MEMO TO: Planning Board

FROM: Planning Staff

SUBJECT: ZTA-6-2024 - Zoning Text Amendments to Chapter 153 Unified Development Ordinance

DATE: November 19, 2024

Background

Occasionally, minor errors in the text or changes in circumstances necessitate amendments to the Unified Development Ordinance (UDO). To enhance the enforceability and effectiveness of the UDO, 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)

§ 153.031 DEFINITIONS OF SPECIFIC TERMS AND WORDS.

Staff Comment: Adding a definition for Recreation, Indoor to meet the increasing demand for diverse entertainment businesses. Modifying the term Recreation Facilities to Recreation, Outdoor for consistency.

Proposed Amendment Section:

§ 153.113 C-B CENTRAL BUSINESS DISTRICT.

Staff Comment: Adding indoor recreation and outdoor recreation to the permitted uses in the Central Business District with some prescribed standards for each.

Proposed Amendment Sections:

§ 153.105 R-25 RURAL RESIDENTIAL DISTRICT.

Staff Comment: Essential Services Class II and Class III should be added back into R-25. They were omitted during the 160D rewrite, and these services are vital for everyday living needs.

Examples of Class II include booster stations, pumping stations, substations, lift stations or other required facilities in connection with telephone, electric steam, water, sewer, or other similar utilities. Class III are production or treatment facilities such as power plants, sewage treatment plants, radio and television transmission towers, or similar utilities; operations centers for providers of essential services; and solid waste deposit stations where solid waste is deposited by the public in containers prior to the waste being hauled to another facility for disposal.

§ 153.031 DEFINITIONS OF SPECIFIC TERMS AND WORDS.

RECREATION, INDOOR An establishment that is primarily intended for recreational activities within enclosed structures. This category includes but is not limited to venues such as classic arcades, bowling alleys, skating rinks, billiard tables, escape rooms, theaters, trampoline parks, dance studios, gymnastics centers, fitness centers, smash rooms, sports simulation machines, and virtual reality gaming centers. These spaces offer a range of entertainment, physical activity, and social engagement opportunities and are designed to accommodate various age groups and recreational interests. This category excludes establishments that are engaged in or resemble gambling activities. The noise level generated by this activity should not adversely impact surrounding uses.

RECREATION, OUTDOOR ~~RECREATIONAL FACILITIES~~. An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various manmade features that accommodate the activities.

§ 153.113 C-B CENTRAL BUSINESS DISTRICT.

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

(1) Retail uses.

(a) Antique store;

(b) Appliance and appliance repair store;

(c) Arts and crafts store;

(d) Automobile and boat supply store;

(e) Bakeries (retail and wholesale);

(f) Bicycle store;

(g) Beauty supply store;

(h) Book and stationery store (excluding adult establishments);

(i) Box and gift-wrap store;

(j) Card (greeting) shop.

(k) Camera shop and film developing service depository and/or walk-in service developing lab;

(l) Catalog sales store;

(m) Clock shop;

(n) Clothing shop/department store;

(o) Computer service store;

(p) Convenience stores (no fuel sales);

(q) Copy service;

(r) Curtains, drape and other window treatments store;

(s) Delicatessen;

(t) Dressmaking shop;

(u) Drugstore;

(v) Dry cleaning (pick-up and delivery station);

(w) Dry goods shop;

(x) Electronics sales;

(y) Sign printing and manufacturing, outside of the downtown fire district and with no outdoor storage and with all activities conducted indoors;

(z) Florist and gift shop;

(aa) Floor covering, lighting, wallpaper, paint and window covering store;

(bb) Food store;

(cc) Formalwear sales and rental;

(dd) Furniture, rugs and other home furnishings store;

(ee) Furrier;

(ff) Hardware store (but not outdoor storage or enclosed lumber yards);

(gg) Hobby store;

(hh) Household goods shop;

(ii) Jewelry and jewelry repair shop;

(jj) Key shop;

(kk) Linen shop;

(ll) Luggage and leather shop;

(mm) Medical supply sales and rental store;

(nn) Music store including recordings of the various media, print music, sound and high fidelity equipment and supplies, and musical instruments sales and service;

(oo) Notion and fabric store;

(pp) Office buildings with a maximum gross floor area of 10,000 square feet;

(qq) Office supply, stationary office equipment;

(rr) Party rental shop;

(ss) Pet store;

(tt) Postal store;

(uu) Restaurant and auxiliary food catering service;

(vv) Second-hand shop;

(ww) Shoe store;

(xx) Shoe repair shop;

(yy) Sporting goods and trophy shop;

(zz) Tailor and alteration shop;

(aaa) Toy store;

(bbb) Variety and department store;

(ccc) Video rental and sales shop (excluding adult establishments); and

(ddd) Motorcycle sales with outdoor storage during business hours only.

