Lincolnton NC

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ZTA-5-2025

Application from **CBD East Main, LLC,** requesting an amendment to the following Sections

- 153.030 Interpretation of Terms and Words
- 153.031 Definitions of Specific Terms and Words
- 153.113 C-B Central Business District, of the Unified Development Ordinance

To allow Hemp/Cannabis Dispensary as a permitted use with prescribed standards.

MEMO TO: Mayor and City Council

FROM: Planning Staff

SUBJECT: ZTA-5-2025 - Zoning Text Amendments to Chapter 153 Unified Development Ordinance

DATE: December 4, 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.

Please note: The text amendment is now presented in a new, easier-to-read format. We are providing a current version and a proposed version, replacing the previous redline-and-highlight system.

Proposed Amendments from Applicant:

1. **Amend 153.031 Definitions**

Hemp/Cannabis Dispensary. A retail business that exclusively sells hemp or cannabis products for ingestion as authorized by the state. Such establishments shall not sell Kratom, Kava, Tobacco, Nicotine, or any paraphernalia.

2. **Amend 153.030 Interpretation of Terms and Words**

Adding a new subsection: ***Hemp/Cannabis Dispensary***, No Hemp/Cannabis Dispensary shall be located within 2500 Feet of another Hemp/Cannabis Dispensary. The distance shall be measured from the front property line of one dispensary to the front property line of another.

3. **Amend 153.113 Central Business District**

Adding the following language to subsection (A)(1) (Retail Uses) as a new item after the existing list: Hemp/Cannabis Dispensary

Items 2 & 3 - Staff recommends that instead of amending 153.030 Interpretation of Terms and Words and 153.113 Central Business District (A)(1) *Retail uses*, the following should be placed under 153.113 (B) *Uses subject to prescribed standards* as follows:

Hemp/Cannabis Dispensary provided no Hemp/Cannabis Dispensary shall be located within 1200 feet of another Hemp/Cannabis Dispensary. The separation distance shall be measured in a straight line, without regard to intervening structures, from the closest point of the property line of the proposed establishment to the closest point of the property line of the other establishment.

4. **Amend 153.031 Smoke Shop**

Edit wording to say “Smoke Shop does not include Hemp/Cannabis Dispensary”

If approving the addition of a Hemp/Cannabis Dispensary to the CB District, staff recommends the following additional actions:

1. Amend 153.115 General Business District to
   a. Remove (jjj) Smoke Shops from (A) *Permitted uses*
   b. Add Smoke Shops to (B) *Uses with prescribed standards*
   c. Add Hemp/Cannabis Dispensary to (B) *Uses with prescribed standards*
   d. Clarify the measurement method for the separation distance
   - Same prescribed standards as Smoke Shops.

2. Amend § 153.114 CBT Central Business Transitional District.

   a. Add an exclusion of Hemp/Cannabis Dispensary in (B) *Uses with prescribed standards*.

Note: If this is not added, Hemp/Cannabis Dispensary would also be a permitted use in the Central Business Transitional District.

CURRENT Ordinance language for Smoke Shop for reference:

§ 153.031 DEFINITIONS OF SPECIFIC 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. For the purpose of this definition, ***SMOKE SHOP*** does not include stores that exclusively sell hemp-derived compounds, including CBD, for the purpose of human ingestion as authorized for sale by the state.

Current ordinance language:

§ 153.115 G-B GENERAL BUSINESS DISTRICT.

(jjj) Smoke shop with the following prescribed standards:

1. Shall not be located within 500 feet of any K-12 public school or licensed childcare facility;

2. Shall not be located within 1,000 feet of any other smoke shop;

3. 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; and

4. 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; or (b) a maximum of 10% of the wall area of any wall on the building.

Proposed NEW ordinance language:

§ 153.031 DEFINITIONS OF SPECIFIC TERMS AND WORDS.

HEMP/CANNABIS DISPENSARY. A retail business that exclusively sells hemp or cannabis products for ingestion as authorized by the state. Such establishments shall not sell Kratom, Kava, Tobacco, Nicotine, or any paraphernalia.

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. Note: ***SMOKE SHOP*** does not include ***HEMP/CANNABIS DISPENSARY.***

§ 153.113 C-B CENTRAL BUSINESS DISTRICT.

(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 prescribed standards below.

(1) Hemp/Cannabis Dispensary provided that no Hemp/Cannabis Dispensary shall be located within 1200 feet of another Hemp/Cannabis Dispensary. The separation distance shall be measured in a straight line, without regard to intervening structures, from the closest point of the property line of the proposed establishment to the closest point of the property line of the other establishment.

§ 153.114 CBT Central Business Transitional District.

(A) *Permitted uses.* The following uses are permitted by right: All uses permitted in § 153.113(A) of this chapter.

(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 prescribed standards below.

(1) All uses subject to prescribed standards permitted in § 153.113(B) of the chapter, with the exclusion of Hemp/Cannabis Dispensary.

§ 153.115 G-B GENERAL BUSINESS DISTRICT

(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 prescribed standards below.

(1) *Retail uses.*

(b) Hemp/Cannabis Dispensary and Smoke Shops, provided they:

1. Shall not be located within 500 feet of any K-12 public school or licensed childcare facility property; the separation distance shall be measured in a straight line, without regard to intervening structures, from the closest point of the property line of the proposed establishment to the closest point of the property line of the properties listed above.

2. Shall not be located within 1,000 feet of any other smoke shop or dispensary; the separation distance shall be measured in a straight line, without regard to intervening structures, from the front door of the proposed establishment to the front door of the other establishment.

3. 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; or

(b) a maximum of 10% of the wall area of any wall on the building.

Planning Board Recommendation

The Planning Board voted 6-0 to approve the amendment with Staff recommendations, but proposed a separation distance of 1,000 feet. They also added an action item to clarify how the separation distance would be measured. The clarification is now underlined.

Planning Board also recommends approval of the Statement of Consistency and Reasonableness for APPROVAL of Application.

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

Case No. ZTA-5-2025

Applicant: City of Lincolnton Planning Department

Request: ZTA-5-2025 - Zoning Text Amendments to Chapter 153 Unified Development Ordinance

Proposed Consistency Statement:

The proposed amendment aligns with the Lincolnton Land Use Plan because it does not conflict with the Plan's goals and objectives. The amendment is consistent because one of the goals of the Downtown area is to promote Downtown Lincolnton as the County's foremost and unique retail, service, cultural, governmental, and mixed-use residential hub. This text amendment supports the goal by allowing a unique retail space that is trending upward in popularity and demand.

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

Case No. ZTA-5-2025

Applicant: City of Lincolnton Planning Department

Request: ZTA-5-2025 - Zoning Text Amendments to Chapter 153 Unified Development Ordinance

Proposed Consistency 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; however, it is not a desired permitted use in the Central Business District, and **denial of the amendment is reasonable and in the public interest**.

Actions:

Approve ZTA-5-2025 as written by Applicant

Approve ZTA-5-2025 with Staff Recommended Changes

Approve ZTA-5-2025 with Planning Board Recommended Changes

Deny ZTA-5-2025

Motions:

Motion to approve the amendment as submitted and the Statement of Consistency for Approval

Or

Motion to approve the amendment with Staff recommendations and the Statement of Consistency for Approval

Or
Motion to approve the amendment with Planning Board recommendations and the Statement of Consistency for Approval (recommendations must be stated for the record)

Or

Motion to deny the amendment and adopt the Statement of Consistency for Denial