

1. Agenda Packet

Documents:

[MARCH 19, 2019 AGENDA PACKET.PDF](#)

2. Meeting Materials

Documents:

[AFTER ACTION MEMORANDUM.PDF](#)



AGENDA

**CITY OF LENOIR
CITY COUNCIL MEETING
905 WEST AVENUE
TUESDAY, MARCH 19, 2019
6:00 P.M.**



I. CALL TO ORDER

A. Moment of Silence & Pledge of Allegiance

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

- A. A quasi-judicial public hearing will be held to consider a Conditional Use Permit as submitted by MC Morgan & Associates, Inc. for property located between Tywood Street and Eastover Circle, NCPIN#2759488961 and NCPIN#2759488577. The applicant is requesting a Conditional Use Permit for a 68-unit apartment complex in the R-9 and B-2 zoning districts. Staff recommends approval subject to the following conditions:
1. The development shall substantially comply with the site plan on page 8 of the staff report, inclusive of staff's additional notes and clarifications. The maximum number of units shall be 68.
 2. The sidewalk along Lower Creek Drive will be 8' wide and straightened for accessibility. A pedestrian connection must be provided from the sidewalks along Lower Creek Drive to the internal pedestrian network.
 3. The smaller parcel (NCPIN#2759488577) will be recombined with the larger tract (NCPIN# 2759488961), in compliance with City of Lenoir zoning and subdivision regulations, prior to permitting.
 4. The vegetative buffer will be a minimum of 20' wide along the northwestern side property lines where adjacent to single-family residential properties.
 5. The architectural standards for articulation through the provision of architectural features as well as the standards for materials and parking lot landscaping found in Section 714 of the Zoning Ordinance shall apply to the entire site, not just the B-2 zoned portions. Primary facades shall be any façade that is visible from Lower Creek Drive or adjacent residential properties.
 6. Dumpsters shall be screened on all sides with dumpster enclosures finished to match the principal buildings.
 7. All lighting shall be fully cut-off and shielded so as to eliminate/minimize light spill-over onto adjacent residential properties.
 8. Signage on Lower Creek Drive shall use exterior illumination only (no internal illumination). Exterior lighting shall be directed at the sign face and be fully shielded to prevent light spill-over onto neighboring residential properties.
 9. Valid permits must be obtained for this project and all construction must meet the requirements of the City of Lenoir Code of Ordinances, the North Carolina State Building Code, the North Carolina State Fire Code, and any other federal, state, or local regulation that applies.
 10. If a building permit has not been issued within 24 months of the adoption of the Conditional Use Permit, the approval shall be considered null and void.

- B. A public hearing will be held to consider approval of an Ordinance Amending the Lenoir Zoning Atlas to Remove the B-4 Zoning Classification and Assign Appropriate New Zoning Classifications to all B-4 Properties, Providing for Severability, and an Effective Date, based on the Consistency Statement provided. **Note:** Only 37 properties in the City currently have the B-4 zoning classification assigned to them. **Consistency Statement:** The Lenoir City Council finds that the proposed zoning map amendments *are consistent* with the Comprehensive Plan because they facilitate progressive and sound land use policies and strategies to ensure that Lenoir grows fairly, effectively, and efficiently and is related to the adoption of sensible, straightforward zoning standard and procedures that are easily understood by developers and the general public.
- C. A public hearing will be held to consider approval of an Ordinance Amending Appendix A of the Lenoir City Code Related to Use and Zoning District Performance Standards, Repealing and Replacing the Permitted Use Chart, Updating Use Definitions, Establishing a Chart of Zoning District Regulations, Establishing a Residential-Commercial Zoning District, Deleting the B-4 Zoning District, and Eliminating Duplicative Code Sections, Providing for Codification and an Effective Date.
- D. A public hearing will be held to consider approval of a Resolution authorizing the filing of a Financing Agreement as authorized by N.C.G.S. §160A-20 with the North Carolina Local Government Commission (LGC) for approval of the City's Metering Project, the proposed financing contract and other actions not inconsistent with this Resolution. **Note:** Staff's recommendation of the bid award for this project is listed under item III. Consent Agenda Items #C. for consideration of approval by City Council.

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council Meeting of Tuesday, March 5, 2019, as submitted.
- B. Minutes: Approval of the minutes of the Committee of the Whole Meeting of Tuesday, February 26, 2019, as submitted.
- C. Bid Award; MeterSYS Project: Staff recommends Council award the low bid of \$4,400,000 at a percentage rate of 2.925 percent to US BanCorp for a term of ten (10 years) for the City's MeterSYS Project contingent upon approval of the North Carolina Local Government Commission (LGC).

Note: Staff further recommends Council hereby authorize, empower and direct the City Manager to do all such acts to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract as approved.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

- A. Rick Oxford, Plan Administrator, Western Piedmont Council of Governments, will hold the first of two public meetings to receive public comments regarding the

proposed FY2019 Action Plan of the City of Lenoir and the Unifour HOME Consortium as part of the five-year Consolidated Plan. This plan, as required by the U.S. Department of Housing and Urban Development (DHUD), outlines goals and action plans of the City of Lenoir and the Unifour HOME Consortium and its use of Community Development Block Grant (CDBG) and HOME funds for fiscal year 2019, beginning July 1, 2019 and ending June 30, 2020. The City of Lenoir serves as the Lead Entity for the Unifour Consortium.

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

1. The Lenoir Tourism Development Authority will meet on Thursday March 21 at 4:00 p.m. at City Hall, Third Floor.
2. The Lenoir Business Advisory Board will meet on Thursday, March 21 at 6:00 p.m. at City Hall, Third Floor.
3. The Planning Board will meet on Monday, March 25 at 5:30 p.m.
4. The Committee of the Whole will meet on Tuesday, March 26 at 8:30 a.m. at City Hall, Third Floor.
5. The annual Employee Recognition Banquet will be held on Tuesday, March 26 at 6:00 p.m. at the J. E. Broyhill Civic Center.
6. The Foothills Regional Airport Authority will meet on Wednesday, March 27 at noon.
7. A Cruise-In Event is scheduled for Saturday, April 6 at 4:00 p.m. in downtown Lenoir.
8. The North Carolina Gravity Games presented by Google will be held on Saturday, April 13 from 9:30 a.m. – 3:00 p.m. in downtown Lenoir.
9. City offices will be closed on Friday, April 19 in observance of Good Friday.

B. Items for Council Action

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

X. ADJOURNMENT

CITY OF LENOIR
COUNCIL ACTION FORM: March 19, 2019

I. Agenda Item:

Conditional Use Permit for a 68-unit apartment complex in the R-9 and B-2 zoning districts.

II. Background Information:

Staff report is attached.

III. Staff and Planning Board Recommendation:

Planning staff and the Planning Board recommend that City Council approval of the Conditional Use Permit, with the staff conditions 1-10 as presented in the staff report.

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Planning Director: _____





Staff Report

Conditional Use Permit

CASE NUMBER CUP #1/19

LOCATION MAP/AERIAL PHOTOGRAPH



Subject Property

316 Lower Creek Drive



SUMMARY

Owner

Silvio G Matinat, Edwin H Martinat JR, Karan M Witt

Applicant

MC Morgan & Associates, Inc

Location

Located on Lower Creek Dr between Tywood St and Eastover Cir. +/- 5.22 Acres

NC PIN

2759488961 & 2759488577

Project Planners

Jenny Wheelock, AICP, CZO
Hannah Williams

Updated March 4, 2019

Applicant's Request:

The applicant is requesting a Conditional Use Permit for a 68 unit multi-family apartment development in the General Business (B-2) and Multi-Family Residential (R-9) zoning districts.

Staff Recommendation:

Approval of the request, subject to the conditions in this report.

Planning Board Recommendation:

Planning Board recommends approval of the Conditional Use Permit, with conditions listed on page 6 of this report.

Public Comment:

Of those in attendance at the Planning Board meeting, approximately 15 people opposed the proposal, while approximately 5 supported the proposal.

Planning Board Meeting: February 25, 2019. Notices were mailed to property owners within 100 ft. of the subject property on February 15, 2019.

City Council (Public Hearing): Scheduled for March 19, 2019.

*****This request is considered quasi-judicial. You should not discuss this case with decision mak-**

BACKGROUND AND ANALYSIS

Intent of Conditional Use Permits

Conditional uses are recognized in the zoning ordinance as uses that may be compatible with an area depending on the specific details of the project, its surroundings, and the level of services available to the site, but are not permitted "by right" in the zoning district. The conditional use permit process gives the City sufficient flexibility to determine whether a specific land use on a given site will be compatible with the environment and the Comprehensive Plan. Through the approval of a Conditional Use Permit, the Planning Board and City Council may set conditions or use limitations, thereby establishing a realm of acceptability for the particular use that will be neither arbitrary nor capricious, and will promote the spirit and character of the surrounding neighborhood. The process requires the Planning Board to review and make a recommendation to the City Council on the request. The City Council must then decide whether or not to issue a Conditional Use Permit following a quasi-judicial hearing.

Intent of the Zoning Districts

The Multi-family Residential District (R-9) is intended to accommodate medium density single-family residential and multi-family residential, double wide manufactured homes and compatible land uses. Multifamily developments over 3 units are permitted as Conditional Uses in the R-9 district.

The General Business (B-2) zoning district is intended to provide areas along major and minor thoroughfares for activities which require larger tracts of land and ideal vehicular access. As a higher intensity residential use, multifamily developments require and benefit from much of the same site features as commercial uses. Multifamily developments over 3 units are permitted as Conditional Uses in the B-2 district.

Subject and Surrounding Properties

The approximately 5.2 acre subject property is on Lower Creek Drive, just west of the Skyland apartment development and across the street from Eastover Circle. It is currently developed with a large, vacant farm house with several outbuildings. There are no residents using the property. The property is mostly cleared land with several mature trees and vegetative buffers around the side property lines. The subject property is "split-zoned" with R-9 (Multi-family) and B-2 (General Business) zoning districts. The R-9 zoning district takes up about 3.27 acres on the subject property, and includes the entirety of the 600 feet of street frontage on Lower Creek Drive. The B-2 zoning district takes up about 1.95 acres of the subject property, located towards the rear/south.

Adjacent properties to the north of the subject property are single family homes in the R-12 district. Neighboring properties to the east are multi-family apartments in the R-9 zoning district and to the west are single family homes in the R-9 zoning district. These properties have access off of Lower Creek Drive. Properties to the south are zoned B-2 general business district and are accessed from Wilkesboro Boulevard.

Proposed Development

The applicant is proposing a 68 unit multi-family apartment complex. Multi-family developments are allowed with a Conditional Use Permit in both R-9 and B-2 districts.

The applicant proposes an apartment complex with four residential buildings and one standalone clubhouse. An apartment building with 12 units (Bldg 400) and the 1 story clubhouse will face Lower Creek Drive. Three other buildings will be located towards the rear of the property, one with 12 units (Bldg 200), one with 20 units (Bldg 300) and one with 24 units (Bldg 100). Building 400 and Building 300 will have their lower levels built below the grade of Lower Creek Drive, reducing visibility impacts from surrounding properties. See the site plan (page 8) and elevation drawings and section detail diagram (page 9-10).

BACKGROUND AND ANALYSIS, CONT.

Additional amenities include a playground, a picnic shelter, a multipurpose room, and a computer room for resident use. Parking is provided internal to the site, with much of the parking areas being screened from view by building 400. The proposed development would require 2 parking spaces per unit, requiring 136 total parking spaces.

The primary access for the apartments is proposed off of Lower Creek Drive; however, a secondary access point to allow ingress/egress from Wilkesboro Blvd. is also proposed along an existing easement that runs along the western side of the property currently developed with Community One Bank. Sidewalks are proposed along Lower Creek Drive as well as to connect all of the buildings internally within the site.

Consistency with the Comprehensive Plan

All decisions of the Planning Board and City Council should be based on consistency of the proposal with the Comprehensive Plan and any other officially adopted plan that is applicable. The comprehensive plan encourages the development of affordable housing for people in all stages of life, and encourages the development of high-quality multi-family buildings. The design of the apartment buildings, with varied building types, residential design features (pitched roofs, covered entries), and high-quality architecture and materials achieves these goals.

Compatibility with Surrounding Uses

Generally, multi-family residential uses make good transitional uses to “step down” from the intensity of commercial districts to lower density single family residential neighborhoods. As such, the location of the subject property between the commercial areas on Wilkesboro Blvd and the predominately one- and two-family houses to the north and west of the subject site makes it an ideal transitional use. The site layout, with the smaller units closer to the street and other residences, gives careful consideration to the surrounding neighborhood.

Impacts of the Project

Intensification of development rights on properties should be analyzed both on their overall impact to the community as well as their specific intensification of impact over what might be allowed “by right” on the site. For this analysis, staff assumed a “by right” build out scenario of ~25 single family homes, based on the density allowed in the R-9 district.

School Impacts: The proposed apartments are located within the Lower Creek Elementary School, William Lenoir Middle School, and Hibriten High School districts. Of the three schools, Lower Creek Elementary School is the closest to capacity.

Apartments tend to generate less students than single family homes, with various studies putting the generation rates of elementary-school aged children from apartment complexes anywhere between 0.07-0.159 students per unit. Using this range, the proposed apartment complex can be projected to generate anywhere between 5 and 11 new students in the Lower Creek school district. For purposes of determining impacts of the conditional use over the “by right” development scenarios, 25 single-family homes would have a student generation rate of ~0.2 elementary school students per unit, or about 5 students.

Traffic Impacts: According to the ITE Trip Generation Handbook (see excerpts in Appendix B of this report), the average trip generation rates for single family homes on a normal weekday is 7 trips per unit while the average daily trip generation rates for low-rise apartments is 6.59 trips per unit. Therefore, the proposed project can be expected to generate ~448 trips a day, compared to 25 single homes, which would generate ~175 trips a day.

The ITE also studies “peak hour” trip generation rates, typically for a morning and evening “rush hour.” For low-rise apartments, the weekday AM peak hour has a generation rate of 0.24 trips/unit (16 trips, 79% exiting) and a weekday PM peak hour rate of 0.38 trips/unit (26 trips, 65% entering). This means that peak times for traffic for this project are likely to be in the PM rush hour, which would not conflict with the brief but heavy traffic times for drop off and pick up of elementary school students.

Assuming a relatively equal split between the two points of ingress/egress proposed, the traffic generation rates would result in about 224 trips (entering and/or exiting) a day at each driveway. Given that a 25-home single family development is likely to be a

BACKGROUND AND ANALYSIS, CONT.

single dead-end street with access only to Lower Creek Drive, with all ~175 trips on Lower Creek Drive, the traffic impacts of the development on Lower Creek Drive are negligible over a maximum build-out of single-family homes.

Traffic impacts are also low on Wilkesboro Blvd; however, land adjacent to Wilkesboro Blvd. is rapidly developing. Certain left turning movements, particularly during peak hours, can be difficult/dangerous due to poor visibility, full unrestricted dual-left center turn lanes, and higher traffic volumes. City staff have engaged NCDOT Division 11 staff as well as the Greater Hickory MPO in order to study the feasibility of certain congestion and access management techniques that could be implemented along this section of Wilkesboro Blvd, in particular the area between Smith-Crossroads and Taylorsville Rd. Because NCDOT permitting will be required to utilize the existing driveway for Community One bank for this project, the access and design of the driveway will be carefully considered.

Relationship of Proposal to Proposed Code Amendments

The Planning Board and Planning staff are proposing changes to the way the City regulates multi-family developments as a part of a broader effort to update the zoning code. The proposed amendments create a tiered approach to regulating multi-family housing, removing the requirement for a Conditional Use Permit (CUP) for projects that meet certain design standards and stay under certain density thresholds (essentially, densities allowed for “by right” single family detached homes are extended to townhomes, semi-detached homes, and garden-style multi-family projects in the high density residential districts). More intense multi-family projects will still require a CUP, and maximum density thresholds are established to provide clear, objective standards to limit impacts of such developments.

Because the proposed amendments are tracking concurrently through the approval process with this project, they are not applicable to this project. However, a great deal of research and local land use analysis went into the creation of the proposed density standards, and as such they represent a way to offer insight on the compatibility of the intensity of the proposed development. At 68 units, the applicant is requesting the maximum number of units that could be built under the proposed density thresholds (see a more in-depth analysis in Appendix A). However, regardless of whether or not a particular project fell below the maximum density threshold, it still must meet all of the other standards for approval of a CUP. The establishment of the maximum density thresholds, in other words, does not mean that applicants are entitled to the maximum build out if such a project would otherwise be incompatible with one of the required findings for CUP approval.

Please note: based on state statutes, because this developer has already submitted a plan to the City, they have the legal right to be reviewed and considered under the ordinances in place at time of submittal, but may choose to develop under either set of standards. However, given that this project needs a Conditional Use Permit under today’s (and proposed) regulations, the Planning Board and Council may choose to use this analysis to help guide their finding of facts on the overall compatibility of the project.

FINDINGS

No Conditional Use Permit shall be approved unless the Planning Board and City Council find that:

1. The proposed conditional use will comply with all height, yard, lot and area requirements and other regulations of the district in which it is located unless otherwise specified. *The project site is currently split zoned (R-9 and B-2). The proposed development complies with all height, yard, and area requirements of the R-9 and B-2 zoning districts. It will also comply with the design standards of the B-2 zoning district.*
2. All driveways will be designed with respect to such matters as proper ingress and egress for automobiles in order to minimize traffic congestion and increase pedestrian safety and conveniences. *To reduce traffic on Lower Creek Drive and to have a second access point the proposed plans show the development of a second driveway along an existing 50' easement that travels south of the property through 509 Wilkesboro Blvd (Community One Bank) to provide ingress/egress on Wilkesboro Blvd. ITE trip generation rates for low-rise apartments project low traffic generation rates, especially for peak hour traffic. Sidewalks will be installed along Lower Creek Drive, which ultimately will connect to the City's overall sidewalk system, as Lower Creek Drive is listed as a priority corridor for pedestrian connections in Lenoir's Pedestrian Plan. There will also be internal pedestrian access between the apartment buildings and parking areas, as well as property recreation areas.*
3. Off-street parking and loading areas will be provided in compliance with the Zoning Ordinance. *Two parking spaces per dwelling unit are required by the zoning ordinance. For the proposed 68 unit complex, 136 parking spaces are provided.*
4. The establishment of the conditional use will not hinder the normal and orderly development and improvement of surrounding property for uses already permitted in the district. *Multi-family uses make good transitional uses between lower density residential areas and more intense commercial districts. The establishment of a multi-family use on this site will not hinder the surrounding B-2 properties from developing as either commercial or multi-family residential, nor will it hinder the improvement of other underutilized residential parcels for infill housing development (both detached and attached/multi-family).*
5. Any required screening and landscaping will be designed or planted with full consideration of the effectiveness of individual plant types, dimensions, and characteristics in minimizing the noise, glare, visual impacts and other economic effects on adjoining properties. *Where the subject property shares a boundary with single-family homes, a 20 foot vegetative buffer consisting of a combination of evergreen and deciduous trees is required to be installed in accordance with the standards in §712.8 of the zoning ordinance. Street trees and landscaped planting areas within the parking lots must meet the requirements of §1002. All trees and shrubs must be selected from §714.22, List of Approved Trees and Shrubs.*
6. Any permitted signs and proposed exterior lighting will be designed to reduce glare and to mitigate any adverse effects of sign size and height; so as to make the signs aesthetically pleasing and compatible with adjoining properties. *The applicant proposes one monument sign. All signage will meet the standards of the sign ordinance. As a condition of approval, all exterior lighting will be designed to reduce glare and light pollution on neighboring properties, and signage will have external illumination only.*
7. The exterior architectural appearance and functional plan of any proposed building or structure will not vary greatly from any buildings or structures already construction or in the course of construction in the immediate vicinity or from the character of the applicable district, so as to cause a substantial depreciation in the property values of the immediate vicinity. *The applicant is proposing 4 apartment buildings and one community building. Façade materials include brick veneer, fiber cement board trim, vinyl lap siding, and vinyl shakes. Two of the apartment buildings are split-level, which reduce visibility impacts on Lower Creek Drive and create a greater transition to the predominately single-story residential development surrounding the subject property. As a condition of approval, the architectural standards for the B-2 zoning district will be met throughout the site to ensure this criterion is satisfied.*
8. The type, size, hours of operations, location of the use upon the site, and intensity of the proposed conditional use will not be harmful or annoying to surrounding properties. *Great effort was made in the site planning and building designs to develop a*

plan that was sensitive to the context of the neighborhood and the natural lay of the land. The site plan is designed so that three-story buildings are located on the lower elevations of the site, closer to commercial neighbors, with the relative height of such structures all but hidden by creatively placing split-level designed buildings in front of them, facing Lower Creek Drive. Parking areas are largely screened by buildings, which also helps block light and noise from such areas. While at 68 units the proposed complex will be one of the most dense projects in the immediate vicinity, the intensity is camouflaged by creative site planning. Estimates on school and traffic impacts presented in the staff analysis show that this project will not have impacts that significantly exceed those of a typical single family development that could also be built out on the site today by right.

STAFF RECOMMENDATIONS

Staff recommends approval of the requested Conditional Use Permit, with the following conditions:

1. The development shall substantially comply with the site plan on page 8 of the staff report, inclusive of staff's additional notes and clarifications. The maximum number of units shall be 68.
2. An 8-ft wide sidewalk is required along Lower Creek Drive, as shown on the submitted site plan. A pedestrian connection must be provided from the sidewalks along Lower Creek Drive to the internal pedestrian network.
3. The smaller parcel (NCPIN 2759488577) will be recombined with the larger tract (NCPIN 2759488961), in compliance with City of Lenoir zoning and subdivision regulations, prior to permitting.
4. The vegetative buffer will be a minimum of 20' wide along the northwestern side property lines where adjacent to single-family residential properties.
5. The architectural standards for articulation through the provision of architectural features as well as the standards for materials and parking lot landscaping found in Section 714 of the Zoning Ordinance shall apply to the entire site, not just the B-2 zoned portions. Primary facades shall be any façade that is visible from Lower Creek Drive or adjacent residential properties.
6. Dumpsters shall be screened on all sides with dumpster enclosures finished to match the principal buildings.
7. All lighting shall be fully cut-off and shielded so as to eliminate/minimize light spill-over onto adjacent residential properties.
8. Signage on Lower Creek Drive shall use exterior illumination only (no internal illumination). Exterior lighting shall be directed at the sign face and be fully shielded to prevent light spill-over onto neighboring residential properties.
9. Valid permits must be obtained for this project and all construction must meet the requirements of the City of Lenoir Code of Ordinances, the North Carolina State Building Code, the North Carolina State Fire Code, and any other federal, state, or local regulation that applies.
10. If a building permit has not been issued within 24 months of the adoption of the Conditional Use Permit, the approval shall be considered null and void.

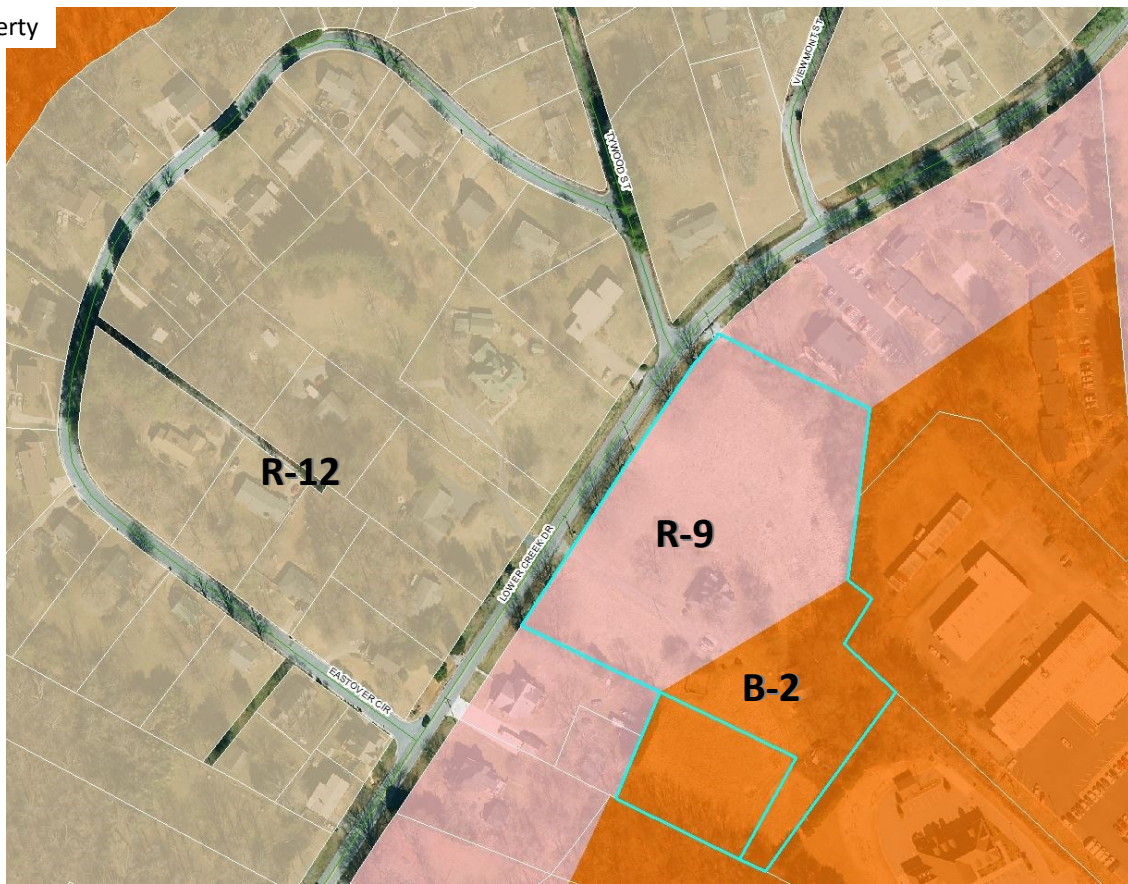
PLANNING BOARD RECOMMENDATIONS

Planning Board recommends approval of the Conditional Use Permit, with conditions listed by staff and the following:

11. The City of Lenoir Planning, Public Works, and Police Departments' staff will evaluate the location of the Lower Creek driveway entrance to maximize safety for the apartment complex and the existing driveways nearby. *NOTE: This has been done, and City of Lenoir staff supports the proposed driveway location in it's current configuration.*

ZONING MAP

Subject Property



Development Standards

	Minimum Lot	Minimum Lot Width	Setbacks	Maximum Building Height	Uses
R-9 Zoning	Single Family 9,000sqft Two-Family 15,000sqft Multi-Family—None	75 Ft	Front: 35' from ROW Side: 12' Rear: 25'	35 ft.	Single Family Dwelling, Family Care Facility, Permitted Uses include Adult Daye Care, Multi-Family Dwelling Single-Family Dwelling (See Sec. 600 and Sec. 804 for full list)
B-2 Zoning	None	None	Front: 10' from ROW Side: Abutting Residential 30' Rear: Abutting Residential 30'	65 ft.	Adult Day Care, Automobile and Truck Sales, Banks, Convenience Stores, Department Stores, Group, Single-Family or Two-Family Dwelling, Sales (See Sec 600 or Sec 810 for full list)

SITE PLAN

SITE INFORMATION:
 SITE: 5.20 ACRES
 BUILDINGS:
 (1) 1-STORY CLUBHOUSE
 (1) 1/2-STORY APARTMENT BUILDING
 (1) 2/3-STORY APARTMENT BUILDING
 (1) 2/3-STORY APARTMENT BUILDING
 SPRINKLING:
 150' PROVIDED @ 2.0 FPA UNIT
 ZONING:
 (R-2) (B-2)
 SETBACKS:
 FRONT = 35'
 SIDE = 12'
 REAR = 25'

UNIT INFORMATION:

UNIT MIX	SQ. FT./UNIT	PKG. REQ.
1-BR (A) UNITS	11	2.0
2-BR (B) UNITS	33	2.0
3-BR (C) UNITS	24	2.0
TOTAL	68 UNITS	48

- REQUIRED SITE AMENITIES:**
- 1. PLAYGROUND - (W/ MIN. 1 BENCH)
 - 2. MULTI-PIECE RECREATION (MIN. 200 SQ. FT.)
 - 3. COVERED PICNIC AREA - (100 SQ. FT. W/ 2 TABLES & CHILL)
- ADDITIONAL AMENITIES:**
- 4. OUTDOOR SITTING AREAS W/ BENCHES - (MIN. 3 LOCATIONS)
 - 5. COVERED PORCH W/ SEATING (MIN. 50 SQ. FT.)
 - 6. RESIDENT COMPUTER CENTER - (MIN. 2 COMPUTERS)

SCALE: 1"=40'



As a condition of approval, a 20-ft wide landscaped bufferyard is required along the south west property boundaries adjacent to single family homes.

As a condition of approval, sidewalk will be installed parallel to Lower Creek Drive as a standard straight 8-ft. sidewalk

Per applicant, building 400 and 500 will have approx. 12 units

KATTS CORNER
 LENOIR, NC
 2-15-2019





BRACKET

30 YEAR A4

The architectural drawings show the side and rear elevations of Building 300. The side elevation (top left) shows a two-story building with a gabled roof and a small porch. The rear elevation (top right) shows a similar two-story building with a gabled roof and a small porch. The side elevation is labeled '4 BUILDING 300 SIDE ELEVATION' and the rear elevation is labeled '3 BUILDING 300 REAR ELEVATION'. Both drawings include a scale of 1/8" = 1'-0".

4 BUILDING 300 SIDE ELEVATION
1/8" = 1'-0"

3 BUILDING 300 REAR ELEVATION
1/8" = 1'-0"

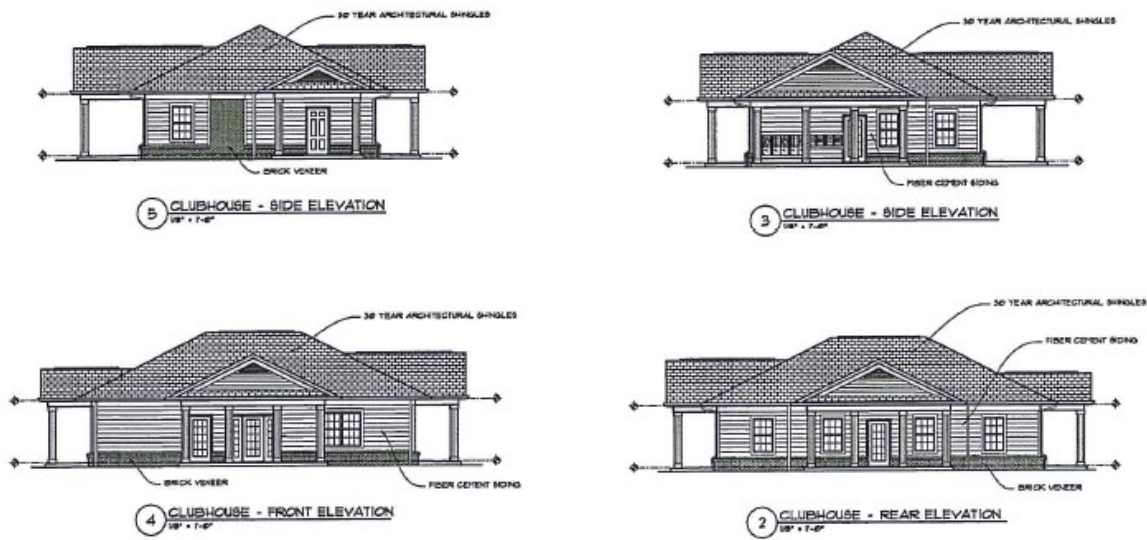
Architectural drawings of Building 300, including side and rear elevations. The side elevation (top left) shows a two-story building with a gabled roof and a small porch. The rear elevation (top right) shows a similar two-story building with a gabled roof and a small porch. The side elevation is labeled '4 BUILDING 300 SIDE ELEVATION' and the rear elevation is labeled '3 BUILDING 300 REAR ELEVATION'. Both drawings include a scale of 1/8" = 1'-0".

4 BUILDING 300 SIDE ELEVATION
1/8" = 1'-0"

3 BUILDING 300 REAR ELEVATION
1/8" = 1'-0"



ELEVATION — CLUB HOUSE



AREA OVERVIEW MAP



EXISTING SITE PHOTO

316 Lower Creek Dr.



Google Street View

509 Wilkesboro Blvd (Community One Bank)



Google Street View

APPENDIX A: DENSITY ANALYSIS



Density Analysis			
	B-2	R-9	Combined Site
Acreage	1.95 AC	3.27 AC	5.22 AC
Total Dwelling Units (du)	36	32	68
Density (du/ac)	18.46 du/ac	9.79 du/ac	13 du/ac

Relationship to Proposed Code Amendments:

The proposed code amendments would set a “by right” density allowance of up to 4.8 dwelling units/acre for multi-family uses on the R-9 portion of the site, with a maximum density cap of 9 du/acre when approved through a Conditional Use Permit (CUP). In the B-2 (General Business) district, the requirement for CUPs for multi-family is removed entirely, but a maximum density cap of 20 du/acre is established. Based on the acreage in each zone, this would allow a “by right” project of approximately 54 units (15 units in R-9 and 39 units in B-2), with up to 14 additional units on the R-9 portion if approved through a CUP. As proposed, the 68 units represents the maximum that could be approved under the proposed code revisions, and would still require a CUP, although the actual development split across the two zoning districts results in densities of ~18.46 du/acre in the B-2 portion and ~9.8 du/acre in the R-9 portion.

APPENDIX B: ITE TRIP GENERATION RATES

Low-Rise Apartment (221)

Average Vehicle Trip Ends vs: Occupied Dwelling Units
On a: Weekday

Number of Studies: 22
Avg. Num. of Occupied Dwelling Units: 264
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Occupied Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
6.59	5.10 - 9.24	2.84

Low-Rise Apartment (221)

Average Vehicle Trip Ends vs: Occupied Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Number of Studies: 27
Avg. Num. of Occupied Dwelling Units: 257
Directional Distribution: 21% entering, 79% exiting

Trip Generation per Occupied Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.46	0.25 - 0.86	0.70

Low-Rise Apartment (221)

Average Vehicle Trip Ends vs: Occupied Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 27
Avg. Num. of Occupied Dwelling Units: 257
Directional Distribution: 65% entering, 35% exiting

Trip Generation per Occupied Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.58	0.38 - 0.93	0.77

APPENDIX C: APPLICANT'S RESPONSE TO FINDINGS

1. The proposed conditional use will comply with all height, yard, lot and area requirements and other regulations of the district in which it is located unless otherwise specified. The project site is currently split zoned (R-9 and B-2). The proposed development complies with all height, yard, lot and area requirements of the R-9 zoning district, which prescribes the most restrictive standards. It will also comply with the design standards of the B-2 zoning district. As such this standard is being met.
2. All driveways will be designed with respect to such matters as proper ingress and egress for automobiles in order to minimize traffic congestion and increase pedestrian safety and conveniences. The proposed driveway for the front entrance will off-set any other existing streets or driveways that front Lower Creek Drive. To reduce traffic on Lower Creek Dr and to have a second access point the proposed plans show the development of a second driveway along an existing 40' easement that travels south of the property through 509 Wilkesboro Blvd (Community One Bank) to provide ingress/egress on Wilkesboro Blvd. ITE trip generation rates for low-rise apartments project low traffic generation rates, especially for peak hour traffic. Sidewalks will be installed along Lower Creek Drive, which ultimately will connect to the City's overall sidewalk system, as Lower Creek Drive is listed as a priority corridor for pedestrian connections in Lenoir's Pedestrian Plan.
3. Off-street parking and loading areas will be provided in compliance with the Zoning Ordinance. Two parking spaces per dwelling unit are required by the zoning ordinance. One hundred and sixteen will be needed to meet ordinance, the plans propose 136 spaces.
4. The establishment of the conditional use will not hinder the normal and orderly development and improvement of surrounding property for uses already permitted in the district. As a higher density residential use, a multi-family development in this location serves to effectively transition from the commercial orientation of Wilkesboro Boulevard to the single-family homes to the north off of Lower Creek Drive. While this development will likely generate new students within the Lower Creek Elementary School district, the generation rates are similar or lower to those of permitted development in the area and the growth appears to be anticipated within the current school planning growth models.
5. Any required screening and landscaping will be designed or planted with full consideration of the effectiveness of individual plant types, dimensions, and characteristics in minimizing the noise, glare, visual impacts and other economic effects on adjoining properties. Where the subject property shares a boundary with single-family homes, a 15 foot vegetative buffer consisting of a combination of evergreen and deciduous trees is required to be installed in accordance with the standards in §712.8 of the zoning ordinance. Street trees and landscaped planting areas within the parking lots must meet the requirements of §1002. All trees and shrubs must be selected from §714.22, List of Approved Trees and Shrubs.
6. Any permitted signs and proposed exterior lighting will be designed to reduce glare and to mitigate any adverse effects of sign size and height; so as to make the signs aesthetically pleasing and compatible with adjoining properties. The applicant proposes single two-sided ground-mounted monument sign at the entrance on Lower Creek Dr. As a condition of approval, all exterior lighting will be designed to reduce glare and light pollution on neighboring properties, and signage will have external illumination only.
7. The exterior architectural appearance and functional plan of any proposed building or structure will not vary greatly from any buildings or structures already construction or in the course of construction in the immediate vicinity or from the character of the applicable district, so as to cause a substantial depreciation in the property values of the immediate vicinity. The applicant is proposing a small split story town home-style apartment building and one single-story community building along Lower Creek. Facade materials include brick veneer, fiber cement board trim, vinyl lap siding, and vinyl shakes. Purposefully designed, the two three-story townhome-style buildings will only be visible as two-story structures from Lower Creek Drive. This design creates a seamless transition to the predominately two-story residential development located to the north of the property. As a condition of approval, the architectural standards for the B-2 zoning district will be met throughout the site to ensure this criterion is satisfied.

CITY OF LENOIR**COUNCIL ACTION FORM: March 19, 2019****I. Agenda Item:**

City-initiated re-zonings to assign compatible zoning classifications to properties currently designated as B-4 on the Lenoir Zoning Map. These changes are related to ZOA#1-19, which proposes to eliminate the B-4 zoning district.

II. Background Information:

Only 37 properties in the City of Lenoir currently have the B-4 zoning classification assigned to them. They are mostly developed, with no immediate plans for redevelopment. The proposed zoning code amendments propose to eliminate the B-4 zoning district, as the B-6 zoning district essentially serves the same function to provide a transitional business district between residential and higher-intensity commercial uses. However, in some instances staff and the Planning Board reviewed the surrounding zoning and existing development, and made a recommendation for other zoning classifications more appropriate to the specific site.

Because we are amending by map, an ordinance is also attached that explicitly details the new zoning for each parcel, referencing BK/PG numbers for legal descriptions, addresses, and NC PIN numbers to be abundantly clear about the properties subject to each proposed change. See Appendix A of the ordinance for a map reference.

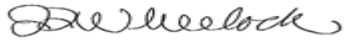
III. Staff and Planning Board Recommendation:

Approval of the attached ordinance, amending the zoning on all of the current B-4 properties, based on the consistency statement provided.

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Planning Director:  _____

**AN ORDINANCE OF THE CITY COUNCIL OF LENOIR,
NORTH CAROLINA, AMENDING THE LENOIR ZONING
ATLAS TO REMOVE THE B-4 ZONING CLASSIFICATION
AND ASSIGN APPROPRIATE NEW ZONING
CLASSIFICATIONS TO ALL B-4 PROPERTIES, PROVIDING
FOR SEVERABILITY, AND AN EFFECTIVE DATE.**

Whereas, Zoning Ordinance Amendment #1-19 eliminates the B-4 zoning district; and

Whereas, the Lenoir Planning Board finds and declares that this ordinance and these amendments consistent with the City's adopted Comprehensive Plan; and

Whereas, the Lenoir City Council hereby finds and declares that this ordinance and these amendments are in the best interest of the public health, safety, and welfare; and

**NOW, THEREFORE, LET IT BE ENACTED BY THE CITY COUNCIL OF THE CITY
OF LENOIR, NORTH CAROLINA, AS FOLLOWS:**

SECTION 1. Consistency Statement.

The Lenoir City Council finds that the proposed zoning map amendments *are consistent* with the Comprehensive Plan because they facilitate progressive and sound land use policies and strategies to ensure that Lenoir grows fairly, effectively, and efficiently and is related to the adoption of sensible, straightforward zoning standard and procedures that are easily understood by developers and the general public.

SECTION 2. Proposed Zoning Map Amendment: B-4 to R-6.

The following parcel is hereby re-zoned from B-4 to R-6:

204 PROSPECT ST 2749567060 BK 1767 PG 227 (see Appendix A, Map 2)

SECTION 3. Proposed Zoning Map Amendment: B-4 to R-9.

