



Lenoir Planning Board

Agenda • October 28, 2024

Meeting Information

Location

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

Time

5:30 p.m.

Board Members

Lucy McCarl, Chairperson

Curtis Baker

Sharon Bryant

Kyle Case, Vice-Chair

Michael Careccia

Marta Lazo

Tammy Greene

Dontrell Parson

Tim Scobie

Edward Terry

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 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 December 3, 2024 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 September 23, 2024 Minutes

NEW BUSINESS**1. ZOA 3-24 Lowes Rear Entrance Road, off McLean Drive
NCPIN 2759433724**

Applicant: Lennar Homebuilders (Christian Jones)

Owners: Broyhill Timber Resources Inc.

Location: Lowes Rear Entrance Road, off McLean Drive

The applicant is requesting to amend the text within CZ-9 to reflect a minimum setback of five (5) feet, and a minimum lot size of 3600 square feet.

Recommended Action: Approval of the request, and call for a public hearing at City Council on December 3, 2024.

OLD BUSINESS**1. ZOA 2-24 Pole Banners**

Applicant: UNC Health Caldwell –Emma Shell

Owners: Caldwell Memorial Hospital C/O Jim Smith

Location: 321 Mulberry Street

The applicant is proposing amending the sign ordinance regulations regarding light pole banners. As of the public hearing on October 15, 2024 City Council requests review of the drafted pole banner ordinance.

Recommended Action: Approval of the request, and call for a public hearing at City Council on December 3, 2024.

OTHER BUSINESS**1. Update on zoning permits issued.****ADJOURNMENT**

MINUTES
PLANNING BOARD MEETING
September 23, 2024
5:30 P.M.

LOCATION:
City /County Meeting Room
905 West Avenue

MEMBERS PRESENT: Curtis Baker, Sharon Bryant, Michael Careccia, Kyle Case, Tammy Greene, Marta Lazo, Lucy McCarl, Tim Scobie, Edward Terry, Dontrell Parson

MEMBERS ABSENT:

STAFF PRESENT: Hannah Williams, Lauren Hartley, Matt Duchan

Chairperson McCarl called the meeting to order and determined a quorum was present.

MINUTES:
Board Member Bryant made a motion to approve the meeting minutes, as amended of August 26, 2024, seconded by Board Member Careccia. All were in favor, none opposed.

Chairperson McCarl suggested to change the agenda order of business to New Business cases (1-3), then Old Business case (1).

Board Member Careccia, made a motion to change the agenda items as stated, seconded by Board Member Baker. All were in favor, none opposed.

NEW BUSINESS

1. R# 4-24 134/134B Ideal Drive SE

Applicant: Joseph Lutz

Owners: Edward J. Lutz & Carolyn W. Lutz Revocable Living Trust

Location: 134/134B Ideal Drive SE

The applicant requests that the City re-zone 134/134B Ideal Drive SE from R-12 (Medium Density, Single Family) to R-6 (High Density Residential).

Recommended Action: *Approval of the request, and call for a public hearing at City Council on October 15, 2024.*

Planning Director, Hannah Williams presented the rezoning case for 134/134B Ideal Drive SE.

The applicant has requested to rezone from zoning R-12 to R-6. The property is developed with a single-family house, accessory structure, carport, and workshop. The applicant is seeking to subdivide the subject property (134 Ideal Drive SE) into 2 lots so the house can stand alone on one lot and the workshop can stand on the second lot. The property cannot be subdivided in its current zone, R-12 district because of the lot size of 12,000 square feet and non-residential uses are limited. The R-6 district would allow for 6,000 square foot lots. Staff is recommending approval and finds it to be consistent with the comprehensive plan.

Mrs. Williams read the consistency statement as follows:

The proposed zoning map amendment is consistent with the adopted Comprehensive Plan because it establishes zoning that is more consistent with the adopted future land use map designated the area to remain “medium density residential,” and better matches the existing development pattern. This will ensure fair and efficient growth, reduce non-conformities, and establish sensible, straightforward zoning standards. The proposed amendment is reasonable and in the public interest because it promotes infill development at appropriate densities, making more efficient use of the City’s existing infrastructure investments while creating opportunities for affordable housing for people in all stages of life.

Chairperson McCarl asked about the workshop being in residential zoning, which is not permitted. Hannah Williams responded, there are some non-conforming structures in older neighborhoods. She cannot recommend a commercial zoning district in this residential area to rezone for the workshop. Mrs. Williams stated the applicant does want to keep this unit for personal purposes and no business can use this workshop in the future without further rezoning.

The applicant, Joseph Edward Lutz at 4047 Harbour Ct. Granite Falls, NC approached the board. His parents bought this property in 1996, it is now deeded into the family trust. Mr. Lutz would like to rezone, so his parents can sell this property due to their age and declining health. His father would like to keep the workshop for personal use. The workshop is not a commercial business and hasn’t been in over 30 years.

Board Member Careccia, made a motion to approve the rezoning request and consistency statement as presented and call for a Public Hearing for City Council to consider the request on October 15, 2024. Board Member Baker seconded the motion, which was voted upon and passed unanimously.

2. R# 5-24 Hickory Blvd. (321 and Victoria Ct. intersection)

Applicant: William H. Stewart Jr. and Mark Alexander

Owners: Southwood Realty Company

Location: Hickory Blvd. (321 and Victoria Ct. intersection)

The applicant requests rezoning the property which is currently split-zoned B-2 and R-15, to be exclusively zoned as B-2 (General Business).

Recommended Action: *Approval of the request, and call for a public hearing at City Council on October 15, 2024.*

Planner, Matt Duchan presented this rezoning case for property located at Hickory Blvd. (321 and Victoria Ct. intersection). The applicant is requesting to rezone the property, which is currently split-zoned B-2 and R-15, to be exclusively zoned as B-2 (General Business) to allow for a proposed 136 unit multi-family development. The zoning district R-15 only permits single-family homes and accessory dwellings/apartments, while permitted uses in B-2 would allow multi-family.

