MEMO TO: Mayor and City Council

FROM: Planning Staff

SUBJECT: ZTA-3-2026 Application from Ashley Workman Stoffa requesting an amendment to Section 153.113, Central Business District (C-B), of the Unified Development Ordinance to allow Funeral Homes as a permitted use.

Hearing Date: September 3, 2026

Proposed use from applicant:

Add Funeral Homes as a permitted use in the Central Business District.

Background:

In 2017, the Downtown Steering Committee requested a change to the downtown (Central Business District) zoning regulations in order to change bail bonds services, check cashing establishments, gas stations, pawn shops, banks, and churches from permitted uses in the Central Business District to conditional uses. The amendment aimed to maintain the charm and character of downtown Lincolnton while better positioning it to attract more retail and restaurant uses, and potentially a microbrewery or tavern. In 2021, these uses were changed from a conditional use to a conditional zoning district as part of the 160D update to the Unified Development Ordinance.

Staff Analysis:

Our ordinance does not currently define funeral homes. However, they are permitted in the Office Institutional and General Business zoning districts.

Ordinance requirements for parking are as follows:

One space for each four seats in the chapel or chapels, plus two spaces for each three employees, plus one space for each vehicle used in the operation; in addition, off-street parking area shall be provided, on the site, to accommodate a minimum of 30 passenger vehicles for the purpose of forming a funeral procession; in the event that an on-site area is not available, the off-street area may be provided within 300 feet of the funeral home, as measured to the nearest property lines.

Considerations:

- The Central Business District does not require any off-street parking (meaning a parking lot). This conflicts with the parking requirements for a funeral home. This would need to be addressed in the text amendment.
- The potential site for the funeral home has 14 parking spaces. She can meet the parking requirements for employees and work vehicles. No traditional chapel is planned for this location. The site includes a room for private viewing, and the number of seats has yet to be determined. The main parking concern is that there may not be adequate space for a funeral procession.
- Under North Carolina General Statutes, professional services provided by morticians and undertakers are completely exempt from sales tax. No sales tax on embalming, cremation, counseling, transportation, and chapel viewings. Sales tax is applied to tangible merchandise like caskets, vaults, urns, and memorial stones.

Staff Proposal:

Staff does not favor approving a text amendment to add funeral homes as a permitted use in the Central Business District, given the history and intent of the changes to permitted uses to allow more space for retail and restaurants, combined with the lack of adequate parking.

However, if the Planning Board thinks Funeral Homes may be an appropriate use, Staff recommends the following:

- Add a definition for funeral homes and funeral homes, no crematorium to the ordinance, and add a Downtown Conditional District that would allow certain uses as conditional uses.
- Create a new UDO chapter for Downtown Conditional Zoning District
- Modify 153.031 Definitions
- Modify 153.093 and 153.316 to accommodate the new conditional zoning district and to clean up language.

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

Case No. ZTA-3-2026

Applicant: Ashley Stoffa and City of Lincolnton Planning Department

Request: ZTA-3-2026 - 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 because it does not conflict with the Plan's goals and objectives, and **its approval is reasonable and in the public interest**.

CONSISTENT: It updates the regulatory language to align with current procedures and best practices, addresses the City's current needs, and provides additional guidance to help citizens understand the regulations.

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

Case No. ZTA-3-2026

Applicant: Ashley Stoffa and City of Lincolnton Planning Department

Request: ZTA-3-2026 - Zoning Text Amendments to Chapter 153 Unified Development Ordinance

Proposed Consistency Statement:

The proposed amendment is **consistent** with the adopted Lincolnton Land Use Plan because it does not conflict with the Plan's goals and objectives; however, the Central Business District should be reserved for more retail and restaurant uses.

Planning Board Vote:

Planning Board voted 4-1 in favor of approving the text amendment.