(2) Services.

~~(a) Arcade, classic~~;

(b) Art and photography studios (excluding adult establishments);

(c) Automobile parking lot;

(d) Barber shop;

(e) Beauty shop;

(f) Community center;

(g) Commercial schools providing training in any of the arts, sciences, trades or professions, conducted indoors, with up to 100 enrolled students;

(h) Dry cleaning service;

(i) Essential services, Classes I and II;

(j) Exterminator service;

(k) Finance company;

(l) Film processing service;

(m) Fitness and tanning center (excluding adult establishments);

(n) Interior decorating service;

(o) Laundromat;

(p) Library;

(q) Museum;

(r) Newspaper office and broadcast media offices and studios only;

(s) Offices-business, professional, medical and public;

(t) Opticians and optical services;

(u) Permanent cosmetics;

(v) Post office;

(w) Public safety station;

(x) Rental of party, medical, office and household items;

(y) Sign printing and manufacturing, outside of the downtown fire district and with no outdoor storage and with all activities conducted indoors;

(z) Signs in accordance with §§ 153.160 through 153.172 of this chapter;

(aa) Theaters, auditoriums and public or private nonprofit cultural arts facilities (performance, education, and/or exhibit) excluding adult establishments; and

(bb) Travel agency.

(3) Other. Accessory apartments in commercial structures provided all Building and Fire Codes are met.

(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) Hotel provided that primary 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;

(2) Newspaper printing and other publishing;

(3) Parking facilities provided that primary 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) Tavern provided that primary 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) Recreation, Indoor provided that the noise level generated by this activity should not adversely impact surrounding uses.

(6) Recreation, Outdoor provided that the facility is closed by 9:00 PM, any outdoor lighting shall not shine directly into the yards/windows of residential uses and are turned off at closing, and central loudspeakers/ paging systems are prohibited within 200 feet of residentially planned, zoned, or used property.

(C) Yard requirements.

(1) Minimum lot size: none.

(2) Minimum lot width: none.

(3) Minimum front yard setback: none.

(4) Minimum side yard setback: none except ten feet shall be required on all corner lots and 20 feet on side yards that abut any Residential (R) District.

(5) Minimum rear yard setback: none except 20 feet shall be required on all lots whose rear yard abuts any Residential (R) District.

(6) Maximum building height: 40 feet except as permitted in § 153.054 of this chapter.

(7) Off-street parking and loading: all of street parking and loading requirements as prescribed in §§ 153.185 through 153.188 of this chapter shall be waived.

(8) Minimum build to lines: The fronts of all new commercial buildings shall be constructed at the minimum front and side setback lines.

(9) Where new structures are constructed adjacent to existing sidewalks, an expansion joint shall be placed between the structures and the sidewalk.

(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) When off-street parking is provided, landscaping shall be installed, as applicable, pursuant to § 153.047(B) of this chapter.

(Prior UDO, § 7.9) (Ord. ZTA-1-2013, passed 2-7-2013; Ord. ZTA-4-2016, passed 7-7-2016; Ord. ZTA-7-2016, passed 1-5-2017; Ord. passed 4-6-2017; Ord. ZTA-2-2020, passed 3-5-2020; Ord. passed - -; Ord. O-01-23, passed 1-5-2023; Ord. O-4-2024, passed 5-2-2024) Penalty, see § 153.999

Editor's note:

Additional development standards pertaining to the CB District, see § 153.074

§ 153.105 R-25 RURAL 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) 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 and II

(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 as set forth in § 153.045 of this chapter except § 153.045(B) of the section; provided however, if an accessory or outside storage building is used in connection with a home occupation it shall not exceed 800 square feet in floor area and not more than one building shall be devoted to the home occupation and the building is located in the rear yard and not less than 50 feet from any property line.

(3) Auto hobbyist (see Definitions, § 153.031) 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 in accordance with § 153.046;

(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 located in a residential district in accordance with § 153.046;

(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 and the use is screened from any adjoining property located in a residential district in accordance with § 153.046;

(7) Bed and breakfast inns provided the use is screened from any abutting property located in a residential district in accordance with § 153.046;

(8) Public safety stations and Essential Services III provided that the use is screened from any adjoining property located in a residential district in accordance with § 153.046;

(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;

(11) Communication towers subject to the following standards.