The following parcels are hereby re-zoned from B-4 to R-9:

105 VIRGINIA ST 2749441617 BK 1747 PG 169 (see Appendix A, Map 3)

116 FAIRVIEW DR 2749131177 PLAT 33/230 LOT 7 (see Appendix A, Map 4)

2109 STATEMENT ST 2749133049 PLAT 33/230 LOT 3 (see Appendix A, Map 4)

2113 STATEMENT ST 2749133197 PLAT 33/230 LOT 4 (see Appendix A, Map 4)

2110 STATEMENT ST	2749133366	PLAT 33/230 LOT 5 (see Appendix A, Map 4)
2105 STATEMENT ST	2749133100	BK 1949 PG 1660 (see Appendix A, Map 4)
120 FAIRVIEW DR	2749132237	BK 1951 PG 1303 (see Appendix A, Map 4)
1980 HARPER AV	2749122948	BK 1876 PG 611 (see Appendix A, Map 4)
HARPER AV	2749134263	BK 0297 PG 0213 (see Appendix A, Map 4)

SECTION 4. Proposed Zoning Map Amendment: B-4 to R-15.

The following parcel is hereby re-zoned from B-4 to R-15:

LAKESIDE TERRACE CR	2758735630	BK 1751 PG 126 (see Appendix A, Map 7)
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SECTION 5. Proposed Zoning Map Amendment: B-4 to R-20.

The following parcels are hereby re-zoned from B-4 to R-20:

2204 HARPER AV	2739917669	BK 1643 PG 1790 (see Appendix A, Map 5)
2109 ROSELLE PL	2739918736	BK 0697 PG 0655 (see Appendix A, Map 5)
2122 HARPER AV	2739929050	BK 1940 PG 580 (see Appendix A, Map 5)
2114 HARPER AV	2749021019	BK 1750 PG 381 (see Appendix A, Map 5)
2105 ROSELLE PL	2739919804	BK 1857 PG 1235 (see Appendix A, Map 5)

SECTION 6. Proposed Zoning Map Amendment: B-4 to B-2.

The following parcels are hereby re-zoned from B-4 to B-2:

116 LOWER CREEK DR	2759471983	BK 1690 PG 49 (see Appendix A, Map 1)
861 CONNELLY SPRINGS RD	2748858596	BK 1282 PG 1664 (see Appendix A, Map 6)
2309 LAKESIDE TERRACE CR	2758735360	1256/1304 (see Appendix A, Map 7)
101 VICTORIA LN	2758733415	BK 1266 PG 1007 (see Appendix A, Map 7)

SECTION 7. Proposed Zoning Map Amendment: B-4 to B-3.

The following parcel is hereby re-zoned from B-4 to B-3:

1171 HARPER AV 2749663101 BK 1951 PG 356 (see Appendix A, Map 2)

SECTION 8. Proposed Zoning Map Amendment: B-4 to B-6.

The following parcels are hereby re-zoned from B-4 to B-6:

426 HARPER AV 2749554732 0476/0291 (see Appendix A, Map 2)

115 BROADWAY ST 2749554965 0771/0982 (see Appendix A, Map 2)

109 BROADWAY ST 2749555829 0642/0650 (see Appendix A, Map 2)

107 BROADWAY ST 2749555884 0440/0565 (see Appendix A, Map 2)

107 LIGHT ST 2749556558 BK 1893 PG 4 (see Appendix A, Map 2)

1319 HARPER AV 2749555557 BK 1919 PG 1225 (see Appendix A, Map 2)

419 HARPER AV 2749557740 1027/1102 (see Appendix A, Map 2)

419 HARPER AV 2749557796 1027/1102 (see Appendix A, Map 2)

111-A FAIRVIEW DR 2749038180 BK 1879 PG 770 (see Appendix A, Map 5)

111-B FAIRVIEW DR 2749034112 BK 1802 PG 903 (see Appendix A, Map 5)

2030 HARPER AV 2749027727 BK 1622 PG 1372 (see Appendix A, Map 5)

HARPER AV 2749010962 BK 1624 PG 314 (see Appendix A, Map 5)

111 FAIRVIEW DR 2749120839 0823/0863 (see Appendix A, Map 5)

111 FAIRVIEW DR 2749130104 0823/0863 (see Appendix A, Map 5)

2058 HARPER AV 2749024633 PLAT 24 14 (see Appendix A, Map 5)

2102 HARPER AV NW 2749022156 0827/0709 (see Appendix A, Map 5)

SECTION 6. CODIFICATION. The City Clerk shall cause the Code of Ordinances of Lenoir, North Carolina to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 7. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Lenoir, North Carolina, by the City Clerk of the City of Lenoir, North Carolina, this 8th day of March and this 15th day of March, 2019.

DONE, THE PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of the a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this _____ day of _____, 2019.

BY THE MAYOR/MAYOR PRO TEMPORE OF THE CITY OF LENOIR, NORTH CAROLINA:

Mayor/Mayor Pro Tempore

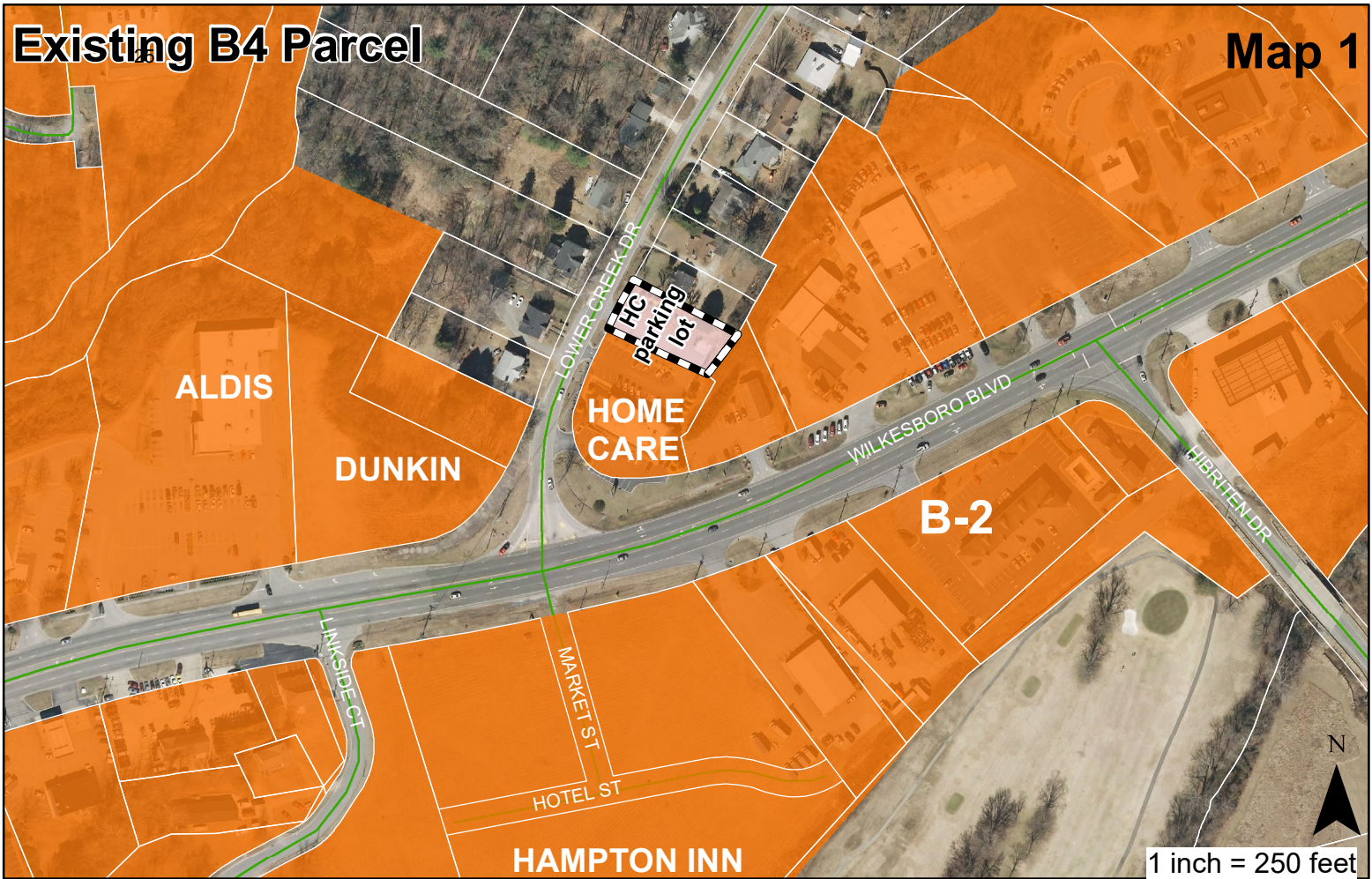
ATTEST, BY THE CLERK OF THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA:

City Clerk

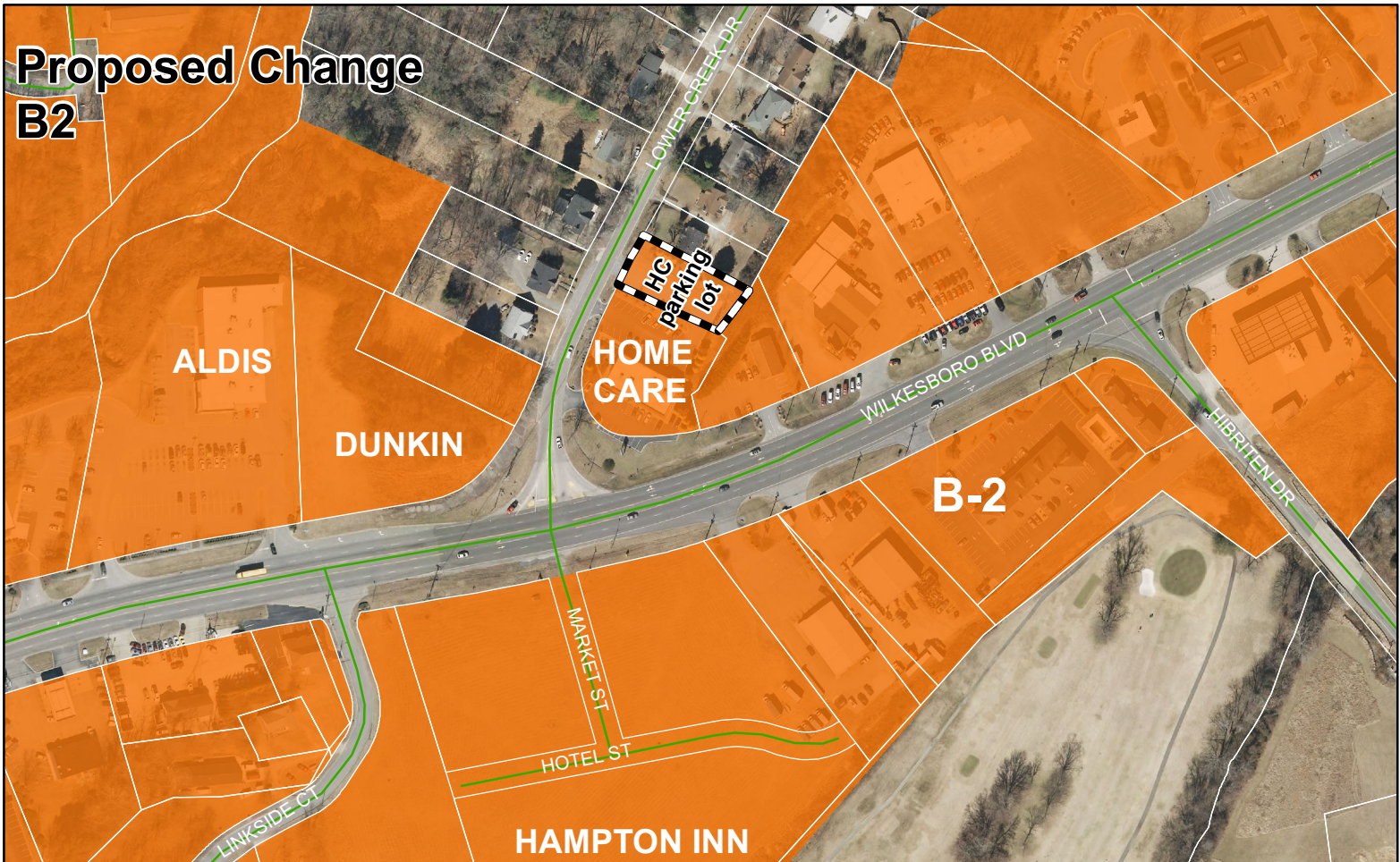
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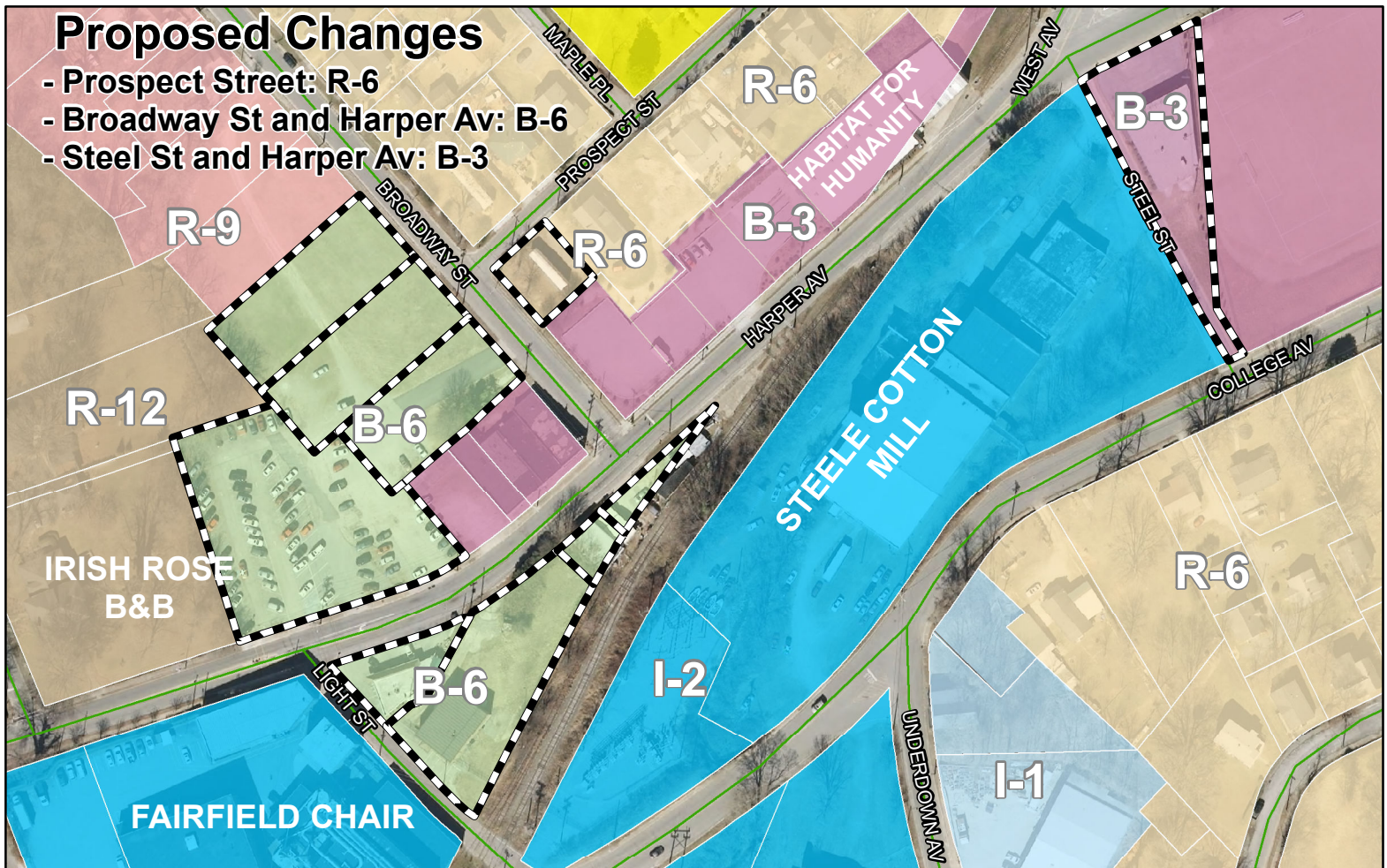
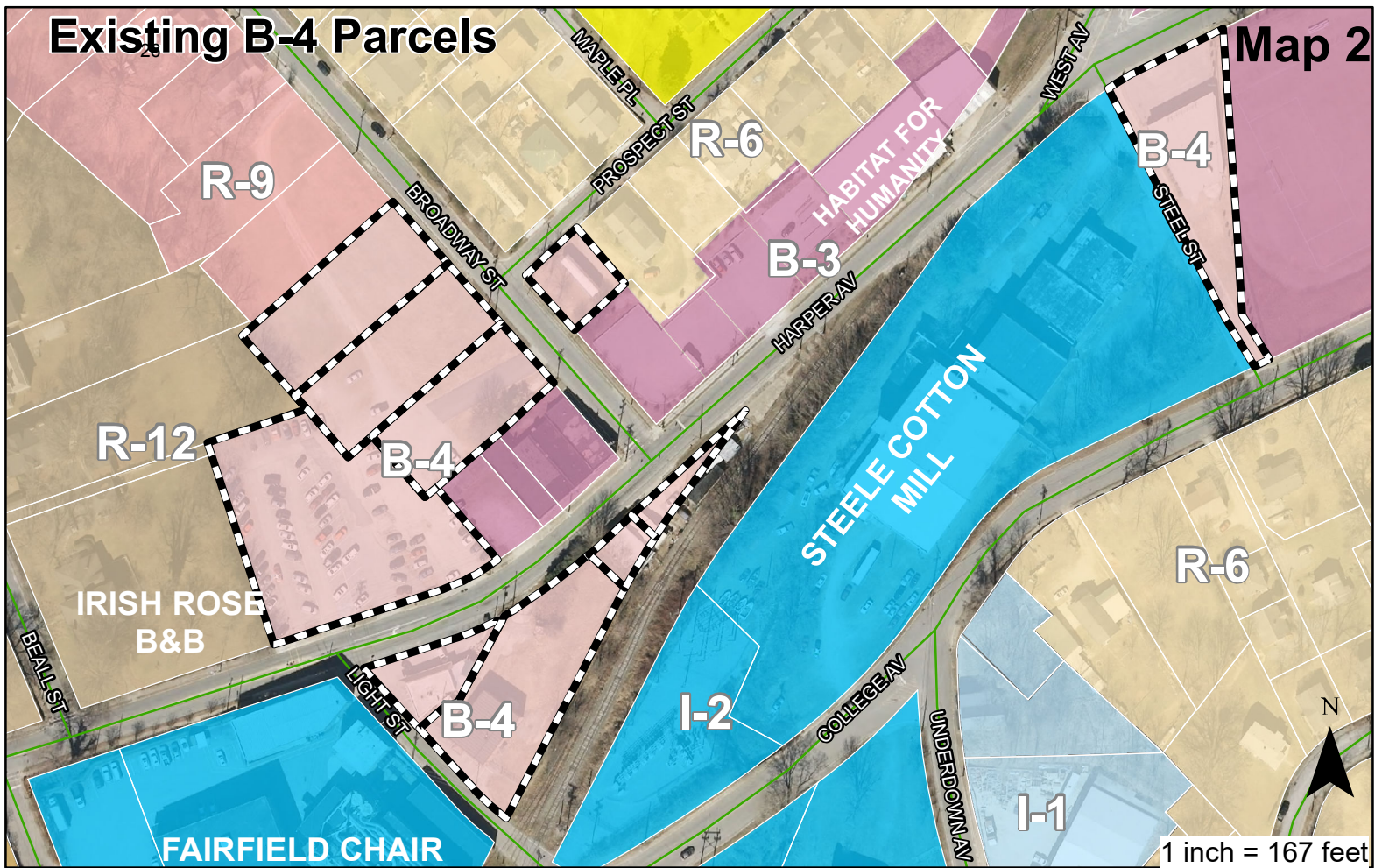
Existing B4 Parcel

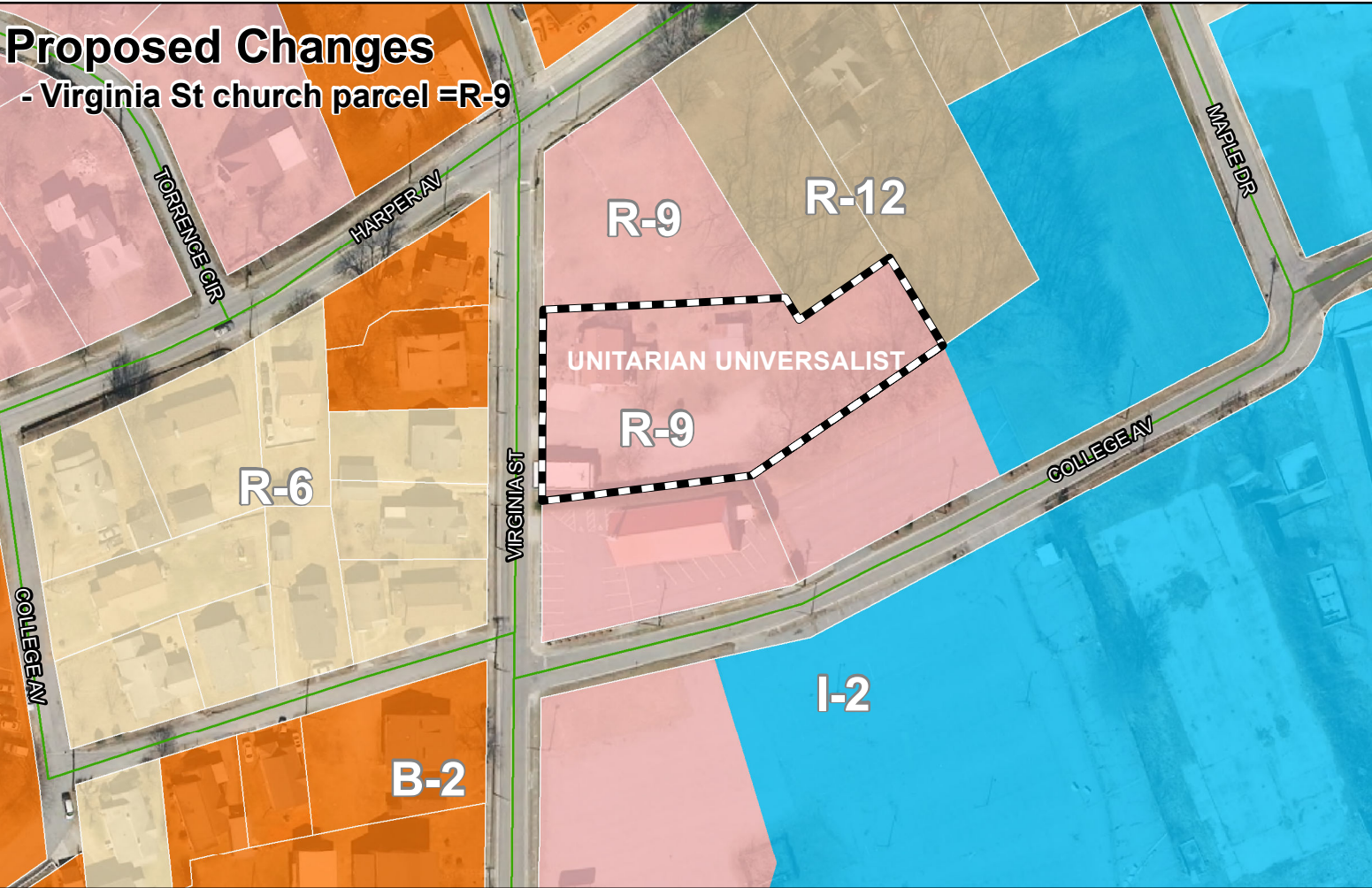
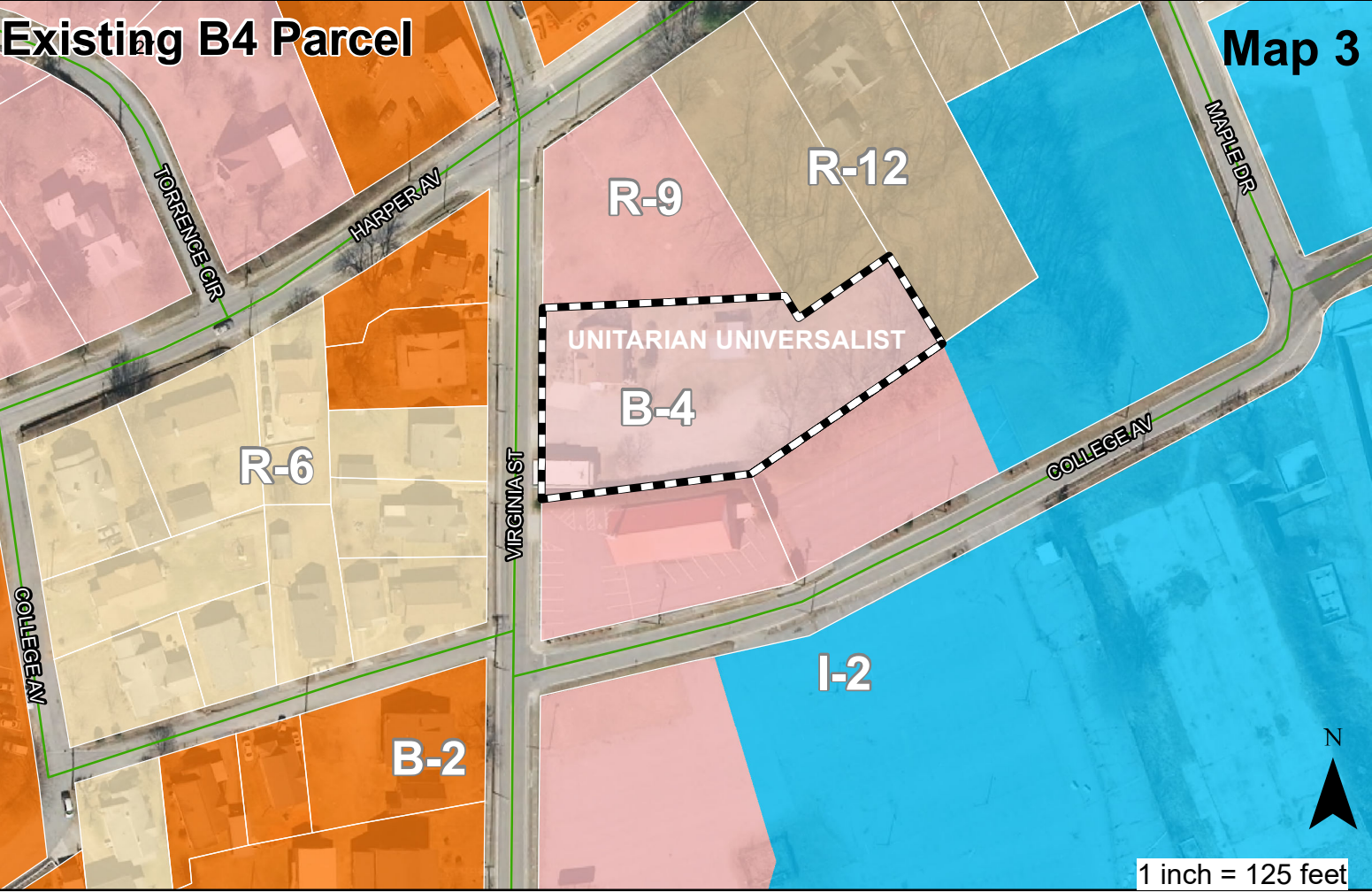
Map 1