Planning Board Recommendation:

- Approve ZTA-3-2026 as written
- Approve the Statement of Consistency for Approval

Motions:

Motion to approve with Planning Board recommendations

Or

Motion to deny ZTA-3-2026
Motion to approve the Statement of Consistency for Denial

PROPOSED:

§ 153.031 DEFINITIONS OF SPECIFIC TERMS AND WORDS.

Funeral Home: a facility engaged in undertaking services, preparing human remains for burial or cremation, and hosting viewing services, informal gatherings, or funeral ceremonies.

Funeral Home, no crematorium: a facility engaged in undertaking services, preparing human remains for burial without using cremation, and hosting viewing services, informal gatherings, or funeral ceremonies.

CURRENT:

§ 153.093 CONDITIONAL DISTRICTS.

(A) A conditional district allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual development project. Some land uses are of such a nature or scale that they have significant impacts on both the immediately surrounding area and on the entire community, which cannot be predetermined and controlled by general district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of these regulations and the adopted Land Use Plan. The review process established in this Part provides for the accommodation of such uses by a reclassification of property into a conditional district, subject to specific conditions, which ensure compatibility of the use with the use and enjoyment of neighboring properties.

(B) Conditional zoning districts are zoning districts in which the development and use of the property is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. The following zoning district categories are conditional zoning districts:

(1) Parallel conditional zoning districts. A parallel conditional zoning district is a conditional zoning district in which the potential permitted use or uses are, except as limited by the conditions imposed on the district, of the same character or type as the use or uses permitted in a general district having a parallel designation or name. Following the approval of a petition for a parallel conditional district, the subject property shall be identified on the Zoning Maps by the appropriate district designation. A parallel conditional district shall be identified by the same designation as the corresponding general district followed by the letters "CD" (for example "G-B(CD)").

(2) Conditional zoning districts as identified in §§ 153.123 through 153.129:

(a) Planned Residential District;

(b) Planned Unit Development District;

(c) Traditional Neighborhood Development;

(d) Transitional Infill Development District;

(e) Manufactured Home Park District; and

(f) Commercial Center District.

(3) The conditional zoning districts allow for the establishment of certain uses, which, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole. The development of these uses cannot be predetermined or

153.129.1 Downtown Conditional District

(A) *Purpose.* To allow certain uses within the downtown area on a conditional basis.
(B) *Applicability.* Properties currently located within the Central Business & Central Business Transitional Districts.
(C) *Procedure*. A request for rezoning to the DC district may be approved by the City Council subject to §§ 153.315 *Amendments to Text and Map* and 153.316 *Additional Provisions Pertaining to Conditional Zoning Amendments* and only after having first been reviewed by the Planning Board.
(D) *Permitted uses*.
a. Churches
b. Funeral Homes, no crematorium
c. Banks, financial institutions
d. Bed and Breakfast
e. Shopping Centers, Classes A
f. Daycare Centers
g. Event Centers

(E) *Yard requirements.*
a. Minimum lot size: none.
b. Minimum lot width: none.
c. Minimum front yard setback: none.
d. Minimum side yard setback: none except 10 feet shall be required on all corner lots and 20 feet on side yards that abut any Residential (R) District.
e. Minimum rear yard setback: none except 20 feet shall be required on all lots whose rear yard abuts any Residential (R) District.
f. Maximum building height: 40 feet except as permitted in § 153.054 of this chapter.
g. Minimum build to lines: the fronts of all new commercial buildings shall be constructed at the minimum front and side setback lines.
h. Where new structures are constructed adjacent to existing sidewalks, an expansion joint shall be placed between the structures and the sidewalk.

(F) *Screening and landscaping.*
a. Screening when required by § 153.046(A) of this chapter, shall be installed pursuant to § 153.046 of this chapter.
b. When off-street parking is provided, landscaping shall be installed, as applicable, pursuant to § 153.047(B) of this chapter.

(G) Off-street parking and loading.
a. All off-street parking and loading requirements as prescribed in §§ 153.185 through 153.188 of this chapter.

