably related to the variance. Violation of the conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of this chapter and shall be punishable as prescribed in § [153.999](#) *Penalty* of this chapter.

(E) Unless otherwise authorized by the Board of Adjustment, any order of the Board of Adjustment in granting a variance shall expire, **one year from the date of the Board of Adjustment's decision if either:** ~~a building permit or certificate of occupancy (for a use if a building permit is not required) has not been obtained within one year from the date of the Board of Adjustment's decision.~~

(1) A required permits have not been obtained within the one-year time frame; or

(2) A plat notating the variance was not recorded according to the procedures set forth in 153.382(C)(5) *Procedure for Review of Minor Subdivisions*.

(F) If the variance has expired, the zoning administrator shall have the authority to either:

(1) Issue the permit or approve the plat if the zoning administrator determines that, based upon the board's decision, the circumstances for the granting of the variance have not changed and no changes to the ordinance would affect that decision; or

(2) Advise the applicant to reapply for a variance to be heard by the Board of Adjustment.

~~§ 153.118 ROS RESIDENTIAL OFFICE SINGLE FAMILY.~~

- ~~—(A) Permitted uses. The following principal uses are permitted by right.~~
 - ~~—(1) All permitted uses allowed in the R-15 District;~~
 - ~~—(2) Office buildings containing 2,000 square feet or less of gross floor area;~~
 - ~~—(3) Churches including customary accessory uses. Church owned and maintained cemeteries as an accessory use are permitted;~~
 - ~~—(4) Public and private elementary and secondary schools and/or school district administrative offices;~~
 - ~~—(5) Family care homes;~~
 - ~~—(6) Customary home occupations in accordance with § 153.045 of this chapter;~~
 - ~~—(7) Day care center, small group;~~
 - ~~—(8) Private residential quarters, provided there is sufficient off-street parking to accommodate the private residential quarters in addition to the two off-street parking spaces required for the principal dwelling;~~
 - ~~—(9) Private recreation facilities constructed pursuant to a permit authorizing the construction of some residential development and intended primarily for the use and enjoyment of the residents thereof; and~~
 - ~~—(10) Public safety stations.~~
- ~~—(B) Uses subject to prescribed standards. The following uses are allowed upon the issuance of a zoning permit by the Zoning Administrator in accordance with §§ 153.255 through 153.259 of this chapter and subject to the associated below prescribed standards.~~
 - ~~—(1) Essential services, Class II provided that the use is screened from any adjoining property located in a residential district in accordance with § 153.046;~~
 - ~~—(2) Essential services, Class III provided that the use is screened from any abutting street and any abutting property in accordance with § 153.046;~~
 - ~~—(3) Rest homes, nursing care facilities and continuing care communities provided the site is located a minimum of 100 feet from any residential use, vehicular access is not provided by a local residential road and the use is screened from any abutting property located in a residential district in accordance with § 153.046;~~
 - ~~—(4) Day care centers provided the site is located a minimum of 100 feet from any residential use, vehicular access is not provided by a local residential road and the use is screened from any abutting property located in a residential district in accordance with § 153.046;~~

~~—(5) Florists provided the site is located a minimum of 100 feet from any residential use, vehicular access is not provided by a local residential road and the use is screened from any abutting property located in a residential district in accordance with § 153.046;~~

~~—(6) Copying service provided the site is located a minimum of 100 feet from any residential use, vehicular access is not provided by a local residential road and the use is screened from any abutting property located in a residential district in accordance with § 153.046;~~

~~—(7) Museums provided the site is located a minimum of 100 feet from any residential use, vehicular access is not provided by a local residential road and the use is screened from any abutting property located in a residential district in accordance with § 153.046;~~

~~—(8) Bed and breakfast inns provided the site is located a minimum of 100 feet from any residential use, vehicular access is not provided by a local residential road and the use is screened from any abutting property located in a residential district in accordance with § 153.046;~~

~~—(9) Office buildings containing over 2,000 square feet of gross floor area provided the site is located a minimum of 100 feet from any residential use, vehicular access is not provided by a local residential road and the use is screened from any abutting property located in a residential district in accordance with § 153.046;~~

~~—(10) Travel agency provided the site is located a minimum of 100 feet from any residential use, vehicular access is not provided by a local residential road and the use is screened from any abutting property located in a residential district in accordance with § 153.046;~~

