



LINCOLNTON PLANNING BOARD

AGENDA

July 21, 2026

4:00 PM

1. Call to Order

2. Roll Call

3. Approval of Minutes

3a June 16, 2026

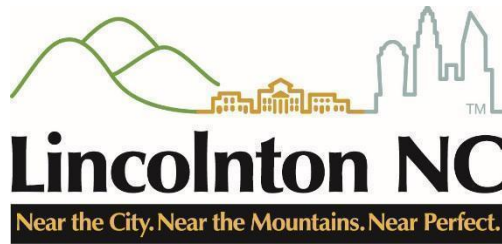
4. Public Hearing

4a CZ-7-2026 – Request from Piedmont Companies to amend a site plan. The subject properties are located at 2350 and 1912 North Aspen Street (Parcel ID 21600, 53769, and 21599) -Deferred (Deferment to the August PB Meeting - Annexation must be started first. First Annexation step will be August 6th at City Council.)

4b Moratorium - Consideration of adopting an ordinance imposing a one-year moratorium on the acceptance, processing, and approval of applications for data centers, data processing facilities, cryptocurrency mining operations, and other uses associated with data processing facilities within the City of Lincolnton, North Carolina, pursuant to NC General Statute 160D-107.

4c Relinquish ETJ - Consideration of a Resolution to Relinquish Extraterritorial Jurisdiction (ETJ)

5. Adjournment



CITY OF LINCOLNTON PLANNING BOARD MINUTES

PO DRAWER 617, LINCOLNTON, NC 28093

www.lincolntonnc.org

BOARD MEMBERS: Trent Mason, Chair, trentonbmason@gmail.com; Kristin Radebaugh, Vice Chair, kradebaugh6r6@gmail.com; John Waters, h2os.john@gmail.com; Monte Tyson, monte@cbdeastmain.com; Steve Lackey, stevelackey88@gmail.com; Jerry Hoffman, jlskhoffman@charter.net; Lee Huss lee@gillelandrealty.com

Tuesday, June 16, 2026

Present: John Waters, Kristin Radebaugh, and Lee Huss

Call to Order

Vice Chair Kristin Radebaugh called the meeting to order and recognized that three members were present.

Approval of Minutes

Vice Chair Kristin Radebaugh asked the Board if there were any additions or corrections to the minutes of the May 19, 2026 meeting.

*Motion: John Waters made a motion to approve the minutes.
Members voted 3-0 in favor of the motion.*

Public Hearings

CZ-6-2026- Chick-Fil-A, 1904 East Main Street (Parcel ID's: 22484 and 87361)

Planning Director Jean Derby presented the staff report in the agenda packet to the Board requesting a conditional district rezoning from Planned Business Conditional Use (PB-CU) to Planned Business Conditional District [PB (CD)] to allow the existing Fast Food Restaurant to restructure the parking lot to accommodate a dual-lane drive-thru on the subject property.

There was a brief discussion between the Board and the Planning Director regarding the addition of the back parcel, the parking spots, and the overall impervious area.

The applicant made himself available for questions, but the Board did not have questions.

The Public Hearing portion of the meeting closed.

Vice Chair Kristin Radebaugh asked if there was a motion. The motion was as follows:

*Motion: Lee Huss made a motion to approve with staff recommendations.
Members voted 3-0 in favor of the motion.*

ZTA-2-2026- Amendment to Unified Development Ordinance

Planning Director Jean Derby noted that this case was deferred.

Vice Chair Kristin Radebaugh asked the Board if there was any other business to be addressed, to which there was none.

Adjournment

*Motion: John Waters made a motion to adjourn.
Members voted 3-0 in favor of the motion.*

Becky Shaw

MEMO TO: Planning Board

FROM: Planning Staff

SUBJECT: Consideration of adopting an ordinance imposing a one-year moratorium on the acceptance, processing, and approval of applications for data centers, data processing facilities, cryptocurrency mining operations, and other uses associated with data processing facilities within the City of Lincoln, North Carolina, pursuant to NC General Statute 160D-107.

DATE: July 21, 2026

Background

This ordinance proposes a temporary moratorium, in accordance with N.C.G.S. 160D-107, on the approval of development applications for data centers, data processing facilities, cryptocurrency mining operations, and other related uses within the City of Lincoln.