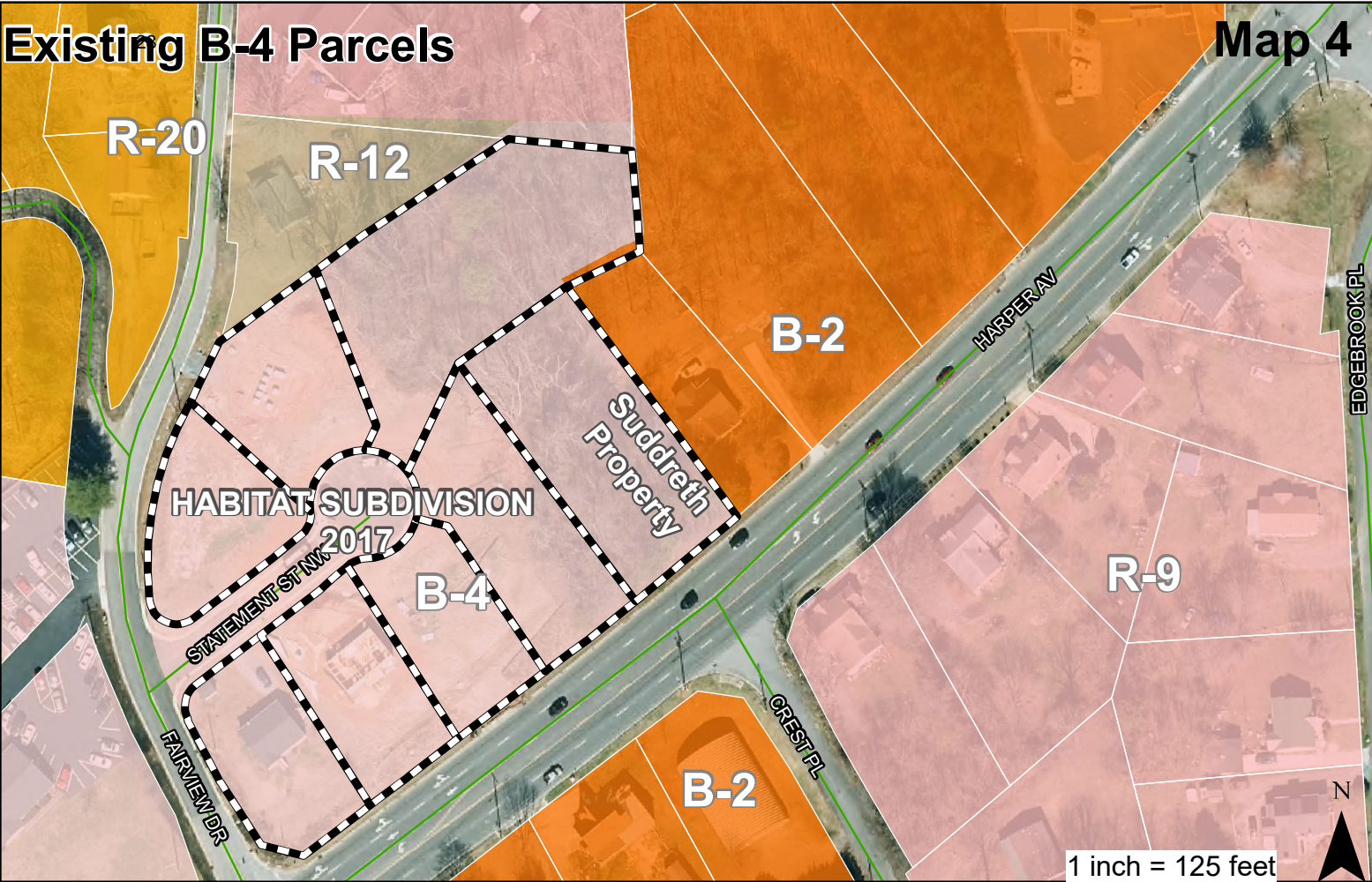
Proposed Change B2





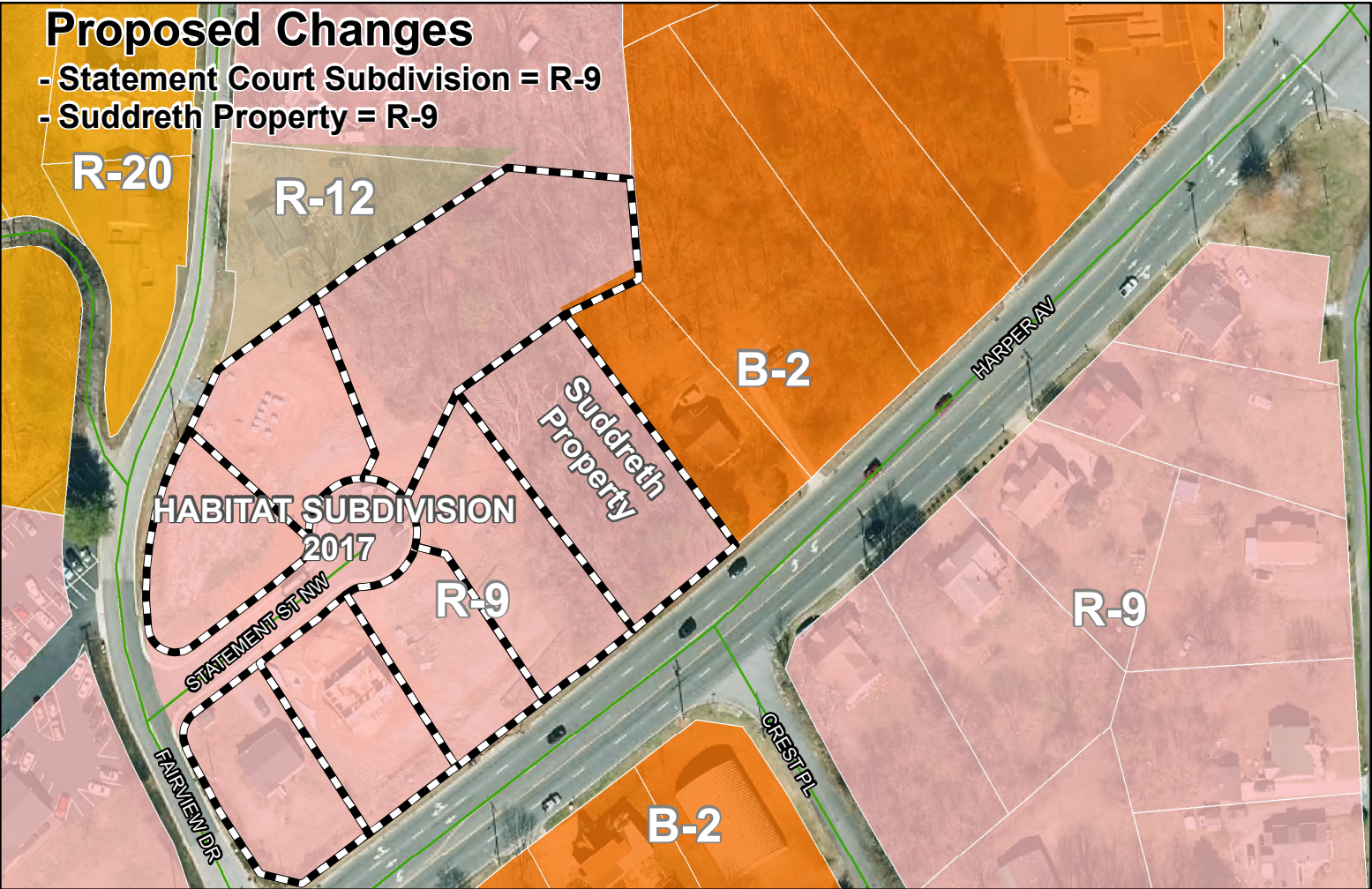


Existing B-4 Parcels



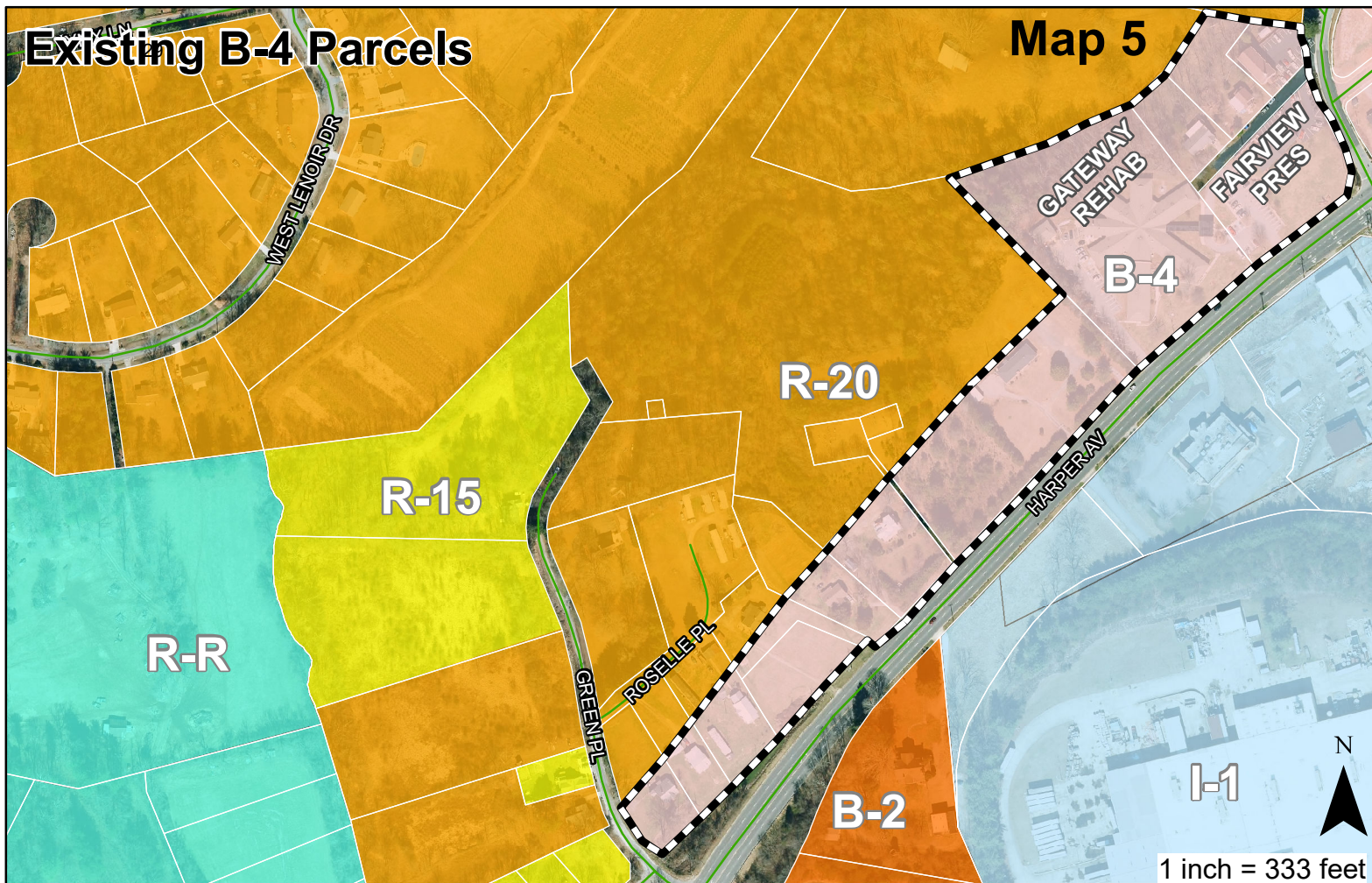
Proposed Changes

- Statement Court Subdivision = R-9
- Suddreth Property = R-9



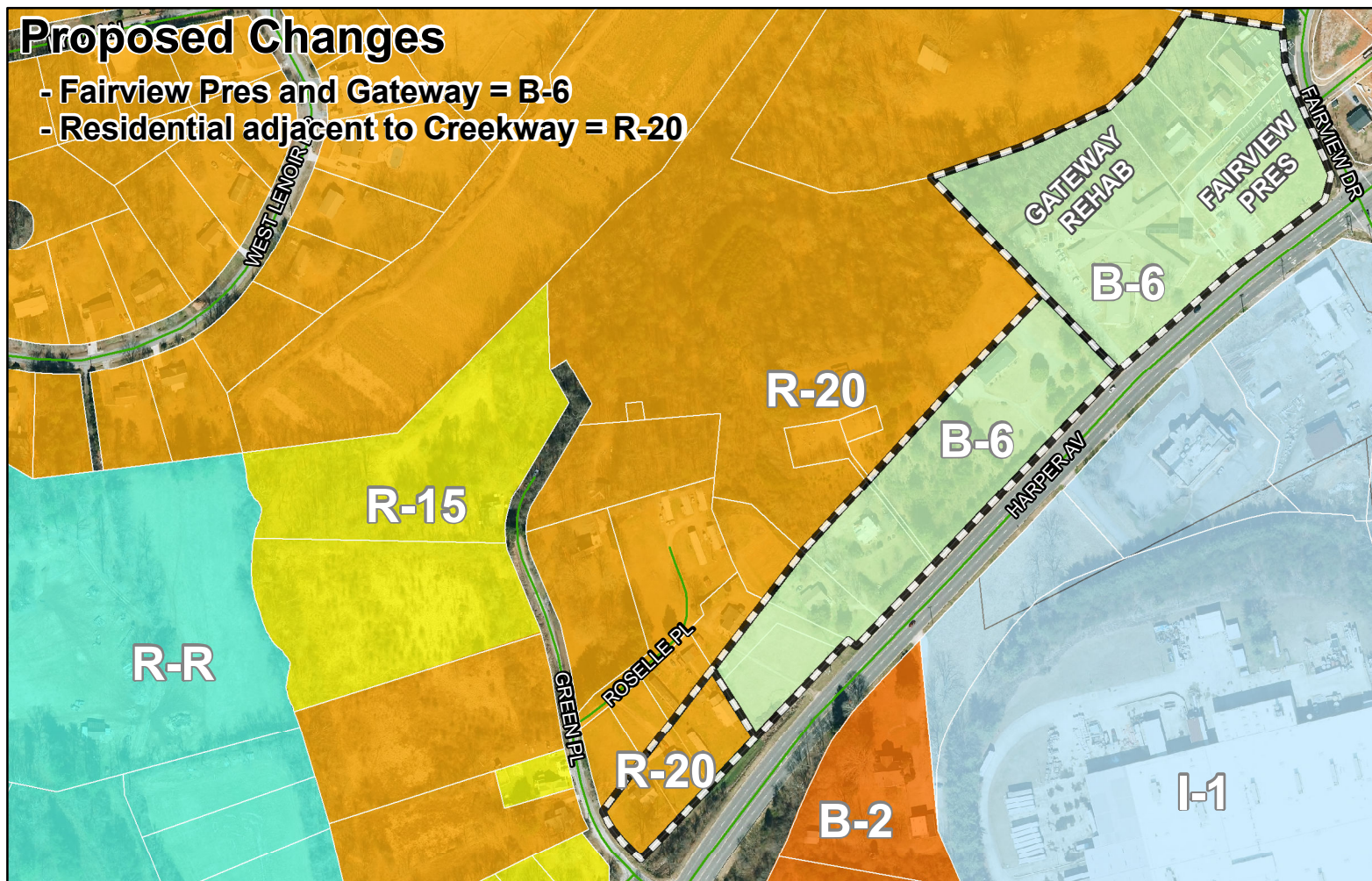
Existing B-4 Parcels

Map 5



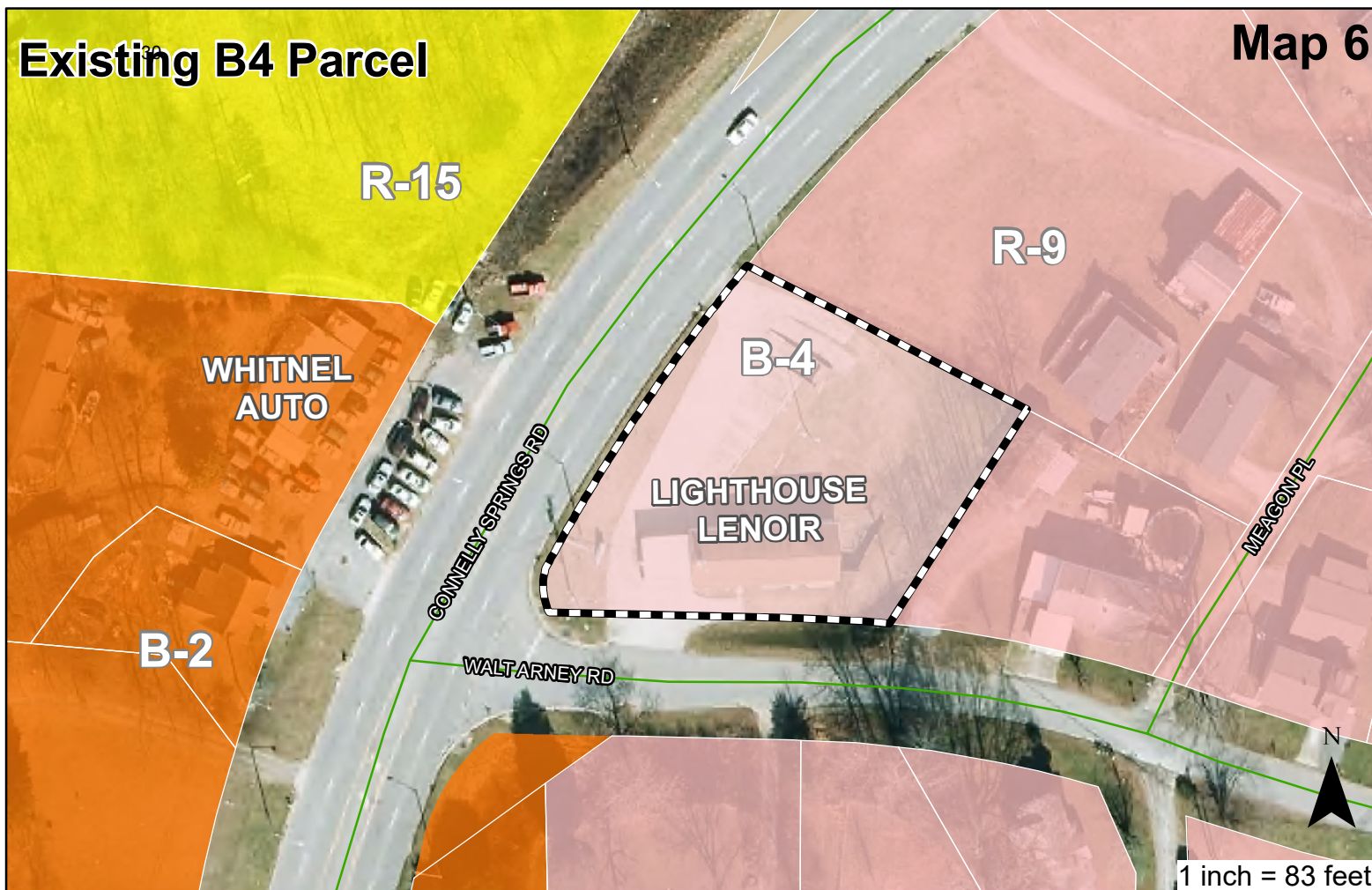
Proposed Changes

- Fairview Pres and Gateway = B-6
- Residential adjacent to Creekway = R-20



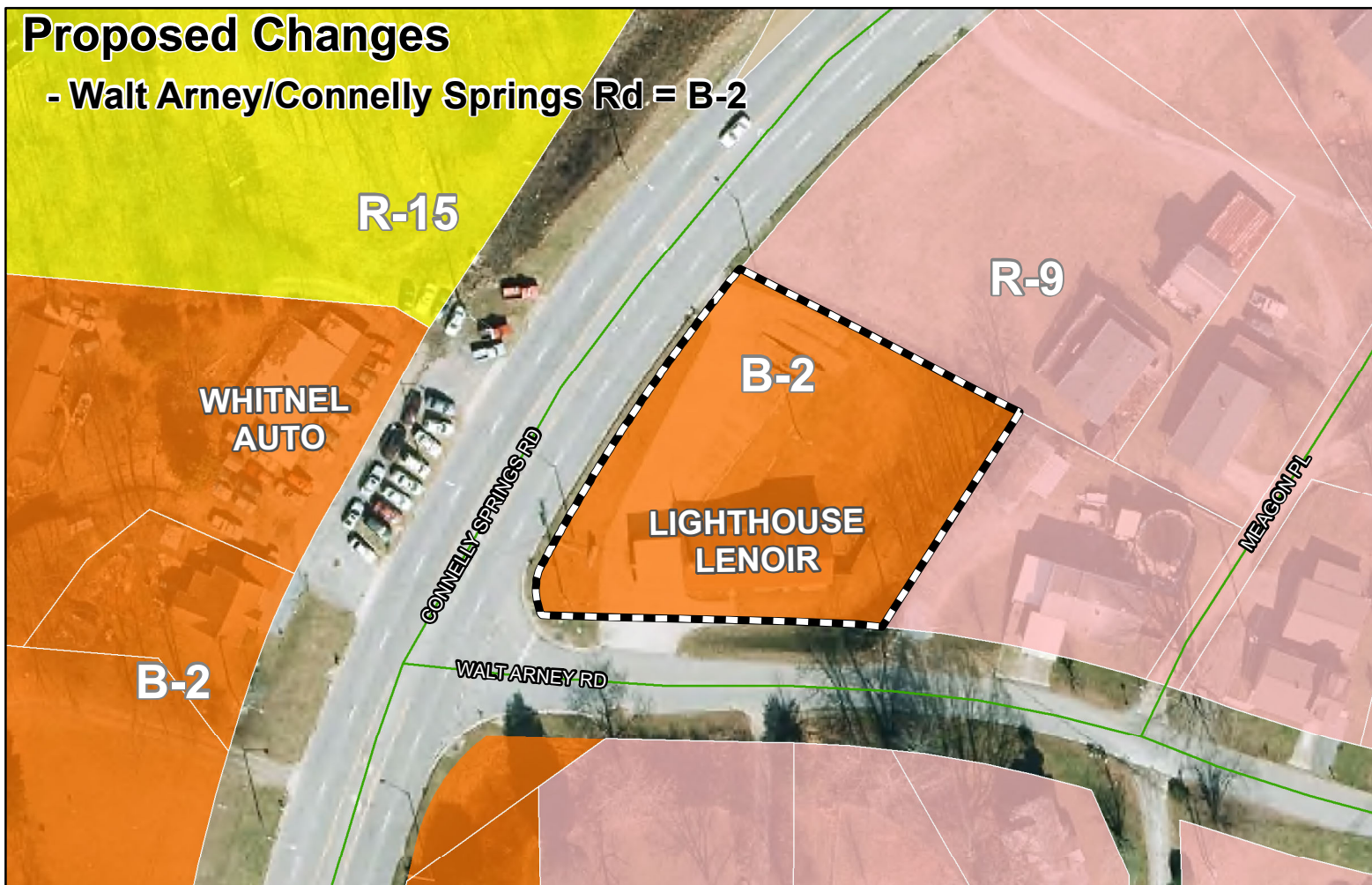
Existing B4 Parcel

Map 6



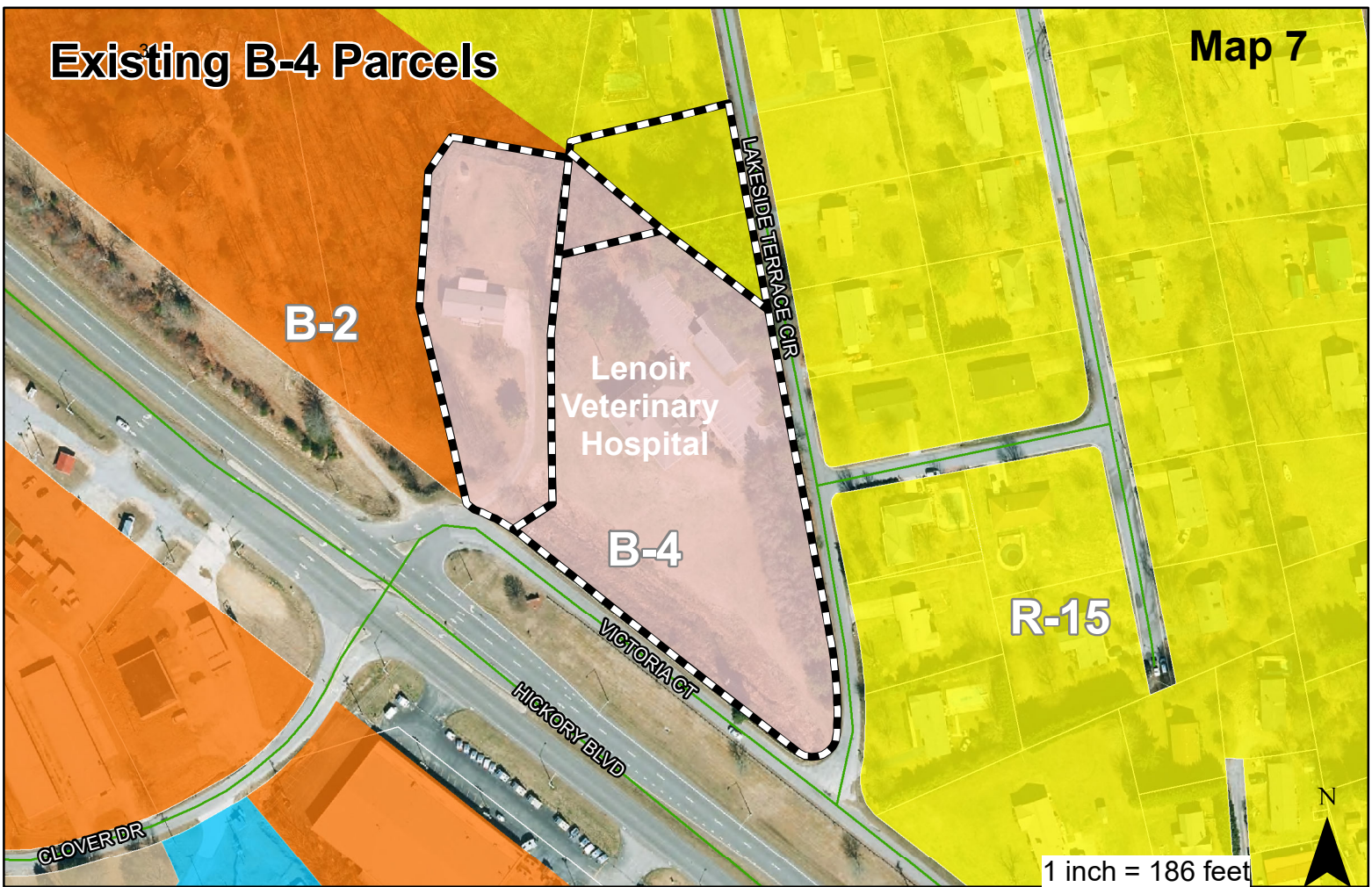
Proposed Changes

- Walt Arney/Connelly Springs Rd = B-2

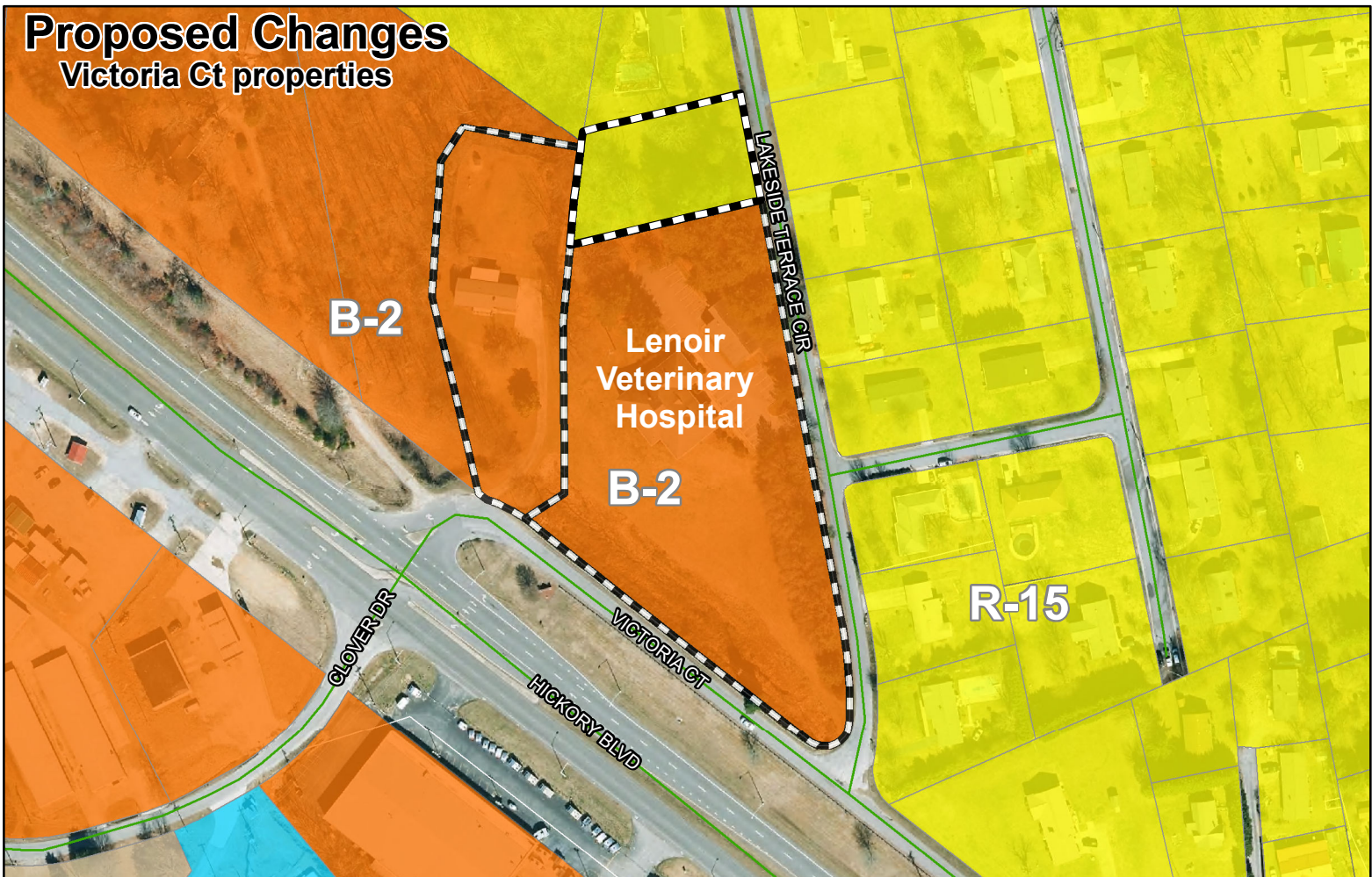


Existing B-4 Parcels

Map 7



Proposed Changes Victoria Ct properties



B4 Properties to be Rezoned

Owner	Address	NCPIN	Legal Desc	Proposed Zoning
Map One (1)				
RANKIN A WHITTINGTON LLC	116 LOWER CREEK DR	2759471983	BK 1690 PG 49 YR 08 ST 0.00	B-2
Map Two (2)				
FAIRFIELD CHAIR CO	426 HARPER AV	2749554732	0476/0291 1964 0.00	B-6
FAIRFIELD CHAIR CO	115 BROADWAY ST	2749554965	0771/0982 0081 26.00	B-6
FAIRFIELD CHAIR CO	109 BROADWAY ST	2749555829	0642/0650 0072 0.00	B-6
FAIRFIELD CHAIR CO	107 BROADWAY ST	2749555884	0440/0565 1962 0.00	B-6
KNOX JOAN C	107 LIGHT ST	2749556558	BK 1893 PG 4 YR 2016 ST 108.00	B-6
NILAKANTH INC	1319 HARPER AV	2749555557	BK 1919 PG 1225 YR 2017 ST 180.00	B-6
POARCH J A ASSOCIATES INC	419 HARPER AV	2749557740	1027/1102 1990 0.00	B-6
POARCH J A ASSOCIATES INC	419 HARPER AV	2749557796	1027/1102 1990 10.00	B-6
TRUBEY LEON E	204 PROSPECT ST	2749567060	BK 1767 PG 227 YR 2011 ST 0.00	R-6
T & J LEASING LLC	1171 HARPER AV	2749663101	BK 1951 PG 356 YR 2018 ST 5.00	B-3
Map Three (3)				
UNITARIAN UNIVERSALISTS OF CA	105 VIRGINIA ST	2749441617	BK 1747 PG 169 YR 10 ST 160.00	R-9
Map Four (4)				
CALDWELL COUNTY HABITAT	116 FAIRVIEW DR	2749131177	PLAT 33/230 LOT 7 2017	R-9
CALDWELL COUNTY HABITAT	2109 STATEMENT ST	2749133049	PLAT 33/230 LOT 3 2017	R-9
CALDWELL COUNTY HABITAT	2113 STATEMENT ST	2749133197	PLAT 33/230 LOT 4 2017	R-9
CALDWELL COUNTY HABITAT	2110 STATEMENT ST	2749133366	PLAT 33/230 LOT 5 2017	R-9
EDWARDS LISA MARIE	2105 STATEMENT COURT NW	2749133100	BK 1949 PG 1660 YR 18 ST 208.00	R-9
GODOY JACQUELINE EDITH	120 FAIRVIEW DR	2749132237	BK 1951 PG 1303 YR 18 ST 0.00	R-9
NORWOOD KEIERA	1980 HARPER AV	2749122948	BK 1876 PG 611 YR 2015 ST 160.00	R-9
SUDDRETH CATHERINE C	Off HARPER AV	2749134263	0297/0213 1939 0.00	R-9

Owner	Address	NCPIN	Legal Desc	Proposed Zoning
Map Five (5)				
ANDERSON TIFFANY	111-A FAIRVIEW DR	2749038180	BK 1879 PG 770 YR 2015 ST 20.00	B-6
BRANCH SUSAN	111-B FAIRVIEW DR	2749034112	BK 1802 PG 903 YR 12 BY DEATH	B-6
CRISP CLAUDE DWAYNE	2204 HARPER AV	2739917669	BK 1643 PG 1790 YR 07 ST 0.00	R-20
CSE LENOIR LP	2030 HARPER AV	2749027727	BK 1622 PG 1372 YR 06 ST 16252.00	B-6
ECHERD JAMES ALVIN	HARPER AV	2749010962	BK 1624 PG 314 YR 06 ST 84.00	B-6
FAIRVIEW PRESBYTERIAN	111 FAIRVIEW DR	2749120839	0823/0863 0074 0.00	B-6
FAIRVIEW PRESBYTERIAN	111 FAIRVIEW DR	2749130104	0823/0863 0084 0.00	B-6
FAIRVIEW PRESBYTERIAN	2058 HARPER AV	2749024633	PLAT 24 14 YR 07 BY WILL	B-6
HICKS RONALD L	2109 ROSELLE PL	2739918736	0697/0655 0077 0.00	R-20
CRISP CLAUDE DWAYNE	2102 HARPER AV NW	2749022156	0827/0709 0084 0.00	B-6
HOHM DAVID CHARLES	2122 HARPER AV	2739929050	BK 1940 PG 580 YR 2018 ST 0.00	R-20
PLYLER REBECCEA M ET AL	2114 HARPER AV	2749021019	BK 1750 PG 381 YR 10 ST 25.00	R-20
WHISENANT BERTHA LEE ET AL	2105 ROSELLE PL	2739919804	BK 1857 PG 1235 YR 2014 ST 0.00	R-20
Map Six (6)				
WATSON OLA B	861 CONNELLY SPRINGS RD	2748858596	BK 1282 PG 1664 YR 1999 ST 60.00	B-2
Map Seven (7)				
FARTHING KATHRYN B	LAKESIDE TERRACE CR	2758735630	BK 1751 PG 126 YR 10 ST 25.00	R-15
JONES DANIEL M	2309 LAKESIDE TERRACE CR	2758735360	1256/1304 1999 0.00	B-2
LACKEY REBECCA M	101 VICTORIA LN	2758733415	BK 1266 PG 1007 YR 1999 ST 198.00	B-2

CITY OF LENOIR**COUNCIL ACTION FORM: March 19, 2019****I. Agenda Item:**

An amendment to the Lenoir Zoning Ordinance related to use and zoning district performance standards.

II. Background Information:

See summary memo, attached. This ordinance has been in development over several years, and has been designed to address many recommendations of the Comprehensive Plan as well as needed changes noted by Council, developers, staff, and residents.

The attached ordinance indicates deletions with strike-through text and additions with underlines.

III. Staff and Planning Board Recommendation:

Planning staff and the Planning Board recommend that City Council adopt the attached ordinance.

IV. Reviewed by:

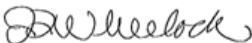
City Attorney: _____

Finance Director: _____

Planning Director:  _____

PLANNING DEPARTMENT MEMORANDUM

CITY OF LENOIR, 801 WEST AVENUE, LENOIR, NC 28645

TO: Scott Hildebran, City Manager
FROM: Jenny Wheelock, Planning Director 
DATE: February 27, 2019
SUBJECT: Zoning Use and District Regulation Overhaul
CC: Lenoir City Council
T.J. Rohr, City Attorney

The Planning Board has been reviewing an ordinance for several months that will modernize the Lenoir Zoning Ordinance, specifically focusing on the intent of the zoning districts, the district-specific development regulations, and the chart of permitted uses. This ordinance has been in development by staff for several years, and implements many policy goals of the Comprehensive Plan, addresses needs identified by Council and Department Heads during annual strategic planning retreats, and fixes errors and deficiencies identified by staff in day-to-day zoning administration.

A public hearing has been scheduled for the March 19, 2019 City Council meeting.

The over-arching policy goals guiding this amendment process are as follows:

- **GOAL 1: Transparent, accessible regulations.** The proposed changes should make it easier for relators, developers, and the general public to look up and understand the rules specific to their properties, and how the districts relate to one another.
- **GOAL 2: Productive Re-Use and Infill.** Development regulations that hinder the re-use or re-development of existing buildings for new uses have been eliminated in favor of standards that allow for flexibility of use over time. Where ever changes are proposed, such changes aim to facilitate infill development, productive re-use of buildings, and gradual intensification of existing lots already served by infrastructure, thus growing the tax base without adding additional maintenance responsibility to the City.
- **GOAL 3: Increase Variety of Allowable Housing Types.** Much needed “missing middle” housing types (accessory apartments, townhomes, duplex, triplex, quadplex, etc.) are added to the list of permitted uses in appropriate residential areas, and an overall scheme for regulating maximum density by zoning district is proposed. The intent is to move away from contentious quasi-judicial public hearings, while establishing fair density and design standards to balance the need for development of new housing with protection of established neighborhoods.

- **GOAL 4: Context-Sensitive Zoning.** Proposed changes lay the groundwork for future map amendments and corridor studies, to ensure that intensities, design standards, access management standards, streetscape requirements, etc. can be adopted in the future in a more context-sensitive way – the distinction between what uses are allowed in each zone becomes secondary to the design and development requirements for each zone.

Highlights of Specific Changes

- Definitions are added and updated to add clarity to interpretation and memorialize previous uses deleted from the use chart within the definitions for the new use categories.
- Zoning District changes: The intent statements for the zoning districts have been consolidated into a single section and are updated to better reflect the differences between each district.
 - A new district, Residential-Commercial, is created to accommodate higher density multi-family housing. (Note: no properties are proposed to be re-zoned to this district immediately. However, the creation of this district creates a legislative option for higher density projects to be facilitated through “straight” zoning, rather than the quasi-judicial CUP process or the Conditional Zoning process.
 - The B-4 “Limited Business” district is deleted (rarely used and not very effective)
 - The B-6 district is re-named from “Exclusive Business District” to “Transitional Business District” to better reflect the intent of the district.
 - The B-7 district is re-named from “Planned Highway Business District” to “Highway Business District” and the intent is revised to set up a district that can accommodate development on highway corridors that protects vehicular mobility through consolidated access standards, while relaxing the pedestrian-oriented standards to help keep development costs affordable in areas that are not conducive to high levels of pedestrian activity. (Note: this code amendment updates the intent statement for the district, and the proposed permitted use chart has been updated with this new intent in mind, but the details of revised design and access standards will come in a future amendment. Currently, only a handful of properties in the City are zoned B-7, so additional map amendments will likely be proposed with future amendments.)
- The existing permitted use chart with 249 uses is repealed and replaced with two new charts that each fit on a single page – a table of permitted residential uses (17 separate uses) and a table of permitted non-residential uses (36 separate uses). Footnotes are used to clarify intentions. Some key changes incorporated into the revisions:

- Agriculture added as a conditional use in R-R, R-20, I-1, and I-2, whereas all agriculture is technically “prohibited” under existing code (animal regulations are adopted separately and will not change).
- Boutique/Artisan manufacturing uses enumerated separately from higher intensity manufacturing uses, to allow for these “funky” uses in more districts – things like glass blowing, custom wood-working, small-run print shops, small scale bakeries, coffee roasting, etc.
- Multi-family Dwellings are divided into two categories, low-density garden apartments and mid/high density apartments:
 - Low-density apartments are capped at the densities allowed in each district for detached single family, but are designated as “permitted” uses rather than requiring CUPs in the higher density residential districts
 - Higher density projects remain CUPs in residential districts, when allowed at all, but the CUP requirement is eliminated for the higher intensity commercial districts. To balance out this “by right” allowance, maximum density standards are established, which will complement existing performance standards and give staff objective criteria to review and permit projects at densities appropriate to the district.
- Accessory structure rules are updated to address existing internal conflicts between code sections, and rules are adopted for non-residential districts.
- Minor changes to the design standards for commercial districts are proposed that help to codify and clarify staff interpretations of consistently hard to meet regulations (this is particularly relevant to help staff apply the standards to existing buildings).
- Deletes ~35 pages of repetitive zoning district regulations, which over the years have led to multiple conflicts between various code sections as regulations are amended in one location but not in another. Development standards (setbacks, lot sizes, frontage requirements, allowable densities, etc.) are put into a single table, with a handful of footnotes, similar to the approach used to present permitted and conditional uses. Key changes to development regulations are proposed:
 - Reduce minimum lot widths and minimum street frontage requirements, to facilitate efficient use of existing infrastructure and gradual intensification of development as infill occurs.
 - Reduce street yard setbacks to be consistent with front yard setbacks in various zoning districts. Existing requirement for a 25 ft. setback regardless of zoning district is overly restrictive, considering many commercial districts allow front and side yard setbacks of 0-10 ft.

- Eliminate the “setback scenarios” in favor for a single standard for each district (in all cases, the least restrictive). Today, some districts have up to 4 different setback standards, depending on the width of the adjacent street and the proposed use of the property, which creates a confusing regulatory context.
- Maximum density standards are established for each district, which helps balance the creation of by-right multi-family projects in many districts and helps with planning for future impacts of development by establishing a clear maximum limit to potential development.
- Accessory structure setbacks included for each district.
- District-specific design standards remain unchanged, and follow the chart of permitted uses in this section.
- Moves on-street loading standards that previously were repeated under each zoning district subsection into the section that regulates parking and off-street loading, so that all transportation-related standards are consistent and located in one logical place.

**AN ORDINANCE OF THE CITY COUNCIL OF LENOIR,
NORTH CAROLINA, AMENDING APPENDIX A OF THE
LENOIR CITY CODE RELATED TO USE AND ZONING
DISTRICT PERFORMANCE STANDARDS, REPEALING AND
REPLACING THE PERMITTED USE CHART, UPDATING USE
DEFINITIONS, ESTABLISHING A CHART OF ZONING
DISTRICT REGULATIONS, ESTABLISHING A RESIDENTIAL-
COMMERCIAL ZONING DISTRICT, DELETING THE B-4
ZONING DISTRICT, AND ELIMINATING DUPLICATIVE
CODE SECTIONS, PROVIDING FOR CODIFICATION, AND AN
EFFECTIVE DATE.**

Whereas, the Lenoir Zoning Ordinance was adopted in its current form in 1978, and while we have surgically amended the Code as best zoning practices and community need have necessitated, the regulatory framework for classifying uses and zoning district regulations has remained largely unchanged; and

Whereas, best practices in zoning and land use regulation recognize that the use of a particular parcel or structure tends to have less overall impact on the surrounding neighborhood than the design and massing of the building; and

Whereas, the current Permitted Use Chart spans 13 pages of the Lenoir Zoning Ordinance, enumerating 249 separate land uses within the City, often making “distinctions without difference” as the land use impacts and permitted locations of many similar uses are identical; and

Whereas, the proposed Permitted Use Chart reduces the 249 currently enumerated land uses into two, one-page tables (one for 17 residential uses, classified according to intensity and one for 36 non-residential uses), establishing new use categories defined on similar impacts and characteristics, creating a streamlined, predictable, and flexible regulatory framework moving forward; and

Whereas, the current Permitted Use Chart makes no distinction between various densities of multi-family housing, requiring a Conditional Use Permit for any development with 3 or more dwelling units, even in districts expressly adopted to provide opportunities for multi-family housing; and

Whereas, the Lenoir City Council and the Lenoir Planning Board recognize that a “missing middle” for housing types exists within the City, with detached single family homes and home sites in plentiful supply, and larger subsidized apartment projects able to navigate the often controversial Conditional Use Permit process, but lower density, small scale projects are effectively “zoned out” due to overly restrictive multi-family standards; and

Whereas, Section VIII of the Lenoir Zoning Ordinance is unnecessarily repetitive, creating confusion and conflict and making it more difficult for the average citizen to successfully interpret the rules that apply to his property, which is counteractive to Council’s goal of a transparent government; and

Whereas, creating a chart of Zoning District Regulations allows staff and the general public the ability to quickly determine the development standards of a particular district without navigating pages of extraneous text, as well as to quickly see the relationship between the districts; and

Whereas the creation of the Zoning District Regulation chart allows the deletion of approximately 35 pages of outdated, duplicative, and extraneous code provisions, while retaining the district-specific design standards that make the greatest impact on the character of development within each district; and

Whereas, the Lenoir Planning Board finds and declares that this ordinance and these amendments are consistent with the City’s adopted Comprehensive Plan, which calls for: (1) the development of progressive and sound land use policies, (2) the adoption of sensible, straightforward zoning standards that are easily understood by the public, (3) the promotion of affordable housing for people in all stages of life, (4) allowances for greater flexibility in predominately single family districts to allow multi-family developments, (5) the establishment of a high density residential district that does not allow manufactured housing, (6) allowances for garage apartments, and (7) the promotion of Lenoir as a retirement destination through the development of more multi-family buildings and “transitional” housing, while recognizing that due to the growth constraints of our natural and built environment, most development will occur on under-utilized parcels within the existing City, rather than at the edge; and

Whereas, the Lenoir City Council hereby finds and declares that this ordinance and these amendments are in the best interest of the public health, safety, and welfare, as they will promote the orderly and safe development and redevelopment of land within the City at densities and intensities appropriate to allow incremental, achievable, and sustainable growth over time as well as to adapt to changing market conditions, contributing to overall community economic resiliency; and

NOW, THEREFORE, LET IT BE ENACTED BY THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA, AS FOLLOWS:

SECTION 1. Appendix A, Article IV of the Code of Ordinances, City of Lenoir, North Carolina, “Definitions” is hereby amended to read as follows:

Accessory Apartment - A secondary dwelling unit, meeting all standards of the City of Lenoir's Minimum Housing Code, located entirely within the same structure as a principal single family dwelling.

Accessory Cottage - A secondary, detached dwelling unit, meeting all standards of the City of Lenoir's Minimum Housing Code, located on single-family lot that is also developed with a principal single family dwelling. Also referred to as garage apartments, granny flats, or mother-in-law apartments. Accessory cottages are considered accessory buildings.

Accessory Use or Building - A use or building subordinate to the principal use or building located on the same lot and used for purposes incidental to the principal use or building.

Adult Day Care Center - A facility which provides daytime care for six (6) or more adults of whom one or more are unrelated and who are aged, handicapped, or disabled and are in need of adult supervision or provided services to meet their needs.

Adult Establishments/Adult Uses/Sexually Orientated Businesses - In addition to "adult establishments" defined by N.C.G.S. 14-202.10, adult uses and sexually orientated businesses include, but are not limited to, adult bookstores, adult motion picture theaters, adult picture rental, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse, sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas" as defined by N.C.G.S. 14-202.10. Such uses are further defined below:

Adult Gaming Establishment - Any establishment deemed legal by state law, featuring one or more stand-alone electronic or conventional gaming units, skill-based or otherwise, or serving one or more patrons in such a capacity at any one time, which also rewards patrons with cash or other monetary payments, goods or certificates for services which are redeemable for cash or other monetary payment on or off premise and including on-line redemptions, as well as any rewards which cannot be legally obtained, consumed, or otherwise used by minors. This term includes, but is not limited to, internet cafes, internet sweepstakes, beach sweepstakes, and cyber cafes.

Agriculture - Farms and general farming, including horticulture, floriculture, dairying, livestock and poultry raising, farm forestry and other similar enterprises.

Attached Dwellings – See Dwelling Unit, Single Family Attached.

Automobile Service Station - Any area of land, including structures thereon, that is used for the retail sale of gasoline or any other motor vehicle fuel or oil and other lubrication substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating and servicing of vehicles, but not including the painting thereof by any means.

Bed and Breakfast – An establishment providing short-term, overnight lodging in three or more separate guest rooms, often providing breakfast. Bed and Breakfast establishments often make re-use of existing historic homes.

Bungalow Court - A residential development where three (3) or more detached, single-family dwellings are arranged around a common, shared courtyard or greenspace, often with shared parking facilities and amenities. Zoning standards like rear, front, and side yard setbacks are applied to the exterior yards of the development site rather than to individual bungalows.

Clinic - An establishment where medical or dental patients, who are not lodged overnight, are given examinations and treatment.

Clubs and Lodges: Establishments that primarily involve the gathering of people for social, literary, political, educational, fraternal, or charitable purposes, but which are not operated for profit or to render a service which is customarily a business. Private country clubs, golf course club houses, Elk lodges, Optimist, Ruritan, and similar civic organizations, American Legion Posts, Veteran's Associations, and clubhouses maintained by homeowners associations are all included in this definition, and such clubs are considered "Cultural and Community Facilities" on the Chart of Permitted Uses, provided that any establishment considered a "private club" as defined by the NC Alcoholic Beverage Commission and serving alcohol under an ABC permit for on premise consumption at a "private club" shall be regulated as a Night Club.

- a. ~~Clubs: (Optimist/Ruritan/other civic organizations; currently permitted as conditional uses in residential districts) An establishment operated by a corporation or association of persons for social, literary, political, educational, fraternal, or charitable purposes, but which is not operated for profit or to render a service which is customarily conducted as a business.~~
- b. ~~Private Clubs: (County clubs, Elks/Moose lodges; currently permitted as conditional uses in residential districts) When operated in a residential zone, the term "private club" shall include associations and organizations of a fraternal or social character or which are maintained in connection with a golf course or country club, and shall not include nightclubs, cocktail lounges, discos, or other such institutions operated as a business. Such organizations and associations may be organized under the laws of the State of North Carolina as a non-profit corporation. When operated in a commercial or industrial zone, the term "private club" may apply to a fraternal or social organizations which restricts memberships, is operated as a business, and may or may not offer for sale alcoholic beverages.~~
- e. ~~Private Club, Commercial: (includes nightclubs, etc., currently permitted in B-2 & B-3 only) An establishment, including but not limited to a cocktail lounge, discotheque, nightclub or tavern, the main use of which is to serve alcoholic beverages for on-site consumption. Such facility may serve food, provide dancing and entertainment as well as operate equipment commonly found in a video arcade. Such establishments shall be located a minimum of 1,000 feet from any school, church, residential zoning district, or public recreational facility.~~

~~Common Development – Any residential development, other than single family (attached or detached), under single ownership or corporation, partnership, trustee, or any other similar entity that represents the parties involved in the overall development, whether subdivided or whole, shall submit to the~~

~~Lenoir Planning Board and City Council a comprehensive site development plan for the project. This will be considered a common development and shall be reviewed under the conditional use process.~~

Communications Tower - A facility, including but not limited to, radio and television transmission towers, microwave towers, and mobile telephone and radio communication towers. This term shall not include radio transmission facilities for use by ham radio operators or two-way local radio facilities for business or government purposes that are under fifty feet (50') in height and that have a maximum horizontal measurement of eighteen inches (18"), nor shall it include any tower erected by a public authority for public safety or emergency purposes.

~~*Condominium* - A building, or group of buildings, in which dwelling units, offices, or floor area are individually owned, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided bases.~~

Convenience Store - A retail establishment selling grocery and sundry items for the convenience of the area or the traveling public. ~~Such an establishment may sell gasoline (limited to 4 pumps (hoses) in B-1 Zone) and automotive accessories, but does not provide any services.~~

Convenience Retail Use - A retail establishment to serve the needs of the residents of the local neighborhood. Such convenience retail uses are generally small in size and provide items of general use, such as groceries, sundries, hardwares, and personal services.

Country Clubs - An organization catering exclusively to members and their guest including buildings and grounds with commercial and recreational activities serving the membership only.

Cultural or Community Facilities - Facilities designed to promote cultural advancement and serve the community by offering gathering spaces for various social, fraternal, educational, and community-centered services such as art galleries, libraries, museums, and community centers, clubs and lodges, such YMCA and YWCA; and facilities to house civic or fraternal organizations; (provided that such facilities are not operated for profit nor offer alcoholic beverages for sale for on or off premise consumption).

Day Care Center — An establishment that provides care, supervision, or instruction to six or more individuals in need of such services on a regular basis. Day Care Centers typically operate between the hours of 5 a.m. and 8 p.m., and do not include any overnight lodging or sleeping facilities. The term day care center includes adult day care centers, youth day care centers, and nursery schools.

~~See Nursery School.~~

Dwelling - A building or portion of a building arranged or designed to provide living quarters for one or more families.

Dwelling, Single-family attached (Town-patiohouses or row houses) - A single-family dwelling unit constructed in a series or groups of attached units with a common dividing side wall with property lines

separating such units. A single housing unit occupies the area from ground to roof and may include front and/or back yard areas.

Dwelling, Single-family detached - A detached dwelling of one unit, other than a manufactured home, designed for occupancy exclusively by one family.

Dwelling, Two-family - A detached building including two individual units, also, known as a duplex.

Dwelling, Group - A building or portion of a building intended for occupancy by several unrelated persons. The term group dwelling includes, but is not limited to the terms rooming house, fraternity house, dormitory and boarding house.

