



# Lenoir Planning Board

Agenda • October 13, 2025

## Meeting Information

### *Location*

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

### *Time*

5:30 p.m.

### *Board Members*

Lucy McCarl, Chairperson

Kyle Case, Vice-Chair

Curtis Baker

Sharon Bryant, ETJ

Michael Careccia

Tammy Greene

Dontrell Parson

Edward Terry

Joseph Petrack

### *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 November 04, 2025 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 June 23, 2025 and August 25, 2025 Minutes



*Recommended Action: Approval of the request, and call for a public hearing at City Council November 4, 2025.*

## **OTHER BUSINESS**

- 1. Update on zoning permits issued.**

## **ADJOURNMENT**



mismatched zoning districts and existing developments. In this case the zoning permit does not include junk or salvage yard. The Planning Department began code enforcement procedures in February 2025. In mid-March, the business was given 60 days to remove the junked vehicles and cease the salvage operation on site. This rezoning application was submitted toward the end of the 60 day period. Mrs. Williams provided the following definitions to the board.

Junk 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.)

Towing and Recovery: Defined by NCGS 20-219 to remove a vehicle by any means including towing and to store the vehicle. Comprehensive Plan indicates this area is “existing medium density residential” and does not show commercial use.

Staff recommends denial of the request and call for a public hearing on July 15, 2025. The Planning Department recommended to the property owner to apply for a Conditional Zoning.

Hannah Williams read the Consistency Statement, which is edited from the staff report for the record.

Consistency Statement:

*The proposed zoning map amendment is not consistent with the adopted Comprehensive Plan because it would allow an inappropriate, intensive land use into a low density residentially zoned area. The comprehensive plan’s future land use map identifies this parcel as “existing medium density residential” and abuts “existing low density residential” classifications. The proposed amendment does not protect the residential character of the area.*

Board Member Baker asked if the Planning Department had been in contact with the property owner.

Planning Director Williams replied yes, she has been in contact and he now lives in Florida. He was under the impression that the property use was for commercial and he pays commercial rates for utilities.

Chairperson McCarl asked when the Planning Department first learned he was not in compliance with zoning and if this building was constructed before Whitnel was in the city limits and had a zoning code.

Planning Director Hannah Williams replied, it was discovered in late winter of this year. Usually, the use is ok if it stays within the pre-existing zoning. This use has changed into a junk/salvage yard, which is what the code enforcement falls under.

Attorney, Wallace Respass at 138 North Main Street, Lenoir NC approached the board. He is representing the applicant, Alex Moss. Mr. Respass stated the essence of zoning is to protect neighbors from an unwanted use. In this case every neighbor on Countryside Drive except one has signed an affidavit saying they do not object to Alex Moss and the use of the property.

Chairperson McCarl asked why the neighbors did not attend the meeting and if he had personally met with them. She stated the board would have liked to ask them about their property values with a junkyard being in their neighborhood. She asked how long Mr. Moss has been using this property as a junkyard.

Wallace Respass responded he has not met or spoken to any neighbors personally, the signed documents were taken to their home with a Notary. He explained how the business evolved into a junk yard in the last 4 years. Mr. Respass stated what they are asking for is spot zoning.

Planning Director Hannah Williams approached the board and explained spot zoning is legal in North Carolina as long as it is reasonable and in the public interest. In this case according to the City of Lenoir Comprehensive plan industrial encroachment in a residential area may not be in the public's interest.

Chairperson McCarl asked how long the business has been operating on the site.

Attorney Wallace Respass replied, Alex Moss has owned the business for more than 30 years. Mr. Moss would be willing to put up a barrier to buffer the site.

Chairperson McCarl questioned whether he would have enough space to put up a barrier that zoning requires. She stated we don't know if the neighbors were explained that their property values could go down and may have trouble selling with a junk/salvage yard. Mr. Moss received a zoning permit in 2020 that was clear that it did not allow for a junk/salvage yard.

Board Member Bryant stated this decision would go with the land, not with the neighbors. This will affect neighbors in future generations. Once it's rezoned it stays with the land and would allow future uses for industrial in a residential neighborhood.

**Board Member Baker made a motion to deny the rezoning request for 143 Countryside Drive SE and adopt the consistency statement as amended by staff and call for a Public Hearing for City Council to consider the request on July 15, 2025. Board Member Scobie seconded the motion, which was voted upon and passed unanimously.**

- 2. Freese and Nichols will give a presentation of the drafted Living Lenoir 2045 Comprehensive Plan. [Lenoir2045.com](http://Lenoir2045.com)**

*Recommended Action: Recommend City Council approve and adopt the new Comprehensive Plan on July 15, 2025.*

Alexis Garcia with Freese and Nichols gave a presentation of the drafted 2045 Comprehensive Plan. After board discussion it was recommended to approve and go before City Council.

**Board Member Bryant made a motion to adopt the Living Lenoir 2045 Comprehensive Plan as presented and call for a Public Hearing for City Council to consider the request on July 15, 2025. Board Member Scobie 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 7:05 p.m.

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**Lucy McCarl**  
**Chairperson**

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**Hannah Williams**  
**Planning Director**

**MINUTES  
PLANNING BOARD MEETING  
August 25, 2025  
5:30 P.M.**

**LOCATION:**  
City/County Meeting Room  
905 West Avenue

**MEMBERS PRESENT:** Sharon Bryant, Michael Careccia, Lucy McCarl, Dontrell Parson, Joseph Petrack, Edward Terry

**MEMBERS ABSENT:** Kyle Case, Marta Lazo, Tammy Greene, Curtis Baker

**STAFF PRESENT:** Hannah Williams, Matt Duchan

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

**MINUTES:**  
Chairperson McCarl moved to table the June 23, 2025 minutes until the next Planning Board meeting due to a possible discrepancy in explanation of a barrier on the subject property.

**NEW BUSINESS**

**1. ZOA 1-25                      B-7 Permitted Uses and Density**

Applicant:                      City of Lenoir

Owners:                        N/A

Location:                      Citywide

City staff is proposing to amend the Lenoir Zoning Ordinance to allow for high-density multi-family in B-7 (Highway Business) for clarity.

