



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

Kaye Reynolds

Lenoir Planning Board

Agenda • September 23, 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 October 15, 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 August 26, 2019 Minutes

NEW BUSINESS**1. R #4-19 Roger Coffey and Sons Rezoning**

Applicant: Roger Coffey

Owner: Roger Coffey

Location: Old Morganton Road and Brushy Place

Zoning map amendment to change the zoning from R-12(Single Family) to R-20 (Low Density Single Family). This request is to allow for a Conditional Use Permit for agriculture uses (CUP #2-19).

Recommended Action: Approval of the request, based on the consistency statement in the staff report, and call for a public hearing at City Council on October 15, 2019.

2. CUP #2-19 Roger Coffey and Sons agrichemical handling facility/farm use expansion

Applicant: Roger Coffey

Owner: Roger Coffey

Location: Old Morganton Road and Brushy Place

Conditional Use Permit to allow for the construction of an 18' x 24' agri-chemical handling facility, and the expansion of agriculture uses within the City limits. This Conditional Use Permit is related to R#4-19.

Recommended Action: Approval of the request, based on the conditions in the staff report, and call for a public hearing at City Council on October 15, 2019.

3. A#1-19 and R# 5-19 1336 Connelly Springs Road SW Rezoning

Applicant: Tyra Edwards

Owner: Callie Knight Brown

Location: 1336 Connelly Springs Road SW

Zoning map amendment to change the zoning from R-R (Rural Residential) to B-2 (General Business).

Note: Planning Board is not required to review annexations, except when the petitioner request a zoning classification that is different from the zoning assigned to the parcel in the ETJ.

Recommended Action: Approval of the request, based on the consistency statement in the staff report, and call for a public hearing at City Council on October 15, 2019.

4. ZOA# 3-19 Ordinance Correction

Applicant: City of Lenoir

Owner: N/A

The City is proposing amending Appendix A, Section 611 of the Lenoir Zoning Code, in order to correct an omission of text that occurred during the zoning use and district standards in March.

Recommended Action: Approval of the request, and call for a public hearing at City Council on October 15, 2019.

5. ZOA# 4-19 Residential Parking Code Amendment

Applicant: City of Lenoir

Owner: N/A

The City is proposing amending Appendix A, Section 1000.9 of the Lenoir Zoning Code, related to parking requirements for multi-family uses.

Recommended Action: Approval of the request, and call for a public hearing at City Council on October 15, 2019.

OTHER BUSINESS

- Update on zoning permits issued
- Looking Forward: Downtown Development presentation with Kaylynn Horn on October 28, 2019, to learn about the Main Street program's initiatives for Downtown Lenoir and discuss future opportunities for zoning changes and/or historic preservation initiatives.

ADJOURNMENT

MINUTES
PLANNING BOARD MEETING
August 26, 2019
5:30 P.M.
905 WEST AVENUE

MEMBERS PRESENT:

James Bradshaw, Sharon Bryant, Jeff Church, Mac Martin, Lucy McCarl, Richard Hedrick, Kaye Reynolds, Tim Scobie, Larry Smith

MEMBERS ABSENT: Leah Hamilton

STAFF PRESENT:

Jenny Wheelock, Hannah Williams, Lauren McKinney

MINUTES:

Board Member Hamilton moved approval of the meeting minutes of June 24, 2019 as written. Board Member Church seconded the motion, which was voted upon and passed by unanimous vote.

NEW BUSINESS:

1. College/Steele Street Re-Zoning

Applicant:	City of Lenoir
Owner:	Lenoir Depot LLC, Blue Bell Lenoir LLC, James Sullivan
Location:	1407 College Ave, 1241 College Ave, 1201 Steele Street
R# 3-19	Zoning map amendment to change the zoning from I-2 (Heavy Industrial) to R-C (Residential-Commercial) on the three subject properties.

Recommended Action: *Approval of the request, based on the consistency statement in the staff report, and call for a public hearing at City Council on September 17, 2019.*

Hannah Williams presented the proposed project, consistency statement and recommendations, and responded to the Board's questions.

Ms. Williams stated the three properties recently received the local landmark status and are currently zoned I-2 (heavy industrial) The proposed re-zoning is R-C (Residential Commercial), which allows various types of housing including multi-family, 30 units per acre.

Board Member Bryant made a motion to approve the re-zoning from I-2 to R-C as present by staff, based on the consistently statement and call for a Public Hearing for City Council to consider the request on September 17, 2019. Board Member Church seconded the motion, which was voted upon and passed unanimously.

OTHER BUSINESS:

Hannah Williams attended a Historic Preservation Commission workshop in Waynesville, NC. Ms. Williams gave an overview of the participation advocacy, outreach, purchasing/contracts and what the Historic Preservation Commission is trying to protect.

Jenny Wheelock, Planning Director gave a presentation on parking codes. She explained the parking code changed in 2015 from 3 to 4 spaces for 1,000 sq. ft. of gross floor area for non-residential uses, doing this made it possible for new development. The current parking code regulations are 2 spaces per dwelling and 1 space per dwelling for age restricted communities ages 55 up. The proposed regulation would be calculated based on a breakdown of the number of units and 80% of requirements for senior apartments.

This will be discussed further at the next meeting.

ADJOURNMENT:

Having no other matters to bring before the Board, Chairperson McCarl adjourned the meeting at 6:15 p.m.

