MEMO TO: Mayor and City Council

FROM: Planning Staff

SUBJECT: ZTA-4-2026 - Zoning Text Amendments to Chapter 153 Unified Development Ordinance

DATE: October 1, 2026

Background

Occasionally, minor text errors or changes in circumstances require 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.

The highlighted items in the report reflect the major changes to make it easier to follow. For reference, the documents reflecting the full scope of the changes are attached.

1. The proposed change aligns the definition of *ADMINISTRATOR* with the existing definitions of *ADMINISTRATOR, UNIFIED DEVELOPMENT,* as the UDO includes authority for zoning and subdivision regulations.

Current Language:

§ 153.030 INTERPRETATION OF TERMS AND WORDS.

(14) The term ***ADMINISTRATOR*** shall mean the Zoning Administrator of the City of Lincolnton, North Carolina and/or the Subdivision Administrator of the City of Lincolnton, North Carolina. Furthermore, this position may also be referred to as the Unified Development Administrator.

§ 153.031 DEFINITIONS OF SPECIFIC TERMS AND WORDS.

ADMINISTRATOR, UNIFIED DEVELOPMENT. The administrative official(s) appointed by the City Manager of the City of Lincolnton to administer this chapter. This person(s) may also be referred to as the ***ADMINISTRATOR.***

UNIFIED DEVELOPMENT ADMINISTRATOR. The administrative official appointed by the City Manager to administer this chapter. This person may also be referred to as the Administrator.

Proposed Language:

§ 153.030 INTERPRETATION OF TERMS AND WORDS.

(14) ***ADMINISTRATOR.*** The administrative planning official(s) appointed by the City Manager of the City of Lincolnton to administer this chapter. This person(s) may also be referred to as the ***UNIFIED DEVELOPMENT ADMINISTRATOR.***

§ 153.031 DEFINITIONS OF SPECIFIC TERMS AND WORDS.

UNIFIED DEVELOPMENT ADMINISTRATOR. The administrative official(s) appointed by the City Manager to administer this chapter. This person(s) may also be referred to as the Administrator.

Staff Comment:

Our ordinance currently places all the responsibility, interpretation, and workload on the Zoning Administrator as an individual. However, our department operates as a team and shares responsibilities, and the ordinance should reflect this collaborative approach. If the primary administrator is sick, on vacation, or resigns, a designated individual should be able to step in immediately to sign permits or issue determinations. This change will also prevent a single person from bearing all the responsibility.

Additionally, the following sections would change from Zoning Administrator and UDO Administrator to just Administrator:

§ 153.053 TEMPORARY STRUCTURES AND USES.
§ 153.105 R-25 RURAL RESIDENTIAL DISTRICT.
§ 153.106 R-15 SINGLE-FAMILY LOW DENSITY RESIDENTIAL DISTRICT.
§ 153.107 R-10 SINGLE-FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT.
§ 153.108 R-8 SINGLE AND TWO-FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT.
§ 153.109 RMF RESIDENTIAL MULTI-FAMILY DISTRICT.
§ 153.110 R-O RESIDENTIAL OFFICE DISTRICT.
§ 153.111 O-I OFFICE INSTITUTIONAL DISTRICT.
§ 153.112 N-B NEIGHBORHOOD BUSINESS DISTRICT.
§ 153.113 C-B CENTRAL BUSINESS DISTRICT.
§ 153.114 CBT CENTRAL BUSINESS TRANSITIONAL DISTRICT.
§ 153.115 G-B GENERAL BUSINESS DISTRICT.
§ 153.115.1 HC HIGHWAY COMMERCIAL DISTRICT.
§ 153.116 P-B PLANNED BUSINESS DISTRICT.
§ 153.119 MHO MANUFACTURED HOME OVERLAY DISTRICT.

§ 153.185 OFF-STREET PARKING REQUIREMENTS.
§ 153.277 VARIANCES.
§ 153.263 ENFORCEMENT INTENT.
§ 153.264 ENFORCEMENT PROCEDURES.
§ 153.265 PENALTIES AND REMEDIES.
§ 153.266 CIVIL PENALTIES; ASSESSMENT AND PROCEDURES.
§ 153.267 PERMIT REVOCATION.
§ 153.268 JUDICIAL REVIEW.