*Recommended Action: Approval of the request, and call for a public hearing at City Council on September 16, 2025.*

Planning Director Hannah Williams presented an overview of the B-7 (Highway Business) zoning district, and discussed the potential for updating the City's UDO in the future in conjunction with the comprehensive plan to allow for more areas zoned B-7. The zoning amendment was proposed after a rezoning to B-2 at 2115 Hickory Boulevard to make way for the 136-unit Palisades apartment complex. It was uncovered that the development would extend beyond the rezoned area into a B-7-zoned area.

Mrs. Williams further explained that equally high density is allowed in B-7 as B-2, but the permitted use chart does not permit high density multi-family development presently. This is deemed an oversight, considering B-7 otherwise mirrors B-2, but she maintains that design standards could be less rigorous in the future in B-7 and staff would like to resolve this conflict before proceeding further with development. Mrs. Williams identified the discrepancies between sections 600 and 800 in the zoning ordinances, and subsequently cited the Future Land Use Map of the new comp plan.

Staff recommends approval of the request and call for a public hearing on September 16, 2025.

Hannah Williams read the Consistency Statement for the record.

Consistency Statement:

*The proposed zoning ordinance amendment is consistent with the Lenoir Comprehensive Plan because it results in sensible and straightforward zoning standards that are easy to understand. This text amendment aligns the permitted use chart with the zoning district regulations chart with regards to the B-7 zoning district, and increases residential opportunity. The proposed amendment is reasonable and in the public interest because it allows for increasing residential density along highway corridors in Lenoir.*

Chairperson McCarl asked if developers would like to see more density, and Mrs. Williams responded affirmatively.

**Board Member Bryant made a motion approve the zoning amendment and adopt the consistency statement as presented by staff and call for a Public Hearing for City Council to consider the request on September 16, 2025. Board Member Careccia seconded the motion, which was voted upon and passed unanimously.**

**OLD BUSINESS**

- 1. HPC Workshop Follow-up – All board members complete New Commissioner Resume for Certified Local Government (CLG), if not already completed.**

Planning Director Hannah Williams discussed the Certified Local Government application for the Planning Board's Historic Preservation committee. Mrs. Williams briefly discussed state historic preservation grants, yearly training requirements, and the review of National Register locations. Staff member Matt Duchan remarked further on these requirements.

**OTHER BUSINESS**

1. Staff provided an updated list of issued zoning permits to the board, as general information.
2. Staff discussed a revised Planning Board Schedule for remainder of 2025 (second Mondays)
3. Planning Board and Staff introduced themselves to the Planning Board's newest member, Joseph (Joey) Petrack.

**ADJOURNMENT:**

Having no other matters to bring before the Board, Chairperson McCarl adjourned the Planning Board meeting at 5:55 p.m.

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**Lucy McCarl**  
**Chairperson**

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**Hannah Williams**  
**Planning Director**

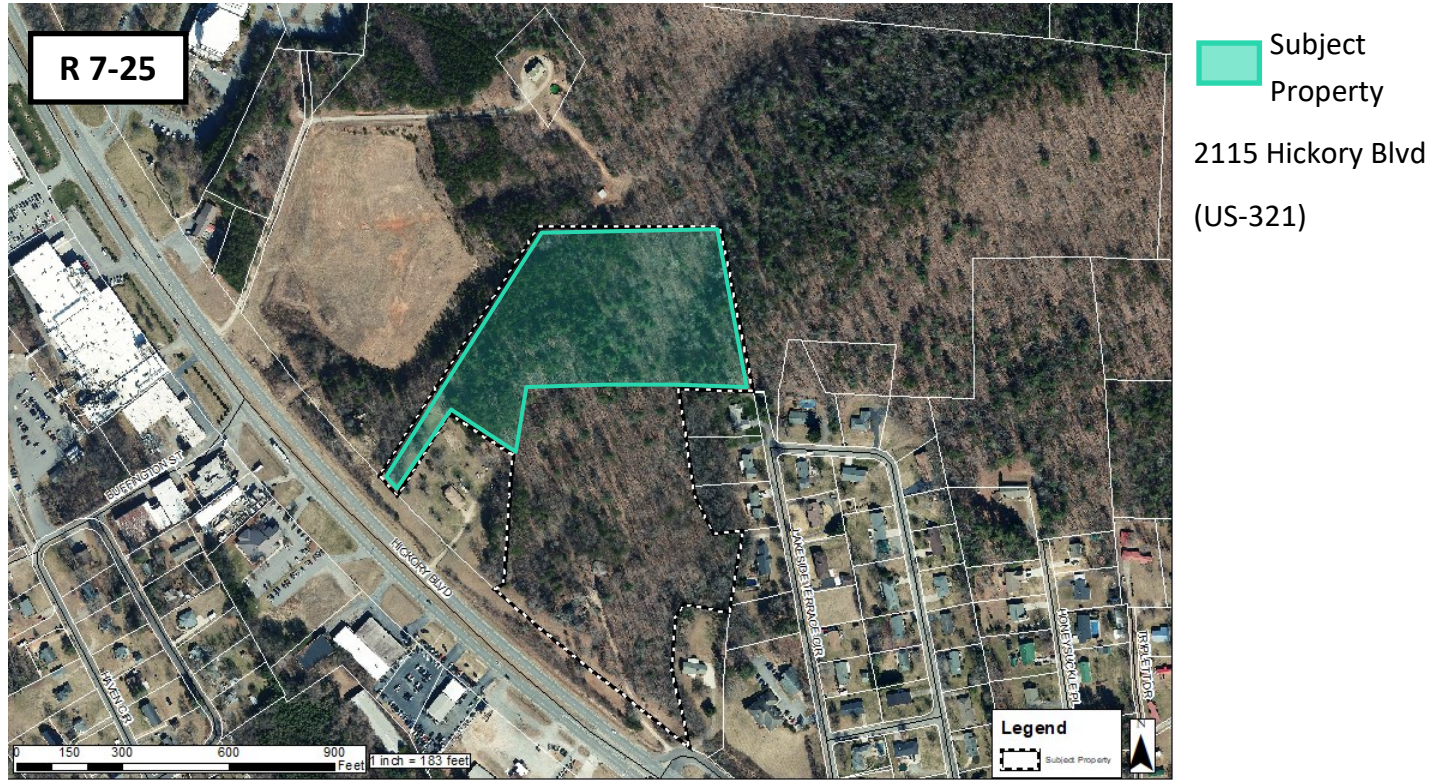


# Staff Report

## Zoning Amendment

### CASE NUMBER R #7-25

## LOCATION MAP/AERIAL PHOTOGRAPH



Subject Property  
2115 Hickory Blvd  
(US-321)