These types of facilities have distinct operational and physical characteristics that set them apart from traditional commercial or industrial developments. Data centers and similar facilities typically require substantial electrical capacity, advanced cooling systems, and significant security measures. Cryptocurrency mining operations involve continuous, high-intensity computing activities that lead to high energy consumption and, at times, persistent noise impacts.

Temporary moratoriums halting development approvals for data centers and similar uses have been enacted by several local governments across North Carolina. Reports indicate that additional local governments throughout the state are also assessing the need for a moratorium.

<u>County</u>	<u>Moratorium Period</u>	<u>Population</u>
Rowan	1 year	148000
Orange	1 year (April 2026)	148696
Chatham	1 year (February 2026)	86390
Cumberland	6 months (expires 12/15/26)	335000
Harnett	12 months (May 2026)	14000
Pasquotank	12 months (May 2026)	40000
Northampton	32 months (expires Jan 2029)	17000
Gates	12 months (December 2025)	10000
Swain	12 months	14000
<u>Town</u>	<u>Moratorium Period</u>	<u>Population</u>
Hillsborough	2 months	>10,000
Durham	12 months (May 2026)	310342
Apex	12 months (April 2026)	85721
Charlotte	150 days	964784
Elizabeth City	12 months (May 2026)	19778
Kings Mountain*	182 days (February 2026)	12279
Holly Springs	Up to 12 months	52000
Boone	12 months	20000
Wendell	Through 12/31/ 2026	19600
Woodfin	12 months (May 2026)	8200
Canton	12 months (February 2026)	4400
*considering extending moratorium period		

Currently, the City's Unified Development Ordinance (UDO) does not specifically define or address data centers, data processing facilities, or cryptocurrency mining operations. It also lacks established use classifications, development standards, and review criteria tailored to these types of facilities. This regulatory gap creates uncertainty for both applicants and the City of Lincolnton, limiting the City's ability to effectively site, design, and review such facilities.

Without clearly defined standards, there is a risk that facilities with substantial infrastructure demands and external impacts may be developed in areas that are unsuitable or lack appropriate mitigation measures.

While data centers and related facilities can contribute to economic development and tax revenue, they may also generate various land use and infrastructure impacts, including but not limited to:

- High energy demand, potentially straining local electrical infrastructure and necessitating substantial utility upgrades
- Significant water usage for cooling systems, depending on facility design
- Noise impacts from cooling equipment, backup generators, and continuous operations
- Visual impacts related to large building footprints, security fencing, and mechanical equipment
- Limited employment density relative to building size and land consumption

Considering these factors, it is crucial for the City of Lincoln to proactively evaluate how these uses should be defined, where they should be permitted, and what performance standards or mitigation measures should be implemented. A temporary moratorium on accepting and processing new development applications for such facilities is a reasonable and necessary step, allowing City staff and the Planning Department sufficient time to study these issues, engage with stakeholders, draft appropriate amendments to the Unified Development Ordinance, and adopt the needed changes.

Staff Recommendation:

Approve the Moratorium

Motions:

Motion to approve

Or

Motion to deny



ORDINANCE OF THE CITY OF LINCOLNTON CITY COUNCIL INSTITUTING A TEMPORARY MORATORIUM ON THE PERMITTING OF DATA CENTERS, DATA PROCESSING FACILITIES, CRYPTOCURRENCY MINING OPERATIONS AND ANY USE ASSOCIATED WITH DATA PROCESSING FACILITIES WITHIN THE CITY OF LINCOLNTON, NORTH CAROLINA PURSUANT TO NORTH CAROLINA GENERAL STATUTE §160D-107

WHEREAS, the City of Lincolnton City Council (the "Council") is responsible for promoting the health, safety, and general welfare of the residents; and

WHEREAS, North Carolina General Statute § 160D-107 authorizes local governments to adopt temporary moratoria on development approvals under certain conditions; and

WHEREAS, the Planning Department has observed a recent increase in inquiries and potential applications for high-impact facilities, specifically data centers; and

WHEREAS, data centers, data processing facilities, cryptocurrency mining operations, and other uses associated with data processing facilities present unique challenges and potential impacts not adequately addressed by the current zoning and development regulations, including but not limited to:

- Extremely high energy consumption and strain on existing utility infrastructure;
- Significant noise generation from cooling systems and backup generators, affecting adjacent residential areas and general quality of life;
- Substantial water usage for cooling purposes;
- Potential environmental impacts, including hazardous material storage and electronic waste disposal; and
- Land use compatibility concerns; and