~~—(11) Art and photography studios provided the site is located a minimum of 100 feet from any residential use, vehicular access is not provided by a local residential road and the use is screened from any abutting property located in a residential district in accordance with § 153.046;~~

~~—(12) Tailor and alteration shop provided the site is located a minimum of 100 feet from any residential use, vehicular access is not provided by a local residential road and the use is screened from any abutting property located in a residential district in accordance with § 153.046;~~

~~—(13) Libraries provided the site is located a minimum of 100 feet from any residential use, vehicular access is not provided by a local residential road and the use is screened from any abutting property located in a residential district in accordance with § 153.046;~~

~~—(14) Barber shop/beauty shop provided the site is located a minimum of 100 feet from any residential use, vehicular access is not provided by a local residential road and the use is screened from any abutting property located in a residential district in accordance with § 153.046; and~~

~~—(15) Off-street parking for a principal use not listed as a permitted use or use subject to prescribed standards in a Residential (R) district subject to the provisions outlined in § 153.188(B).~~

~~—(C) Yard requirements:~~

~~—(1) Minimum lot size:~~

~~—(a) Bed and breakfast inn: 12,000 square feet.~~

~~—(b) Churches: 20,000 square feet.~~

~~—(c) Copy service: 10,000 square feet.~~

~~—(d) Day care centers: 10,000 square feet.~~

~~—(e) Florists: 10,000 square feet.~~

~~—(f) Museum: 21,780 square feet.~~

~~—(g) Office buildings: 10,000 square feet.~~

~~—(h) Rest homes, nursing care facilities and continuing care communities: 20,000 square feet.~~

~~—(i) Travel agency, art/photography studio, tailor/alteration shop and library: 10,000 square feet.~~

~~—(j) Other uses: same as in the R-10 District.~~

~~—(2) Minimum front setback:~~

~~—(a) Single-family dwellings, family care homes, bed and breakfast inns: 30 feet.~~

~~—(b) Cemeteries and essential services, Class II: 20 feet.~~

~~—(c) Office buildings containing 2,000 square feet or less of gross floor area: 30 feet; except for any structure existing at the time this chapter is enacted, the actual setback of the structure shall be allowed for any office use provided there are no further encroachments into the 30-foot front yard.~~

~~—(d) All other uses: 40 feet.~~

~~—(3) Minimum side yard setback (an additional ten feet shall be provided on all side yards which abut a public street):~~

~~—(a) Museum, office buildings, florist, copying service, travel agency, art and photography studios, tailor and alteration shop, library: 15 feet.~~

~~—(b) Other uses: same as the RMF District.~~

~~—(4) Minimum rear yard setback. All uses: 25 feet.~~

~~—(5) Minimum lot width (as measured at the required front setback). At least 35 feet of lot width measured at the street right-of-way line shall be required except as noted.~~

~~—(a) Office buildings, museums, libraries, florist, copy service, church, schools: 100 feet with at least 50 feet at the street right-of-way line.~~

~~—(b) Churches and schools: 120 feet with at least 50 feet at the street right-of-way line.~~

~~—(c) Other uses: 80 feet.~~

~~—(6) Maximum building height. All uses: 40 feet, except as provided in § 153.054 of this chapter.~~

~~—(D) Screening and landscaping.~~

~~—(1) Screening, when required by § 153.046(A) of this chapter, shall be installed pursuant to § 153.046 of this chapter.~~

~~—(2) Where applicable, landscaping shall be provided in accordance with § 153.047 of this chapter.~~

~~(Prior UDO, § 7.13) (Ord. passed --) Penalty, see § 153.999~~

§ 153.383 SUBMISSION AND REVIEW PROCEDURE FOR ~~MAJOR SUBDIVISIONS~~
SKETCH PLANS.