Dwelling, Multi-family - A dwelling designed for or occupied by three or more families living independently of each other, with separate housekeeping, sleeping and cooking facilities for each.

Dwelling, Multi-family low-rise – A low-intensity multi-family development. Often called garden apartments, buildings are typically arranged around common courtyards or greenspace, with patios, porches, decks, or other private amenities for each unit. Units are usually accessed through private entrances directly from the outside. This definition includes the conversions of existing residential or non-residential buildings into multiple apartments, when the densities remain below the thresholds established for low-rise apartments for each zoning district.

Dwelling, Multi-family high-rise – Any multi-family development that exceeds the density or height allowances for low-rise multi-family. Units may be accessed directly from the outside, or through shared internal corridors. Green space and other community amenities such as playgrounds and clubhouses are commonly located on the same site, along with surface parking for residents and guests.

Dwelling Unit - A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Dwelling Unit, Zero-Lot-Line - Single family, detached or semi-detached developments on individual lots, where zero foot side setbacks are used on a maximum of one side of a lot.

Eating and Drinking Establishment – An establishment where food and/or beverages are prepared, served, and consumed. Eating and Drinking establishments include sit-down restaurants, pubs, cafes, tea rooms, cafeterias, coffee shops, fast food/drive-in uses, and any other establishment focused primarily on the sale of food and/or beverages for immediate consumption. This definition does not include private clubs that serve spirituous liquor for on-site consumption.

Educational Facility - A facility for the education of children and/or adults including public and private kindergarten, elementary and secondary schools, colleges, technical institutes and universities, but excluding specialized trade schools and nursery schools.

Family Care Facility - A facility which provides resident service in residence to six (6) or fewer individuals who are not related to the resident household, and are handicapped, aged, disabled, or in need of adult supervision in accordance with their individual needs. This category may include foster or

boarding homes for children, group dwellings, and family care homes. Such facility shall be regulated as a single family residence in this ordinance.

Flea Market - A retail outlet composed of independent booths and/or areas to sell an assortment of merchandise both new and used.

Garage, Commercial - Any structure which is used for storage, repair, rental, servicing, washing, adjusting, or equipping of automobiles or other vehicles for business, occupation or service for profit, but not to include the sale or storage of junked cars. This definition shall also include the storage of vehicles maintained for hobby purposes which are also used in speed competition or any other commercial manner.

Garage, Private - An accessory building or portion of a principal building used for the storage of private motor vehicles and to which no business, occupation or service for profit is in any way connected. The term garage shall include the term carport.

General Gaming Establishment - Any establishment deemed legal by state law, excluding billiards halls, adult gaming establishments and any others similarly defined in this chapter, whose primary use is to provide entertainment services to the general public in the form of electronic or conventional gaming units which provide either no reward to patrons or rewards of limited value such as children's toys, games, and novelties when all of said rewards can be legally obtained and used by all ages and are not redeemable for cash or any other kind of compensation or services on or off premises, including on-line redemptions. This term includes, but is not limited to, traditional video game arcades and children's and family game centers, whether stand-alone or in conjunction with a restaurant or other permissible uses.

Group Care Facility - A facility which provides residents services to ~~six (6)~~seven or more individuals of whom one or more are unrelated and who are handicapped, aged, or disabled, are undergoing rehabilitation, and are provided services to meet their needs. Caregivers typically provide 24-hour awake care, and do not live on the premises. This category may include uses licensed or supervised by any Federal, State or County Health/Welfare Agency, such as group dwellings (all ages), halfway houses, nursing homes, and other convalescent and extended care facilities. ~~resident schools, resident facilities, and foster or boarding homes.~~

Group Housing – See Dwelling, Group

Hospital - An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient facilities, and staff offices which are an integral part of the facility.

Hotel - Any building containing six or more guest rooms intended to be used, or which are use, rented or hired out to be occupied for sleeping purposes by guests. The term Hotel shall include the term Motel.

~~Junk and Salvage Yard~~ - The use of any part of a lot for the storage, keeping abandonment, sale or resale of junk, salvage, or scrap materials; or for the dismantling, demolition, or abandonment of automobiles and other vehicles, machinery, equipment, manufactured homes or parts thereof. Also called Salvage Yards. See also Salvage Operation.

Kennel - Any location where boarding, caring for or keeping of more than a total of three (3) dogs or cats or other small animals or a combination thereof (except litters of animals or a combination than six (6) months of age) is carried on, and also raising, breeding, caring for or boarding dogs, cats, or other small animals for commercial purposes.

Kennel, Private - Any location where boarding, caring for or keeping of more than a total of three (3) but not more than ten (10) dogs or cats or other small animals or a combination thereof (except litters of animals or a combination than six (6) months of age) is carried on, not for commercial purposes, but as a hobby such as raising of show and hunting dogs. Private kennels are subject to the performance standards for commercial kennels, but may be permitted as an accessory use where the owner of the private kennel resides on the property.

~~Manufacturing, and Processing and Assembling~~ - The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories, or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition, if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastics, resins or lacquers.

Manufacturing and Processing, Boutique/Artisan – Uses that would normally be defined as manufacturing and processing, but are small enough in scale, operation, and technique that they do not have the same intensive land use impacts as larger-scale manufacturing and processing uses. Boutique/Artisan manufacturing uses offer customized, small-run products that are mostly handmade, not mass produced, and often include a showroom or gallery space. Boutique/Artisan manufacturing and processing uses may include custom wood-working shops, production of handmade furniture, artisanal metalworking/sculpting, glass-blowing, small-run screen printing shops, pottery studios, and similar uses.

Manufacturing and Processing, Light – Manufacturing and Processing uses that by nature of their operation typically occur entirely within enclosed facilities; therefore having limited noise, smell, vibration, and aesthetic impacts on surrounding properties. Light Manufacturing and Processing uses include: cabinet shops, chemical manufacturing, duplicating, mimeographing and multitithing operations, electronic products manufacturing, fabrication or assembly of products from pre-constructed materials or components, laundry and dry cleaning plants, lumber and products (raw materials processing), lumber yards, machine and welding shops, meat packing plants, metal fabrication plants, pharmaceuticals manufacturing, plastic products manufacturing, processing plants, sign manufacturing and assembly, sign painting, tool and die operations, welding operations, and woodworking shops.

Manufacturing and Processing, Heavy – Manufacturing and Processing uses that do not meet the criteria for a “light” uses are considered “heavy” uses. These uses include any Light Manufacturing and Processing Use not occurring within an enclosed building, and the following uses: asphalt products, brick, tile, and pottery manufacturing, concrete products or production, extraction of earth products, feed and seed milling and storage, fertilizer manufacturing and distribution, film processing plant, foundry, furniture manufacturing, glass and mirror manufacturing, rubber and glass products manufacturing, stone and clay products manufacturing, stone crushing, cutting, and polishing, textile manufacturing, finishing, and dyeing, and tire re-capping operations.

~~Massage Parlor~~ - ~~An establishment where personal service use where,~~ for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Neighborhood Business - A retail establishment to serve the needs of the residents of the local neighborhood. Such convenience retail uses are generally small in size and provide items of general use, such as groceries, sundries, hardwares, and personal services. Neighborhood businesses do not include the sale of alcoholic beverages for on or off premise consumption.

Nursery School - A school designed to provide daytime care or instruction for six (6) or more preschool children, and operated on a regular basis. The term nursery school shall include the term day care center.

~~*Nursing, Convalescence and Extended Care Facility-Home*~~ - A facility where persons are housed or lodged and furnished with meals and 24-hour nursing care and supervision by awake employees who do not live on the premises. Uses for hire (see Group Care Facility).

Office – A room, suite of rooms, or building in which a person transacts the affairs of a business, profession, service, industry, or government. This term includes accountants, auditors, book keepers, architects, contractor’s offices, credit and financial offices, doctor’s offices, insurance sales, government offices, lawyers, medical/dental offices and labs, professional offices, public utility offices, realtors, research activities and research development, sign sales and leasing (no storage or manufacturing), and surveyors.

Park - A public or private facility for recreation, which may have commercial activities accessory to the recreational uses only.

~~*Processing*~~—Any operation changing the nature of material or materials chemical composition or physical properties. Does not include operations described as fabrication.

~~*Professional Office* – The office of persons performing professional services such as doctors, lawyers, accountants, real estate brokers and insurance salesmen.~~

Personal Storage (Mini Warehouse) – Often referred to as self-storage, mini-warehouses, or mini-storage, personal storage uses provide secure, individual storage units of various sizes and types (climate controlled or not), for the secure, dry storage of personal items.

Public Service Facility - A facility that is owned, operated, or financed, in whole or in part, by any public or governmental entity, and is dedicated to the provision of services to the general public. This includes public safety facilities (EMS, police, and fire protection), schools and education, hospitals and health care, and the public provision of social services.

Private Club – An establishment that is organized and operated solely for a social, recreational, patriotic, or fraternal purpose and that is not open to the general public, but is open only to the members of the organization and their bona fide guests. Such an establishment may be issued a permit for on-premise consumption of spirituous liquor, consistent with the NC Alcohol Beverage Commission laws. Private clubs that offer liquor for on-premise consumption are regulated the same as night clubs in all zoning districts.

Recreation, Indoor – Uses that provide recreational opportunities for adults and children located primarily within enclosed buildings. Indoor recreation uses include general gaming establishments, movie theaters, bowling alleys, arcades, indoor roller skating and ice skating rinks, escape rooms, laser tag, indoor play structures, trampolines, indoor rock climbing walls, museums and hands-on play spaces, and similar uses. Adult gaming establishments and billiard/pool halls are regulated separately and are not included in indoor recreation uses.

Recreation, Outdoor – Any recreation use that occurs mostly outdoors, with few structures associated with the use. Outdoor recreation uses include parks, playgrounds, sports fields (soccer, baseball, etc.), golf courses, mini-golf, driving ranges, dog parks, batting cages, zoos, zoological gardens, and similar uses.

~~*Recycling Collection Point* – A collection point for small refuse items, such as bottles and newspapers, located either in a container or small structure.~~

Religious Complex - A building or group of buildings used for the purpose of religious worship including the sanctuary(s), education building(s), recreation building(s), child care facilities, and parsonage.

Rehabilitation Center – In-patient residential facilities, often provided in a secure, institutional setting, where patients in need of rehabilitation, often from addiction or mental illness, can be provided 24-hour awake care and supervision by caretakers and medical professionals who do not live on the same premises. Beds may be provided in private or shared spaces, with meals typically being prepared in common kitchen facilities by staff. Rehabilitation centers may offer an array of medical and support services for residents, along with counseling and other mental health services.

Restaurant - An establishment whose principal business is the selling of unpackaged food to customers in a ready-to-consume state, in individual servings, or in nondisposable containers, and serves food and beverages primarily to person seated within the building. ~~The use of deep fryers and flat grills are permitted for use.~~

Restaurant, Drive-In - A retail outlet where food or beverages are sold to a substantial extent for consumption by customers in parked motor vehicles. ~~The use of deep fryers and flat grills are permitted for use.~~

Restaurant, Fast-Food - An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fired, or griddled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customers table, and food is generally served in disposable wrapping or containers. ~~The use of deep fryers and flat grills are permitted for use.~~

Restaurant, Cafe/Tea Room - An establishment whose principal business is the selling of unpackaged food to customers in a ready-to-consume state, in individual servings, or in ~~non-disposable~~non-disposable container, and server food and beverages primarily to persons seated within the building. Food is generally hearted in a device such as a microwave oven. ~~The use of deep fryers and flat grills are not permitted in zone O & I.~~

Retail - Sale of a commodity to the ultimate consumer and not customarily subject to sale again.

Retailing, Light – Any retail use that displays a majority of their products indoors and due to the nature of the product for sale does not typically have land use impacts on neighboring properties. Light retail uses include but are not limited to: antennas, radio, TV, and dish sales and service, antique shops, apparel and accessory sales, appliance stores, art galleries, art and drafting supplies, audio/video sales, rental, and repair, automobile parts and accessories (no service), bakeries, bicycle sales/service, book and stationary stores, candy stores, convenience stores (no fuel pumps), crafts/hobby shops, delicatessens, department stores, drug stores, electronic products sales and service, fabric stores, film drop-off booths, florists, furniture and home goods stores, garden supply store, gift shops, glass and mirror store, grocery stores, guns and ammunition sales, hardware stores, jewelry sale and repair, lawn and garden care supplies, lighting stores, line and uniform supply stores, liquor (ABC) stores, music stores, musical instrument sales and service, novelty and souvenir shops, office equipment and supply stores, pet shops, pharmacies, photography supply stores, plumbing and heating supplies, produce stands, radio and television sales, rent-to-own stores, second hand stores and swap shops, shoe sales and repair, shopping centers and malls, sporting goods stores, and supermarkets.

Retailing, Intensive – Any retail use that, due to the nature of the products sold, primarily uses outdoor displays, which may or may not include long-term outdoor storage of merchandise. Intensive retail uses include but are not limited to: Auction sales, automobile and truck sales (new or used), boat sales, farm machinery sales, farm supplies, heavy equipment sales and service, livestock sales, manufactured home sales, RV sales, monument sales, motorcycle sales, pawn and trade shops, stone and clay products sales, and truck, farm equipment, and heavy equipment sales.

Salvage Operation - The reclamation, dismantling or storage of pre-used commodities, junk and similar material for the purposes of resale, processing, distribution or deposition.

Services, Automotive – Service uses involving fuel sales, the sale and installation of car parts and accessories and limited aspects of vehicle repair and maintenance (oil changes, emissions checks, batteries, muffler and radiator shops, automobile service stations, vehicle engine maintenance, quick-lube, etc). Automotive Service uses include automobile and other vehicle washing facilities and detailing services. Generally, vehicles receiving services falling under this definition arrive to the site in operable condition and are able to leave the same day. Inoperable vehicles are not stored on site, unless they are located within a fully enclosed building. This term shall include commercial garages.

Services, Business and Personal – Uses dedicated to providing services to businesses and individuals, generally compatible with light retailing uses. Business and Personal Services include but are not limited to advertising agencies, ATMs, banks (main and branch offices), barber and beauty shops, computer and data processing services, copying services, dry cleaning and laundry services, exterminating services, funeral homes, furniture repair including refinishing and upholstery, health clubs/spas, gyms/workout facilities, interior designers, laundromats, locksmiths, gunsmiths, music studios, photography studios, publishing and printing, radio and television repair shops, real estate services, seamstress shops, tattoo and body piercing parlors, and travel agencies.

Services, Major Vehicle – Service uses involving the repair, alteration, restoration, towing, painting, or finishing of automobiles, trucks, recreational vehicles, boats, and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes major repair and body work-repair facilities dealing with entire vehicles; such establishments typically provide towing, collision repair, other body work, and painting services and may also include tire recapping establishments. Bus terminals, fleet and bus garages, and similar large-scale vehicle maintenance facilities are also considered Major Vehicle uses.

Shopping Center - Any combination of structures containing or designed to contain an aggregate of 15,000 square feet or more of floor area (floor area to be measured at main floor level); or any structure or combination of structures containing four (4) or more businesses or service establishments on the same lot or combination of lots, (having shared parking or common parking) and being under one ownership, partnership, corporation, association, or either being rented, leased, or subleased.

~~*Specialized Training School* – Commercial establishment offering specialized training such as a business college, barber and beauty college, and voice and dance schools.~~

Studios and Specialty Schools – Uses dedicated to the instruction or training in non-academic subjects, typically in art, dance, music, athletics, and vocational training. Studios and specialty schools include dance studios, gymnastics studios, yoga studios, karate/martial arts dojos, barber/beauty colleges, voice and musical instruction, and similar uses.

Townhome – See Dwelling, Attached

Veterinarian's Office - A facility where a veterinarian supplies medical care for animals and which may include boarding facilities which are completely enclosed.

Warehousing – The storage of bulk inventory for wholesale distribution. Warehousing does not include the manufacturing or processing of any product, but may include a showroom for wholesaling which may or may not be open to the general public.

~~*Youth Day Care* – A treatment facility providing intensive day care treatment to children and adolescents (years 7 thru 17) who may not be able to function in a normal group or educational setting.~~

SECTION 2. Appendix A, Article V of the Code of Ordinances, City of Lenoir, North Carolina, “Establishment of Zoning Districts and Applications of Regulations” is hereby amended to read as follows:

502 Establishment of Zoning Districts - For the purpose of this ordinance the City of Lenoir and its extraterritorial planning district is divided into the following classes of zones:

- R-20 Residential (Single-family) District
- R-15 Residential (Single-family) District
- R-12 Residential (Single-family) District
- R-9 Residential (Multi-family) District
- R-6 Residential (Multi-family) District
- R-R Residential (Rural) District
- R-C Residential-Commercial District
- O & I Office and Institutional District
- ~~B-2-1~~ Neighborhood Business District
- B-2 General Business District
- B-3 Central Business District
- ~~B-4 Limited Business District~~
- B-5 Neighborhood Mixed Use
- B-6 ~~Exclusive~~ Transitional Business District
- B-7 ~~Planned~~ Highway Business District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- S-2 North Main Street Special Overlay District
- CZ-* Conditional Zoning District

*Conditional zoning districts are numbered individually according to the order in which they are adopted (i.e. conditional zoning districts will be numbered CZ-1, CZ-2, CZ-3, etc. on the Official Zoning Map).

Establishment of Zoning Districts

The following array presents for the several districts the Schedule of Statements of Intent are hereby adopted for applicable to each district:

~~a. Reserved.~~

~~b. a. R - 20 Residential (Single-family) District R-20 (Single family Residential) District~~ is intended to accommodate low density single-family residences and compatible ~~conditional~~ land uses. The regulations for this district are designed to stabilize and encourage a healthful environment for family life in areas where public or community water or public sewer may not be available. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

~~c. b. R - 15 Residential (Single-family) District R-15 (Residential Single family) District~~ is intended to accommodate low density single-family ~~residential residences~~ and compatible ~~land uses, as conditional uses.~~ R-15 is normally serviced by public water and sewer facilities. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

~~d. c. R - 12 Residential (Single-family) District R-12 (Residential Single family) District~~ is intended to establish and preserve land within the city for ~~accommodate medium density single-family and two family residential residences and compatible land uses, conditional uses and planned unit developments.~~ Regulations are designed to allow predominately single-family residences at medium densities, with duplex, townhome, low-rise apartments, and planned residential developments allowed at compatible densities as Conditional Uses. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

~~e. d. R - 9 Residential (Multi-family) District R-9 (Multi family Residential) District~~ is intended to establish and preserve areas of land within the city for ~~accommodate medium density single-family residences, doublewide manufactured homes, duplexes, townhomes, low-rise garden apartments, and other compatible land uses, with higher density multi-family apartments allowed as Conditional Uses. - residential and multi family residential, double wide manufactured homes and compatible land uses.~~ Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

~~f. e. R - 6 Residential (Multi-family) District R-6 (Multi family Residential) District~~ is intended to establish and preserve areas of land within the city for medium and high density residences, including single family, doublewide manufactured homes, duplexes, townhomes, multi-family developments, and other compatible uses at appropriate densities. Higher density multi-family developments are allowed as Conditional Uses. accommodate high density single family residential and multi family residential, single or double wide manufactured homes and compatible land uses. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

~~g. f. R - R Residential (Rural) District R-R (Rural Residential) Districts are areas~~ is intended to develop and maintain, in keeping with the existing and future land development patterns, those areas of extraterritorial jurisdiction for low density single family residences, double wide manufactured homes, and compatible uses. The regulations for this district are designed to

stabilize and encourage a healthful environment for family life ~~for low density residential, conditional and multi-family uses and manufactured homes (double wide) in an areas generally~~ where public or community water or public sewer may not be available. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

f.g. ~~R – C (Residential-Commercial) District~~ is established to provide land areas suitable for moderate to high intensity development of residential developments, with limited supporting commercial uses to accommodate planned, mixed-use developments and small community-serving commercial uses within predominately multi-family developments.

g.h. ~~O & I Office and Institutional District~~ ~~O & I (Office and Institutional) District~~ is established to provide land areas suitable for the location of high density residential uses, professional and business offices, medical services, institutional uses, and associated commercial activities. This district is intended to provide a transitional zone between lower density residential districts and business or industrial districts and to accommodate a moderate to high intensity of development. residential, office and institutional, and minor commercial activities located with access to major or minor thoroughfares with access through local streets discouraged.

h.i. ~~B - 1 Neighborhood Business District~~ ~~B-1 (Neighborhood Business) District~~ is intended to serve the needs of the surrounding residential neighborhoods by providing convenience goods and services which cater to the everyday needs of the residents. These areas are usually located on small parcels within established neighborhoods, allowing structures built as neighborhood businesses prior to the establishment of zoning to continue to be improved and re-used to suit the changing needs of the neighborhood. provide the normal everyday needs, through retail and service uses of the adjacent residential areas. It is the intent of this district to protect the integrity of the surrounding residential neighborhoods-; and therefore the ~~It is the intent that B-1 district should~~ not normally be extended or new areas established.

i.j. ~~B - 2 General Business District~~ ~~B-2 (General Business) District~~ is intended to provide for a wide variety of retail, service and other activities, controlled by performance standards, at locations along major transportation routes, to ~~serve the motoring public~~ both local and transient traffic. While generally located in areas that are auto-centric, the General Business zoning district is intended to promote development that equally considers pedestrian traffic, because this district is often located in close proximity to multi-family developments and short-term lodging. This district is designed to accommodate a moderate to high intensity of development along key commercial corridors in the City, with robust design standards to encourage a unique sense of place and promote a multi-modal future with support for transit, bike, and pedestrian infrastructure.

j.k. ~~B - 3 Central Business District~~ ~~B-3 (Central Business) District~~ is applied to the Downtown Core area of the City and is intended to promote the Downtown Central Business District as the city's central hub for financial, professional, cultural, and governmental business by providing a variety of supporting personal services, retail uses, restaurants, and gathering spaces that help support a vibrant, active downtown for people employed in and around the district as well as transient shoppers. The yard requirements within the district are designed to provide for infill development standards that are compatible with the concentrated development patterns commonly found in the historic downtown core. Demolitions of contributing historic structures are strongly discouraged, and the re-use and renovation of with active uses on the ground floor and residential apartments or offices located on upper floors is strongly encouraged. Those

commercial activities which require an extensive use of land to market their products such as car dealerships and commercial establishments requiring outside storage are prohibited from the district. be applied to the traditional, commercial, financial, governmental core area of Lenoir, commonly known as the Central Business District.

~~k. B - 4 Limited Business District B-4 (Limited Business) District is intended to provide retail, service and professional uses adjacent to major and minor thoroughfares undergoing transition from other zones to a more commercialized atmosphere.~~

l. ~~B - 5 Neighborhood Mixed Use B-5 (Neighborhood Mixed Use) District is intended to protect and foster the architectural and historic residential character of the North Main Street corridor while encouraging the location of aesthetically compatible small-scale commercial activities that will provide basic and specialty consumer needs to the district and the immediate neighborhood.~~

m. ~~B - 6 Exclusive Business District B-6 (Exclusive Transitional Business) District is intended to serve the needs of the traveling public as well as provide convenience goods and services to surrounding residential neighborhoods. This district is further intended to promote commercial activity in a high-volume traffic corridor that is in close proximity to well established, economically healthy residential neighborhoods, and as such requires design and performance standards to ensure commercial development occurs at compatible intensities, with appropriate architectural standards and buffering/screening requirements. Areas zoned B-6 tend to be already developed with medium density single family homes and a variety of multi-family uses, and are experiencing pressure for commercial expansion due to their close proximity to major transportation facilities. This district promotes incremental change to accommodate the conversion of existing structures into offices and low intensity retail or service uses, along with new development of non-residential uses, while allowing single family residences to remain as permitted land uses as the areas undergo gradual change.~~

~~n. —~~

~~o.n. B - 7 Planned Highway Business District B-7 (Planned Highway Business) District is intended to provide areas along major thoroughfares for development at similar intensities as the General Business district, but in areas less conducive to the accommodation of pedestrian infrastructure and pedestrian-scaled architecture. Performance standards in this district focus on improving highway-adjacent development access, through the development or redevelopment of parcels with interior service roads and consolidated driveway access to help minimize traffic congestion on the state highway system. Sidewalks, landscaping, and architectural design standards of this district are intended to promote the unique character of Lenoir on these highly visible parcels, while maintaining affordability of development in areas that are located further away from the main economic core. large-scale commercial activities that require large acreage and are conducive to planned developments with a variety of complementary land uses, as opposed to typical highway strip development. Property in this zoning district should be of adequate size and dimension to employ interior service roads, thereby minimizing the number of driveway connections to arterials. The retail and service establishments allowed within this district are intended to serve both local and regional consumers.~~

~~p.o. I - 1 Light Industrial District I-1 (Light Industrial) District is established to provide regulations for the development of areas generally devoted to light manufacturing, processing and assembly uses, warehousing, retail storage and other compatible uses that are limited in noise, obnoxious odors, with minimal little to no adverse effects on adjacent areas. Some~~

mixture of retail, wholesale, and industrial development may occur in this district, but residential uses are prohibited.

- ~~q-p.~~ *I - 2 Heavy Industrial District I-2 (Heavy Industrial) District* is intended to produce areas to accommodate those industrial uses (manufacturing, processing, major vehicle services, junk yards, etc) which, because of their operation, may be incompatible with surrounding residential and commercial land uses or require large acreage near or adjacent to major thoroughfares and railroad access. Realizing the necessity of providing, maintaining, and preserving land areas for industrial development, all residential uses are prohibited in this zone and commercial uses are limited to those commercial activities that may be supportive of the district or similarly benefit from a location away from sensitive land uses. for intensive manufacturing processing and assembly uses, controlled by performance standards to limit the effect of such uses on adjacent districts.
- q. *CZ-* (Conditional Zoning District)* is intended for use in situations where conventional zoning standards are inadequate to facilitate a particular desirable development or to fully mitigate concerns over the impact of such a development. A Conditional Zoning district may be based on a conventional "base" zoning district, with additional conditions added that are reasonable and necessary to permit the proposed use and development of the property, or it may contain regulations that are completely unique to the district. Conditional Zoning districts are intended to achieve results equal to or better than would be permissible under an existing zoning district.
- r. *S-1 Special Use Overlay District (REPEALED)* The process of allowing uses beyond what is permitted by right in a particular zoning district through the adoption of a Special Use overlay district via a legislative process followed by the adoption of a Special Use permit via a quasi-judicial process was repealed and replaced with a legislative process of "Conditional Zoning" (see Article VIII, Section 820). Projects previously approved utilizing the Special Use process may continue to function under the terms and conditions set forth under the initial approval of the Special Use permit. Special Use overlay districts shall continue to be depicted on the Official Zoning Map, but in no case shall lands be re-zoned to have Special Use overlay districts in the future. Section 900.8, "Expiration of Permits" shall continue to apply to Special Use permits issued prior to the adoption of this ordinance. If a Special Use permit is allowed to expire, the Special Use overlay district shall also be considered null and void.
- ~~s.~~
- s. *S-2 North Main Street Special Overlay District* is intended to implement the design standards and permitted uses recommended by the North Main Street Small Area Plan. This district is an overlay district, which works in tandem with the underlying zoning districts in the North Main Special Overlay area to promote orderly and compatible development appropriate to the traditional historic character and overall future vision of the area.

SECTION 3. Appendix A, Article VI of the Code of Ordinances, City of Lenoir, North Carolina, "Permitted Use Chart" is hereby repealed in its entirety, to be replaced with the following:

[Remainder of Page intentionally left blank. Chart is a full page diagram.]

SECTION 600, TABLE A: Chart of Permitted and Conditional RESIDENTIAL Uses																
P=Permitted Use • PS=Permitted w/ Separation Requirements • C=Conditional Use • Blank = Prohibited																
	Residential							Mixed Use/Commercial							Industrial	
	R-R (Rural Residential)	R-20 (Low Density Single Family)	R-15 (Single Family)	R-12 (Single Family)	R-9 (mixed density residential)	R-6 (high density residential)	R-C (residential-commercial)	O&I (Office and Institutional)	B-1 (Neighborhood Business)	B-2 (General Business)	B-3 (Central Business District)	B-5 (Neighborhood Mixed Use)	B-6 (Transitional Business)	B-7 (Highway Business)	I-1 (Light Industrial)	I-2 (Heavy Industrial)
RESIDENTIAL, GENERAL (1)																
Accessory Apt/Accessory Cottage (2)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Attached Dwellings (townhomes)				C	P	P	P	P	C	P	P	P	P			
Bed & Breakfast	C	C	C	C	C	C	C	P	P	P	P	P	C	P		
Bungalow Court					P	P	P					P				
Dwelling, single family detached	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Dwelling, 2 Family (Duplex)	P			C	P	P	P	P	P	P	P	P	C	P		
Manufactured Homes	P (3)				P (3)	P (3)										
Manufactured Home Parks (existing)	C (4)	C (4)	C (4)	C (4)	C (4)	C (4)				C (4)						
Multi-Family, low-density (Garden Apartments)				C (5)	P (5)	P (5)	P(5)	P(5)	P(5)	P(5)	P(5)		P(5)	P(5)		
Multi-Family, medium/high density					C	C	P	C		P	P	C	C			
Planned Residential Development				C	C	C	P	C	C	C	C					
Zero-Lot Line (1-Family)					P	P	P					P				
RESIDENTIAL, CONGREGATE																
Group Housing (no care provided)																
1-6 non-related residents	C			C	C	C	P	P	C	P	P					
7+ non-related residents							C	P		C			C	C		
Family/Group Care Facilities																
1-6 non-related residents (family)	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
7+ non-related residents (group)	C			C	C	C	C	P		P				P	P	
Rehabilitation Centers/In-Patient Mental Health Facilities								P		P				P	P	P

FOOTNOTES (SECTION 600, TABLE A):

A1. See the definition section for a description of each use category. The Planning Director, or his or her designee, will make a determination on the closest comparable use in cases of uncertainty. Incidental uses necessary to support the principal use and occupying no more than ten percent of the gross floor area may be included.

A2. See Section 508 for additional regulations for accessory dwellings.

A3. Only Class A (doublewide) Manufactured Homes are permitted within the City of Lenoir, except in limited instances when Class B or Class B (single wide) homes may be allowed within existing Manufactured Home Parks and/or as replacements for existing single wide manufactured homes. See Section 620 for additional regulations for the placement of manufactured houses within the City and the ETJ.

A4. Conditional Use Permits may be approved by the Lenoir City Council, after review by the Lenoir Planning Board, for the re-establishment or expansion of an existing manufactured home park, in accordance with the provisions of Section 902. New manufactured home parks are prohibited.

A5. The following standards apply to Low-rise multi-family uses:

a. Maximum Allowable Density:

<u>R-12</u>	<u>R-9</u>	<u>All Other Districts</u>
<u>3.6 du/acre</u>	<u>4.8 du/acre</u>	<u>7.2 du/acre</u>

b. Development Standards:

- i. Each unit shall be differentiated by a front porch or stoop. Pitched roof forms creating covered entrances are encouraged.
- ii. A minimum of 60% of the length of any façade facing a public street shall be windows, doors, architectural features or porches.
- iii. A minimum of 20% of the development site must remain as landscaped or undisturbed/natural open space. This area can include any required bufferyards or stormwater control measures.
- iv. Maximum height of 2 stories, measured from street-level (walk-out basement levels are permissible provided the overall appearance from the street is that of a 2 story building).
- i.v. One parking space is required for each studio and one bedroom apartment unit. Two parking spaces are required for all units with 2 or more bedrooms. Any development of more than 4 units shall provide one additional space or 10% over the required parking, whichever is greater, to accommodate guest parking, unless on-street/public parking is available within 200 ft.

SECTION 600, TABLE A: Chart of Permitted and Conditional NON-RESIDENTIAL Uses

P=Permitted Use • PS=Permitted w/ Separation Requirements • C=Conditional Use • Blank = Prohibited

	<i>Residential</i>							<i>Mixed Use/Commercial</i>							<i>Industrial</i>	
NON RESIDENTIAL (1)	<i>R-R (Rural Residential)</i>	<i>R-20 (Low Density Single Family)</i>	<i>R-15 (Single Family)</i>	<i>R-12 (Single Family)</i>	<i>R-9 (mixed density residential)</i>	<i>R-6 (high density residential)</i>	<i>R-C (residential-commercial)</i>	<i>O&I (Office and Institutional)</i>	<i>B-1 (Neighborhood Business)</i>	<i>B-2 (General Business)</i>	<i>B-3 (Central Business District)</i>	<i>B-5 (Neighborhood Mixed Use)</i>	<i>B-6 (Transitional Business)</i>	<i>B-7 (Highway Business)</i>	<i>I-1 (Light Industrial)</i>	<i>I-2 (Heavy Industrial)</i>
Adult Establishment/Adult Use/Sexually Oriented Business (2)										PS					PS	
Adult Gaming Establishment (3)										PS					PS	
Agriculture	C	C(9)													C(9)	C(9)
Billards and Pool Halls (10)										P	P					
Day Care Centers	C			C	C	C	P	P	P	P	P	P	C	P	P	P
Communication Towers (4)	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C
Cultural and Community Facilities, Churches, Synagogues, Mosques	C	C	C	C	C	C	C	P	C	P	P	C	C	P		
Kennels, Commercial (12)										p				P	P	p
Eating and Drinking (without drive-through)							P	P	C	P	P	P	P	P	P	P
Eating and Driving (with Drive-through)							P			P				P	P	P
Flea Markets										C				C	P	P
Green Houses, Commercial (5)	C	C								P	P			P	P	P
Hospital/Clinics								P		P	C			P	P	P
Hotels/Motels										P	P			P		
Junk Yard/Salvage Yard (11)																P
Manufacturing & Processing: Boutique/Artisan							P	P	P	P	P			P	P	P
Manufacturing & Processing: Light										P(6)				P(6)	P	P
Manufacturing & Processing: Heavy																P
Night Clubs/Private Clubs (7)										PS	P					
Office (includes Medical and Dental)							P	P		P	P	P	P	P	P	P
Public Service Facilities					C	C	C	P		P	P			P	P	P
Personal Storage (mini warehouse)										P				P	P	P
Recreation, Outdoor	(8)	(8)	(8)	(8)	(8)	(8)	(8)			P				P		
Recreation, Indoor										P	P			P	P	P
Retailing, Light							P	P		P	P	P	P	P	P	P
Retailing, Intensive										P				P	P	P
Retailing: Neighborhood Business	C	C					P	P	P			P	P			
Services, Automotive (13)										P				P	P	P
Services, Major Vehicle										C				C	P	P
Services, Business and Personal							P	P	P	P	P	P	P	P	P	P
Shooting Range, Indoor										P					P	P
Studios and Specialty Schools								P	P	P	P	P	P	P	P	P
Veterinarians (no outdoor kennels)										P			P	P	P	P
Warehousing										P(14)				P(14)	P	P

FOOTNOTES, SECTION 600, TABLE B:

- B1. See the definition section for a description of each use category. The Planning Director, or his or her designee, will make a determination on the closest comparable use in cases of uncertainty. Incidental uses necessary to support the principal use and occupying no more than ten percent of the gross floor area may be included.
- B2. All adult establishments, adult uses, and sexually oriented businesses must be located at least 1,000 linear feet from the property line of said location to the property line of any school, church, public recreational facility, or any residential zoning district.
- B3. See Section 611 – separation requirements apply.
- B4. See specific performance standards for conditional use permit applications for communication towers in Appendix A, Section 910.
- B5. Private (not commercial) greenhouses that are less than 1,000 sq. ft. are permitted as an accessory use to any detached single family residential dwelling unit, subject to the setback standards for accessory structures.
- B6. Light manufacturing and processing uses are permitted uses in the B-2 and B-7 zoning districts only when they are conducted entirely within an enclosed building and meet the following standards:
- a. Outdoor storage of materials is discouraged, and will only be permitted when it is screened from view from any public street or adjacent property. All outdoor storage must be screened from view by opaque fencing, walls, landscaping, or a combination thereof. Fencing should be of a quality aesthetically acceptable to the surrounding area.
 - b. Emissions: Emissions of dust, smoke, and noise shall be at a minimum and in keeping with the regulations as set forth by the North Carolina Department of Natural Resources and Community Development.
 - c. Pretreatment of Sewage: Prior to the issuance of a Certificate of Occupancy, a confirmation in writing from the Superintendent of the Lenoir Water and Sewer Treatment Facilities shall be submitted to the Planning Department indicating that all effluent would be acceptable to the Lenoir Sewer System without pre-treatment.
 - d. Hazardous Waste: Storage of hazardous waste in excess of the requirements of the North Carolina State Building Code shall not be permitted. Confirmation in writing from the City Building Inspector as to the hazardous waste requirements shall be submitted to the Planning Department prior to the issuance of a Certificate of Occupancy.
- B7. All night clubs and private clubs must be located at least 1,000 linear feet from the property line of said location to the property line of any school, church, public recreational facility, or any residential zoning district, except in the B-3 zoning district.
- B8. Golf courses, including driving ranges, may be approved as a part of a Planned Residential Development or Major Subdivision in residential zoning districts. Other outdoor recreational uses are prohibited.
- B9. See Chapter 3 for restrictions on livestock and other animals in the City Limits.
- B10. See Chapter 5, Article 3 for specific business regulations related to the operation of billiards and pool halls in the City Limits.

- B11. Any portion of a junk or salvage yard located within 100 feet of a public street must be buffered from view per the buffering specifications of Section 712.8 of this ordinance. Existing natural vegetation and/or opaque fencing and walls may be used as a credit for buffering in cases where it meets the screening intent of section 712.8. Junk yards in existence at the time of adoption of this ordinance shall have 6 months to comply with the buffering standards contained herein.
- B12. All commercial kennels shall comply with the Care of Animal (Sec. 3-43) and Kennels and Housing (Sec. 3-44) standards of Chapter 3, Article 3, Regulations For High-Volume Dog and Cat Breeders.
- B13. Fuel Pump islands must be located a minimum of 25 ft. from any public right-of-way. Canopies must be set back a minimum of 10 ft. from the right-of-way, unless the zoning district requires a greater setback – then the most restrictive standard shall apply.
- B14. Warehousing uses in the B-2 and B-7 districts must include a showroom that's open to the public or for wholesale.

610 Performance Standards for Crematories

Crematories may be established as an accessory use to a funeral home in the O&I, B-2, B-4, B-5, and B-7 zoning districts and as a principal use in the B-2, I-1, and I-2 zoning districts, when the following requirements are met:

1. A crematory shall have a licensed crematory manager on staff.
2. All crematory operations shall be conducted in the principal building or within an approved accessory building on the main premises of the Funeral Home or upon a lot directly adjacent to the main premises.
3. No crematory use may be established on a lot or parcel located within 500 feet of any residential district.
4. A crematory must comply and remain in compliance with all applicable public health and environmental laws and rules and must contain the equipment and meet all of the standards established by the North Carolina Crematory Act, as amended or superseded, and any additional rules and regulations issued by the North Carolina Board of Funeral Services.

611 Performance Standards for Adult Gaming Establishments

1. Adult Gaming Establishments must be located at least 350 ft. away from any residential zoning district, measured from the edge of the residential district to the closest door of the adult gaming establishment open to the public in a straight line.
2. Adult Gaming Establishments must be located at least 1,000 ft. away from any school, youth day care, church, park, or playground, measured from the property line of the protected use to the closest door open to the public of the adult gaming establishment in a straight line.
3. Establishment, Adult Use, Liquor (ABC) Store, or Addiction Treatment and Recovery Facility, measured from door to door in a straight line.
4. Alcohol Sales are prohibited.

5. Hours of operation are limited to the hours between 11 a.m. and 12:00 midnight.
6. Adult Gaming Establishments are limited to 1,500 sq. ft. of floor area dedicated to gaming operations and must provide 1 parking space for every 150 sq. ft. of floor area.
7. A zoning permit issued by the Planning and Community Development department is required prior to the establishment of any Adult Gaming Establishment within the City.

612. Performance Standards for Light Industrial Uses in Business Districts

1. Outside Storage: Outside storage shall not be located between the principal façade and any public street. All outdoor storage must be screened from view by opaque fencing. Fencing should be of a quality aesthetically acceptable to the surrounding area.
2. Emissions: Emissions of dust, smoke, and noise shall be at a minimum and in keeping with the regulations as set forth by the North Carolina Department of Natural Resources and Community Development.
3. Pretreatment of Sewage: Prior to the issuance of a Certificate of Occupancy, a confirmation in writing from the Superintendent of the Lenoir Water and Sewer Treatment Facilities shall be submitted to the Planning Department indicating that all effluent would be acceptable to the Lenoir Sewer System without pre-treatment.

Sections 613-619 Reserved.

620. Performance, Design, and Locational Standards for Manufactured Housing

[Editor's Note: This was previously Section 806, which has been deleted. The regulations contained herein are not materially changed, but are slightly updated for additional clarity.]

In order to accommodate the placement manufactured housing on individual lots and in existing manufactured home parks, while ensuring that such manufactured housing is in keeping with the general residential character of the districts where they are allowed, the following classifications of manufacturing housing are hereby established. All manufactured housing within the City and the ETJ must conform to the following performance and design standards.