Mr. Duchan stated the proposed development would address the need for greater, denser housing stock in Lenoir.

Matt Duchan read the consistency statement as follows:

The future land use map identifies the subject properties as existing non-residential zones, but is surrounded by existing medium-density residential and existing high-density residential. The plan states that “predominantly single-family zoning districts should be more flexible to allow multi-family development as a permitted use with certain conditions.” Additionally, the comprehensive plan calls for development of quality multi-family buildings as a growth destination for both professionals and retirees alike. By changing the zoning designation from R-15 to B-2, this area would have greater flexibility to achieve these policy concepts. Staff finds the proposed re-zoning to be consistent with the goals of the Comprehensive Plan. The change is reasonable and in the public interest because it accommodates future residential development in a convenient and centralized location, which can be better served by city infrastructure when expanded.

William Radford at 165 S. York St Gastonia, NC is the VP of Southwood Reality Company. They are a family owned company that runs and maintains apartment units.

Tom Jones, at 724 5th Ave Hendersonville, NC with WGLA Engineering is the hired engineer for the project. He answered questions from the board and stated the apartments would be for the entire property.

Board Member Baker, made a motion to approve the rezoning request and consistency statement as presented and call for a Public Hearing for City Council to consider the request on October 15, 2024. Board Member Scobie seconded the motion, which was voted upon and passed unanimously.

3. ZOA# 2-24

Pole Banners

Applicant: UNC Health Caldwell –Emma Shell

Owners: Caldwell Memorial Hospital C/O Jim Smith

Location: 321 Mulberry Street

The applicant is proposing amending Article XI, section 1101.2 of the Lenoir Zoning Ordinance related to Exempt Signs.

Recommended Action: *Approval of the request, and call for a public hearing at City Council on October 15, 2024.*

Planner, Matt Duchan presented the text amendment case regarding pole banners submitted by UNC Health Caldwell. They have proposed to add pole banners as a permitted sign type to the Lenoir Sign Ordinance.

The code currently reads:

Sec. 1107.4 - Locational Requirements

(d) *Prohibited Locations.* Signs shall not be attached to utility poles, light poles, dumpsters, rocks, trees, or other signs, except as expressly allowed in this ordinance for vertically oriented banners attached to utility poles and light poles.

2. Sec. 1101.2 - Exempt Signs

The following signs are exempt from the sign regulations contained in this ordinance: Signs of duly constituted government bodies, including traffic regulatory devices, street signs, way-finding signs, and vertical banners attached to utility poles in the public right-of-way; legal notices; warnings at railroad crossings; name or address signs on mailboxes; street numbers; customary warning and no trespassing signs.

The hospital is currently under violation of the sign ordinance for displaying pole banners. Staff is proposing the following alternate/additions to the code:

Design:

- ▶ Light poles located entirely on private property are permitted to mount banners in all districts. Light pole banners shall not be used as a temporary off-premise advertising sign.
- ▶ A maximum of two light pole banners may be displayed per light pole.
- ▶ Light pole banners are limited to a maximum area of 15 square feet.
- ▶ Light pole banners shall maintain a minimum vertical clearance of 12 feet from grade to the bottom of the banner.
- ▶ Light pole banners shall be mounted to project perpendicular from light poles.

Other Permit Criteria:

- ▶ Only non-profit, charitable, military, religious, or service organizations shall be permitted to erect light pole banners on private property.

Matt Duchan read the following consistency statements to be considered for approving and denying the request:

Motion to Approve

While the proposed zoning ordinance amendment is not considered in the policy concepts found within the Lenoir Comprehensive Plan, the review of existing development ordinances and identification of regulations needing updating or removal is appropriate. The plan also encourages enhancing sense of place, and limiting distracting signage. This ordinance provides for placemaking for non-profit organizations while placing appropriate restrictions on design and location. Therefore, the proposed ordinance is consistent with the strategies discussed in the Comprehensive Plan. The amendment is reasonable and in the public interest because it promotes equitable sign regulations in all zoning districts.

Motion to Deny

The proposed zoning ordinance amendment is not consistent with the Lenoir Comprehensive Plan Lenoir because it does not align with the land use strategies in the Comprehensive Plan, which calls for limiting signs that can be distracting. Therefore, the proposed amendment is not in the public's interest at this time.

Board Member Bryant discussed poles in the right of way and proposed to add language stating only poles owned by the property owner can be used.

Board Member Bryant, made a motion to amend the ordinance language to state “Light poles privately owned and located entirely on private property are permitted to mount banners in all districts.” Board Member Baker seconded the motion. The motion was not voted on by the board.

The board discussed proposed ordinance allowances (15 square foot, 2 per light pole) and the amount of signage this would create.

Board Member Case felt it was too broad and the amount of organizations included may create sign clutter. He stated it would also be permitted in all districts within those organizations.

Board Member Bryant, withdrew the previous motion to amend the ordinance language to state “Light poles privately owned and located entirely on private property are permitted to mount banners in all districts.”

Board Member Case, made a motion to deny the text amendment request based on the consistency statement presented by staff. Board Member Bryant seconded the motion, the motion carried 6-4, with Board Members Scobie, Terry, Lazo, and Greene voting against.

OLD BUSINESS:

Tabled from August 26, 2024

1. ZOA# 1-24 Electronic Message Boards in residential

Applicant:	Doug Perkins, Mt. Pilgrim Baptist Church
Owners:	N/A
Location:	Citywide

The applicant is proposing amending Appendix A, Article XI, section 1108 (c) of the Lenoir Zoning Ordinance related to Electronic Message Board in residential districts.

Recommended Action: Pending board discussion and motion, call for a public hearing at City Council on October 15, 2024.

Chairperson McCarl stated this case was tabled at the September Planning Board meeting. The first motion was to accept the alternate ordinance proposal by staff but removing (i). Then, another motion was made to amend and remove (i) and (ii).