(A) ~~Prior to the preliminary plat submission, the subdivider shall submit to the Administrator two or more copies of a sketch plan of the proposed subdivision containing the following information:~~

Prior to the preliminary plat submission, the subdivider shall submit three paper copies and a digital version of the sketch plan for the proposed subdivision to the Administrator along with a completed application by the application deadline on the City's website, to be reviewed at the meetings corresponding to the schedule. The sketch plan shall be prepared by a registered architect, engineer, or land surveyor licensed and registered by the appropriate state board. At a minimum, the sketch plan shall contain or be accompanied by the following:

- ~~— (1) A sketch vicinity map including north arrow showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads and waterways;~~
- ~~— (2) The boundaries of the lot(s) to be subdivided;~~
- ~~— (3) The total acreage to be subdivided;~~
- ~~— (4) The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;~~
- ~~— (5) The proposed street layout with approximate pavement and right-of-way widths, lot layout and size of lots;~~
- ~~— (6) The name, address and telephone number of the owner(s) of the tract to be subdivided;~~
- ~~— (7) The name of the proposed subdivision;~~
- ~~— (8) The zoning classification of the lot(s) to be subdivided and of adjacent properties, if applicable; and~~
- ~~— (9) Parcel identification number (PIN) of the lot(s) to be subdivided.~~

(1) A sketch vicinity map including north arrow showing the location of the planned development in relation to neighboring tracts, subdivisions, roads, and waterways;

(2) The boundaries of the tract and the portion of the tract proposed to be in the subdivision;

(3) The total acreage of the lot to be subdivided;

(4) Locations of any existing public streets or utilities and rights-of-way of the facilities;

(5) The existing and proposed uses of the land within the major subdivision and the existing uses of land adjoining it;

(6) General locations of existing natural features of the site, such as wooded areas, water features, and significant topographic features;

(7) The proposed street layout with approximate pavement and right-of-way width;

(8) Existing property lines and approximate (sketch) locations of proposed property lines within the subdivision showing all proposed lots or other divisions of land;

(9) Sketch of conceptual building locations;

(10) The name, address, and telephone number of the owner;

(11) The name, if any, of the proposed subdivision;

(12) Streets and lots of adjacent developed or platted properties; and

(13) The zoning classification of the tract and of adjacent properties.

(B) The Administrator and Technical Review Committee shall review the sketch plan for general compliance with the requirements of these regulations and any applicable zoning or other ordinance requirements. The Administrator shall advise the subdivider or his or her authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the preliminary and final plats.

(C) One copy of the sketch plan shall be retained as a part of the city's record by the Administrator, with a copy the other copy(ies) being returned to the subdivider or his or her authorized agent along with any comments made by the Administrator concerning the proposed plat.

(D) ~~The Administrator shall have 21 days from the receipt of sketch plan to review and make comments. If comments are not forwarded during the period, the subdivider may submit his or her preliminary plat for review having not received comments from the Administrator on the sketch plan.~~ Once the comments are corrected, the subdivider may submit a preliminary plat containing all of the information set forth in § 153.384 of this chapter.

(Prior UDO, § 17.13) Penalty, see § 153.999

§ 153.109 RMF RESIDENTIAL MULTI-FAMILY DISTRICT.

(A) *Permitted uses.* The following uses are permitted by right. The following uses are allowed upon the issuance of a zoning permit by the Zoning Administrator in accordance with §§ [153.255](#) through [153.256](#).

- (1) Single-family dwellings;
- (2) Two-family dwellings;
- (3) Multi-family dwellings **with additional requirements (see section (C) below);** ~~with a gross density of up to six units per acre;~~
- (4) Churches with a maximum sanctuary seating capacity of not greater than 500 seats. Customary accessory uses shall also be permitted. Church owned and maintained cemeteries as an accessory use are permitted;
- (5) Private recreation facilities constructed pursuant to a permit authorizing the construction of some residential development and intended primarily for the use and enjoyment of the residents thereof;
- (6) Private residential quarters provided there is sufficient off-street parking to accommodate the private residential quarters in addition to the two off-street spaces required for the principal dwelling;
- (7) Public and private elementary and secondary schools;
- (8) Day care centers, small group;
- (9) Customary home occupations in accordance with § [153.045](#) of this chapter;
- (10) Family care homes;
- (11) Essential services, Class I and II;
- (12) Accessory structures in accordance with § [153.057](#) of this chapter;
- (13) Signs in accordance with §§ [153.160](#) through [153.172](#) of this chapter;
- (14) Off-street parking in accordance with §§ [153.185](#) through [153.188](#) of this chapter; and
- (15) Publicly owned and operated outdoor recreation facility one acre or less in size and not containing a swimming pool.

(B) *Yard regulations.*

- (1) *Minimum lot size.*
 - (a) Single-family dwelling: 8,000 square feet.
 - (b) Two-family dwellings: 12,000 square feet.
 - (c) Multi-family dwellings: minimum site size shall be 25,000 square feet but gross density shall not exceed six units per acre.