WHEREAS, the existing regulations were not developed with these specific types of high-impact uses in mind, and Lincolnton needs time to develop appropriate, comprehensive standards to ensure that any future development of such facilities is consistent with the long-term land use plan and protects the public interest; and

WHEREAS, the Planning Department has considered alternative courses of action, such as relying on existing general use permits or zoning amendments, but determined these were inadequate because they lack the specific performance standards (e.g., noise limits, utility capacity requirements, setbacks) needed to mitigate the unique impacts of these facilities effectively; and

WHEREAS, a temporary moratorium on accepting and processing new applications for such facilities is a reasonable and necessary measure to allow City staff sufficient time to study the issues, engage with stakeholders, and draft appropriate amendments to the zoning and development regulations;

NOW, THEREFORE, BE IT ORDAINED by the City of Lincoln City Council:

Section 1. Moratorium Imposed

A temporary moratorium is hereby imposed for a period of one (1) year from the effective date of this Ordinance. During this period, the City shall not accept, process, or approve any applications for the following development approvals:

- Conditional Zonings
- Zoning Map Amendments
- Any other development approval required by law

for the establishment, construction, or erection of data centers, data processing facilities, cryptocurrency mining operations, and other uses associated with data processing facilities.

Section 2. Scope and Exemptions

This moratorium shall apply to all incorporated and extraterritorial jurisdictional areas of the City of Lincoln.

Section 3. Plan of Action and Schedule

During the effective period of this moratorium, the City of Lincoln City Council and City Staff shall take the following actions:

- **Month 1-4:** Study the potential impacts (energy, water, noise, land use) of data centers and cryptocurrency mining facilities, in consultation with local utility providers and the UNC School of Government.
- **Month 4-6:** Draft specific land use ordinance amendments and performance standards to regulate these facilities, including appropriate zoning districts, setback requirements, noise limitations, and utility capacity conditions.
- **Month 6-10:** Hold public workshops and Planning Board meetings to review the draft amendments and gather public input.
- **Month 10-12:** The Planning Board will provide a recommendation to the City Council. The City Council will hold the necessary public hearings to consider and potentially adopt the final ordinance amendments.

Section 4. Duration and Termination

This Ordinance shall be in full force and effect from August 6, 2026, until August 5, 2027, unless earlier terminated, extended, or modified by the City Council in accordance with North Carolina law. The stated duration is reasonably necessary to address the identified problems. A twelve-month duration is necessary to complete the multi-phase study, drafting, public engagement, and adoption schedule outlined in Section 3.

Section 5. Severability

If any section or part of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining sections or parts.

Adopted this the _____ day of _____, 20____.

Ed Hatley, Mayor
Lincolnton City Council

Attest:

Daphne Ingram, City Clerk

MEMO TO: Planning Board

FROM: Planning Staff

SUBJECT: Consideration of a Resolution to Relinquish Extraterritorial Jurisdiction (ETJ): ZMA-1-2026 and ZTA-2-2026