## SUMMARY

### Owner

Southwood Realty Company

### Applicant

Southwood Realty Company

### Location

2115 Hickory Blvd. (South of Civic Center)

### NCPINS

2758639922 (remainder)

### Project Planners

Hannah Williams, AICP, CZO

Matt Duchan

*Updated September 30, 2025*

### Proposed Amendment:

The applicant is requesting to rezone the subject property, split-zoned B-7 and R-15, to be exclusively zoned as B-2 (General Business) to allow for a proposed multi-family development with the same regulations throughout the site.

### Staff Recommendation:

Approval, based on the consistency statement on page 7.

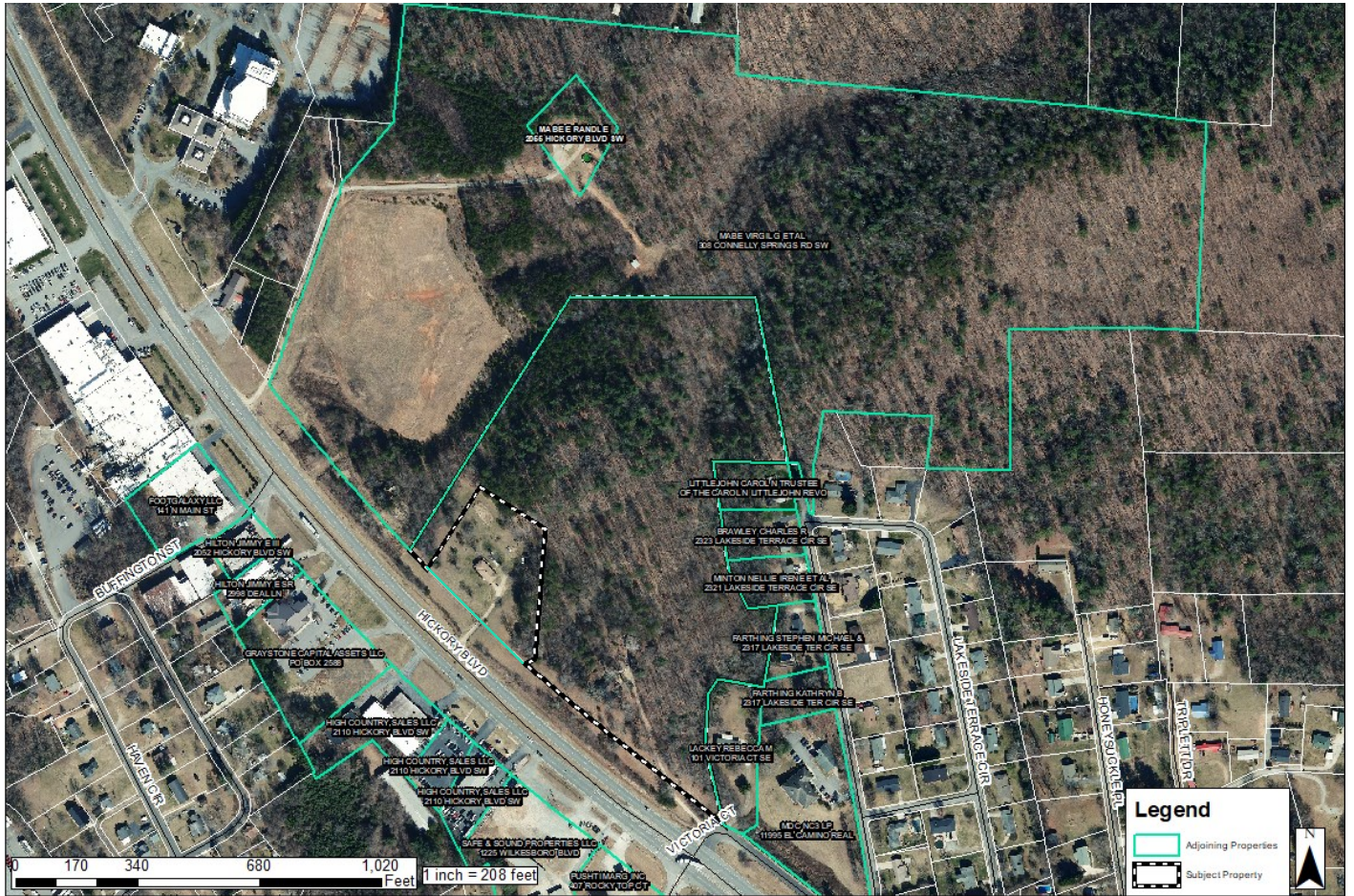
### Planning Board Recommendation:

### Public Comment:

**Planning Board Meeting:** Scheduled for October 13, 2025. Notices were mailed to adjacent property owners on or before October 1, 2025.