(d) Private recreation facilities constructed pursuant to a permit authorizing the construction of some residential development and intended primarily for the use and enjoyment of the residents thereof: none.

(e) Private residential quarters: no additional lot size beyond that required for the principal dwelling.

(f) Essential services: none.

(2) *Minimum front yard setback (as measured from the edge of the street right-of-way line):*

(a) All residential uses: 30 feet.

(b) Cemeteries and essential services, Class I and II: 20 feet.

(c) All other uses: 40 feet.

(3) *Minimum side yard setback (an additional ten feet shall be provided on all side yards which abut a public street).*

(a) Single- and two-family dwellings: ten feet.

(b) Multi-family dwellings: 12 feet.

(c) Public and private elementary and secondary schools: 20 feet.

(d) Church: 20 feet.

(e) All other uses: 15 feet.

(4) *Minimum rear yard setback.* All uses: 25 feet.

(5) *Maximum building height.* All uses: 40 feet, except as provided in § [153.054](#) of this chapter.

(6) *Minimum lot width (as measured at the required front yard setback).*

(a) Single-family dwelling: 70 feet at front yard setback; 35 feet at street right-of-way.

(b) Two-family dwelling: 80 feet at front yard setback; 35 feet at street right-of-way.

(c) Multi-family developments: 100 feet at the street right-of-way.

(d) All other uses: 100 feet.

(C) ~~Screening and landscaping.~~ Additional Requirements for Multi-Family Dwellings

(1) Screening, as provided in § [153.046](#) of this chapter shall be required for ~~the following uses and for any other circumstances required by § 153.046(A) of this chapter.~~

~~—(a)~~ Multi-family developments where abutting properties zoned or used for single- or two-family residential use.

(2) Where applicable, landscaping shall be provided in accordance with § [153.047](#) of this chapter.

(3) Off-street parking, as provided in 153.185

(D) Other requirements (if applicable)

(1) Water Supply Watershed Overlay District, as provided in 153.121

(Prior UDO, § 7.5) (Ord. passed - - ; Ord. passed 6-29-2023; Ord. O-5-2024, passed 6-6-2024) Penalty, see § [153.999](#)

§ 153.137 NONCONFORMING STRUCTURES.

(A) A nonconforming structure devoted to a use permitted in the zoning district in which it is located may continue only in accordance with the provisions of this section.

(B) Normal repair and maintenance may be performed to allow the continuation of nonconforming structures.

(C) A nonconforming structure may not, under any circumstances, be enlarged or altered in a way that increases its nonconformity.

(D) Destruction – rebuilt structures shall be placed in a manner most in conformance with all applicable regulations contained in this chapter. If the structure can be placed on the lot in a conforming manner, it shall.

(1) **Nonresidential** - If a nonresidential nonconforming structure is destroyed to an extent of more than 60% of its replacement cost at the time of destruction, it may be rebuilt in a nonconforming manner only if a permit for construction has been issued by the Board of Adjustment in accordance with § [153.279](#) of this chapter. ~~A residential structure which is destroyed to an extent of more than 60% of its replacement cost at the time of destruction may be reconstructed on the lot. If the structure can be placed on the lot in a conforming manner, it shall.~~

(2) **Residential** - ~~Otherwise, the residential structure shall be placed in a manner most in conformance with all applicable regulations contained in this chapter.~~ A building permit for reconstruction must be secured no later than ~~180 days~~ **one year** from the date of destruction of the residential structure.

(E) Should a nonconforming structure be moved for any distance on the lot of record, it shall be placed in a manner most in conformance with this chapter.

(Prior UDO, § 8.3) Penalty, see § [153.999](#)



LINCOLNTON
AGENDA ITEM SUMMARY

To: The Honorable Mayor and City Council
Date: April 3, 2025
From: Pamela McBryde, Finance Director
Subject: Consideration of Approval of Contract to Audit Accounts for Fiscal Year 2024-2025

Summary:

Background:

Fiscal Impact:

Recommendation:

Attachments:

1. FY2425 Audit Contract

The	Governing Board City Council
of	Primary Government Unit City of Lincolnton, North Carolina
and	Discretely Presented Component Unit (DPCU) (if applicable) Lincolnton Tourism Development Authority

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name Lowdermilk Church & Co., L.L.P.
	Auditor Address 121 North Sterling Street, Morganton, NC 28655

Hereinafter referred to as Auditor

for	Fiscal Year Ending 06/30/25	Date Audit Will Be Submitted to LGC 12/31/25
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Must be within six months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business-type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types). The basic financial statements shall include budgetary comparison information in a budgetary comparison statement, rather than as RSI, for the General Fund and any annually budgeted Special Revenue funds.

