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

Vacant

Lenoir Planning Board

Agenda • February 25, 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 March 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 January 28, 2019 Minutes

NEW BUSINESS

1. CUP #1-19 Lower Creek Drive Multi-Family

Applicant: MC Morgan & Associates, Inc

Owner: Silvio Martinat

Location: 316 Lower Creek Dr.

CUP# 1-19 The applicant is requesting a Conditional Use Permit for a 68-unit apartment complex in the R-9 and B-2 zoning districts.

Recommended Action: *Staff recommends approval, subject to the conditions in the staff report, and call for public hearing at the March 19, 2019 City Council meeting.*

CONTINUED BUSINESS

1. PROPOSED ZONING MAP AMENDMENTS: B-4 PROPERTIES

Applicant: City of Lenoir

Owner: Multiple

Location: Multiple

R# 1-19 Staff is proposing a series of 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.

Recommended Action: *Approval based on the submitted consistency statement, and call for a Public Hearing for City Council to consider the request on March 19, 2019.*

2. DISTRICT AND USE STANDARDS OVERHAUL ORDINANCE

Applicant: City of Lenoir

Owner: N/A

Location: Citywide

ZOA# 1-19 Staff is proposing changes to the Lenoir Zoning Code related to use and zoning district performance standards, including the repeal and replacement of the permitted use chart, the establishment of a chart of zoning district standards, updates to definitions, and clarifications and fixes to existing zoning district regulations. The ordinance also streamlines repetitive sections of code, updates the intent statements for each zoning district, creates a new zoning district "Residential-Commercial" and deletes the B-4 zoning district (see companion case R#1-19 for the map amendments related to the elimination of the B-4 district).

Recommended Action: Approval and call for a Public Hearing for City Council to consider the request on March 19, 2019.

OTHER BUSINESS

HISTORIC PRESERVATION COMMISSION

1. Adoption of Rules of Procedure
   Staff Recommendation: Adoption of the Lenoir Historic Preservation Committee Rules of Procedure.

2. Adoption of Design Review Guidelines
   Staff Recommendation: Adoption of the attached resolution, which adopts the U.S. Secretary of Interior Standards for Historic Preservation as the Design Review Guidelines for local projects.

- Update on zoning permits issued

ADJOURNMENT

MINUTES
PLANNING BOARD MEETING
January 28, 2019
5:30 P.M.
905 WEST AVENUE

MEMBERS PRESENT:
Lucy McCarl, James Bradshaw, Sharon Bryant, Jeff Church, Leah Hamilton, Mac Martin, Richard Hedrick, Larry Smith

MEMBERS ABSENT: Tim Scobie

STAFF PRESENT:
Jenny Wheelock, Hannah Williams, Lauren McKinney

MINUTES:
Board Member Hamilton moved approval of the meeting minutes of December 17, 2018 as written. Board Member Smith seconded the motion, which was voted upon and passed by unanimous vote.

SPECIAL RECOGNITION:
Planning Director, Jenny Wheelock introduced her new staff member, Lauren McKinney as the new Planning Technician. Ms. Wheelock stated the staff is excited to have her on board.

Chairperson McCarl proposed the Board change the agenda item number 3- Proposed Zoning Map Amendments:B-4 Properties and move it to item number 1 on the agenda since members of the public were in attendance. Board Member Bryant made a motion to modify the agenda and Board Member Martin seconded the motion, motion passed by unanimous vote.

NEW
BUSINESS:

1. **PROPOSED ZONING MAP AMENDMENTS: B-4 PROPERTIES**
   Applicant: City of Lenoir
   Owner: Multiple
   Location: Multiple

   <u>Recommended Action</u>: 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.

Jenny Wheelock, Planning Director discussed the proposed zoning changes to the B-4 properties. Ms. Wheelock stated that during the staff review of the zoning districts as a part of the proposed overhaul to the zoning ordinance, the B-4 zoning district was identified for deletion, because it is rarely utilized and other zoning districts exist that can accommodate the current and future needs of B-4 properties without disruption to the property owner.
Ms. Wheelock stated this is not to take action on at this time; this is open for discussion with the Board and citizens.

Hannah Williams presented this item with a PowerPoint presentation of the property maps and their proposed zoning code change. Ms. Williams explained each proposed zoning change and why it property fits.

Joan Knox, property owner of 107 Light Street SW spoke of her concerns stating she needs to learn what the new zoning meant for her business. Ms. Wheelock stated she would schedule a meeting with her and explain the options.

James Echerd, property owner of NC PIN #2749010962 stated he is concerned with the proposed zoning of R-20 for his property because he has been marketing the property for sale for business use. Ms. Wheelock proposed to change his property to B-6, residential and small businesses or neighborhood businesses. Discussion continued about the change to B-6. Staff will advertise the map changes for February Planning Board.

2. **HISTORIC PRESERVATION ORDINANCE**
   Applicant: **City of Lenoir**
   Owner: **N/A**
   Location: **Citywide**
   ZOA#2-19: An ordinance amending the zoning code to create a Historic Preservation Commission.

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

Planning Director, Jenny Wheelock explained to the Board about the Historic Preservation Ordinance and explained that key properties in our community were put on the National Register, but that we do not have any local authority to create local landmarks, which have tax benefits. This ordinance would establish a Local Preservation Program, which would create the Planning Board as the Historic Preservation Commission. This Board would review properties to make landmark status and also review Certificates of Appropriateness.

Board Member Bryant moved Approval of the request, and call for a Public Hearing for City Council to consider the request on February 5, 2019. Board Member Church seconded the motion, which was voted upon and passed unanimously.

3. **DISTRICT AND USE STANDARDS OVERHAUL**
   Applicant: City of Lenoir
   Owner: N/A
   Location: Citywide
   ZOA#1-19: An ordinance to streamline and update uses and zoning district regulations.

   Recommended Action: Discussion with anticipated final action on February 25, 2019.

This item was presented by Jenny Wheelock, Planning Director. Using a chart she presented the changes including residential and non-residential permitted conditional uses. Ms. Wheelock clarified details about each type and responded to Board questions.

Chairperson McCarl thanked Ms. Wheelock for her work and the staff's work on this chart and the improvements.

OTHER BUSINESS:

Board member Church stated he is also a member of the County Planning Board, who is working on their comprehensive plan. Mr. Church invited the Board to attend a community meeting held at 6:00pm at a local school. An email will be sent out to the Board with the information.

ADJOURNMENT:

Having no other matters to bring before the Board, Chairperson McCarl adjourned the meeting at 7:20 p.m.

_____ _____

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

Staff Report

Conditional Use Permit

Case Number CUP #1/19

Location map/Aerial Photograph

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 February 14, 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:

Public Comment:

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

City Council (Public Hearing): Anticipated to be scheduled for March 19, 2019.

******This request is considered quasi-judicial. You should not discuss this case with decision makers outside of the scheduled public meeting******

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 nor 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 develop-ment complies with all height, yard, and area requirements of the R-9 and B-2 zoning districts. It will also comply with the de-sign 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 dwell-ing 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 surround-ing 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 ad-joining properties. *Where the subject property shares a boundary with single-family homes, a 20 foot vegetative buffer con-sisting 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 propos-es 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 illumina-tion 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

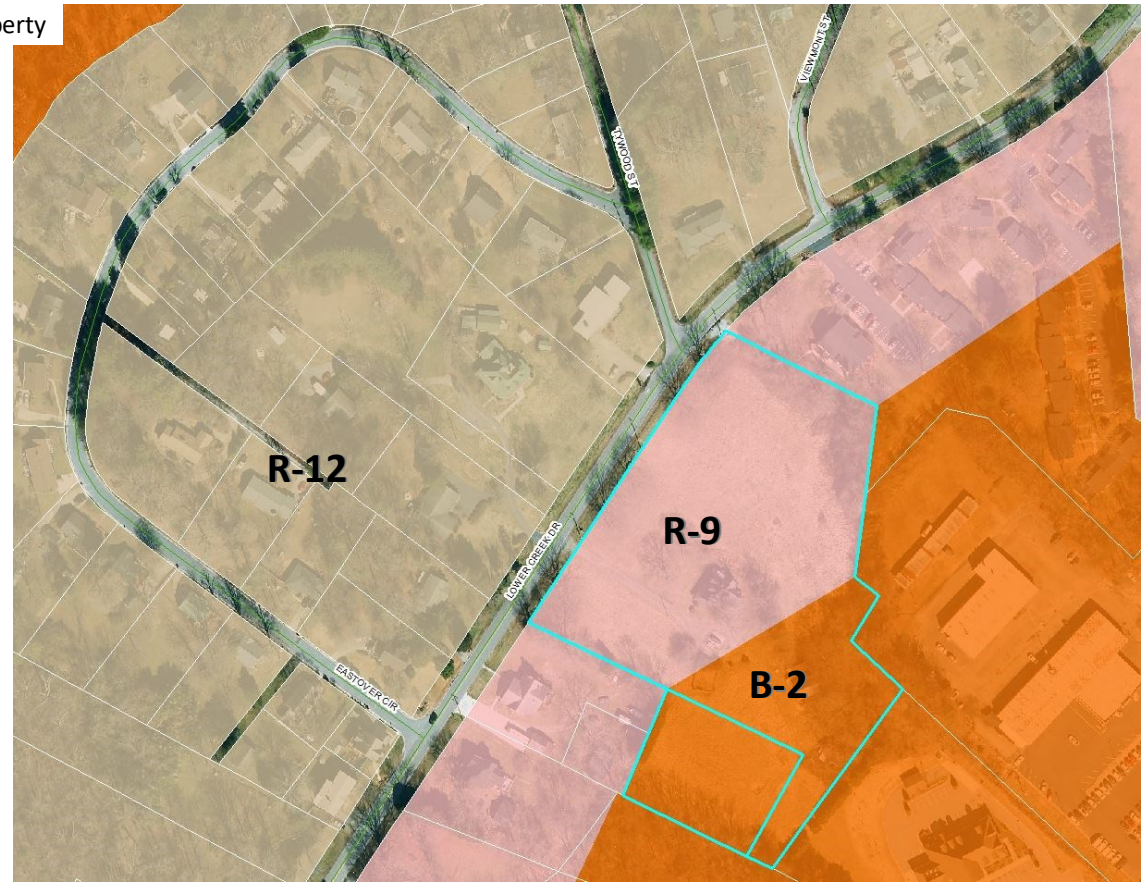
Staff recommends approval of the requested Conditional Use Permit, with the following conditions:

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. 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.

PLANNING BOARD RECOMMENDATIONS

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

Unit Type	Unit Heated Area	Unit Net Area	No. of Units	Heated Total	Net Total
1 BEDROOM "A1"	705	742	11	7,755	8,162
1 BEDROOM "A2"	967	1,015	1	967	1015
2 BEDROOM "B1"	967	1,015	33	31,911	34,133
3 BEDROOM "C1"	1,124	1,177	29	32,596	34,133
Total			74	73,229	76,805

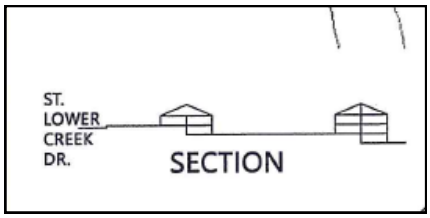
As a condition of approval, a 20-ft wide landscaped bufferyard is required along the south west property boundaries adjacent to single family homes.

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 will be reduced from 18 units to 12 units

ELEVATIONS: 3-STORY BUILDINGS/B-2 PORTION

Elevations — Split Level Buildings (R-9 Portion)

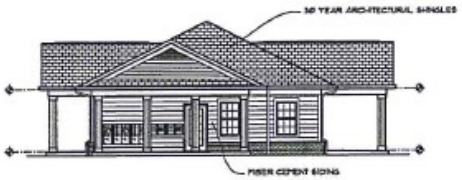


*This elevation drawing shows Building 400 as an 18 unit building. At staff's recommendation, the applicant has agreed to remove 6 units from the overall project in order to bring down the total density.

This is the primary building that will be visible from Lower Creek Drive. The applicant proposes to utilize the existing topography of the site to create split-level buildings to achieve the look of an attractive, single-story building adjacent to Lower Creek Drive. Additionally, the reduction of units will further reduce the visual impact of the project.