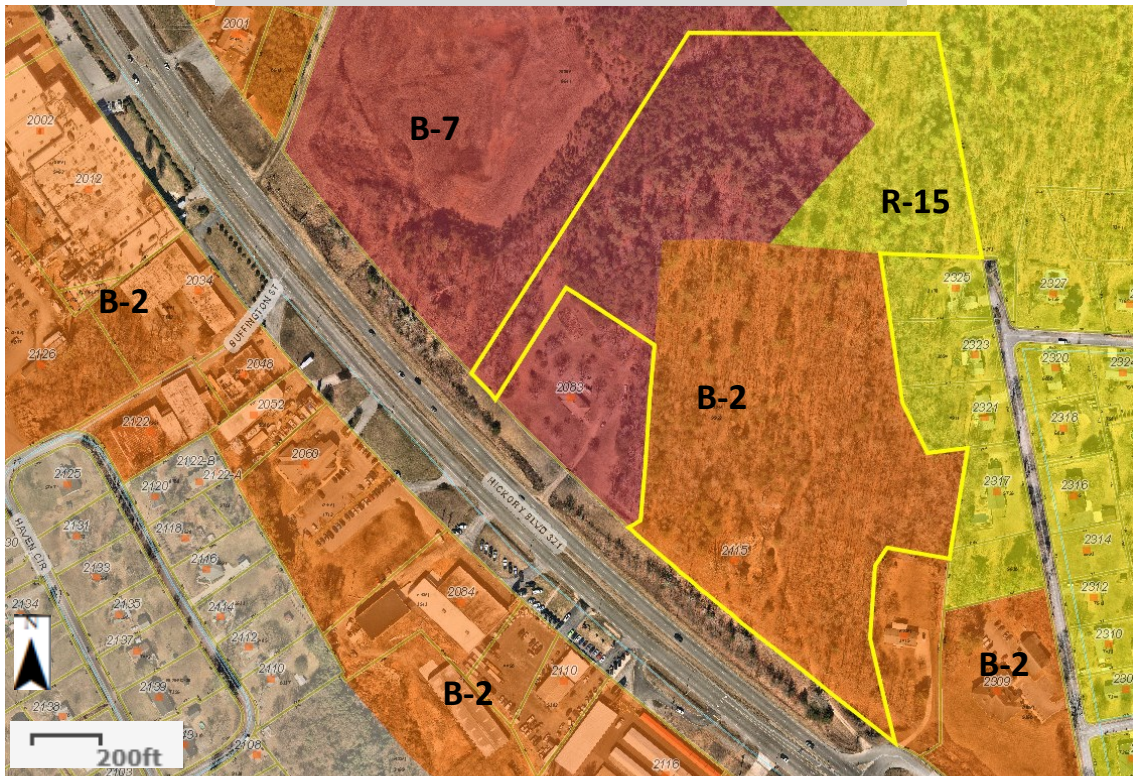
**City Council (Public Hearing):** Anticipated to be scheduled for November 4, 2025.

# ABUTTING PROPERTY OWNERS

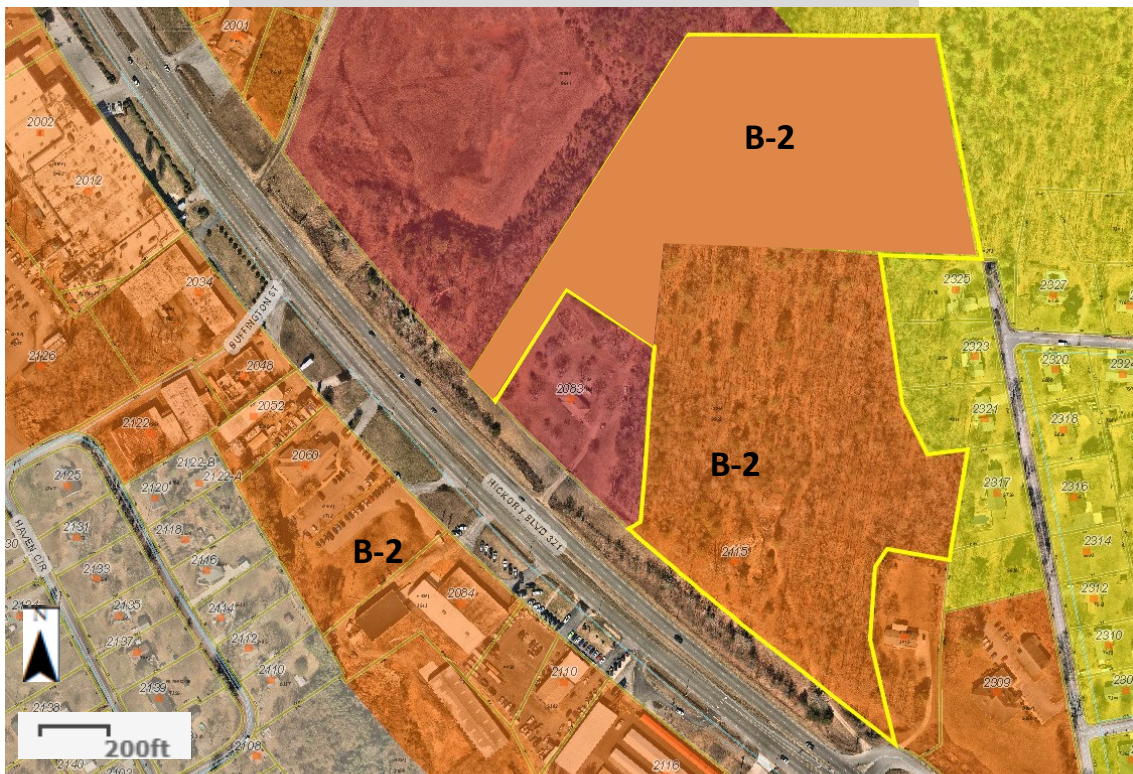


Name	Address	City	State	Zip
Charles & Megan Brawley	2323 LAKESIDE TERRACE CIR SE	LENOIR	NC	28645
Carol Littlejohn & Trustees	2325 LAKESIDE TERRACE CIR SE	LENOIR	NC	28645
Nellie Irene Minton et al	2321 LAKESIDE TERRACE CIR SE	LENOIR	NC	28645
Stephen & Kathryn Farthing	2317 LAKESIDE TER CIR SE	LENOIR	NC	28645
MDC NC3 LP	11995 EL CAMINO REAL	SAN DIEGO	CA	92130
Rebecca Lackey	101 VICTORIA CT SE	LENOIR	NC	28645
Pushti Marg Inc.	407 ROCKY TOP CT	LENOIR	NC	28645
Safe & Sound Properties LLC	1225 WILKESBORO BLVD	LENOIR	NC	28645
High Country Sales LLC	2110 HICKORY BLVD SW	LENOIR	NC	28645
Fred & Margaret Powell	2536 GRANT RD	HUDSON	NC	28638
Virgil Mabe et al	308 CONNELLY SPRINGS RD SW	LENOIR	NC	28645
Graystone Capital Assets LLC	PO BOX 2588	HICKORY	NC	28603
Randle Mabe	2055 HICKORY BLVD SE	LENOIR	NC	28645

Existing Zoning: R-15/B-7



Proposed Zoning: B-2



## BACKGROUND AND ANALYSIS

### Zoning Map Amendments

The City of Lenoir 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. 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 R-15 Residential (Single-family) District is intended to accommodate low density single-family residences and compatible land 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.