620.1 Manufactured Home Classifications

620.11 Class A (Doublewide or Multi-Segment): A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, which is of multi-sectional or double-wide design and that satisfies the following additional criteria:

- a) The home is occupied only as a single-family dwelling;
- b) The home shall have a minimum width of twenty (20) feet and length not exceeding four (4) times its width, with length measured along the longest axis and width measured perpendicular to the longest axis at the narrowest part;

c) The home shall have the towing apparatus, wheels, axles, and transporting lights removed and not included in length and width measurements;

d) The home must be oriented so that the façade with the functional front door is facing the lot's primary street frontage;

e) The home shall be set up in accordance with the standards established by the North Carolina Department of Insurance;

f) The home shall be permanently placed on a masonry foundation, unpierced except for required ventilation and access, and constructed in compliance with the North Carolina Building Code. The foundation shall be protected with a polyvapor barrier. Installation shall include positive water drainage away from the home. The finished exterior of the foundation shall be brick, stone, stucco, or split-faced concrete masonry units (cmu). Smooth-faced concrete block shall not be permitted;

g) The pitch of the roof of the home shall have a minimum vertical rise of approximately three (3) feet for each twelve (12) feet of horizontal run and the roof shall be finished with a type of shingle that is commonly used in standard residential construction. Standing seam metal roofs, as are commonly used in residential construction, are also allowed. Such roof shall be installed by the manufacturer of the home at the time of construction. All roof structures shall provide an eave projection of no less than six (6) inches, which may include a gutter;

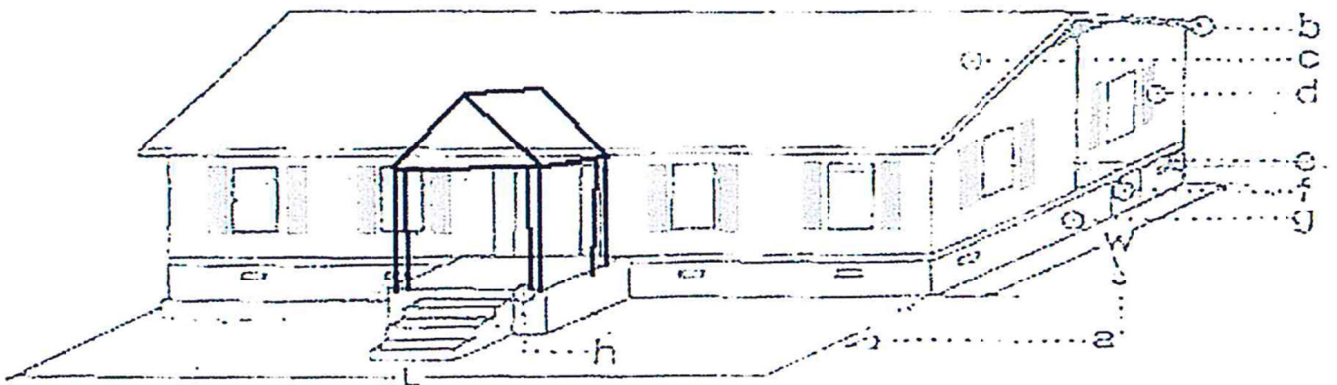
h) The home shall have a covered porch that is permanently mounted to the ground at the front door and constructed in compliance with the North Carolina Building Code. The minimum area for such a porch shall be thirty six (36) square feet, and must be a front-gabled roof design oriented towards the primary public street;

i) Permanent stairs shall be constructed at all exterior doors of the home. Stairs shall be permanently mounted to the ground and constructed in compliance with the North Carolina Building Code;

j) The home shall have an exterior facade of vinyl or wood siding, stone, brick, or other non-metallic material;

k) The home shall be in full compliance with the City of Lenoir's Minimum Housing Code.

Figure - Class A - Manufactured Home



<u>(a) Length (L) not more than 4 × Width (W.).</u> <u>Min. Width 20 ft.</u>	
<u>(b) - 6" minimum eave</u>	<u>(f) - required foundation access</u>
<u>(c) Shingle or standing seam metal roof w/min.</u> <u>3/12 pitch</u>	<u>(g) - masonry foundation</u>
<u>(d) - typical residential siding</u>	<u>(h) - Covered, front-gabled porch & steps required</u> <u>(handrails required if more than 30" above grade)</u>
<u>(e) - required foundation ventilation (handrails</u> <u>required if more than 30" above graded)</u>	

620.12 Class B (single-wide): A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, which is of a single section design, and that satisfies the following additional criteria:

- a) The home is occupied only as a single-family dwelling;
- b) The home shall have a length not exceeding five (5) times its width measured perpendicular to the longest axis at the narrowest part;
- c) The home shall have the towing apparatus, wheels, axles, and transporting lights removed and not included in length and width measurements;
- d) The home shall be set up in accordance with the standards established by the North Carolina Department of Insurance;
- e) The pitch of the roof of the home shall have a minimum vertical rise of approximately three (3) feet for each twelve (12) feet of horizontal run and the roof shall be finished with a type of shingle that is commonly used in standard residential construction. Such roof shall be installed by the manufacturer of the home at the time of construction;
- f) The home shall have either a deck, porch or concrete patio that is permanently mounted to the ground and constructed in compliance with the North Carolina Building Code. The minimum area for such deck, porch or patio shall be seventy five (75) square feet;
- g) Permanent stairs shall be constructed at all exterior doors of the home. Stairs shall be permanently mounted to the ground and constructed in compliance with the North Carolina Building Code;
- h) The home shall have an exterior facade of vinyl or wood siding, stone, brick, or other non-metallic material;
- i) The home shall be in full compliance with the City of Lenoir's Minimum Housing Code.

620.13 Class C: A manufactured home which does not meet the Class A or Class B criteria listed above, or any mobile home constructed prior to 1976. Class C homes are not permitted within the jurisdiction of this ordinance.

620.2 Permitted Locations of Manufactured Home Classes

- a) Class A Manufactured Homes (Doublewides) are permitted on individual lots in the R-9, R-6, and R-R zoning districts, and in existing Manufactured Home Parks.
- b) Class B Manufactured Homes (Singlewides constructed after 1976) shall be permitted only in existing Manufactured Home Parks, or as replacements for existing Class B or Class C Manufactured Homes in the R-6 and R-R zoning districts.
- c) Class B and Class C Manufactured Homes that are located within the jurisdiction of this ordinance at the time of its adoption may remain in their current location, may be moved to another location within the R-6 or R-R zoning districts, and may be moved to an existing Manufactured Home Park within the jurisdiction of this ordinance.

SECTION 4. Appendix A, Article VII of the Code of Ordinances, City of Lenoir, North Carolina, “General Provisions” is hereby amended to read as follows:

ARTICLE VII. GENERAL PROVISIONS

701 Corner Lots - On corner lots, the minimum front yard will depend upon the requirements of the zone in which the lot is located. The front yard will be the street frontage which the structure faces and the other street frontage will be the street side yard. ~~In all zones except the B-3 Central Business District zones, the minimum side yard on a corner lot will be 45 feet from the centerline of the street or 25 feet from the right-of-way line, whichever is greater.~~

707 ~~Residences in Non-Residential Districts—Where residences are a permitted use in a non-residential district, such use shall meet requirements of the R-6 Residential District.~~ Reserved.

709 Accessory ~~Buildings~~ Structures

709.1 Number of Accessory ~~Buildings~~ Structures - In ~~the~~ residential districts, no more than two accessory ~~buildings~~ structures shall be permitted per lot, except for farm enterprises.

709.2 ~~709.2~~ Location of Accessory ~~Buildings~~ Structures - Accessory structures must be located behind the front façade, e.g. to the side or the rear of the principal structure. On corner lots, structures must not be located between the principal structure and the street. In non-residential districts, accessory structures that are located between a principal structure and the street shall meet the architectural design standards of the district, if applicable. Accessory buildings shall be located only in side or rear yards for non-corner residential lots. No part of an accessory building shall be located in the required side setback of any corner lot in a residential district.

709.3 Lot Coverage - Accessory buildings shall not cover more than thirty percent (30%) of the required side or rear yard in residential districts.

Accessory buildings shall not exceed the height of 20 feet.

709.4 Appearance - Within residential zones except R-R and R-20, accessory buildings ~~larger than~~ 144 square feet or greater and accessory buildings that have any exterior dimension 12 feet or greater (including height) shall have exterior wall facades composed of brick, stone, vinyl or wood lap siding, or stucco. Within commercial zones, accessory buildings that are visible from the public right-of-way or any adjoining property must meet the material and design standards of the commercial district, as applicable.

Accessory structures that meet the zoning district and dimensional criteria above, but do not meet the exterior wall facade criteria above, shall be: 1) located on tracts of land 5 acres or larger; 2) screened on the sides and rear in accordance 712.8 of this Ordinance; 3) set back at least 250 feet from any street right-of-way and at least 50 feet from adjoining property lines; 4) have a minimum roof pitch of 3:12 with 12-inch overhangs.

714 Design Standards For Commercial, Office, Institutional And Government Buildings

714.3 Definitions:

b) Public visibility - An element of a building shall be deemed publicly visible when any of the following conditions are met:

1. At least ~~70~~50 percent of the element occurs above adjacent grade and is visible from any street adjacent to the property; or
2. At least ~~70~~50 percent of the element is, upon staff review, deemed visible from an adjacent residentially zoned property; or
3. At least ~~70~~50 percent of the element is taller than the vegetative buffer at the time of planting.

800.5 Building Design and Orientation

GUIDELINE: The intent of this section is to encourage building design and placement that encourages and supports a safe and attractive pedestrian environment.

STANDARD: The primary facade and main building entry shall face the primary public street unless the majority of off-street parking is located to the sides or rear of the building.

The main building entrance, when not facing the primary public street, shall provide a safe and convenient access for pedestrians from the main building entrances to the primary public street. The pedestrian way must provide additional landscape amenities.

Entrances which are oriented on a diagonal are permitted, provided that they are integrated with the overall architectural design, and not merely angled appendages or alcoves.

Ground floor windows or window display boxes shall be provided along at least 60% of the building's ground floor street-facing elevations. Windows and window display boxes shall be integral to the building design and have include visually prominent sills, shutters, or other such forms of framing. Windows must have vertical dimensions which exceed their horizontal dimensions. Where the interior floor plan and use of the building makes windows technically

infeasible, the Planning Director may approve alternative treatments that support street-level pedestrian activity, such as front porches (on residential structures), alcoves with benches or other human-scale features, spandrel glass, or faux window architectural treatments such that intent of this section is realized.

SECTION 5. Appendix A, Article VIII of the Code of Ordinances, City of Lenoir, North Carolina, “Zoning District Regulations” is hereby amended to read as follows:

ARTICLE VIII. - ZONING DISTRICT REGULATIONS AND DEVELOPMENT STANDARDS

800. Table of Zoning District Regulations

The following table establishes the development standards for each of the zoning districts. For additional regulations for specific uses, see Appendix A, Article VI. Numbers in parentheses refer to footnotes following the table. A blank cell indicates that the specific development standard is not prescribed for that particular zoning district. Some zoning districts have additional design standards, which are presented in the sections of Article VIII that follow the table.

SECTION 800, TABLE A: ZONING DISTRICT REGULATIONS

<u>Standards</u>	<u>Residential Districts</u>							<u>Mixed Use/Commercial Districts</u>							<u>Industrial Districts</u>	
	<u>R-R</u> <i>Rural Residential</i>	<u>R-20</u> <i>Low Density Single Family</i>	<u>R-15</u> <i>Single Family</i>	<u>R-12</u> <i>Single Family</i>	<u>R-9</u> <i>Mixed Density Residential</i>	<u>R-6</u> <i>High Density Residential</i>	<u>R-C</u> <i>Residential-Commercial</i>	<u>O&I</u> <i>Office & Institutional</i>	<u>B-1</u> <i>Neighborhood Business</i>	<u>B-2</u> <i>General Business</i>	<u>B-3</u> <i>Central Business (Downtown)</i>	<u>B-5</u> <i>Neighborhood Mixed Use (N. Main St.)</i>	<u>B-6</u> <i>Transitional Business</i>	<u>B-7</u> <i>Highway Business</i>	<u>I-1</u> <i>Light Industrial</i>	<u>I-2</u> <i>Heavy Industrial</i>
Minimum Lot Area (in sq. ft.):																
Residential Uses (1-family)	(1)	(1)	15,000	12,000	9,000	6,000							10,000			
Residential Uses (2+ family)	(1)	(1)			15,000	9,000										
Non-Residential Uses	20,000	20,000	20,000	18,000		9,000							10,000	20,000	10,000	20,000
Minimum Lot Width (measured at building line)		60 ft.	60 ft.	60 ft.	50 ft. (1-family) 60 ft. (all other uses)	40 ft. (1-family) 50 ft. (all other uses)			50 ft.			40 ft. (1-family) 50 ft. (all other uses)	100 ft.	100 ft.	80 ft.	100 ft.
Minimum Street Frontage (2)	25 ft. (8)	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Principal Building Setback(11):																
Front yard	40ft	40ft	40ft	40ft	35ft	35ft	10 ft.	10 ft.	10 ft.	10 ft.	0 ft.	(7)	10 ft.	50 ft.	25 ft.	25 ft.
Side yard (3)	15ft (4)	15ft (4)	15ft (4)	12ft (4)	12ft (4)	10ft (4)	0 ft.(4)	10 ft. (4)	10 ft.(4)	0 ft.(4)	0 ft.	(7)	10 ft.(4)	10 ft. (4)	0 ft.(5)	0 ft.(6)
Street side yard	25ft	25ft	25ft	25ft	25ft	25ft	10 ft.	10 ft.	10 ft.	0 ft.	0 ft.	(7)	10 ft.	10 ft.	0 ft.	0 ft.
Rear yard (3)	35ft	35ft	35ft	30ft	25ft (4)	25ft (4)	20 ft.(4)	10 ft. (4)	10 ft.(4)	20 ft. (4)	0 ft.	(7)	10 ft. (4)	10 ft. (4)	0 ft. (5)	0 ft. (6)
Accessory Structure Setbacks (9)																
Side/Rear (less than 144 sq. ft.)	5ft	5ft	5ft	5ft	5ft	5ft	5ft	5ft	5ft	5ft	0 ft.	5ft	5ft	5 ft.	5ft	5ft
Side/Rear (144 sq. ft. and greater)	10ft	10ft	10ft	10ft	10ft	10ft	10ft	10ft	10ft	10ft	0 ft.	10ft	10ft	10 ft.	10ft	10ft
Max. Bldg. Height:	30ft	35ft	35ft	35ft	35ft	50ft	65 ft.	35 ft.	35 ft.	65 ft.	80 ft.	(7)	25 ft.	35 ft.	65 ft.	65 ft.
Max. Residential Density (10)	4.8 du/ac	3 du/ac	3 du/ac	3.6 du/ac	9 du/ac	15 du/ac	30 du/ac	15 du/ac	9 du/ac	20 du/ac	none	9 du/ac	9 du/ac	20 du/ac		
Use this table to determine regulations that apply within each zoning district. For additional regulations for specific uses, see Appendix A, Article VI. Numbers in parentheses refer to footnotes following the tables. A blank cell indicates that the specific development standard is not prescribed for that particular zoning district. Residential densities are given as gross dwelling units per acre (du/ac).																

FOOTNOTES, SECTION 800 TABLE A

A1. Minimum lot sizes in the R-R and R-20 zoning districts are determined by the availability of community or public utility services, as follows:

	<u>Residential lots served by public/community water and sewer</u>	<u>Residential lots served by public/community water, but not sewer</u>	<u>Residential lots served by neither public/community water nor sewer</u>
<u>R-R</u>	<u>15,000 sq. ft. (1 family)</u> <u>18,000 sq. ft. (2 family)</u>	<u>15,000 sq. ft. (1 family)</u> <u>20,000 sq. ft. (2 family)</u>	<u>20,000 sq. ft. (1 family)</u> <u>25,000 sq. ft. (2 family)</u>
<u>R- 20</u>	<u>15,000 sq. ft. (1 family)</u>	<u>15,000 sq. ft (1 family)</u>	<u>20,000 sq. ft. (1 family)</u>

A2. Street frontage must be on a publicly dedicated and maintained street, unless a private road was approved to meet this criteria as a part of a planned development, major subdivision, conditional zoning, or similar approval.

A3. Depending on the use of the subject property and the adjacent uses, the required bufferyard may be larger than the minimum building setbacks. Nothing in this table shall be interpreted to allow a building to be located within a required bufferyard. See Appendix A, Article VII, Section 712.

A4. When property abuts a residential district, and is being developed with non-residential uses, the setback shall be 30ft.

A5. When property abuts a residential or office district the setback shall be 25 feet.

A6. When property abuts a residential or office district the setback shall be 40 feet.

A7. The following yard requirements are established for the B-5 District:

<u>Minimum Front Yard Setback (residential)</u>	<u>20 ft., or the average of structures on adjoining lots if less than 20 ft</u>
<u>Minimum Front Yard Setback (non- residential)</u>	<u>10 ft. from back-of-curb for the provision of sidewalk/streetscape improvements. No other applicable setback.</u>
<u>Minimum Side Yard setback</u>	<u>0 ft. (abutting non-residential)</u> <u>7 ft. (residential)</u> <u>*See Sec. 712 for required bufferyards</u>
<u>Minimum Rear Yard Setback</u>	<u>20 ft.</u>
<u>Minimum Street Side Yard Setback</u>	<u>10 ft.</u>

A8. Family subdivisions may be exempt from this standard. See Chapter 19, Article VII. Procedure for Review and Approval of Family Subdivisions.

A9. Accessory structures must be located behind the front façade of the principal structure. In non-residential districts, accessory structures that are located between a principal structure and the street shall meet the architectural design standards of the district, if applicable.

A10. Maximum densities do not apply to accessory apartments or any development of 4 or fewer total units (duplex, triplex, or quadplex developments).

A11. Setbacks are measured from the property line, excluding right-of-way or easements. When a property fronts on a street with no recorded right-of-way, the point of beginning for applying the setback shall be 15 ft. from the center line of the street, or at the edge of pavement, whichever is greater.

~~801 R-20 (Single Family Residential)~~

~~801.1 Intent~~

~~The intent of the R-20 (Single family Residential) District shall be to establish and preserve the character of areas within the areas of extraterritorial jurisdiction for low density single family residences and compatible land uses. The regulations for this district are designed to stabilize and encourage a healthful environment for family life in areas where public water or sewer facilities may not be available. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.~~

~~801.2 Permitted Uses~~

~~Accessory Apartment (preexisting)
Accessory Use or Accessory Building (residential)
Dwelling, Single Family Detached
Family Care Facility
Green Houses, Private (Not to Exceed 1000 Square Feet)
Also see Permitted Use Chart~~

~~801.3 Permitted Conditional Uses~~

~~Art Galleries
Auditorium, Assembly Hall
Cemeteries—Human & Pet
Church/Synagogue
Country Clubs
Cultural and Community Facilities
Hatcheries
Kennels (Private)
Libraries
Museums
Neighborhood Business
Parks & Playgrounds
Public Utility Substation
Radio & Television Transmission Tower
See Permitted Use Chart
Special Review Procedures for Conditional Use Permit (see Article IX Section 900)~~

~~801.4 Area Regulations (Also see Article VII)~~

801.41 Minimum Lot Area**801.411 Residential**

~~801.4111 Single family—15,000 square feet when served by public or community water but not sewer; or~~

~~801.4112 Single family—20,000 square feet when served by neither public/community water nor sewer.~~

~~801.412 Non residential—20,000 square feet~~

801.42 Minimum Lot Width

~~801.421 Front Lot Line—25 feet~~

~~801.422 Building Line—100 feet~~

801.43 Minimum Front Yard

~~801.431 Residential—70 feet from centerline of street or 40 feet from street right of way, whichever is greater.~~

~~801.432 Non Residential—80 feet from centerline of street or 50 feet from street right of way, whichever is greater.~~

801.44 Minimum Side Yard

~~801.441 Residential—15 feet~~

~~801.442 Non Residential—30 feet~~

~~801.443 Accessory Uses—Smaller than 144 square feet (12' × 12')—5 feet. Larger than 144 square feet (12' × 12')—10 feet~~

~~801.444 All Lots—Abutting side street—25 feet (see Section 701)~~

801.45 Minimum Rear Yard

~~801.451 Residential—35 feet~~

~~801.452 Non Residential—10% of average lot depth~~

~~801.453 Accessory Uses—Smaller than 144 square feet (12' × 12')—5 feet. Larger than 144 square feet (12' × 12')—10 feet.~~

801.5 Building Height Regulations (Also see Section 706)

~~Maximum building height—35 feet~~

801.6 Off Street Parking and Loading Regulations

~~See Article X~~

801.7 Sign Regulations

~~See Article XI~~

801.8 Landscaping and Buffering Requirements

~~See Section 712~~

802 R-15 Residential District (Single Family)**802.1 Intent**

~~The intent of the R-15 Residential Single family District shall be to establish and preserve areas of land within the City for low density single family residences and compatible land uses. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.~~

802.2 Permitted Uses

~~Accessory Apartment (preexisting)~~

~~Accessory Use or Accessory Building (residential)~~

~~Dwelling, Single Family Detached~~

~~Family Care Facility~~

~~Green Houses, Private (Not to Exceed 1000 Square Feet)~~

~~Also see Permitted Use Chart~~

802.3 ~~Permitted Conditional Uses~~

~~Art Galleries~~

~~Auditorium, Assembly Hall~~

~~Cemeteries—Human & Pet~~

~~Church/Synagogue~~

~~Country Clubs~~

~~Cultural and Community Facilities~~

~~Libraries~~

~~Museums~~

~~Parks & Playgrounds~~

~~Public Utility Substation~~

~~Radio & Television Transmission Tower~~

~~See Permitted Use Chart~~

~~Special Review Procedures for Conditional Use Permit~~

~~(see Article IX Section 900)~~

802.4 ~~Area Regulations (Also See Article VII)~~

802.41 ~~Minimum Lot Area~~

802.411 ~~Residential—15,000 square feet~~

802.412 ~~Non-residential—20,000 square feet~~

802.42 ~~Minimum Lot Width~~

802.421 ~~Front lot line—40 feet~~

802.422 ~~Building line—100 feet~~

802.43 ~~Minimum Front Yard~~

802.431 ~~Residential—70 feet from centerline of streets where no recorded right of way exists or 40 feet from street right of way where the recorded right of way is not less than 40 feet. Rights of way are to be determined by Caldwell County Tax Maps, recorded subdivision plats, or deed descriptions.~~

802.432 ~~Non-residential—80 feet from centerline of street or 50 feet from street right of way, whichever is greater.~~

802.44 ~~Minimum Side Yard~~

802.441 ~~Residential—15 feet.~~

802.442 ~~Non-residential—30 feet.~~

802.443 ~~Accessory uses—Smaller than 144 square feet (12' × 12')—5 feet. Larger than 144 square feet (12' × 12')—10 feet.~~

802.444 ~~Abutting side street—25 feet (See Sect. 701)~~

802.45 ~~Minimum Rear Yard~~

802.451 ~~Residential—35 feet.~~

802.452 ~~Non-residential—10% of average lot depth.~~

802.453 ~~Accessory uses—Smaller than 144 square feet (12' × 12')—5 feet. Larger than 144 square feet (12' × 12')—10 feet.~~

802.5 ~~Building Height Regulations (Also see Section 706).~~

~~Maximum building height—35 feet.~~

802.6 ~~Off Street Parking and Loading Regulations~~

See Article X.

802.7 Sign Regulations

See Article XI.

802.8 Landscaping and Buffering Requirements — See Section 712.

803 R-12 (Single Family Residential)

803.1 Intent

The intent of the R-12 Residential Single Family District shall be to establish and preserve areas of land within the city for medium density single and two family residences and compatible land uses. Planned Residential Developments, which allow for the orderly integration of single and multi family residential uses with limited commercial facilities are permitted only as a conditional use. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

803.2 Permitted Uses

Accessory Apartment (preexisting)

Accessory Use or Accessory Building (residential)

Dwelling, Single Family Detached

Family Care Facility

Green Houses, Private (Not to Exceed 1000 Square Feet)

Also see Permitted Use Chart

803.3 Permitted Conditional Uses

Adult Day Care Center

Art Galleries

Auditorium, Assembly Hall

Cemeteries — Human & Pet

Church/Synagogue

Country Clubs

Cultural and Community Facilities

Dwelling, Single family Attached

Dwelling, Two family

Dwelling, Group

Kennels (Private)

Libraries

Museums

Nursing, Convalescent & Extended Care Facilities

Nursery Schools & Day Care Facilities

Parks & Playgrounds

Planned Residential Development

Public Utility Substation

Radio & Television Transmission Tower

Youth Day Care

See Permitted Use Chart

Special Review Procedures for Conditional Use Permit

(see Article IX Section 900)

803.4 Area Regulations (also see Article VII)

803.41 Minimum Lot Area**803.411 Residential**~~A. Single family—12,000 square feet~~~~B. Planned Residential Development—~~~~(See Article XII)~~~~803.412 Non-residential—18,000 square feet~~**803.42 Minimum Lot Width**~~803.421 Front Lot Line—40 feet~~~~803.422 Building line—100 feet.~~**803.43 Minimum Front Yard**~~803.431 Residential—70 feet from centerline of streets where no recorded right of way exists, or 40 feet from street right of way where the recorded right of way is not less than 40 feet. Rights of way are to be determined by Caldwell County Tax Maps, recorded plats, and recorded subdivision plats or deed description.~~~~803.432 Non-residential—80 feet from centerline of street or 50 feet from street right of way, whichever is greater.~~**803.44 Minimum Side Yard**~~803.441 Residential—12 feet~~~~803.442 Non-residential—30 feet~~~~803.443 Accessory Uses—Smaller than 144 square feet (12' x 12')—5 feet. Larger than 144 square feet (12' x 12')—10 feet~~~~803.444 Abutting side street—25 feet (See Section 701)~~**803.45 Minimum Rear Yard**~~803.451 Residential—30 feet.~~~~803.452 Non-residential—10% of average lot depth.~~~~803.453 Accessory Uses—Smaller than 144 square feet (12' x 12')—5 feet. Larger than 144 square feet (12' x 12')—10 feet.~~**803.5 Building Height Regulations (Also see Section 706)**~~Maximum building height—35 feet.~~~~803.6 Off-street Parking and Loading Regulations—See Article X.~~~~803.7 Sign Regulations—See Article XI.~~~~803.8 Landscaping and Buffering Requirements—See Section 712~~**804 R-9 (Multi-family Residential)****804.1 Intent**~~The intent of R-9 Residential Multi-family District shall be to establish and preserve areas of land within the city for medium density multi-family residences and compatible land uses. Planned Residential Development and multi-family complexes of three (3) or more units are allowed as conditional uses. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.~~**804.2 Permitted Uses**~~Accessory Apartment (preexisting)~~~~Accessory Use or Accessory Building (residential)~~~~Dwelling, Single-Family Detached~~

~~Dwelling, Two-Family~~
~~Family Care Facility~~
~~Green Houses, Private (not to exceed 1000 square feet)~~
~~Kennels (Private)~~
~~Class A—Manufactured Homes (See Section 806)~~
~~Also see Permitted Use Chart~~
~~804.3 Permitted Conditional Uses~~
~~Adult Day-Care Center~~
~~Art Galleries~~
~~Auditorium, Assembly Hall~~
~~Cemeteries—Human & Pet~~
~~Church/Synagogue~~
~~Country Clubs~~
~~Cultural and Community Facilities~~
~~Dwelling, Group~~
~~Dwelling, Multi-Family (3 or more)~~
~~Dwelling, Single-Family Attached~~
~~Existing Manufactured Homes Parks (subject to Article IX of this ordinance)~~
~~Libraries~~
~~Museums~~
~~Nursing, Convalescent & Extended Care Facilities~~
~~Nursery Schools & Day-Care Centers~~
~~Parks & Playgrounds~~
~~Planned Residential Development (See Article XII)~~
~~Public Utility Substation~~
~~Radio & Television Transmission Tower~~
~~Youth Day-Care~~
~~See Permitted Use Chart~~

~~Special Review Procedures for Conditional Use Permit (see Article IX Section 900)~~

~~804.4 Area Regulations (also see Article VII)~~
~~804.41 Minimum Lot Area~~
~~804.411 Residential~~
~~A. Single-family—9,000 square feet~~
~~B. Manufactured Housing (Double-wide)~~
~~(See Section 806)~~
~~C. Two-family—15,000 square feet~~
~~D. Multi-family and Planned~~
~~Residential Development—see Article XII~~
~~804.42 Minimum Lot Width~~
~~804.421 Front Lot Line—40 feet~~
~~804.422 Building Line~~
~~A. Single-family—60 feet~~

~~B. Two-family—75 feet~~

~~C. Multi-family and Planned Residential Development—75 feet~~

~~D. Other Permitted Uses—75 feet~~

~~804.43 Minimum Front Yard~~

~~804.431 Residential—65 feet from centerline of streets where no recorded right-of-way exists or 35 feet from street right-of-way where the recorded right-of-way is not less than 40 feet. Rights-of-way are to be determined by Caldwell County Tax Maps, recorded plats, recorded subdivision plats or deed descriptions.~~

~~804.432 Non-Residential—80 feet from centerline of street or 40 feet from street right-of-way, whichever is greater.~~

~~804.44 Minimum Side Yard~~

~~804.441 Residential—12 feet~~

~~804.442 Non-residential—30 feet~~

~~804.443 Accessory uses—Smaller than 144 square feet (12' × 12')—5 feet. Larger than 144 square feet (12' × 12')—10 feet.~~

~~804.444 Abutting side street—25 feet (see Section 701)~~

~~804.45 Minimum Rear Yard~~

~~804.451 Residential—25 feet.~~

~~804.452 Non-residential—10% of average lot depth~~

~~804.453 Accessory uses—Smaller than 144 square feet (12' × 12')—5 feet. Larger than 144 square feet (12' × 12')—10 feet.~~

~~804.5 Building Height Regulations (Also see Section 706)~~

~~Maximum Building Height—35 feet~~

~~804.6 Off Street Parking and Loading Regulations—See Article X~~

~~804.7 Sign Regulations—See Article XI.~~

~~804.8 Landscaping and Buffering Requirements—See Section 712~~

805 R-6 (Multi-family Residential)

805.1 Intent

The intent of the R-6 Residential Multi-Family District shall be to establish and preserve areas of land within the city for high density multi-family residences and compatible land uses. Planned Residential Developments and multi-family complexes of three (3) or more units are permitted as conditional uses. Any use which would adversely affect or interfere with the residential character and development of these areas are excluded.

805.2 Permitted Uses

~~Accessory Apartment (preexisting)~~
~~Accessory Use or Accessory Building (residential)~~
~~Dwelling, Single-Family Detached~~
~~Dwelling, Two-Family~~
~~Family Care Facility~~
~~Green Houses, Private (not to Exceed 1000 Square Feet)~~
~~Class A—Manufactured Homes (See Section 806)~~
~~Also see Permitted Use Chart~~

805.3 Permitted Conditional Uses

~~Adult Day Care Center~~
~~Art Galleries~~
~~Auditorium, Assembly Hall~~
~~Cemeteries—Human & Pet~~
~~Church/Synagogue~~
~~Country Clubs~~
~~Cultural and Community Facilities~~
~~Dwelling, Group~~
~~Dwelling, Multi-Family (3 or more)~~
~~Dwelling, Single-family Attached~~
~~Existing Manufactured Home Parks (subject to Article IX of this Ordinance)~~
~~Libraries~~
~~Museums~~
~~Nursing, Convalescent & Extended Care Facilities~~
~~Nursery Schools & Day Care Centers~~
~~Parks & Playgrounds~~
~~Planned Residential Development (See Article XII)~~
~~Public Utility Substation~~
~~Radio & Television Transmission Tower~~
~~Youth Day Care~~
~~See Permitted Use Chart~~
~~Special Review Procedures for Conditional Use Permit (see Article IX Section 900)~~

805.4 Area Regulations (Also see Article VII)

805.41 Minimum Lot Area

805.411 Residential

A. Single family—6,000 square feet

B. Manufactured Housing (Double wide) (See Section 806)

C. Two family—9,000 square feet D. Multi family and Planned Residential Development—See Article XI

805.412 Non-residential—9,000 square feet

805.42 Minimum Lot Width

805.421 Front lot line—40 feet

805.422 Building Line

A. Single family—60 feet

B. Two family—75 feet

C. Multi family and Planned Residential Development—75 feet

D. Other permitted uses—75 feet

805.43 Minimum Front Yard

805.431 Residential—65 feet from centerline of streets where no recorded right of way exists, or 35 feet from street right of way where the recorded right of way is not less than 40 feet. Rights of way are to be determined by Caldwell County Tax Maps, recorded plats, recorded subdivision plats or deed description.

805.432 Non-residential—80 feet from centerline of street or 50 feet from street right of way, whichever is greater.

805.44 Minimum Side Yard

805.441 Residential—10 feet

805.442 Non-residential—30 feet

805.443 Accessory Uses—Smaller than 144 square feet (12' × 12')—5 feet. Larger than 144 square feet (12' × 12')—10 feet.

805.444 Abutting side street—25 feet (see Sec. 701)

805.45 Minimum Rear Yard

805.451 Residential—25 feet

805.452 Non-residential—10% of average lot depth

~~805.453 Accessory Uses—Smaller than 144 square feet (12' × 12')—5 feet. Larger than 144 square feet (12' × 12')—10 feet.~~

805.5 Building Height Regulations (Also see Section 706)

Maximum building height—50 feet

805.6 Off street Parking and Loading Regulations

See Article X

805.7 Sign Regulations—See Article XI

805.8 Landscaping and Buffering Requirements—See Section 712

806 Manufactured Housing—The intent of this section shall be to present criteria for placement of manufacturing housing within the proper zoning districts and/or manufactured home parks.

806.1 Manufactured Home Classifications

~~Class A: A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, which is of multi-sectional or double-wide design and that satisfies the following additional criteria:~~

- ~~a) The home is occupied only as a single family dwelling;~~
- ~~b) The home shall have a minimum width of twenty (20) feet and length not exceeding four (4) times its width, with length measured along the longest axis and width measured perpendicular to the longest axis at the narrowest part;~~
- ~~c) The home shall have the towing apparatus, wheels, axles, and transporting lights removed and not included in length and width measurements;~~
- ~~d) The home must be oriented so that the façade with the functional front door is facing the lot's primary street frontage;~~
- ~~e) The home shall be set up in accordance with the standards established by the North Carolina Department of Insurance;~~
- ~~f) The home shall be permanently placed on a masonry foundation, unpierced except for required ventilation and access, and constructed in compliance with the North Carolina Building Code. The foundation shall be protected with a polyvapor barrier. Installation shall include positive water drainage away from the home. The finished exterior of the foundation shall be brick, stone, stucco, or split-faced concrete masonry units (cmu). Smooth-faced concrete block shall not be permitted;~~
- ~~g) The pitch of the roof of the home shall have a minimum vertical rise of approximately three (3) feet for each twelve (12) feet of horizontal run and the roof shall be finished with a type of shingle that is commonly used in standard residential construction. Standing seam metal roofs, as are commonly used in residential construction, are also allowed. Such roof shall be installed by the manufacturer of the home at the time of construction. All roof structures shall provide an eave projection of no less than six (6) inches, which may include a gutter;~~
- ~~h) The home shall have a covered porch that is permanently mounted to the ground at the front door and constructed in compliance with the North Carolina Building Code. The minimum area for such a porch~~

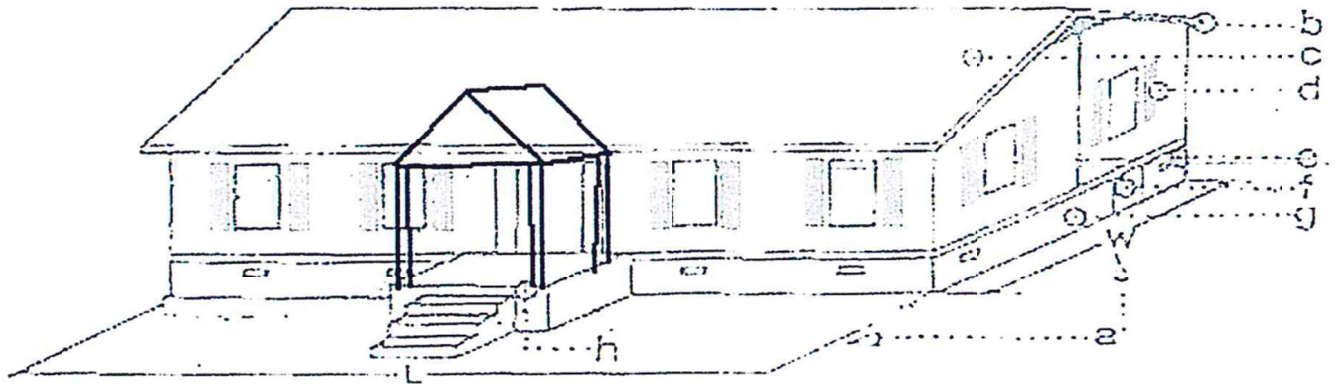
shall be thirty six (36) square feet, and must be a front gabled roof design oriented towards the primary public street;

i) Permanent stairs shall be constructed at all exterior doors of the home. Stairs shall be permanently mounted to the ground and constructed in compliance with the North Carolina Building Code;

j) The home shall have an exterior facade of vinyl or wood siding, stone, brick, or other non-metallic material;

k) The home shall be in full compliance with the City of Lenoir's Minimum Housing Code.

Figure Class A Manufactured



(a) Length (L) not more than $4 \times$ Width (W).
Min. Width 20 ft.

(b) 6" minimum eave

(c) Shingle or standing seam metal roof w/min.
3/12 pitch

(d) typical residential siding

(e) required foundation ventilation (handrails
required if more than 30" above graded)

(f) required foundation access

(g) masonry foundation

(h) Covered, front gabled porch & steps required
(handrails required if more than 30" above grade)

Sections 801-810 Reserved.

806.12 Class B: A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, which is of a single section design, and that satisfies the following additional criteria:

a) The home is occupied only as a single family dwelling;

b) The home shall have a length not exceeding five (5) times its width measured perpendicular to the longest axis at the narrowest part;

c) The home shall have the towing apparatus, wheels, axles, and transporting lights removed and not included in length and width measurements;

d) The home shall be set up in accordance with the standards established by the North Carolina Department of Insurance;

e) The pitch of the roof of the home shall have a minimum vertical rise of approximately three (3) feet for each twelve (12) feet of horizontal run and the roof shall be finished with a type of shingle that is commonly used in standard residential construction. Such roof shall be installed by the manufacturer of the home at the time of construction;

~~f) The home shall have either a deck, porch or concrete patio that is permanently mounted to the ground and constructed in compliance with the North Carolina Building Code. The minimum area for such deck, porch or patio shall be seventy five (75) square feet;~~

~~g) Permanent stairs shall be constructed at all exterior doors of the home. Stairs shall be permanently mounted to the ground and constructed in compliance with the North Carolina Building Code;~~

~~h) The home shall have an exterior facade of vinyl or wood siding, stone, brick, or other non-metallic material;~~

~~i) The home shall be in full compliance with the City of Lenoir's Minimum Housing Code.~~

~~806.13 Class C: A manufactured home which does not meet the Class A or Class B criteria listed above, or any mobile home constructed prior to 1976. Class C homes are not permitted within the jurisdiction of this ordinance.~~

~~806.2 Permitted Locations of Manufactured Home Classes~~

~~806.21 Class A Manufactured Homes are permitted on individual lots in the R-9, R-6, and R-R zoning districts, and in existing Manufactured Home Parks.~~

~~806.22 Class B Manufactured Homes shall be permitted only in existing Manufactured Home Parks, or as replacements for existing Class B or Class C Manufactured Homes in the R-6 and R-R zoning districts.~~

~~806.23 Class B and Class C Manufactured Homes that are located within the jurisdiction of this ordinance at the time of its adoption may remain in their current location, may be moved to another location within the R-6 or R-R zoning districts, and may be moved to an existing Manufactured Home Park within the jurisdiction of this ordinance.~~

EXTRATERRITORIAL ZONING

807 R-R (Rural Residential)

807.1 Intent

~~The intent of the R-R Residential District shall be to develop and maintain, in keeping with the existing and future land development patterns, those areas of extraterritorial jurisdiction. The regulations for this district are designed to stabilize and encourage a healthful environment for family life in areas where neither public water nor sewer facilities are available.~~

~~Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.~~

807.2 Permitted Uses

~~Accessory Apartment (preexisting)
Accessory Use or Accessory Building (residential)
Dwelling, Single Family Detached
Dwelling, Two Family
Family Care Facility
Golf Courses (18 holes)
Green Houses, Private (not to exceed 1000 square feet)
Class A Manufactured Homes (see Section 806)
Also see Permitted Use Chart~~

807.3 Permitted Conditional Uses

~~Armories~~

Art Galleries
 Auditorium, Assembly Hall
 Bed & Breakfast
 Cemeteries — Human & Pet
 Church/Synagogue
 Country Clubs
 Cultural and Community Facilities
 Dwelling, Group
 Dwelling, Multi-Family (3 or more units)
 Dwelling, Single-family Attached
 Existing Manufactured Home Parks (Subject to Article IX of this Ordinance)
 Hatcheries
 Libraries
 Museums
 Neighborhood Business
 Nursing, Convalescent & Extended Care Facilities
 Nursery Schools & Day Care Centers
 Parks & Playgrounds
 Public Utility Substation
 Radio & Television Transmission Tower
 See Permitted Use Chart
 Special Review Procedures for Conditional Use Permit
 (see Article IX Section 900)

807.4 Area Regulations (Also see Article VII)

807.41 Minimum Lot Area

807.411 Residential

807.4111 Single-family — 15,000 square feet when served by public or community water but not sewer;
 807.4112 Single-family — 20,000 square feet when served by neither public/community water nor sewer;
 807.4113 Two-family — 18,000 square feet when served by both public or community water and sewer or;
 807.4114 Two-family — 20,000 square feet when served by public or community water but not sewer or;
 807.4115 Two-family — 25,000 square feet when served by either public/community water nor sewer.

