CITY OF LENOIR
PLANNING & COMMUNITY DEVELOPMENT

Meeting Information

Location
City /County Meeting Room
905 West Avenue
Lenoir, NW 28645

Time
5:30 p.m.

Board Members
Lucy McCarl, Chairperson

Tim Scobie, Vice-Chair

Sharon Bryant

Richard Hedrick

James Bradshaw

Mac Martin

Jeff Church

Leah Hamilton

Larry Smith

Lenoir Planning Board

Agenda • January 28, 2019

Welcome!
We are glad you have joined us for tonight's meeting. The Lenoir Planning Board is an advisory board to City Council comprised of citizen members who voluntarily devote their time and talents to a variety of zoning and land development issues in the community. All Planning Board recommendations are subject to final action by City Council. We anticipate the recommendations of today's meeting will be presented at the City Council meeting on February 19, 2019 for approval of recommended actions.

General Rules of Order
The Board is pleased to hear all non-repetitive comments. However, since a general time limit of five (5) minutes is allotted to the proponents/opponents of an issue, large groups are asked to name a spokesperson. If you wish to appear before the Board, please fill out an Appearance Request/Lobbyist Registration Form and give it to the Recording Secretary. When the Chairperson recognizes you, state your name and address and speak directly into the microphone. ROBERT'S RULES OF ORDER govern the conduct of the meeting.

OPENING SESSION

- Determination of a Quorum
- Call to Order
- Consideration of December 17, 2018 Minutes

NEW BUSINESS

1. HISTORIC PRESERVATION ORDINANCE

Applicant: City of Lenoir

Owner: N/A

Location: Citywide

ZOA#2-19: The planning department is proposing to create a Historic Preservation Commission.

Recommended Action: Staff recommends approval, call for a Public Hearing for City Council to consider the request on February 19, 2019.

2. DISTRICT AND USE STANDARDS OVERHAUL

Applicant: City of Lenoir

Owner: N/A

Location: Citywide

ZOA#1-19: The planning department is proposing amending Appendix A, Section 910-912 of the Lenoir Zoning Code, related communication tower height.

Recommended Action: Discussion with anticipated final action on February 28, 2019.

3. PROPOSED ZONING MAP AMENDMENTS: B-4 PROPERTIES

Applicant: City of Lenoir

Owner: Multiple

Location: Multiple

Recommended Action: Review of proposed zoning changes related to the elimination of the B-4 zoning district, and direction to staff to advertise/notice the zoning changes for February Planning Board.

OTHER BUSINESS

- Update on zoning permits issued

ADJOURNMENT

MINUTES
PLANNING BOARD MEETING
December 17, 2018
5:30 P.M.
905 WEST AVENUE

MEMBERS PRESENT:
Lucy McCarl, Sharon Bryant, Leah Hamilton, Merlin Perry, Mac Martin, Richard Hedrick, Larry Smith

MEMBERS ABSENT: Tim Scobie, Jeff Church, James Bradshaw

STAFF PRESENT:
Jenny Wheelock, Hannah Williams

MINUTES:
Board Member Hamilton moved approval of the meeting minutes of November 26, 2018 as written. Board Member Smith seconded the motion, which was voted upon and passed by unanimous vote.

SPECIAL RECOGNITION:
Chairperson McCarl recognized Board Member Merlin Perry for his retirement from the Planning Board. Board members and staff thanked Mr. Perry for his service to the City of Lenoir.

NEW BUSINESS:

1. **REALTY STREET REZONING**
   Applicant: **Ben Griffin**
   Owner: **Ben and Jackie Griffin**
   Location: **515 Realty St**
   R#3-18: The applicant requests that the City re-zone the subject property from B-2 (General Business) to I-2 (Heavy Industrial).

   Recommended Action: *Staff recommends approval based on the consistency statement on page 6 of the staff report, and call for a Public Hearing for City Council to consider the request on January 15, 2019.*

This item was presented by Hannah Williams. Using the Staff Report and PowerPoint presentation, Ms. Williams presented the proposed project, staff's conditions and recommendations, and responded to Board questions.

Ms. Williams stated that staff recommended approval of the request.

Board Member Perry moved Approval of the request, subject to the consistency statement in the staff report, and call for a Public Hearing for City Council to consider the request on January 15, 2019. Board Member Hedrick seconded the motion, which was voted upon and passed unanimously.

2. **Conditional Use Permit 2-18**
   Applicant: Angie Meadows, Montessori Nature School
   Owner: Resurrection Hope Church of God
   Location: 732 Stacey Place
   CUP#2-18: The applicant is requesting a Conditional Use Permit for a Day Care Facility in the Medium-Density Residential (R-9) zoning district, in order to establish a Montessori school on an existing church property.

Recommended Action: Staff recommends approval, subject to the conditions in the staff report, and call for a Public Hearing for City Council to consider the request on January 15, 2019.

This item was presented by Hannah Williams. Using the Staff Report and PowerPoint presentation, Ms. Williams presented the proposed project, staff's conditions and recommendations, and responded to Board questions.

The applicant, Angie Meadows of Montessori Nature School addressed the board to provide more details about the proposed day care. Ms. Meadows asked if the staff recommended enrollment number could be amended to state that attendance be limited to 23 students on site on any given day of operation, as opposed to a total enrollment of the program. Jenny Wheelock, Planning Director, clarified that was staff's intent and stated she would revise the language to make this clear.

General discussion ensured about the lot and parking configurations.

Board Member Bryant moved approval of the request, subject to the conditions in the staff report as amended in the session, and called for a Public Hearing for City Council to consider the request on January 15, 2019. Board Member Martin seconded the motion, which was voted upon and passed unanimously.

3. **ARROWOOD STREET CONDITIONAL ZONING ORDINANCE**
   Applicant: Gail Greer
   Owner: Camelot Golf Center LLC
   Location: 211 Arrowood Street, across of entrance to Hibriten High School.

CZ 5-18: The applicant is requesting a Conditional Zoning District for a property with an existing (inactive) restaurant and clubhouse, to accommodate multi-family developments at low to medium densities, along with nonresidential uses. The base zoning district for this request is R-12.

Recommended Action: Staff recommends approval, subject to the conditions of the district.

This item was presented by Hannah Williams. Using the Staff Report and PowerPoint presentation, Ms. Williams presented the proposed project and staff's conditions and recommendations. Planning Director Jenny Wheelock clarified details about the Conditional Zoning ordinance and the land use goals.

The applicant's representative, Nick Brown, addressed the board to discuss the history of the property, as well as his family's intent to sell the land. Mr. Brown answered general questions from the board.

C. Mack Wilson of 1710 Wilkesboro Blvd came forward to inquire about the restaurant building's grease disposal. He recalled the former occupant of the existing restaurant building on the site improperly dumping the grease on the ground and the runoff touching his (Wilson's) property.

Jeanie Cline of 317 Arrowood St came forward to speak in opposition of the proposed ordinance, expressing concern over the traffic problems a multi-family project could cause. General discussion ensured over the conditions for the traffic study, and access to the site.

Board Member Hamilton moved approval of the ordinance, and called for a Public Hearing for City Council to consider the request on January 15, 2019. Board Member Martin seconded the motion, which was voted upon and passed unanimously.

CONTINUING BUSINESS:

1. COMMUNICATION TOWER ZONING ORDINANCE AMENDMENT

Applicant: City of Lenoir
Owner: N/A
Location: Citywide
ZOA#3-18: The planning department is proposing amending Appendix A, Section 910-912 of the Lenoir Zoning Code, related communication tower height and small cell wireless facilities.

Recommended Action: Staff recommends approval, call for a Public Hearing for City Council to consider the request on January 15, 2018.

This item was presented by Jenny Wheelock, Planning Director. Ms. Wheelock presented the proposed amendment and responded to Board questions.

There was a general discussion by the board on cell tower heights, locational requirements, and small cell antenna locations.
Board Member Hamilton moved approval of the ordinance, and called for a Public Hearing for City Council to consider the request on January 15, 2019. Board Member Martin seconded the motion, which was voted upon and passed unanimously.

OTHER BUSINESS:

PERMITS ISSUED

The board was given a list of permits issued.

ADJOURNMENT:

Having no other matters to bring before the Board, Chairperson McCarl adjourned the meeting at 7:50 p.m.

_____	_____
Lucy McCarl	**Jenny Wheelock**
Chairperson	**Planning Director**

AN ORDINANCE OF THE CITY COUNCIL OF LENOIR, NORTH CAROLINA, AMENDING APPENDIX A OF THE LENOIR CITY CODE TO ADD ARTICLE XVII: HISTORIC PRESERVATION, RELATED TO THE ESTABLISHMENT OF A LOCAL HISTORIC PRESERVATION COMMISSION AND PROCEDURES AND PARAMETERS FOR LANDMARKS, DISTRICTS AND CERTIFICATES OF APPROPRIATENESS, PROVIDING FOR CODIFICATION, AND AN EFFECTIVE DATE.

Whereas, the historical heritage of the City of Lenoir is a valued and important part of the general welfare; and

Whereas, the conservation and preservation of that heritage, through the documentation and regulation of historic districts or landmarks, or through the acquisition of historic properties, stabilizes and increases property values; and

Whereas, NCGS 160A-400 authorizes the appointment of a Planning Board to serve as the Local Historic Preservation; and

Whereas, the Lenoir Planning Board finds and declares that this ordinance and these amendments consistent with the City's adopted Comprehensive Plan, which calls for the preservation of cultural and historic properties and the establishment of local standards for the renovation and re-use of historic properties; 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. Appendix A of the Code of Ordinances, City of Lenoir, North Carolina, "Zoning" is hereby appended to add Article XVII to read as follows:

Article XVII: HISTORIC PRESERVATION

1700 Purpose.

Whereas the historical heritage of the City of Lenoir is a valued and important part of the general welfare; and whereas the conservation and preservation of that heritage, through the documentation and regulation of historic districts or landmarks, or through the acquisition of historic properties, stabilizes and increases property values, and pursuant to North Carolina General Statute (NCGS 160A-400.1 to 400.14) this ordinance is enacted in order to:

A. Safeguard the heritage of Lenoir by preserving districts and landmarks therein that embody important elements of its culture, history, architectural history, or prehistory; and
B. Promote the use and conservation of such districts and landmarks for the education, pleasure, and enrichment of the residents of the City of Lenoir and of the State as a whole.

1701 Historic Preservation Commission

1701.1 Creation and Appointment – The Lenoir Planning Board is hereby created as the Lenoir Historic Preservation Commission, pursuant to general statute 160A-400.7, hereinafter referred to as the "Commission."

1701.2 Qualification of Members – At least three members of the Planning Board must have demonstrated education, experience, special interest, or a combination thereof, in historic preservation, history, architecture, architectural history, archaeology, cultural anthropology, planning, or related field.