2. At a minimum, the Auditor shall conduct the audit and render the report in accordance with GAAS. If the Governmental Unit expended \$100,000 or more in combined Federal and State financial assistance during the reporting period, the Auditor shall perform the audit in accordance with *Government Auditing Standards* (GAGAS). The Governmental Unit is subject to federal single audit requirements in accordance with Title 2 US Code of Federal Regulations Part 200 *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards*, Subpart F (*Uniform Guidance*) and the State Single Audit Implementation Act. Currently the threshold is \$750,000 for a federal single audit and \$500,000 for a State Single Audit. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit in accordance with the Uniform Guidance (§200.501) the Auditor and Governmental Unit(s) should discuss, in advance of the execution of this contract, the responsibility for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512) to ensure proper submission.

Effective for audits of fiscal years beginning on or after June 30, 2023, the LGC will allow auditors to consider whether a unit qualifies as a State low-risk auditee. Please refer to "Discussion of Single Audits in North Carolina" on the LGC's website for more information.

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.
4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC Staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.
5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to *Government Auditing Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC Staff within six months of fiscal year end. If it becomes necessary to amend the audit fee or the date that the audit report will be submitted to the LGC, an amended contract along with a written explanation of the change shall be submitted to the Secretary of the LGC for approval.
7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.

For GAAS or *Government Auditing Standards* audits, if an auditor issues an AU-C §260 report, commonly referred to as "Governance Letter," LGC staff does not require the report to be submitted unless the auditor cites significant findings or issues from the audit, as defined in AU-C §260.12 - .14. This would include issues such as difficulties encountered during the audit, significant or unusual transactions, uncorrected misstatements, matters that are difficult or contentious reviewed with those charged with governance, and other significant matters. If matters identified during the audit were required to be reported as described in AU-C §260.12-.14 and were communicated in a method other than an AU-C §260 letter, the written documentation must be submitted.

8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is also required for the Alternative Compliance Examination Engagement for auditing the Coronavirus State and Local Fiscal Recovery Funds expenditures as allowed by US Treasury. Approval is not required on audit contracts and invoices for system improvements and similar services of a non-auditing nature.

9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. This also includes any progress billings [G.S. 159-34 and 115C-447]. All invoices for audit work shall be submitted in PDF format to the Secretary of the LGC for approval. the invoice marked 'approved' with approval date shall be returned to the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.

10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).

11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC Staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC Staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.

12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.

13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC. These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements and/or the compliance section, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC Staff.
15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.
16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC.
17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 30 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.
18. Special provisions should be limited. Please list any special provisions in an attachment.
19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the primary government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.
20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.
21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.
22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

27. **Applicable to audits with fiscal year ends of June 30, 2020 and later.** For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and *Government Auditing Standards, 2018 Revision* (as applicable). Preparing financial statements in their entirety shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.

All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.

28. **Applicable to audits with fiscal year ends of June 30, 2021 and later.** The auditor shall present the audited financial statements including any compliance reports to the government unit's governing body or audit committee in an official meeting in open session as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary. The auditor's presentation to the government unit's governing body or audit committee shall include:

- a) the description of each finding, including all material weaknesses and significant deficiencies, as found by the auditor, and any other issues related to the internal controls or fiscal health of the government unit as disclosed in the management letter, the Single Audit or Yellow Book reports, or any other communications from the auditor regarding internal controls as required by current auditing standards set by the Accounting Standards Board or its successor;
- b) the status of the prior year audit findings;
- c) the values of Financial Performance Indicators based on information presented in the audited financial statements; and
- d) notification to the governing body that the governing body shall develop a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters," if required under 20 NCAC 03 .0508.

29. Information based on the audited financial statements shall be submitted to the Secretary for the purpose of identifying Financial Performance Indicators and Financial Performance Indicators of Concern. See 20 NCAC 03 .0502(c)(6).

30. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 17 for clarification).

31. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/submitting-your-audit>

32. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

33. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

FEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Government Auditing Standards, 2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will not be approved.

Financial statements were prepared by: ☒ Auditor ☐ Governmental Unit ☐ Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name:	Title and Unit / Company:	Email Address:
Pamela McBryde	Finance Director	pmcbryde@lincolntonnc.org

OR Not Applicable ☐ (Identification of SKE Individual on the LGC-205 Contract is not applicable for GAAS-only audits or audits with FYEs prior to June 30, 2020.)

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

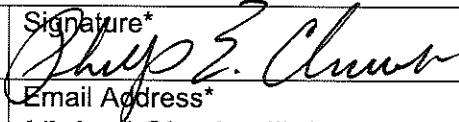
3. The audit fee information included in the table below for both the Primary Government Fees and the DPCU Fees (if applicable) should be reported as a specific dollar amount of audit fees for the year under this contract. If any language other than an amount is included here, the contract will be returned to the audit form for correction.

4. Prior to the submission of the completed audited financial report and applicable compliance reports subject to this contract, or to an amendment to this contract (if required) the Auditor may submit interim invoices for approval for services rendered under this contract to the Secretary of the LGC, not to exceed 75% of the billings for the unit's last annual audit that was submitted to the Secretary of the LGC. All invoices for services rendered in an audit engagement as defined in 20 NCAC .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

Primary Government Unit	City of Lincolnton, North Carolina
Audit Fee (financial and compliance if applicable)	\$ 37,450
Fee per Major Program (if not included above)	\$ 0
Additional Fees Not Included Above (if applicable):	
Financial Statement Preparation (incl. notes and RSI)	\$ 3,500
All Other Non-Attest Services	\$ 0
TOTAL AMOUNT NOT TO EXCEED	\$ 40,950
Discretely Presented Component Unit	Lincolnton Tourism Development Authority
Audit Fee (financial and compliance if applicable)	\$ 0
Fee per Major Program (if not included above)	\$
Additional Fees Not Included Above (if applicable):	
Financial Statement Preparation (incl. notes and RSI)	\$ 0
All Other Non-Attest Services	\$
TOTAL AMOUNT NOT TO EXCEED	\$ 0

SIGNATURE PAGE

AUDIT FIRM

Audit Firm*	
Lowdermilk Church & Co., L.L.P.	
Authorized Firm Representative (typed or printed)*	Signature*
Phillip E. Church	
Date*	Email Address*
03/17/25	phil.church@lowdermilkchurchcpa.com

GOVERNMENTAL UNIT

Governmental Unit*	
City of Lincolnton, North Carolina	
Date Governing Board Approved Audit Contract* (Enter date in box to right)	
Mayor/Chairperson (typed or printed)*	Signature*
Edward L. Hatley	
Date	Email Address*
	ehatley@lincolnton.org

Chair of Audit Committee (typed or printed, or "NA")	Signature
n/a	
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1). Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Sum Obligated by This Transaction:	\$ 40,950
Primary Governmental Unit Finance Officer* (typed or printed)	Signature*
Pamela McBryde	
Date of Pre-Audit Certificate*	Email Address*
	pmcbryde@lincolntonnc.org

SIGNATURE PAGE – DPCU
(complete only if applicable)

DISCRETELY PRESENTED COMPONENT UNIT

DPCU*	
Lincolnton Tourism Development Authority	
Date DPCU Governing Board Approved Audit Contract* (Enter date in box to right)	
DPCU Chairperson (typed or printed)* Randall Williams	Signature*
Date*	Email Address*

Chair of Audit Committee (typed or printed, or "NA") n/a	Signature
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1). Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Sum Obligated by this Transaction:	\$ 0
DPCU Finance Officer (typed or printed)* Pamela McBryde	Signature*
Date of Pre-Audit Certificate*	Email Address* pmcbryde@lincolntonnc.org

Remember to print this form, and obtain all
 required signatures prior to submission.