(a) The height of the communication tower may not exceed 199 feet above ground level;

(b) The tower may only be placed on a property containing a minimum of three acres;

(c) The tower must be set back a distance of at least 200 feet from any public right-of-way and 200 feet from any property line;

(d) The tower must provide technically-suitable space for at least four users;

(e) The tower shall be constructed using a monopole design;

(f) A new communication tower cannot be placed within a one-quarter mile radius of an existing tower that could accommodate an additional user;

(g) No equipment, mobile or immobile, not used in direct support of the transmission or relay facility shall be stored or parked on the site unless repairs to the facility are being made;

(h) Towers shall not be artificially lighted except to insure human safety as required by the Federal Aviation Administration (FAA) regulations;

(i) Screening in accordance with § 153.046 shall be planted around the perimeter of the area occupied by the tower, security fencing, and auxiliary uses such as parking. In addition, existing on-site trees and other vegetation shall be preserved to the extent possible;

(j) No more than one communication tower shall be constructed on a single tract of land;

(k) The tower will not result in interference with the safe operation of aircraft in relation to existing or planned airport facilities; and

(l) All obsolete or unused facilities must be removed within 12 months of cessation of operations at the site.

(C) Yard regulations.

(1) Minimum lot size.

(a) Single-family dwellings and Class A manufactured homes:

1. Twenty-five thousand square feet where no public water or public sewer is provided at the lot;

2. Twenty-two thousand five hundred square feet where either one of public water or public sewer are provided at the lot; or

3. Twenty thousand square feet where both public water and public sewer are provided at the lot.

(b) Two-family dwellings:

1. Fifty thousand square feet where no public water or public sewer are provided at the lot;

2. Thirty-five thousand square feet where either one of public water or public sewer are provided at the lot; or

3. Twenty thousand square feet where both public water and public sewer is provided at the lot.

(c) Churches: two acres.

(d) Schools: five acres.

(e) Bed and breakfast inn: one acre.

(f) Essential services: none.

(g) Cemeteries as a principal use: three acres.

(h) Rest homes: one acre.

(i) Nursing care facilities: 60,000 square feet.

(j) Continuing care communities: five acres.

(k) Country clubs: five acres.

(l) All other principal uses: one acre.

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

(a) Where public water and public sewer are provided to the lot: all uses: 40 feet.

(b) Where only one of either or neither public water and public sewer are provided to the lot: all uses: 50 feet.

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

(a) Single-family and two-family dwellings and manufactured homes, Class A: ten feet.

(b) Schools: 40 feet.

(c) Bed and breakfast inns: 25 feet.

(d) Public safety stations: 25 feet.

(e) Church: 40 feet.

(f) Rest home, nursing care facility and continuing care communities: 40 feet.

(g) Swimming pools located in a public or privately maintained recreation facility: 40 feet.

(h) Community center or meeting facility: 40 feet.

(i) Essential Services II: 20 feet.

(j) Essential Services III: 40 feet.

(k) All other uses: 15 feet.

(4) Minimum rear yard setback. Forty feet.

(5) Maximum building height. All uses: 35 feet, except as provided in § 153.054 of this chapter.

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

(a) Churches, community centers, meeting facilities, schools, country clubs, bed and breakfast inns and essential services, Class III: 150 feet.

(b) All other uses: 100 feet.

(D) Screening and landscaping.

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

(a) Country club, but screening is not required for golf course playing areas;

(b) Outdoor swimming pools located in a public or privately maintained recreation facility;

(c) Churches;

(d) Community centers and meeting facilities;

(e) Country clubs but not including golf courses;

(f) Bed and breakfast inns;

(g) Public safety stations;

(h) Rest homes, nursing care facilities and continuing care communities;

(i) Public or private elementary or secondary schools; and

(j) Public or private outdoor recreation facilities not constructed pursuant to a permit authorizing the construction of some residential development.

(l) Essential Services II;

(m) Essential Services III.

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

(Prior UDO, § 7.1) (Ord. passed - - ; Ord. O-5-2024, passed 6-6-2024)

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

Case No. ZTA-6-2024

Applicant: City of Lincolnton Planning Department

Request: ZTA-6-2024 - 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.