1701.3 Rules of Procedure

A. The Commission shall adopt rules of procedure necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. The rules of procedure shall provide for at least the following:

    1. selection of Commission officers
    2. time and place of regular meetings, and calling of special meetings
    3. procedures for conduct of public hearings
    4. keeping of minutes and Commission records
    5. conduct of voting
    6. conflicts of interest policy
    7. attendance policy
    8. forms to be used in applying for Certificates of Appropriateness
    9. sufficient project information to make sound determinations on applications for Certificates of Appropriateness
    10. list of minor works for which Commission staff may issue Certificates of Appropriateness

B. The Commission shall meet at least quarterly. All meetings shall conducted in accordance with the North Carolina Open Meetings Law, G.S. Chapter 143, Article 33C (NCGS 143-318.9 to 318.18).
C. The Commission shall annually present to the local legislative body a report of its activities, budget, findings, recommendations, and actions, which shall be made available to the public.

1701.4 Powers and Duties – The Commission is hereby empowered to undertake such actions as may be reasonably necessary to the discharge and conduct of its duties and responsibilities as set forth in this ordinance and in the North Carolina General Statutes, including, but not limited to:

    A. organizing itself and conducting its business;

B. receiving and spending funds appropriated by the Lenoir City Council for operating and performing its duties;
C. conducting an inventory of properties of historical, archaeological, architectural, and/or cultural interest;
D. recommending to the Lenoir City Council that individual buildings, structures, sites, areas, or objects within its zoning jurisdiction be designated as "historic landmarks" and that areas within its zoning jurisdiction be designated as "historic districts;"
E. recommending to the Lenoir City Council that designation of any area as a historic district, or part thereof, or of any building, structure, site, area, or object as a historic landmark, be revoked or removed for cause;
F. reviewing and acting on proposals for

    1. exterior alteration, relocation, or demolition of designated his landmarks;
    2. exterior alteration, relocation, demolition, or new construction properties within designated historic districts;

G. negotiating with property owners who propose to demolish or relocate a designated landmark, or a building, structure, site, area, or object within a designated district, in an effort to find a means of preserving such properties, including consulting with private civic groups, interested private citizens, and other public boards or agencies;
H. instituting action, through the Planning Department enforcement staff, to prevent, restrain, correct, or otherwise abate violations of this ordinance or of ordinances designating historic landmarks or districts;
I. reviewing and acting on proposals for alterations of interior features of designated historic landmarks, as specified, and for which owner consent was given, in the ordinance establishing designation;
J. appointing advisory bodies or committees as appropriate;
K. advising property owners about appropriate treatment(s) for characteristics of historic properties;
L. proposing to the Lenoir City Council amendments to this or to any other ordinance, and proposing new ordinances or laws relating to historic landmarks and districts or to the protection of the historic resources of the City of Lenoir and its environs.

1702 Inventory – The Commission shall use as a guide to identification, assessment, and designation of historic landmarks and districts an inventory of buildings, structures, sites, areas, or objects which are of historic, prehistoric, architectural, archaeological, and/or cultural significance. The Commission shall take steps as necessary to ensure that the inventory reflects information current to within twenty (20) years.

1703 Historic Landmarks

1703.1 Adoption of Ordinance of Designation

A. The Lenoir City Council may adopt and, from time to time, amend or repeal an ordinance designating one or more historic landmarks. The ordinance must include the following information:

    1. the name or names of the owner or owners of the property;
    2. description of each property designated by the ordinance, including the address, if applicable, the physical configuration and orientation of the property so designated;
    3. describe those elements of the property which are integral to its historic, architectural, archaeological, and/or cultural significance;

4. provide for each designated historic landmark a suitable sign or plaque indicating that the landmark has been so designated; and
5. any other information deemed necessary, within the authority of this ordinance and the general statutes, as determined by the local governing body .

B. The landmark designation process may be initiated by either the Commission or at the request of a property owner. No ordinance to designate any building, structure, site, area, or object shall be adopted or amended until all of the requirements of this ordinance and its subsections have been satisfied.

1703.2 Criteria of Designation – To be designated as a historic landmark, a property, building, site, area, or object shall be found by the Commission to possess special significance in terms of its history, prehistory, architecture, archaeology, and/or cultural importance, and to retain the integrity of its design, setting, workmanship, materials, feeling, and/or association.

1703.3 Procedure for Designation

A. The Commission shall make, or cause to be made, an investigation and designation report that includes:

1. the name of the property to be designated, including both common and historic names if they can be determined;
2. the name(s) and address(es) of the current owner(s);
3. the location of the property for which designation is proposed, including the street address and Caldwell County tax map parcel number or parcel identification number;
4. the dates of original construction and of all later additions or alternations, as applicable;
5. an assessment of the significance of the building or site as prescribed by this ordinance;
6. an architectural or archaeological description of the area of the site or structure, including descriptions of all outbuildings and appurtenant features, for which designation is proposed;
7. a historical discussion of the site or structure within its type, period, and locality;
8. a photograph showing, to the fullest extent possible, the overall disposition of the property; one photograph of each façade or elevation and supplementary photographs as necessary to illustrate architectural details or ornamentation, siting, scale, proportion, and relationship of features or buildings, structures, or objects to each other; and
9. a map showing the location of the property, including all outbuildings and appurtenant features.

B. Pursuant to G.S. 160A-400.6, as amended, the designation report shall be submitted to the North Carolina Department of Cultural Resources, Division of Archives and History, or its successor agency, which, acting through the State Historic Preservation Officer, shall review it and provide written comments and recommendations to the Commission regarding the substance and effect of the proposed designation. Failure of the Department to respond within thirty (30) days following its receipt of the report shall constitute approval of the report by the Department and relieve the City of Lenoir of all responsibility to consider the Department's comments or recommendations concerning the report.

C. At the expiration of the 30-day review period, the Commission shall hold a public hearing to consider the proposed landmark designation, and shall consider the report and any comments or recommendations from the State Historic Preservation Officer, and shall accept it, amend it, reject it, or defer a decisions until completion of a period of further study, not to exceed 60 days. The Commission shall forward to the Lenoir City Council a copy of the report, copies of written comments received from the Department of Cultural Resources, and a recommendation either to

approve or disapprove designation of the property, stating in its recommendation the extent to which the property meets the criteria for designation as set forth in this ordinance. A recommendation for disapproval shall not necessarily prevent any future consideration of a property for designation as a historic landmark.

D. The Lenoir City Council shall hold a public hearing to consider the proposed ordinance. Reasonable notice of the time and place thereof shall be given. Following the public hearing, the Lenoir City Council shall consider the Commission's designation report, its recommendation(s), the Department of Cultural Resources' recommendation(s), and comments made at the public hearing, and shall adopt the ordinance as proposed, adopt the ordinance with amendments, or reject the ordinance.

E. Upon adoption of the ordinance, the Planning Department staff shall, within 30 days of adoption:
    1. send the owner(s) of the landmark(s) written notice of such designation, explaining the substance of the Commission's decision, via certified mail with a return receipt requested;
    2. file one copy of the ordinance, and any subsequent amendments thereto, in the office of the Register of Deeds of Caldwell County, which office shall index each historic landmark according to the name of the owner in the grantee and grantor indexes.
    3. file a second copy of the ordinance, and any subsequent amendments thereto, in the office of the City Clerk , where it shall be made available for public inspection at any reasonable time,
    4. provide a third copy to the Caldwell County building inspector .
    5. notify the tax assessor of County name of the landmark designation.

F. Upon notification, the tax assessor of Caldwell County shall clearly indicate the designation on all appropriate tax maps for as long as the designation remains in effect.

G. In disapproving a designation report, a copy of the minutes of the meeting at which such decision to deny was made shall be mailed to the owner of the property proposed for designation, together with a letter explaining the substance of the City's decision.

1704 Historic Districts

1704.1 Adoption of Ordinance of Designation – The Lenoir City Council may adopt and, from time to time, amend or repeal an ordinance designating a historic district. The ordinance shall include information that describes the physical area proposed for designation, its boundaries, and general historic, architectural, archaeological, and/or cultural significance. The district designation process may be initiated by either the Commission or at the request of any number of property owners. No ordinance to designate a district shall be adopted or amended until all of the requirements of this ordinance and its subsections have been satisfied.

1704.2 Criteria for Designation – To be designated as a historic district, an area shall be found by the Commission to possess special significance in terms of its history, prehistory, architecture, archaeology, and/or cultural importance, and to retain the integrity of its design, setting, workmanship, materials, feeling, and/or association.

1704.3 Procedure for Designation

A. The Commission shall make, or cause to be made, an investigation and designation report which includes:

1. an assessment of the significance of the buildings, sites, structures, features, objects, or environs to be included in a proposed district and a description of its boundaries; and
2. a map clearly indicating the boundaries of the district and the properties, showing their County name tax map parcel numbers, contained therein.

B. A district designation report must be submitted to the North Carolina Department of Cultural Resources, Division of Archives and History, or its successor agency, which, acting through the State Historic Preservation Officer, shall review it and provide written comments and recommendations to the local governing body regarding the substance and effect of the proposed designation. Failure of the Department to respond within 30 days following its receipt of the report shall constitute approval of the report by the Department relieve the City of Lenoir of all responsibility to consider the Department's comments or recommendations concerning the report.
C. At the expiration of the thirty (30) day review period, the Commission shall consider the report and any comments or recommendations from the State Historic Preservation Officer, and shall accept it, amend it, reject it, or defer a decision until completion of a period of further study, not to exceed 60 days. The Commission shall also review the report acting in their capacity as the Planning Board, following the procedure for zoning map amendments in Article XIV of the Lenoir Zoning Ordinance. The Commission shall forward to the Lenoir City Council a copy of the report, copies of written comments received from the Department of Cultural Resources, and a recommendation either to approve or disapprove designation of the district, stating in its recommendation the extent to which the proposed area meets the criteria for designation as set forth in this ordinance. A recommendation for approval shall be accompanied by a proposed ordinance of designation. A recommendation for disapproval shall not necessarily prevent any future consideration of an area for designation as a historic district.
D. Upon receipt of a recommendation and designation report from the Commission, the Lenoir City Council shall proceed in the same manner as it would for a zoning map amendment in Article XIV of the Lenoir Zoning Ordinance.

1704.4 Revisions to Districts – Changes in the boundaries of an adopted district subsequent to its initial establishment shall be effected as allowed by Sections 1703.1 and 1703.2 of this ordinance and as prescribed in Section 1703.3.

1705 Certificates of Appropriateness

1705.1 Certificate of Appropriateness Required

A. From and after the designation of a historic landmark or district, no construction, alteration, reparation, rehabilitation, relocation, or demolition of any building, structure, site, area, or object shall be performed upon such landmark or within such district until a Certificate of Appropriateness (or "Certificate") has been granted by the Historic Preservation Commission. A Certificate shall be required for any and all exterior work, including masonry walls, fences, light fixtures, steps and pavement, any other appurtenant features, any above ground utility structures, and any type of outdoor advertising sign.
B. A Certificate shall be required in order to obtain a building permit, or any other permit granted for the purposes of constructing, altering, moving, or demolishing structures, and shall be required whether or not a building permit or other permit is required. Any building permit or other permit not issued in conformity with this Section shall be invalid.
C. For the purposes of this Article, "exterior features" shall include architectural style, general design, general arrangement, kind and texture of material, size and scale, and type and style of all windows, doors, light fixtures, signs, any other appurtenant features, historic signs, historic advertising, color, landscape, and archaeological or natural features.
D. A Certificate shall be required for specific interior features of architectural, artistic, or historic significance in publicly owned landmarks and in privately owned landmarks for which consent to review has been given in writing by the owner. Such consent shall be filed in the Caldwell County Register of Deeds and indexed according to the name of the property owner in the grantee

and grantor indexes and shall bind future owners and/or successors in title. The ordinance establishing historic designation of the property shall specify the interior features subject to review and the specific nature of the Commission's jurisdiction over those features.