807.412 Non-Residential — 20,000 square feet

807.42 Minimum Lot Width

807.421 Front Lot line — 40 feet

807.422 Building line

A. Single-family — 100 feet

807.43 Minimum Front Yard

~~807.431 Residential—70 feet front centerline of street or 40 feet from street right of way; whichever is greater.~~

~~807.432 Non-Residential—80 feet from centerline of street or 50 feet from street right of way, whichever is greater.~~

807.44 Minimum Side Yard

~~807.441 Residential—15 feet~~

~~807.442 Non-residential—30 feet~~

~~807.443 Accessory uses—Smaller than 144 square feet (12' × 12')—5 feet. Larger than 144 square feet (12' × 12')—10 feet.~~

~~807.444 All lots—abutting side street—25 feet
(see Section 701)~~

807.45 Minimum Rear Yard

~~807.451 Residential—35 feet~~

~~807.452 Non-residential—10% of average lot depth~~

~~807.453 Accessory uses—Smaller than 144 square feet (12' × 12')—5 feet. Larger than 144 square feet (12' × 12')—10 feet.~~

807.5 Building Height Regulations (Also see Section 706)

~~Maximum Building Heights—35 feet.~~

807.6 Off-Street Parking and Loading Requirements—

~~See Article X~~

808 O & I (Office and Institutional)**808.1 Intent**

~~This district is established to provide land areas suitable for the location of professional and business offices and institutional and associated commercial activities. Whereas, this district usually serves as a buffer between residential neighborhoods and commercial districts the regulations are designed to protect and be compatible with nearby residences.~~

808.2 Permitted Uses

~~Accessory Apartment (Preexisting)~~

~~Accessory Use or Accessory Building (Non-Residential)~~

~~Accessory Use or Accessory Building (Residential)~~

~~Accountants Office, Auditors and Bookkeepers~~
~~Adult Day Care Center~~
~~Advertising Agencies~~
~~Architects Office~~
~~Art Galleries~~
~~Auditorium, Assembly Hall~~
~~Automatic Bank Tellers~~
~~Automobile Parking Lots~~
~~Banks, Main Office~~
~~Banks, Branch Office~~
~~Barber & Beauty Shops~~
~~Bed & Breakfast~~
~~Boarding/Rooming Houses~~
~~Book & Stationary Stores (No more than 3000 square feet)~~
~~Church/Synagogue~~
~~Contractors Office (No Storage)~~
~~Country Clubs~~
~~Credit and Finance Office~~
~~Crematory (Accessory to Funeral Home Only—see Section 715)~~
~~Cultural and Community Facilities~~
~~Drug Stores (Not More Than 3000 Square Feet)~~
~~Duplication, Mimeographing and Multilithing Operations (Not More Than 3000 Square Feet)~~
~~Dwelling, Single-Family Detached~~
~~Dwelling, Two-Family~~
~~Dwelling, Group~~
~~Family Care Facility~~
~~Florist Shops (Not More Than 3000 Square Feet)~~
~~Funeral Homes~~
~~Gift Shops (Not More Than 3000 Square Feet)~~
~~Government Offices~~
~~Green Houses, Private (Not to Exceed 1000 Square Feet)~~
~~Health Clubs/Spa~~
~~Hospitals~~
~~Jewelry Sales & Repair~~
~~Libraries~~
~~Medical & Dental Offices/Clinics~~
~~Medical & Dental Labs~~
~~Museums~~
~~Nursing, Convalescent & Extended Care Facilities~~
~~Nursery Schools & Day Care Centers~~
~~Parks & Playgrounds~~
~~Pharmaceuticals~~
~~Photography Supply Stores~~
~~Professional Offices~~

Public Utility Office
 Real Estate Services
 Restaurant, Cafe/Tea Room
 Studio and Specialty Schools
 Surveyors Offices
 Travel Agency
 Youth Day Care
 Also see Permitted Use Chart

808.3 Permitted Conditional Uses

Cemeteries—Human & Pet
 Dwelling, Single Family Attached
 Dwelling, Multi Family (3 or more)
 See Permitted Use Chart
 Special Review Procedures for Conditional Use Permit
 (see Article IX Section 900)

808.4 Area Regulations—(Also see Article VII)

808.41 Minimum Lot Area—None

808.42 Minimum Lot Width—50 feet

808.43 Minimum Front Yard

808.431 Residential—65' from centerline of street where no recorded right of way exists or 35' from street right of way where the recorded right of way is not less than 40'. Rights of way are to be determined by Caldwell County Tax Maps, recorded plats, recorded subdivision plats, and deed descriptions.

808.432 Non Residential

A. With side and rear parking—40' from the centerline of street right of way or 10' from street right of way whichever distance is greater.

B. With front parking—100' from centerline of street or 70 feet from street right of way, whichever distance is greater.

808.44 Minimum Side Yard

808.441 Residential—10 feet

808.442 Non Residential

A. Abutting residential—30 feet

B. Abutting non residential—10 feet

808.443 All lots abutting side street—25 feet (see Section 701)

808.45 Minimum Rear Yard

808.451 Residential—20 feet

808.452 Non-Residential—10 feet

808.5 Building Height Regulations (Also see Section 706)

Maximum Building Height—35 feet

808.6 Off-Street Parking and Loading Regulations—See Article X

808.7 Sign Regulations—See Article XI

808.8 Landscaping and Buffering Requirements—See Section 712

809 B-1 (Neighborhood Business)

809.1 Intent

This district is intended to serve the needs of the surrounding residential neighborhood by providing convenience goods and services which cater to the everyday needs of the residents. Whereas, this district is created within or near residential areas, It is imperative the residential property be protected by developing the B-1 district as a planned grouping designed to make the most efficient use of land and meet all requirements of this district.

809.2 Permitted Uses

- Accessory Apartment (Preexisting)
- Accessory Use or Accessory Building (Residential)
- Antique Shops
- Art Galleries
- Audio & Video Retail, Rental, and Repair Shops
- Automatic Bank Tellers
- Automobile Parking Lots
- Bakeries Retail (Not More Than 4000 Square Feet)
- Banks, Branch Office
- Barber & Beauty Shops
- Baseball Hitting Ranges
- Book & Stationary Stores (No More Than 3000 Square Feet)
- Computer & Data Processing Services
- Crafts/Hobby Shops
- Delicatessens
- Drug Stores (Not More Than 3000 Square Feet)
- Dry Cleaning and Laundry Service (Not More Than 3000 Square Feet)
- Dwelling, Single Family Detached
- Dwelling, Two Family
- Family Care Facility
- Florist Shops (Not More Than 3000 Square Feet)
- Gift Shops (Not More Than 3000 Square Feet)

~~Green Houses, Private (Not to Exceed 1000 Square Feet)~~
~~Hardware Stores (Not More Than 3000 Square Feet)~~
~~Interior Designers~~
~~Laundromats (Not More Than 3000 Square Feet)~~
~~Neighborhoods Business~~
~~Novelty & Souvenir Shops~~
~~Photography Supply Stores~~
~~Produce Stands~~
~~Public Utility Substation~~
~~Seamstress Shops~~
~~Shoe Sales & Repair Stores~~
~~Studio and Specialty Schools~~
~~Surveyors Offices~~
 Also see Permitted Use Chart

809.3 Permitted Conditional Uses

~~Cemeteries—Human & Pet~~
~~Dwelling, Group~~
~~Dwelling, Multi-Family (3 or more)~~
~~Dwelling, Single-Family Attached~~
 Also see Permitted Use Chart
~~Special Review Procedures for Conditional Use Permit (see Article IX, Section 900)~~

809.4 Area Regulations (also see Article VII)

809.41 Minimum Lot Area—None

809.42 Minimum Lot Width—50 feet

809.43 Minimum Front Yard

~~809.431 Residential—65' from centerline of street where no recorded right of way exists or 35' from street right of way where the recorded right of way is not less than 40'. Rights of way are to be determined by Caldwell County Tax Maps, recorded plats, recorded subdivision plats, and deed description.~~

809.432 Non-Residential

~~A. With side and rear parking—40' from the centerline of street right of way or 10' from street right of way whichever distance is greater.~~
~~B. With front parking—70' from centerline of street or 40 feet from street right of way, whichever distance is greater.~~

809.44 Minimum Side Yard

809.441 Residential—10 feet

809.442 Non Residential

~~A. Abutting residential—30 feet~~

~~B. Abutting non residential—10 feet~~

~~809.443 All lots—abutting side street—25 feet (see Section 701)~~

809.45 Minimum Rear Yard

~~809.451 Residential—20 feet~~

~~809.452 Non residential—10 feet~~

809.5 Building Height Regulations (also see Section 706)

~~Maximum building height—35 feet~~

~~809.6 Off street Parking and Loading Regulations—See Article X~~

~~809.7 Sign Regulations—See Article XI~~

~~809.8 Landscaping and Buffering Requirements—See Section 712~~

810 B-2 (General Business)

810.1 Intent

~~The purpose of this district is to provide areas along major and minor thoroughfares for those commercial activities which require relatively large acreage of land and/or good vehicular access. The retail and service establishments allowed within this district are intended to serve both transient and resident traffic.~~

810.2 Permitted Uses

~~Accessory Apartment (Preexisting)~~
~~Accessory Use Or Accessory Bldg. (Nonresidential)~~
~~Accessory Use Or Accessory Bldg. (Residential)~~
~~Accountants Office, Auditors and Bookkeepers~~
~~Adult Day Care Center~~
~~Advertising Agencies~~
~~Amusement Services~~
~~Antennas, Radio, TV, Dish Sales~~
~~Antique Shops~~
~~Apparel and Accessory Sales~~
~~Appliance Store~~
~~Architects Office~~
~~Art Galleries~~
~~Art and Drafting Supplies~~
~~Auction Sales (No Outside Storage)~~
~~Auction Sales (With Outside Storage)~~
~~Audio & Video Retail, Rental, and Repair Shops~~

~~Automatic Bank Tellers~~
~~Automobile Body Shop~~
~~Automobile Parking Lots~~
~~Automobile Parts and Accessories~~
~~Automobile Repair Shop~~
~~Automobile Service Station (Pump Islands Shall Be 25' From Right Of Way And Closest Edge Of Canopies 10' From Right Of Way)~~
~~Automobile & Truck Sales and Services (New Or Used)~~
~~Automobile Washing Facilities~~
~~Bakeries Retail (Not More Than 4000 Square Feet)~~
~~Banks, Branch Office~~
~~Banks, Main Office~~
~~Barber & Beauty Shops~~
~~Baseball Hitting Ranges~~
~~Beach Bingo~~
~~Bed & Breakfast~~
~~Bicycle Sales and/or Services~~
~~Billiards & Pool Halls~~
~~Boat Sales and/or Services~~
~~Book & Stationary Stores (up to or exceeding 3000 Square Feet)~~
~~Bowling Lanes~~
~~Breweries, Distilleries, and Wineries~~
~~Broadcasting Studios~~
~~Building Construction and Supplies~~
~~Bus Terminals~~
~~Carpet Sales & Storage~~
~~Computer and Data Processing Services~~
~~Contractors Office (No Storage)~~
~~Convenience Stores (No Fuel Pumps)~~
~~Convenience Stores (Pump Islands Shall Be 25' from Right of way, Closest Edge Of Any Canopies Shall Be 10' From Right Of Way)~~
~~Convenience Stores (Full Service, Pump Islands Shall be 25' From Right Of Way, Closest Edge Of Any Canopies Shall Be 10' From Right Of Way)~~
~~Crafts/Hobby Shops~~
~~Credit and Finance Office~~
~~Crematory (see Section 715)~~
~~Dance Halls/Including Night Clubs~~
~~Delicatessens~~
~~Department Stores~~
~~Drug Stores (up to or exceeding 3000 Square Feet)~~
~~Dry Cleaning and Laundry Service (Not More Than 3000 Square Feet)~~
~~Duplicating, Mimeographing and Multilithing Operations (up to or exceeding 3000 Square Feet)~~
~~Dwelling, Group~~
~~Dwelling, Single Family Detached~~

~~Dwelling, Two Family~~
~~Electronic Product Sales & Services~~
~~Exterminating Service~~
~~Fabric Stores~~
~~Family Care Facility~~
~~Farm Machinery Sales and Services~~
~~Farm Supplies~~
~~Film Drop Off Booth~~
~~Firing Range (Indoor)~~
~~Floor Coverings~~
~~Florist Shops (up to or exceeding 3000 Square Feet)~~
~~Funeral Homes~~
~~Furniture and Home Furnishings~~
~~Furniture Repair Including Refinishing and Upholstery~~
~~Garden Supply Store~~
~~Gift Shops (up to or exceeding 3000 Square Feet)~~
~~Glass & Mirror Stores (Sales)~~
~~Golf Courses (18 Holes)~~
~~Golf Courses (Miniature)~~
~~Golf Driving Ranges~~
~~Green Houses, Commercial~~
~~Green Houses, Private (Not To Exceed 1000 Square Feet)~~
~~Guns & Ammunition Sales~~
~~Hardware Stores (up to or exceeding 3000 Square Feet)~~
~~Health Clubs/Spa~~
~~Heavy Equipment Sales & Service~~
~~Hospitals~~
~~Hotels & Motels~~
~~Interior Designers~~
~~Jewelry Sales & Repair~~
~~Kennels Commercial~~
~~Laundromats (up to or exceeding 3000 Square Feet)~~
~~Lawn & Garden Care Supplies~~
~~Lighting Stores~~
~~Liquor (ABC) Stores~~
~~Locksmith and Gunsmith~~
~~Manufactured Home Sales and/or Recreational Vehicle Sales~~
~~Medical & Dental Offices/Clinics~~
~~Medical & Dental Labs~~
~~Monument Sales~~
~~Motorcycle Sales & Service~~
~~Movie Theaters (Indoor)~~
~~Music Stores~~
~~Music Studio~~

~~Novelty & Souvenir Shops~~
~~Nurseries and Commercial Greenhouses (up to or exceeding 3000 Square Feet)~~
~~Nursery Schools & Day Care Centers~~
~~Office Equipment & Supply Stores~~
~~Optician & Optical Supply Stores~~
~~Paint & Wallpaper Stores~~
~~Pawn & Trade Shops~~
~~Pet Shops~~
~~Pharmaceutical Manufacturing~~
~~Pharmaceuticals (Sales)~~
~~Photography Studios~~
~~Photography Supply Stores~~
~~Plumbing and Hearing Supplies~~
~~Produce Stands~~
~~Professional Offices~~
~~Public Utility Office~~
~~Public Utility Substation~~
~~Publishing and Printing~~
~~Radio & Television Repair Shops~~
~~Radio & Television Sales~~
~~Radio & Television Studios~~
~~Radio & Television Transmission Tower~~
~~Real Estate Services~~
~~Research Activities and Research Development~~
~~Restaurants~~
~~Seamstress Shops~~
~~Second Hand Stores and Swap Shops~~
~~Sheetmetal Shops~~
~~Shoe Sales & Repair Stores~~
~~Shoe Store~~
~~Shopping Centers & Malls~~
~~Sign Manufacturing and Assembly~~
~~Sign Painting~~
~~Sign Sales Leasing (No storage)~~
~~Skating Rinks~~
~~Sporting Goods Stores~~
~~Stone and Clay Product Sales~~
~~Studio and Specialty Schools~~
~~Supermarkets~~
~~Surveyors Offices~~
~~Tattoo and Body Piercing Parlors~~
~~Taxi Stands~~
~~Travel Agencies~~
~~Truck, Farm Equipment and Heavy Equipment Sales and Service~~

~~Truck Terminals~~
~~Vending Company~~
~~Veterinarians Office (With No Outside Kennels or Storage of Supplies and Soundproofed Walls)~~
~~Veterinarians Office~~
~~Warehouses (Mini)~~
~~Youth Day Care~~
~~Also see Permitted Use Chart~~

810.3 Permitted Conditional Uses

~~Adult Uses (Provided They Are Located 1000 Feet (Measured From Center of Said Location in a Direct Line) From Any School, Church or Any Residential Zone)~~
~~Armories~~
~~Auditorium, Assembly Hall~~
~~Cemeteries – Human & Pet~~
~~Church/Synagogue~~
~~Colleges, Universities, Technical Colleges or Commercial Trade Schools~~
~~Country Clubs~~
~~Cultural and Community Facilities~~
~~Dwelling, Multifamily (3 or more Units)~~
~~Dwelling, Single Family Attached~~
~~Flea Markets~~
~~Government Offices~~
~~Libraries~~
~~Museums~~
~~Parks & Playgrounds~~
~~Wholesale Operations~~
~~Woodworking Shops~~
~~See Permitted Use Chart~~
~~Special Review Procedures for Conditional Use Permit (see Article IX, Section 900)~~

810.4 Area Regulations (also see Article VII)

810.41 Minimum Lot Area – None

810.42 Minimum Lot Width – None

810.43 Minimum Front Yard

810.431 Residential – ~~65' from centerline of street where no recorded right of way exists or 35' from street right of way where the recorded right of way is not less than 40'. Rights of way are to be determined by Caldwell County Tax Maps, recorded plats, recorded subdivision plats, and deed descriptions.~~

810.432 Non Residential

~~A. With side and rear parking—40' from the centerline of street, right of way or 10' from street right of way whichever distance is greater.~~

~~B. With front parking—75' from centerline of street or 40' from street right of way, whichever distance is greater.~~

810.44 Minimum Side Yard

~~810.441 Residential—10 feet~~

~~810.442 Non-Residential~~

~~A. Abutting residential—30 feet~~

~~B. Abutting non-residential—none~~

~~810.443 All Lots—abutting side street—25 feet~~

~~810.45 Minimum Rear Yard (see Section 701)~~

~~810.451 Residential—20 feet~~

~~810.452 Non-Residential~~

~~A. Abutting residential—30 feet~~

~~B. Abutting non-residential—20 feet~~

~~810.5 Building Height Regulations (also see Section 706)~~

~~Maximum building height—65 feet~~

~~810.6 Off Street Parking and Loading Regulations—See Article X~~

~~810.7 On Street Loading and Unloading Regulations~~

~~If off-street loading and unloading facilities are not available, and loading and unloading must occur on public streets, the following regulations shall be met:~~

~~810.71 One (1) lane of traffic on one-way streets must be left open at all times.~~

~~810.72 No loading or unloading shall take place on streets with two (2) way traffic where only two (2) lanes are available and traffic is opposing.~~

~~810.73 No on-street loading and unloading shall take place where on-street parking is permitted to the extent parked vehicles would not be permitted adequate ingress and egress to parking spaces.~~

~~810.74 No on-street loading or unloading shall take place on streets on the federally-aided system, NC 18, US 321 and US 64.~~

~~810.8 Sign Regulations—See Article X.~~

~~810.9 Landscaping and Buffering Requirements—See Section 712~~

~~810.10 Light Industrial Uses~~

~~810.101 Outside Storage: Outside storage shall be screened by opaque fencing. Fencing should be of a quality aesthetically acceptable to the surrounding area.~~

~~810.102 Emissions: Emissions of dust, smoke, and noise shall be at a minimum and in keeping with the regulations as set forth by the North Carolina Department of Natural Resources and Community Development.~~

~~810.103 Parking:~~

~~810.1031 Employee parking shall be provided by either on-site or off-site parking.~~

~~810.1032 Parking shall be the responsibility of the occupant of the structure and/or land area used for light industrial purposes.~~

~~810.104 Pretreatment of Sewage: Prior to the issuance of a Certificate of Occupancy, a confirmation in writing from the Superintendent of the Lenoir Water and Sewer Treatment Facilities shall be submitted to the Planning Department indicating that all effluent would be acceptable to the Lenoir Sewer System without pre-treatment.~~

~~810.105 Hazardous Waste: Storage of hazardous waste in excess of the requirements of the North Carolina State Building Code shall not be permitted. Confirmation in writing from the City Building Inspector as to the hazardous waste requirements shall be submitted to the Planning Department prior to the issuance of a Certificate of Occupancy.~~

~~810.106 Loading and Unloading: See Article X and Section 811.7.~~

811 B-3 (Central Business District)

811.1 Intent

~~The purpose of the Central Business District is to serve as the center of the city's financial business, professional, cultural, and governmental activities by providing a variety of supporting personal services and retail trades for the convenience of people employed in and around the Central Business District and transient shoppers. The yard requirements within the district are designed to provide for the intensive use of land within this district and concentrated development. Those commercial activities which require an extensive use of land to market their products such as car dealerships and commercial establishments requiring outside storage are prohibited from the district.~~

811.2 Permitted Uses

~~Accessory Apartment (Preexisting)
 Accessory Use or Accessory Building (Residential)
 Accountants Office, Auditors and Bookkeepers
 Adult Day Care Center
 Advertising Agencies
 Amusement Services
 Antennas, Radio, TV, Dish Sales
 Antique Shops
 Apparel and Accessory Sales
 Appliance Store
 Architects Office
 Art Galleries
 Art and Drafting Supplies
 Auction Sales (No Outside Storage)~~

~~Audio & Video Retail, Rental, and Repair Shops~~
~~Auditorium, Assembly Hall~~
~~Automatic Bank Tellers~~
~~Automobile Parking Lots~~
~~Automobile Parts and Accessories~~
~~Automobile Service Station (Pump Islands Shall be 25' From Right of Way and Closest Edge of Canopies 10' From Right of Way)~~
~~Bakeries Retail (Not More Than 4000 Square Feet)~~
~~Banks, Branch Office~~
~~Banks, Main Office~~
~~Barber & Beauty Shops~~
~~Bed & Breakfast~~
~~Bicycle Sales and/or Services~~
~~Billiards & Pool Halls~~
~~Book & Stationary Stores (Up To or Exceeding 3000 Square Feet)~~
~~Bowling Lanes~~
~~Breweries, Distilleries, and Wineries~~
~~Broadcasting Studios~~
~~Carpet Sales & Storage~~
~~Church/Synagogue~~
~~College, University, Technical College or Commercial Trade~~
~~Computer & Data Processing Services~~
~~Contractors Office (No Outside Storage)~~
~~Convenience Stores (No Fuel Pumps)~~
~~Convenience Stores (Pump Islands Shall be 25' from Right of way, Closest Edge of Any Canopies Shall be 10' From Right of Way)~~
~~Convenience Stores (Full Service, Pump Islands Shall be 25' From Right of Way, Closest Edge of Any Canopies Shall be 10' From Right of Way)~~
~~Crafts/Hobby Shops~~
~~Credit and Finance Office~~
~~Cultural and Community Facilities~~
~~Dance Halls Including Night Clubs~~
~~Delicatessens~~
~~Department Stores~~
~~Drug Stores (More Than 3000 Square Feet)~~
~~Dry Cleaning and Laundry Service (Not More Than 3000 Square Feet)~~
~~Duplicating, Mimeographing and Multilithing Operations (More Than 3000 Square Feet)~~
~~Dwelling, Group~~
~~Dwelling, Single Family Detached~~
~~Dwelling, Two Family~~
~~Electronic Product Sales~~
~~Fabric Stores~~
~~Family Care Facility~~
~~Film Drop Off Booth~~

Floor Coverings
 Florist Shops (More Than 3000 Square Feet)
 Funeral Homes
 Furniture and Home Furnishings
 Furniture Repair Including Refinishing and Upholstery
 Garden Supply Store
 Gift Shops (More Than 3000 Square Feet)
 Glass & Mirror Stores (Sales)
 Golf Courses (Miniature)
 Government Offices
 Green Houses, Commercial
 Green Houses, Private (Not To Exceed 1000 Square Feet)
 Guns & Ammunition Sales
 Hardware Stores (Up To or exceeding 3000 Square Feet)
 Health Clubs/Spa
 Hospitals
 Hotels & Motels
 Interior Designers
 Jewelry Sales & Repair
 Laundromats (Up To or Exceeding 3000 Square Feet)
 Libraries
 Lighting Stores
 Liquor (ABC) Stores
 Locksmith and Gunsmith
 Medical & Dental Offices/Clinics
 Medical & Dental Labs
 Movie Theaters (Indoors)
 Museums
 Music Stores
 Music Studio
 Novelty & Souvenir Shops
 Nursery Schools & Day Care Centers
 Office Equipment & Supply Stores
 Optician & Optical Supply Stores
 Paint & Wallpaper Stores
 Parks & Playgrounds
 Pawn & Trade Shops
 Pet Shops
 Pharmaceuticals Sales
 Photography Studios
 Photography Supply Stores
 Produce Stands
 Professional Offices
 Public Utility Office

~~Public Utility Substation~~
~~Publishing and Printing~~
~~Radio & Television Repair Shops~~
~~Radio & Television Sales~~
~~Radio & Television Studios~~
~~Radio & Television Transmission Tower~~
~~Real Estate Services~~
~~Restaurants~~
~~Second Hand Stores and Swap Shops~~
~~Shoe Sales & Repair Stores~~
~~Shoe Store~~
~~Shopping Centers & Malls~~
~~Skating Rinks~~
~~Sporting Goods Stores~~
~~Studios or Specialty Schools~~
~~Supermarkets~~
~~Surveyors Offices~~
~~Taxi Stands~~
~~Travel Agencies~~
~~Youth Day Care~~
~~Also see Permitted Use Chart~~

811.3 Permitted Conditional Uses

~~None~~
~~Dwelling, Multi-Family (3 or more units)~~
~~Dwelling, Single-Family Attached~~
~~See Permitted Use Chart~~
~~Special Review Procedures for Conditional Use Permit~~
~~(see Article IX Section 900)~~

811.4 Area Regulations (Also see Article VII)

~~811.41 Minimum Lot Area—None~~
~~811.42 Minimum Lot Width—None~~
~~811.43 Minimum Front Yard—None~~
~~811.44 Minimum Side Yard—None~~
~~811.45 Minimum Rear Yard—none~~

811.5 Building Height Regulations (Also see Section 706)

~~Maximum building height—80 feet~~

811.6 Off street Parking and Loading Regulations—None

811.7 On-Street Loading and Unloading Regulations

~~If off-street loading and unloading facilities are not available, and loading and unloading must occur on public streets the following regulations shall be met:~~

~~811.71 One (1) lane of traffic on one-way streets must be left open at all times.~~

~~811.72 No loading or unloading shall take place on streets with two (2) way traffic where only two (2) lanes are available and traffic is opposing.~~

~~811.73 No on-street loading or unloading shall take place where on-street parking is permitted to the extend parked vehicles would not be permitted adequate ingress and egress to parking spaces.~~

~~811.74 No on-street loading or unloading shall take place on streets on the federally aided system, NC 18, US 321 and US 64.~~

~~811.8 Sign Regulations – See Article XI.~~

~~811.9 Landscaping and Buffering Requirements. See Section 712.~~

~~811.10 Light Industrial Uses~~

~~811.101 Outside Storage: No outside storage shall be permitted.~~

~~811.102 Emissions: No outside emissions of dust, smoke or noise shall be caused by manufacturing process.~~

~~811.103 Parking:~~

~~811.1031 Employee parking shall be provided by either on-site or off-site parking.~~

~~811.1032 Parking shall be the responsibility of the occupant of the structure and/or land area used for light industrial purposes.~~

~~811.104 Pretreatment of Sewage: Prior to the issuance of a Certificate of Occupancy a confirmation in writing from the Superintendent of the Lenoir Water and Sewer Treatment Facilities shall be submitted to the Planning Department indicating that all effluent would be acceptable to the Lenoir Sewer System without pretreatment.~~

~~811.105 Hazardous Waste: Storage of hazardous waste in excess of the requirements of the North Carolina State Building Code shall not be permitted. Confirmation in writing from the City Building Inspector as to the hazardous waste requirements shall be submitted to the Planning Department prior to the issuance of a Certificate of Occupancy.~~

~~811.106 Loading and Unloading~~

~~See Article X and Section 807.~~

811.11 Central Business District (B-3) Design Standards

[Editor's Note: Section 811.11 is proposed to remain unchanged in content, with slight changes to numbering. The text of the subsections has been omitted from this ordinance, as indicated by the "****" notation.]

811.14 Design Criteria

~~811.412-2~~ Parking Criteria

~~811.413-3~~ Streetscape Protection

~~812 B-4 (Limited Business)~~

812.1 Intent

This district is to provide for areas which serve the retail service and professional uses. The intent is to provide for the size, scope and scale of the commercial and professional uses in this district that would be compatible and not intrusive, noxious or detrimental with adjacent residential neighborhoods and provide adequate transition between commercial and residential areas. Points of access to public street shall be limited as appropriate and common points of access between lots should be utilized.

812.2 Permitted Uses

Accessory Apartment (Preexisting)
 Accessory Use Or Accessory Bldg. (Non Residential)
 Accessory Use Or Accessory Bldg. (Residential)
 Accountants Office, Auditors and Bookkeepers
 Adult Day Care Center
 Advertising Agencies
 Antennas, Radio, TV, Dish Sales
 Antique Shops
 Apparel and Accessory Sales
 Architects Office
 Armories
 Art Galleries
 Art and Drafting Supplies
 Audio & Video Retail, Rental, and Repair Shops
 Automatic Bank Tellers
 Automobile Parking Lots
 Bakeries Retail (Not More Than 4000 Square Feet)
 Banks, Branch Office
 Barber & Beauty Shops
 Bed & Breakfast
 Bicycle Sales and/or Services
 Boarding/Rooming Houses
 Boat Sales and/or Services
 Book & Stationary Stores (No More Than 3000 Square Feet)
 Broadcasting Studios
 Bus Terminals
 Church/Synagogue
 Computer & Data Processing Services
 Contractors Office (No Storage)

Convenience Stores (No Fuel Pumps)
 Country Clubs
 Crafts/Hobby Shops
 Credit and Finance Office
 Crematory (Accessory to Funeral Home Only—see Section 715)
 Cultural and Community Facilities
 Delicatessens
 Drug Stores (Not More Than 3000 Square Feet)
 Dry Cleaning and Laundry Service (Not More Than 3000 Square Feet)
 Duplicating, Mimeographing and Multilithing Operations (Not More Than 3000 Square Feet)
 Dwelling, Group
 Dwelling, Single Family Detached
 Dwelling, Two Family
 Electronic Product Sales
 Fabric Stores
 Family Care Facility
 Film Drop-Off Booth
 Florist Shops (Not More Than 3000 Square Feet)
 Funeral Homes
 Garden Supply Store
 Gift Shops (Not More Than 3000 Square Feet)
 Glass & Mirror Stores (Sales)
 Golf Driving Ranges
 Government Offices
 Green Houses, Commercial
 Green Houses, Private (Not To Exceed 1000 Square Feet)
 Guns & Ammunition Sales
 Hardware Stores (Not More Than 3000 Square Feet)
 Health Clubs/Spa
 Hospitals
 Interior Designers
 Jewelry Sales & Repair
 Kennels Commercial
 Laundromats (Not More Than 3000 Square Feet)
 Lighting Stores
 Locksmith and Gunsmith
 Medical & Dental Offices/Clinics
 Medical & Dental Labs
 Museums
 Music Stores
 Neighborhood Business
 Novelty & Souvenir Shops
 Nurseries and Commercial Greenhouses (Not More Than 3000 Square Feet)
 Nursing, Convalescent & Extended Care Facilities

~~Nursery Schools & Day Care Centers~~
~~Office Equipment & Supply Stores~~
~~Optician & Optical Supply Stores~~
~~Parks & Playgrounds~~
~~Pawn & Trade Shops~~
~~Pet Shops~~
~~Pharmaceuticals Sales~~
~~Photography Studios~~
~~Photography Supply Stores~~
~~Plastic Products (Manufacturing)~~
~~Plumbing & Heating Supplies~~
~~Produce Stands~~
~~Professional Offices~~
~~Public Utility Office~~
~~Public Utility Substation~~
~~Publishing and Printing~~
~~Radio & Television Sales~~
~~Real Estate Services~~
~~Research Activities and Research Development~~
~~Seamstress Shop~~
~~Second Hand Stores and Swap Shops~~
~~Shoe Store~~
~~Skating Rinks~~
~~Sporting Goods Stores~~
~~Studios or Specialty Schools~~
~~Supermarkets~~
~~Surveyors Offices~~
~~Travel Agencies~~
~~Veterinarian Office (With No Outside Kennels or Storage of Supplies and Soundproofed Walls)~~
~~Youth Day Care~~
~~Also see Permitted Use Chart~~

812.3 Permitted Conditional Uses

~~Dwelling, Multi Family (3 or More Units)~~
~~Dwelling, Single Family Attached~~
~~See Permitted Use Chart~~
~~Special Review Procedures for Conditional Use Permit (see Article IX, Section 900)~~

812.4 Area Regulations (also see Article VII)

812.41 Minimum Lot Area ~~None~~

812.42 Minimum Lot Width ~~None~~

812.43 Minimum Front Yard

~~812.431 Residential—65' from centerline of street where no recorded right of way exists or 35' from street right of way where the recorded right of way is not less than 40'. Rights of way are to be determined by Caldwell County Tax Maps, recorded plats, recorded subdivision plats, and deed descriptions.~~

812.432 Non Residential

~~A. With side and rear parking 40' from the centerline of street, right of way or 10' from street right of way whichever distance is greater.~~

~~B. With front parking 75 feet from centerline of street or 40 feet from street right of way, whichever distance is greater.~~

812.44 Minimum Side Yard

~~812.441 Residential—10 feet~~

~~812.442 Non Residential~~

~~A. Abutting residential—30 feet~~

~~B. Abutting non-residential none~~

~~812.443 All Lots—abutting side street—25 feet (see Section 701)~~

812.45 Minimum Rear Yard

~~812.451 Residential—20 feet~~

~~812.452 Non-residential~~

~~A. Abutting residential—30 feet~~

~~B. Abutting non-residential—20 feet~~

812.5 Building Height Regulations (also see Section 706)

~~Maximum building height—35 feet~~

812.6 Off Street Parking and Loading Regulations—See Article X

812.7 On Street Loading and Unloading Regulations

~~If off-street loading and unloading facilities are not available, and loading and unloading must occur on public streets, the following regulations shall be met:~~

~~812.71 One (1) lane of traffic on one-way streets must be left open at all times.~~

~~812.72 No loading or unloading shall take place on streets with two-way traffic where only two (2) lanes are available and traffic is opposing.~~

~~812.73 No on-street loading and unloading shall take place where on-street parking is permitted to the extent parked vehicles would not be permitted adequate ingress and egress to parking spaces.~~

~~812.74 No on-street loading or unloading shall take place on streets on the Federally aided system, NC 18, US 321 and US 64.~~

~~812.8 Sign Regulations—See Article XI~~

~~812.9 Landscaping and Buffering Requirements—See Section 712.~~

813 I-1 (Light Industrial)

813.1 Intent

~~This district is established to provide wholesale distribution activities, warehousing, retail storage, and certain industrial and fabrication activities which are normally operated in a relatively clean and quite manner and with little or no adverse effect upon adjoining properties. Some mixture of retail, wholesale, and industrial development may occur in this district.~~

813.2 Permitted Uses

~~Accessory Apartment (Preexisting)~~
~~Accessory Use or Accessory Building (Non-Residential)~~
~~Accessory Use or Accessory Building (Residential)~~
~~Adult Day Care Center~~
~~Adult Use (Provided They are Located 1000 Feet (Measured From Center of Said Location in a Direct Line) From Any School, Church or Any Residential Zone)~~
~~Amusement Services~~
~~Apparel and Accessory Sales~~
~~Appliance Store~~
~~Armories~~
~~Art Galleries~~
~~Art and Drafting Supplies~~
~~Auction Sales (No Outside Storage)~~
~~Auction Sales (With Outside Storage)~~
~~Audio Video Retail Rental & Repair Shops~~
~~Auditorium, Assembly Hall~~
~~Automatic Bank Tellers~~
~~Automobile Body Shop~~
~~Automobile Parking Lots~~
~~Automobile Parts and Accessories~~
~~Automobile Repair Shop~~
~~Automobile Service Station (Pump Islands Shall be 25' From Right of Way and Closest Edge of Canopies, 10' From Right of Way)~~
~~Automobile & Truck Sales and Service (New or Used)~~
~~Automobile Washing Facilities~~
~~Bakeries Retail (Up To or Exceeding Over 4000 Square Feet)~~
~~Banks, Branch Office~~
~~Barber & Beauty Shops~~
~~Baseball Hitting Ranges~~
~~Bicycle Sales and/or Services~~
~~Boat Sales and/or Services~~
~~Breweries, Distilleries, and Wineries~~

~~Broadcast Studios~~
~~Building Construction and Supplies~~
~~Bus Terminals~~
~~Cabinet Shops~~
~~Carpet Sales & Storage~~
~~Chemical Manufacturing~~
~~College, University, Technical College or Commercial Trade Schools~~
~~Computer & Data Processing Services~~
~~Contractors Office (General, Electrical, Heating, Air Conditioning etc.) (No Outside Storage)~~
~~Contractors Office and Equipment (General, Electrical, Heating, Air Conditioning etc.) (Storage)~~
~~Convenience Stores (No Fuel Pumps)~~
~~Convenience Stores (Pump Islands Shall Be 25' From Right Of Way, Closest Edge Of Any Canopies Shall Be 10' From Right Of Way)~~
~~Convenience Stores (Full Service, Pump Islands Shall Be 25' From Right Of Way, Closest Edge Of Any Canopies Shall Be 10' From Right Of Way)~~
~~Crafts/Hobby Shops~~
~~Crematory (see Section 715)~~
~~Delicatessens~~
~~Drug Stores (Not more than 3000 Square Feet)~~
~~Drug Stores (Up To or Exceeding 3000 Square Feet)~~
~~Dry Cleaning and Laundry Service (More Than 3000 Square Feet)~~
~~Duplicating, Mimeographing and Multilithing Operations (Not More Than 3000 Square Feet)~~
~~Duplicating, Mimeographing and Multilithing Operations (Up To Or Exceeding 3000 Square Feet)~~
~~Electronic Products Manufacturing~~
~~Electronic Product Sales & Service~~
~~Exterminating Service~~
~~Fabric Stores~~
~~Fabrication or Assembly of Products from Preconstructed Materials or Components~~
~~Farm Machinery Sales and Services~~
~~Farm Supplies~~
~~Film Drop Off Booth~~
~~Firing Range (In Door)~~
~~Flammable Liquids (Bulk Storage)~~
~~Flea Markets~~
~~Floor Coverings~~
~~Furniture And Home Furnishings Sales~~
~~Furniture Repair Including Refinishing And Upholstery~~
~~Garden Supply Store~~
~~Glass & Mirror Stores (Sales)~~
~~Golf Driving Ranges~~
~~Greenhouses – Commercial~~
~~Hardware Stores (Up To Or Exceeding 3000 Square Feet)~~
~~Heavy Equipment Sales & Service~~

~~Laundromats (Not more than 3000 Square Feet)~~
~~Laundromats (Up To Or Exceeding 3000 Square Feet)~~
~~Laundry & Dry Cleaning Plants~~
~~Lawn & Garden Care Supplies~~
~~Lighting Stores~~
~~Linen & Uniform Supply Stores~~
~~Locksmith and Gunsmith~~
~~Lumber and Products (Raw Materials Processing)~~
~~Lumber Yards~~
~~Machine & Welding Shops~~
~~Manufactured Home Sales and/or Recreational Vehicle Sales~~
~~Meat packing Plants~~
~~Metal Fabrication Plants~~
~~Monument Sales~~
~~Motoreycle Sales & Service~~
~~Moving and Storage Operations~~
~~Nurseries and Commercial Greenhouses (Up To Or Exceeding 3000 Square Feet)~~
~~Nursery Schools & Day Care Centers~~
~~Office Equipment & Supply Stores~~
~~Optician & Optical Supply Stores~~
~~Paint & Wallpaper Stores~~
~~Pawn & Trade Shops~~
~~Pharmaceuticals (Sales)~~
~~Pharmaceuticals Manufacturing~~
~~Plastic Products~~
~~Plumbing and Heating Supplies~~
~~Processing Plants~~
~~Produce Stands~~
~~Public Service Facilities~~
~~Public Utility Office~~
~~Public Utility Office and Equipment Storage~~
~~Public Utility Substation~~
~~Radio & Television Repair Shops~~
~~Radio & Television Studios~~
~~Radio & Television Transmission Tower~~
~~Restaurants~~
~~Second Hand Stores and Swap Shops~~
~~Sheetmetal Shops~~
~~Sign Manufacturing and Assembling~~
~~Sign Painting~~
~~Skating Rinks~~
~~Stone and Clay Product Sales~~
~~Studios/Specialty Schools~~
~~Taxi Stands~~