- (i) Where EMBs must be oriented to face away from any adjacent residential property
- (ii) EMBs must be programmed to shut off between the hours of 9pm and 7am

Planning Director, Hannah Williams referred to the resource packet on additional information

including EMB signage specifications and regulations. Mrs. Williams presented the following intensity recommendations to be considered:

- (i) No sign shall be brighter than is necessary for clear and adequate visibility and shall not exceed a maximum of 5,000 nits during the day and 500 nits during nighttime hours.
- (ii) All signs must be equipped with both a dimmer control and a photocell that automatically adjusts the display's intensity according to natural ambient light conditions.
- (iii) Prior to issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed 5,000 nits.

Hannah Williams stated she recommends that if religious and civic institutions are allowed to erect EMBs in residential, they should also be in the lesser commercial districts. She also recommended prohibiting EMBs for ground mounted signs in the Downtown Lenoir National Register Historic District.

Mrs. Williams read the following consistency statements to be considered for motion to approve or deny provided by staff:

Motion to Approve

While the proposed zoning ordinance amendment is not considered in the policy concepts found within the Lenoir Comprehensive Plan, the review of existing development ordinances and identification of regulations needing updating or removal is appropriate. The plan also encourages community collaboration in development decisions. Therefore, the proposed ordinance is consistent with the strategies discussed in the Comprehensive Plan. The amendment is reasonable and in the public interest because it promotes equitable sign regulations in all zoning districts.

Motion to Deny

The proposed zoning ordinance amendment is not consistent with the Lenoir Comprehensive Plan Lenoir because it does not align with the land use strategies in the Comprehensive Plan, which calls for protecting the distinctive residential character of Lenoir's neighborhoods. Therefore, the proposed amendment is not in the public's interest at this time.

Board discussion ensued about EMB sign messages, time, and light brightness in a residential district.

Board Member Baker, withdrew his second to the amendment eliminating (i) and (ii) from the alternate ordinance proposal by staff from the August 26, 2024 Planning Board meeting. No second was made by any board member, Chairperson McCarl went forward with the meeting.

Tim Baker at 207 Ridge Street NW, Lenoir NC is the Associate Pastor at Meadowbrook Baptist Church. He spoke about his knowledge of EMB signs, nits and lighting. Mr. Baker stated the church would not be opposed to turning the sign off at a certain time.

Board Member Case, made a motion to approve the alternate ordinance proposal including (i) and (ii) and the recommended intensity standards and call for a Public Hearing for City Council to consider the request on October 15, 2024, Board Member Careccia seconded the motion, which was voted upon and passed unanimously.

Board Member Case asked about amending the ordinance to the Municipal Service District instead of the Downtown Lenoir National Register Historic District. Planning Director, Hannah Williams suggested to prohibit it for all of B-3 (Central Business Downtown), which is slightly larger than the Municipal Service District.

Hannah Williams presented on EMBs being allowed for religious and civic institutions in residential zoning districts and for the board to consider permitting them for religious and civic institutions in districts **O&I, B-1, B-5, & B-6.**

Sandy Hoyle at 1567 Shuford Farm Road Connelly Springs, NC approached the board. He currently works for Sign Systems in Hickory, NC. Mr. Hoyle answered questions from the board and gave information that may be helpful in considering this request.

Board Member Bryant, made a motion to approve Electronic Message Board's for religious and civic institutions in zoning districts O&I, B-1, B-5, & B-6 with a 8 second static display, a 2 second transition, along with the intensity standards 1-3 and call for a Public Hearing for City Council to consider the request on October 15, 2024, which was read for the record presented by staff, Board Member Case seconded the motion, which was voted upon and passed unanimously.

Board Member Case, made a motion to prohibit ground mounted Electronic Message Board Signs in the B-3 district, Board Member Parson seconded the motion, which was voted upon and passed unanimously.

The Planning Director and the board discussed the National Register Historic District and what would be allowed for EMB signs. Board Member Bryant asked about historic properties outside of the Downtown Lenoir National Register Historic District. Mrs. Williams stated that many historic properties in Lenoir outside of the historic district are listed on the National Register of Historic Places.

Board Member Bryant made a motion to prohibit ground mounted signs on any property that is designated as a National Register Historic Place and call for a Public Hearing for City Council to consider the request on October 15, 2024, Board Member Baker seconded the motion, which was voted upon and passed unanimously.

OTHER BUSINESS

1. Staff provided an updated list of issued zoning permits to the board, as general information.

ADJOURNMENT:

Having no other matters to bring before the Board, Chairperson McCarl adjourned the Planning Board meeting at 7:15 p.m.