Lucy McCarl
Chairperson

Jenny Wheelock
Planning Director

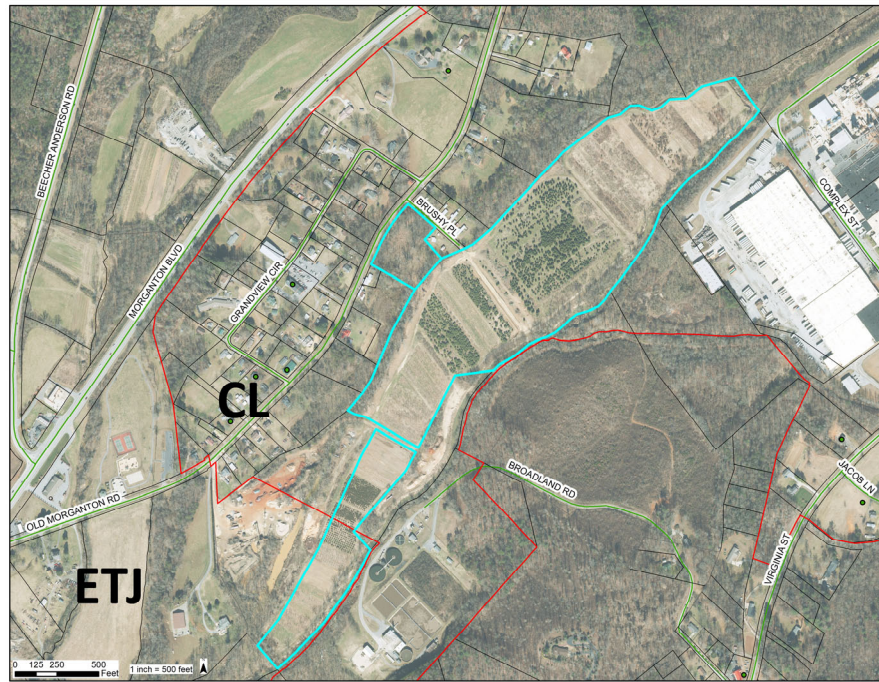


Staff Report

Rezoning and Conditional Use Permit

CASE NUMBER R#4-19/CUP #2-19

LOCATION MAP/AERIAL PHOTOGRAPH



Subject Property



City Limits Boundary



SUMMARY

Owner

Roger and Deborah Coffey

Applicant

Roger Coffey

Location

Old Morganton Road and
Brushy Place

NC PIN

2738674351, 2738650432, and
26 AC of 2738679061

Project Planner

Hannah Williams

Updated September 6, 2019

Applicant's Request:

The applicant is requesting a rezoning from R-12 and R-15 to R-20 and a Conditional Use Permit for the expansion of the established agriculture use and construction of a 18' x 24' agri-chemical handling facility.

Staff Recommendation:

Approval of the rezoning request, based on the consistency statement on page 4 and approval of the conditional use permit based on the conditions in this report.

Planning Board Recommendation:

Public Comment:

Planning Board Meeting: Scheduled for September 23, 2019. Notices were mailed to property owners within 100 ft. of the subject property on September 13, 2019.

City Council (Public Hearing): Anticipated to be scheduled for October 15, 2019.

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

BACKGROUND AND ANALYSIS

Zoning Map Amendments

The City of Lenoir Ordinance establishes an official zoning map/atlas for the City of Lenoir. The zoning map may be amended from time to time by the City Council when public necessity, convenience, general welfare, or good zoning practice justifies the amendment. The zoning map cannot be changed until the Planning Board reviews the request and makes a report to City Council on the proposed change and the City Council holds a public hearing to consider the request.

Intent of Conditional Use Permits

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

Subject Property

The subject property is located on the western boundary of the city limits. The parcel at the intersection of Brushy Place and Old Morganton Road is zoned R-12, is 2.77 AC in size, and is not currently under cultivation. The largest parcel, NCPIN 2738679061, is 44.1 AC in size and is split zoned between I-1 (~14.1 AC) and R-12 (~30 AC). The third parcel is intersected by the City Limits and extends into the ETJ and is split zoned between R-12 (~3.1 AC) and R-15 (~5 AC). The majority of this property is used for tree and shrub cultivation. About 50 acres of the subject property are in the "flood zone." There are no buildings on the subject property at this time. There is the foundation and frame of the mixing facility as the permits were issued by Caldwell County Building Inspections in error, without City of Lenoir approval. When Building Inspections discovered the error, the applicant was routed to City of Lenoir Planning Department for permit review.

Surrounding Properties

The subject parcel at the intersection of Brushy Place and Old Morganton Road (NCPIN 2738674351) is across from several manufactured homes to the east and other low density single family homes to the north and west. The rest of the property extends behind the low density residential area to the western city limits. The parcel at NCPIN 2738650432 is adjacent to the City of Lenoir Lower Creek Waste Water Treatment Facility to the south, the Gamewell city limits to the west, and a paving company to the north.

Intent of the Zoning Districts

The applicant is seeking to rezone the parts of his property that are zoned R-12 and R-15 to R-20 in order to allow for a CUP request for expanded agricultural uses. The applicant is also seeking a conditional use permit for his entire property to be used for tree cultivation. The R-12 and R-15 single family districts are intended to establish and preserve land within the city for low or medium 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. The R-20 single-family district allows for single family homes on large lots, as well as Agriculture as a conditional use. The I-1 Light Industrial district also allows for a Agriculture as a conditional use.

Proposed Development

The applicant proposes to build an 18' x 24' building to be used to mix agricultural chemicals in a well-ventilated environment on the parcel at the intersection of Brushy Place and Old Morganton Road (NCPIN 2738674351), out of the flood zone. The majority of the acreage owned by the applicant has been used for tree cultivation for several decades, despite not conforming to the uses allowed in the R-12 zone. While the agriculture use can continue in its existing footprint under the nonconforming ordinances, the

BACKGROUND AND ANALYSIS

new mixing facility is being developed on a separate parcel, and must meet current zoning standards. R-20 is one of the zoning districts that allows agriculture with a conditional use permit. The applicant is requesting to retain the existing acreage in the I-1 zoning district “as-is”, in order to preserve future industrial activity in an appropriate zone.

The applicant is the recipient of a matching grant through Soil and Water Conservation’s Agriculture Cost Share Program that provides funding for best management practices for water quality, also known as BMPs. The funded BMP is a Agrichemical Handling Facility which is a “permanent structure that provides environmentally safe means of mixing agrichemicals and filling tanks with agrichemicals for the application [...] of agrichemicals to improve water quality.” The mixing facility is built on a thick concrete pad that is designed to prevent cracks and reduce spillage. For additional information, see the Best Management Practices specification document from the NC Department Agriculture and Consumer Services in Appendix A, attached to this report.

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. While the comprehensive plan does not specifically discuss agriculture in the city, there is a guideline to adopt sensible, straightforward zoning standards and procedures easily understood by the general public. There is also an environmentally-conscious theme throughout the plan for new and existing development through protecting riparian areas and adding BMPs when possible. The proposed development meets these guidelines by “correcting” a zoning map error, as well as creating a functional BMP that helps to improve water quality in Lower Creek.