E. In approving a Certificate, the Commission may attach reasonable conditions necessary to the proper execution of this ordinance.
F. Commission staff may issue a Certificate for minor works as defined in the Commission's Rules of Procedure. Minor works shall include the ordinary maintenance or repair of any exterior feature of a historic landmark or property located within a historic district, provided such maintenance or repair does not involve a change in design, material, or appearance thereof.
G. No application for a minor works Certificate shall be denied without deliberation by the Commission.
H. Under this section, the Commission shall institute action, through the Lenoir Planning Department, to prevent, restrain, correct, or otherwise abate the construction, reconstruction, alteration, restoration, relocation, or demolition of buildings, structures, appurtenant features, or any other features which would be incongruous with the special character of the landmark or district or violate the provisions of this Section.

1705.2 Review Guidelines

Prior to the designation of any historic landmark or district, the Commission shall prepare and adopt guidelines not inconsistent with G.S. 160A-400.1 – 400.14 for constructing, altering, restoring, rehabilitating, relocating, removing, or demolishing of property designated as historic, which guidelines shall ensure, insofar as possible, that changes in designated landmarks or properties located within designated districts shall be in harmony with the reasons for designation.

1705.3 Certain Changes not Prohibited

Nothing in this ordinance shall be construed to prevent:

A. the ordinary maintenance or repair of any exterior feature of a historic landmark or property located within a historic district, provided such maintenance or repair does not involve a change in design, material, or appearance thereof;
B. the construction, alteration, relocation, or demolition of any such feature, building, or structure when Caldwell County Building Inspector certifies to the Commission that such action is necessary to the public health or safety because of an unsafe or dangerous condition;
C. a property owner from making of his property any use not otherwise prohibited by statute, ordinance, or regulation; or
D. the maintenance of, or, in the event of an emergency, the immediate restoration of any existing above ground utility structure without approval by the Commission.

1705.4 Delay of Demolition

A. Except as provided below, a Certificate authorizing the demolition of a designated historic landmark or property located within a designated historic district may not be denied. However, the Commission may delay the effective date of such a Certificate for a period of up to 365 calendar days from the date of approval. The Commission may reduce the period of delay where it finds that the owner would suffer extreme hardship or be deprived permanently of all beneficial use of such property as a result of the delay. During the delay period, the Commission shall negotiate with the property owner and with any other party in an effort to find a means of preserving the property as provided in Section 1701.4.

B. The Commission may deny an application for a Certificate authorizing the demolition or destruction of any designated landmark, or of any property, building, site, object, area, or structure located within a designated district, which the State Historic Preservation Office has determined to be of Statewide Significance, as defined by the criteria of the National Register of Historic Places, unless the Commission finds that the owner would suffer extreme hardship or be deprived permanently of all beneficial use of the property as a result of the denial.
C. In the event that the Commission has voted to recommend designation of a property as a landmark, or of an area as a district, and such designation has not yet been made by the Lenoir City Council, the demolition of any building, site, object, area, or structure located on the property of the proposed landmark or within the proposed district may be delayed by the Commission up to 180 calendar days or until the Lenoir City Council takes final action on the proposed designation, whichever occurs first. Should the Lenoir City Council approve the designation prior to the expiration of the 180 day delay period, an application for a Certificate of Appropriateness authorizing demolition must then be filed; however, the maximum delay period of 365 days shall be reduced by the number of days elapsed during the 180 day delay while designation was pending.

1705.5 Demolition through Neglect

Failure of an owner to regularly, consistently, and fully maintain a designated landmark or any property located within a designated district shall constitute demolition, through neglect, without a valid Certificate of Appropriateness and a violation of this ordinance. The Commission shall institute action, through the Planning Department code enforcement staff, to prevent, restrain, correct, or otherwise abate such demolition, provided such action includes appropriate safeguards to protect property owners from undue economic hardship.

1705.6 Applications and Required Procedures

A. An application for a Certificate shall be obtained from the Lenoir Planning Department. Applications shall be completed in form and in content and filed with the staff at least 20 business days prior to the next regularly scheduled Commission meeting. Late applications shall be deferred until the following regularly scheduled meeting.
B. The Commission shall have, as detailed in its Rules of Procedure, broad powers to require the submittal, with the application, of pertinent information sufficient to determine an application.
C. Incomplete applications shall not be accepted.
D. Before considering an application for a Certificate, the Commission shall notify by mail the owners of any adjacent property. Such notices are convenience of property owners and occupants and no defect or omission therein shall impair the validity of issuing a Certificate or of any subsequent action.
E. When considering an application for a Certificate, the Commission shall give the applicant and owners of any property likely to be materially affected by the application an opportunity to be heard.
F. When considering the application, the Commission shall apply the review guidelines required by Section 1705.2 and shall, in approving, approving with conditions, disapproving, or deferring an application, make findings of fact, indicating the extent to which the application is or is not in compliance with review criteria, and shall cause these findings of facts to be entered into the minutes of its meetings. The minutes shall also contain a summary of any citation to evidence, testimony, studies, or other authority upon which the Commission based its decision.
G. The Commission shall have ninety (90) calendar days following submittal of a complete application within which to act. Failure by the Commission to take final action within such period shall constitute approval of the application as submitted. This period may be extended by mutual agreement between the Commission and the applicant.

H. A Certificate shall be valid for 180 calendar days from date of issuance, or, in the case of a Certificate for demolition, from the effective date. If the authorized work has not commenced within that period, or has been discontinued for more than 365 calendar days from the date of issuance, such Certificate shall immediately expire and the applicant shall be required to reapply.

I. If the Commission denies a Certificate, a new application affecting the same property may be submitted, provided a substantial change is proposed in the plans.

J. An appeal of a final action by the Commission may be made to the Lenoir City Council. Written notice of intent to appeal must be sent to the Commission, postmarked within twenty (20) calendar days following the Commission's decision. Appeals must be filed with the Lenoir City Clerk within sixty (60) calendar days following the Commission's decision and shall be in the nature of certiorari. A decision by Lenoir City Council may be appealed to the superior court of Caldwell County.

K. A Certificate shall be required for designated landmarks or buildings, structures, sites, areas, or objects within designated districts which are owned by the State of North Carolina or any of its agencies, political subdivisions, or instrumentalities, subject to the regulations of this ordinance and in accordance with North Carolina General Statute 160A-400.9(f).

L. In the case of any building, structure, site, area, or object designated as a historic landmark or of any property located within a designated historic district being threatened with demolition, as the result of willful neglect or otherwise, material alteration, rehabilitation, or removal, except in compliance with this ordinance, the Commission, the local governing body , or any other party aggrieved by such action may institute any appropriate action or proceeding to prevent, restrain, correct, or otherwise abate such violation, or to prevent any illegal act or conduct with respect to such property.

1706 Conflict with Other Laws

Whenever the provisions of this ordinance are in conflict with any other statute, charter provision, ordinance, or regulation of the City of Lenoir, the more restrictive ordinance or regulation shall govern.