PRINT



**LINCOLNTON
AGENDA ITEM SUMMARY**

To: The Honorable Mayor and City Council
Date: April 3, 2025
From: Pamela McBryde, Finance Director
Subject: Budget Amendment to the Annual Budget Ordinance for Fiscal Year ending June 30, 2025

Summary:

Background:

Fiscal Impact:

Recommendation:

Attachments:

1. BA-04-25

CITY COUNCIL

Ed L. Hatley, Mayor
 Kevin Demeny, Mayor Pro-Tem
 Roby D. Jetton
 Mark Johnson
 Jill Tipton

**CITY MANAGER**

Richard Haynes
rhaynes@lincolntonnc.org

CITY CLERK

Daphne Ingram
dingram@lincolntonnc.org

CITY ATTORNEY

John M. Friguglietti, Jr.
john@davidsonlawyers.net

BA-04-25

BE IT ORDAINED by the Governing Board of the City of Lincolnton, North Carolina, that the following amendment be made to the Annual Budget Ordinance for the fiscal year ending June 30, 2025.

Section 1: To amend the General Fund, the expenditures are to be changes as follows:

General Expense	\$	297,043
Police		5,300
Fire		150
Solid Waste		1,920
Planning/Zoning		9,011
Recreation		20,772
	<u>\$</u>	<u>334,195</u>

Section 2: To amend the General Fund, the revenues are to be changed as follows:

SW: Rollout Fees	\$	1,920
General: Cemetery Lot Sales		1,600
PD: Sidewalk Café Permit		35
PD: Misc. Revenue		5,265
P&Z: Zoning Department Fees		9,011
FD: Inspection Fees		150
Rec: Registration & Entry Fees		20,552
Rec: Rental Fees		119
General: Interest		100,334
General: Misc. Rev-Contributed Property		25,766
General: Sale of Capital Assets		1,399
General: Misc. Revenue		165,038
General: Insurance Settlement		1,958
General: Repair Settlement		431
General: WEX-Fuel Rebates		517
Rec: Veterans Banner Project		100
General: Federal Equitable Deposits		0
	<u>\$</u>	<u>334,195</u>

General Fund: Misc Revenues for the Parks & Recreation, Police, Fire, P&Z and Solid Waste departments, Hollybrook Cemetery sales, Interest income, Insurance/Repair Settlements from: NCLM - PD; Officer Darius Collins hit a deer payment #2), Wex fuel rebates, FEMA reimbursements, donation of Trackless Train from DDA/LTDA, & Federal Equity Interest income.

Section 3: To amend the Powell Bill Fund, the expenditures are to be changes as follows:

Powell Bill Construction/Other	\$	2,845
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Section 4: To amend the Powell Bill Fund, the revenues are to be changed as follows:

Investment Income	\$	2,845
	\$	2,845

Powell Bill Fund: Record interest income earned.

Section 5: To amend the Water and Sewer Fund, the expenditures are to be changes as follows:

Water Treatment Plant	\$	15,108
Distribution and Collection	\$	66,941
Wastewater Treatment Plant		10,373
	\$	92,421

Section 6: To amend the Water and Sewer Fund, the revenues are to be changed as follows:

Investment Income	\$	60,901
Connection Charges		5,560
Other Operating Revenues		25,960
	\$	92,421

Water and Sewer Fund: Carolina Elite Builder, Mejia Restoration, Reesebuilt Contracting, & Paul Kraemer connection fees, Water tank rental fees (Lee and McAllister tanks), FEMA Reimbursement, miscellaneous fees, and Interest income earned.

Section 7: To amend the Electric Fund, the expenditures are to be changes as follows:

Electric Operations	\$	77,694
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Section 8: To amend the Electric Fund, the revenues are to be changed as follows:

Investment Income	\$	43,472
Other Operating Revenue		34,222
	\$	77,694

Electric Fund: Interest income earned, Insurance Settlements: (1) Erie Insurance - Chevy hit utility pole; (2) Federated Mutual Insurance - International truck hit utility pole, FEMA Reimbursement, and Utility receivables.

Section 16: Appropriations are authorized by fund totals. The City Manager is authorized to reallocate fund appropriations among line item objects of expenditures and revenues as necessary during the budget year.

Section 17: Copies of this Budget Ordinance shall be furnished to the Clerk to the Governing Board and to the Budget Officer and Finance Director to be kept on file by them for their direction in the disbursement of funds.

TOTAL AMENDMENT \$ 507,155

Adopted this 3rd day of April, 2025

Attest:

Daphne Ingram
City Clerk

Edward L Hatley
Mayor

CHAPTER 99: PUBLIC ART

Section:

- 99.01 General provisions
- 99.02 Definition
- 99.03 Rules
- 99.04 Advisory function
- 99.05 Staff support
- 99.06 Purposes, responsibilities and powers
- 99.07 Reports to City Council

§ 99.01 GENERAL PROVISIONS.