Comparison of Zoning Districts

	Existing	Existing	Proposed
	R-15	R-12	R-20
Development Standards	Min Lot Size - 15,000 ft ²	Minimum Lot Size - 12,000 ft ²	Min Lot Size—20,000 ft ²
	Setbacks	Setbacks	Setbacks
	Front - 40'	Front - 40'	Front—40'
	Side Yard—15'	Side Yard—12'	Side Yard—15'
	Abutting side Street: 25'	Abutting side Street: 25'	Abutting side Street: 25'
	Minimum Rear Yard - 35'	Minimum Rear Yard - 30'	Minimum Rear Yard - 35'
Summary of Permitted Uses	Accessory Cottage or Apartment	Accessory Cottage or Apartment	Accessory Cottage or Apartment
	Dwelling, Group	Dwelling, Group	Dwelling, Group
	Dwelling, Single-Family Detached	Dwelling, Single-Family Detached	Dwelling, Single-Family Detached
Summary of Conditional Uses	Bed and Breakfast	Attached Dwellings	Bed and Breakfast
	Communication Towers	Bed and Breakfast	Agriculture (Limits on Livestock, Chp 3 of Lenoir Code)
	Community Facility	Dwellings, 2 Family	Communication Towers
		Low Density MultiFamily	Community Facilities
		Day Care	Commercial Greenhouses
		Communication Towers	Retailing: Neighborhood Business

STAFF REZONING RECOMMENDATION & CONSISTENCY STATEMENT

Staff recommends approval of the requested rezoning based on the following consistency statement:

The proposed zoning map amendment is consistent with the adopted Comprehensive Plan because it facilitates straightforward zoning standards for the expansion of an existing business. The proposed amendment is reasonable and in the public interest because it provides an opportunity for the business to install a BMP that will aid in improving water quality, and will yield compliance with the zoning standards, preventing future complications if the agriculture business expands or changes in this area.

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 development will comply with all requirements of the R-20 district and I-1 district, respectively.*
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 applicant's site plan proposes an onsite driveway off of Brushy Place. There is an existing driveway at the dead end of Brushy Place to access the lots under cultivation. The two points of access will reduce vehicular impacts to this property.*
3. Off-street parking and loading areas will be provided in compliance with the Zoning Ordinance. *Parking and loading on this site will not be allowed in the required setbacks.*
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. *The subject property has been used as a tree farm for many years without hindrance in the surrounding neighborhood. Vehicles accessing the mixing facility will have two points of access, having minimal impacts on Brushy Place.*
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. *A landscape plan was not submitted, however, the property owner will maintain a 30' wide setback on each property line along the property lines adjacent to Old Morganton Road and Brushy Place, as well as along the property lines shared with the property at 2508 Brushy Place.*
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. *No signage is currently planned for this development, but any future signage will be regulated to meet code. Any exterior lighting will be incidental to the needs of the agricultural use, and will be designed to be fully cut-off and shielded from neighboring residential property as a condition.*
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 proposed development is setback about 100 feet from Old Morganton Road and about 200 feet from Brushy Place. There is a significant grade change, and the facility sits lower than the road. This development does not vary greatly from this low density area.*
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. *The new development on this site will not vary the intensity of the existing tree*

FINDINGS CONTINUED

farm use.

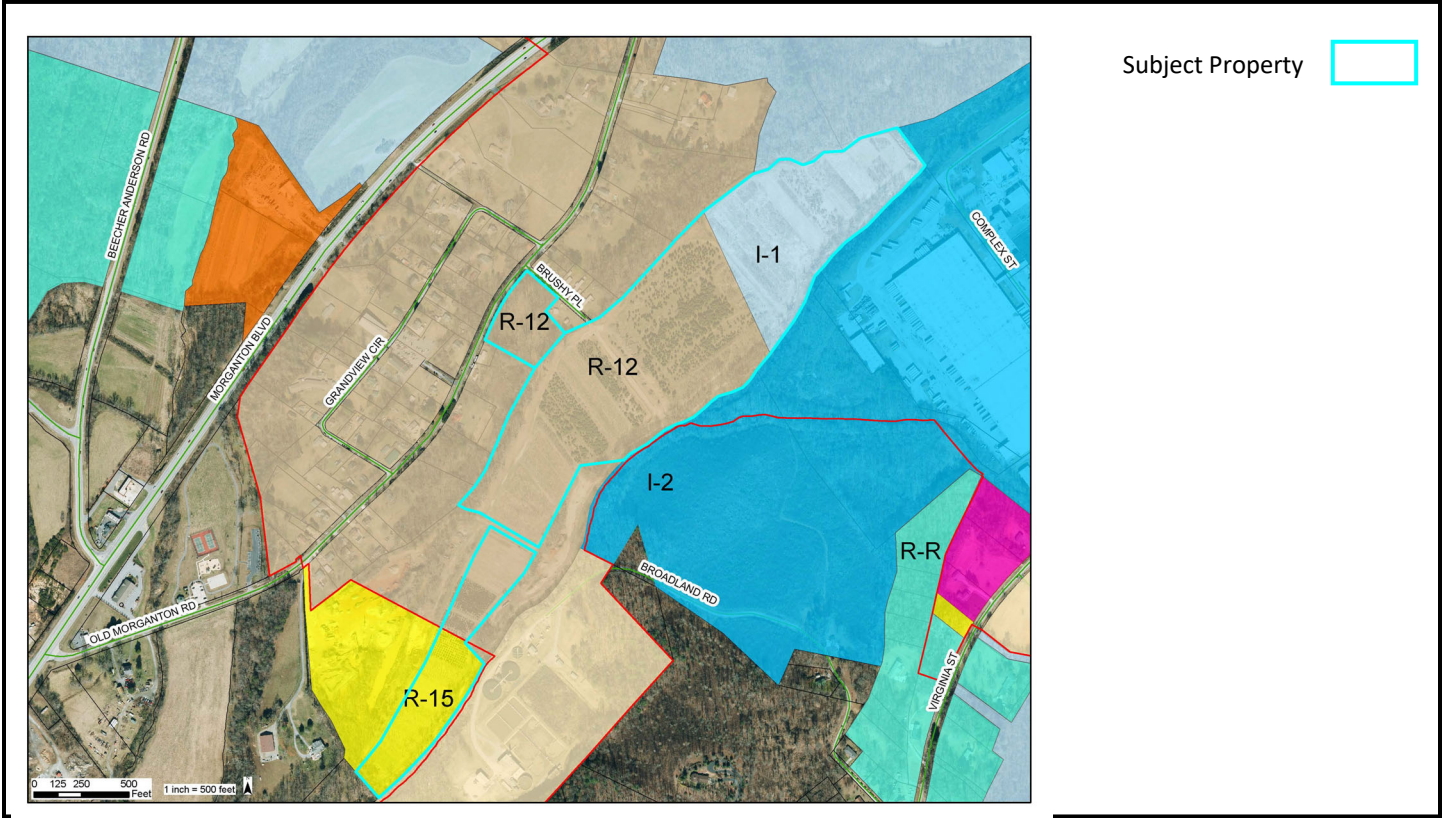
STAFF CUP RECOMMENDATION

Staff recommends approval of the Conditional Use Permit for the proposed Agrichemical Handling Facility and tree farm, with the following conditions:

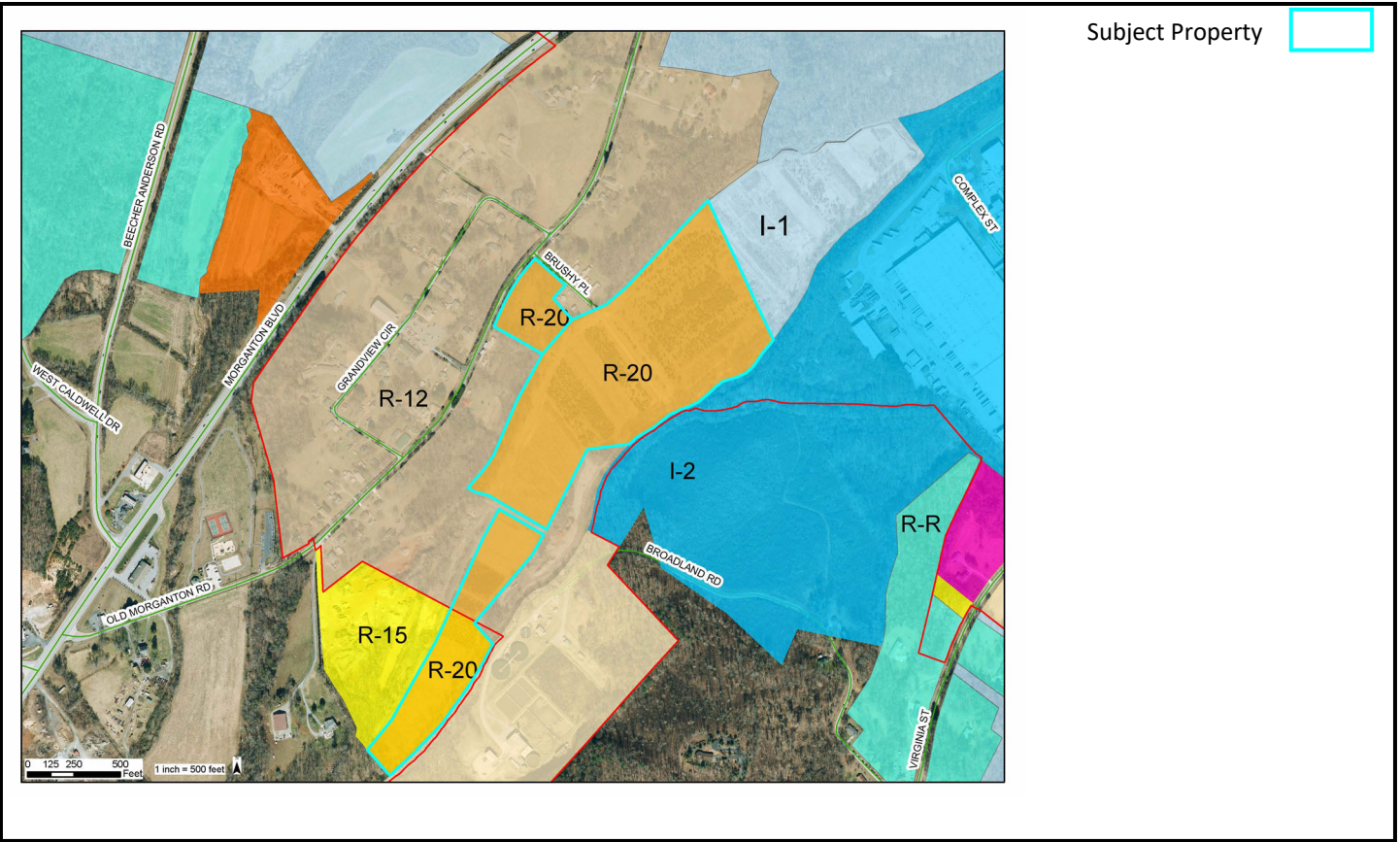
1. The Conditional Use Permit is for a tree and shrub farm agriculture use and associated activities. Animals are not permitted, except in accordance with the standards of Chapter 3 of the Lenoir Code of Ordinances.
2. If the agriculture use or agri-chemical facility has not been established within 24 months of the adoption of the Conditional Use Permit, the approval shall be considered null and void.
3. A 30' setback will be required along the street side property lines and property lines adjacent to single family residential properties.
4. All development standards of the R-20 and I-1 districts shall apply to new buildings and uses within the respective areas of each zone on this property.
5. All lighting shall be fully cut-off and shielded so as to eliminate/minimize light spill-over onto adjacent residential properties.