Elevation — Club House

5 CLUBHOUSE - SIDE ELEVATION



3 CLUBHOUSE - SIDE ELEVATION

4 CLUBHOUSE - FRONT ELEVATION

2 CLUBHOUSE - REAR ELEVATION

Area Overview Map

EXISTING SITE PHOTO

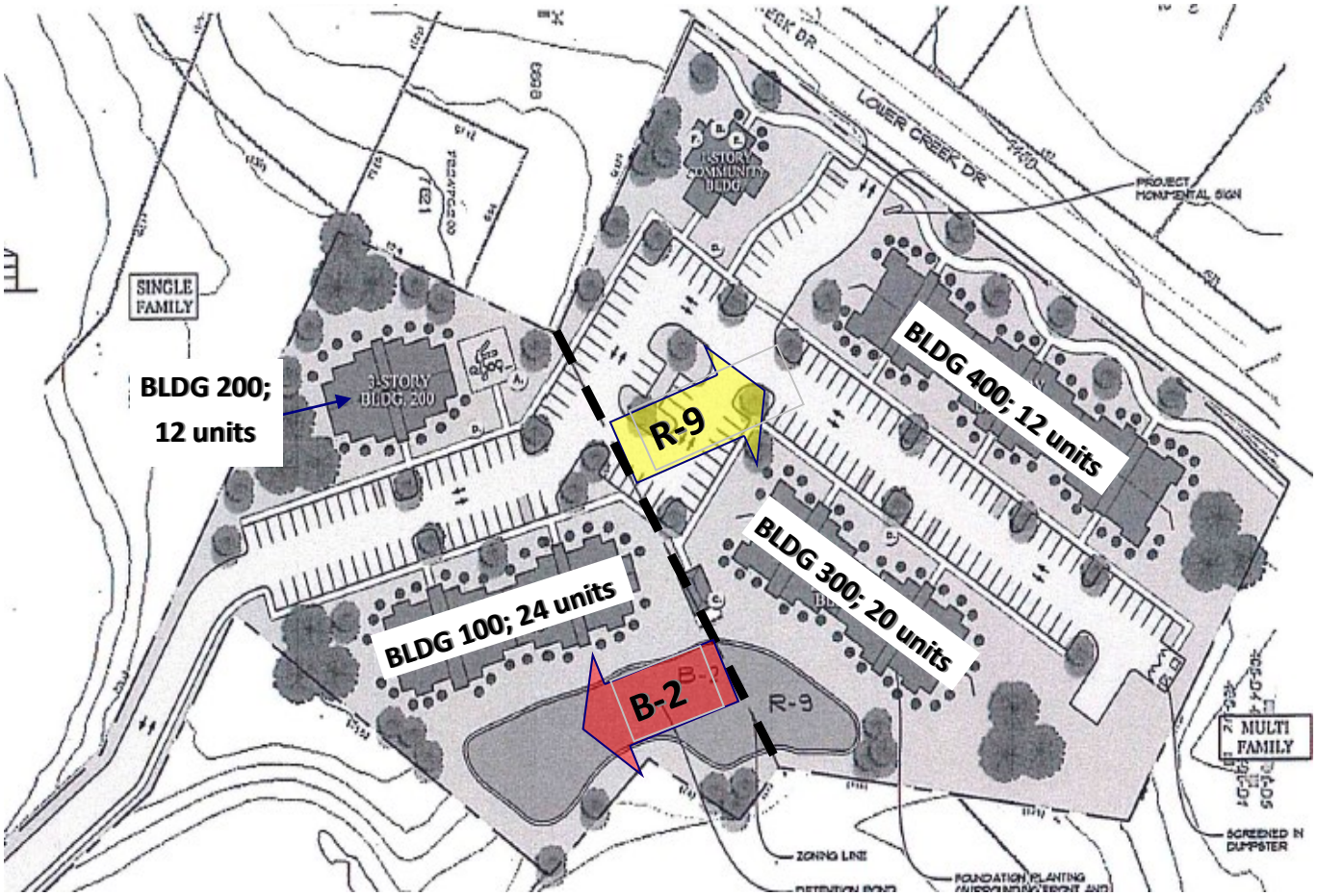
316 Lower Creek Dr.

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

Justification Statement

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 148 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.

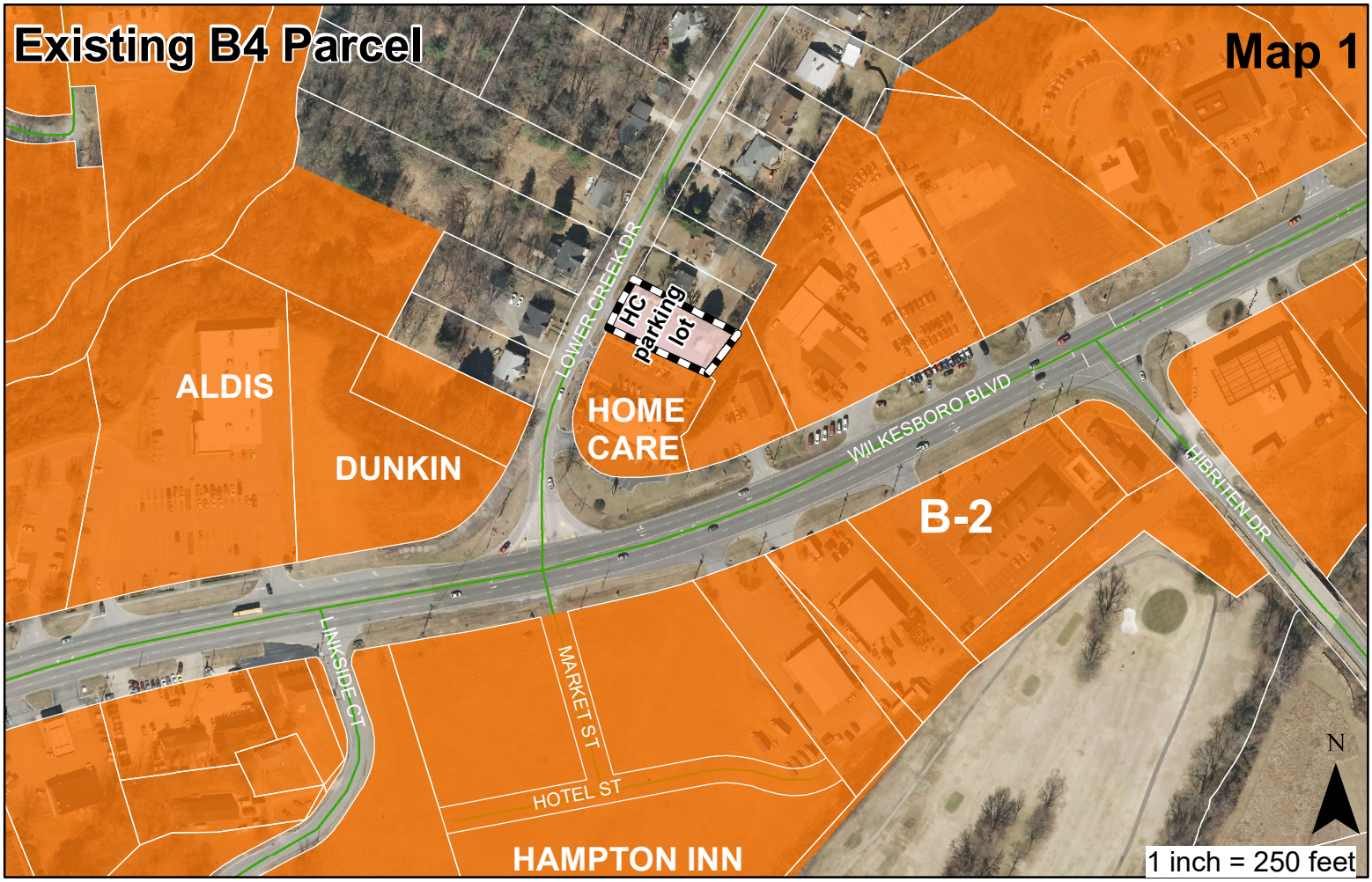
6. Any permitted signs and proposed exterior lighting will be designed to reduce glare and to mitigate any adverse effects of sign size and height; so as to make the signs aesthetically pleasing and compatible with adjoining properties. The applicant proposes single two-sided ground-mounted monument sign at the entrance on Lower Creek Dr. As a condition of approval, all exterior lighting will be designed to

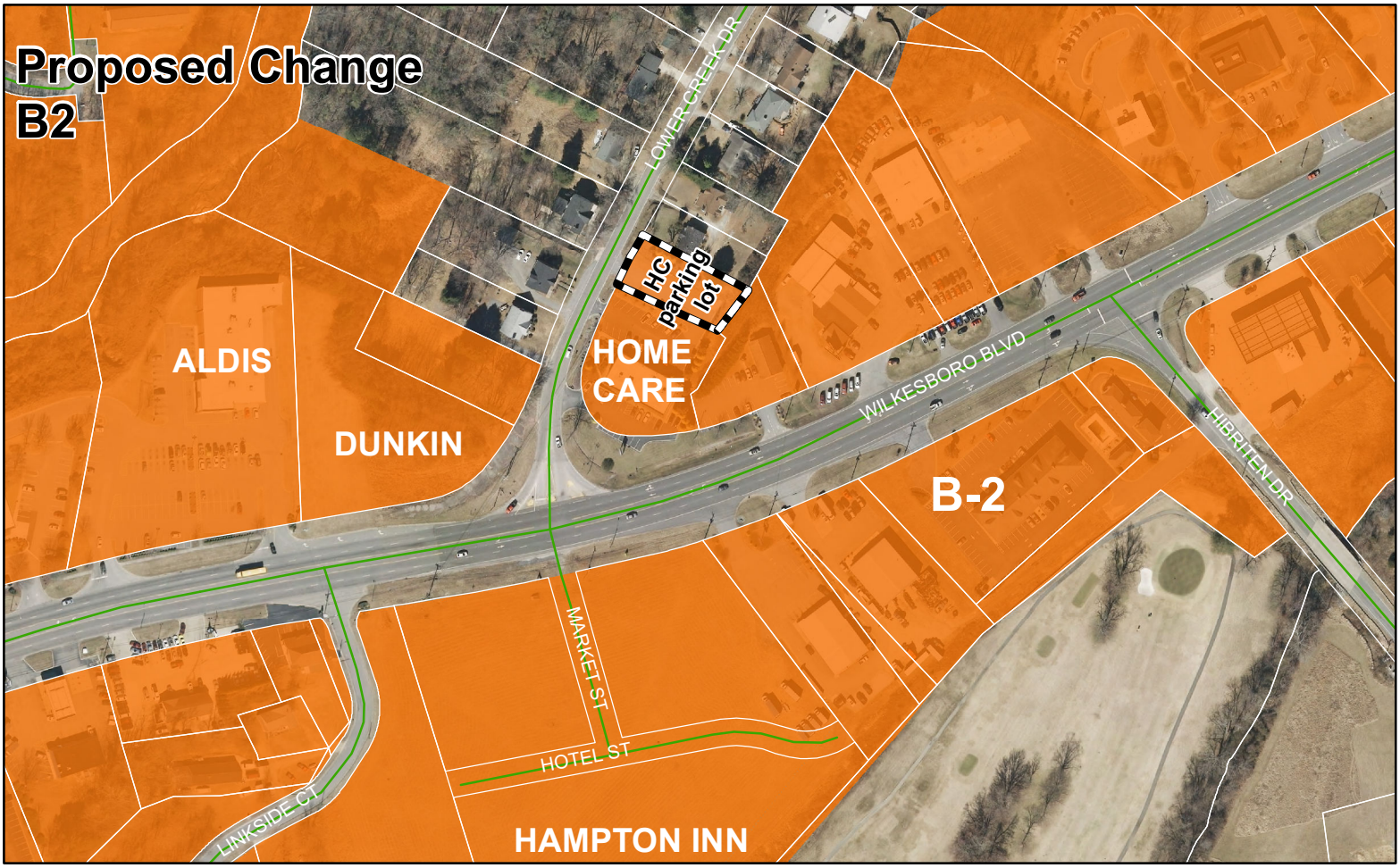
reduce glare and light pollution on neighboring properties, and signage will have external illumination only.