SECTION 2. 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 3. 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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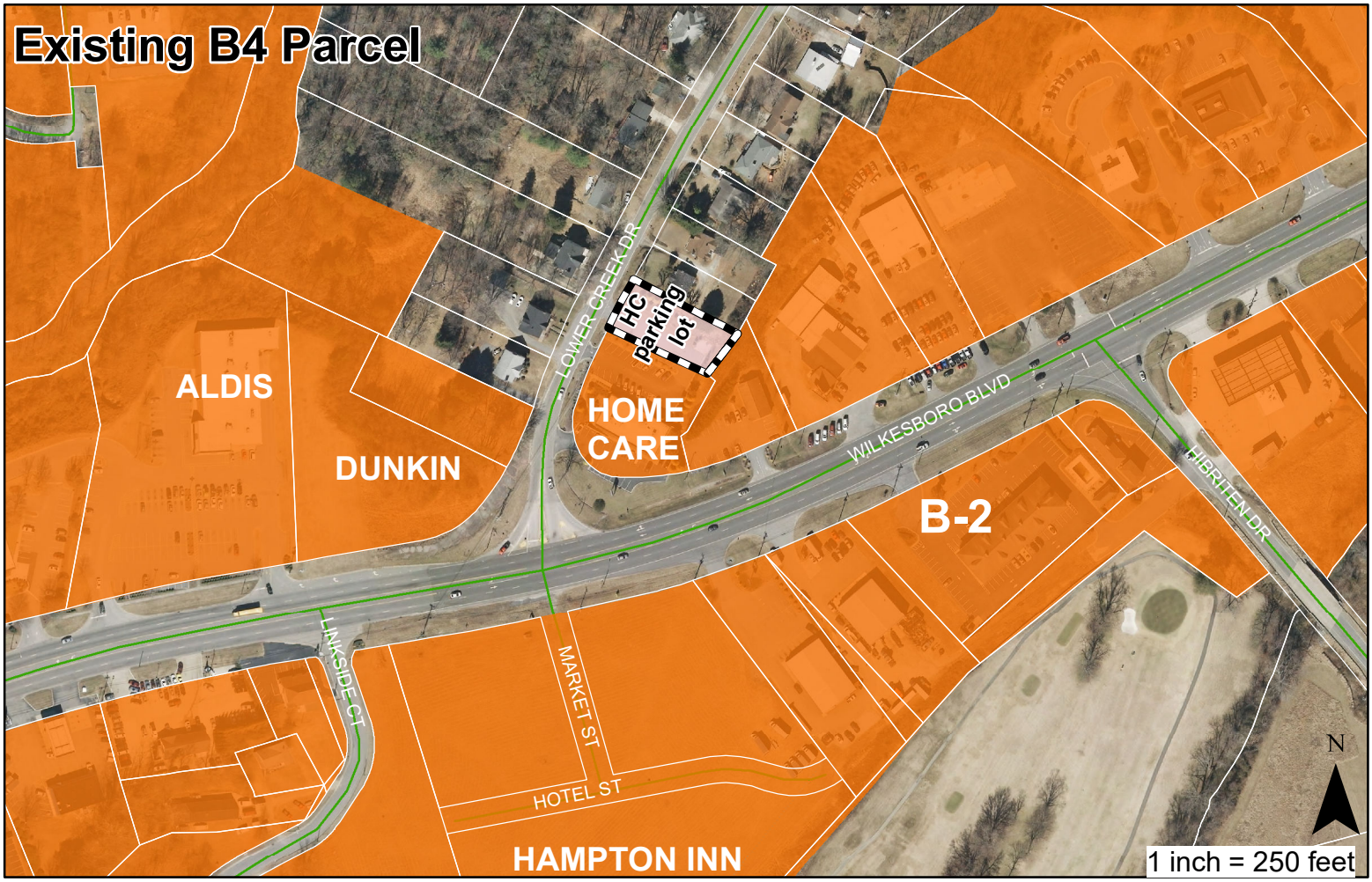