PLANNING BOARD RECOMMENDATIONS

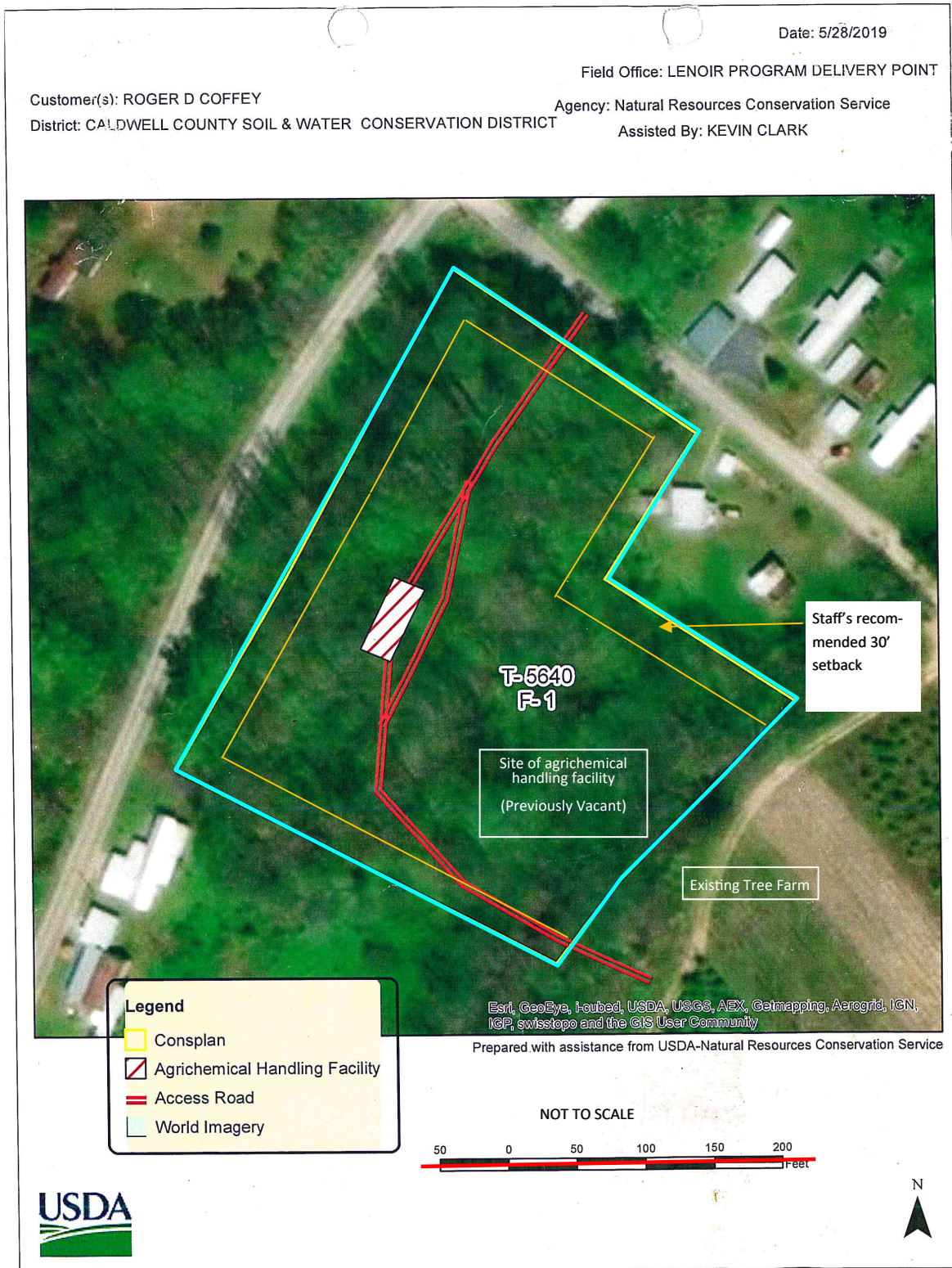
EXISTING ZONING MAP



PROPOSED ZONING MAP



APPLICANT'S SITE PLAN



EXISTING CONDITIONS ON SITE



Street view facing subject property from Brushy Place



Street view facing subject property from Old Morganton Road

SURROUNDING PROPERTIES



Three manufactured homes across from subject property



Property adjacent to subject property with several outbuildings



Staff Report

Zoning Amendment

CASE NUMBER R #5-19/A1-19

LOCATION MAP/AERIAL PHOTOGRAPH



Subject Property ☐

Left: 1336 Connelly Springs Rd

SUMMARY

Owner

Callie Brown

Applicant

Tyra Edwards, Daughter/POA

Location

1336 Connelly Springs Rd SW

Adjacent to the ABC Store on Connelly Springs Road

NC PIN

2748823036

Project Planner

Hannah Williams, CZO

Updated September 13, 2019

Description of Request:

The applicant requests that the City re-zone the portion of 1336 Connelly Springs Rd SW (currently in ETJ) from R-R (Low Density Single Family) to B-2 (General Business). An annexation petition has also been submitted.

Staff Recommendation:

Approval of the request, based on the consistency statement on page 6.

Planning Board Recommendation:

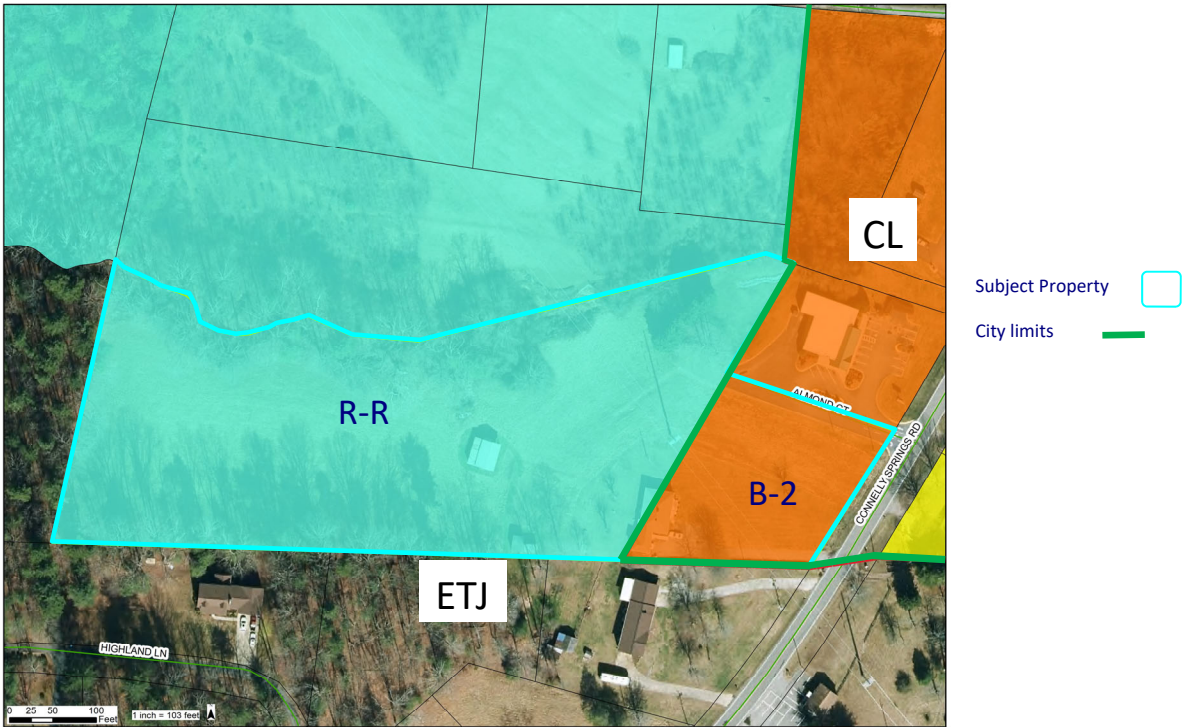
Public Comment:

Planning Board Meetings: September 23, 2019. Notices were mailed to property owners within 100 ft. of the subject property on September 13, 2019.

