



**LINCOLN COUNTY PLANNING & INSPECTIONS DEPARTMENT**  
302 NORTH ACADEMY STREET, SUITE A, LINCOLNTON, NORTH CAROLINA 28092  
704-736-8440 OFFICE 704-736-8434 INSPECTION REQUEST LINE 704-732-9010 FAX

To: Board of Commissioners  
Planning Board

From: Randy Hawkins, Zoning Administrator

Date: May 19, 2017

Re: UDO Proposed Amendment #2017-3  
Lincoln County Planning and Inspections Department, applicant

*The following information is for use by the Lincoln County Board of Commissioners and the Planning Board at their joint meeting/public hearing on June 5, 2017.*

**PROPOSAL**

Staff is proposing an amendment to Section 9.2.2.C of the Lincoln County Unified Development Ordinance to require corporate applicants to provide a certificate of good standing from the jurisdiction of incorporation and, in the case of an applicant registered in a jurisdiction other than North Carolina, to provide proof that it has authority to transact business in North Carolina prior to undertaking any development work.

Following is the full text of the proposal:

**§9.2.2. Application Requirements**

**C. Completeness Review**

1. All applications shall be sufficient for processing before the Director is required to review the application.
2. An application shall be sufficient for processing when it contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of this UDO.
3. The presumption shall be that all of the information required in the application forms is necessary to satisfy the requirements of this section. However, it is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may rely on the recommendations of the appropriate department as to whether more or less information should be submitted.

4. Once the application has been determined sufficient for processing, copies of the application shall be referred by the Director to the appropriate reviewing entities.
5. The Director may require an applicant to present evidence of authority to submit the application.
6. If an applicant is a corporate entity (corporation, LLC, LLP, general partnership or other), the application shall include a certificate of good standing from the applicant's jurisdiction of incorporation. If an applicant is a corporate entity registered in a jurisdiction other than North Carolina, the applicant shall obtain and provide proof that it has obtained a certificate of authority to transact business in North Carolina prior to undertaking any development work.



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### **Zoning Amendment Staff's Proposed Statement of Consistency and Reasonableness**

Case No. **UDO Proposed Amendment #2017-3**

Applicant **Lincoln County Planning and Inspections Department**

Proposed amendment **Amend Section 9.2.2.C of the Lincoln County Unified Development Ordinance to require corporate applicants to provide a certificate of good standing from the jurisdiction of incorporation and, in the case of an applicant registered in a jurisdiction other than North Carolina, to provide proof that it has authority to transact business in North Carolina prior to undertaking any development work**

This proposed amendment **is consistent** with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that:

**This proposal is not contrary to any of the guiding principles, objectives or strategies of the Land Use Plan.**

This proposed amendment is **reasonable and in the public interest** in that:

**It will ensure that a corporate applicant is properly registered and in good standing before an application is accepted for processing.**



## **UDO Text Amendment Application**

Lincoln County Planning and Inspections Department  
Zoning Administrator  
302 N. Academy St., Suite A, Lincolnton, NC 28092  
Phone: (704) 736-8440 Fax: (704) 732-9010

### **Part I**

Applicant Name Lincoln County Planning and Inspections Department

Applicant Address 302 N. Academy St., Suite A, Lincolnton, NC 28092

Applicant Phone Number (704) 748-1507

### **Part II**

Briefly describe the proposed text amendment.

**Amend Section 9.2.2.C of the Lincoln County Unified Development Ordinance to require corporate applicants to provide a certificate of good standing from the jurisdiction of incorporation and, in the case of an applicant registered in a jurisdiction other than North Carolina, to provide proof that it has authority to transact business in North Carolina prior to undertaking any development work**

### **Part III**

Provide the full text of the proposed amendment (on a separate sheet if necessary) with proposed deleted text shown as struck through and proposed added text underlined.

#### **9.2.2. Application Requirements**

##### **C. Completeness Review**

- 6. If an applicant is a corporate entity (corporation, LLC, LLP, general partnership or other), the application shall include a certificate of good standing from the applicant's jurisdiction of incorporation. If an applicant is a corporate entity registered in a jurisdiction other than North Carolina, the applicant shall obtain and provide proof that it has obtained a certificate of authority to transact business in North Carolina prior to undertaking any development work.**

*I hereby certify that all of the information provided for this application and attachments is true and correct to the best of my knowledge.*

Randy Franklin  
Applicant

May 9, 2017  
Date