(H) Signs.
a. Must follow the regulations applicable to the CB & CBT Districts in sections §§ 153.160 through 153.174.

(I) *Other. Additional development standards pertaining to the CB District, see § 153.074*

controlled by general district standards. In order to accommodate these uses, this chapter establishes specific development standards for these uses intended to protect existing developed areas. The permitted uses and development standards are contained within each district. Each of the conditional zoning districts requires submittal of a site plan as part of the application review process. In addition, each of the conditional zoning districts is subject to approval by City Council in order to be established.

(Ord. passed - -)

PROPOSED:

§ 153.093 CONDITIONAL DISTRICTS.

A conditional zoning district is a custom land-use classification created through a legislative process in which the development of a specific property is bound to unique, site-specific rules, conditions, and master plans agreed upon by the property owner and the local government.

Key Characteristics:

1. Customized Rules: Unlike standard general-use zones that apply uniform rules to broad areas, conditional districts feature rules tailored specifically to one site and its immediate surroundings.
2. Voluntary Agreement: The property owner must request the rezoning classification and consent in writing to all attached conditions.
3. Legislative Process: Conditional Districts are established in accordance with the procedures set forth in § 153.315 *Amendments to Text and Map* and §153.316 *Additional Provisions Pertaining to Conditional Zoning Amendments* of this chapter.
4. Site-Specific Rules: Development must follow a precise site plan and tailored rules that address compatibility.
5. Impact Mitigation: Conditions are strictly tied to addressing the project's practical local impacts, such as traffic, layout design, or environmental safeguards.

Types of Conditional Districts:

General Conditional Zoning Districts as identified in §153.123 through §153.129.1:

(a) Planned Residential District

(b) Planned Unit Development District

(c) Traditional Neighborhood Development

(d) Transitional Infill Development District

(e) Manufactured Home Park District

(f) Commercial Center District

(g) Downtown Conditional District

Parallel Conditional Zoning Districts:

A parallel conditional zoning district is a customized zoning district that directly mirrors a standard, general-use base zoning district identified in §153.105 through §153.117.1

a. Base District Counterpart: Every parallel conditional district links directly to an existing conventional zone (such as a residential or highway-commercial district). A parallel conditional district shall be identified by the same designation as the corresponding general district followed by the letters "CD" (for example, "G-B(CD)")

2. Permitted Uses: Allowed uses match the base district, except when the approved conditions alter them (like extra buffers or limited hours).

CURRENT:

§ 153.316 ADDITIONAL PROVISIONS PERTAINING TO CONDITIONAL ZONING AMENDMENTS.

The procedures in this section exist to supplement the procedures set forth in § 153.315 of this chapter, to clarify special requirements for conditional rezonings.

(A) Purpose. The conditional rezoning process allows particular uses to be established, but only in accordance with a specific development project. Some land uses are of a nature or scale that they have significant impacts on both the immediate surrounding area and/or on the entire community that cannot be predetermined and controlled by general district standards or the criteria governing planned developments. There are also circumstances in which a general district designation allowing a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property and be consistent with the objectives of these regulations, the adopted land use plan, and other plans for the physical development of the city as adopted by the City Council. Property may be placed in a conditional district only in response to a petition by all owners of the property to be included. The review process established herein provides for the accommodation of the uses by a reclassification of property into a conditional district approval process is also established to address those situations when a particular use may be acceptable but the general zoning districts which would allow that use would not be acceptable.

(B) Reclassification required prior to development.

(1) In order for a property owner to secure privileges for developing property under the conditional district process, the property must first be rezoned by the City Council to a conditional district. Specific conditions may be proposed by the petitioner or the city, but only those conditions approved by the city and consented to by the petitioner in writing may be incorporated into the zoning regulations. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to local government ordinances, the land use plan or the impacts reasonably expected to be generated by the development or use of the site. Any use permitted under this process must also conform to the development regulations for the corresponding general zoning district.