2. The proposed change mainly allows more of the actual yard to be considered for Accessory Structures, without lowering the allowable area for smaller yards.

Proposed language:

§ 153.057 ACCESSORY STRUCTURES.

(A) Within any Residential (R) District, accessory structures shall be located as follows.

(1) No portion of any accessory structure shall be located within any front yard.

(a) Except automobile garages designed to accommodate no greater than 3 automobiles, which may be located in any front yard other than in the required front setback. Any garage shall also observe the minimum dwelling side setback requirement for the zoning district in which it is located.

(2) Accessory structures are allowed in any side yard, provided they observe a setback of 10 feet from any side yard lot line.

(3) Accessory structures are allowed in any rear yard provided that all accessory structures observe a 10-foot setback from any rear lot line.

(B) On any lot containing a principal residential use, no accessory structure shall be permitted that involves or requires any construction features which are not primarily residential in nature or character; provided, however, this requirement shall not apply in the R-25 District to structures erected for agricultural purposes.

(C) On any lot containing a principal residential use, the aggregate area of all accessory structures shall not:

(1) Cover more than 30% of the rear yard, as calculated by using the required rear yard setback, **or the actual rear yard setback, whichever is greater;**

(2) Exceed the height of the principal building.

(D) All lots, however, shall be allowed to have an accessory garage of no greater than 500 square feet provided that the garage:

(1) Meets all required setbacks; and

(2) Is designed primarily to house automobiles.

(E) For all nonresidential uses, no off-street parking or loading areas shall be located within 12 feet of any street right-of-way line.

(F) Within any NB, CB, CBT, GB, CC, HB, PB, GMC or GI District, accessory structures shall be located as follows.

(1) Except as herein provided, no accessory structure shall be located in any required front or side setback.

(2) Accessory structures are allowed within the rear principal building setback area, provided that no accessory structure shall be allowed within 10 feet of a rear or side yard line or within 20 feet in the case of any rear or side yard line which abuts a Residential (R) District.

(G) Outpatient wellness centers, medical education centers, nursing care facilities, and helistops are permitted as accessory uses to hospitals and health centers.

(H) 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.

(1) All other accessory structures must meet the requirements of divisions (A)-(B) above.

(I) For nonconforming residential uses in a commercial district, refer to § 153.136 NONCONFORMING USES OTHER THAN MANUFACTURED HOME PARKS, SIGNS AND JUNK YARDS (C).

Staff Comment:

We have had many variance cases and complaints regarding the maximum allowable square footage of residential accessory structures when the yard is larger, since it has been calculated based on the "required" rear setback rather than the "actual" rear setback. Staff believes this would promote fairness based on lot size and not reduce allowable square footage for smaller yards. Section (B) has always been in the ordinance but was accidentally omitted from a previous update document. Other changes are minor reorganization and removal of unnecessary wording. The addition at

the end is a reference for user convenience.

3. Proposed changes reflect current processes for site plan review.

Proposed language:

§ 153.258 SITE PLAN REVIEW REQUIREMENTS.

(A) Statement of intent. The purpose of these requirements is to promote the orderly development of certain activities in the city and to ensure that the activities are developed in a manner harmonious with surrounding properties and in the interest of the general public welfare. To achieve these ends and to assure compliance with all applicable requirements of this chapter, site plans for certain uses of land shall be submitted to and reviewed by the Administrator.

(B) Development and uses requiring a site plan.

(1) Site plan review shall be required for all uses and development other than one- or two- family residential uses and their accessory structures, after a sketch has first been submitted and approved by the Technical Staff Review Committee.

(2) Provided, however, the Administrator may waive site plan requirements following the TRC Review when it is determined that the submission of a site plan would serve no useful purpose.

(C) Submittal Requirements

To be considered valid, each submittal requires sketch plan approval, a completed application, and for the site plan, a digital copy and three paper copies. The site plan must include the information provided below, as well as any requirements determined by the TRC's sketch plan review. The assessed fee will be charged according to the most recently adopted City of Lincolnton Fee Schedule and state statute.

(2) The reviewing agencies and officials may include, but need not be limited to:
- (a) City Director(s) of Public Works, Services, and Utilities;
- (b) City Engineer or other assigned Professional;
- (c) City Fire Department;
- (d) City Police Department;
- (e) County Planner and other applicable County Departments;
- (f) Superintendent of County Schools;
- (g) County Health and Environmental Health Departments;
- (h) State Department of Transportation;
- (i) State Department of Health and Environment; and
- (j) U.S. Soil Conservation Service, District Office.