Lucy McCarl
Chairperson

Hannah Williams
Planning Director

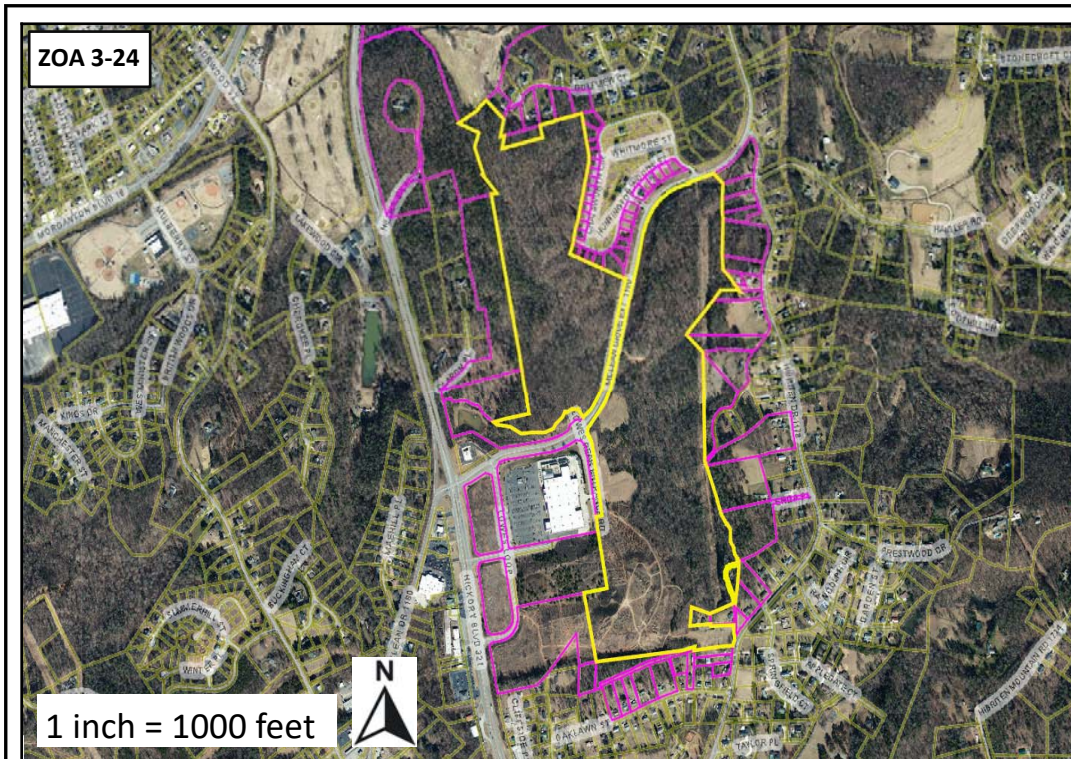
Staff Report

CONDITIONAL ZONING REQUEST

CASE NUMBER ZOA #3-24



LOCATION MAP/AERIAL PHOTOGRAPH



Subject Properties:

Broyhill Timber
Resources

47 unique owners of
abutting properties
were notified.

SUMMARY

Owner

Broyhill Timber Resources

Applicant

Lennar Homebuilders
(Christian Jones)

Location

Off McLean Drive Ext

NC PIN

2759433724

Project Planner

Hannah Williams, AICP, CZO
Matt Duchan

Updated October 18, 2024

Applicant's Request:

The applicant is requesting a text amendment within CZ-9 to reflect a minimum setback of five (5) feet, and a minimum lot size of 3600 square feet.

Staff Recommendation:

Approval, with the proposed conditions outlined in the staff report.

Planning Board Recommendation:

Public Comment:

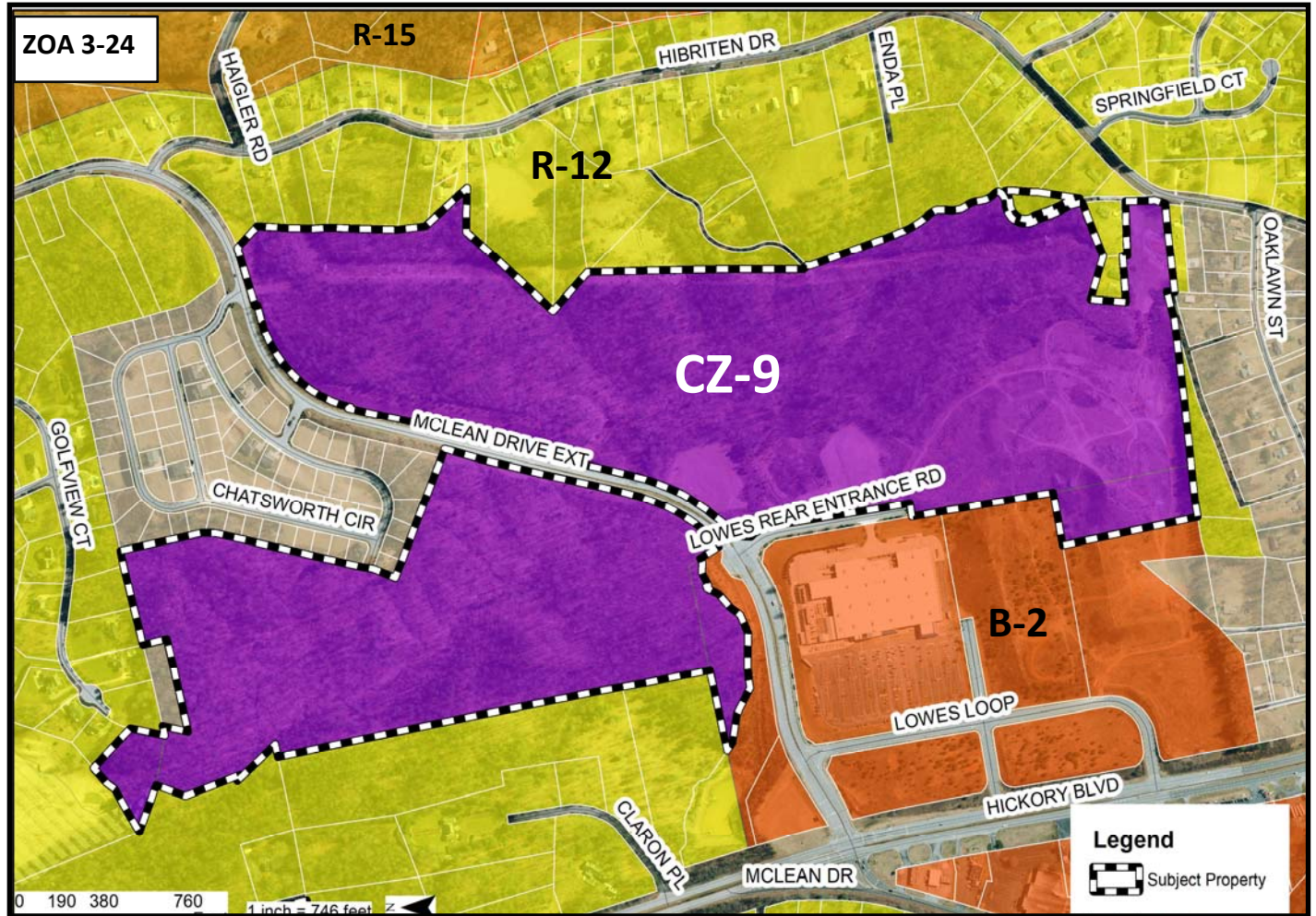
Planning Board Meeting: Scheduled for October 28, 2024. Notices were mailed to adjacent property owners on October 16, 2024.

