MEMO TO: City Council

FROM: Planning Staff

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

DATE: August 6, 2026

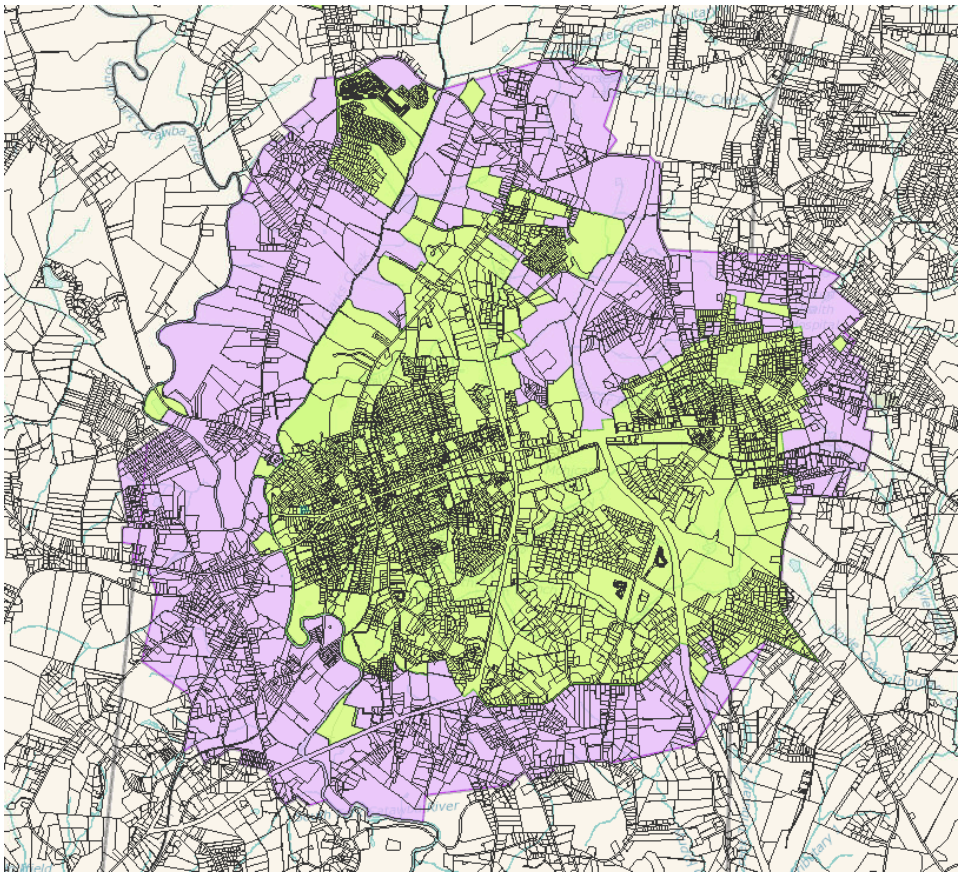
Background

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 Lincolnton 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

Lincolnton NC
Near the City. Near the Mountains. Near Perfect.

CITY MANAGER

Ritchie Haynes
rhaynes@lincolntonnc.org
CITY CLERK
Daphne Ingram
dingram@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.

Planning Board Vote:

Planning Board unanimously in favor of recommending approval

Planning Board recommends a motion to approve the following:

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

Motions:

Motion to approve with Planning Board recommendations (1 motion)

Or

Motion to deny (a motion to deny for each item listed above)

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

- 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 Lincolnton Planning Department

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

Proposed Consistency and Reasonableness Statement:

The proposed amendment align**s** with the adopted Lincolnton 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.

Planning Board Vote:

Planning Board unanimously in favor of recommending approval

Planning Board recommends a motion to approve the following:

- Zoning Text Amendment
- Statement of Consistency for Approval

Motions:

Motion to approve with Planning Board Recommendations

Or

Motion to deny (a motion to deny for each item listed above)