The B-7 (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. The retail and service establishments allowed within this district are intended to serve both local and regional consumers.

The 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 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.

### Subject and Surrounding Properties

The subject property is located along Hickory Blvd (US-321), just west of the Victoria Court intersection and is split zoned B-2, B-7, and R-15. The property is 18 acres, a portion of which will be incorporated into the Palisades Apartment Complex. and is currently vacant. This property is generally hilly as you go north and features a creek on the eastern side of the property. While this property abuts a neighborhood, it is generally buffered with mature trees so as to provide adequate separation from adjacent homes. The three homes that run along the northeast side of the parcel are all over 100' from their rear property lines.

Since the previous zoning amendment for the Palisades, the lot lines have been recombined to reflect the development area (See Appendix A on page 10). The properties owned by Virgil Mabe (NCPIN 2758646611) and Fred & Margaret Powell (NCPIN 2758647113) will remain zoned B-7 (see abutting property owners and zoning map on page 2). The Lakeside Terrace neighborhood is just east of the subject property and comprises the majority of adjacent property owners to the south and east. Bumgarner Camping Center is located southeast of the property and Autoworld of Lenoir is southwest of the property, both across 321. The Caldwell County Fairgrounds is around a half-mile south of the site, while the J.E. Broyhill Civic Center is about a half-mile north-west of the subject property.

### Reason for Request

Southwood Realty is developing the site for a high-density apartment complex. While the original development entailed 140 units,

## BACKGROUND AND ANALYSIS (CONT.)

the company acquired more property to develop 84 more units in a proposed second phase totaling 224 units. See page 11 for a proposed site plan of Phase 1 and 2 of this project. The newly acquired subject property is split-zoned B-2 (General Business), B-7 (Highway Business) and R-15 (Single-family Residential). R-15 only permits single-family homes and accessory dwellings/apartments, while permitted uses in B-2 run the gamut from single-family to high-density residential uses as well as functioning as Lenoir's most flexible commercial district. B-7 zoning was recently amended to clarify that high density multi-family is allowed (ZOA 1-25). However, Southwood Realty desires a single zoning district across phases 1 and 2 of the development. The applicant is interested in maintaining consistent zoning across the development area.

### Zoning Analysis

The subject property is located in a peripheral area in the southern part of Lenoir, close to city limits where Lenoir and Hudson meet, and would contribute to an ever-pressing need for greater housing stock. In a sense, this area is centralized to both cities and would function well as a commuter community for local industry professionals, App State (Boone and Hickory campuses), and Caldwell Community College faculty and students. The 2045 Comprehensive Plan maintains that there is a need for housing diversity and calls for more missing middle housing in the City of Lenoir proper.

The R-15 portion of the property precludes any form of multi-family housing or commercial development from being built. The current split-zoning would only serve low-density residential and commercial opportunities in an inconsistent fashion. R-15, unlike B-2, is not flexible or highly permissible beyond single-family housing opportunities, whereas B-2 is considered the city's most flexible zoning district. Functionally, apart from B-2 being the most flexible and diverse zoning district, it also is strategically placed in areas where landowners should develop retail/commercial offerings in close proximity to housing. The Comprehensive Plan recommends that new housing developments become community spaces and are established as mixed-use zoning districts, which falls directly in line with what B-2 seeks to accomplish in many parts of Lenoir.

Prior to the reworking of the ordinance to explicitly allow high density multi-family developments, B-7 was considered as a potential solution to address low-density commercial areas with fewer design standards. This site can theoretically accommodate up to 360 multi-family dwelling units, but further analysis would need to be conducted to confirm that. At 202 units, the development is proposed to be around 11 dwelling units per acre.

The Lakeside Terrace neighborhood adjacent to the property will have little to no impacts from this rezoning, since the development will not share roads or access. There is a mature tree line on the subject property that provides a natural buffer between the two properties. That, along with hilly topography and the bank of the creek also provide adequate separation between future development on this tract and the neighborhood, so there are few if any possibilities of interaction.

One of the five guiding principles of the 2045 Comprehensive Plan is to expand housing options. There is limited housing stock in Lenoir, a lot of which is older, single-family homes that are increasingly unaffordable to current and potential residents. Multi-family housing addresses that concern and provides young families, young professionals, empty nesters, and the elderly with more reasonable offerings. B-2 is a viable zoning district along 321, providing flexible uses along a major transportation corridor.

The proposed development would address the need for greater, denser housing stock in Lenoir, especially to serve growing industry in Lenoir, Caldwell County, and the greater Unifour area. Southwood Realty has carried out several developments in western North Carolina with the vast majority of their developments breaking ground in Gastonia where their headquarters is located.

# BACKGROUND AND ANALYSIS

## Comparison of Allowable Uses

Sec. 600 of the Lenoir Zoning Ordinance establishes a chart of permitted and special uses for each zoning district. The current zoning district is intended essentially only for single-family housing, while the proposed zoning district permits a variety of housing types as well as commercial uses. The R-15 zoning district allows for single-family, while the B-2 and B-7 zoning districts allow for a mix of residential uses at all density levels, as well as a variety of commercial uses.