DATE: July 21, 2026

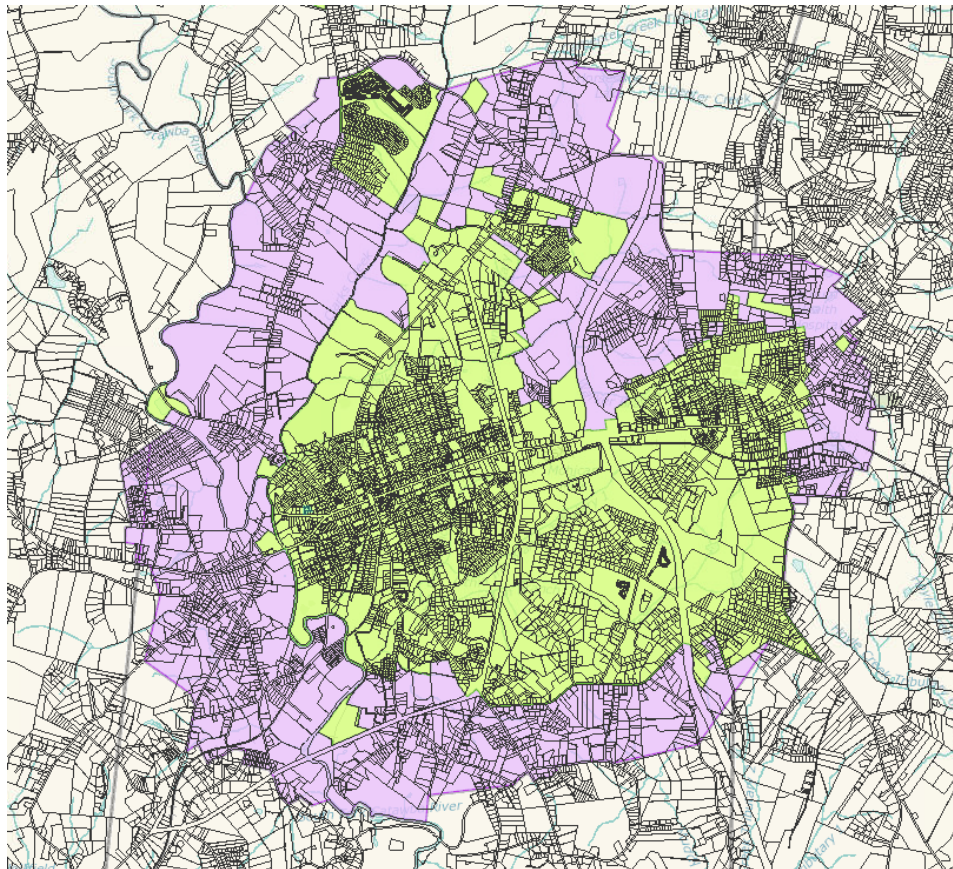
Background

Established in 1990 alongside the city's zoning ordinance, the Extraterritorial Jurisdiction (ETJ) encompasses a 1-mile county land boundary surrounding the city limits and is managed under city zoning regulations. The original intent in adopting the ETJ was to guide future expansion and avoid conflicting land uses, particularly because the county lacked its own Unified Development Ordinance at the time. Consequently, the City of Lincoln has overseen all zoning permits, enforcement actions, subdivision plats, and rezoning requests within this zone since that time.

Currently, ETJ administration faces challenges of "regulation without representation," as affected residents cannot vote for City Council members, even though the council makes development decisions in their area. ETJ residents are represented solely by a single member on the Planning Board.

ZMA-1-2026

Staff is requesting that City Council approve the Resolution to Relinquish the ETJ to Lincoln County. The map below shows the City Limits in green and the ETJ in purple. The purple area would no longer be part of the City's planning jurisdiction.



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 Friguglietti, Jr.

RESOLUTION RELINQUISHING THE EXTRATERRITORIAL JURISDICTION

WHEREAS, the City of Lincolnton currently exercises Extraterritorial Jurisdiction (ETJ) over certain unincorporated areas adjacent to its corporate limits, pursuant to N.C. Gen. Stat. § 160D-202; and

WHEREAS, the Lincolnton City Council conducted a public hearing on August 6, 2026, for consideration of relinquishing the Extraterritorial Jurisdiction (ETJ): ZMA-1-2026 and ZTA-2-2026; and

WHEREAS, the request was for a zoning map amendment to remove City of Lincolnton zoning from approximately 6,035 +/- acres of property within the Extraterritorial Jurisdiction located in Lincoln County; and

WHEREAS, development authority of the Extraterritorial Jurisdiction area shall be relinquished to Lincoln County effective October 5, 2026, or the date Lincoln County officially adopts and applies its own development regulations to the area, whichever is earlier; and

WHEREAS, the City of Lincolnton City Council has determined that it is in the best interest of the public to transition zoning and development regulatory authority of the ETJ back to Lincoln County; and

WHEREAS, the City Council has approved the request for rezoning and found it to be consistent, reasonable, and in the public interest; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincolnton that:

1. **Complete Relinquishment:** The City of Lincolnton hereby relinquishes its entire extraterritorial planning and development regulation jurisdiction within Lincoln County, including all unincorporated lands and parcels currently located outside the corporate limits but subject to the City's municipal Unified Development Ordinance (UDO).

2. **Boundary Definition:** The area being relinquished comprises the entire City of Lincolnton ETJ boundary, as officially maintained by the City Clerk, recorded in the Lincoln County Register of Deeds, and shown on the official municipal zoning map.
3. **Effective Date and Statutory Transition:** In strict compliance with N.C. Gen. Stat. § 160D-202(h), the development regulations and enforcement powers of the City of Lincolnton shall remain active and fully enforceable within the relinquished area until the earlier of:
 - (a) The date Lincoln County officially adopts and applies its own development regulations to the area, or
 - (b) A period of sixty (60) days has elapsed from the date of the adoption of this resolution.
4. **Official Map Amendment:** Upon the effective date of transfer, the official zoning map will be amended to remove all extraterritorial jurisdiction designation boundaries of the City of Lincolnton.