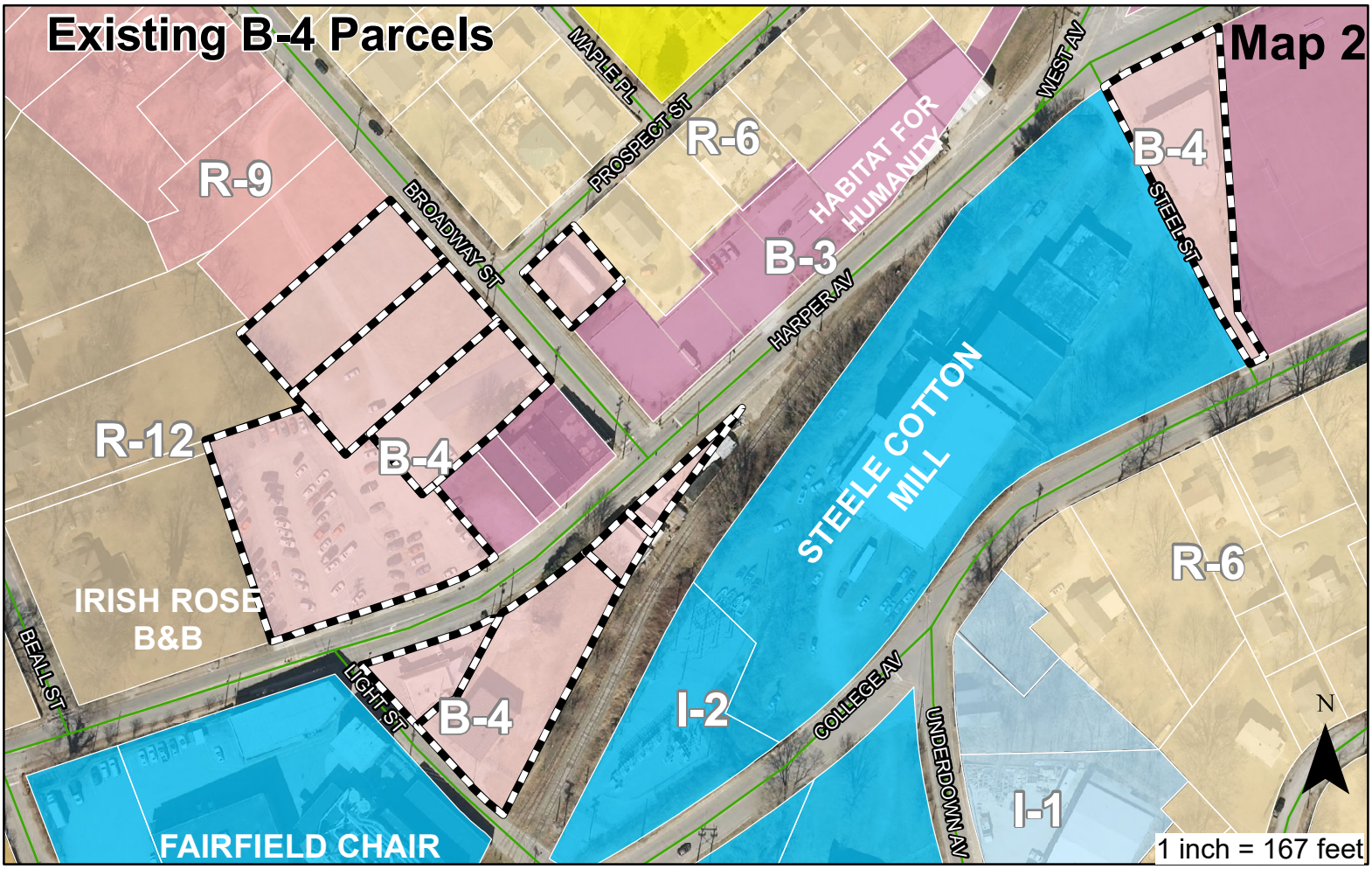
7. The exterior architectural appearance and functional plan of any proposed building or structure will not vary greatly from any buildings or structures already construction or in the course of construction in the immediate vicinity or from the character of the applicable district, so as to cause a substantial depreciation in the property values of the immediate vicinity. The applicant is proposing a small split story townhome-style apartment building and one single-story community building along Lower Creek. Façade 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.

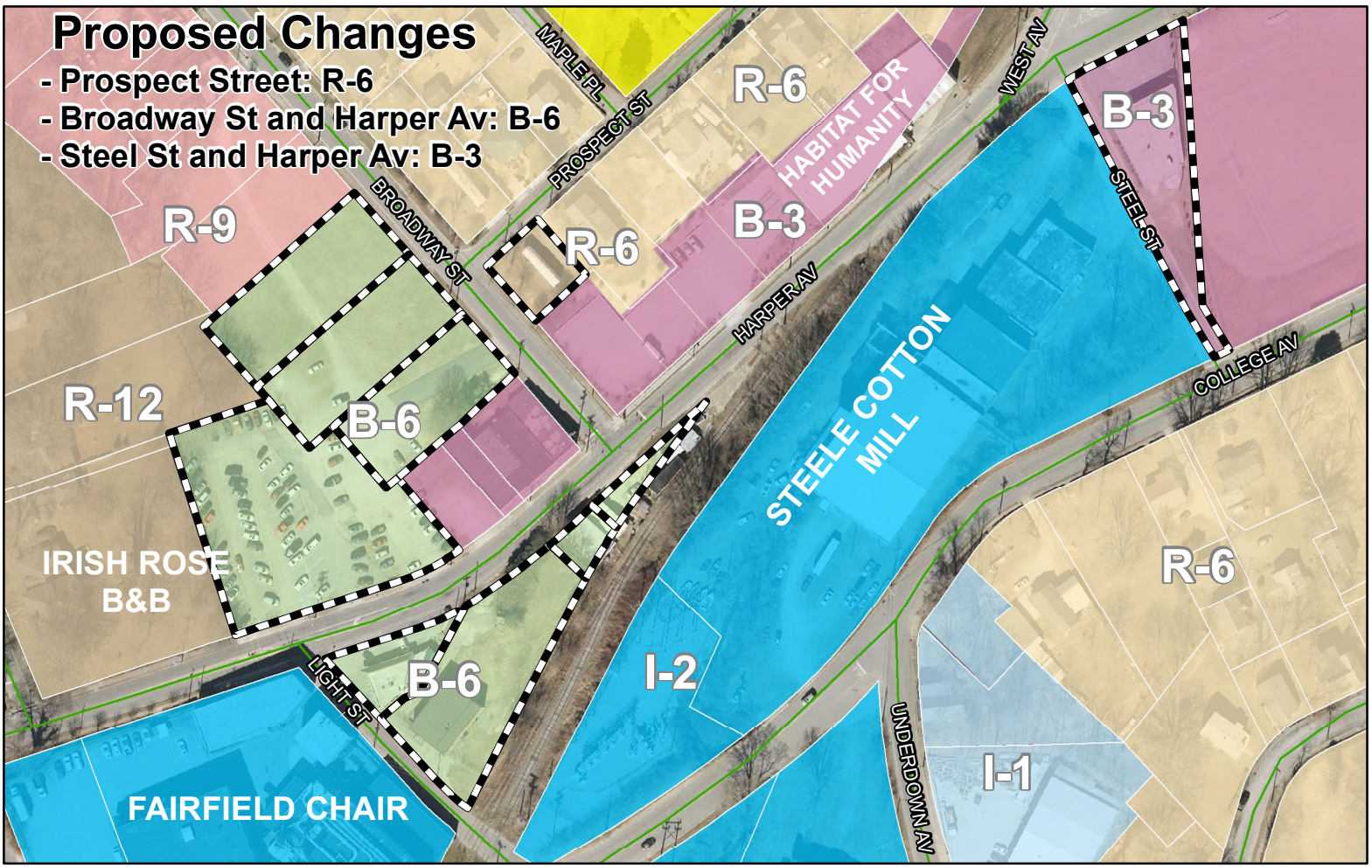
Proposed B-4 properties Re-Zonings: Consistency Statement

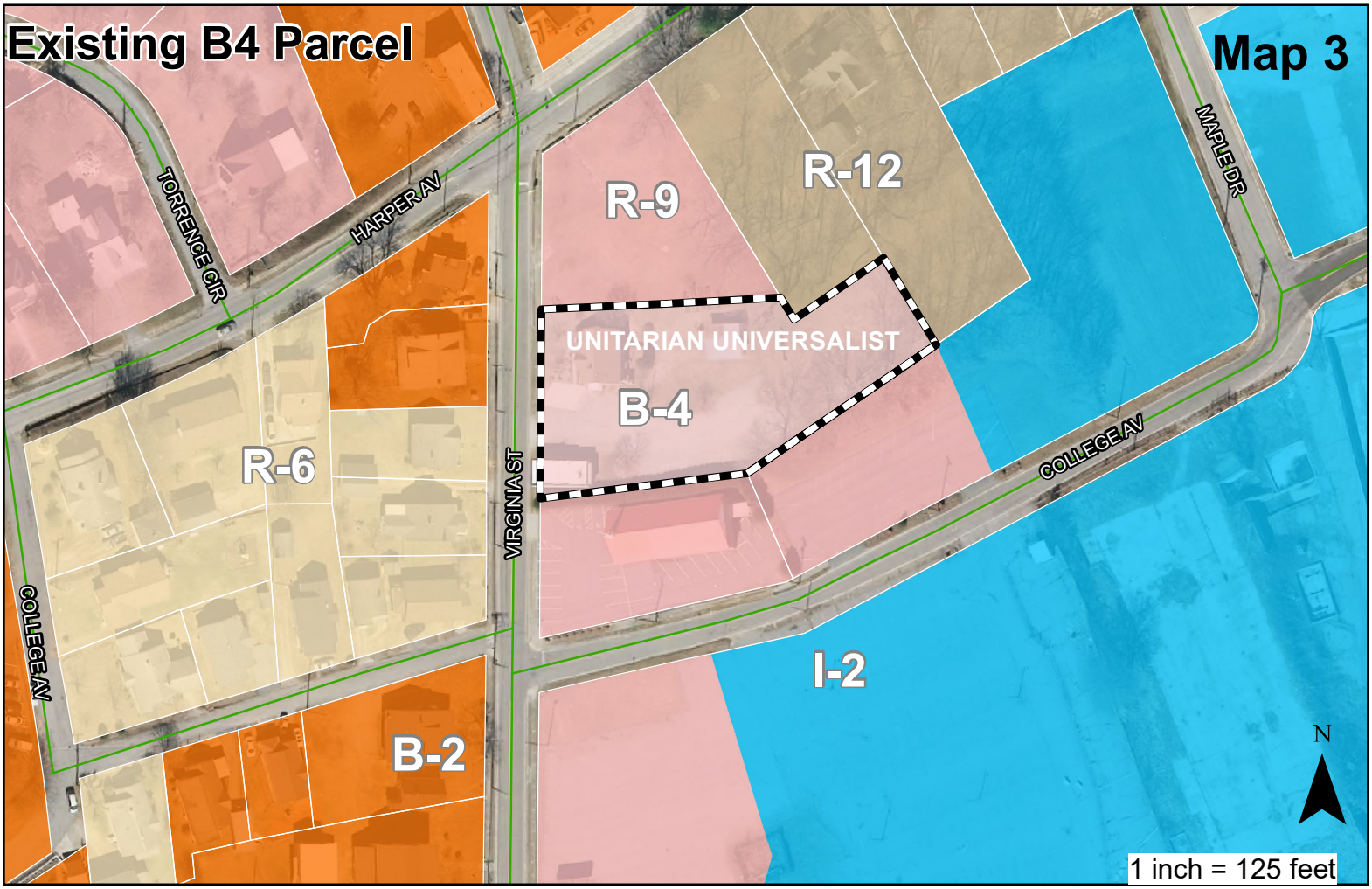
The proposed elimination of the B-4 zoning district and the related re-zoning of the approximately 35 parcels is consistent with the Comprehensive Plan because it facilitates progressive and sound land use policies and strategies to ensure that Lenoir grows fairly, effectively, and efficiently and is related to the adoption of sensible, straightforward zoning standard and procedures that are easily understood by developers and the general public.