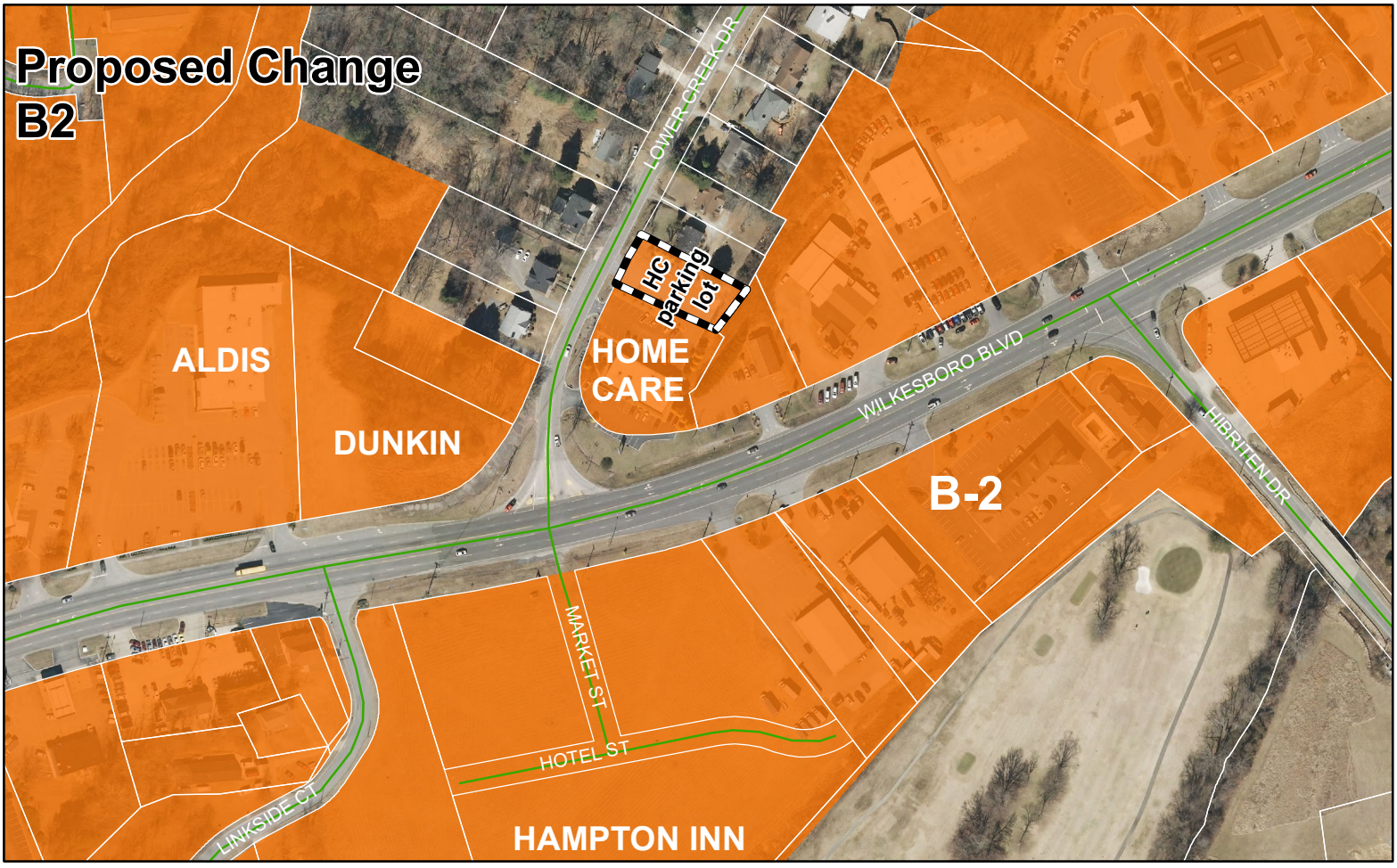
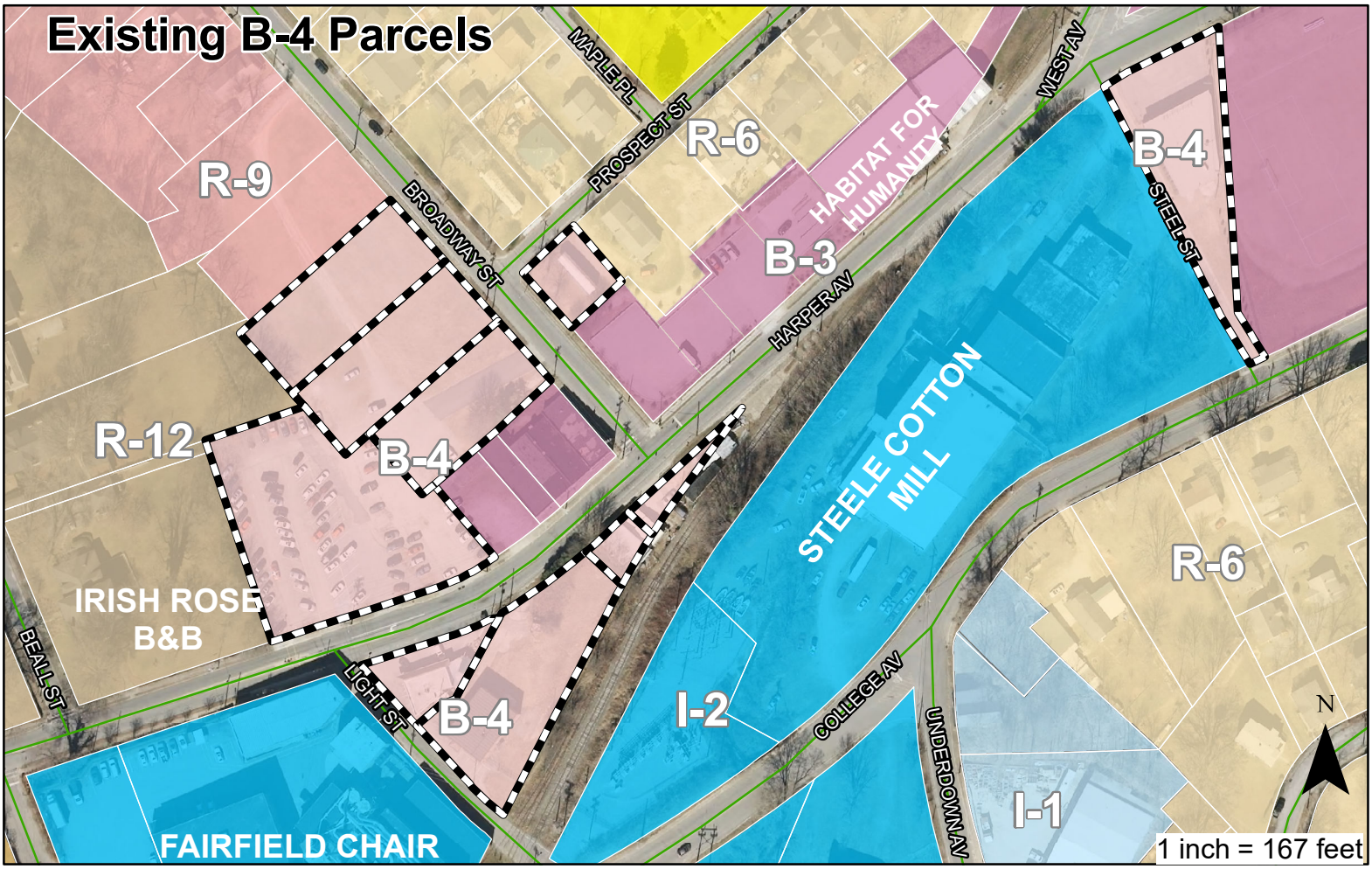
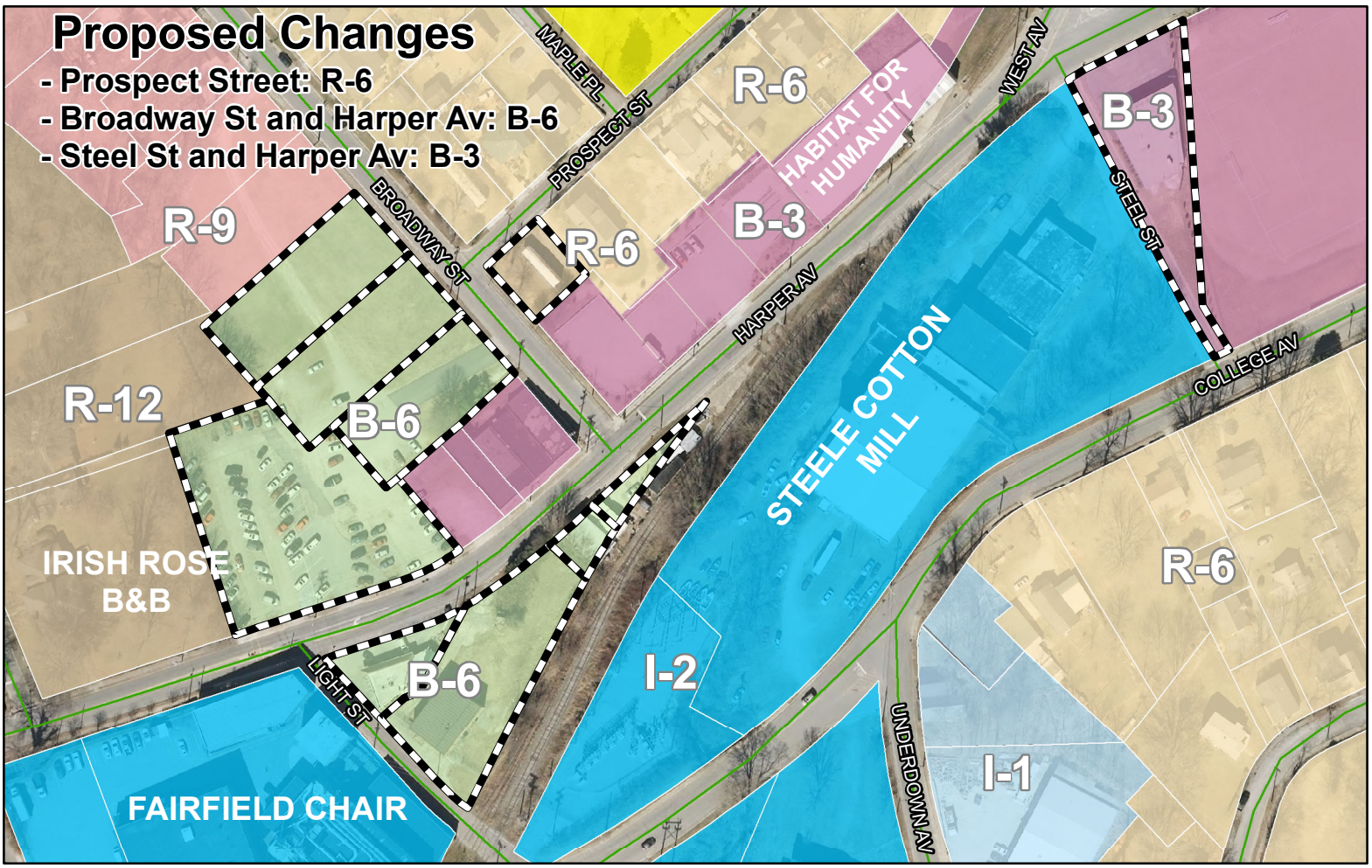
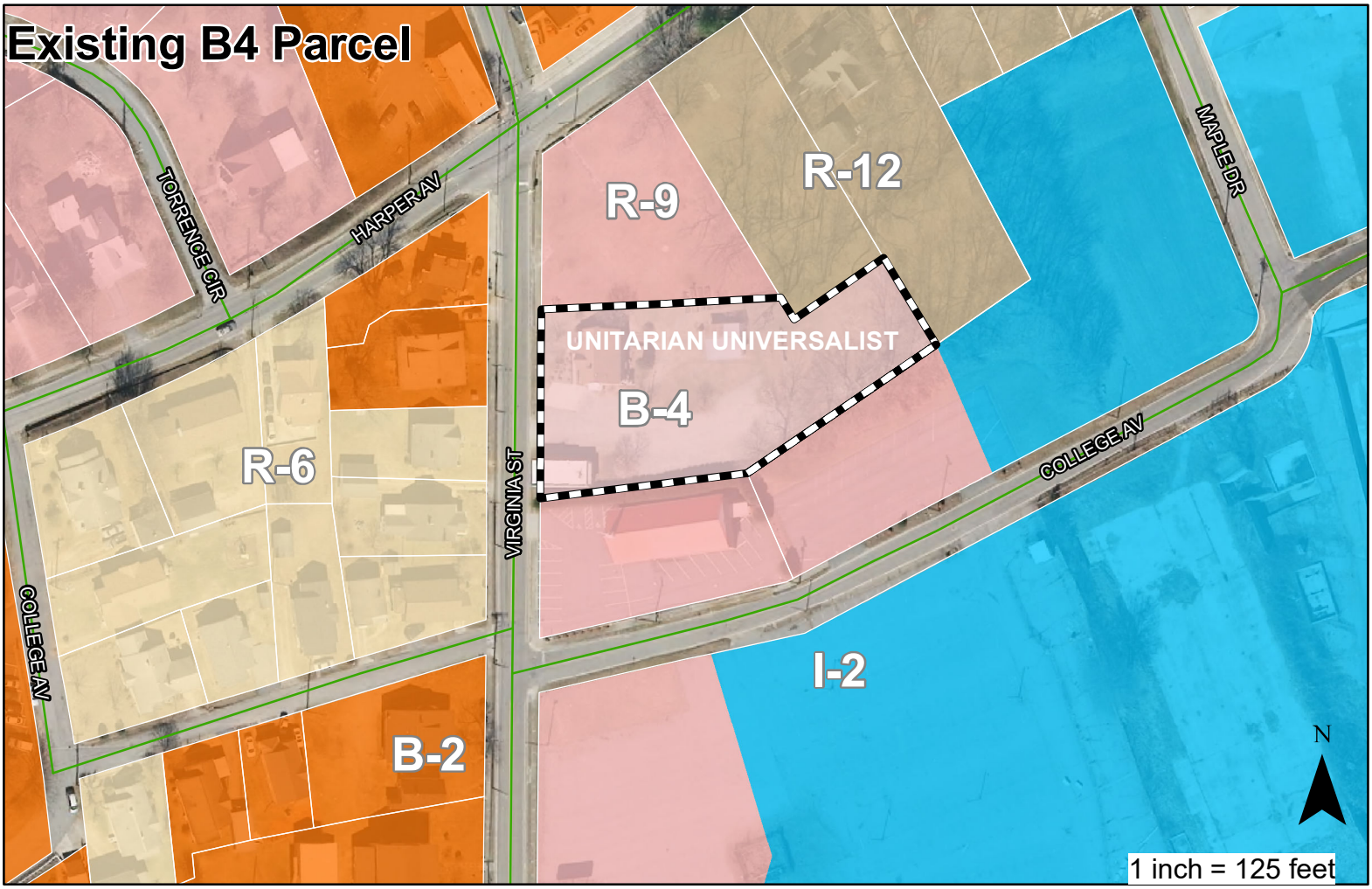
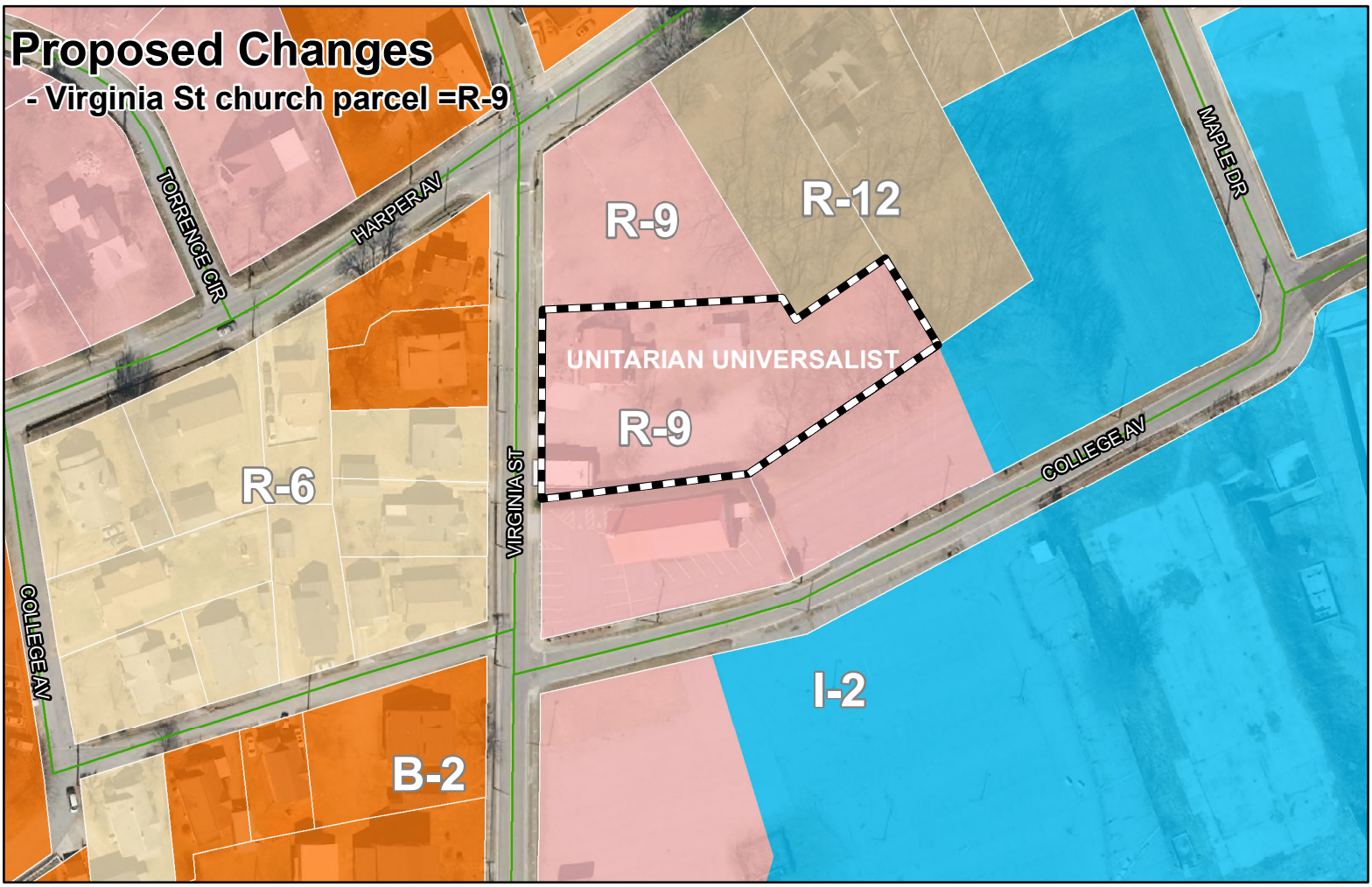