## Comparison of Zoning Districts

	R-15	B-7	B-2
Development Standards	Min Lot Size– 15,000 SF	Min Lot Size - N/A	Min Lot Size - N/A
	Setbacks	Setbacks	Setbacks
	Front: 40'	Front: 50'	Front: 10'
	Side Yard: 15'	Side Yard: 10'	Side Yard: 0'
	Street Side Yard: 25'	Street Side Yard: 10'	Street Side Yard: 0'
	Minimum Rear Yard: 35'	Minimum Rear Yard: 10'	Minimum Rear Yard: 20'
Summary of Permitted Uses	Accessory Cottage or Apartment Dwelling, single family detached  **For special uses see Section 600, Table A in Lenoir Zoning Ordinance**	Accessory Cottage or Apartment Bed & Breakfast Cultural and Community Facilities Commercial Kennels Day Care Centers Dwelling, Single/Two-Family/Multi-family (medium and high density)/Group Eating and drinking (w/ & w/o drive-thru) Greenhouses Hospitals/Clinics Hotels/Motels Manufacturing & Processing: Boutique/Artisan/Light Night Clubs Office (medical/dental) Recreation (outdoor/indoor) Retailing (light/intensive) Services (automotive/business and personal) Shooting Range Studios and Specialty Schools Veterinarians Warehousing	Accessory Cottage or Apartment Attached Dwellings (townhomes) Bed & Breakfast Dwelling, Single/Two-Family/Multi-family (medium and high density)/Group Billiards and Pool Halls Day Care Centers Cultural and Community Facilities Commercial Kennels Eating and Drinking (w/ & w/o drive-thru) Greenhouses Hospitals/Clinics Hotels/Motels Manufacturing & Processing: Boutique/Artisan/Light Night Clubs Office (medical/dental) Recreation (outdoor/indoor) Retailing (light/intensive) Services (automotive/business and personal) Shooting Range Studios and Specialty Schools Veterinarians Warehousing

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## STAFF RECOMMENDATION AND CONSISTENCY STATEMENT

### Consistency with the Comprehensive Plan

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 future land use map identifies the subject property as mixed-use, and is surrounded by medium-density residential and existing low-density residential. The 2045 Comprehensive Plan states maintains that multi-family developments are overall appropriate and grades out at the highest level of appropriateness. The mixed-use district also recommends nine or more dwelling units per acre, and the area where this development will occur will exceed that. By changing the zoning designation from R-15 and B-7 to solely B-2, this area would have greater flexibility to achieve these policy concepts and potentially expand beyond just a residential development. 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.

## PLANNING BOARD RECOMMENDATIONS



# SITE PHOTOS



Northern portion of site, 2083 Hickory Blvd property (pictured) not included



View of central site from 321



View of central and northern portion of site from 321



Southern portion of site visible from 321 facing Victoria Ct. and Lakeside Terrace Dr.





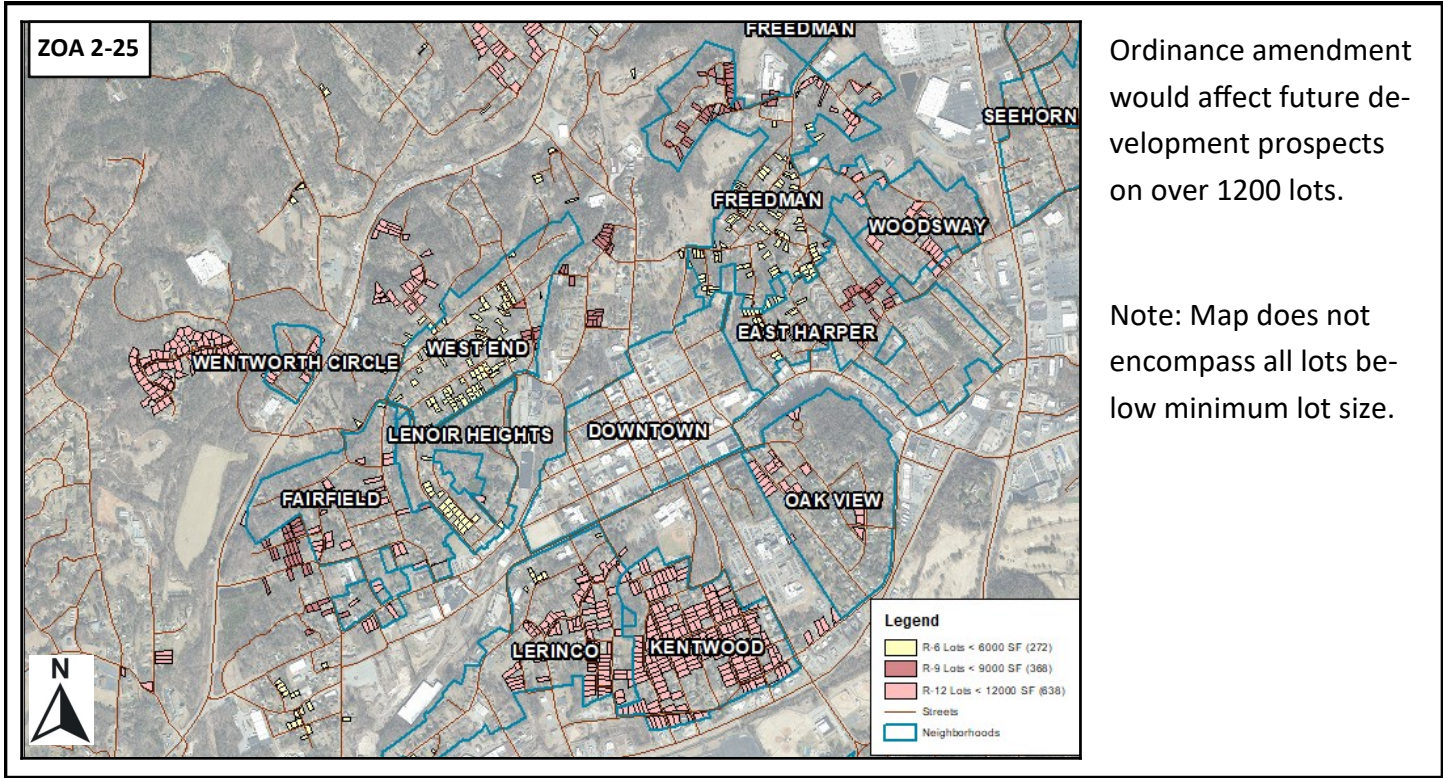
# Staff Report

ZONING ORDINANCE AMENDMENT REQUEST

CASE NUMBER ZOA #2-25



## AERIAL OF LOTS BELOW MINIMUM LOT SIZE



Ordinance amendment would affect future development prospects on over 1200 lots.