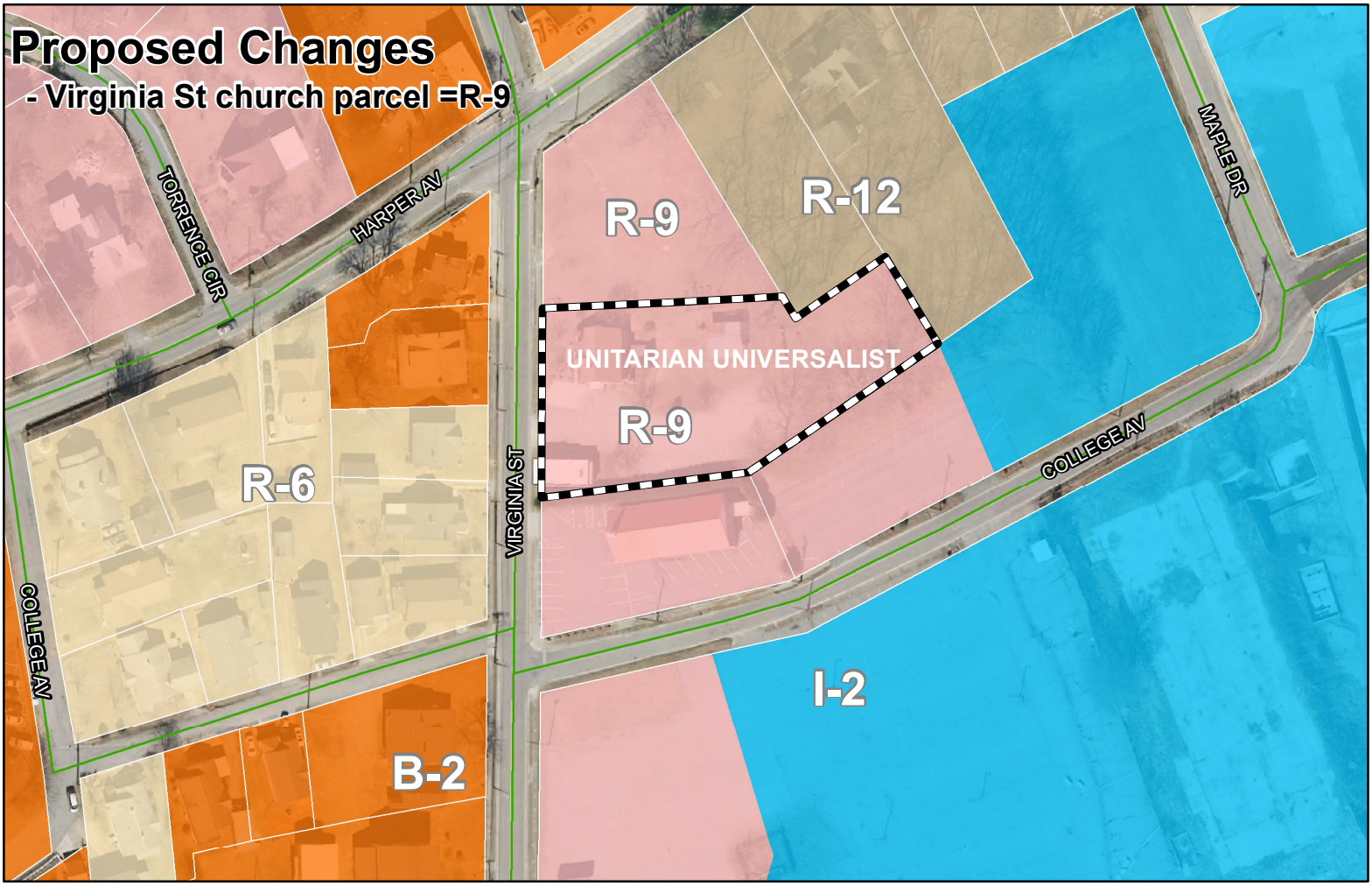

Existing B4 Parcel
Map 1
ALDIS
DUNKIN
HOME CARE
HC parking lot
LOWER CREEK DR
WILKESBORO BLVD
HIBRITEN DR
B-2
LINKSIDE CT
MARKET ST
HOTEL ST
HAMPTON INN
N
1 inch = 250 feet

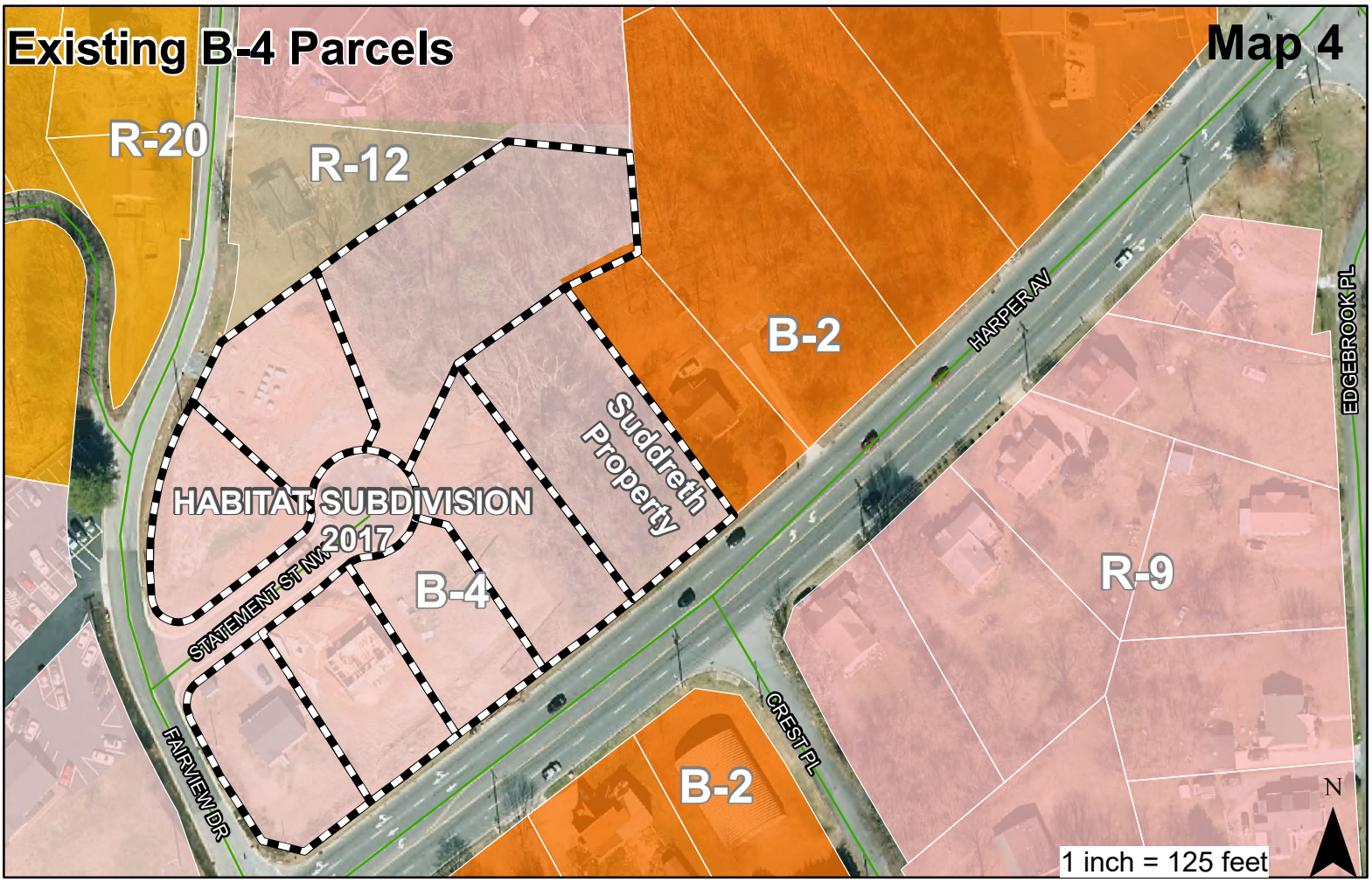

Proposed Change
B2
ALDIS
DUNKIN
HOME CARE
HC parking lot
LOWER CREEK DR
WILKESBORO BLVD
HIBRITEN DR
B-2
LINKSIDE CT
MARKET ST
HOTEL ST
HAMPTON INN

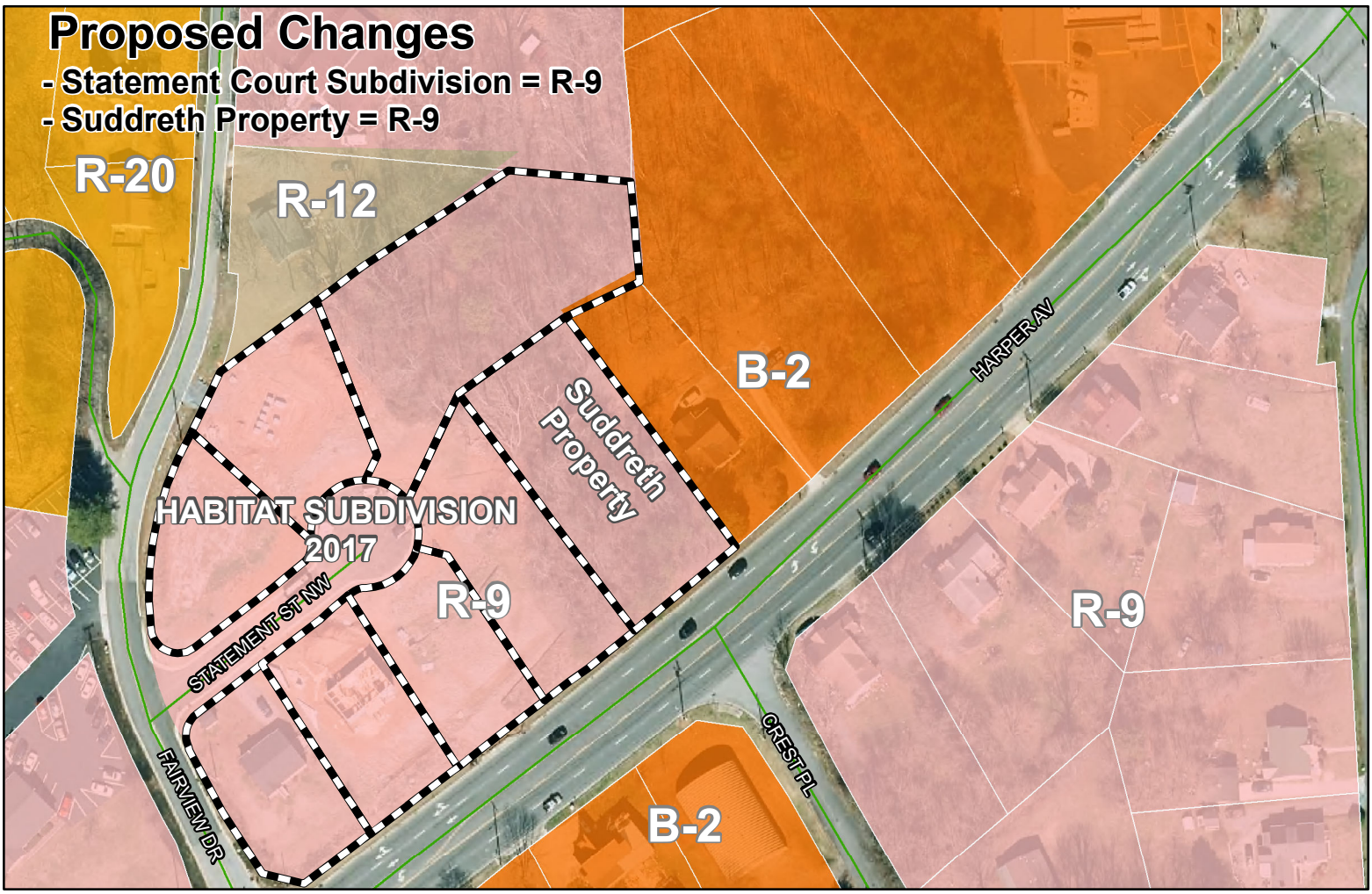

Existing B-4 Parcels
Map 2
MAPLE PL
PROSPECT ST
R-6
HABITAT FOR HUMANITY
WEST AV
B-4
STEEL ST
R-9
BROADWAY ST
B-3
HARPER AV
R-12
B-4
STEELE COTTON MILL
IRISH ROSE B&B
R-6
BEALL ST
LIGHT ST
B-4
I-2
COLLEGE AV
UNDERDOWN AV
N
I-1
FAIRFIELD CHAIR
1 inch = 167 feet