Adopted this the 6th day of August, 2026:

LINCOLNTON MAYOR

Ed Hatley, Mayor

ATTEST: (SEAL)

Daphne Ingram, City Clerk

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

Case No. ZMA-1-2026

Applicant: City Staff

Parcel ID#: All parcels located within the ETJ

Request: Remove the ETJ from the City's planning jurisdiction

The proposed rezoning would remove the Extraterritorial Jurisdiction from the planning jurisdiction. This request is **consistent, reasonable, and in the public interest with the adopted Land Use Plan.**

1. Returning this area to Lincoln County aligns with the city's long-range growth strategy. It recognizes that the area logically falls under the county's unified development policies for rural/suburban transition zones.
2. Property owners and neighbors will benefit from a single set of county regulations, simplifying the permitting process.
3. Streamlining jurisdiction removes redundant regulatory boundaries, protecting public health, safety, and welfare.

Staff Recommends a motion to approve the following:

- Resolution Relinquishing the Extraterritorial Jurisdiction
- Zoning Map Amendment
- Statement of Consistency and Reasonableness for Approval
- Future Land Use Map Amendment and Land Use Plan to remove the ETJ

ZTA-2-2026 - Zoning Text Amendments to Chapter 32 Planning Board and Chapter 153 Unified Development Ordinance

The following ordinance sections have references to the Extraterritorial Jurisdiction, and the wording just needs to be removed:

152.060	Lands to Which this Chapter Applies
153.160	General Intent
153.387	Information to be Contained or Depicted on Preliminary and Final Plats
153.121	WSW
153.031	Definitions (also includes Bona Fide Farms)
153.015	Jurisdiction

The following section needs to be deleted:

153.076	Bona Fide Farms in the ETJ
153.395	Street Standards (A)(2)

This section has one line that needs to be deleted:

153.143	Nonconforming Signs
153.396	Water and Sewer Systems (A)(2)

These sections refer to having an ETJ representative on the Planning Board:

32.020	Membership and Vacancies; Attendance
153.275	Powers Duties and Procedures

Staff proposes to keep a seven (7) member Planning Board and to replace the ETJ member with a Lincolnton Citizen. The wording should reflect that.

Livestock is not permitted within the City Limits. Therefore, we propose the following:

Edit the following sections:

153.031	Definitions
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- Replace:
AGRICULTURE USES. The commercial production, keeping or maintenance, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, goats or any mutations or hybrids thereof, including the breeding and grazing of any or all or the animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including nuts and vegetables; nursery,

floral and ornamental products; or lands devoted to a soil conservation or forestry management program.

- New:
LIMITED AGRICULTURAL USES. Defined as an accessory use for small-scale production, keeping, or maintenance of plants and poultry and poultry products; bees and apiary products; trees and forest products; fruits of all kinds, including nuts and vegetables; nursery, floral, and ornamental products. Also reference § 90.02 FOWL AT LARGE.

153.105 R-25 Rural Residential District

- Replace: (A)(4) Agriculture Uses
- New: (A)(4) Limited Agricultural Uses

153.057 Accessory Structures

- Replace: (F) Accessory structures of a bona fide farm are exempt from the North Carolina State Building Code in accordance with G.S § 160D-903.
- New: (F) Permitted Limited Agricultural Uses are allowed one on-site farm stand not to exceed 6'x6' as long as it maintains a distance of 10' from the edge of the street right-of-way and all property lines.
 - All other accessory structures must meet the requirements of divisions (A) - (B) above.

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

Case No. ZTA-2-2026

Applicant: City of Lincoln Planning Department

Request: ZTA-2-2026 - Zoning Text Amendments to Chapter 153 Unified Development Ordinance

Proposed Consistency and Reasonableness Statement:

The proposed amendment **aligns** with the adopted Lincoln Land Use Plan. It updates the regulations to reflect current procedures and best practices, addressing the City's present needs. The amendment does not conflict with the goals and objectives of the Plan, and its approval serves the public's best interest.

Staff Recommendation:

Approve ZTA-2-2026 as written.

Staff recommends a motion to approve the following:

- Zoning Text Amendment
- Statement of Consistency for Approval