Note: Map does not encompass all lots below minimum lot size.

### SUMMARY

<b>Owner</b> N/A
<b>Applicant</b> Richard Meadlock
<b>Location</b> Citywide
<b>NC PIN</b> Citywide
<b>Project Planners</b> Hannah Williams, AICP, CZO Matt Duchan
<i>Updated September 30, 2025</i>

**Applicant's Request:**

The applicant is requesting a text amendment to allow non-conforming lots created prior to Lenoir Zoning Ordinance (1979) to have rear and side yard setbacks proportionate to the size of the lot.

**Staff Recommendation:**

Approval of the proposed amendment process outlined in this staff report.

**Planning Board Recommendation:**

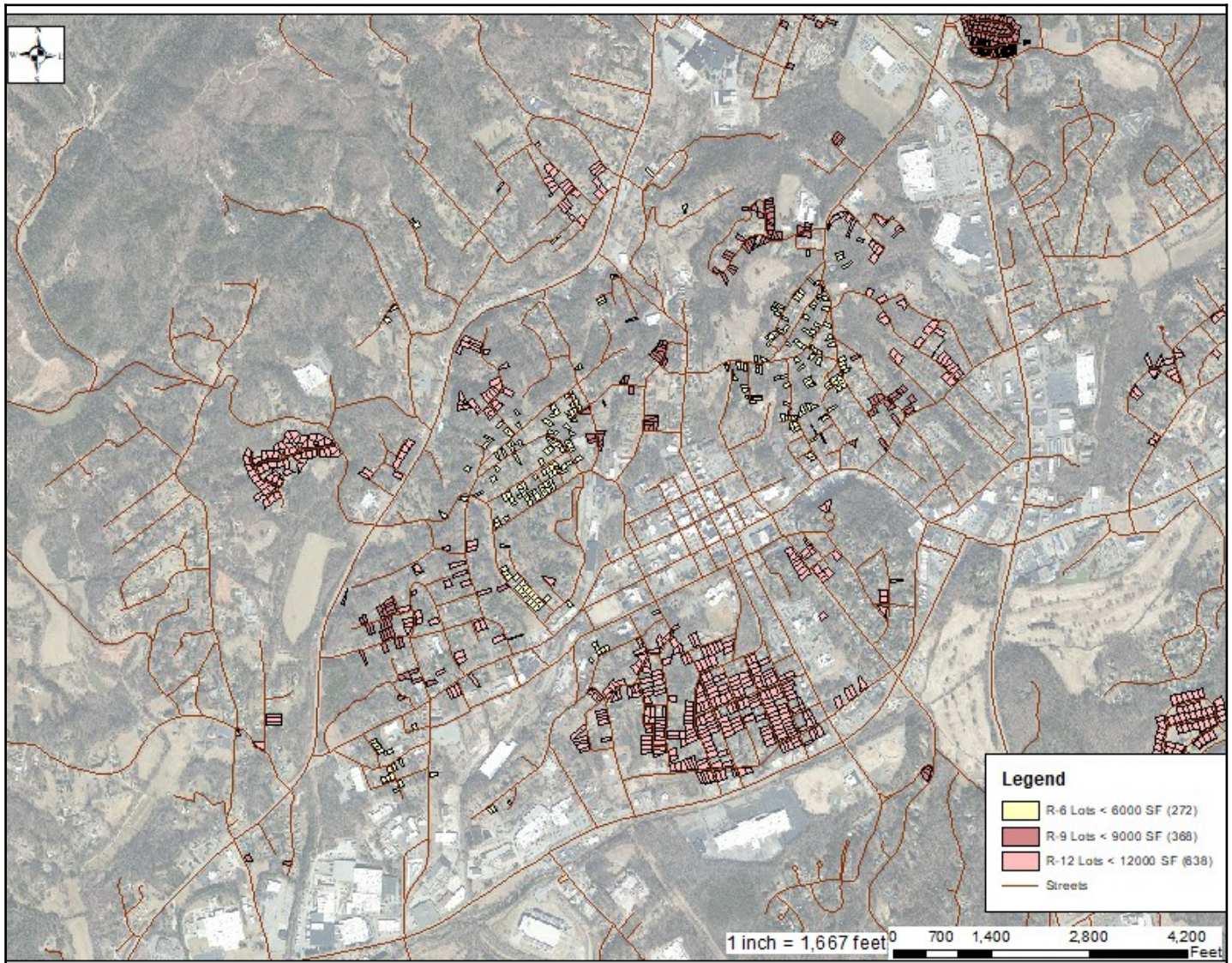
**Public Comment:**

**Planning Board Meeting:** Scheduled for October 13, 2025.

**City Council (Public Hearing):** Anticipated to be scheduled for November 4, 2025.

# LOTS BELOW MINIMUM LOT SIZE IN CITY LIMITS

There are 1,268 lots below minimum lot size within Lenoir's city limits. Many lots were established prior to the passing of the Lenoir Zoning Ordinance, and may have legally nonconforming status due to lot size and setback encroachments.



## BACKGROUND AND ANALYSIS

### 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.

### Citywide Amendment

The properties affected by the proposed ordinance amendment are located in all areas of Lenoir. Some of the neighborhoods where the amendment would have the greatest effect are in historic neighborhoods, including Kentwood Park, West End, Lerinco, and Freedman. Several other neighborhoods that have small lot sizes are planned unit developments (PUDs), so while they may be under minimum lot size, the PUD approval process provides different zoning regulations such as setback reductions, stormwater and built-upon area requirements, and areas of dedicated open space. Older neighborhoods are those that would be most likely to benefit from this amendment given that many of those properties pre-date zoning standards that were implemented in the late 1970s. See pages 6 through 8 for maps of historic neighborhoods with undersized lots.

### Proposed Amendments

The proposed amendment text is as follows:

Non-conforming lots below the minimum lot size, recorded prior to 1979 may be granted rear and side yard setbacks proportionate to the size of the lot. For example, if a 10,000 square foot lot is required and the lot is 7,500 square feet, a 25 percent reduction to side and rear setbacks is allowed.