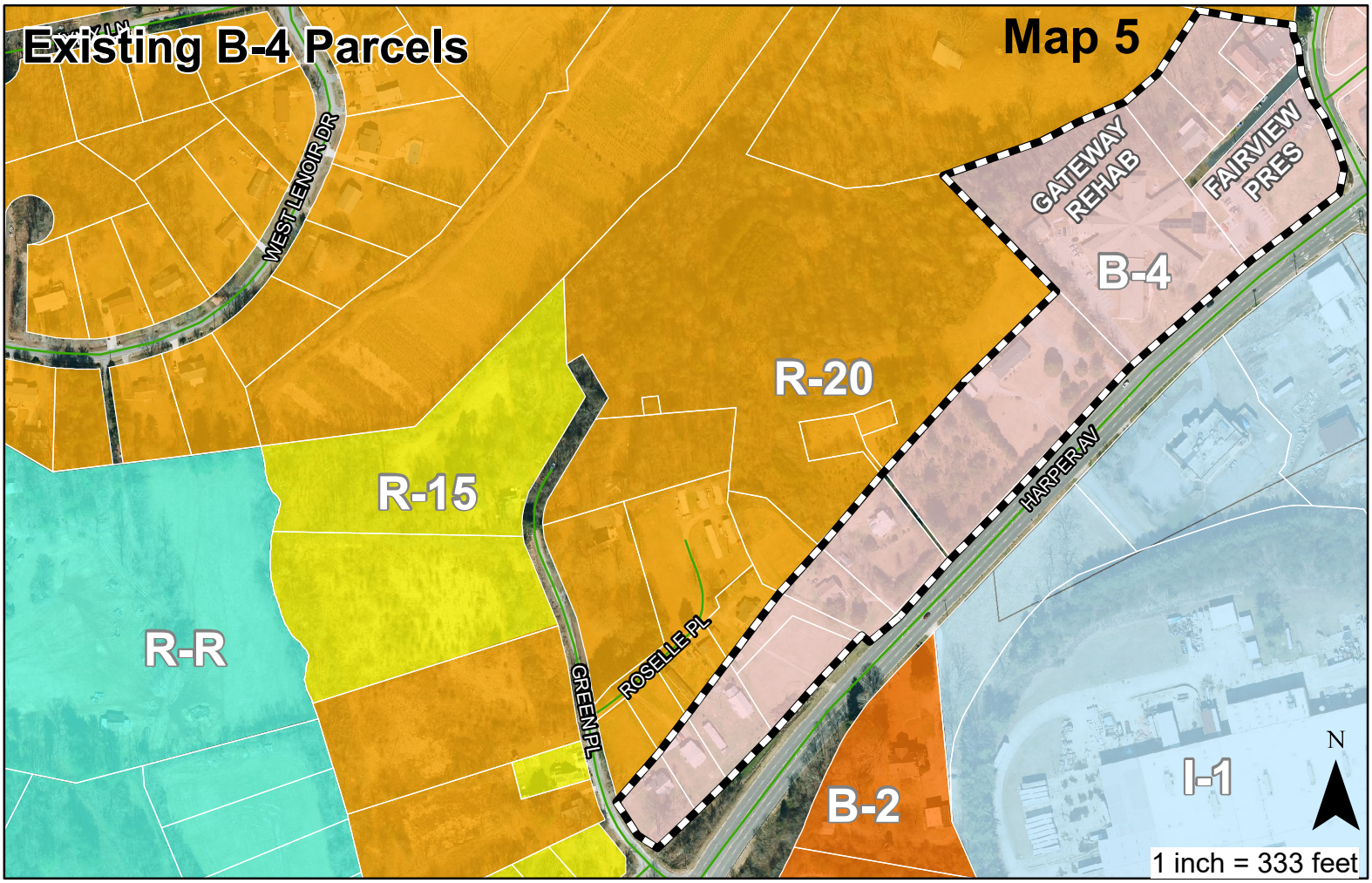

Proposed Changes
- Prospect Street: R-6
- Broadway St and Harper Av: B-6
- Steel St and Harper Av: B-3
MAPLE PL
PROSPECT ST
R-6
HABITAT FOR HUMANITY
WEST AV
B-3
STEEL ST
R-9
BROADWAY ST
R-6
B-3
HARPER AV
COLLEGE AV
R-12
B-6
STEELE COTTON MILL
IRISH ROSE B&B
R-6
LIGHT ST
B-6
I-2
UNDERDOWN AV
I-1
FAIRFIELD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

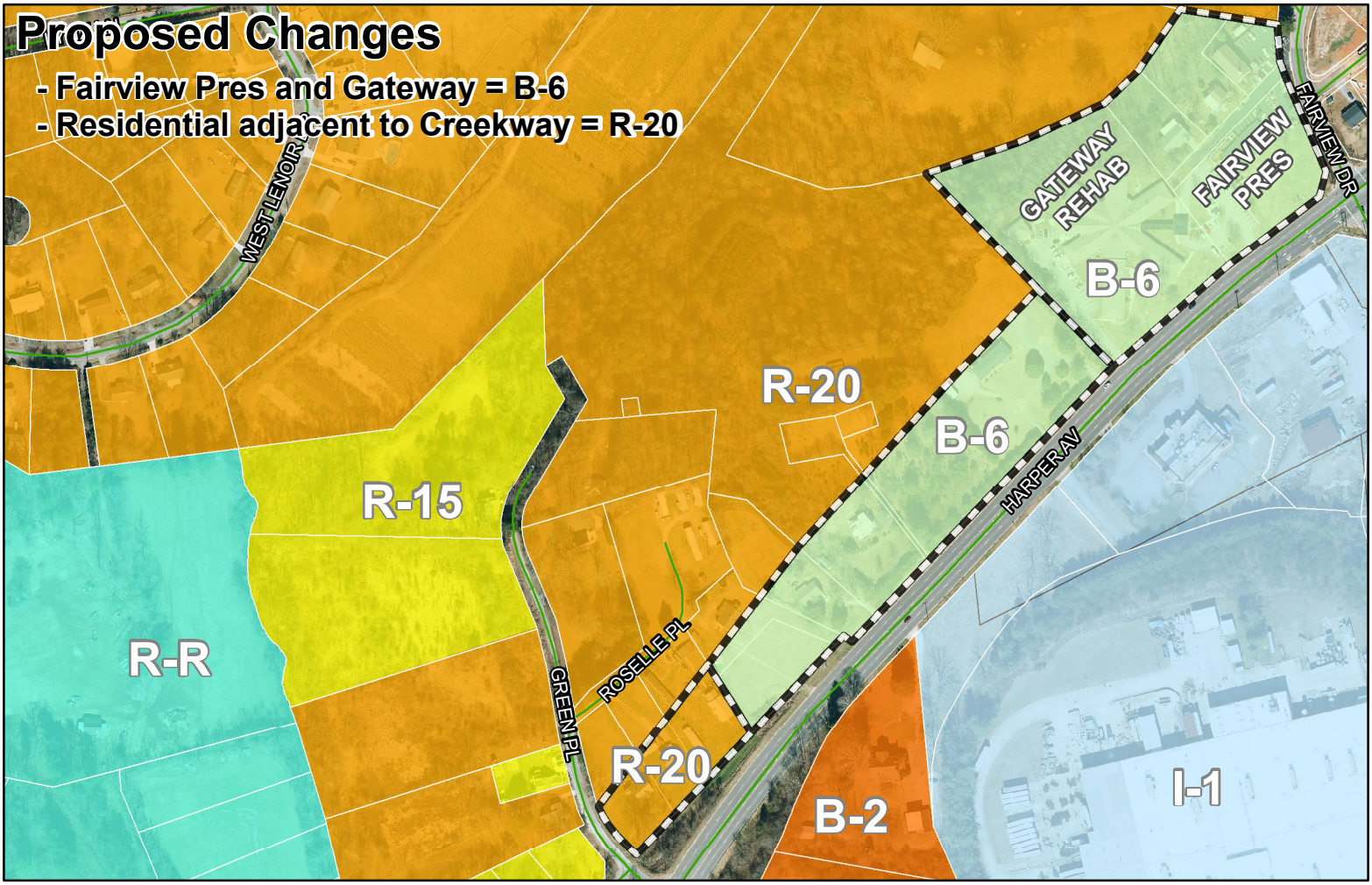

Existing B4 Parcel
Map 3
TORRENCE CIR
HARPER AV
R-9
R-12
MAPLE DR
UNITARIAN UNIVERSALIST
B-4
R-6
VIRGINIA ST
COLLEGE AV
COLLEGE AV
I-2
B-2
N
1 inch = 125 feet

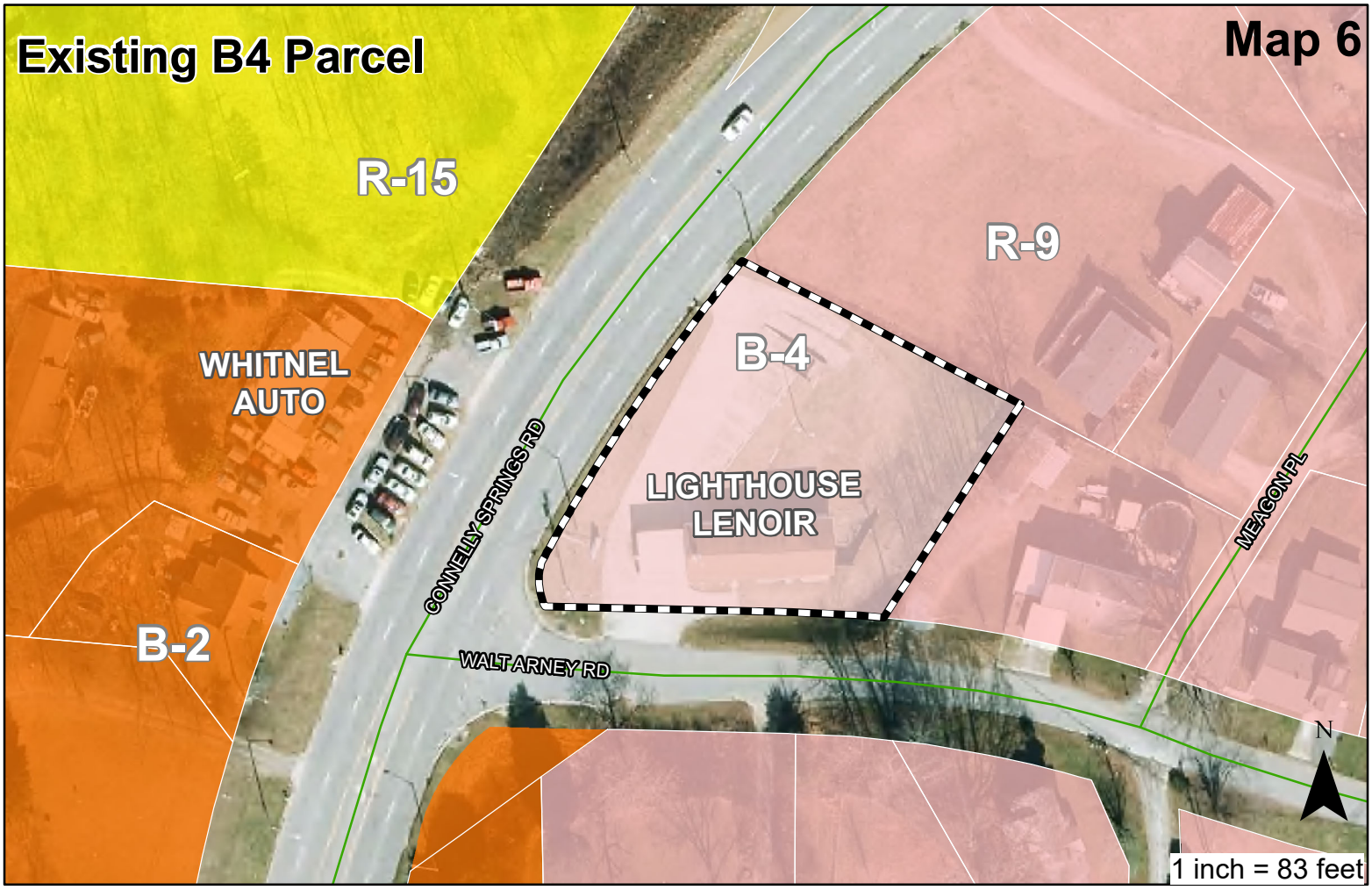

Proposed Changes
- Virginia St church parcel =R-9
TORRENCE CIR
HARPER AV
R-9
R-12
MAPLE DR
UNITARIAN UNIVERSALIST
R-9
R-6
VIRGINIA ST
COLLEGE AV
COLLEGE AV
I-2
B-2