City Council (Public Hearing): Anticipated to be scheduled for December 3, 2024.

ABUTTING PROPERTY OWNERS

Name(s)	Mailing Address	City	State	Zip
Ralph C. Anderson Jr.	1130-A HIBRITEN DR SE	LENOIR	NC	28645
Thomas & Elda Baker	1258A OAKLAWN ST SE	LENOIR	NC	28645
Sharon Bolen	607 HIBRITEN DR SE	LENOIR	NC	28645
Marcus & Allison Braswell	1301 WINHURST ST SE	LENOIR	NC	28645
Markham Broyhill	800 HICKORY BLVD SW	LENOIR	NC	28645
Broyhill Timber Resources	800 HICKORY BLVD SW	LENOIR	NC	28645
Charles & Elaine Bush	1108 HIBRITEN DR SE	LENOIR	NC	28645
Walter & Donna Clement	918 ENDA PL SE	LENOIR	NC	28645
William Clement	916 HIBRITEN DR SW	LENOIR	NC	28645
Danny & Robin Coffey	415 HUNTINGTON WOODS DR N	LENOIR	NC	28645
Dennis & Lillian Coffey	1218A OAKLAWN ST SE	LENOIR	NC	28645
CY Real Estate LLC	325 WILKESBORO BLVD NE	LENOIR	NC	28645
Duke Power Company - Tax Dept.	422 S CHURCH ST	CHARLOTTE	NC	28242
Jodi Ford	1240 OAKLAWN ST SE	LENOIR	NC	28645
Hart of the Coves LLC	1048 PRESTWOOD DR SE	LENOIR	NC	28645
David Land	579 DELLWOOD DR	NEWPORT NEWS	VA	23602
Nolan Lovins	1120 HIBRITEN DR SE	LENOIR	NC	28645
Lowes Home Centers - Tax Dept.	1000 LOWES BLVD	MOORESVILLE	NC	28117
Chad Martin & Keith Martin	810 HIBRITEN DR SE	LENOIR	NC	28645
Joseph & Lana McNeil	1252 OAKLAWN ST	LENOIR	NC	28645
Ronald & Cheryl Munday	511 GOLFVIEW CT	LENOIR	NC	28645
Alejandra Munoz-Daza	PO BOX 165	LENOIR	NC	28645
P B Realty LLC	2310 RISING SUN LN	MATTHEWS	NC	28104
Catherine Pate	3935 MOUNTAIN VIEW CIR	LENOIR	NC	28645
Josh & Chrystal Pate	1226 OAKLAWN ST SE	LENOIR	NC	28645
Piedmont Companies	PO BOX 1732	LINCOLNTON	NC	28093
Charles Pinkerton & Judy McGuire	504 GOLFVIEW CT	LENOIR	NC	28645
Darren Poarch	1258A OAKLAWN ST SE	LENOIR	NC	28645
John & Tressa Powell	863 CHEROKEE PL SW	LENOIR	NC	28645
Jessica Riggs	714 HIBRITEN DR SE	LENOIR	NC	28645
Pamela Robinson Trustees	PO BOX 1231	LENOIR	NC	28645
Michael Secreast	1114 HIBRITEN DR SE	LENOIR	NC	28645
Edward Setser	5710 WAVERLY LYNN LN	CHARLOTTE	NC	28269
Signature South Holdings Inc.	3138 S TRYON ST	CHARLOTTE	NC	28217
Barry Smith & Priscilla Walker	520 GOLFVIEW CT	LENOIR	NC	28645
William & Clydean Spicer	702 HIBRITEN DR SE	LENOIR	NC	28645
Alisha Stough	822C HIBRITEN DR SE APT L2	LENOIR	NC	28645
Marlene & Gerald Thomas	211 BLUE RIDGE DR	GREER	SC	29651
James & Judith Thompson	509 GOLFVIEW CT	LENOIR	NC	28645
Edwin & Lillie Trivette	1138 HIBRITEN DR SE	LENOIR	NC	28645
Edwin Trivette Jr.	3303 GRASSY KNOB LN	LENOIR	NC	28645
Wayne & Robin Whisenant	P O BOX 596	GRANITE FALLS	NC	28630
Justin White	1018 HIBRITEN DRIVE SE	LENOIR	NC	28645
Jesse & Peggy Wise	1238 OAKLAWN ST SE	LENOIR	NC	28645
Travis & Geneva Woods	1126 HIBRITEN DR SE	LENOIR	NC	28645
Keith & Rebecca Young	1216b OAKLAWN ST SE	LENOIR	NC	28645

EXISTING ZONING



BACKGROUND AND ANALYSIS

Intent of Conditional Zoning

The City of Lenoir's Zoning 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. Conditional Zoning is intended for use in unique development scenarios when a development proposal does not fit into a conventional zoning district, but may be desirable and compatible with an area depending on the specific details of the project and its surroundings.

The conditional zoning process gives the City sufficient flexibility to determine whether a specific project on a given site will be compatible with the environment and the Comprehensive Plan. Conditional Zoning is a legislative process requiring the Planning Board to review and make a recommendation to the City Council on the request. Each Conditional Zoning district is adopted as an ordinance and is recorded with the Register of Deeds.