~~Tool and Die Operations~~
~~Truck, Farm Equipment and Heavy Equipment Sales and Services~~
~~Truck Terminals~~
~~Vending Companies~~
~~Veterinarian Office (With No Outside Kennels Or Storage Of Supplies and Soundproofed Walls)~~
~~Veterinarian Office~~
~~Warehouses~~
~~Warehouses (Mini)~~
~~Welding Operations~~
~~Wholesale Operations~~
~~Woodworking Shops~~
~~Youth Day Care~~
~~Also see Permitted Use Chart~~

813.3 Permitted Conditional Uses

~~None~~
~~See Permitted Use Chart~~
~~Special Review Procedures for Conditional Use Permit~~
~~(see Article XI Section 900)~~

813.4 Area Regulations (Also see Article VII)

813.41 Minimum Lot Area ~~— 10,000 square feet~~

813.42 Minimum Lot Width ~~— 80 feet~~

813.43 Minimum Front Yard ~~— 25 feet from right of way~~

813.44 Minimum Side Yard

813.441 Abutting residential or office district ~~— 25 feet~~

813.442 Abutting commercial or industrial district ~~— none~~

813.443 All lots ~~— abutting side street — 25 feet~~

813.45 Minimum Rear Yard (See Section 701)

813.451 Abutting residential or office district ~~25 feet~~

813.452 Abutting commercial or industrial district ~~— none~~

813.5 Building Height Regulations (Also see Section 706)

~~Maximum building height — 65 feet.~~

~~813.6 Off street Parking and Loading Regulations—~~

~~813.7 Sign Regulations—See Article XI~~

~~813.8 Landscaping and Buffering Requirements—See Section 712~~

~~814 I-2 (Heavy Industrial District)~~

~~814.1 Intent~~

~~This district is established to accommodate those industrial uses which, because of their operation, may be incompatible with surrounding residential and commercial land uses or require large acreage near or adjacent to major thoroughfares and railroad access. Realizing the necessity of providing, maintaining and preserving land areas for industrial development, all residential and commercial uses are prohibited in this zone (except those commercial activities that may be supportive of this district, by special use—such as—restaurants, day care facilities, etc.). Certain heavy industrial operations which, because of the nature of their function, may emit smoke, dust, glare, noise, odors, and use dangerous materials, are allowed in this zone, but such emissions should be minimized.~~

~~814.2 Permitted Uses~~

~~Accessory Apartment (Preexisting)~~
~~Accessory Use Or Accessory Bldg. (Nonresidential)~~
~~Accessory Use Or Accessory Bldg. (Residential)~~
~~Adult Day Care Center~~
~~Amusement Services~~
~~Apparel and Accessory Sales~~
~~Appliance Store~~
~~Armories~~
~~Art Galleries~~
~~Art and Drafting Supplies~~
~~Asphalt Products~~
~~Auction Sales (No Outside Storage)~~
~~Audio Video Retail Rental & Repair Shops~~
~~Auditorium, Assembly Hall~~
~~Automatic Bank Tellers~~
~~Automobile Body Shop~~
~~Automobile Parking Lots~~
~~Automobile Parts and Accessories~~
~~Automobile Repair Shop~~
~~Automobile Service Station (Pump Islands Shall Be 25' From Right Of Way And Closest Edge Of Canopies 10' From Right Of Way)~~
~~Automobile & Truck Sales and Service—(New or Used)~~
~~Automobile Washing Facilities~~
~~Bakeries Retail (Up To Or Exceeding 4000 Square Feet)~~

~~Banks, Branch Office~~
~~Barber & Beauty Shops~~
~~Baseball Hitting Ranges~~
~~Bicycle Sales and/or Services~~
~~Boat Sales and/or Services~~
~~Breweries, Distilleries, and Wineries~~
~~Brick, Tile and Pottery Manufacturing~~
~~Broadcast Studios~~
~~Building Construction and Supplies~~
~~Bus Terminals~~
~~Cabinet Shops~~
~~Carpet Sales & Storage~~
~~Chemical Manufacturing~~
~~College, University, Technical College or Commercial Trade Schools~~
~~Computer & Data Processing Services~~
~~Concrete Products or Production~~
~~Contractors Office and Equipment Storage~~
~~Convenience Stores (No Fuel Pumps)~~
~~Convenience Stores (Pump Islands Shall Be 25' From~~
~~Right Of Way, Closest Edge Of Any Canopies Shall Be 10' From Right Of Way)~~
~~Crafts/Hobby Shops~~
~~Crematory (see Section 715)~~
~~Delicatessens~~
~~Drug Stores (Not more than 3000 Square Feet)~~
~~Drug Stores (Up To or Exceeding 3000 Square Feet)~~
~~Dry Cleaning and Laundry Service (More Than 3000 Square Feet)~~
~~Duplicating, Mimeographing and Multilithing Operations~~
~~Electronic Products Manufacturing~~
~~Electronic Product Sales & Service~~
~~Exterminating Service~~
~~Extraction of Earth Products~~
~~Fabric Stores~~
~~Fabrication or Assembly of Products From Preconstructed Materials or Components~~
~~Farm Machinery Sales and Services~~
~~Farm Supplies~~
~~Feed and Seed Milling and Storage~~
~~Fertilizer Manufacturing and Distribution~~
~~Film Drop Off Booth~~
~~Film Processing Plant~~
~~Firing Range (Indoor)~~
~~Flammable Liquids (Bulk Storage)~~
~~Flea Markets~~
~~Floor Coverings Stores~~
~~Food Processing Plants~~

Foundry
 Furniture And Home Furnishings Sales
 Furniture Manufacturing
 Furniture Repair Including Refinishing And Upholstery
 Garden Supply Store
 Glass and Mirror Manufacturing
 Glass & Mirror Stores
 Golf Driving Ranges
 Greenhouses—Commercial
 Hardware Stores (Up To Or Exceeding 3000 Square Feet)
 Heavy Equipment Sales & Service
 Junk Yards, provided portions within 100 feet of a public street are buffered from view per the buffering specifications of section 712.8 of this ordinance. Existing natural vegetation may be used as a credit for buffering in cases where it meets the screening intent of section 712.8 junk yards in existence at the time of adoption of this ordinance shall have 6 months to comply with the buffering standards.
 Kennels—Commercial
 Laundromats
 Laundry & Dry Cleaning Plants
 Lawn & Garden Care Supplies
 Lighting Stores
 Linen & Uniform Supply Stores
 Locksmith and Gunsmith
 Lumber and Products (Raw Materials Processing)
 Lumber Yards
 Machine & Welding Shops
 Manufactured Home Sales and/or Recreational Vehicle Sales
 Meat Packing Plants
 Metal Fabricating Plants
 Monument Sales
 Motorcycle Sales & Service
 Moving and Storage Operations
 Nurseries and Commercial Greenhouses (Up To Or Exceeding 3000 Square Feet)
 Nursery Schools & Day Care Centers
 Office Equipment & Supply Stores
 Optician & Optical Supply Stores
 Paint & Wallpaper Stores
 Pawn & Trade Shops
 Pharmaceuticals Manufacturing
 Pharmaceuticals Sales
 Plastic Products
 Plumbing and Heating Supplies
 Processing Plants
 Produce Stands

~~Public Service Facilities~~
~~Public Utility Office and Equipment Storage~~
~~Public Utility Substation~~
~~Radio & Television Repair Shops~~
~~Radio & Television Studios~~
~~Radio & Television Transmission Tower~~
~~Restaurants~~
~~Rubber and Glass Products Manufacturing~~
~~Second Hand Stores and Swap Shops~~
~~Sheetmetal Shops~~
~~Sign Manufacturing and Assembling~~
~~Sign Painting~~
~~Skating Rinks~~
~~Stone and Clay Products Manufacturing~~
~~Stone and Clay Products Sales~~
~~Stone Crushing, Cutting and Polishing~~
~~Studios/Specialty Schools~~
~~Taxi Stands~~
~~Textile Manufacturing, Finishing & Dyeing~~
~~Tire Recapping Operations~~
~~Tool and Die Operations~~
~~Truck Terminals~~
~~Truck, Farm Equipment and Heavy Equipment Sales and Services~~
~~Vending Companies~~
~~Veterinarian Office~~
~~Warehouses~~
~~Warehouses (Mini)~~
~~Welding Operations~~
~~Wholesale Operations~~
~~Woodworking Shops~~
~~Youth Day Care~~
~~Also see Permitted Use Chart~~

814.3 ~~Permitted Conditional Uses~~

~~None~~
~~See Permitted Use Chart~~
~~Special Review Procedures for Conditional Use Permit~~
~~(see Article XI Section 900)~~

814.4 ~~Area Regulations~~

814.41 ~~Minimum Lot Area—20,000 square feet~~

814.42 ~~Minimum Lot Width—100 feet~~

~~814.43 Minimum Front Yard—25 feet from right of way~~

~~814.44 Minimum Side Yard~~

~~814.441 Abutting residential or office district—40 feet~~

~~814.442 Abutting commercial or industrial district—None~~

~~814.443 Abutting side street—25 feet (see Section 701)~~

~~814.45 Minimum Rear Yard~~

~~814.451 Abutting residential or office district—40 feet.~~

~~814.452 Abutting commercial or industrial district—None~~

~~814.5 Building Height Regulations (Also see Section 706)~~

~~Maximum building height—65 feet~~

~~814.6 Off Street Parking and Loading Regulations—See Article X.~~

~~814.7 Sign Regulations—See Article XI~~

~~814.8 Landscaping and Buffering Requirements—See Section 712.~~

815 S-1 (Special Use District)

The process of allowing uses beyond what is permitted by right in a particular zoning district through the adoption of a Special Use overlay district via a legislative process followed by the adoption of a Special Use permit via a quasi-judicial process is hereby repealed and replaced with a legislative process of "Conditional Zoning" (see Article VIII, Section 820). Projects previously approved utilizing the Special Use process may continue to function under the terms and conditions set forth under the initial approval of the Special Use permit. Special Use overlay districts shall continue to be depicted on the Official Zoning Map, but in no case shall lands be re-zoned to have Special Use overlay districts in the future. Section 900.8, "Expiration of Permits" shall continue to apply to Special Use permits issued prior to the adoption of this ordinance. If a Special Use permit is allowed to expire, the Special Use overlay district shall also be considered null and void.

Sections 812-815 Reserved.

816 B-5 (Neighborhood Mixed Use) Design and Performance Standards

816.1 Intent

The intent of this district is to protect and foster the architectural and historic residential character of the North Main Street corridor while encouraging the location of aesthetically compatible small-scale commercial activities that will provide basic and specialty consumer needs to the district and the immediate neighborhood.

816.2 Permitted Uses

~~All permitted nonresidential uses are limited to 5,000 square feet, except through approval as a Conditional Use. Buildings containing these uses may be larger to accommodate a mix of commercial and residential uses, but the square footage dedicated to non-residential use cannot exceed 5,000 square feet, except through approval as a Conditional Use.~~

~~Accessory Apartments~~

~~Accessory Cottages~~

~~Accountant's offices, Auditors and Bookkeepers~~

~~Adult Day Care Center~~

~~Advertising agencies~~

~~Antique shops~~

~~Architect's offices~~

~~Art Galleries~~

~~Bakeries Retail (Not more than 4000 sq. ft.)~~

~~Bakeries Wholesale (Up to or exceeding 4000 sq. ft.)~~

~~Banks & other finance offices~~

~~Barber & Beauty Shops~~

~~Bed & Breakfast~~

~~Bicycle Shops~~

~~Book Stores~~

~~Bungalow Courts~~

~~Craft & Hobby Shops~~

~~Crematory (Accessory to Funeral Home Only—see Section 715)~~

~~Day care Centers~~

~~Dwellings, Attached~~

~~Dwellings, Single-family Detached~~

~~Dwellings, Two-family Dwellings, Zero lot line~~

~~Family Care Facility~~

~~Florists / Gift shops~~

~~Funeral Homes~~

~~Interior design consultants~~

~~Medical, dental, optical offices~~

~~Music stores & musical instrument stores~~

~~Parks & Playgrounds~~

~~Photography Studios~~

~~Real Estate Services~~

~~Retirement facilities, including nursing homes, assisted living centers, adult day care, etc.~~

~~Studios for the instruction of dance, music, martial arts etc.~~

~~Surveyor's offices~~

~~Travel agencies~~

~~Other uses may be permitted if they are interpreted by the Board of Adjustment to be similar in nature to those listed above and compatible with the neighborhood.~~

~~Also see Permitted Use Chart~~

816.3 Conditional Uses

Churches/Synagogue

Cultural and Community Facilities

Dwellings, Multi-family (3 or more units)

Museums

Permitted non-residential uses that exceed 5,000 sq. ft. (stand alone or as the non-residential portion of a mixed-use building)

Also see Permitted Use Chart

816.4 Grandfathered Uses and Non-Conforming Uses

Any building or structure in existence at the time this district is adopted is permitted to remain without being subject to any of the appearance improvements of the B-5 zoning district unless it is converted from residential to nonresidential use, is improved beyond 50% of the tax value of the building, or was already a non-conforming structure or use at that the time the district was adopted. Such conversion of use or improvements will subject the building or structure to all applicable appearance criteria of the B-5 zoning district. Furthermore, any existing building or structure that was considered conforming prior to the adoption of this district will be permitted to be rebuilt up to the square footage at the time of adoption of this ordinance should it be destroyed or demolished for any reason. New construction, including additions to or replacements of existing buildings or structures, will be required to adhere to applicable appearance improvements of the B-5 zoning district.

Any parcel at the time this district is adopted which contains facilities for multi-family use may continue to be used and maintained for such multi-family facilities provided that the total number of dwelling units on the parcel does not increase. An inventory prepared by the Lenoir Planning Department prior to the adoption of this ordinance will be the final authority in determining the number of multi-family units in existence on each individual parcel of land. Should any multi-family unit(s) be destroyed, removed, condemned, or otherwise eliminated, such units may not be replaced if the total number of multi-family units on any parcel would exceed three units.

Multi-family units in existence at the time this district is adopted which are not occupied within 24 months of the adoption of this district shall be considered non-conforming and shall not be permitted for occupancy thereafter.

816.5 Area Requirements

Minimum Lot Size:	None
Minimum Lot Width:	40 ft. (single family residential) 50 ft. (all other uses)
Minimum Front Yard Setback (residential)	20 ft., or the average of structures on adjoin lots if less than 20 ft
Minimum Front Yard Setback (non-residential)	10 ft. from back-of-curb for the provision of sidewalk/streetscape improvements. No other applicable setback.
Minimum Side Yard setback	0 ft. (abutting non-residential) 7 ft. (residential) *See Sec. 712 for required bufferyards
Minimum Rear Yard Setback	20 ft.
Maximum Building Height	35 ft. 65 ft. by Conditional Use Permit

Sections 816.1-816.5 Reserved.

[Editor's Note: Sections 816.6-817.15 are proposed to remain unchanged in content or numbering and the text has been omitted from this ordinance, as indicated by the "*****" notation.]

817 B-6 (~~Exclusive~~ Transitional Business District) Design Standards

817.1 Intent

~~This district is intended to serve the needs of the traveling public as well as provide convenience goods and services to surrounding residential neighborhoods. This district is further intended to promote commercial activity in a high-volume traffic corridor that is in close proximity to well-established, economically healthy residential neighborhoods. Therefore, it is imperative that future developments in the B-6 zoning district accomplish two goals. First, future development should promote the dominant architectural character of the area through design and construction of buildings that are aesthetically compatible with the surrounding neighborhoods. Second, the existing neighborhoods should be protected from the negative impacts of highway corridor development through the implementation of dense landscape buffers and screening.~~

817.2 Permitted Uses

~~All permitted uses are limited to 5,000 square feet gross floor area per building. No permitted use shall be staffed and open for business between the hours of 1:00 a.m. and 6:00 a.m. (Product listings includes their sale and service, but shall not be stored outdoors.)~~

~~Accessory Uses and Accessory Buildings, provided they have the same exterior facade as the principal building.~~

~~Accounting & Bookkeeping Offices~~

~~Advertising Agencies~~

~~Antique Shops~~

~~Apparel Shops~~

~~Architects Offices~~

~~Art Galleries~~

~~Art & Drafting Supply Sales~~

~~Automatic Teller Machines~~

~~Bakeries~~

~~Banks~~

~~Barber & Beauty Shops~~

~~Book Stores~~

~~Candy Stores~~

~~Computer Sales & Service~~

~~Copying Services~~

~~Craft & Hobby Shops~~

~~Credit & Finance Offices~~

~~Drug Stores~~

~~Dwellings, Single-family Detached~~
~~Electronics Sales & Service~~
~~Fabric Stores~~
~~Florist Shops~~
~~Gift Shops~~
~~Government Offices~~
~~Greenways~~
~~Grocery Stores~~
~~Hardware Stores~~
~~Home Furnishing Stores~~
~~Insurance Offices~~
~~Interior Design Studios~~
~~Jewelry Sales & Repair~~
~~Lighting Stores~~
~~Medical & Dental Offices, Clinics and Laboratories~~
~~Music Stores~~
~~Musical Instrument Sales & Services~~
~~Office Equipment & Supply Stores~~
~~Photography Studios~~
~~Photography Supply Stores~~
~~Public Utility Offices~~
~~Real Estate Offices~~
~~Rent-to-Own Stores~~
~~Restaurants, excluding drive-through and drive-in service~~
~~Seamstress and dressmaking shops~~
~~Studios and Specialty Schools~~
~~Surveyors Offices~~
~~Travel Agencies~~
~~See Permitted Uses Chart~~

817.3 Conditional Uses

~~Churches, Synagogues, Mosques, and similar places of worship~~
~~See Permitted Uses Chart and Table~~

817.4 Area Regulations

817.41 Minimum Lot Size: 10,000 square feet.

817.42 Minimum Lot Width: 100 feet.

817.43 Minimum Front Yard: 40 feet with front yard parking; 10 feet with side and/or rear parking.

817.44 Minimum Side Yard: 30 feet when abutting residentially zoned property; 10 feet when abutting non-residentially zoned property; 25 feet when abutting a side street.

~~817.45 Minimum Rear Yard: 30 feet when abutting residentially zoned property; 10 feet when abutting non-residentially zoned property; 25 feet when abutting a rear street.~~

~~817.46 Maximum Building Height: 25 feet~~

~~Reserved: Sections 817.1-817.4~~ Reserved.

[Editor's Note: Sections 817.5-817.15 are proposed to remain unchanged in content or numbering and the text has been omitted from this ordinance, as indicated by the "****" notation.]

~~Reserved: Section 818~~ Reserved.

~~818 B-7 (Planned Highway Business District)~~

~~818.1 Intent~~

~~The purpose of this district is to provide areas along major thoroughfares for large-scale commercial activities that require large acreage and are conducive to planned developments with a variety of complementary land uses, as opposed to typical highway strip development. Property in this zoning district should be of adequate size and dimension to employ interior service roads, thereby minimizing the number of driveway connections to arterials. The retail and service establishments allowed within this district are intended to serve both local and regional consumers.~~

~~818.2 Permitted Uses (product listings includes their sale and service)~~

~~Accessory Use or Accessory Bldg. (Non-Residential)~~

~~Accountants Office, Auditors and Bookkeepers~~

~~Adult Day Care Centers~~

~~Advertising Agencies~~

~~Amusement Services (Indoors only)~~

~~Antique Shops~~

~~Apparel and Accessories~~

~~Appliance Stores~~

~~Architects Offices~~

~~Art Galleries~~

~~Art and Drafting Supplies~~

~~Auction Sales (No Outside Storage)~~

~~Audio & Video Retail, Rental, and Repair Shops~~

~~Auditorium, Assembly Hall~~

~~Automatic Bank Tellers~~

~~Automobile Parking Lots~~

~~Automobile Parts and Accessories~~

~~Automobile Washing Facilities (Automated Only)~~

~~Bakeries~~

~~Banks~~

~~Barber & Beauty Shops~~
~~Beach Bingo (Inside Only)~~
~~Bed & Breakfasts~~
~~Bicycle Shops~~
~~Book & Stationary Stores~~
~~Bowling Lanes~~
~~Broadcasting Studios~~
~~Building Construction and Supplies (Inside Storage Only)~~
~~Colleges and Trade Schools~~
~~Computer and Data Processing Services~~
~~Contractors Offices (No Outside Storage)~~
~~Convention Centers and Facilities~~
~~Copying & Duplicating Services~~
~~Crafts/Hobby Shops~~
~~Credit and Finance Offices~~
~~Crematory (Accessory to Funeral Home Only—see Section 715)~~
~~Cultural and Community Facilities~~
~~Delicatessens~~
~~Department Stores~~
~~Drug Stores~~
~~Dry Cleaning and Laundry Services~~
~~Electronic Product Sales & Services~~
~~Fabric Stores~~
~~Film Drop-Off Booths~~
~~Floor Coverings~~
~~Florist Shops~~
~~Funeral Homes~~
~~Furniture and Home Furnishings~~
~~Garden Supply Stores~~
~~Gift Shops~~
~~Glass & Mirror Stores~~
~~Golf Courses~~
~~Golf Courses (Miniature)~~
~~Government Offices~~
~~Guns & Ammunition Sales~~
~~Hardware Stores~~
~~Health Clubs/Spas~~
~~Hospitals~~
~~Hotels & Motels~~
~~Interior Designers~~
~~Jewelry Sales & Repair~~
~~Lawn & Garden Care Supplies~~
~~Libraries~~
~~Lighting Stores~~

~~Liquor Stores~~
~~Medical & Dental Offices/Clinics~~
~~Medical & Dental Labs~~
~~Monument Sales~~
~~Movie Theaters (Indoor)~~
~~Museums~~
~~Music Stores~~
~~Music Studios~~
~~Novelty & Souvenir Shops~~
~~Nurseries and Commercial Greenhouses~~
~~Nursery Schools & Day Care Centers~~
~~Office Equipment & Supply Stores~~
~~Optician & Optical Supply Stores~~
~~Paint & Wallpaper Stores~~
~~Parks & Playgrounds~~
~~Pet Shops~~
~~Pharmaceuticals Sales~~
~~Photography Studios~~
~~Photography Supply Stores~~
~~Professional Offices~~
~~Public Utility Offices~~
~~Public Utility Substations~~
~~Publishing and Printing~~
~~Radio & Television Repair Shops~~
~~Radio & Television Sales~~
~~Radio & Television Studios~~
~~Real Estate Services~~
~~Research and Development Activities~~
~~Restaurants, excluding drive through and drive in service~~
~~Seamstress Shops~~
~~Shoe Sales & Repair Stores~~
~~Shoe Stores~~
~~Shopping Centers & Malls (Subject To The Use Limitations of This District)~~
~~Sporting Goods Stores~~
~~Stone and Clay Product Sales~~
~~Studio and Specialty Schools~~
~~Supermarkets~~
~~Surveyors Offices~~
~~Travel Agencies~~
~~Trade Centers~~
~~Veterinarians Office (No Outdoor Kennels)~~
~~See Permitted Use Chart~~

818.3 Permitted Conditional Uses

None

~~818.4 Area Regulations (Also See Article VII)~~

~~818.41 Minimum Lot Area—20,000 square feet.~~

~~818.42 Minimum Lot Width—100 feet.~~

~~818.43 Minimum Front Yard—50 feet from the adjoining street right of way where the right of way is wider than 60 feet; 25 feet from the adjoining street right of way where the right of way is 60 feet or less.~~

~~818.44 Minimum Side Yard~~

~~818.441 A. Abutting residential zoning—100 feet;~~

~~B. Abutting non-residential zoning—10 feet;~~

~~C. Abutting side street—25 feet.~~

~~818.45 Minimum Rear Yard~~

~~818.451 A. Abutting residential zoning—100 feet;~~

~~B. Abutting non-residential zoning—10 feet.~~

~~818.5 Building Height Regulations (Also see Section 706)~~

~~Maximum building height—35 feet.~~

~~818.6 Off Street Parking and Loading Regulations—See Article X~~

~~818.7 Sign Regulations—See Article XI.~~

~~818.8 Landscaping and Buffering Requirements—See Section 712~~

~~818.9 Pretreatment of Sewage—Prior to the issuance of a Certificate of Occupancy, a confirmation in writing from the Superintendent of the Lenoir Water and Sewer Treatment Facilities shall be submitted to the Planning Department indicating that all effluent would be acceptable to the Lenoir Sewer System without pre-treatment.~~

819 S-2 (North Main Street Special Overlay District)

[Editor's Note: Section 819 is proposed to remain unchanged in content or numbering and the text has been omitted from this ordinance, as indicated by the "****" notation.]

820 Additional Procedures for Conditional Zoning District Map Amendments

[Editor's Note: Section 820 is proposed to remain unchanged in content or numbering and the text has been omitted from this ordinance, as indicated by the "*****" notation.]

SECTION 6. Appendix A, Article X of the Code of Ordinances, City of Lenoir, North Carolina, "Off-Street Parking and Loading Requirements" is hereby amended to read as follows:

ARTICLE X. OFF-STREET PARKING AND LOADING REQUIREMENTS

1001 Off-Street Loading and Unloading Spaces

1001.1 Off-Street Loading and Unloading Spaces - Every lot on which a retail or wholesale business, trade or industry is hereafter established shall provide space indicated herein for the loading and unloading of vehicles off the street, except in the B-3 Central Business District. For the purpose of this section, an off-street loading space shall have minimum dimensions of twelve (12) feet by forty (40) feet and be clear and free of obstruction at all times. However, the minimum loading requirements shall meet the needs of each individual use.

Required space shall be considered as follows:

1001.11 Retail Business - One (1) space for the first five thousand (5,000) square feet gross floor area and one additional space for each additional five thousand (5,000) square feet gross floor area or increment thereof. If contiguous uses are under single ownership, gross floor area may be totaled to calculate spaces.

1001.12 Wholesale, Industrial, Governmental, and Institutional Uses - One (1) space for the first twenty-five thousand (25,000) square feet of gross floor area. For anything in excess of twenty-five thousand (25,000) square feet, such uses shall provide loading spaces according to the following schedule:

Square Feet	No. of Spaces
25, 000—99, 000	2
100,000—159,999	3
160,000—239,999	4
240,000—349,999	5
Additional 100,000 or fraction thereof	1 additional

1001.2 Loading Spaces Adjacent to Sidewalks - Where a loading space is adjacent to a public sidewalk or other public pedestrian way, it shall be so located, arranged, and improved with curbs or barriers, as to provide adequate protection for pedestrians.

1001.3 Maneuvering Areas - All off-street maneuvering areas shall be designed so that vehicles do not obstruct traffic during maneuvering. Any loading space provided shall not use any street or street right-of-way for egress or ingress maneuvering.

1001.4 On-Street Loading and Unloading Regulations

If off-street loading and unloading facilities are not available, and loading and unloading must occur on public streets the following regulations shall be met:

- a) One (1) lane of traffic on one-way streets must be left open at all times.
- b) No loading or unloading shall take place on streets with two (2) way traffic where only two (2) lanes are available and traffic is opposing.
- c) No on-street loading or unloading shall take place where on-street parking is permitted to the extent parked vehicles would not be permitted adequate ingress and egress to parking spaces.
- d) No on-street loading or unloading shall take place on streets on the federally aided system, NC 18, US 321 and US 64.

SECTION 7. CODIFICATION. The City Clerk shall cause the Code of Ordinances of Lenoir, North Carolina to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 8. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Lenoir, North Carolina, by the City Clerk of the City of Lenoir, North Carolina, this _____ day of _____ and this _____ day of _____, 2019.

DONE, THE PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of the a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this _____ day of _____, 2019.

BY THE MAYOR/MAYOR PRO TEMPORE OF THE CITY OF LENOIR, NORTH CAROLINA:

Mayor/Mayor Pro Tempore

ATTEST, BY THE CLERK OF THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA:

City Clerk

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CITY OF LENOIR

COUNCIL ACTION FORM

I. Agenda Item: Hold a public hearing as required by the NC Local Government Commission for Financing for the Lenoir Metering Project and adopt the Resolution Authorizing the Filing of an Application for Approval of a Financing Agreement per NCGS 160A-20.

II. Background Information: Financing for the Lenoir Metering Project will be obtained by installment purchase. This project will require the approval of the NC Local Government Commission (LGC). There are specific steps to follow in obtaining LGC approval, including adoption of a resolution authorizing the filing of an application for approval of a financing agreement.

As you are aware, City Council authorized the award of the AMI (Advanced Metering Infrastructure) Project with Mueller Systems in the amount of \$3,656,097.34. City Council further authorized the award of Project Management and Implementation of the AMI Project with MeterSys in the amount of \$339,130.00.

Staff requested proposals from local areas banks for installment financing of the Lenoir Metering Project, with a loan amount of \$4,400,000 (includes contingency) for a term of ten years. US Bancorp provided the lowest interest rate at 2.925%, with no additional fees/charges.

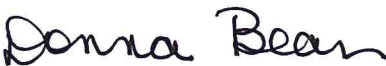
Prior to entering into an installment purchase contract involving loans exceeding 5 years or in excess of \$500,000, the LGC requires a public hearing must be held. A notice of the public hearing was published at least 10 days before the hearing and is attached for your information.

III. Staff Recommendation: At the conclusion of the public hearing, staff recommends City Council adopt the attached Resolution Authorizing the Filing of an Application for Approval of a Financing Agreement per NCGS 160A-20.

IV. Reviewed By:

City Attorney:

City Manager:

Finance Director: 



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

CITY COUNCIL
J. T. BEAL
T. H. PERDUE
J. I. PERKINS
T. J. ROHR
D. F. STEVENS
C. D. THOMAS
B. K. WILLIS

RESOLUTION

**RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL
OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL
STATUTE 160A-20**

WHEREAS, the City of Lenoir, North Carolina, desires to finance a MeterSYS AMI Project (the "Project") to better serve the citizens of Lenoir; and

WHEREAS, the City of Lenoir, North Carolina, plans to finance the project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Lenoir, North Carolina, meeting in regular session on the 19th day of March, 2019, make the following findings of fact:

1. The proposed contract is necessary or expedient because it is necessary for the City of Lenoir to upgrade the City's water metering system to improve accuracy and increase efficiency.
2. The proposed contract is preferable to a bond issue for the same purpose because the loan is at a lower percent of interest.
3. The sums to fall due under the contract are adequate and not excessive for the proposed purpose because the loan rate is zero percent interest.
4. The City of Lenoir, North Carolina, debt management procedures and policies are good because as concluded in the financial audit, the debt management policies of the City of Lenoir have been carried out in strict compliance with law, or provide assurances that debt management will hence forth be so carried out.
5. The City of Lenoir, North Carolina, is not in default in any of its debt service obligations.



6. The attorney for the City of Lenoir, North Carolina, has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to act on behalf of the City of Lenoir, North Carolina, in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

This resolution is effective upon its adoption this ____ day of March, 2019.

The motion to adopt this resolution was made by City Councilmember _____, seconded by _____ and passed by a vote of _____ to _____.

SEAL

Joseph L. Gibbons, Mayor

ATTEST:

Shirley M. Cannon, City Clerk

CERTIFICATION STATEMENT

This is to certify that this is a true and accurate copy of Resolution No. _____ adopted by the City of Lenoir City Council on the _____ day of March, 2019.

Shirley M. Cannon, City Clerk

Date

**NOTICE OF PUBLIC HEARING
CITY OF LENOIR**

Notice is hereby given that a public hearing will be held on Tuesday, March 19, 2019 at 6:00 p.m. in the City/County Chambers, 905 West Avenue, NW (Lower Level), Lenoir, NC, at which time City Council will receive citizen input on an application to the Local Government Commission (LGC) for the financing of a loan for the proposed Lenoir Metering Project. This project consists of implementation of Advanced Metering Infrastructure (AMI) and includes the replacement of approximately 9,000 water meters utilizing infrastructure and technology from Mueller Systems. The loan amount is expected to be \$4,400,000 at an interest rate of 2.925% for a term of 10 years. Any person with a disability needing special accommodations should contact the City Clerk's office at least 48 hours prior to the time scheduled for the public hearing. Individuals may also contact the City Clerk's office at (828) 757-2205 for additional information.

Shirley M. Cannon, MMC, NCCMC
City Clerk

Please publish on Friday, March 8 and Friday, March 15, 2019.

**LENOIR CITY COUNCIL
TUESDAY, MARCH 5, 2019
6:00 P.M.**

PRESENT: Mayor Gibbons presiding. Councilmembers present were Beal, Perdue, Perkins, Thomas and Willis. Also in attendance were City Manager Hildebran, City Clerk Cannon and City Attorney Rohr.

ABSENT: Councilmember David Stevens.

Note: Councilmember Rohr's seat is vacant on City Council due to his accepting the position of City Attorney.

I. CALL TO ORDER

- A. The meeting was opened by a moment of silence followed by the Pledge of Allegiance led by Mayor Gibbons.

RECOGNITION; ED BLAIR & T.J. ROHR:

- B. A reception was held prior to the Council meeting to honor and recognize City Attorney Ed Blair who is retiring off of City Council and T.J. Rohr who resigned from City Council in order to accept the position of City Attorney.

On behalf of City Council, Mayor Gibbons commended Mr. Blair for his 26+ years on City Council and presented him with a framed key to the City. He also thanked Mr. Blair for all he has done for the City and its citizens.

Attorney Blair stated it has been a blessing to be the legal advisor for City Council and the Caldwell County Board of Education. He stated Lenoir is a great place to live because everyone works together for the common good as well as being friends. Mr. Blair remarked he hopes to continue to be involved in the community and stated that Mr. Rohr was a great choice as his replacement. He further commented he has enjoyed the non-partisanship of the Council over the years and thanked City Council for the reception.

Mayor Gibbons congratulated Councilmember T.J. Rohr upon his new position as City Attorney and presented him with a framed key to the City. He thanked Mr. Rohr for his fifteen + years on City Council and remarked that Mr. Rohr has made all of us better Councilmembers over the years due to his having us think through issues before taking formal action on them. Mayor Gibbons also mentioned that Mr. Rohr has served on several local committees along with being a current and prior member of the National League of Cities' Finance, Administration, Intergovernmental and Relations (FAIR) Committee.

Mr. Rohr stated it was an honor to serve on City Council and expressed his appreciation to his wife, Lisa Rohr, and her parents, Herman and Linda Hicks, who were in attendance at the reception. He thanked City Council for their

support and expressed appreciation to them for always letting him have his say about issues.

UPDATE; ZONING

CHANGES: C. Planning Director Jenny Wheelock presented a power point presentation on the proposed changes to the City of Lenoir's Zoning Ordinance. A public hearing will be held on Tuesday, March 19 regarding approval of these proposed changes.

Director Wheelock explained the Planning Board has been reviewing an ordinance for several months that will modernize the Lenoir Zoning Ordinance, specifically focusing on the intent of the zoning districts, the district-specific development regulations, and the chart of permitted uses. This ordinance has been in development by staff for over four years and implements many policy goals of the Comprehensive Plan, addresses needs identified by Council and Department Heads during annual strategic planning retreats and fixes errors and deficiencies identified by staff in day-to-day zoning administration.

Director Wheelock reviewed the four proposed policy goals as follows:

- 1) Transparent, accessible regulations. The proposed changes should make it easier for realtors, developers, and the general public to look up and understand the rules specific to their properties, and how the districts relate to one another.
- 2) Productive Re-Use and Infill. Development regulations that hinder the re-use or re-development of existing buildings for new uses have been eliminated in favor of standards that allow for flexibility of use over time. Where ever changes are proposed, such changes aim to facilitate infill development, productive re-use of buildings, and gradual intensification of existing lots already served by infrastructure, thus growing the tax base without additional maintenance responsibility to the City.
3. Increase Variety of Allowable Housing Types. Much needed "missing middle" housing types (accessory apartments, townhomes, duplex, triplex, quadplex, etc.) are added to the list of permitted uses in appropriate residential areas, and an overall scheme for regulating maximum density by zoning district is proposed. The intent is to move away from contentious quasi-judicial public hearings, while establishing fair density and design standards to balance the need for development of new housing with protection of established neighborhoods.
4. Context-Sensitive Zoning. Proposed changes lay the groundwork for future map amendments and corridor studies, to ensure that intensities, design standards, access management standards, streetscape requirements, etc. can be adopted in the future in a more context-sensitive way-the distinction between what uses are allowed in each zone becomes secondary to the design and development requirements for each zone.

Director Wheelock further reviewed the highlights of the specific changes which include several of the following items:

- Updated definitions for clarity.
- Created a new Residential-Commercial district to accommodate higher density multi-family housing.
- Deleted the B-4 (Limited Business) district which is rarely used.
- B-6 district is re-named from “Exclusive Business District” to “Transitional Business District” to better reflect the intent of the district.
- B-7 district is re-named from “Planned Highway Business District” to “Highway Business District”.
- Replaced existing permitted chart of 279 uses with two new charts (2 single pages)-a table of residential uses (17) and a table of permitted non-residential uses (36 separate uses). Footnotes are used to clarify intentions.
- Multi-family dwelling are divided into two categories, low-density garden apartments and mid/high density apartments.
 - * Low-density apartments are capped at the densities allowed in each district for detached single family, but are designated as “permitted uses rather than requiring Conditional Use Permits (CUPs) in the higher density residential districts.
 - * Higher density projects remain CUPs in residential districts, when allowed at all, but the CUP requirement is eliminated for the higher intensity commercial districts. To balance out this “by right” allowance, maximum density standards are established, which will complement existing performance standards at densities appropriate to the district.
- Accessory structure rules are updates to address existing internal conflicts between code sections, and rules are adopted for non-residential districts.
- Deletes 35 pages of repetitive zoning district regulations which have led to multiple conflicts over the years. Development standards (setbacks, lot sizes, frontage requirements, allowable densities, etc.) are included in a single table with a few footnotes similar to the approach used to present permitted and conditional uses.
- Moves on-street loading standards that previously were repeated under each zoning district subsection into the section that regulates parking and off-street loading, so that all transportation-related standards are consistent and located in one logical place.

Director Wheelock clarified for Council the setbacks from centerlines are usually established where right-of-way widths are narrow, to make sure that buildings aren’t built in areas needed for roadway expansions. However, because we know what projects are outlined for the next 25 years and the right-of-way already exists or the roadways aren’t planned to be widened, we believe that using the setbacks from the edge of the right-of-way allows the most efficient use of property.

Director Wheelock stated the proposed changes are setup for future zoning needs and to find areas where the current zoning is not working.

On behalf of City Council, Mayor Gibbons commended Director Wheelock for the good report.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

A. Upon a recommendation by City Manager Hildebran, the following Consent Agenda items were submitted for approval:

1. Minutes: Approval of the minutes of the City Council Meeting of Tuesday, February 19, 2019, as submitted.
2. Minutes: Approval of the minutes of the joint City Council Planning Retreat of Friday, February 15, 2019, as submitted.
3. Financing Agreement; Lenoir Metering Project: Staff recommends Council call for a public hearing to be held on Tuesday, March 19, to consider financing of the Lenoir Metering Project as authorized by N.C.G.S. §160A-20. This project requires the approval of the North Carolina Local Government Commission (LGC).

Upon a motion by Councilmember Perdue, Council voted 5 to 0 to approve the above listed items on the Consent Agenda as presented and as recommended by City Manager Hildebran.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

NATIONAL LEAGUE OF CITIES CONFERENCE:

1. The National League of Cities' (NLC) Annual Conference will be held on Sunday, March 10 through Tuesday, March 12 in Washington, D.C. Mayor Pro-Tem Ben Willis, Councilmembers T.J. Rohr and Crissy Thomas along with City Manager Scott Hildebran are attending this event.

CITY/COUNTY SERVICES COMMITTEE:

2. The City/County Services Committee will meet on Monday, March 11 at 11:45 a.m.

CALDWELL COUNTY ECONOMIC DEVELOPMENT COMMISSION:

3. The Caldwell County Economic Development Commission will meet on Tuesday, March 12 at 8:00 a.m.

MAIN STREET CONFERENCE:

4. The annual Main Street Conference is scheduled for March 12 – 14 in Salisbury.

It was noted the City of Lenoir has been nominated for several awards.

ABC BOARD: 5. The ABC Board will meet on Thursday, March 14 at 2:00 p.m. at Lenoir Store #1.

LEPRECHAUN LEAP

5K & 10K EVENT:

6. The annual Leprechaun Leap 5K & 10K Race will be held on Saturday, March 16 beginning at 9:00 a.m. at the Lenoir Soccer Complex.