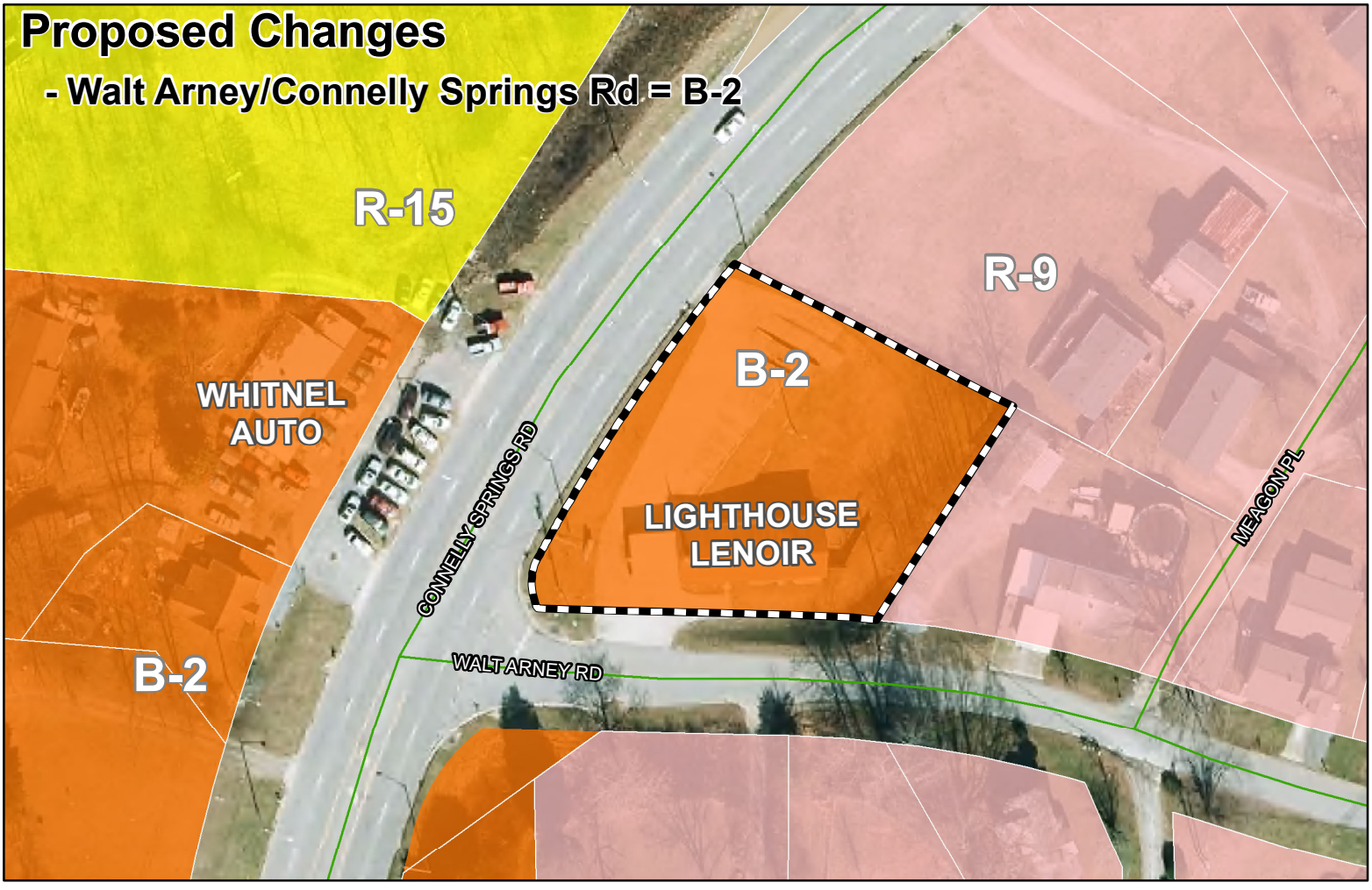

Existing B-4 Parcels
Map 4
R-20
R-12
B-2
HARPER AV
EDGEBROOK PL
HABITAT SUBDIVISION 2017
Suddreth Property
B-4
STATEMENT ST NW
R-9
CREST PL
FAIRVIEW DR
B-2
N
1 inch = 125 feet

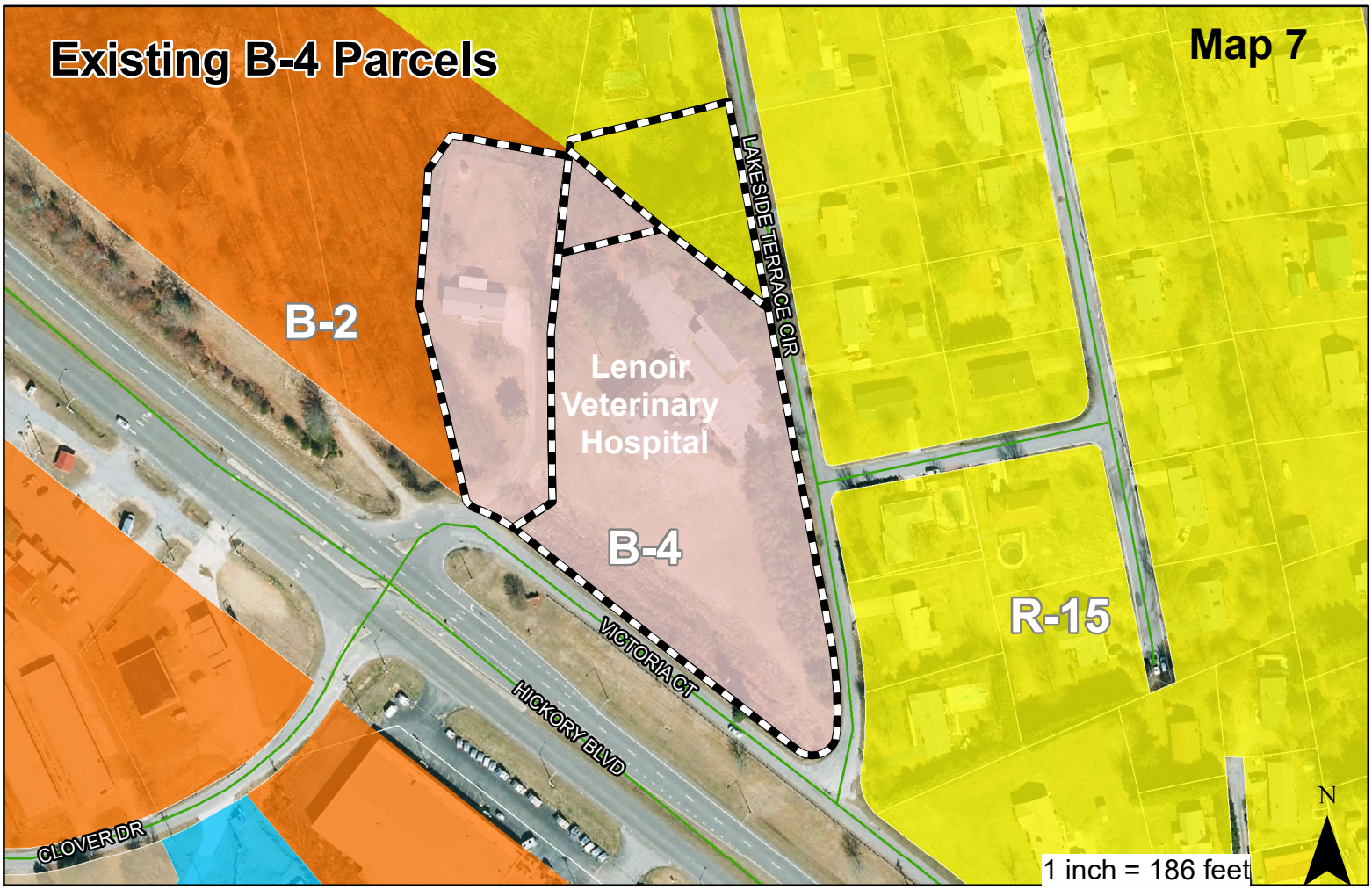

Proposed Changes
- Statement Court Subdivision = R-9
- Suddreth Property = R-9
R-20
R-12
B-2
HARPER AV
HABITAT SUBDIVISION 2017
Suddreth Property
R-9
STATEMENT ST NW
R-9
CREST PL
FAIRVIEW DR
B-2

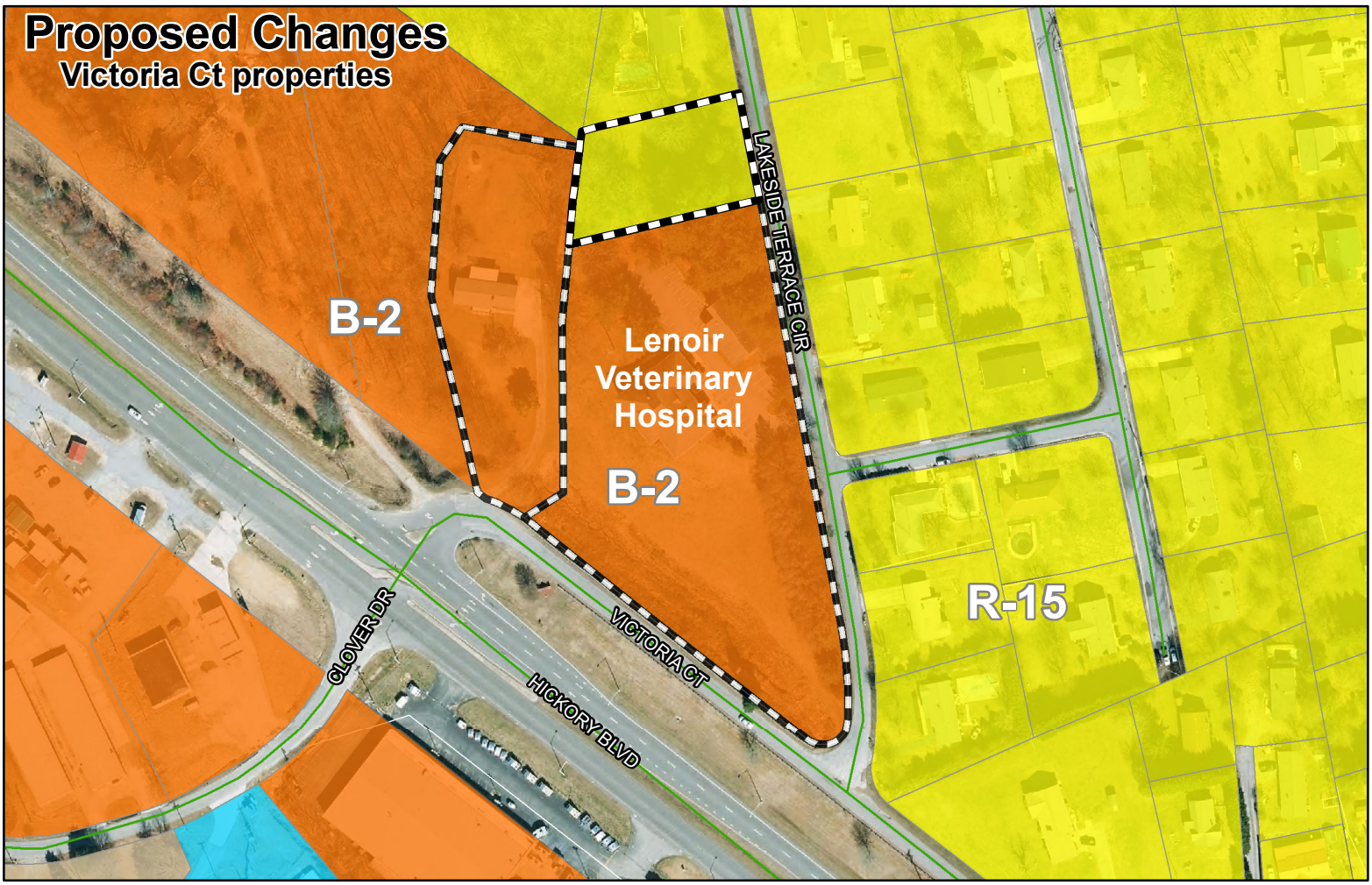

Existing B-4 Parcels
Map 5
WEST LENOIR DR
GATEWAY REHAB
FAIRVIEW PRES
B-4
R-20
R-15
R-R
GREEN PL
ROSELLE PL
HARPER AV
B-2
I-1
N
1 inch = 333 feet


Proposed Changes
- Fairview Pres and Gateway = B-6
- Residential adjacent to Creekway = R-20
WEST LENOIR DR
GATEWAY REHAB
FAIRVIEW PRES
FAIRVIEW DR
B-6
R-20
B-6
R-15
R-R
GREEN PL
ROSELLE PL
HARPER AV
R-20
B-2
I-1


Existing B4 Parcel
Map 6
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 = B-2
R-15
R-9
B-2
WHITNEL
AUTO
LIGHTHOUSE
LENOIR
CONNELLY SPRINGS RD
MEAGON PL
B-2
WALT ARNEY RD


Existing B-4 Parcels
Map 7
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

PLANNING DEPARTMENT MEMORANDUM

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

TO: Scott Hildebran, City Manager

FROM: Jenny Wheelock, Planning Director

DATE: February 15, 2019

SUBJECT: Zoning Use and District Regulation Overhaul

CC: Lenoir Planning Board

Ed Blair, City Attorney (interim)

T.J. Rohr, City Attorney (incoming)

The attached ordinance represents a restructuring of the backbone of the Lenoir Zoning Ordinance – the district-specific regulations and the chart of permitted uses. This ordinance has been in development for several years, and implements many policy goals of the Comprehensive Plan as well as addresses needs identified by Council and Department Heads during annual strategic planning retreats and deficiencies identified by Planning Staff in day-to-day zoning administration.