Intent of Zoning Amendments

Zoning amendments are an essential component of planning and community development. Without the ability to amend zoning code, rules and regulations would remain static throughout history without policymakers and decision makers having the power to recommend and contribute to growth and change. Zoning amendments can be initiated by planning staff, the Planning Board, City Council, or a property owner (or someone financially influenced by the property (or properties) in question).

Through the zoning amendment process, stakeholders are afforded the right to make reasonable and suitable changes to their properties. These properties are governed by the Lenoir Zoning Ordinance within the confines of recommendations of the Comprehensive Plan as well as reasonable, suitable, or pragmatic planning practices where appropriate.

Subject and Surrounding Properties

The subject property is located on the north and south sides of McLean Drive Ext in the southeast quadrant of Lenoir. Several unnamed streams run through the subject property. The tract is conditionally zoned (CZ-9) as of October 2022 (see appendix A of recorded ordinance). The entirety of the property is undeveloped; The southern tract has been partially cleared and logging roads provide internal access. The northern tract is forested and hilly.

To the west of the subject property, the Lowe's area is zoned B-2 (General Business). The area around the McLean Drive and US-321 intersection has seen several commercial redevelopment projects in recent years. The areas to the north, east, and south are all single-family residential neighborhoods zoned R-15 and R-12. The northernmost property line of the subject property borders the Lenoir Golf Course.

Proposed Amendments

The applicant is proposing to add two conditions to the CZ-9 ordinance.

1. Minimum side setbacks of 5 feet.
2. Minimum lot size of 3,600 square feet.

These conditions would enable the developer to build a cluster subdivision that will include about 450 detached single-family homes.

Existing Regulations of CZ-9

In 2022, the original applicant conceptually designed "Overmountain Forest," and requested the ordinance CZ-9 to allow a residential development with a mix of housing types. The CZ-9 ordinance included three different sections, with required public road connections, open space ratios, public greenway, an HOA to manage open space and other community amenities. The density was set

BACKGROUND AND ANALYSIS (CONT.)

at 3.6 units per acre – resulting in a possible 558 units. The base district of these tracts is R-12, a medium density single family zone, and also would have allowed for this same maximum density. See the recorded ordinance and concept plan in Appendix A at the end of this report. The conditions of CZ-9 are also in comparison table on Page 6. The new applicant, Lennar Homebuilders, does not propose to change any of the already approved conditions.

Cluster Subdivisions

In the adopted CZ-9 zoning ordinance, clustering is discussed and implied in the phasing and density sections, but few development standards for clustering are given. The proposed amendments offer clustering development standards by describing a reduced minimum lot size and side setback. The required minimum lot size is not specified in the conditions of CZ-9, so the base district (R-12) minimum lot size stands- 12,000 sf. The required side setback is specified in CZ-9. For single family homes, it's 10 feet. The applicant is seeking to accomplish clustering with smaller lot sizes and setbacks (as proposed).

A cluster subdivision is a land development practice that helps communities to protect open space and environmentally-sensitive areas. By clustering development, homes are directed to specific areas throughout a tract of land to leave enough space for other amenities. In a development where open space is required to be 30% of the total land area, ample space is made for greenways and public amenities. It is common (and recommended) for cluster development to locate on cul-de-sacs or other lower-trafficked local streets to provide safe pedestrian connections to public spaces. Cluster subdivisions also tend to have smaller lot sizes to create more housing options for a growing population that demands them. It is common for lot width, lot size, and setbacks to be reduced to accommodate these needs.

Development Process/Next Steps

The Conditional Zoning Ordinance describes the permitted uses, development standards, and conditions of the zoning district agreed on by the developer and city. Details related to easements, streets, sidewalks, and stormwater provisions in each section (or subsection) will be established during the Major Subdivision process, consistent with the overall concepts allowed by the CZ ordinance, with a preliminary plat coming back before the Planning Board and City Council for a quasi-judicial hearing. The Preliminary Plat shows infrastructure to be installed, such as water, sewer, sidewalk, greenway, and roads. It also shows the proposed lot layout, and lot count.

Approval of the preliminary plat allows for infrastructure construction to begin. Once infrastructure is installed, the developer proposes the Final Plat for Council approval, at which point it is recorded with the Register of Deeds and the lots are officially subdivided/created. When the developer is ready to start construction of the homes, he or she will apply for zoning, building, driveway, and stormwater permits, as applicable. Planning staff will use the CZ ordinance to guide the Major Subdivision and administratively review zoning permits.

CZ-9 ORDINANCE WITH PROPOSED CHANGES AND PLAN CONSIDERATIONS

Conditions	CZ-9 (Adopted in 2022)	CZ-9 (Proposed Changes, 2024)
Base Zoning	R-12	No Change
Maximum Density	3.6 dwelling units per acre	No Change
Minimum Lot Size	12,000 SF (reverts to R-12)	3,600 SF
Open Space	At least 30 percent of overall acreage	No Change
Permitted Uses	Attached single-family, detached single family, low-rise multi-family	No Change
Proposed Uses	Sections 1 & 3: Attached single-family, detached single family, low-rise multi-family Section 2: Detached single family	Detached Single-family (not an amendment)
Minimum Setbacks	Front: 20 ft. Side: 10 ft. or 0 ft. Street side: 20 ft. Rear: 20 ft.	Front: 20 ft. Side: 5 ft. Street side: 20 ft. Rear: 20 ft.
Private Roads	Roads exclusively serving attached dwellings or multi-family uses.	No Change
Required HOA	Must be maintained for commonly-owned improvements including private roads, open space, stormwater conveyance systems, and neighborhood entrance signage.	No Change
Network Connectivity	Sections 1-3	No Change
Stormwater/Low Density Design	Dispersed flow, vegetative conveyance; stormwater management required in areas above 2.4 du/ac.	No Change
Landscape Screening and Buffering	15' wide landscape screen where mature tree buffer does not exist along property lines abutting residential (???) zones.	No Change
Phasing	Each phase must be able to stand alone; greenway must be constructed in first phase; clubhouse/community amenity must be developed prior to 75% of any single phase or 30% of entire development.	No Change

SURROUNDING MAP



CONSISTENCY STATEMENT/STAFF RECOMMENDATIONS

Consistency with the Comprehensive Plan/Reasonableness of Amendment

When adopting or rejecting any zoning amendment, City Council must adopt a brief statement describing whether or not the action is consistent with the City's Comprehensive Plan, in accordance with G.S. 160D-605(a), and must also address the reasonableness of any proposed map amendments. Staff offers the following draft statement on the consistency and reasonableness of the request.