(2) Thus, if a property were rezoned to an NB(CD), that use must:

(a) Be a use allowed in the NB District; and

(b) Meet all dimensional, screening and related requirements of the NB District.

(3) Rezoning of property to a conditional district is a voluntary procedure on the part of the property owner and is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative proposals that may not be undertaken for some time. No conditional district shall be established until the owner(s) of the property(ies) in question (or his or her authorized agent) proposing the district has

submitted an application for the rezoning of the property and the City Council has approved the application in accordance with the procedures stated herein.

(C) Plans and other information to accompany petition. Every application for the rezoning of property to a conditional district shall be accompanied by a site plan, drawn to scale, and any necessary supporting information together which conform to all the requirements set forth in division (D) below and when requested, the additional information that may be required pursuant to division (A) above.

(D) Submittal to the Administrator.

(1) Submittal to the Administrator of an application for a conditional district rezoning shall be in accordance with the schedule set forth in § 153.315(D) of this chapter.

(2) The application for a conditional zoning amendment can only be initiated by the property owner/owners.

(E) Procedures. The procedures for requesting rezoning to a conditional district shall be as follows:

(1) 3 copies and a digital version of a completed written application for a conditional district shall be filed with the Administrator. The application shall be submitted on official forms provided by the Administrator and shall be accompanied by the following items:

(a) A scaled boundary survey showing the total acreage, and present zoning classifications for the property(ies) for which the conditional district is sought, date and north arrow. On this survey shall be sketched the information required by this section;

(b) All existing easements, rights-of-way and required setbacks for the lot(s) for which the conditional district is sought;

(c) Proposed use, size, layout and setbacks of all proposed structures and proposed uses of land. For residential uses this shall include the number of units and an outline of the area where all principal and accessory structures will be located. For nonresidential uses, this shall include the approximate gross floor areas of all structures and an outline of the area where the structures will be located;

(d) Traffic, parking and circulation plans, showing the proposed locations and arrangement of parking spaces and access points to adjacent streets;

(e) Landscape plan showing proposed screening and landscaping, including location of walls, fences, berms and natural plantings as well as treatment of any existing natural features within the site;

(f) Delineation of areas within the regulatory floodplain as shown on the official flood hazard boundary maps;

(g) Proposed number, size, type and location of freestanding signs;

(h) Proposed phasing, if any, and approximate completion time of the project;

(i) The owner's names and addresses, tax parcel numbers and existing land use(s) of all adjoining properties;

(j) A sketch vicinity map with north arrow shall be included showing the relationship between the proposed use and surrounding area; and

(k) Other information as the Planning Board may request as provided for in division (F) below.

(2) No application shall be considered complete unless it contains or is accompanied by all items listed in this section of this chapter and a fee, in accordance with a fee schedule approved by the City Council for the submittal of conditional district applications.

(3) The Planning Board shall consider no application unless it has been properly completed and submitted to the Administrator, or his or her designee, by the application deadline on the city's website, to be reviewed at the meetings corresponding to the schedule. In no case shall the meeting at which the Planning Board initially reviews the application occur greater than 60 days after the required number of copies of the completed application have been submitted by the applicant to the Administrator.

(4) If the conditional district application is for a property located within an HO-Historic Overlay District the Administrator shall, upon his or her receipt of the application, promptly notify the chairperson of the Historic District Commission and submit copies of the application to the Historic District Commission in order that the Historic District Commission may review and make a recommendation on the application in accordance with § 153.122(G) of this chapter.

(5) The Planning Board shall have a maximum of 45 days from the date at which it initially met to review the application to submit its recommendation to the City Council. If a recommendation is not made during the 45-day period, the application shall be forwarded to the City Council without a recommendation.

(6) (a) When dealing with the conditional district process and with the rezoning of properties to a conditional district, it may be necessary to request information in addition to that listed in this division in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the Planning Board (and/or City Council) may request additional information of the applicant, as it deems necessary.