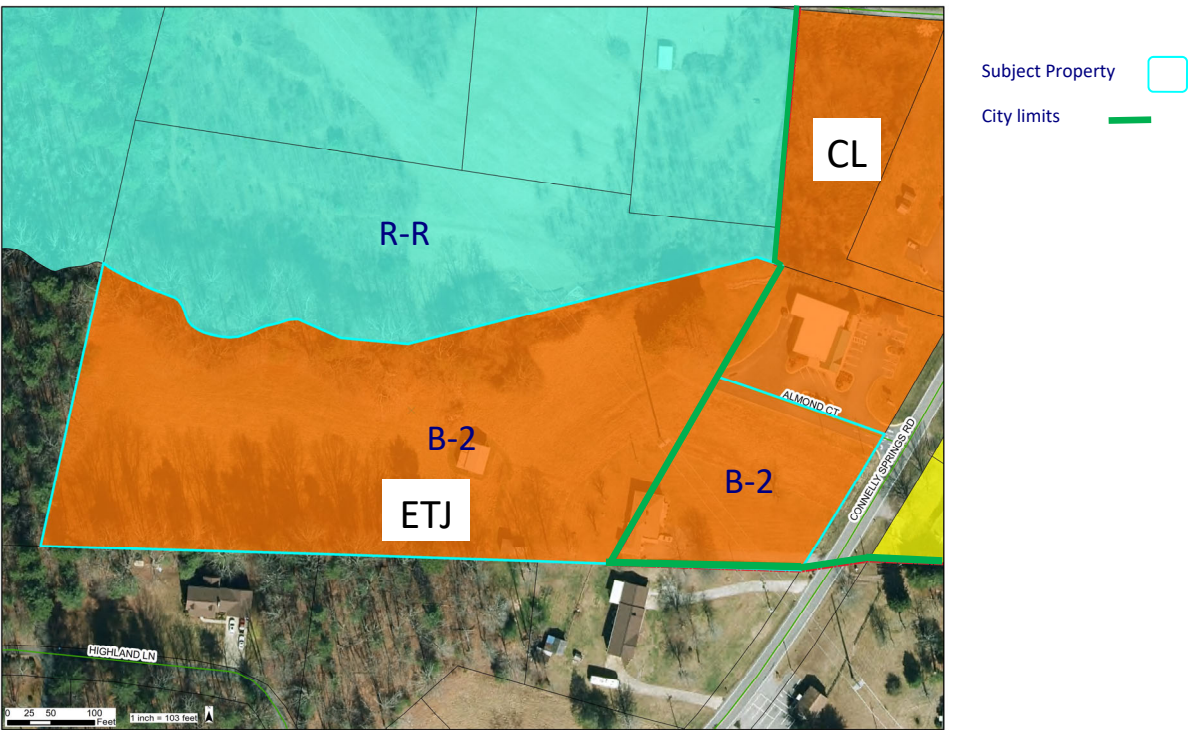
City Council (Public Hearing): Anticipated to be scheduled for October 15, 2019.

EXISTING AND PROPOSED ZONING MAPS

Existing Zoning: R-R



Proposed Zoning: B-2



BACKGROUND AND STAFF ANALYSIS

Zoning Map Amendments

The City of Lenoir Ordinance establishes an official zoning map/atlas for the City of Lenoir. The zoning map may be amended from time to time by the City Council when public necessity, convenience, general welfare, or good zoning practice justifies the amendment. The zoning map cannot be changed until the Planning Board reviews the request and makes a report to City Council on the proposed change and the City Council holds a public hearing to consider the request.

Intent of the Zoning Districts

The B-2 General Business zoning 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 the motoring public both local and transient.

The R-R (Rural Residential) zoning district 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 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.

Subject and Surrounding Properties

The subject property is located on Connelly Springs Road at the southern city limits, adjacent to Cajahs Mountain. The lot is developed with a single family home and two detached outbuildings. The parcel is split zoned; about an acre in the front is zoned B-2 (General Business), and the back 4.6 acres is zoned R-R (Rural Residential). The subject property is also split by the city limits line in the same place, with the ETJ in the back acreage. There is a Duke Energy right-of-way easement on this property for overhead power lines.

This property borders the Cajahs Mountain city limits on the southern side. The zoning on the adjacent Cajahs Mountain parcel is residential and developed with a single family house. Directly across from the subject property are other single family homes. To the north are a gas station and a City of Lenoir ABC store. The subject property is .2 mi from the Southwest Boulevard and Connelly Springs Road intersection.

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 subject property is already identified as “existing nonresidential” on the future land use map of the comprehensive plan, despite the current single family development. The applicant’s request to rezone this property is an opportunity to correct a split zoned parcel and to make the zoning standards compatible with surrounding land use. Staff finds the proposed re-zoning to be consistent with the goals and policy concepts of the Comprehensive Plan.

Annexation

As stated, this property is partially in the city and partially in Lenoir’s ETJ at this time. The rezoning request is concurrent with an annexation petition. Typically, the City does not assign B-2 zoning outside of the city limits. The more intense the land use, the better suited it is to be inside the city limits—for police and fire protection, environmental quality concerns, and compatible, well-designed development. The City also benefits through the capacity to collect full property tax revenue. We prefer not to have parcels split by zoning lines or jurisdiction, because it creates confusion for taxing, regulation, and redevelopment. This request will bring the entire parcel into the city with one consistent zoning district. The Planning Board must review the zoning for annexation requests when the applicant requests a different zoning classification than the current zoning on the parcel in the ETJ.