(3) Except under abnormal circumstances, or unless an additional review by TRC is required, within 21 days of the receipt of the site plan, the Administrator shall approve, approve subject to conditions, or disapprove the site plan and notify the applicant in writing of the action taken.

(a) In cases when the site plan approval is subject to conditions or when the site plan is denied approval, the Administrator shall set forth in writing any conditions or changes that might make the site plan acceptable.

(b) All resubmittals must include a document outlining all changes made to the plan and address any outstanding comments.

(4) An applicant may appeal any decision of the Administrator in accordance with § 153.276 of this chapter.

Staff Comment: Although sketch plan review has always been encouraged to ensure feasibility before an investment is made, recent changes to state statute have shortened the initial review times for certain development approvals. Requiring sketch plan review will reduce unnecessary site plan reviews.

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

Case No. ZTA-4-2026

Applicant: City of Lincolnton Planning Department

Request: ZTA-4-2026 - 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 and addresses the City's current needs.

Planning Board Vote:

6-0 in favor of recommending approval

Planning Board Recommendation:

- Approve ZTA-4-2026 as written.
- Approve the Statement of Consistency for Approval of the Amendment

Motions:

Motion to approve with Planning Board recommendations

Or

Motion to Deny ZTA-4-2026 and
Motion to Approve the Statement of Consistency for Denial of the Amendment

Reference Documents

§ 153.057 ACCESSORY STRUCTURES.

(A) Within any Residential (R) District, accessory structures shall be located as follows.

(1) ~~Except as herein provided,~~ no portion of any accessory structure shall be located within any front yard. ~~Exceptions are~~

~~(a) Water wells may be located in any front, side or rear yard; and~~

(b) Except automobile garages designed to accommodate no greater than 3 automobiles may be located in any front yard other than in the required front setback. Any garage shall also observe the minimum dwelling side setback requirement for the zoning district in which it is located.

(2) Accessory structures are allowed in any side yard, provided they observe a setback of 10 ~~foot~~ feet from any side yard lot line.

(3) Accessory structures are allowed in any rear yard provided that all accessory structures observe a 10-foot setback from any rear lot line.

(B) On any lot containing a principal residential use, no accessory structure shall be permitted that involves or requires any construction features which are not primarily residential in nature or character; provided, however, this requirement shall not apply in the R-25 District to structures erected for agricultural purposes.

(B) On any lot containing a principal residential use, the aggregate area of all accessory structures ~~(excluding barns, farm-related structures and satellite dish antennas)~~ shall not:

(1) Cover more than 30% of the ~~required~~ rear yard, as calculated by using the required rear yard setback, or the actual rear yard setback, whichever is greater;

(2) Exceed the height of the principal building.

(C) All lots, however, shall be allowed to have an accessory garage of no greater than 500 square feet provided that the garage:

(a) Meets all required setbacks; and

(b) Is designed primarily to house automobiles.

(D) For all nonresidential uses, no off-street parking or loading areas shall be located within 12 feet of any street right-of-way line.

(E) Within any NB, CB, CBT, GB, CC, HB, PB, GMC or GI District, accessory structures shall be located as follows.

(1) Except as herein provided, no accessory structure shall be located in any required front or side setback. ~~A water well may be located in any front, side or rear yard.~~

(2) Accessory structures are allowed within the rear principal building setback area, provided that no accessory structure ~~(except as provided in division (B)(1) above of this section)~~ shall be allowed within 10 feet of a rear or side yard line or within 20 feet in the case of any rear or side yard line which abuts a Residential (R) District.

(F) Outpatient wellness centers, medical education centers, nursing care facilities, and helistops are permitted as accessory uses to hospitals and health centers.

(G) 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.

(1) All other accessory structures must meet the requirements of divisions (A)-(B) above.

(H) For nonconforming residential uses in a commercial district, refer to § 153.136 NONCONFORMING USES OTHER THAN MANUFACTURED HOME PARKS, SIGNS AND JUNK YARDS (C).

§ 153.258 SITE PLAN REVIEW REQUIREMENTS.