The goals and guiding principles of this proposed restructuring are as follows:

- To make the zoning code easier for the general public to understand as well as to make it easier for staff to administrate.
- To eliminate existing conflicts and redundancies within the zoning ordinance.
- To eliminate regulatory barriers to the provision of much-needed "missing middle" housing types, as well as to create a framework for allowing higher density multi-family developments "by right" in certain districts. The desire is to move away from contentious quasi-judicial public hearings, while establishing fair density and design standards to balance the need for development with protection of established neighborhoods.
- To remove development standards (i.e. setbacks, lot size) that are applied based on the use of a property (instead of the location) whenever practical. (The *use* of a particular building changes much more frequently than the footprint of a building or the size of the lot it's located on – establishing different standards for residential vs. commercial uses hurts the flexibility of buildings to adapt to changing market conditions).
- To create paths to compliance for frequently requested but vaguely regulated uses like artisan industrial uses and principal use agriculture.
- To create a framework that's flexible enough to respond to infill development; rather than primarily considering "greenfield" development scenarios.

- To create development standards that work in the City's favor when it comes to facilitating growth that is already served by existing infrastructure, thus growing the tax base without adding additional maintenance responsibility to the City. This makes good financial sense for the City.
- To examine and update the established zoning categories for the City, in order to move towards a more context-sensitive approach to zoning regulation. A handful of map amendments are proposed in conjunction with this ordinance and the updated intent statements and development regulations for some of the zoning categories may lead to additional changes in the future.

<u>Highlights of Specific Changes</u>

- 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 of 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.~~

~~c. 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~~-patio~~houses 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-density multi-family development that is no more than two and half stories tall. 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 conversations 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 prodcuts manufacturing, stone and clay products manufacturing, stone crushing, cutting, and polishing, textile manufacturing, finishing, and dyeing, and tire re-capping operations.

Massage Parlor - A~~n 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, intuitional 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.

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.

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.

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.

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-1district 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*	
RESIDENTIAL, GENERAL (1)	*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)*
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:

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

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

	Residential							*Mixed Use/Commercial*							*Industrial*	
NON RESIDENTIAL (1)	*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)*
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	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, Intensitve										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(15)				P(15)	P	P

(Deletions indicted by ~~strikethrough~~; additions indicated by underline, omissions indicated by **** UPDATED 2-15-19)

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. All development standards and performance guarantees shall apply to both permitted and conditionally permitted communication towers.

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 billards 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.

~~B1.~~B14. Non-residential uses in the B-6 zoning district 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.

B15. 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;

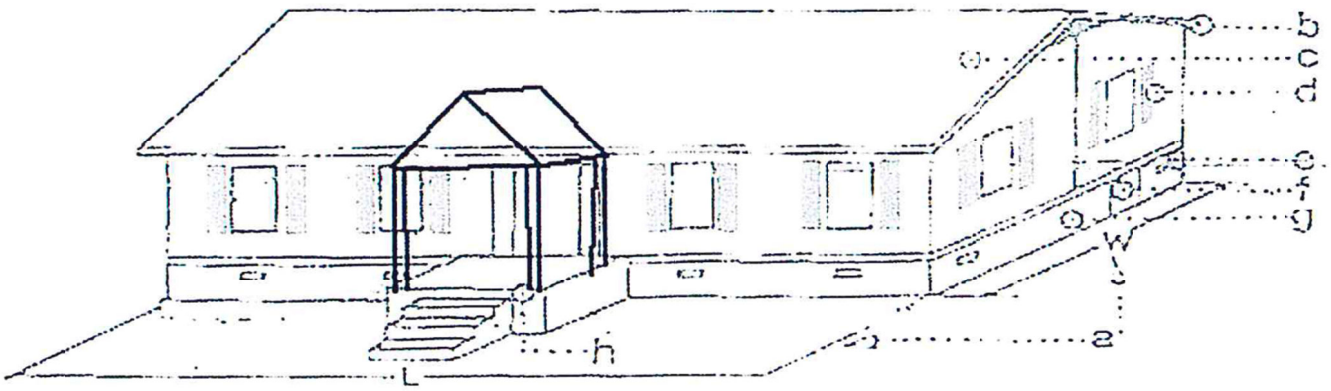
h) The home shall have a covered porch that is permanently mounted to the ground at the front door and constructed in compliance with the North Carolina Building Code. The minimum area for such a porch shall be thirty six (36) square feet, and must be a front-gabled roof design oriented towards the primary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



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

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.

	Residential Districts							***Mixed Use/Commercial Districts***						
Standards	***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 & Institutional*	***B-1*** *Neighborhood Business*	***B-2*** *General Business*	***B-3*** *Central Business (Downtown)*	***B-5*** *Neighborhood Mixed Use (N. Main St.)*	***B-6*** *Exclusive Business*	***B-7*** *Highway Business*
Minimum Lot Area:														
Residential Uses	(1)	(1)	15,000 sq. ft.	12,000 sq. ft.	9,000 sq. ft. (1- family) 15,000 sq. ft. (2-family)	6,000 sq. ft. (1-family) 9,000 sq. ft. (2-family)							10,000 sq. ft.	
Non-Residential Uses	20,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.	18,000 sq. ft.		9,000 sq. ft.							10,000 sq. ft.	20,000 sq
Minimum Lot Width (measured at building line)		60 ft.	60 ft.	60 ft.	50 ft. (single 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
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.
Principal Building Setback:														
Front yard	40ft	40ft	40ft	40ft	35ft	35ft	10 ft.	10 ft.	10 ft.	10 ft.	0 ft.	(7)	10 ft.	(8)
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
Street side yard	25ft	25ft	25ft	25ft	25ft	25ft	10 ft.(4)	10 ft. (4)	10 ft.(4)	0 ft.(4)	0 ft.	(7)	10 ft.(4)	10 ft (4
Rear yard (3)	35ft	35ft	35ft	30ft	25ft (4)	25ft (4)	20 ft.(4)	10 ft.	10 ft.	20 ft. (4)	0 ft.	(7)	10 ft. (4)	10 ft. (4
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
Side/Rear (144 sq. ft. and greater)	10ft	10ft	10ft	10ft	10ft	10ft	10ft	10ft	10ft	10ft	0 ft.	10ft	10ft	10 ft
Max. Bldg. Height:	30ft	35ft	35ft	35ft	35ft	50ft	65 ft.	35 ft.	35 ft.	65 ft.	80 ft.	(7)	25 ft.	35 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/a

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 tl 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:

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

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.

A1. 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.

A2. When property abuts a residential district, and is being developed with non-residential uses, the setback shall be 30ft.

A3. When property abuts a residential or office district the setback shall be 25 feet.

A4. When property abuts a residential or office district the setback shall be 40 feet.

A5. The following yard requirements are established for the B-5 District:

Minimum Front Yard Setback (residential)	20 ft., or the average of structures on adjoining 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.
Minimum Street Side Yard Setback	10 ft.

A6. Family subdivisions may be exempt from this standard. See Chapter 19, Article VII. Procedure for Review and Approval of Family Subdivisions.

A7. 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.

A8. Maximum densities do not apply to accessory apartments or single-lot duplex developments.

~~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 '× 12') - 5 feet. Larger than 144 square feet (12' × 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' × 12') - 5 feet. Larger than 144 square feet (12' × 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~~

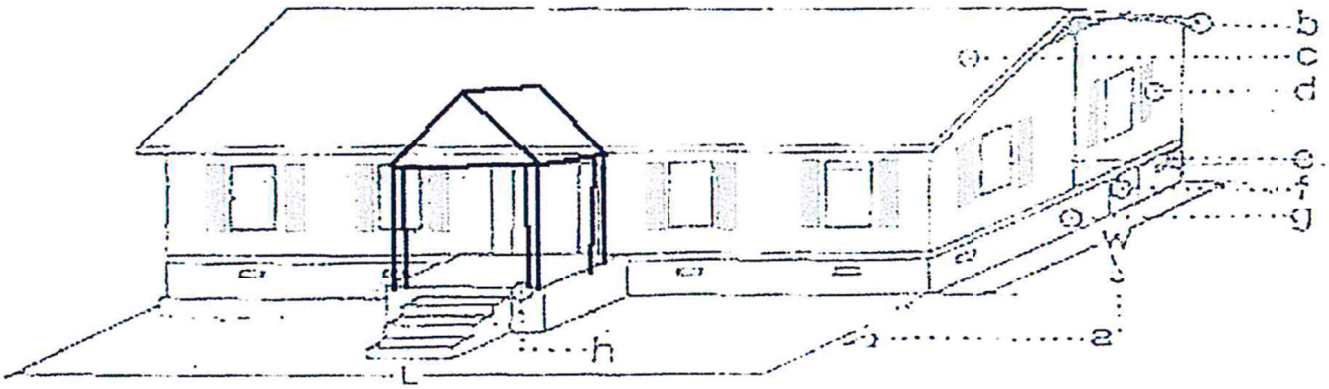
~~805.6 Off-street Parking and Loading Regulations~~
~~See Article X~~

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 × 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 (l) 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.]

****

811.1~~11~~ Design Criteria

****

811.~~112~~ 2 Parking Criteria
811.~~113~~ 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~~
~~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 (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 of 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 (l) 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 (l) 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 (l) 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

[Remainder of page intentionally left blank.]

RULES OF PROCEDURE
LENOIR HISTORIC PRESERVATION COMMISSION

1.0 PURPOSE

To establish procedures for organizing the business of the Lenoir Historic Preservation Commission, hereafter termed "Commission", and processing applications for Certificates of Appropriateness for any construction, alteration, addition, restoration, or relocation of local individually designated landmarks or within locally designated historic districts.

2.0 GENERAL RULES

The Commission shall be governed by the terms of the Lenoir Code of Ordinances and by the terms of G.S. 160A-400.1 through 160A-400.14 as they may be amended or revised. For procedures not covered by these rules, the Commission shall follow the rules contained in the current edition of Roberts' Rules of Order.

3.0 JURISDICTION

The Commission's jurisdiction shall include the corporate limits of the City of Lenoir and the extraterritorial jurisdiction of the City as shown in the official zoning atlas of the City.

4.0 MEMBERS, OFFICERS, AND DUTIES

The Commission shall be composed of the members of the Lenoir Planning Board, and at least three members shall have demonstrated special interest, experience or education in history, architecture, archaeology, historic preservation, or related fields. Officers of the Lenoir Planning Board shall serve in their respective roles when the Planning Board is acting in its capacity as the Historic Preservation Commission, unless a majority of the Commission call for an election of separate officers. The general duties of each officer shall be as follows:

4.1 Chair. The Chair shall decide all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Commission in session at the time. The Chair shall appoint any committees found necessary to investigate any matters before the Commission.

4.2 Vice-Chair. The Vice-Chair shall serve as acting Chair in the absence of the Chair; and at such times shall have the same powers and duties as the Chair. If neither the Chair nor Vice-Chair is present, a Chair pro tem shall be elected to preside during that meeting by a majority of those present at the meeting.

4.3 Elections. If the Commission moves by majority vote to hold elections for officers separate from the Lenoir Planning Board, the following procedure shall be followed: Nominations shall be moved and seconded, and any number of

members may be nominated. Voting may be done by acclamation, show of hands, voice, or by secret ballot following a motion and majority vote of the members. The newly elected Chair and Vice-Chair shall assume office on the meeting immediately following their election.

4.4 Attendance at Meetings. Regular attendance at meetings is expected. The attendance policy of the Lenoir Planning Board shall govern the Commission, and members may be removed/replaced by the City Council in accordance with the standards set forth for the Planning Board.

4.5 Applications Involving Member. No Commission member shall take part in the hearing, consideration or determination of any case in which he/she is the applicant or is a party of the applicant, has a significant financial interest, close family or business relationship with the applicant, or a fixed opinion prior to the hearing. Commission members shall disclose any real, apparent, or potential conflicts of interest before the hearing of said application. A Commission member who is also the applicant may represent his or her self as such, after recusing themselves from the case. For a conflict of interest, there needs to be a motion for the member to be excused and a second to that motion; there is no need for a vote by the whole Commission. The excused member shall leave the room until action has been taken by the Commission.

4.6 Impartiality Required. No Commission member shall, in any manner, discuss any application with any parties prior to the Commission's deliberations on such application; provided, however, that members may seek and/or receive information pertaining to the application from the staff prior to the hearing.

Members of the Commission shall not express individual opinions on the proposed disposition of any application with any persons prior to the determination of that application. Violation of this rule shall be cause for dismissal from the Commission.

4.7 Familiarity with Rules. Each member of the Commission shall be thoroughly familiar with all statutes, laws, ordinances, and rules of procedure relating to the Commission as time and circumstances permit.