Comparison of Allowable Uses

Sec. 600 of the Lenoir Zoning Ordinance establishes a chart of permitted and conditional uses for each zoning district. The B-2 zoning district allows a wide range of residential, commercial, and other non-residential uses. There is some overlap with residential

STAFF ANALYSIS CONTINUED

uses allowed in the R-R district, however, the R-R district is reserved for low density single family houses and manufactured homes. The B-2 district is primarily used for non-residential uses in the city, and comes with architectural and landscape design standards for new development.

Comparison of Zoning Districts

	R-R	B-2
Development Standards	Min Lot Size - 20,000 ft ² Setbacks Front: 40' Side Yard: 15' Abutting side Street: 25' Minimum Rear Yard: 35'	Minimum Lot Size - None Setbacks Front: 10' Side Yard: 0' Abutting side Street: 0' Minimum Rear Yard: 20'
Summary of Permitted Uses	Accessory Cottage or Apartment Dwelling, Group Dwelling, Single-Family Detached	Accessory Cottage or Apartment Attached Dwellings Bed and Breakfast Dwelling, Single/Two Family/Multi-Family/Group Pool Halls Day Care Centers Community Facilities Kennels Eating and Drinking (W/ or W/O Drive-throughs) Greenhouses Hospitals Hotels Office Personal Storage Indoor Retailing Light Retailing Indoor Recreation Automotive Services Business and Personal Services Indoor Shooting Range Studios and Specialty Schools Veterinarian Warehousing **For conditional uses see Section 600, Table A in Lenoir Zoning Ordinance**

SUBJECT PROPERTY 1336 CONNELLY SPRINGS RD SW



Left: Facing subject property (B-2)

Right: Rear of subject property (R-R)

SURROUNDING AREA—CONNELLY SPRINGS RD



Above: Northern view towards Southwest Blvd

Upper Right: Southern neighbor in Cahahs Mtn

Lower Right: Across the street from subject property, facing west

STAFF RECOMMENDATION AND CONSISTENCY STATEMENT

Staff recommends that the Planning Board recommend approval of the request, based on the following consistency statement, and call for a Public Hearing for City Council to consider the request on October 15, 2019:

The proposed zoning map amendment is consistent with the adopted Comprehensive Plan because it provides an opportunity to correct a split zoned parcel and facilitates straightforward zoning standards. The proposed amendment is reasonable and in the public interest because it will allow expansion for commercial redevelopment in areas close major transportation corridors.

PLANNING BOARD RECOMMENDATION

**AN ORDINANCE OF THE CITY COUNCIL OF LENOIR,
NORTH CAROLINA, AMENDING APPENDIX A OF THE
LENOIR CITY CODE RELATED TO ADULT GAMING
ESTABLISHMENTS, PROVIDING FOR CODIFICATION, AND
AN EFFECTIVE DATE.**

Whereas, the City adopted standards in 2017 related to the location and performance standards for adult gaming establishments; and

Whereas, separation distances were established in order to mitigate negative secondary impacts related to these uses; and

Whereas, the City adopted a major overall to the zoning district standards in March of 2019, which re-arranged some code sections related to use regulations, including adult gaming establishments, and in doing so inadvertently omitted a previously adopted provision related to the separation of adult gaming establishments from each other, as well as from other land uses like ABC stores and treatment and recovery facilities; and

Whereas, the Lenoir Planning Board and the Lenoir City Council desire to retain the regulations on adult gaming uses as they were originally adopted; and

Whereas, the Lenoir Planning Board finds and declares that this ordinance consistent with the City's adopted Comprehensive Plan, which calls for the adoption of sensible, straightforward zoning standards and procedures that are easily understood by developers and the general public; and

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

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

SECTION 1. Appendix A, Article IV, Section 611 of the Code of Ordinances, City of Lenoir, North Carolina, "Performance Standards for Adult Gaming Establishments" is hereby amended to read as follows:

Section 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. Adult Gaming Establishments must be located at least 1,000 ft. away from any other Adult Gaming 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.

SECTION 2. CODIFICATION. The City Clerk shall cause the Code of Ordinances of Lenoir, North Carolina to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 3. EFFECTIVE DATE. This ordinance takes effect upon adoption.

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

**AN ORDINANCE OF THE CITY COUNCIL OF LENOIR,
NORTH CAROLINA, AMENDING APPENDIX A OF THE
LENOIR CITY CODE RELATED TO REQUIRED PARKING
RATIOS, PROVIDING FOR SEVERABILITY, CODIFICATION,
AND AN EFFECTIVE DATE.**

Whereas, the Lenoir Zoning Ordinance currently requires 2 spaces for every multi-family apartment unit, regardless of size, rather than linking parking requirements to the number of bedrooms in each unit; and

Whereas, the Lenoir City Council and the Lenoir Planning Board recognize the need for additional housing types to be developed within the City, especially smaller units to serve young professionals and retirees looking for an alternative to detached single family homes; and

Whereas, the development of parking areas adds to the overall cost of development, as well as the overall environmental impact of the development, and therefore requiring parking to be provided in excess of typical demand unnecessarily increases the cost and impact of development; and

Whereas, the code currently does not provide any standards for, or incentive for, the provision of parking for motorcycles and bicycles, despite the growing popularity of these alternative personal transportation modes; and

Whereas, the Lenoir Planning Board finds and declares that this ordinance and these amendments consistent with the City's adopted Comprehensive Plan, which calls for sensible, straight-forward zoning standards, a reduction in large expanses of asphalt for parking, and the encouragement of affordable housing for all stages of life, as well as the Bicycle Plan, which calls for code changes to address bicycle parking; and

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

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

SECTION 1. Appendix A, 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:

TABLE OF MINIMUM PARKING REQUIREMENTS

~~Where parking ratios are based on ratios per 1,000 sq. ft. of gross floor area, a~~ All partial parking ~~spaces~~ space requirements of .4 or less will be rounded down and all partial parking spaces of .5 or greater will be rounded up to the next nearest whole number to determine the minimum number of parking spaces required for the particular use or development.

For uses required to have more than 4 parking spaces, providing designated and marked areas for motorcycle and/or bicycle parking shall count towards the required parking requirements as follows: Every 2 motorcycle parking spaces or bike rack spaces provided shall reduce the required number of automobile parking spaces by 1 space, for up to a 10% reduction of the required parking.

