MEMO TO: Mayor and City Council

FROM: Planning Staff

SUBJECT: ZTA-2-2024 Application from Jason Cunningham requesting an amendment to Section 153.117, General Manufacturing and Commercial District (GMC), of the Unified Development Ordinance to allow Bail Bond Service as a permitted use.

DATE: May 2, 2024

**Background**

Currently, the UDO does not allow Bail Bond Services as a permitted use. We have some that are grandfathered in as nonconforming uses. We have received an application requesting that they be allowed as a permitted use in the GMC district. There are areas of GMC that are convenient to the Courthouse and the Sheriff's office.

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 Bail Bond Service as a permitted use would not compromise this zoning district.

**Proposed Amendment**

The proposed request seeks to amend Section 153.117, General Manufacturing and Commercial District (GMC), of the Unified Development Ordinance to allow Bail Bond Service as a permitted use.

**Planning Board Recommendation**

Planning Board voted 6-0 in favor of approving the amendment.

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

**AN ORDINANCE TO AMEND THE LINCOLNTON UDO** SECTION 153.117, GENERAL MANUFACTURING AND COMMERCIAL DISTRICT (GMC), OF THE UNIFIED DEVELOPMENT ORDINANCE TO ALLOW BAIL BOND SERVICE AS A PERMITTED USE.

Newly adopted language is underlined and highlighted in yellow the language to be deleted is struck through and ~~red~~.

**§ 153.117 GMC GENERAL MANUFACTURING AND COMMERCIAL DISTRICT.**

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

(1) Manufacturing, refining, processing or assembly of goods or products;

(2) Agriculture equipment, sales, and service;

(3) Assembly halls, coliseums, and ballrooms;

(4) Auction houses, indoors, excluding livestock;

(5) Automobile parking lots;

(6) Automobile painting, upholstering, repairs, reconditioning, and body work;

(7) Automobile sales;

(8) Automobile service stations;

(9) Automobile wash establishments;

(10) Bail Bond Service

(11~~0~~) Bookbinding shops;

Section 2. That this ordinance shall become effective upon its adoption.

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

Case No. ZTA-2-2024

Applicant: Jason Cunningham

Request: Amend Section 153.117, General Manufacturing and Commercial District (GMC), of the Unified Development Ordinance to allow Bail Bond Service as a permitted use.

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** in that the change to the UDO gives property owners more flexibility in how they develop their property.

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

Case No. ZTA-2-2024

Applicant: Jason Cunningham

Request: Amend Section 153.117, General Manufacturing and Commercial District (GMC), of the Unified Development Ordinance to allow Bail Bond Service as a permitted use.

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** in that it will maintain the current development restrictions intended to protect nearby properties.

**MOTION**

For **approval** of the request:

- Motion to approve as recommended by the Planning Board

For **denial** of the request:

- Motion to deny the request for amendment
- Motion to approve the statement of consistency for denial of request