(b) A request for additional information shall stay any further consideration of the application by the Planning Board or City Council. This information may include (but not be limited to) the following:

1. Permanent and construction phase plans for the control of sedimentation and erosion control (for projects subject to State Sedimentation Pollution Control Act) and plans for the control of stormwater drainage and run-off;

2. Existing and proposed topography at 4-foot contour intervals or less;

3. The existing and proposed location of all water and sewer lines and fire hydrants intended to serve the proposed development;

4. Proposed number, type and location of signs; and

5. A traffic impact study of the proposed development prepared by a qualified transportation or traffic engineer or planner. The traffic impact study shall include the following information:

a. Existing traffic conditions within the study area boundary;

b. The distribution of existing and proposed trips through the street network;

c. Analyses of the capacities of intersections located within the study area boundary;

d. Recommendations for improvements designed to mitigate traffic impacts and to enhance pedestrian access to the development from the public right-of-way;

e. Other pertinent information, including but not limited to noise, and impacts on air quality and other natural resources; and

f. Traffic volumes generated by the existing and proposed development on the parcel, including the morning peak, afternoon or evening peak and average daily traffic levels.

(F) City Council decision.

(1) Public hearing. Once a recommendation has been received from the Planning Board, or the 45-day Planning Board review period has expired, the City Council shall hold (after notice) a public hearing concerning the application for a conditional district.

(2) Special conditions and conditional district. Specific conditions may be proposed by the petitioner or the city, but only those conditions mutually approved by the city and the petitioner may be incorporated into the zoning regulations. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to local government ordinances, the land use plan, or the impacts reasonably expected to be generated by the development or use of the site. Prior to approval of a conditional district rezoning, the application shall be subject to all of the procedures and hearing as set forth in divisions (E) and (F) of this section.

(G) Effect of approval.

(1) If a petition for a conditional district rezoning is approved under this subchapter, the conditional district that is established and all conditions which may have been attached to the approval are binding on the property as an amendment to these regulations and to the zoning map. All subsequent development and use of the property shall be in accordance with the standards for the approved conditional district and all conditions attached to the approval.

(2) Following the approval of the petition for a parallel conditional district, the subject property shall be identified on the zoning map by the appropriate district designation. A parallel conditional district shall be identified by the same designation as the corresponding general zoning district followed by the letters CD (for example, “NB(CD)”.

(3) Following the approval of the petition for a conditional district as identified in §§ 153.123 through 153.129, the subject property shall be identified on the zoning map by the appropriate district designation (PRD, PUD, TND, TID, MHP, or CC).

(H) Alterations to approval.

(1) Except as provided in(I) below, changes to the approved conditional district or to the conditions attached to the approval shall be treated the same as amendments to these regulations or to the zoning map and shall be processed in accordance with the procedures in this subchapter.

(2) Minor changes in the detail of the approved conditional district that are in accordance with division (J) below may be made with the approval of the Administrator. If multiple parcels of land are subject to a conditional district, the owners of individual parcels may apply for modification of the conditions so long as the modification would not result in other properties failing to meet the terms of the conditions. Any modifications approved shall only be applicable to those properties whose owners petition for the modification.

(I) Change in conditional district. Once a petition for rezoning to a conditional district has been approved by the City Council, any request to materially change (any change not authorized by division (J)) the conditional district may only be made by the property owner or his or her authorized agent only after a public hearing has been duly advertised and held in accordance with §§ 153.315 and 153.316 of this chapter. Any amendment to the conditional district shall also be subject to the same considerations as set forth in § 153.315(F) of this chapter.

(J) Binding effect.

(1) Any conditional district so authorized shall be perpetually binding to the property unless subsequently changed or amended by the City Council.

(2) However, minor changes in the detail of the approved plan which:

(a) Will not alter the basic relationship of the proposed development to adjacent property;

(b) Will not alter the uses permitted or increase the density or intensity of development; and

(c) Will not decrease the off-street parking ratio or reduce the yards provided at the periphery of the site may be made with the approval of the Administrator.