PARKS & RECREATION ADVISORY

BOARD: 7. The Parks & Recreation Advisory Board will meet on Monday, March 18 at 6:00 p.m. at Mulberry Recreation Center.

LENOIR TOURISM DEVELOPMENT

AUTHORITY: 8. The Lenoir Tourism Development Authority will meet on Thursday, March 21 at 4:00 p.m. at City Hall, Third Floor.

LENOIR BUSINESS ADVISORY

BOARD: 9. The Lenoir Business Advisory Board will meet on Thursday, March 21 at 6:00 p.m. at City Hall, Third Floor.

B. ITEMS FOR COUNCIL ACTION

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

NEW CHAMBER OF COMMERCE

DIRECTOR:

A. Mayor Pro-Tem Ben Willis announced that Brian Moore has accepted the position of President, Chief Executive Officer, of the Caldwell County Chamber of Commerce. Mr. Willis stated that Mr. Moore will be attending a Council meeting in the near future in order to get better acquainted with everyone.

SENIOR TALENT

SHOW: B. Councilmember Crissy Thomas announced the third annual Senior Talent Show (Motown Review) is scheduled for Friday, March 22 at the Freedman Cultural Center from 7:00 p.m. -11:00 p.m.

X. ADJOURNMENT

A. There being no further business, the meeting was adjourned at 6:40 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor

**COMMITTEE OF THE WHOLE
CITY HALL, THIRD FLOOR
TUESDAY, FEBRUARY 26, 2019
8:30 A.M.**

PRESENT: Mayor Pro-Tem Willis presiding. Committee members Gibbons, Perkins, Stevens and Thomas.

City Manager Hildebran, City Clerk Cannon, Public Information Officer Harris, Police Chief Phelps, Deputy Fire Chief Nelson, Economic Development Director Horn, Finance Director Bean, Recreation Director Story, Planning Director Wheelock, Public Utilities Director Thomas, and Public Works Director Wright.

ABSENT: Councilmembers Jonathan Beal and Todd Perdue. Note: There is one Council seat vacant due to T. J. Rohr being appointed as the City Attorney.

OTHERS: Virginia Annable, *News-Topic*.

I. CALL TO ORDER

A. Mayor Pro-Tem Willis welcomed everyone and called the meeting to order.

II. CITIZEN COMMENT PERIOD

III. COMMITTEE ITEMS

A. Public Utilities/Public Works

1. Presentation; Two-Way Traffic Study; Harper Avenue & West Avenue: Public Works Director Jared Wright presented a power point presentation regarding the conversion of Harper Avenue and West Avenue from one-way traffic to two-way traffic flow along with a map of the proposed changes. The City hired the firm of Ramey & Kemp Associates, Inc. to evaluate the potential conversion and develop concepts. (Please refer to the power point presentation attached to these minutes as information).

The primary objectives of the project are as follows:

- a) Convert traffic flow from 1-way to 2-way
- b) Improve truck access to/from fire station downtown
- c) Traffic calming effects
- d) Pedestrian Safety

Pros:

- a) Increased visibility & access to businesses
- b) Reduced traffic speeds
- c) Safer for pedestrians

Cons:

- a) Increased congestion
- b) Could be costly

Concept 1

Two-way conversion with traffic signal

Concept 2

Two-way conversion with roundabout

Director Wright clarified there would not be a round-a-bout at the Fire Station but West Avenue would be realigned and a cul-de-sac would be constructed on Steel Street to allow people to turn around. Also, the number of traffic signals would be reduced. He further shared these improvements would be phased in due to their cost. In addition, Director Wright stated that crosswalks would be installed on Norwood Street, Harper Avenue and Ridge Street plus traffic calming devices would also be installed.

Phase I

Realign West Avenue
Cul-de-sac Steel Street

Phase 2

Restripe Harper Avenue from one-way to two-way/Upgrade traffic signals
Install traffic signal at Harper Avenue & Norwood Street/Ridge Street

Phase 3

Restripe West Avenue from one-way to two-way/Upgrade traffic signals
Remove traffic signals at Boundary & Church Streets and convert to a two-way or all-way stop-control

Final Results

No round-about
Install traffic signal on Harper Avenue at Norwood St./Ridge Street
Realign West Avenue/Cul-de-sac on Steel Street
Reduce number of traffic signals
Remove traffic signals on Boundary & Church Streets
*Break project improvements up into 3 phases to distribute costs

Director Wright stated the City would be holding community meetings to inform the public of the development design and dedicated plan when this project moves forward. He shared the initial cost of Phase I is \$125,000, Phase 2, \$960,000+ and Phase 3, \$600,000+. Staff will try to build these costs into future budgets. It was noted the project will be contracted out and possibly done in phases as described above.

B. Public Works

1. Public Works Director Jared Wright updated City Council on the following projects:
 - a) Staff is currently paving several streets at a cost savings to the City due to asphalt being less expensive in the offseason.

- b) Glenn Clark was recently promoted as Superintendent of Vehicle Services.
- c) Sanitation's Leaf Compost Sale will be held on April 6 and the Department's

annual Spring Trash Bash Week is scheduled for the week of April 8 through 12.

C. Public Utilities: Public Utilities Director Radford Thomas presented the following report:

- 1) Water Treatment Plant Improvements Project #1 is very close to being completed and the Water Treatment Plant Improvements Project #2 will be substantially completed in June. Equipment and filters are being installed and Staff is currently evaluating several future projects.
- 2) City Council approved an agreement with Gryphon for the purchase of a new dryer system for the Biosolids project.
- 3) The City will be seeking approval from the Local Government Commission (LGC) for the financing of the recent metering project. A public hearing will be held on March 19 for consideration of approval by City Council.
- 4) The Asset Inventory Grant projects are nearing completion.
- 5) The three-year Brownfields grant will allow the City time to identify sites and work on the projects.

C. Planning Board: The Planning Board met on Monday, February 25. Planning Director Wheelock reported on the following items:

- 1. Update; EPA Stormwater Audit: Planning Director Jenny Wheelock referred to the resolution City Council adopted on February 19, 2019 affirming the City's support of the implementation of a compliant NPDES MS4 Stormwater Program. The requirements of the City's permit are also for the towns of Gamewell, Cajahs Mountain, Hudson, Sawmills and Granite Falls which until recently were considered "co-permittees" under the City's permit. Several deficiencies were discovered following the audit by the Environmental Protection Agency (EPA) and the NC Department of Environmental Quality (DEQ) thereby requiring these municipalities to adopt separate stormwater management plans plus apply for a separate NPDES permit. The stormwater contracts between the City and these municipalities expire June 30, 2019.

Director Wheelock stated this step will standardize how the City conducts its audit and explained the City will also develop its stormwater plan, but may have to share this technology with these municipalities when they begin to take over their program.

- 2. Zoning Ordinance Amendments: Director Wheelock reported the Planning Board has been working on amendments to the City's Zoning Ordinance which focuses on the (B-4 Zoning District) and intent of the zoning districts, the district-specific development regulations, and the chart of permitted uses. A public hearing is scheduled for Tuesday, March 19 for Council's consideration of approval. She informed Council she would review the proposed changes at the Council meeting on Tuesday, March 5.

In addition, Director Wheelock stated a public hearing will also be held on Tuesday,

March 19 to consider a Conditional Use Permit for multi-family development on Lower Creek Drive. She reminded Council they approved a similar request several years ago submitted by a different developer. Director Wheelock also informed Council several residents of Lower Creek Drive asked the Planning Board about lowering the speed limit on Lower Creek Drive to 25 mph. The current speed limit is 35 mph from Lower Creek Elementary School to Lower Creek Drive.

IV. COMMUNITY DEVELOPMENT

- A. Lenoir Tourism Development Authority: The Lenoir Tourism Development Authority (LTDA) met on February 14. Minutes of the meeting will be submitted as information. Economic Development Director Kaylynn Horn reviewed a handout listing downtown Lenoir events/festivals along with points for consideration for each event. She stated the City has a very solid group of signature events scheduled for 2019. Organizers will be asked to conduct surveys in order for the City to track the economic impact of the events on our local economy. Also, applications are available on line along with a list of guidelines and requirements that have to be met by the applicant.

Director Horn further shared a state of the art amp system will be installed at the stage area on the square to be funded by the Lenoir Tourism Development Authority.

- B. Lenoir Business Advisory Board: The Lenoir Business Advisory Board met on Thursday, February 14. Minutes of the January 10 meeting were submitted as information.

Director Horn reported the NC Main Street Conference will be held on March 12 through 14 in Salisbury. The awards ceremony will be held on Wednesday, March 13. Also, she shared that Connie Kincaid, Alexander County Economic Development Commission, will be coming in April to do a presentation for the Downtown Merchants Association.

C. Financial and Administration

1. Financial Summary: Finance Director Bean reviewed the Financial Summary as of January, 2019. The over/under balance in the General Fund is \$2,700,463.48, Downtown District (\$97,424.19), and Water & Sewer Fund \$1,647,091.97. Director Bean stated revenue remains above expenditures and reported the City collected \$1,890,537.61 in sales tax as of January 31, 2019 for a change of 6.65%. (A copy of the January financial summary is attached to these minutes as information).
2. Reclassifications: Director Bean presented a list of recommendations for the Police Department which moved all sworn officers from Patrol Officer I to Lieutenant up one level on the City's Pay Scale to remain competitive in today's workforce environment. Employees would be given an increase of 2.5% or the difference in pay grade, whichever is larger. These reclassifications become

effective on March 1, 2019.

In addition, Director Bean submitted a list of recommendations for the Collections Department which included re-organization of duties but left the current pay grade unchanged. The recommendations also included a full-time Human Resources Secretary position which will be filled by the City's current receptionist. Director Bean reported this re-organization will make the City more efficient.

City Manager Hildebran stated Lenoir has a good size Police Department and reiterated this step will help the City recruit and retain police personnel.

Police Chief Phelps stated the Department appreciates what the City is doing to help improve this situation.

Motion

Upon a motion by Councilmember Stevens, Council voted 4 to 0 to approve the above described pay scale recommendations as presented by Finance Director Bean.

- D. Parks & Recreation Advisory Board: The Parks & Recreation Advisory Board met on Monday, February 18. Director Kenny Story reported he is working with McGill Associates on a notarized permit for moving the lighting out of the floodway at Optimist Park. Also, Camp Electric Company, Inc. was awarded the low bid for the lighting project at the Park. He stated all the events for Black History Month were well attended and the program was a success.

Director Story also shared the 7 & 8 year old basketball team played in the All-Star game and Lenoir will be hosting the 11 & 12 year old Western Youth Athlete Association Basketball tournament which will have a big economic impact on our local economy. The Leprechaun Leap 5K & 10K will be held on Saturday, March 16 at 9:00 a.m. at the Lenoir Soccer Complex. The City's Wellness Screening will be held at Mulberry Recreation Center on April 24 – April 26. The Kick-Off date is April 24.

In addition, Director Story stated the J.E. Broyhill Park Improvements Project is going well. The restrooms are being currently winterized and should be open within the next few weeks. Public Works Director Jared Wright mentioned that surveyors would be onsite on February 27 to begin looking at Phase II of the stormwater part of the project.

- E. Update: Public Communications: Joshua Harris, Public Information Officer, reviewed the highlights of the Communications Reports for January. Activity included 228 social posts, 40 photos, 2 radio spots and 7 news releases. In addition, the website experienced 34,365 views and the City's Facebook account has 18,529 followers. Director Harris reported the City will have a summer intern and asked Department Directors to submit any ideas for future radio spots. He further shared the host of the NC Weekend show will be onsite during the Google's

Gravity Games scheduled for Saturday, April 13 and he along with Kyle Case will be assisting during this event.

VI. PUBLIC SAFETY

- A. Police Department: Proposed Golf Cart Ordinance: Police Chief Brent Phelps led a brief discussion regarding a citizen's previous request for golf carts in the downtown area. City Council was in consensus to postpone this issue until a later date.

Chief Phelps expressed his appreciation to Council and City Manager Hildebran for all of their support. He stated the Department will have an audit next week and briefly mentioned he has met with some of the owners of the CBD stores in Lenoir that carry hemp products and other items. It was noted that employees would need to be sure they are not in violation of the City's substance abuse policy when using these products. The City will be updating its Personnel Policy pertaining to substance abuse to include information regarding these products.

- B. Fire Department: Deputy Fire Chief Kenny Nelson reported construction is set to begin on Monday at Fire Station No. 3 and the project should be completed in 120 days. He stated they held an officers meeting on February 25 to review cost savings ideas for their Department.

Chief Nelson hi-lighted several items from the Department's Annual Report. He pointed out the Department responded to its most calls last year although the number of fire calls decreased. They also responded to around 100 calls during the recent storms in our area and assisted the Police Department.

V. OTHER

- A. March Calendar: By consensus of the Council, the calendar for the month of March was approved by Council listing various meetings and events. The following event was highlighted:
- The City's Employee Banquet Awards event is scheduled for Tuesday, March 26 at 6:00 p.m. at the J. E. Broyhill Civic Center.

VI. Adjourn:

There being no further business; the meeting was adjourned at 10:17 a.m.

Attachments

Power Point (Harper Avenue & West Avenue)
Financial Summary
Downtown Lenoir Events (Handout)

THE PROJECT:
**Conversion
Of
Harper Avenue and West Avenue
From
One-Way to Two-Way Traffic Flow**

February 15, 2019





City was interested in converting traffic flow on Harper Avenue and West Avenue from one-way to two-way, and hired Ramey Kemp & Associates, Inc. to evaluate the potential conversion and develop concepts.



Primary Objectives:

- Convert Traffic Flow from 1-way to 2-way
- Improve Truck Access to/from Fire Station
- Traffic Calming Effects
- Pedestrian Safety

Google Earth
2018



Pros and Cons:

Pros:

- + Increased visibility and access to businesses
- + Reduced traffic speeds
- + Safer for pedestrians

Cons:

- Increased congestion
- Could be costly

Google Earth
© 2018 Google

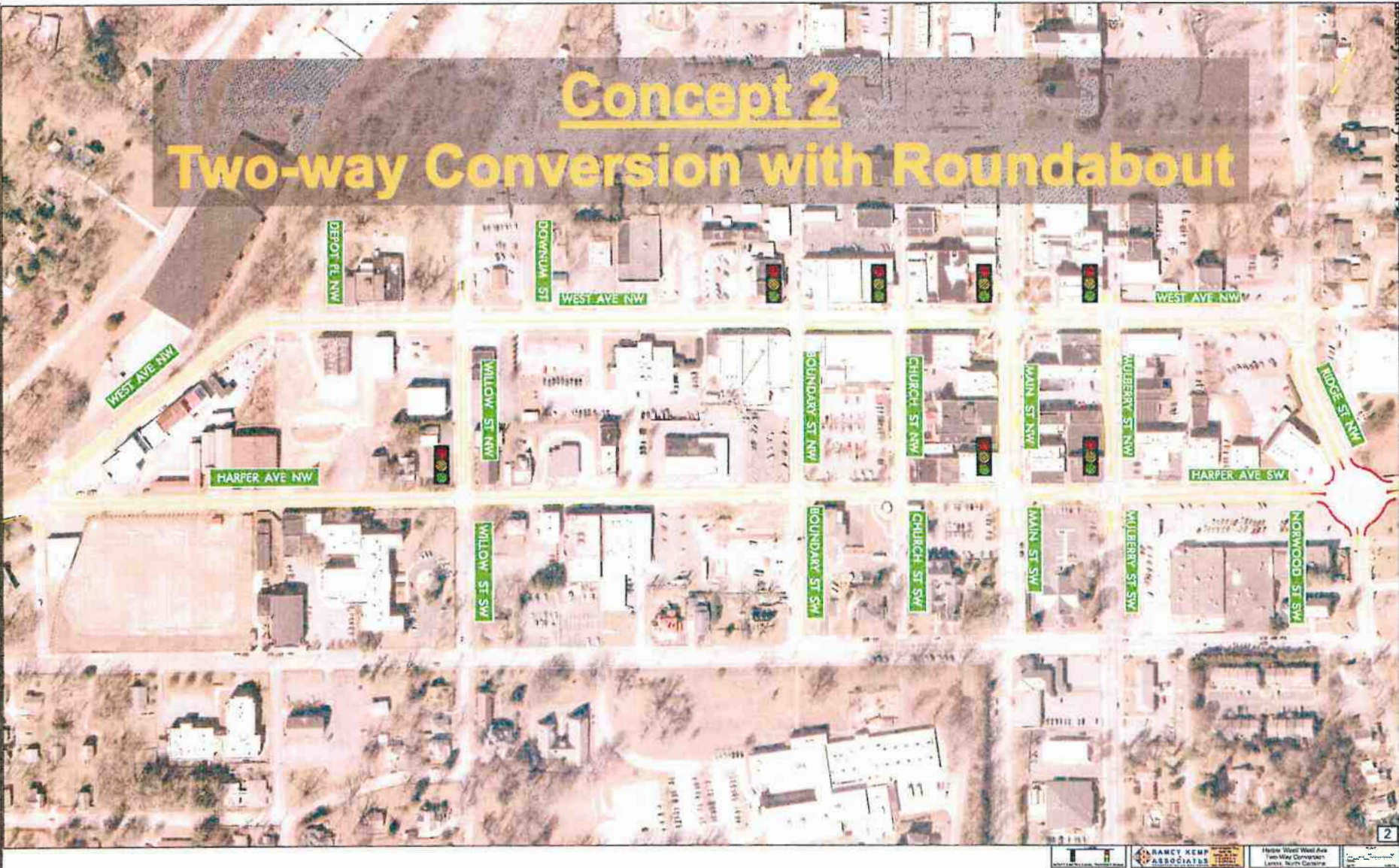




12



Concept 2 Two-way Conversion with Roundabout



Feedback:

NO ROUNDABOUT

Realign West Avenue / Cul-de-sac Steel Street

Reduce Number of Traffic Signals

Phase Improvements

Google Earth
Photo by Google











Final Results:

✓ NO ROUNDABOUT

Install Traffic Signal on Harper Ave at Norwood St/Ridge St

✓ Realign West Avenue / Cul-de-sac Steel Street

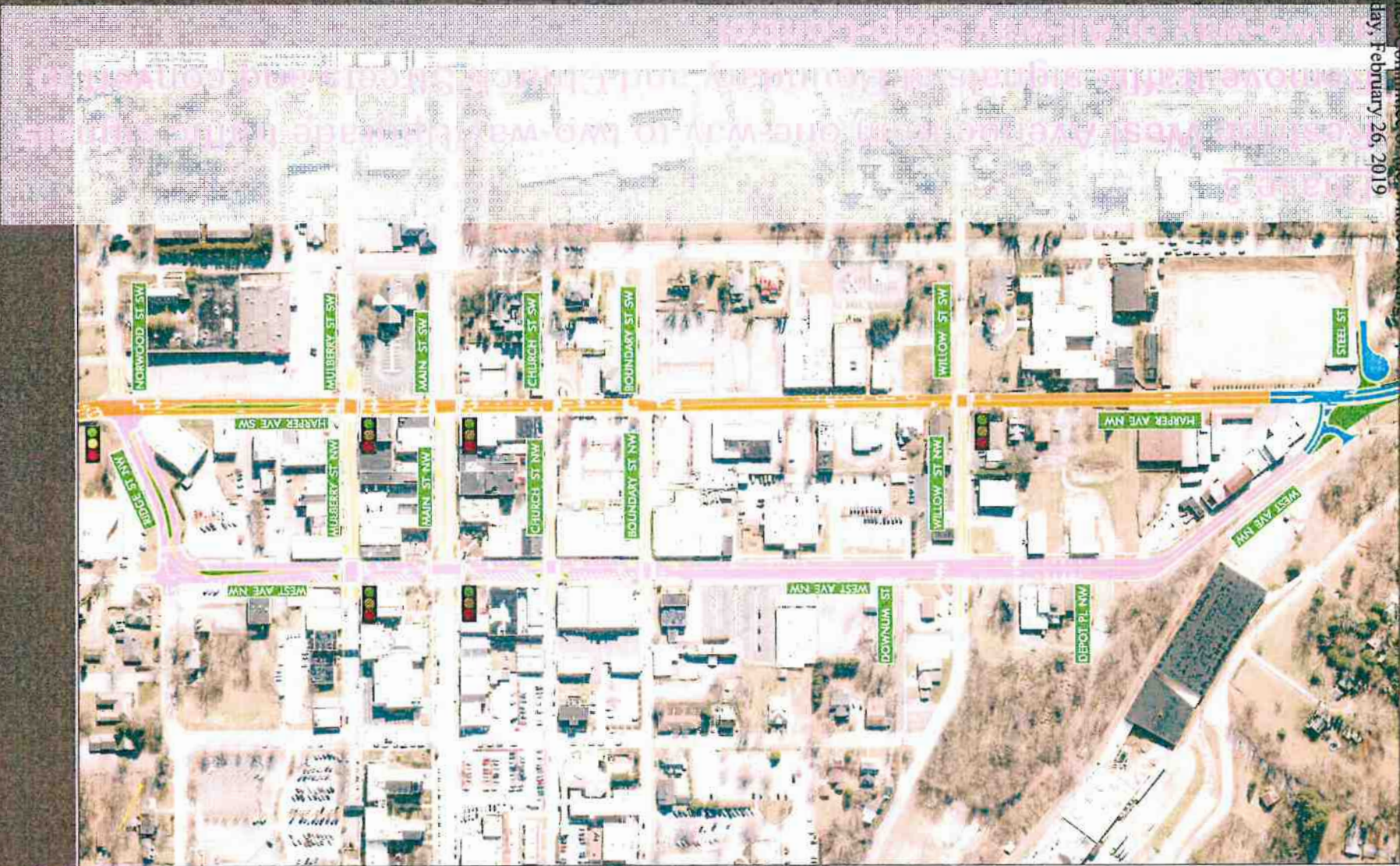
✓ Reduce Number of Traffic Signals

Remove Traffic Signals on Boundary and Church Streets

✓ Phase Improvements

Break Project Improvements up into 3 Phases to distribute costs







City of Lenoir
Financial Summary
As of January 31, 2019



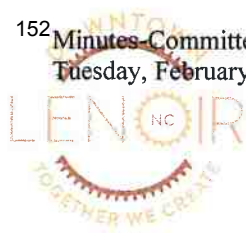
General Fund					
	2018-2019 Budget	1/31/2019	% of Budget	Change from Previous Year	1/31/2018
Total Revenue	\$ 17,090,331.00	\$ 12,394,307.92	73%	\$ (516,440.18)	\$ 12,910,748.10
Expenditures	\$ 17,090,331.00	\$ 9,693,844.44	57%	\$ 211,647.61	\$ 9,482,196.83
Over/Under	\$ -	\$ 2,700,463.48		\$ (728,087.79)	\$ 3,428,551.27

Downtown District					
	2018-2019 Budget	1/31/2019	% of Budget	Change from Previous Year	1/31/2018
Revenues	\$ 183,736.00	\$ 6,238.36	3%	\$ 4,734.66	\$ 1,503.70
Expenditures	\$ 183,736.00	\$ 103,662.55	56%	\$ (10,576.60)	\$ 114,239.15
Over/Under	\$ -	\$ (97,424.19)		\$ 15,311.26	\$ (112,735.45)

Water/Sewer Fund					
	2018-2019 Budget	1/31/2019	% of Budget	Change from Previous Year	1/31/2018
Revenues	\$ 8,890,000.00	\$ 5,420,956.92	61%	\$ (160,570.71)	\$ 5,581,527.63
Expenditures	\$ 8,890,000.00	\$ 3,773,864.95	42%	\$ 228,541.15	\$ 3,545,323.80
Over/Under	\$ -	\$ 1,647,091.97		\$ (389,111.86)	\$ 2,036,203.83

Tax Collections					
		Collections As Of 1/31/19***	Percentage of Change	Change from Previous Year	Collections As Of 1/31/18
Ad Valorem Tax Collection - % of Budget		1.08%			103%
Sales Tax (January Deposits with adjustment for HB97)		\$ 2,010,088.39	6.62%	\$ 124,806.15	\$ 1,885,282.24
Sales Tax (January Deposits without adjustment for HB97)		\$ 1,890,537.61	6.65%	\$ 117,939.78	\$ 1,772,597.83
Sales Tax adjustment for HB97					
	2018-2019 Budget	Collections As Of 1/31/19***	Percentage Collected YTD		
Sales Tax adjustment for HB97	\$ 218,000.00	\$ 119,550.78	54.84%		

***6 months collections



Downtown Lenoir Events/Festivals Points for Consideration



Downtown Lenoir Events showcase the “living room of our community;” reemphasize our downtown Lenoir brand identity and marketing efforts; and expose businesses and our unique, historic structures to visitors, many for the first time.



Downtown Lenoir Events drive tourism efforts that result in heads-in-beds and generate significant economic impacts within the Downtown core, the City and the County. The LTDA and the event organizers are making a conscious effort to gather data and survey event attendees in order to gain an awareness of their economic impacts, social media impacts and visitor data.



Downtown Lenoir Events generate support for community partner organizations that host and co-sponsor the event and engage the local community in volunteer efforts furthering awareness of COL initiatives and activities.



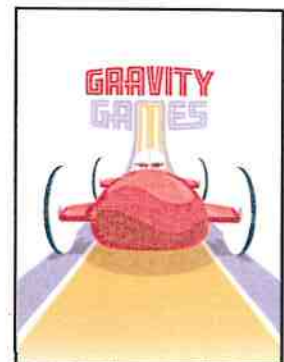
Several of our signature events are now NC sanctioned events and award winning thus promoting Downtown Lenoir and COL on a statewide level.



As these events continue to grow, so does the support provided by the City. Support, time and resources are provided for these events from every City Department. Therefore, event organizers are encouraged and assisted in implementing best-practices leading toward sustainability. Although, “giving back” to the community is admirable, that type of contribution should be practiced after several years of sustainability.



Event organizers are encouraged to, and have in the past, given back to the Lenoir Main Street program. These contributions are used to purchase additional items, such as trash cans, barricades, and other needs that support future events and growth.



CITY OF LENOIR

COUNCIL ACTION FORM

- I. Agenda Item:** At the conclusion of the public hearing, staff recommends City Council approve awarding the financing of the MeterSYS Project to US BanCorp. The terms of the installment purchase are outlined below.
- II. Background Information:** Financing for the Lenoir Metering Project will be obtained by installment purchase. This project will require the approval of the NC Local Government Commission (LGC). There are specific steps to follow in obtaining LGC approval, including awarding the bid to US BanCorp.

In response to a RFP from installment financing for the MeterSYS project, the City received six (6) proposals. The City solicited proposals from 14 institutions via email for installment financing of the Lenoir Metering Project, with a loan amount of \$4,400,000 (including contingency) for a term of ten years. US BanCorp provided the lowest interest rate at 2.925%, with no additional fees/charges. Below is a table outlining the term, interest rate and total payback for each proposal.

INSTITUTION	RATE	TERMS	Total Payback
US BanCorp	2.925	10 years	\$ 5,072,100.00
BB&T	2.960	10 years	\$ 5,080,370.19
Capital Bank	2.990	10 years	\$ 5,087,035.56
First National Bank	2.990	10 years	\$ 5,087,035.56
SunTrust	3.054	10 years	\$ 5,101,741.33
PNC	3.380	10 years	\$ 5,176,909.21

- III. Staff Recommendation:** Staff recommends awarding the bid to US BanCorp for the installment financing agreement contingent upon the approval of the North Carolina Local Government Commission and to hereby authorize, empower and direct the City Manager to do all such acts to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract as approved.

IV. Reviewed By:

City Attorney:

City Manager:

Finance Director: *Donna Bean*

All of **us** serving you®

Government Leasing and Finance

February 22, 2019

City of Lenoir, NC

At your request, U.S. Bancorp Government Leasing and Finance, Inc. ("USBGLF") has prepared for your consideration the following proposal for financing ("Proposal"). **This is only a proposal and does not represent a commitment by U.S. Bancorp Government Leasing and Finance, Inc.**

Interest Rate: 2.925%

Rate Expiration: May 20, 2019

Amortization Schedule: Attached

RFP Part B: Agreed

Funds will be deposited into a no fee U.S. Bank N.A. escrow account at closing. We expect to use standard documentation and no external counsel. Prepayment is permitted after 13 months on any payment date at the lower of a break funding fee or 103% of outstanding balance. If the funding amount is over \$5 million, a tax opinion will be required from nationally recognized "Red Book" bond counsel. The interest rates quoted are good for either bank qualified or non-bank qualified financing.

The financing will be structured as a Master Tax-exempt Installment Payment Plan, with title in the Borrower's name and USBGLF holding a security interest in the equipment during the term. The Installment Payment Plan is "triple-net" with the Borrower responsible for taxes, maintenance and insurance. Documentation will be provided by USBGLF, including (i) standard representations, warranties and covenants by the Borrower pertaining to the accuracy of information, organization, authority, essential use, compliance with laws, pending legal action, location and use of collateral, insurance, financial reporting and financial covenants; and (ii) standard USBGLF provisions pertaining to events of default and remedies available upon default. This offer is subject to the execution of all documentation by the Borrower within a reasonable time and in form and substance acceptable to Borrower, USBGLF and USBGLF's counsel, including terms and conditions not outlined in this Proposal.

This Proposal is conditioned on there being no material adverse change in the financial condition of the Borrower. Additionally, the terms and conditions outlined herein are subject to final review and approval (including collateral and essential use review) by USBGLF's business, legal, credit, and equipment risk management personnel. If you would like to proceed, please complete the Essential Use Application and return along with a link to your 3 most recent Comprehensive Annual Financial Reports.

Thank you for the opportunity to present this proposal. Other financing options are available on request.

Sincerely,

A handwritten signature in blue ink that reads "Denise Beauchamp".

Denise Beauchamp
Vice President
Direct (904) 284-3520
denise.beauchamp@usbank.com

All of **us** serving you®

Government Leasing and Finance

Quote #PQ-25425.....GLF Muni Tax-Exempt_Periodic						
Average life.....5.222 years						
Average rate.....2.92500000%						
date	starting balance	takedowns	debt service	interest	principal	ending balance
4/11/2019	\$ -	\$ 4,400,000.00	\$ -	\$ -	\$ -	\$ 4,400,000.00
10/1/2019	\$ 4,400,000.00	\$ -	\$ 280,775.00	\$ 60,775.00	\$ 220,000.00	\$ 4,180,000.00
4/1/2020	\$ 4,180,000.00	\$ -	\$ 281,132.50	\$ 61,132.50	\$ 220,000.00	\$ 3,960,000.00
10/1/2020	\$ 3,960,000.00	\$ -	\$ 277,915.00	\$ 57,915.00	\$ 220,000.00	\$ 3,740,000.00
4/1/2021	\$ 3,740,000.00	\$ -	\$ 274,697.50	\$ 54,697.50	\$ 220,000.00	\$ 3,520,000.00
10/1/2021	\$ 3,520,000.00	\$ -	\$ 271,480.00	\$ 51,480.00	\$ 220,000.00	\$ 3,300,000.00
4/1/2022	\$ 3,300,000.00	\$ -	\$ 268,262.50	\$ 48,262.50	\$ 220,000.00	\$ 3,080,000.00
10/1/2022	\$ 3,080,000.00	\$ -	\$ 265,045.00	\$ 45,045.00	\$ 220,000.00	\$ 2,860,000.00
4/1/2023	\$ 2,860,000.00	\$ -	\$ 261,827.50	\$ 41,827.50	\$ 220,000.00	\$ 2,640,000.00
10/1/2023	\$ 2,640,000.00	\$ -	\$ 258,610.00	\$ 38,610.00	\$ 220,000.00	\$ 2,420,000.00
4/1/2024	\$ 2,420,000.00	\$ -	\$ 255,392.50	\$ 35,392.50	\$ 220,000.00	\$ 2,200,000.00
10/1/2024	\$ 2,200,000.00	\$ -	\$ 252,175.00	\$ 32,175.00	\$ 220,000.00	\$ 1,980,000.00
4/1/2025	\$ 1,980,000.00	\$ -	\$ 248,957.50	\$ 28,957.50	\$ 220,000.00	\$ 1,760,000.00
10/1/2025	\$ 1,760,000.00	\$ -	\$ 245,740.00	\$ 25,740.00	\$ 220,000.00	\$ 1,540,000.00
4/1/2026	\$ 1,540,000.00	\$ -	\$ 242,522.50	\$ 22,522.50	\$ 220,000.00	\$ 1,320,000.00
10/1/2026	\$ 1,320,000.00	\$ -	\$ 239,305.00	\$ 19,305.00	\$ 220,000.00	\$ 1,100,000.00
4/1/2027	\$ 1,100,000.00	\$ -	\$ 236,087.50	\$ 16,087.50	\$ 220,000.00	\$ 880,000.00
10/1/2027	\$ 880,000.00	\$ -	\$ 232,870.00	\$ 12,870.00	\$ 220,000.00	\$ 660,000.00
4/1/2028	\$ 660,000.00	\$ -	\$ 229,652.50	\$ 9,652.50	\$ 220,000.00	\$ 440,000.00
10/1/2028	\$ 440,000.00	\$ -	\$ 226,435.00	\$ 6,435.00	\$ 220,000.00	\$ 220,000.00
4/1/2029	\$ 220,000.00	\$ -	\$ 223,217.50	\$ 3,217.50	\$ 220,000.00	\$ 0.00
total		\$ 4,400,000.00	\$ 5,072,100.00	\$ 672,100.00	\$ 4,400,000.00	
	=====	=====	=====	=====		

NOTICE OF PUBLIC MEETING CITY OF LENOIR

Notice is hereby given that the City of Lenoir and the Unifour HOME Consortium will hold a public meeting to receive public input and comments concerning the proposed FY-2019 Action Plan of the City of Lenoir and the Unifour HOME Consortium as part of the five year Consolidated Plan. This plan, as required by the U.S. Department of Housing and Urban Development (DHUD), outlines goals and action plans of the City of Lenoir and the Unifour HOME Consortium and its use of Community Development Block Grant (CDBG) and HOME funds for fiscal year 2018, beginning July 1, 2019 and ending June 30, 2020.

The public meeting will be held on Tuesday, March 19, 2019 at 6:00pm before the Lenoir City Council in the City/County Chambers on the bottom floor of the Caldwell County Office building located at 905 West Avenue, Lenoir, NC.

A summary of the proposed Action Plan is available for public review at the Lenoir City Hall. There will be a 30-day comment period beginning March 7, 2019, to obtain citizen input before the plan is adopted.

The City of Lenoir has received entitlement status by HUD and receives CDBG funds for carrying out community development activities as described in the Consolidated Plan. The Unifour HOME Consortium is comprised of 28 member local governments located within and including Alexander, Burke, Caldwell and Catawba Counties. The City of Lenoir serves as Lead Entity for this Consortium. The Unifour Consortium has received entitlement status by HUD, and will receive HOME funds to carrying out affordable housing activities as described in the Consolidated Plan.

This meeting is open to the public. Any person with a disability needing special accommodations or non-English speaking persons needing translation services should contact the City of Lenoir at least 48 hours prior to the meeting. For more information, contact Rick Oxford at the Western Piedmont Council of Governments at (828) 322-9191 extension 245, or 1-(800) 735-2962 TDD.

PUBLISH: March 7, 2019

Please run this ad on Thursday, March 7, 2019

Please run one time only

Use Small Block Ad

Use HUD and Fair Housing, EEO logos

Affidavit Required

Send Bill & Affidavit to:

Attention: **Rick Oxford**
Western Piedmont Council of Governments
Unifour HOME Program
1880 2nd Avenue NW
Hickory, NC 28601

If you need further information contact Rick Oxford at (828) 485-4245.

CITY OF LENOIR

AFTER ACTION MEMO

To: Department Heads/Division Superintendents

From: Scott Hildebran, City Manager

Date: Thursday, April 11, 2019

Subject: Action taken by City Council on Tuesday, March 19, 2019.
Review all information to ensure that your department maintains
action taken by City Council.

- ✓ City Council **tabled** a Conditional Use Permit for property located at 316 Lower Creek Drive and submitted by MC Morgan & Associates, Inc. until the next Council meeting of Tuesday, April 2 in order to allow City Council the opportunity to further review the project and submitted information. The applicant is requesting the Conditional Use Permit for a 68-unit apartment complex in the R-9 and B-2 Zoning Districts.
- ✓ On behalf of City Council, Mayor Gibbons asked everyone to keep LouAnne Kincaid, Caldwell County's Public Information Officer, in their thoughts and prayers as she is currently experiencing health issues.
- ✓ Of behalf of City Council, Mayor Gibbons congratulated City Attorney T.J. Rohr for placing first in his age bracket at the City's annual Leprechaun Leap 5K/10K race held don Saturday, March 16 at the Aquatic & Fitness Center.
- ✓ On behalf of City Council, Mayor Gibbons congratulated Economic Development Director Kaylynn Horn and Main Street Coordinator Kyle Case along with other City Staff and volunteers upon the City of Lenoir winning four awards at the annual North Carolina Main Street Conference held in Salisbury on March 12 through 14. The awards were for Best Innovation; Best Volunteer Recruitment, Training and Recognition; Best Downtown Special Event or Event Series; and Best Image-Building Campaign. The City also received the prestigious designation of Main Street Champion.
- ✓ City Council adopted an amended Ordinance to Amend the Lenoir Zoning Atlas to Remove the B-4 Zoning Classification and Assign Appropriate New Zoning Classifications to all B-4 Properties, Providing for Severability, and an Effective Date, based on the Consistency Statement as recommended by City Staff. **The amendments are as follows:**
 - 1) **Amend the Ordinance in Section 3 to remove 105 Virginia Street as B-4 and add 105 Virginia Street as B-6 to Section 8 of the Ordinance.**
 - 2) **Remove Lakeside Terrace as B-2 from Map 7 and add as B-6 in Section 8 of the Ordinance.**
- ✓ City Council adopted an Ordinance to Amend Appendix A of the Lenoir City Code Related to Use and Zoning District Performance Standards, Repealing and Replacing the Permitted Use Chart, Updating Use Definitions, Establishing a Chart

of Zoning District Regulations, Establishing a Residential-Commercial District, Deleting the B-4 Zoning District and Eliminating Duplicative Code Sections, Providing for Codification and an Effective Date as recommended by City Staff.

- ✓ City Council adopted a resolution Authorizing of the Filing of a Financing Agreement as Authorized by N.C.G.S. §160A-20 with the North Carolina Local Government Commission (LGC) for approval of the City's Metering Project, the proposed financing contract and other actions not inconsistent with this Resolution.
- ✓ City Council approved the minutes of the City Council Meeting of Tuesday, March 5, 2019, as submitted.
- ✓ City Council approved the minutes of the Committee of the Whole Minutes of Tuesday, February 26, 2019, as submitted.
- ✓ City Council awarded the low bid of \$4,400,000 at a percentage rate of 2.925% to US BanCorp for a term of ten (10 years) for the City's MeterSys Project contingent upon approval of the North Carolina Local Government Commission. City Council also authorized, empowered and directed the City Manager to do all such acts to execute all such documents as may be necessary to carry out and comply with the provision of the Contract as approved.
- ✓ Mr. Rick Oxford, Plan Administrator, Western Piedmont Council of Governments, held the first of two meetings to receive public comments regarding the proposed FY2019 Action Plan of the City of Lenoir and the Unifour HOME Consortium as part of the five-year Consolidated Plan. This plan, as required by the U.S. Department of Housing and Urban Development (DHUD), outlines goals and action plans of the City of Lenoir and the Unifour HOME Consortium and its use of Community Development Block Grant Funds (CDBG) and HOME Funds for the fiscal year 2019, beginning July 1, 2019 and ending June 30, 2020. The City of Lenoir serves as the Lead Entity for the Unifour Consortium. Mr. Oxford reported the remaining funds from FY2018 will be used for improvements at the J.E. Broyhill Park, the Mack Cook Stadium and the former Lenoir High School Auditorium (LHS).
- ✓ The following events for the month of March/April were highlighted:
 - The Lenoir Tourism Development Authority will meet on Thursday, March 21 at 4:00 p.m. at City Hall, Third Floor.
 - The Lenoir Business Advisory Board will meet on Thursday, March 21 at 6:00 p.m. at City Hall, Third Floor.
 - The Planning Board will meet on Monday, March 25 at 5:30 p.m.
 - The Committee of the Whole will meet on Tuesday, March 26 at 8:30 a.m. at City Hall, Third Floor, former Council Chambers.
 - The annual Employee Recognition Banquet will be held on Tuesday, March 26 at 6:00 p.m. at the J.E. Broyhill Civic Center.
 - The Foothills Regional Airport Authority will meet on Wednesday, March 27 at noon.
 - A Cruise-In Event is scheduled for Saturday, April 6 at 4:00 p.m. in downtown Lenoir.
 - The North Carolina Gravity Games presented by Google will be held on

Saturday, April 13 from 9:30 a.m. – 3:00 p.m. in downtown Lenoir.

- City offices will be closed on Friday, April 19 in observance of Good Friday.