4.8 Secretary. The Planning Director or designee shall serve as Secretary to the Commission. The Secretary shall record and report the minutes of Commission meetings, which may be combined with the Planning Board minutes. The Secretary shall administer all required oaths and affirmations for the Commission. The Secretary shall not be eligible to vote upon any matter.

4.9 Staff Historic Preservation Officer. The Planning Director or designee shall serve as the Staff Historic Preservation Officer and provide staff support to the Commission. The Staff Historic Preservation Officer shall not be eligible to vote on any matter. The duties of the Staff Historic Preservation Officer include but are

not limited to:

4.9.1 Carry out the day-to-day operations of the Commission;
4.9.2 Review all applications for Certificates of Appropriateness
4.9.3 Prepare the agenda for each Commission meeting
4.9.4 Maintain the Commission's meeting minutes, attendance records, and all other records of the Commission
4.9.5 Make a recommendation of approval or disapproval of each major Certificate of Appropriateness application to the Commission.

5.0 MEETINGS

5.1 Open Meetings. All meetings of the Commission shall be open to the public and held in accordance with the North Carolina Open Meetings Law, G.S. 143-33C.

5.2 Regular Meetings. Regular meetings of the Commission shall be held the fourth Monday of each month at 5:30 p.m. in the City/County Council Chambers; provided, that meetings may be held at some other convenient time and place if directed by the Chair in advance of the meeting.

5.3 Cancellation of Meetings. Cancellation of meetings shall follow the procedure for Lenoir Planning Board meetings.

5.4 Special Meetings. Special meetings of the Commission may be called at any time by the Chair. At least forty-eight (48) hours notice of the time and place of special meetings shall be given by the Secretary or Staff Historic Preservation Staff Officer, to each member of the Commission and to the general public by placement of a bulletin at or near the meeting location.

5.5 Quorum. A quorum must be held in order to conduct any business. A quorum shall consist of a majority of the current appointed voting membership of the Commission. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members present shall be counted as present for the purpose of determining whether or not a quorum is present. During a quasi-judicial or legislative hearing, a member who is present for the meeting, but has a conflict of interest, as described in Section 4.5 and 4.6, and has been excused from the hearing by the Commission for said conflict, shall be considered present for the required quorum.

5.6 Conduct of Meetings. The business related to the Planning Board's role as the Historic Preservation Commission shall be listed under the heading "Historic Preservation Commission Business" on the Planning Board's agenda, and shall be generally handled in the following order:

5.6.1 Action on minutes of previous meeting
5.6.2 Items of correspondence

5.6.3 Hearing of Continued Cases
5.6.4 Consideration of applications
5.6.5 Unfinished business
5.6.6 New business
5.6.7 Announcements

5.7 Voting. The vote of a majority of those members present shall be sufficient to decide matters before the Commission, provided a quorum is present. A tie vote of those present shall cause the motion in question to fail. A failure to vote by a member who is present at the meeting and has not been excused from voting or who has withdrawn from the meeting without being excused by a majority vote of the remaining members present shall be counted as approving the proposal.

6.0 CONSIDERATION OF APPLICATIONS.

6.1 Testimony Required. Any party may appear in person or by agent or attorney at the meeting. All persons addressing the Commission shall be sworn. All application hearings shall require testimony by the applicant, either in person or through an agent, for such applications to be considered. In the event an application is placed on the agenda and proper notice is given to all parties, but neither the applicant nor an agent appears as required, the application shall be deemed to have been withdrawn by the applicant.

6.2 Order of Business. The order of business for consideration of applications for a Certificate of Appropriateness heard by the Commission shall be as follows:

6.2.1 All conflicts of interest shall be disclosed and any member with a conflict shall be excused from discussion and voting
6.2.2 Introduction of application by staff
6.2.3 Presentation of evidence by applicant
6.2.4 Presentation of evidence by others
6.2.5 Presentation of evidence against application
6.2.6 Cross examination by those giving evidence
6.2.7 Rebuttal by applicant
6.2.8 Surrebuttal by those against the application
6.2.9 Close of testimony
6.2.10 Deliberation
6.2.11 Adoption of "Findings of Fact" that the proposal is/is not incongruous, citing applicable sections of the guidelines
6.2.12 Adoption of conditions on the Certificate of Appropriateness if necessary
6.2.13 The Commission then votes to grant, grant subject to conditions, table for further information or deny the application for a Certificate of Appropriateness.

6.3 Approved Application. If the application is approved, the Staff Historic

Preservation Officer shall, within seven calendar days, transmit to the applicant a Certificate of Appropriateness in letter form, clearly describing the nature of the work and any stipulations that have been approved.

6.4 Denied Application. If an application is denied, the Staff Historic Preservation Officer shall, within seven calendar days, transmit to the applicant written reasons for the denial and the appropriate procedures to appeal the Commission's action.

6.5 Delayed Application. Delayed Application. If there is a delay in taking action on an application, written responses for the delay shall be sent by the Staff Historic Preservation Officer to the applicant and shall specify the date of the next meeting at which the application will be considered.

7.0 MODIFICATION OF APPLICATIONS

The Staff Historic Preservation Officer may approve a minor modification to a previously approved Certificate of Appropriateness which clearly meets the requirements of the Design Review Guidelines. Such a request shall include illustrative materials deemed necessary by the Staff Historic Preservation Officer. If the Staff Historic Preservation Officer finds that the modification constitutes a significant change in a previously approved project, a rehearing shall be made in the same manner as for an original hearing.

8.0 DESIGN REVIEW GUIDELINES

The Historic Preservation Commission shall adopt and maintain Design Review Guidelines that apply to locally designated landmarks and historic districts. These Design Review Guidelines shall illustrate the methods and techniques a property owner may use to plan improvements in a manner that will preserve the character of the historic property. Amendments to the Design Review Guidelines shall be made according to the same process that is used for amending these Rules of Procedure. That procedure is outlined in Section 9.0 below.

9.0 AMENDMENTS

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than six (6) members of the Commission, provided that such amendment shall have first been presented the membership in writing at a regular or special meeting preceding the meeting at which the vote is taken.

Adopted 2-25-19

PLANNING DEPARTMENT MEMORANDUM

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

TO: Lenoir Planning Board members

FROM: Jenny Wheelock, Planning Director

DATE: February 13, 2019

SUBJECT: Adoption of Design Review Guidelines as Historic Preservation Commission

---

The recently adopted Historic Preservation ordinance (codified as Article XVII in the Lenoir Zoning Ordinance) establishes the authority of the Lenoir Planning Board to act as the Lenoir Historic Preservation Commission (HPC). One of the first acts that the Board must take in its new role as the HPC is to adopt Design Review Guidelines.

The Design Review Guidelines are used for the review and approval of "Certificates of Appropriateness" for modifications to structures designated as local landmarks or located within a local historic district, unless the historic district was adopted with different guidelines.

Staff recommends that the HPC adopt the Secretary of Interior Standards for the Treatment of Historic Properties as the Commission's Design Review Guidelines. The Standards offer four distinct approaches to the treatment of historic properties—preservation, rehabilitation, restoration, and reconstruction with Guidelines for each. The Guidelines offer general design and technical recommendations to assist in applying the Standards to a specific property. Together, they provide a framework and guidance for decision-making about work or changes to a historic property.

The four treatments have similar, but distinct standards, as well as guidance on when each treatment may be the most appropriate for a particular structure (see below). A very detailed, illustrated guide to the standards and guidelines can be found online here: https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf

Secretary of Interior Standards for the Treatment of Historic Properties

Preservation

When the property's distinctive materials, features, and spaces are essentially intact and thus convey the historic significance without extensive repair or replacement; when depiction at a particular period of time is not appropriate; and when a continuing or new use does not require additions or extensive alterations, Preservation may be considered as a treatment.

Standards:

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color and texture.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

Rehabilitation

When repair and replacement of deteriorated features are necessary; when alterations or additions to the property are planned for a new or continued use; and when its depiction at a particular period of time is not appropriate, Rehabilitation may be considered as a treatment.

Standards:

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.

5. Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Restoration

When the property's design, architectural, or historical significance during a particular period of time outweighs the potential loss of extant materials, features, spaces, and finishes that characterize other historical periods; when there is substantial physical and documentary evidence for the work; and when contemporary alterations and additions are not planned, Restoration may be considered as a treatment. Prior to undertaking work, a particular period of time, i.e., the restoration period, should be selected and justified, and a documentation plan for Restoration developed.

Standards:

1. A property will be used as it was historically or be given a new use that interprets the property and its restoration period.
2. Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces and spatial relationships that characterize the period will not be undertaken.
3. Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.
4. Materials, features, spaces and finishes that characterize other historical periods will be documented prior to their alteration or removal.
5. Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.

6. Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials.
7. Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.
8. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
9. Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
10. Designs that were never executed historically will not be constructed.

Reconstruction

When a contemporary depiction is required to understand and interpret a property's historic value (including the re-creation of missing components in a historic district or site); when no other property with the same associative value has survived; and when sufficient historical documentation exists to ensure an accurate reproduction, Reconstruction may be considered as a treatment.

Standards

1. Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.
2. Reconstruction of a landscape, building, structure or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts that are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.
3. Reconstruction will include measures to preserve any remaining historic materials, features and spatial relationships.
4. Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color and texture.
5. A reconstruction will be clearly identified as a contemporary re-creation.
6. Designs that were never executed historically will not be constructed.

A RESOLUTION BY THE LENOIR HISTORIC PRESERVATION COMMISSION TO ADOPT THE U.S. SECRETARY OF INTERIOR STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES AS THE COMMISSION'S DESIGN REVIEW GUIDELINES.

WHEREAS, Article XVII of the Lenoir Zoning Ordinance, "Historic Preservation" establishes a Historic Preservation Commission for Lenoir, and requires that prior to designating any local landmark or district the Commission adopt Design Review Guidelines that apply to the constructing, altering, restoring, rehabilitating, relocating, removing, or demolishing of property designated as historic; and

WHEREAS, such guidelines are intended to ensure, insofar as possible, that changes in designated landmarks or properties located within designated districts shall be in harmony with the reasons for designation; and

WHEREAS, the U.S. Secretary of Interior, acting under its authority under the National Historic Preservation Act has developed such standards, which are applied to historic properties receiving federal historic preservation fund grants, as well as widely used by state and local officials for the review of rehabilitation projects and to guide local preservation decisions; and

WHEREAS, the Lenoir Historic Preservation Commission finds that the Secretary of Interior Standards will ensure that changes to historic properties, once designated as such by the Commission, will be in harmony with the reasons for the property's designation; and

NOW, THEREFORE, BE IT RESOLVED that the Historic Preservation Commission of the City of Lenoir hereby adopts the U.S. Secretary of Interior Standards for the Treatment of Historic Properties, as codified in 36 CFR Part 68, including the Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, as may be amended from time to time, as the official Design Review Guidelines for the review and approval, approval with conditions, or denial of Certificates of Appropriateness.

_____

Lucy McCarl, *Chair*

_____

Jenny Wheelock, *Planning Director*

ADOPTED BY the Historic Preservation Commission of the City of Lenoir, North Carolina the 25 day of February, 2019.

Permit Number	Project Name	Address	NC PIN	Date Issued	Date Expired
ZP 6-19	Miller Appliance Sign	505 Creekway Dr	2749372504	1/16/2019	7/16/2019
ZP 7-19	Ben Griffin Mod Bldg Realty	515 Realty St	2749638920	1/22/2019	7/22/2019
ZP 8-19	Crossfit Lenoir Sign	1001-A Boundary St	2749775177	1/22/2019	7/22/2019
ZP 9-19	1350 Delwood Drive accessory structure	1350 Delwood Drive	2758078517	1/28/2019	7/28/2019
ZP 10-19	Factory Connection	845 Blowing Rock Blvd	2850117241	1/29/2019	7/29/2019
ZP 11-19	Shoe Show Mega	845 Blowing Rock Blvd	2850116554	1/29/2019	7/29/2019
ZP 12-19	828 Pet Supplies Sign	1226 Hickory Blvd	2759209545	2/13/2019	8/13/2019
ZP 13-19	522 Mountain View accessory bldg	522 Mountain View Street	2749844390	1/30/2019	7/30/2019
ZP 14-19	Barrington Dr Acc Bldg	918 Barrington Dr	2850744645	2/4/2019	8/4/2019
ZP 15-19	Hibriten HS picnic shelter	1350 Panther Trail	2860107907	2/7/2019	8/7/2019
ZP16-19	single family	1338 Idlewood St	2748679221	2/7/2019	8/7/2019

County Permit	Full Size Plans?
2019-000128/2019-00027	
2019-000180	