(3) The changes shall not be deemed to materially change the conditional district.

(4) An increase in building size not to exceed 10% of the existing floor area on the site or 1,000 square feet of gross floor area on the entire site, whichever is less, and provided the expansion does not violate any of the standards of this chapter, shall be deemed a minor change as described in this chapter.

(K) Certificate of occupancy. No certificate of occupancy shall be issued for any building or land use on a piece of property which has been rezoned to a conditional district unless the building is constructed or used, or the land is developed or used, in conformity with the conditional district approved by the City Council. In the event that only a segment of a proposed development has been approved, the certificate of occupancy shall be issued only for that portion of the development constructed or used as approved.

(L) Change in conditional district. Any request to materially change (a change other than a minor change as set forth in division (J)) the conditional district once it has been issued by the City Council shall first be reviewed by the Planning Board in accordance with §§ 153.315 and 153.316 of this chapter. The City Council may thereafter change or amend any previously approved conditional district, only after having held a public hearing. Notice of the public hearing shall be in accordance with § 153.315 of this chapter. Amendment by the City Council of a previously issued conditional district shall be subject to the same considerations as provided for in §§ 153.315 and 153.316 of this chapter.

(M) Review of approval of conditional zoning district. It is intended that property be reclassified to a conditional district only in the event of firm plans to develop the property. Therefore, no sooner than five years after the date of approval of the petition, the Administrator will examine the progress made toward developing the property in accordance with the approved petition and any conditions attached to the approval. If the Administrator determines that progress has not been made in accordance with the approved petition and conditions, the Administrator shall forward to the City Council a report, which may recommend that the property be classified to another district.

(Prior UDO, § 20.2) (Ord. passed - - ; Ord. O-5-2024, passed 6-6-2024; Ord. ZTA-1-2026, passed 6-4-2026) Penalty, see § 153.999

Cross-reference:

Landscaping, see § 153.047

Screening, see § 153.046

PROPOSED:

§ 153.316 ADDITIONAL PROVISIONS PERTAINING TO CONDITIONAL ZONING AMENDMENTS.

(A) *Purpose*. The conditional rezoning process allows particular uses to be established, but only in accordance with a specific development project and to address situations where a particular land use would be consistent with the objectives of these regulations, the adopted land use plan, and other plans for the physical development of the city as adopted by the City Council. Conditional districts are primarily intended when a particular use or uses can, with tailored conditions, safeguard adjacent land uses and can create more orderly development to benefit all affected parties and the community. It is intended only for firm development proposals and should not be used for tentative projects without definitive plans.

(B) Applicability

(1) Rezoning of property to a conditional district is a voluntary procedure on the part of the property owner and is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative proposals that may not be undertaken for some time.

(2) No conditional district shall be established until the owner(s) of the property(ies) in question (or his or her authorized agent) proposing the district has submitted an application for the rezoning of the property and the City Council has approved the application in accordance with the procedures stated herein.

(C) Conditions

(1) Specific conditions may be proposed by the petitioner or the city, but only those conditions approved by the city and consented to by the petitioner in writing may be incorporated into the zoning regulations.

(2) Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to local government ordinances, the land use plan, or the impacts reasonably expected to be generated by the development or use of the site. Any use permitted under this process must also conform to the development regulations for the corresponding general zoning district.

(D) Procedures.

(1) Sketch Plan. After a sketch plan has been reviewed and approved by the TRC, a formal submission may be submitted.

(2) Formal Submission. To be considered, the following is required to be submitted to the Administrator by the adopted deadline schedule:

(a) A completed application for a conditional district. The application shall be submitted on the official forms provided by the Administrator, along with signed Owner Consent forms for each owner.

