MEMO TO: Mayor and City Council Members

FROM: Planning Staff

SUBJECT: ZTA-4-2023 - Zoning Text Amendments to Chapter 153 Unified Development Ordinance

DATE: January 4, 2024

Background

Sometimes, minor errors occur in the text or circumstances change, which require amendments to the Unified Development Ordinance (UDO). To improve the enforceability and effectiveness of the UDO, it is necessary to modify, update, or add certain sections of the ordinance. The proposed changes are identified with yellow highlight, and the language intended to be removed is marked with a strikethrough. Below are the sections that require modification.

Proposed Amendment Section:

§ 153.382 PROCEDURE FOR REVIEW OF MINOR SUBDIVISIONS.

(B) *Final plat for minor subdivisions.*

(1) A registered land surveyor currently licensed and registered in the state by the State Board of Registration for Professional Engineers and Land Surveyors shall prepare the final plat. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. § 47-30 and the *Standards of Practice for Land Surveying in North Carolina*, where applicable, and the requirements of the County Register of Deeds.

(2) At least eight complete copies and a digital copy of the final plat shall be submitted to the Administrator with one of these copies being on reproducible material. The remaining copies shall be black or blue line paper prints. The copies shall be considered complete if they contain all of the information as required by § 153.387 of these regulations. Material and drawing medium for the original shall be in accordance with the *Standards of Practice for Land Surveying in North Carolina*, where applicable, and the requirements of the County Register of Deeds.

§ 153.385 FINAL SUBDIVISION PLAT SUBMISSION AND REVIEW.

(D) *Submission procedure.*

(1) At least eight complete copies and a digital copy of the final plat shall be submitted to the Administrator.

Staff Comment: Digital copies of site plans are used via email to share and communicate with other departments/entities and are vital to streamline planning processes.

Proposed Amendment Section:

§ 153.117 GMC GENERAL MANUFACTURING AND COMMERCIAL DISTRICT.

(42) Restaurants, including fast-food restaurants;
(43) Retail: All uses permitted in § 153.113(A) of this chapter
~~(43)~~ (44) Roofing manufacturing, repair and installation facilities;
~~(44)~~ (45) Sign painting and manufacturing shops;
~~(45)~~ (46) Slaughterhouse/abattoir;
~~(46)~~ (47) Tin and sheet metal shops;
~~(47)~~ (48) Tire recapping shops;
~~(48)~~ (49) Towers and antennas 50 feet or less in height;
~~(49)~~ (50) Truck sales and repair;
~~(50)~~ (51) Trucking terminals;
~~(51)~~ (52) Union halls, fraternal and civic organization meeting facility;
~~(52)~~ (53) 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.
~~(53)~~ (54) Warehouses, including mini-warehouses;
~~(54)~~ (55) Wholesaler, jobbers, bulk warehouses; and
~~(55)~~ (56) Accessory outlet store, provided that parking for the store shall be computed separately from the principal use and reserved for those purposes.

Staff Comment: GMC 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, and retail outlets; transportation terminals; various public and utility uses; and a broad variety of specialized commercial and industrial operations. However, adding retail uses would not compromise this zoning district and would allow for a broader choice of locations for retail.

Proposed Amendment Section:

§ 153.030 INTERPRETATION OF TERMS AND WORDS.

Smoke Shop A commercial establishment, operated as a principal use, engaged in the retail sale of tobacco, nicotine, hemp-derived compounds, including CBD, for the purpose of human ingestion as authorized for sale by the State, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, or any other preparation of tobacco, tobacco-related paraphernalia of any type, electronic cigarettes, any electronically-actuated device or inhaler meant to simulate cigarette smoking that causes the user to exhale any smoke, vapor, or substance other than that produced by unenhanced human exhalation.

§ 153.115 G-B GENERAL BUSINESS DISTRICT.

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

(1) *Retail uses.*

(hhh) Shoe store;

(iii) Shoe repair shop;

(jjj) Smoke Shop with the following prescribed standards:

- Shall not be located within 500 feet of any school, childcare facility, public park, or other building used for education or recreational programs for persons under the age of 18 years.
- Shall not be located within 1,000 feet of any other tobacco shop, alternative nicotine shop, or vapor shop.
- Separation is required to prevent overconcentration, which is defined as three or more of these uses existing within a 1,000-foot radius of the business. Required separation distance shall be measured as a radius from the front door of one business to the front door of the surrounding business located within or outside the City's corporate limits.
- Must meet all sign regulations in the UDO including but not limited to (a) Flashing signs or any signs with flashing or intermittent light or lights or reflective devices of changing degree of intensity or color **are prohibited** (b) A maximum of 10% of the wall area of any wall on the building.

Staff Comment: Currently, smoke shops are not identified separately in our ordinance so they fall under retail. Adding the definition and putting them in a specific zoning district will help regulate location. Prescribed standards will help regulate the number of shops and proper signage.

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

Case No. ZTA-4-2023

Applicant: City of Lincolnton Planning Department

Request: ZTA-4-2023 - Zoning Text Amendments to Chapter 153 Unified Development Ordinance

Proposed Consistency and Reasonableness Statement:

> The proposed amendment is **consistent** with the adopted Lincolnton 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.

REASONABLE: The text amendment is reasonable because it makes the ordinance clearer and more easily understood.

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

Case No. ZTA-4-2023

Applicant: City of Lincolnton Planning Department

Request: ZTA-4-2023 - Zoning Text Amendments to Chapter 153 Unified Development Ordinance

Proposed Consistency and Reasonableness Statement:

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