(A) Statement of intent. The purpose of these requirements is to promote the orderly development of certain activities in the city and to ensure that the activities are developed in a manner harmonious with surrounding properties and in the interest of the general public welfare. To achieve these ends and to assure compliance with all applicable requirements of this chapter, site plans for certain uses of land shall be submitted to and reviewed by the Administrator.

(B) Development and uses requiring a site plan.

(1) Site plan review shall be required for all uses and development other than one- or two-family residential uses and their accessory structures, after a sketch has first been submitted and approved by the Technical Staff Review Committee.

(2) Provided, however, the Administrator may waive site plan requirements following the TRC Review ~~in either of the following cases~~ when it is determined that the submission of a site plan would serve no useful purpose.~~:~~

~~(a) Accessory structures;~~

~~(b) Any enlargement of a building by less than 33% of the existing size provided the enlargement will not result in a requirement for additional parking;~~

~~(c) A change in use where no changes are being made to the building coverage area, off-street parking area or other external site characteristics; and~~

~~(d) Review by the Staff Review Committee may not be required for new construction with a gross floor area of less than 5,000 square feet when the Administrator feels that site plan review would serve no useful purpose. Nevertheless, all site plans shall be reviewed by the Administrator as required in divisions (C) and (D) below of this section within five working days from the date of submittal.~~

(C) ~~Procedure for preparation.~~ Submittal Requirements

To be considered valid, each submittal requires sketch plan approval, a completed application, and for the site plan, a digital copy and three paper copies. The site plan must include the information provided below, as well as any requirements determined by the TRC's sketch plan review. The assessed fee will be charged according to the most recently adopted City of Lincolnton Fees Schedule and state statute.

(1) Site plan or any portion thereof shall be prepared by an engineer, architect, landscape architect or land surveyor who is authorized by the state to practice as such;

(2) Site plans shall be prepared to a scale of one inch equals 50 feet or larger;

(3) A site plan may be prepared in one or more sheets to show clearly the information required by this section and to facilitate the review and approval of the site plan;

(4) All horizontal dimensions shown on the site plan shall be in feet;

(5) Decimal fractions of a foot shall be to the closest one-hundredth of a foot and all bearings shall be indicated in degrees, minutes and seconds;

(6) Every site plan shall show the name and address of the owner or developer, the north arrow, the date, the scale of the drawing and the number of sheets. In addition, it shall reserve a blank space three inches wide by five inches long for city use; and

(7) Five paper copies and one digital copy of the site plan shall be submitted to the Administrator for review. The Administrator may request additional copies for outside agency review.

(D) Required information on site plans. All site plans shall contain the following information:

(1) Location of the tract on an inset map at a scale of not less than one inch equal to 2,000 feet indicating the scale, the north-arrow and information such as the names and numbers of adjoining roads, streams, subdivisions or other landmarks, sufficient to clearly identify the location of the property;

(2) A boundary survey of the tract by bearings and distances certified by a licensed land surveyor or engineer;

(3) The location and dimensions of any sidewalks and curbs and gutters to be installed along public street frontages;

(4) All existing property lines; existing streets and easements, the names, numbers and widths; the location and size of existing sanitary and storm sewers, gas lines, water mains, culverts and other utilities and the easements; existing buildings; existing watercourses; and any other prominent physical features on or adjoining the tract;

(5) Existing zoning and zoning district boundaries on the tract and on adjoining properties;

(6) The present use of all adjoining properties;

(7) Existing topography with contours drawn at two-foot intervals. This requirement for topography information may be waived by the Administrator for developments smaller than one acre in size and where he or she determines that there are insufficient topography changes to make the information necessary;

(8) Proposed changes in zoning, if any;

(9) The proposed location, general use, number of floors, height and floor area for each building, and, where applicable, the number, size and type of dwelling units;

(10) All off-street loading spaces, parking and walkways indicating the type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided;

(11) All proposed water and sanitary sewer facilities, indicating all pipe sizes, types and grades and where connection is to be made to city or other utility systems; all proposed gas lines and other utilities and the easements;

(12) The location, dimensions and character of construction of proposed streets, alleys, driveways and the location, type and size of vehicular entrances to the site;

(13) Proposed finished grading at two-foot intervals and/or by spot elevations. This requirement may be waived in the same manner as in division (D)(7) above;