Existing B4 Parcel
ALDIS
DUNKIN
HOME CARE
HC parking lot
LOWER CREEK DR
WILKESBORO BLVD
HIBRITEN DR
B-2
LINKSIDE CT
MARKET ST
HOTEL ST
HAMPTON INN
N
1 inch = 250 feet

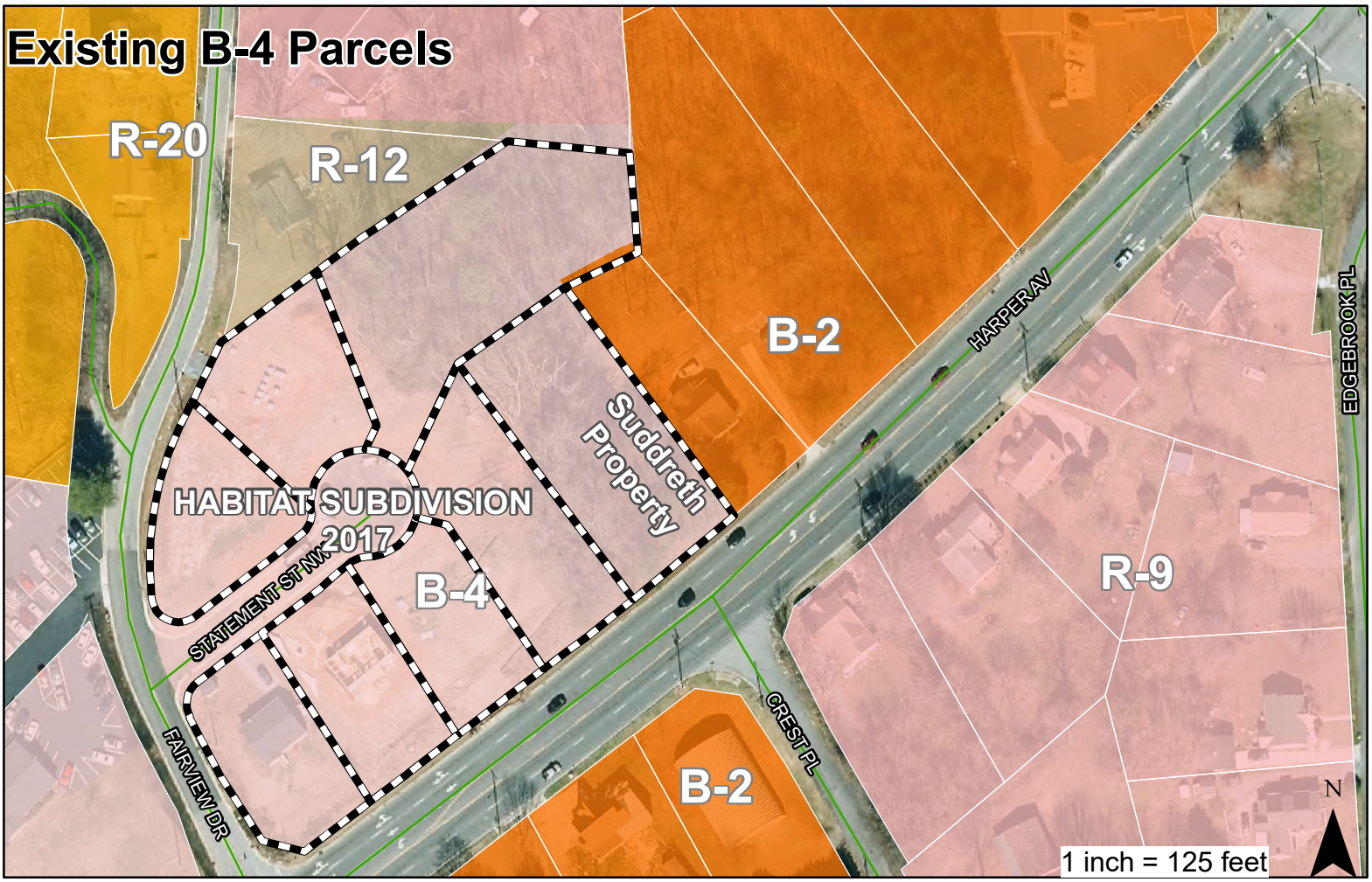

Proposed Change
B2
ALDIS
DUNKIN
HOME CARE
HC parking lot
LOWER CREEK DR
WILKESBORO BLVD
HIBRITEN DR
B-2
LINKSIDE CT
MARKET ST
HOTEL ST
HAMPTON INN

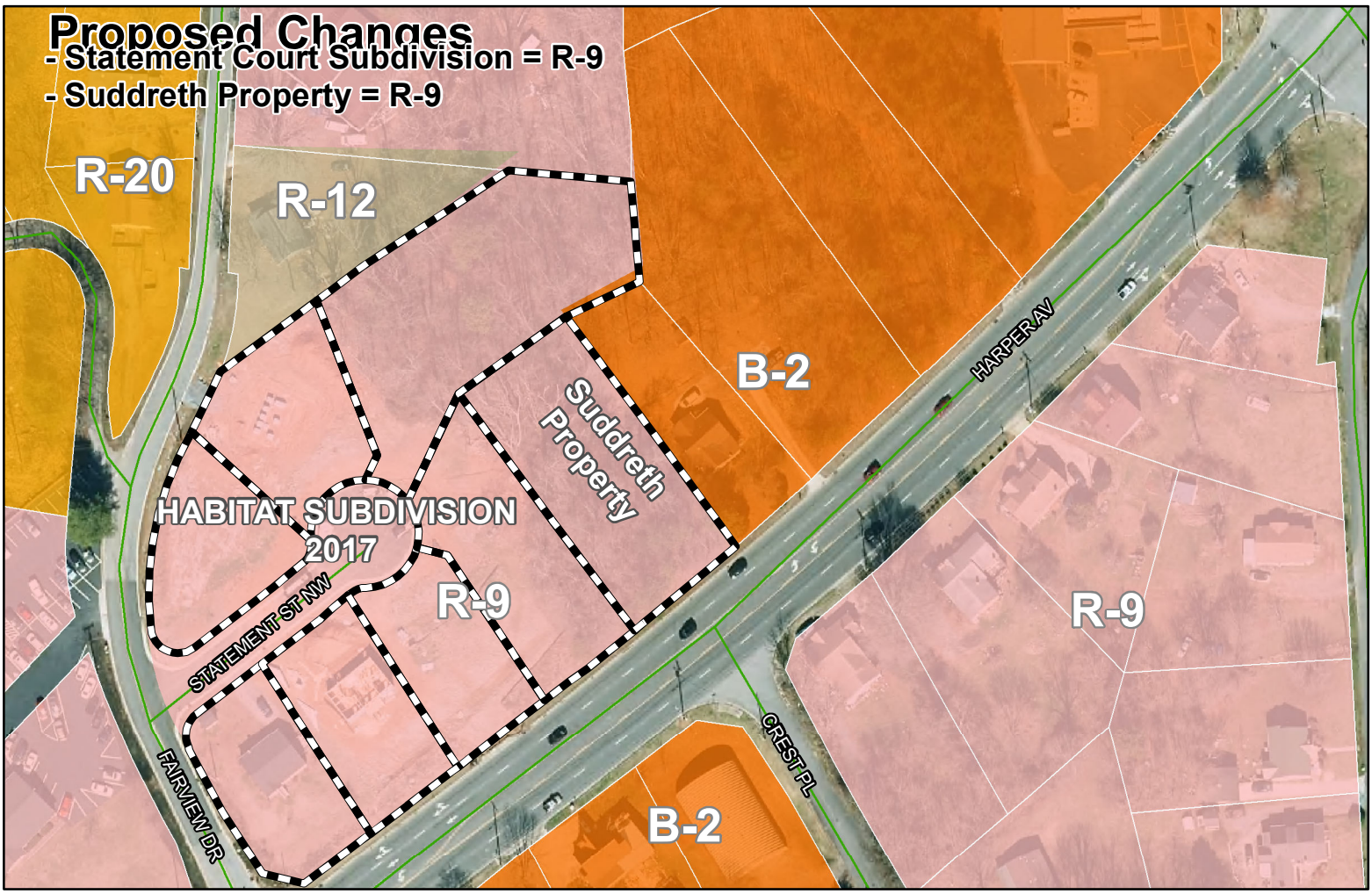

Existing B-4 Parcels
MAPLE PL
PROSPECT ST
R-6
HABITAT FOR HUMANITY
WEST AV
B-4
STEEL ST
R-9
BROADWAY ST
B-3
HARPER AV
R-12
B-4
STEELE COTTON MILL
R-6
IRISH ROSE B&B
BEALL ST
LIGHT ST
B-4
I-2
COLLEGE AV
UNDERDOWN AV
N
I-1
FAIRFIELD CHAIR
1 inch = 167 feet

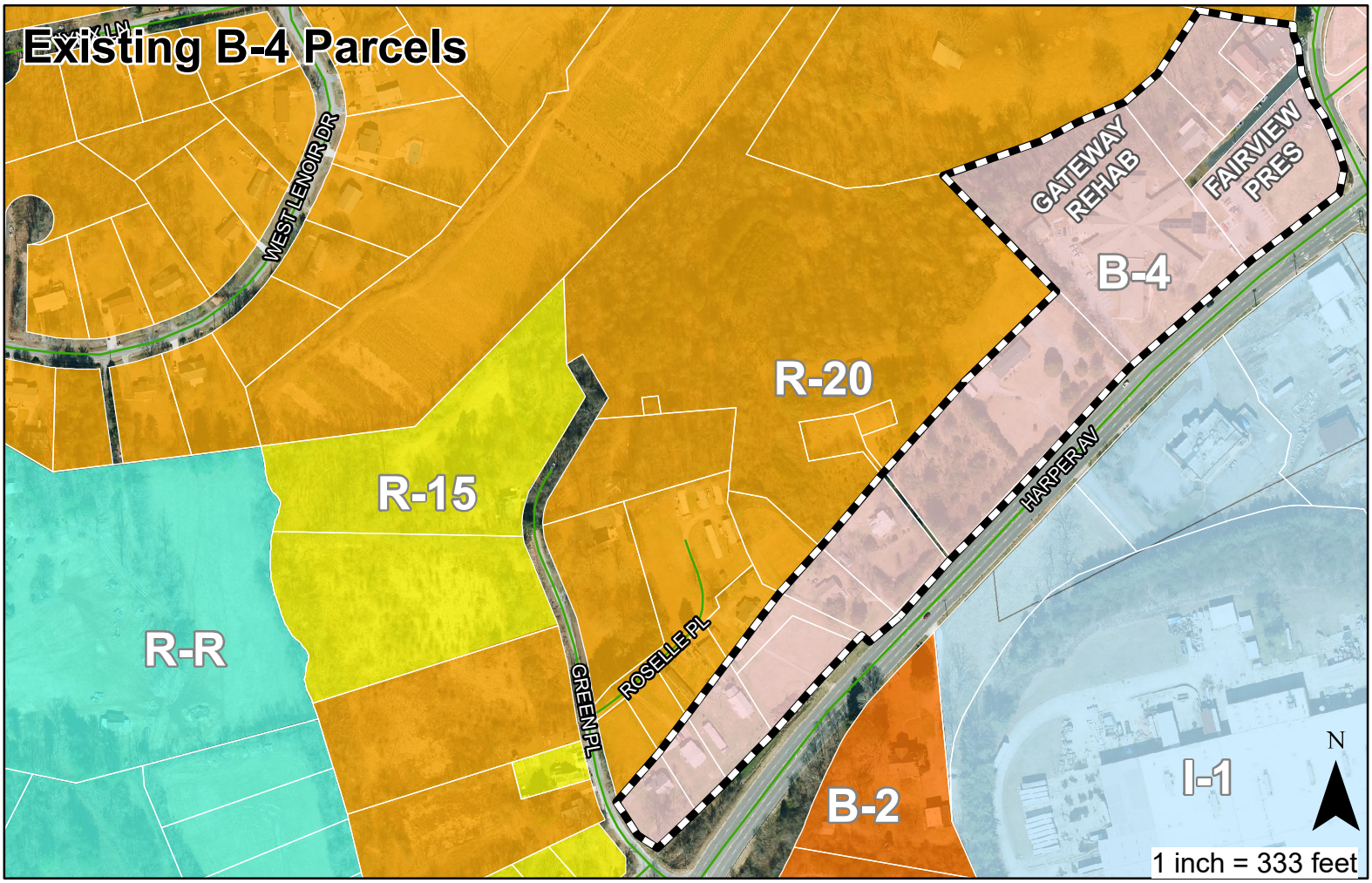

Proposed Changes
- Prospect Street: R-6
- Broadway St and Harper Av: B-6
- Steel St and Harper Av: B-3
MAPLE PL
PROSPECT ST
R-6
HABITAT FOR HUMANITY
WEST AV
B-3
STEEL ST
R-9
BROADWAY ST
R-6
B-3
HARPER AV
COLLEGE AV
R-12
B-6
STEELE COTTON MILL
IRISH ROSE B&B
R-6
LIGHT ST
B-6
I-2
UNDERDOWN AV
I-1
FAIRFIELD CHAIR