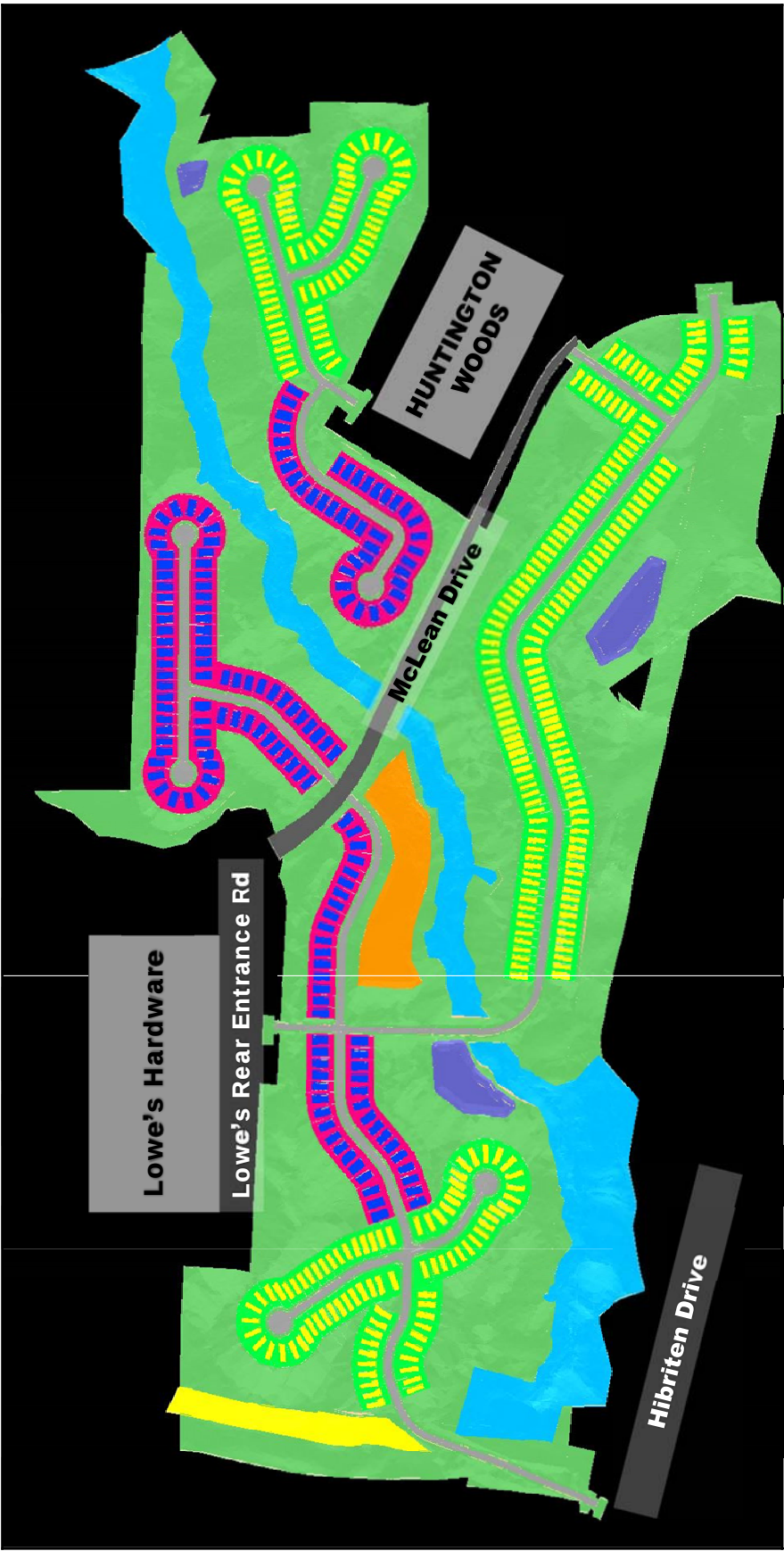
The proposed zoning amendment is consistent with the land use policy concepts in the Comprehensive Plan that call for distinctive neighborhoods that preserve open space, enhance walkability, accommodate a range of housing types, use stormwater measures as community amenities, and foster a strong sense of place. The proposed development is consistent with the Future Land Use Map, which identifies the parcel as "medium density residential" and "mixed use with commercial" — while commercial uses aren't proposed, the densities and mix of housing types proposed are consistent with the larger area accommodating a mix of uses. The re-zoning is reasonable and in the public interest because it provides much-needed single-family housing near the US-321 commercial corridor.