(b) 3 copies and a digital version of a site plan, and any necessary supporting information together which conform to all the

requirements set forth below and, when requested, the additional information that may be required by the TRC.

1. A scaled boundary survey showing:
2. The total acreage, and present zoning classifications for the property(ies) for which the conditional district is sought, date, north arrow, and sketch vicinity map;
3. Title block containing development name, name of owner, date or dates plan was prepared, a scale drawing in feet per inch listed in words or figures, and the name of the applicant;
4. The names, addresses, and telephone numbers of all owners, registered land surveyors, land planners, architects, landscape architects, and professional engineers responsible for the proposed development;
5. The registration numbers and seals of the professional engineers, land surveyors, and/or architects;
6. On this survey shall be sketched the information required by this section;
7. Proposed use, size, layout, and setbacks of all proposed structures and proposed uses of land.
    a. For residential uses, this shall include the number of units and an outline of the area where all principal and accessory structures will be located.
    b. For nonresidential uses, this shall include the approximate gross floor areas of all structures and an outline of the area where the structures will be located;
8. Average calculations for the entire proposed development, for each proposed division of land within the development, for each phase of the development, and by general land use within each phase;
9. Proposed phasing, if any, and approximate completion time of the project;
10. The location and dimensions of existing and proposed utilities, rights-of-way, and easements;
11. The names of owners of adjoining properties;
12. Traffic, parking, and circulation plans, showing the proposed number, locations, and arrangement of parking spaces and access points to adjacent streets;
13. For all proposed public streets and private streets proposed within or adjoining the development, the following information:
    a. Rights-of-way, location and dimensions;
    b. Pavement widths;
    c. Approximate grades;
    d. Design engineering data for all corners and curves;
    e. Typical street cross-sections; and

f. Road names and whether to be public or private.

14. Landscape plan showing proposed screening and landscaping, including location of walls, fences, berms, and natural plantings as well as treatment of any existing natural features within the site;
15. Location and proposed use of any existing wooded areas within the development site;
16. Existing and proposed topography at minimum 2-foot elevation intervals;
17. Marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds, and any other natural features affecting the site;
18. Delineation of areas within the regulatory floodplain as shown on the official flood hazard boundary maps;
19. Watershed information and impervious area calculations (if applicable).
20. Other information as the Planning Board may request as provided for in division (E) below.

(c) No application shall be considered complete unless it contains or is accompanied by all items listed in this section of this chapter and a fee, in accordance with a fee schedule approved by the City Council for the submittal of conditional district applications.

(E) *Hearing.* Submittal to the Administrator of an application for a conditional district rezoning shall be in accordance with the schedule set forth in § 153.315(D) of this chapter.

(1) When dealing with the conditional district process and with the rezoning of properties to a conditional district, it may be necessary to request information in addition to that listed in this division in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the Planning Board (and/or City Council) may request additional information of the applicant, as it deems necessary.

(2) A request for additional information shall stay any further consideration of the application by the Planning Board or City Council. This information may include (but not be limited to) the following:

(a) Permanent and construction phase plans for the control of sedimentation and erosion control (for projects subject to the State Sedimentation Pollution Control Act) and plans for the control of stormwater drainage and run-off;

(b) Existing and proposed topography at 4-foot contour intervals or less;

(c) A traffic impact study of the proposed development prepared by a qualified transportation or traffic engineer or planner. The traffic impact study shall include the following information:

1. Existing traffic conditions within the study area boundary;

2. The distribution of existing and proposed trips through the street network;
3. Analyses of the capacities of intersections located within the study area boundary;
4. Recommendations for improvements designed to mitigate traffic impacts and to enhance pedestrian access to the development from the public right-of-way;
5. Other pertinent information, including but not limited to noise, and impacts on air quality and other natural resources; and
6. Traffic volumes generated by the existing and proposed development on the parcel, including the morning peak, afternoon or evening peak, and average daily traffic levels.