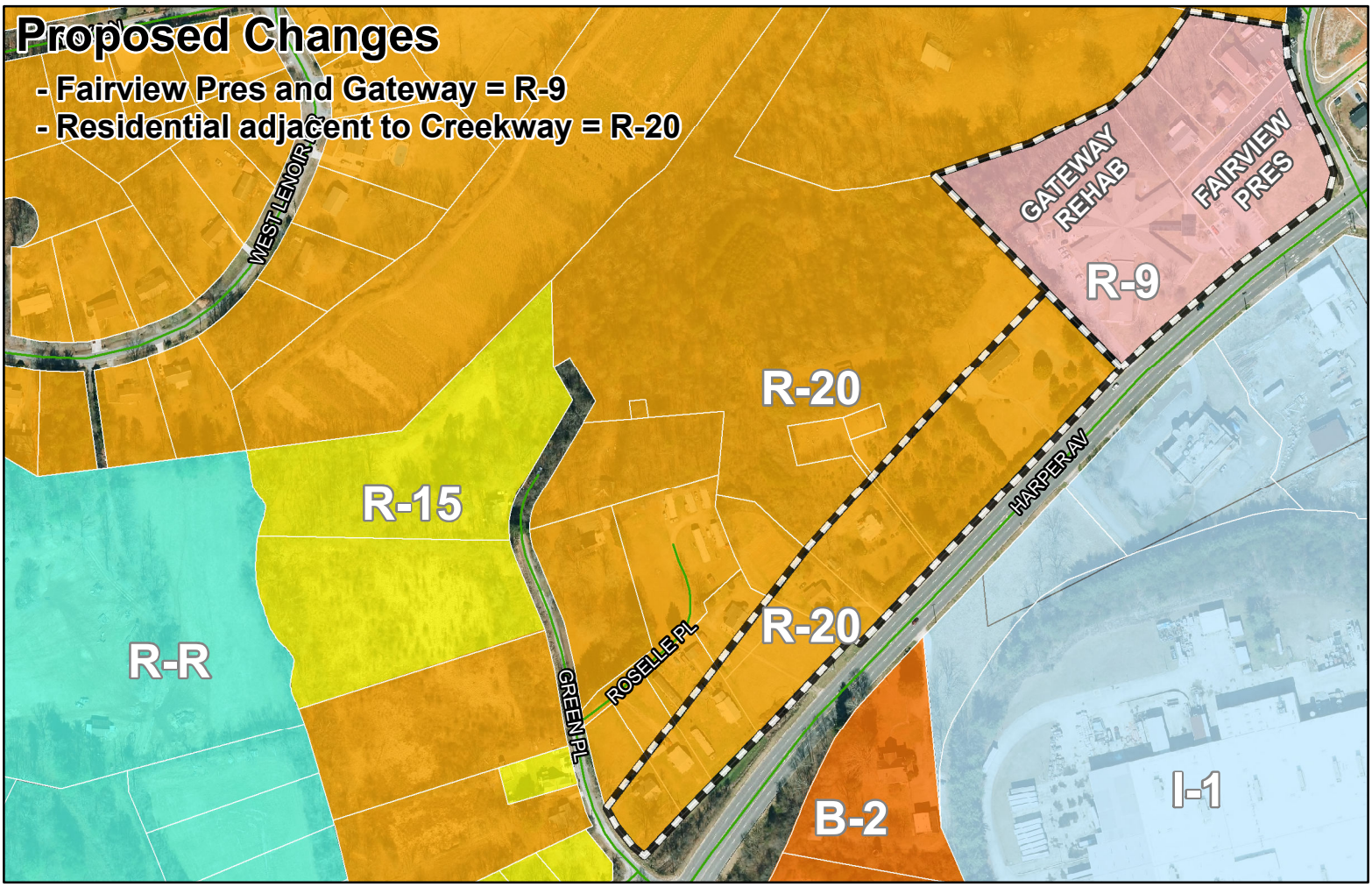

Existing B4 Parcel
TORRENCE CIR
HARPER AV
R-9
R-12
MAPLE DR
UNITARIAN UNIVERSALIST
B-4
R-6
VIRGINIA ST
COLLEGE AV
COLLEGE AV
I-2
B-2
N
1 inch = 125 feet

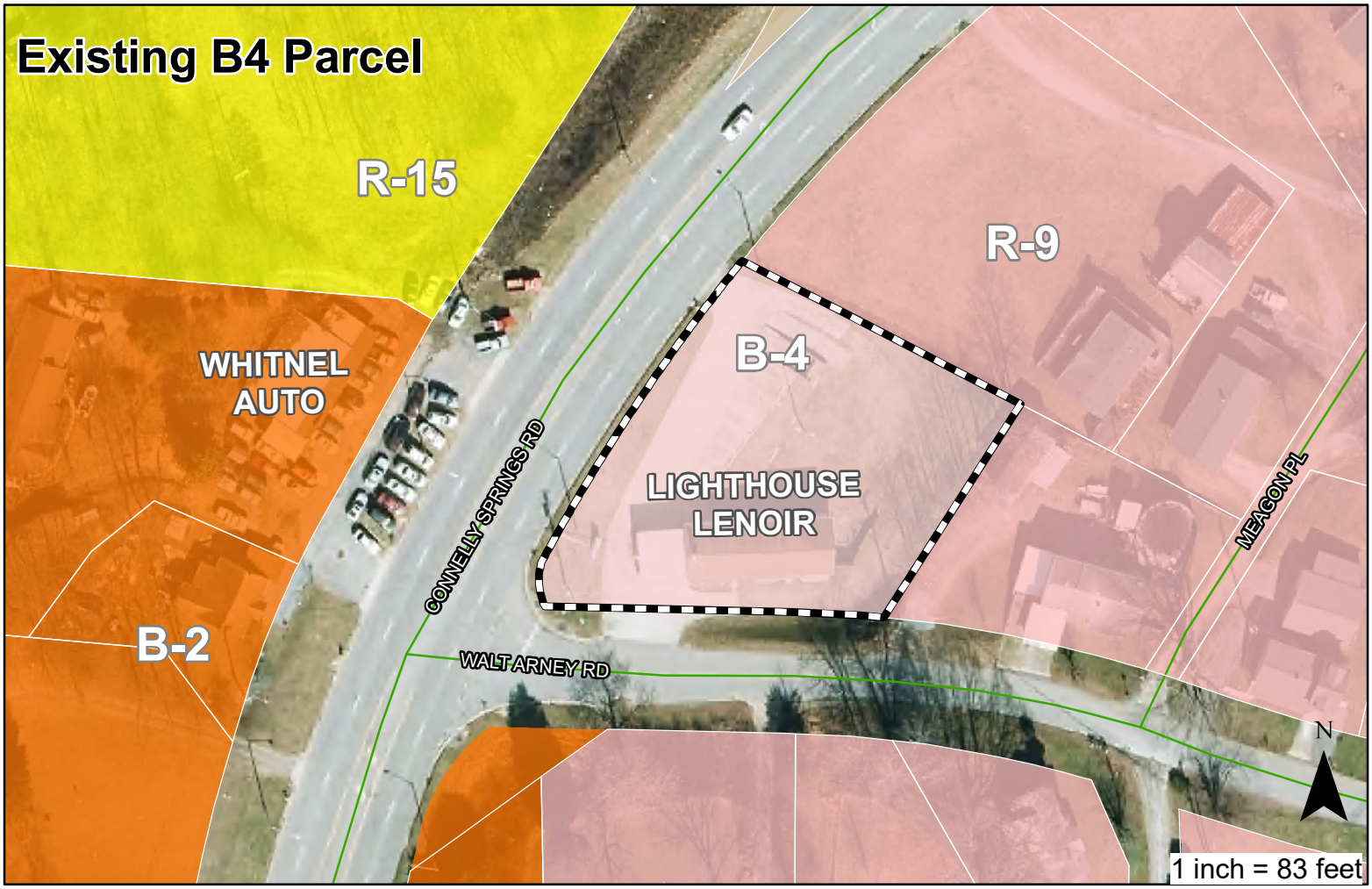

Proposed Changes
- Virginia St church parcel =R-9
TORRENCE CIR
HARPER AV
R-9
R-12
MAPLE DR
UNITARIAN UNIVERSALIST
R-9
R-6
VIRGINIA ST
COLLEGE AV
COLLEGE AV
I-2
B-2

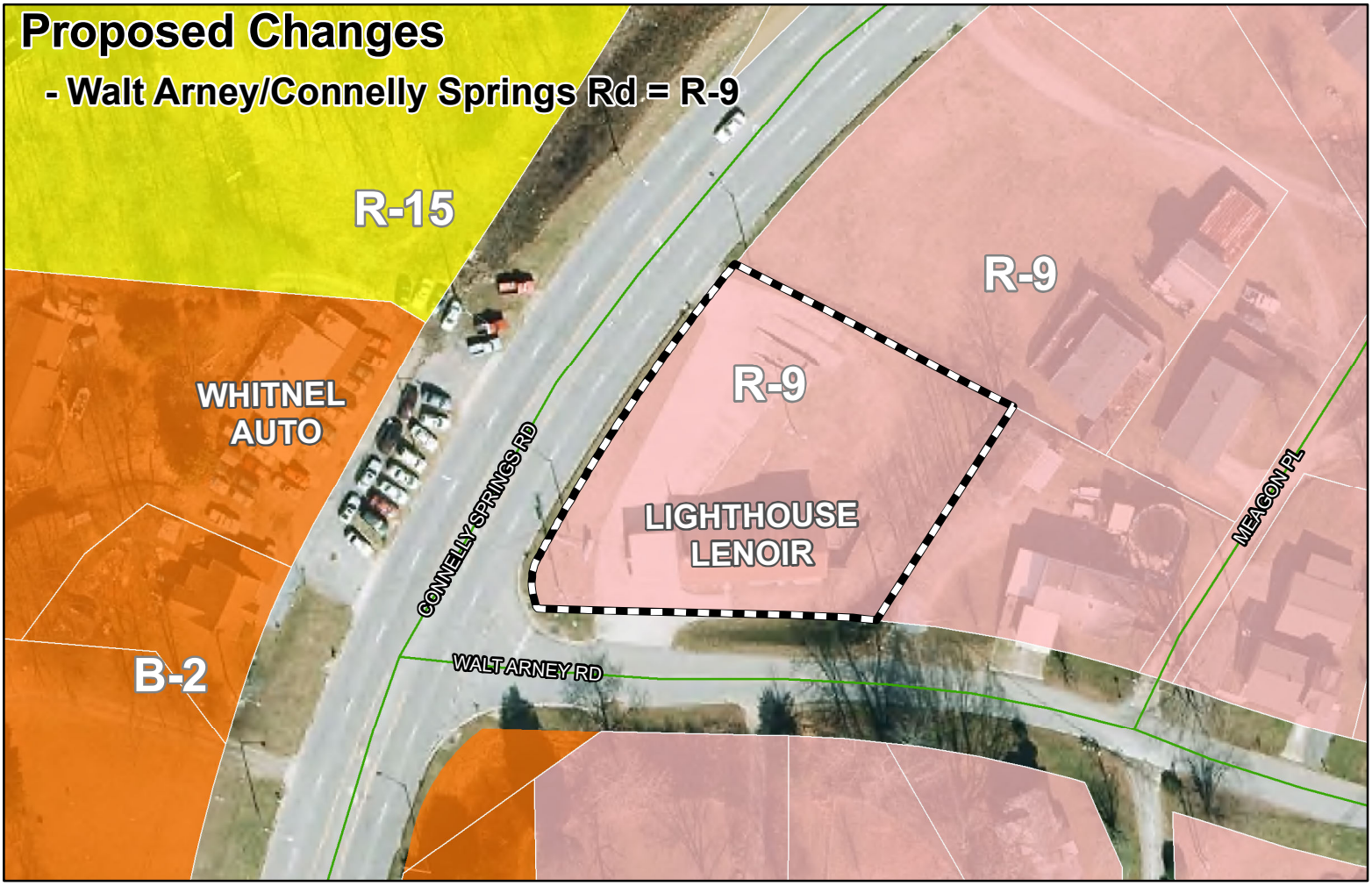

Existing B-4 Parcels
R-20
R-12
B-2
HARPER AV
EDGEBROOK PL
Suddreth Property
HABITAT SUBDIVISION 2017
STATEMENT ST NW
B-4
R-9
CREST PL
FAIRVIEW DR
B-2
N
1 inch = 125 feet