TYPE OF USE	OFF-STREET PARKING REQUIRED
Multifamily Residential** (elderly and handicapped units)	1 space per dwelling unit
Multifamily Residential** (non-elderly)	2 spaces per dwelling unit <u>1 space for every studio or 1-bedroom unit</u> <u>1.5 spaces for every 2-bedroom unit</u> <u>2 spaces for 3+ bedroom units</u> <u>Required parking is calculated based on the overall breakdown of unit types in the proposed development.</u>
Manufactured Home Park	2 spaces per manufactured home space
Automobile Service Stations	3 spaces for each grease or wash rack and 3 parking spaces for each 1,000 square feet of gross floor area
Bank or Savings & Loan	3 space for each 1,000 square feet gross floor area plus stacking space for 5 vehicles at each drive-through window (including the car being served)(1)
Business and Professional Offices	3 spaces for each 1,000 square feet gross floor area
Cultural and Community Facility	3 spaces for each 1,000 square feet gross floor area
Doctors and Dentists Offices	3 spaces per 1,000 square feet gross floor area
Educational Facility Elementary or Junior High School* Senior High School or College*	1 space for each 20 students plus one bus space per 100 students for students 1 space for each 4 students plus 1 space for each 100 students plus 1 space for each 15 students for staff
Funeral Home	1 space for each 3 seats in the chapel or parlor or 3 spaces for each 1,000 square feet of gross floor area, whichever is greater
Group Care Facility * (Nursing Homes, Rest Homes, etc.)	1 space for each 3 patient beds
Hospital *	2 spaces for each patient bed
Hotel	1 parking space for each room to be rented

Manufacturing	1 space for each 2 employees at maximum employment on a single shift, plus sufficient parking space for each company vehicle, plus 3 spaces for each 1,000 square feet of sales and service area
Tennis court	2 spaces per court
Ball field	1 space per 5 seats in stand
Religious Complexes	1 space for each 3 seats in principal assembly room
Restaurants * (no drive-through)	1 space for each 3 seats
Restaurants (drive-through)	1 space for each 3 seats plus stacking space for 5 vehicles at each drive-through window (including the car being served) (1)
Retail Business	3 spaces for each 1,000 square feet of gross floor area
Service and Repair Establishment	3 spaces for each 1,000 square feet of floor area not used for storage
Warehouse	3 spaces for each 1,000 square feet of sales and office area and 1 space for each 2 employees at maximum employment
* Based on Design Capacity	
** Units designated for occupancy by persons over 60 years of age or handicapped or disabled shall be required to provide 80 percent of the parking required for other types of multi-family housing. Such designations shall be made by a public agency (such as Lenoir Housing Authority, HUD, Farmers Home Administration) for subsidized apartments or by the private developer in a form prescribed by the Planning Department which would be attached to and made a part of the Certificate of Occupancy.	
(1) Stacking spaces must be (a) a minimum of 9 ft. in width, as measured from any service window to the outside edge of the driveway, and 18 ft. in length; (b) placed in a single or double line behind the drive through window; and (c) located so that, when in use, they do not obstruct ingress/egress to the site and do not obstruct access to required parking or loading spaces.	

SECTION 2. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 3. 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 4. EFFECTIVE DATE. This ordinance takes effect upon adoption.

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

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

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

Mayor/Mayor Pro Tempore

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

City Clerk

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Comparison of Multi-Family Parking Requirements						
Town	Studio	1-bedroom	2-bedroom	3-bedroom	Senior Housing Reductions	Other requirements
	(Numbers below represent number of spaces required per unit)					
Asheville	1	1	1	2	-	-
Blowing Rock	1.5	1.5	2	2.5	1/unit for seniors	+1 additional space for every 4 units in development
Hickory	1.5	1.5	1.5	1.5	.6/unit for Seniors	-
Morganton	2	2	2	2	1/accessory dwelling units	-
Salisbury	1	1	2	2	-	Bike parking required at 5% of automobile parking
Wilkesboro	2	2	2	2.5	1 space/resident – senior and group homes	-
Lenoir – Existing	2	2	2	2	1/unit	-
Lenoir – Proposed	1	1	1.5	2	80% of required parking for senior housing	Up to 20% reduction in parking when motorcycle parking and/or bicycle racks are required.

Hickory

1 ½ spaces per unit

seniors- .6 spaces per unit (1 space every 3 units)

Wilkesboro

1 & 2 bedrooms, 2 spaces per unit

3 bedrooms & up, 2 ½ spaces per unit

senior & group homes, 1 per resident

Morganton

2 per dwelling

Accessory dwelling- 1 per dwelling

Asheville

1 & 2 bedrooms- minimum 1 space

3 bedrooms-minimum 2 spaces

seniors- no difference

Salisbury

1 unit per bedroom up to 2 per unit

5% bicycles

Blowing Rock

1 ½ spaces per 1 bedroom unit, 2 spaces per 2 bedrooms, 2 ½ spaces per 3 or more bedrooms plus 1 additional space for every 4 units in the development

seniors- 1 space per unit

Permit Number	Project Name	Address
ZP 77-19	115 Gateway Ct-80x30 building	115 Gateway Ct SE
ZP 78-19	1231 Oaklawn St Deck Addition	1231 Oaklawn St
ZP 80-19	Blue Ridge MHP Unit 13	105 Triplett Dr
ZP 81-19	Mtn View St Carport conversion	406 Mountain View St
ZP 82-19	Boone Lumber Shed	2000 Valway Rd
ZP 83-19	Olive St Swimming Pool	1003 Olive Av
ZP 84-19	Melrose Pl Deck (replacement)	423 Melrose St
ZP 85-19	King George Ct-Single Family Dwelling	1123 King George Ct
ZP 86-19	Broadway St-Side addition	216 Broadway St
ZP 87-19	Piccolo's Pizza Sign	915 West Ave NW
ZP 88-19	Heritage Finance-Sign	312 Morganton Blvd
zp 89-19	Excelsa Pharma Sign	320 Cooperative Way
ZP 90-19	2308 Merts Way-Single Family Dwelling	2308 Merts Way
ZP 91-19	David Hoffman Self Storage	711 Complex St

NC PIN	Date Issued
2860441874	8/7/2019
2758590575	8/8/2019
2758837169	8/9/2019
2749851280	8/12/2019
2840571061	8/13/2019
2749843704	8/14/2019
2757590654	8/15/2019
2850465081	8/21/2019
2749564302	8/27/2019
2749776254	8/27/2019
2759160389	8/29/2019
2850058857	9/4/2019
2768236586	9/5/2019
2748091933	9/6/2019