It is hereby declared that the public welfare and interest of the citizens of the city will best be served by the establishment of a public art permit and approval process. To that end, the City of Lincoln Steering Committee is hereby assigned as an advisory board of the city to provide guidance and recommendations to the City Council on the approval of all public art considered for display in the downtown Central Business Program Area, **excluding the Marcia Cloninger Rail Trail and First Federal Park.**

(Ord. 0-16-20, passed 10-1-2020)

§ 99.02 DEFINITION.

The following definition shall apply to this chapter as written unless context indicates or requires a different meaning:

PUBLIC ART.

(1) Any work of art created by artists or craftsmen and installed on a permanent basis in spaces that are visible from public streets and pedestrian walkways. PUBLIC ART means any original visual artwork including, but not limited to, sculptures, building murals, crosswalk or street murals, benches, pottery, bike racks, banners, photographic renderings, mosaics, and electronic art installations. The artwork must be completely free of any admission fees and be administered through a public process that provides opportunities for the community to participate and share their input.

(2) PUBLIC ART does not include any architectural or landscape design except when developed by an artist.

(Ord. 0-16-20, passed 10-1-2020)

§ 99.03 RULES.

(A) Public art shall be allowed in the downtown Central Business Program Area of the city, **excluding the Marcia Cloninger Rail Trail and First Federal Park.**

(B) All public art shall require a permit and meet the terms of the public art permit application.

(C) The Lincolnton Steering Committee shall adopt rules governing the time and place of its regularly scheduled and specially called meetings, voting requirements and the appointment of committees. Public art requests shall be reviewed and considered for approval recommendation at regularly scheduled Steering Committee meetings.

(D) The Lincolnton Steering Committee shall consider requests according to the administrative policy, procedures and design standards established for public art.

(Ord. O-16-20, passed 10-1-2020)

§ 99.04 ADVISORY FUNCTION.

The Lincolnton Steering Committee, a chartered committee of the City Manager to assist city government in collaborating across boundaries to align projects, shall serve in an advisory capacity to the City Council and the City Manager pertaining to or affecting public art within the city.

(Ord. O-16-20, passed 10-1-2020)

§ 99.05 STAFF SUPPORT.

The ~~Director of Community Relations and~~ Director of Planning or their designees shall serve as the city staff members specifically charged with the responsibility of implementing policy recommendations of the Council and coordination with other municipal agencies and advisory boards for all public art projects undertaken by the Lincolnton Steering Committee.

(Ord. O-16-20, passed 10-1-2020)

§ 99.06 PURPOSES; RESPONSIBILITIES AND POWERS.

Subject to such limitations as may be imposed by laws or regulations, the Lincolnton Steering Committee shall serve as an advisory board to the City Council for the following purposes to further the public welfare:

- (A) Facilitate displays of public art in or on public buildings and public spaces to encourage public appreciation for the arts in Lincolnton.
- (B) Inform the residents of an visitors to Lincolnton about public art.
- (C) Advance the City of Lincolnton as an “arts destination” and engage public art as an attraction for artists, cultural tourism, economic development, and community pride.
- (D) Be responsible for developing policy, procedures, and design standards for the selection of art and/or artists, which will include community input as well as appropriate staff review. The committee shall follow its public art policy and implementation guidelines as modified and//or amended.
- (E) Advise staff and council on the site and content of all public art.
- (F) Recommend to staff and City Council the acceptance of works of art.
- (G) Work to build partnerships and collaborations throughout Lincolnton’s creative community.
- (H) Support relationships and shared resources and make use of existing strengths in public and cultural arts organizations.

(Ord. O-16-20, passed 10-1-2020)

§ 99.07 REPORTS TO CITY COUNCIL.

The Lincolnton Steering Committee shall submit to the City Council reports of its activities and recommendations and shall maintain a record of the actions taken at its meetings.

(Ord. O-16-20, passed 10-1-2020)



LINCOLNTON
AGENDA ITEM SUMMARY

To: The Honorable Mayor and City Council
Date: April 3, 2025
From: Ritchie Haynes, City Manager
Subject: 2025 July 4th Celebration Fireworks Contract

Summary:

Background:

Fiscal Impact:

Recommendation:

Attachments:

None