(14) Provisions for the adequate disposition of natural and stormwater indicating location, and stormwater indicating location, sizes, types and grades of ditches, catch basins, pipes, retention facilities and connections to existing drainage systems or suitable outlet;

(15) Provisions for the adequate control of erosion and sedimentation indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading and construction;

(16) Delineation of any flood hazard areas as shown on the city’s FEMA maps;

(17) Location, type, size and height of fencing, retaining walls and screen planting where required under the provisions of this or any other city ordinance;

(18) The location of wooded areas on the property and the location of trees and wooded areas that will be retained;

(19) The location and dimensions of proposed recreation areas, open space and required amenities and improvements;

(20) The location, character, size, height and orientation of proposed signs and outdoor lighting systems; and

(21) Manufacturing, refining, processing and assembly type land uses shall provide the following additional information:

(a) Water usage information including estimated short term and long term water usage projections, total gallons per day usage, maximum gallons per minute and duration of maximum gallons per minute.

(b) Water pressure requirements to accommodate the proposed use including the requested maximum and minimum pressure needs.

(c) Water pressure requirements to accommodate fire suppression system, if applicable, including maximum and minimum pressure requested and gallons per minute draw.

(d) Wastewater discharge information including estimated short term and long term wastewater discharge projections, total maximum discharge, time and duration of discharge and average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any.

(e) Traffic volumes generated by the existing and proposed development, including the morning peak, afternoon or evening peak and average daily traffic levels based on the latest edition of the ITE Trip Generation Manual. In the event the projected traffic volumes are likely to significantly impact the street network, a traffic impact analysis of the proposed development may be required.

1. Generally, a traffic impact analysis may be required whenever a development is expected to generate 100 or more new inbound or outbound trips during the peak hours. Even if the development does not generate the threshold level of trips, a traffic impact analysis may still be necessary under the following conditions:

a. High traffic volumes on surrounding roads that may affect movement to and from the proposed development;

b. High accident locations in the vicinity;

c. Lack of existing turn lanes on the adjacent roadway at the proposed access drive(s);

d. Inadequate sight distance at access points; or

e. The proximity of the proposed access points to other existing drives or intersections.

2. The traffic impact analysis shall be prepared under the direct charge of and sealed by a licensed North Carolina professional engineer with expertise in traffic engineering; and

3. The traffic impact analysis shall conform with the NCDOT Policy on Street and Driveway Access to North Carolina Highways, Chapter 5 or as determined by city staff.

(E) Compliance with other requirements. All features and elements of the site plan shall in all respects conform to all applicable provisions and standards of the General Statutes of the state; the ordinances of the city; and the standards and requirements of the State Department of Transportation and the State Department of Health and Environment.

(F) Procedure for processing.

(1) The Administrator shall review all site plans submitted to him or her. The Administrator shall verify the completeness and compliance of the site plan and circulate the site plan to the

relevant city, county and state agencies and officials for comments as to the proposed development's conformance to all applicable standards and requirements and whether approval of the site plan is recommended.

(2) The reviewing agencies and officials may include, but need not be limited to:

(a) City Director(s) of Public Works, Services, and Utilities;

(b) City Engineer or other assigned Professional;

(c) City Fire Department;

(d) City Police Department;

(e) County Planner and other applicable County Departments;

(f) Superintendent of County Schools;

(g) County Health and Environmental Health Departments;

(h) State Department of Transportation;

(i) State Department of Health and Environment; and

(j) U.S. Soil Conservation Service, District Office.

(3) Except under abnormal circumstances, or unless an additional review by TRC is required, within 21 days of the receipt of the site plan, the Administrator shall approve, approve subject to conditions, or disapprove the site plan and notify the applicant in writing of the action taken.

(a) In cases when the site plan approval is subject to conditions or when the site plan is denied approval, the Administrator shall set forth in writing any conditions or changes that might make the site plan acceptable.

(b) All resubmittals must include a document outlining all changes made to the plan and address any outstanding comments.

(4) An applicant may appeal any decision of the Administrator in accordance with § 153.276 of this chapter.

(Prior UDO, § 14.4) (Ord. ZTA-2-2014, passed 7-10-2014; Ord. O-5-23, passed 4-6-2023) Penalty, see § 153.999