PLANNING BOARD RECOMMENDATIONS

ORIGINALLY PROPOSED CONCEPT PLAN



SITE PRELIMINARY PROPOSAL (SUBMITTED BY LENNAR)



SITE PHOTOS



Above: Section 1 proposed access (facing west from Hibriten Drive)



Above: Proposed extension of Lowe’s Rear Entrance Road (name TBD)



Above: Tentative intersection of greenway bisecting development

Bottom Right: Phase II access from Huntington Woods’ Chatsworth Circle



Above: Phase I, facing east from Lowe’s Rear Entrance Road



AN ORDINANCE OF THE CITY COUNCIL OF LENOIR, NORTH CAROLINA, AMENDING APPENDIX A OF THE LENOIR CITY CODE RELATED TO SIGN REGULATIONS REGARDING LIGHT POLE BANNERS, PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Whereas, a public service facility representative requests to install light pole banners, prompting staff to review the current ordinances and recommend approval of the proposed amendments; and

Whereas, the Lenoir Zoning Ordinance does not allow for vertically-oriented banners to be attached to privately owned light poles; and

Whereas, light pole banners on private property, owned by and located entirely on public service facility property, can enhance placemaking for such facilities, and

Whereas, the City Council find that this ordinance is consistent with the City's Comprehensive Plan, which calls for the review of existing development ordinances and identification of regulations needing updating or removal,

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

SECTION 1. Appendix A, Article XI of the Code of Ordinances, City of Lenoir, North Carolina, "Sign Regulations" is hereby amended to read as follows:

1105 Sign Definitions - If questions arise related to the interpretation of any of the following definitions, or the classification of a proposed sign in accordance with the following definitions, the City of Lenoir Illustrated Sign Type Design Manual, as may be amended from time to time, is hereby incorporated by reference and shall be used to clarify the intent of the definitions.

Light Pole Banners. Banners mounted on and with arms installed perpendicular to a light pole in a vertically-oriented manner.

1107 General Requirements For All Districts

Sec. 1107.7 ~~Penalties for Violation~~—Violations of this ordinance will be subject to the penalties established in Chapter 1, Section 1-15 of the Lenoir Code of Ordinances. Light Pole Banners – Public Service Facilities, as defined in the Lenoir Zoning Ordinance, shall be permitted to install banners on light poles that are owned by and located entirely on the property of the public service facility in the following districts: O&I, B-2, B-6, B-7, I-1, and I-2. Light pole banners shall conform to the following:

- (a) Light pole banners shall not be used as a temporary, off-premise advertising sign.
- (b) A maximum of two (2) banners shall be displayed on up to twelve (12) poles on any given site.
- (c) Light pole banners are limited to a maximum area of 12 square feet.
- (d) Light pole banners shall maintain a minimum vertical clearance of 12 feet from grade to the bottom of the banner.
- (e) Light pole banners shall be mounted to project perpendicular from light poles.

1107.8 Penalties for Violation - Violations of this ordinance will be subject to the penalties established in Chapter 1, Section 1-15 of the Lenoir Code of Ordinances.

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 3rd day of October and this 10th day of October, 2024.

DONE, THE PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this _____ day of _____, 2024.

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.]****

Permit Report

09/12/2024 - 10/18/2024

Permit #	Permit Date	Permit Type	Applicant Name	Issued Date	Description	Parcel Address
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Group Total: 2

Group: Accessory

2024256	10/8/2024	Accessory	Piedmont Homes of NC	10/8/2024	garage	328 EASTVIEW PL
2024240	9/12/2024	Accessory	Grady Greene	9/12/2024	accessory buildings	507 KINCAID ST

Group Total: 2

Group: Manufactured Home

2024262	10/15/2024	Manufactured Home	Coy Bare	10/15/2024	double-wide	1116 BRADFORD MOUNTAIN RD

Group Total: 1

Group: Non-residential

2024255	10/7/2024	Non-residential	Dwayne Pruitt	10/7/2024	roof over walkway	1018 HARPER AV
2024244	9/17/2024	Non-residential	Rick Allen	9/17/2024	addition to church	1317 WAKEFIELD DR

Group Total: 2

Group: Permanent Sign

2024260	10/11/2024	Permanent Sign	Kathy R. Hayworth/Sign Systems, Inc.	10/11/2024	Urgent Care Signs	314 BLOWING ROCK BV
2024251	10/1/2024	Permanent Sign	Brianna Bentley	10/1/2024	Sign-coffee shop	1410 BLOWING ROCK BV
2024249	9/30/2024	Permanent Sign	Sign Systems, Inc.	10/2/2024	Sign-Catawba Valley Health System	125 HOSPITAL AV
2024245	9/24/2024	Permanent Sign	Don Phipps	9/25/2024	Banner (Window) Sign	626 HARPER AV

2024243	9/16/2024	Permanent Sign	Charles Liddy	9/19/2024	Signs-Pixel Planet Gaming Lounge	130 Church St. NW

Group Total: 5

Group: Single Family Home

2024257	10/9/2024	Single Family Home	Alan Wagner	10/9/2024	single-family home	409 SCARLETT OAK CT
2024253	10/2/2024	Single Family Home	Marcus Sims	10/2/2024	single family home	1248 NORWOOD ST
2024252	10/2/2024	Single Family Home	Marcus Sims	10/2/2024	single family home	1250 NORWOOD ST
2024250	10/1/2024	Single Family Home	Tomas Rojas Garcia	10/1/2024	single family home	2207 WALT ARNEY RD
2024247	9/25/2024	Single Family Home	Alan Wagner	9/25/2024	single family home	2205 OLDE WEST RD

Group Total: 7

Group: Temporary Advertising

2024264	10/15/2024	Temporary Advertising	Kathy Haywood/Sign Systems Inc.	10/15/2024	temporary banner	314 BLOWING ROCK BV
2024263	10/15/2024	Temporary Advertising	Kathy Haywood/Sign Systems Inc.	10/15/2024	temporary banner	314 BLOWING ROCK BV
2024242	9/13/2024	Temporary Advertising	Devin Huie	9/13/2024	temp banner	405 BLOWING ROCK BV

Group Total: 4

Group: Zoning Verification

2024265	10/17/2024	Zoning Verification	James Rosich	10/17/2024	verification letter	935 BLOWING ROCK BL
2024261	10/14/2024	Zoning Verification	Tapaha Dynamics, LLC	10/15/2024	verification letter	708 LYNHAVEN ST
2024241	9/12/2024	Zoning Verification	Jennifer Ingalls	9/12/2024	verification letter	445 BLOWING ROCK BV

Group Total: 3

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Total Records: 26

10/18/2024