(F) *Special conditions and conditional district.* Specific conditions may be proposed by the petitioner or the city, but only those conditions mutually approved by the city and the petitioner may be incorporated into the zoning regulations. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to local government ordinances, the land use plan, or the impacts reasonably expected to be generated by the development or use of the site.

(G) *Effect of approval.*

(1) If a petition for a conditional district rezoning is approved under this subchapter, the conditional district established and all conditions attached to the approval are binding on the property as an amendment to these regulations and the zoning map. All subsequent development and use of the property shall be in accordance with the standards for the approved conditional district and all conditions attached to the approval.

(2) Following the approval of the petition for a parallel conditional district, the subject property shall be identified on the zoning map by the appropriate district designation. A parallel conditional district shall be identified by the same designation as the corresponding general zoning district followed by the letters CD (for example, “NB(CD)”.

(3) Following the approval of the petition for a conditional district as identified in §§ 153.123 through 153.129.1, the subject property shall be identified on the zoning map by the appropriate district designation.

(H) *Alterations to approval.*

(1) Except as provided in (I) below, changes to the approved conditional district or to the conditions attached to the approval shall be treated the same as amendments to these regulations or to the zoning map and shall be processed in accordance with the procedures in this subchapter.

(2) Minor changes to the details of the approved conditional district that are in accordance with division (J) below may be made with the Administrator's approval. If multiple parcels of land are subject to a conditional district, the owners of individual parcels may apply to modify the conditions, provided the modification would not cause other properties to fail to meet the conditions. Any modifications approved shall only be applicable to those properties whose owners petition for the modification.

(I) *Change in conditional district.* Once a petition for rezoning to a conditional district has been approved by the City Council, any request to materially change (any change not authorized by division (I)) the conditional district may only be made by the property owner or his or her authorized agent only after a public hearing has been duly advertised and held in accordance with § 153.315 and 153.316 of this chapter. Any amendment to the conditional district shall also be subject to the same considerations as set forth in § 153.315(F) of this chapter.

(II) *Binding effect.*

(1) Any conditional district so authorized shall be perpetually binding to the property unless subsequently changed or amended by the City Council.

(2) However, minor changes in the detail of the approved plan which:

(a) Will not alter the basic relationship of the proposed development to adjacent property

(b) Will not alter the uses permitted or increase the density or intensity of development

(c) Will not decrease the off-street parking ratio, or reduce the yards provided at the periphery of the site

(d) The changes shall not be deemed to materially change the conditional district

(e) An increase in building size not to exceed 10% of the existing floor area on the site or 1,000 square feet of gross floor area on the entire site, whichever is less, and provided the expansion does not violate any of the standards of this chapter, shall be deemed a minor change as described in this chapter.

(III) *Certificate of occupancy.* No certificate of occupancy shall be issued for any building or land use on a piece of property which has been rezoned to a conditional district unless the building is constructed or used, or the land is developed or used, in conformity with the conditional district approved by the City Council. In the event that only a segment of a proposed development has been approved, the certificate of occupancy shall be issued only for that portion of the development constructed or used as approved.

(IV) *Review of approval of conditional zoning district.* It is intended that property be reclassified to a conditional district only in the event of firm plans to develop the property. Therefore, no sooner than five years after the date of approval of the petition, the Administrator will examine the progress made toward developing the property in accordance with the approved petition and any conditions attached to the approval. If the Administrator determines that progress has not been made in accordance with the approved petition and conditions, the Administrator shall forward to the City Council a report, which may recommend that the property be classified to another district.

(Prior UDO, § 20.2) (Ord. passed - - ; Ord. O-5-2024, passed 6-6-2024; Ord. ZTA-1-2026, passed 6-4-2026) Penalty, see § 153.999

Cross-reference:
LANDSCAPING, see § 153.047

SCREENING, see § 153.046
WATERSHED WATER SUPPLY, see §153.127
OFF-STREET PARKING AND LOADING REQUIREMENTS, see §153.185 - §153.188