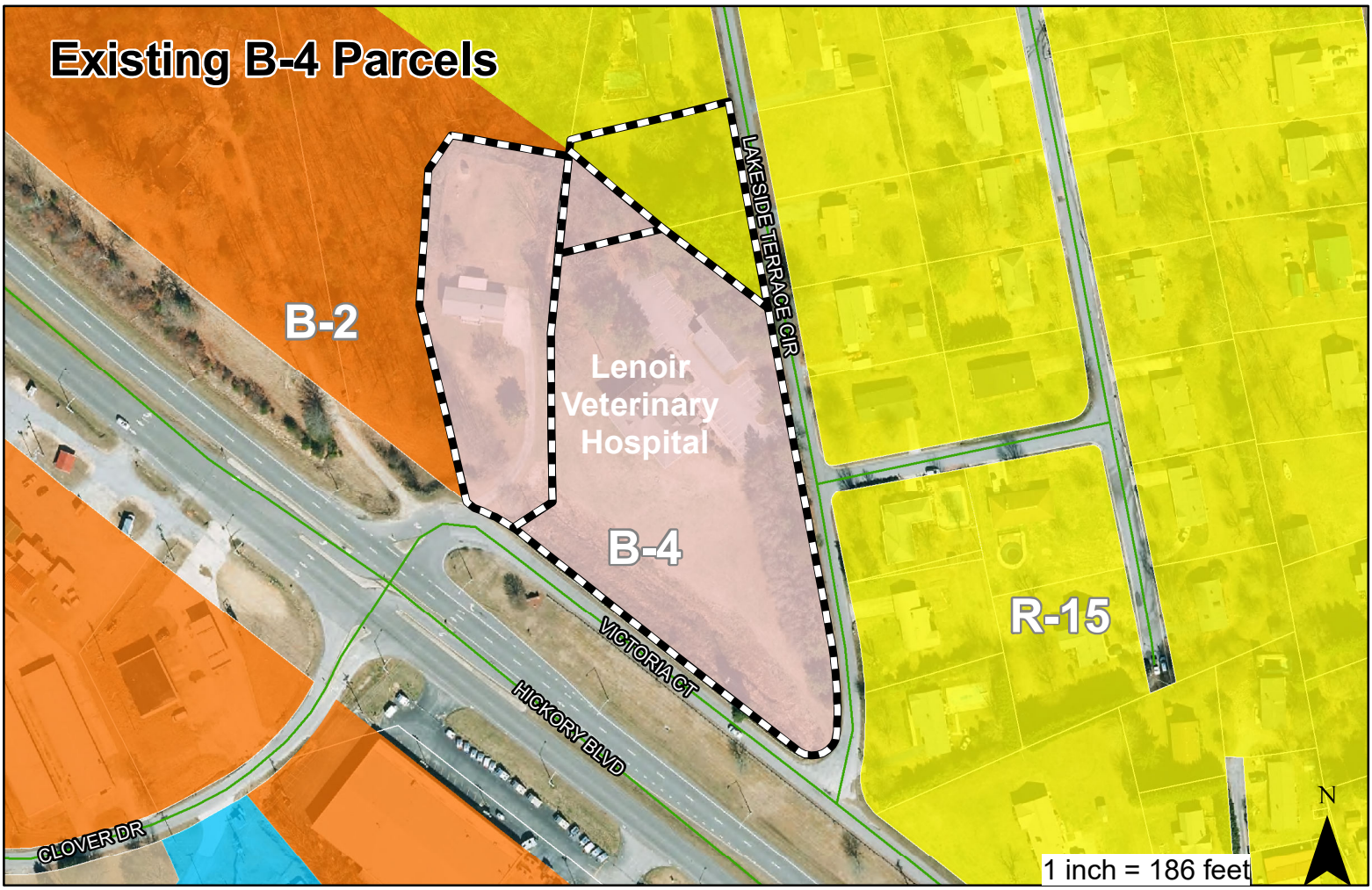

Proposed Changes
- Statement Court Subdivision = R-9
- Suddreth Property = R-9
R-20
R-12
B-2
HARPER AV
Suddreth Property
HABITAT SUBDIVISION 2017
STATEMENT ST NW
R-9
R-9
CREST PL
FAIRVIEW DR
B-2

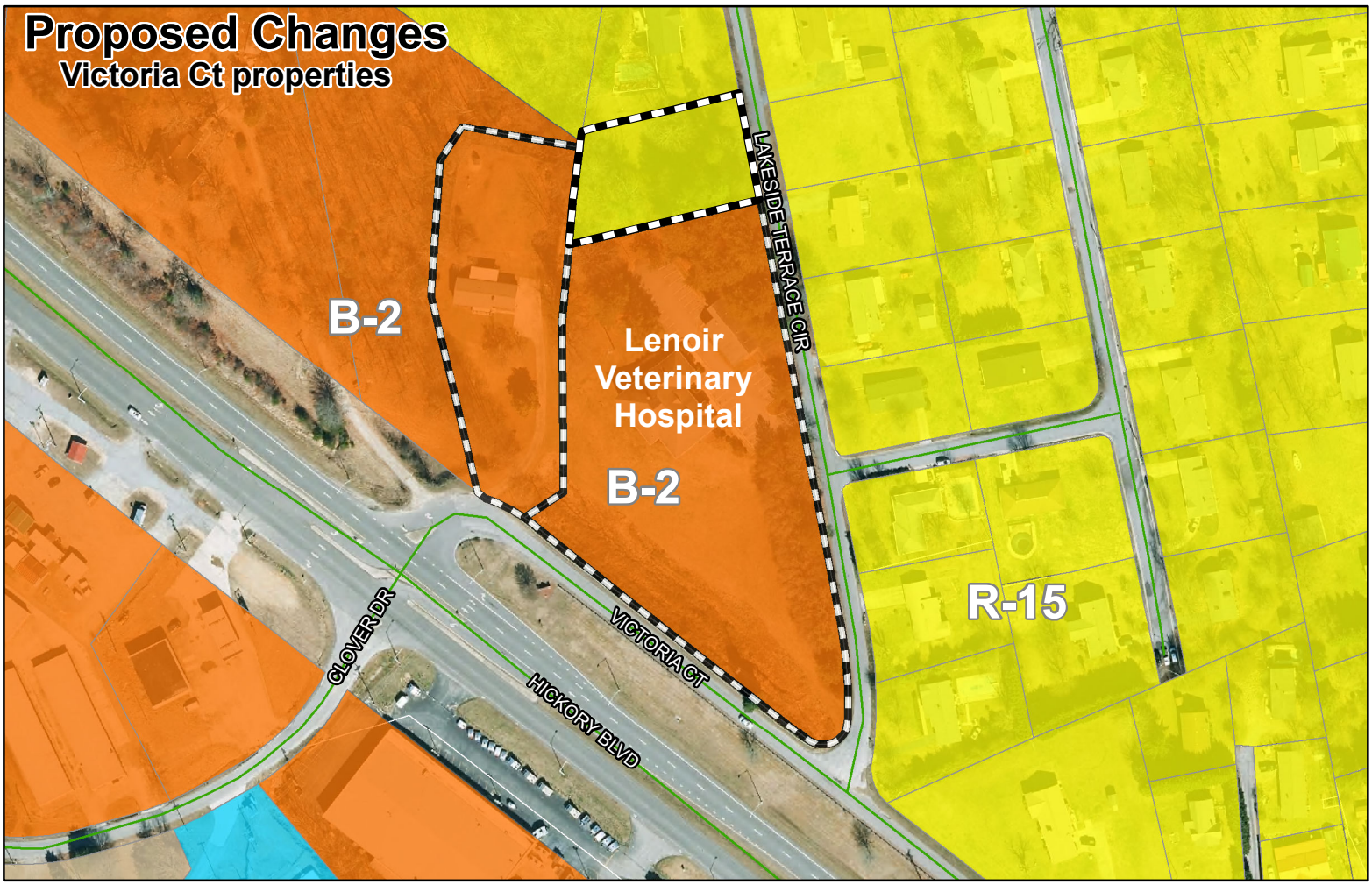

Existing B-4 Parcels
WEST LENOIR DR
GATEWAY REHAB
FAIRVIEW PRES
B-4
R-20
R-15
R-R
HARPER AV
ROSELLE PL
GREEN PL
B-2
I-1
N
1 inch = 333 feet


Proposed Changes
- Fairview Pres and Gateway = R-9
- Residential adjacent to Creekway = R-20
WEST LENOIR DR
GATEWAY REHAB
FAIRVIEW PRES
R-9
R-20
R-15
R-20
R-R
HARPER AV
ROSELLE PL
GREEN PL
B-2
I-1


Existing B4 Parcel
R-15
R-9
B-4
WHITNEL
AUTO
LIGHTHOUSE
LENOIR
CONNELLY SPRINGS RD
MEAGON PL
B-2
WALT ARNEY RD
N
1 inch = 83 feet


Proposed Changes
- Walt Arney/Connelly Springs Rd = R-9
R-15
R-9
R-9
WHITNEL
AUTO
LIGHTHOUSE
LENOIR
CONNELLY SPRINGS RD
MEAGON PL
B-2
WALT ARNEY RD


Existing B-4 Parcels
B-2
Lenoir
Veterinary
Hospital
B-4
R-15
LAKESIDE TERRACE CIR
VICTORIA CT
HICKORY BLVD
CLOVER DR
N
1 inch = 186 feet


Proposed Changes
Victoria Ct properties
B-2
Lenoir
Veterinary
Hospital
B-2
R-15
LAKESIDE TERRACE CIR
CLOVER DR
VICTORIA CT
HICKORY BLVD

Permit Number	Project Name	Address
ZP 1-19	Valencia Commercial Building	110 Valencia Pl
ZP 2-19	Sherwin Williams Sign	202 Harper Ave Auite D
ZP 3-19	NC Business Hub	912 West Ave
ZP 5-19	Tybrisa Books Sign	210 NORTH MAIN ST NW

NC PIN	Date Issued	Date Expired	County Permit	Full Size Plans?
2759177450	1/3/2019	7/3/2019		
2749776433				
2749871616	1/11/2019	7/11/2019		