The amendment to the ordinance would entail evaluating lots below minimum lot size and identifying the percentage a lot is below minimum lot size and adjusting rear and side setbacks accordingly.

Section 506 of the Zoning Code states that “no yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.” Effectively, this amendment would further prevent that possibility given that any standalone lots already under minimum lot size would have the opportunity to meet these new setback standards provided that a permit application or survey for review is submitted.

### Reason for Request

The applicant added an awning to the side door of his home to provide a covered entry. The awning encroaches into the side setback by three feet. The required setback is 10 feet. Under the proposed text amendment, a 7-foot setback would apply and considered as conforming to the code.

## BACKGROUND AND ANALYSIS (CONT.)

### Setback Variances Common

Some of the most common hurdles the Planning Department comes across in terms of site development on historic lots are required setbacks. Setback variances are the most common variances. The purchase and knowledge of a non-conforming lot does not make a hardship self-created. In the case of the most recent variance approval at 530-A Wheeler Street, the lot in question was around 3700 square feet and the applicant was planning to build a duplex, and under standard zoning regulations the buildable area was around 250 square feet. With this proposed amendment in place, setbacks would be reduced to 10 feet on front and rear setbacks and 5 feet on the side. The variance reduced front, rear, and side setbacks all to 10 feet. The proposed amendment could effectively help to reduce variance requests.



Original Building Envelope  
Before Variance 1-25 at 530A Wheeler Street



Approved Building Envelope  
Variance 1-25 at 530A Wheeler Street

### Section 710—Special Front Yard Requirements in Developed Areas

Section 710 was established to assist built-upon lots with front yard setbacks where it would otherwise be impossible. The code reads as follows: “The front yard requirements of this ordinance shall not apply to any lot where the average front yard on already built upon lots located wholly or in part within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum, but not less than the average of the existing setbacks on the developed lots; provided however, the front yard on such lot shall not be less than one half of the required front yard.”

This section demonstrates flexibility on historic lots in established neighborhoods, much like those eligible for the proposed amendment. Allowing side and rear setback reductions, exempting older, small properties from by-right zoning restrictions, is a natural next step towards equity in planning in the City of Lenoir.

## CONSISTENCY STATEMENT/STAFF RECOMMENDATIONS

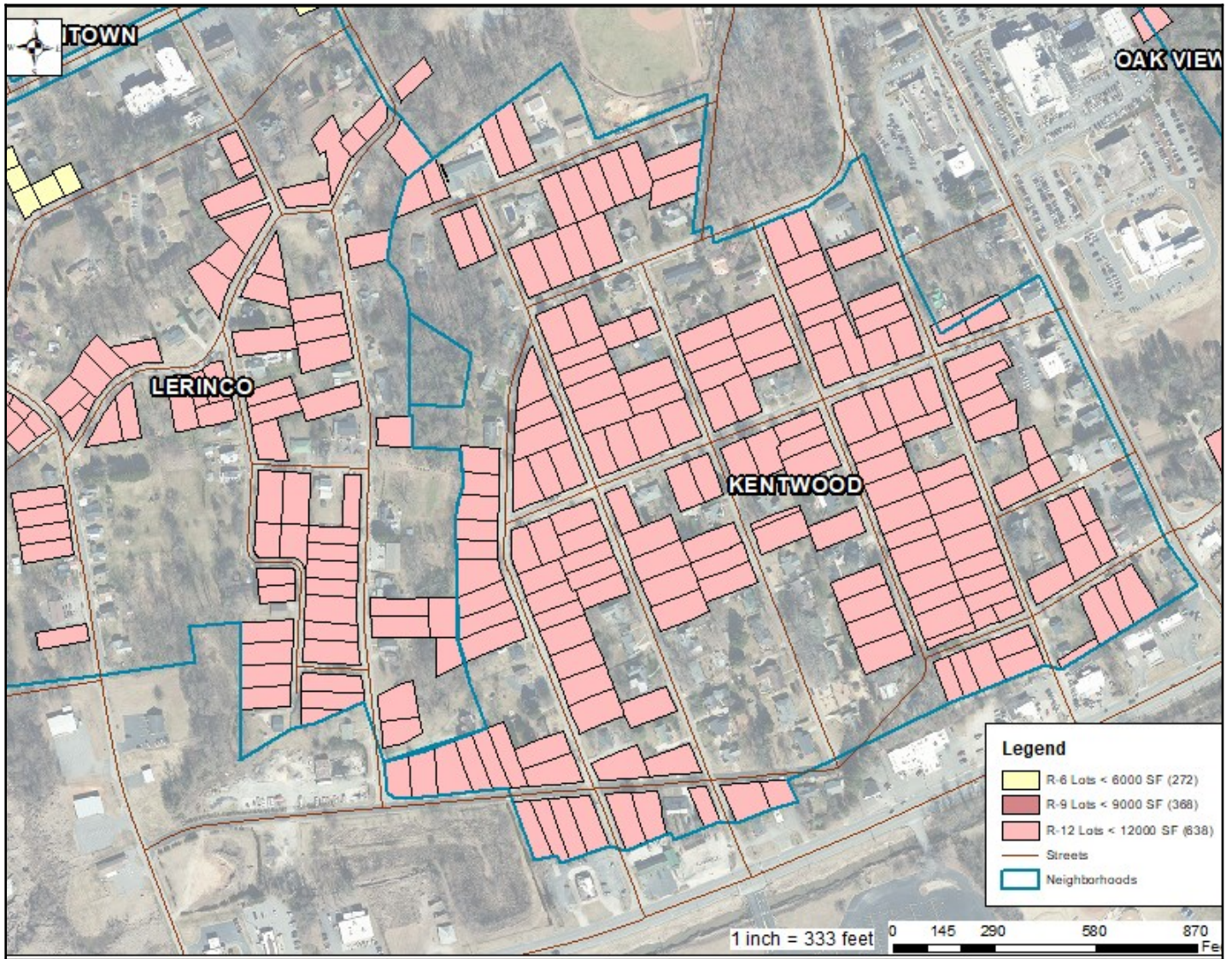
### Consistency with the Comprehensive Plan/Reasonableness of Amendment

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.

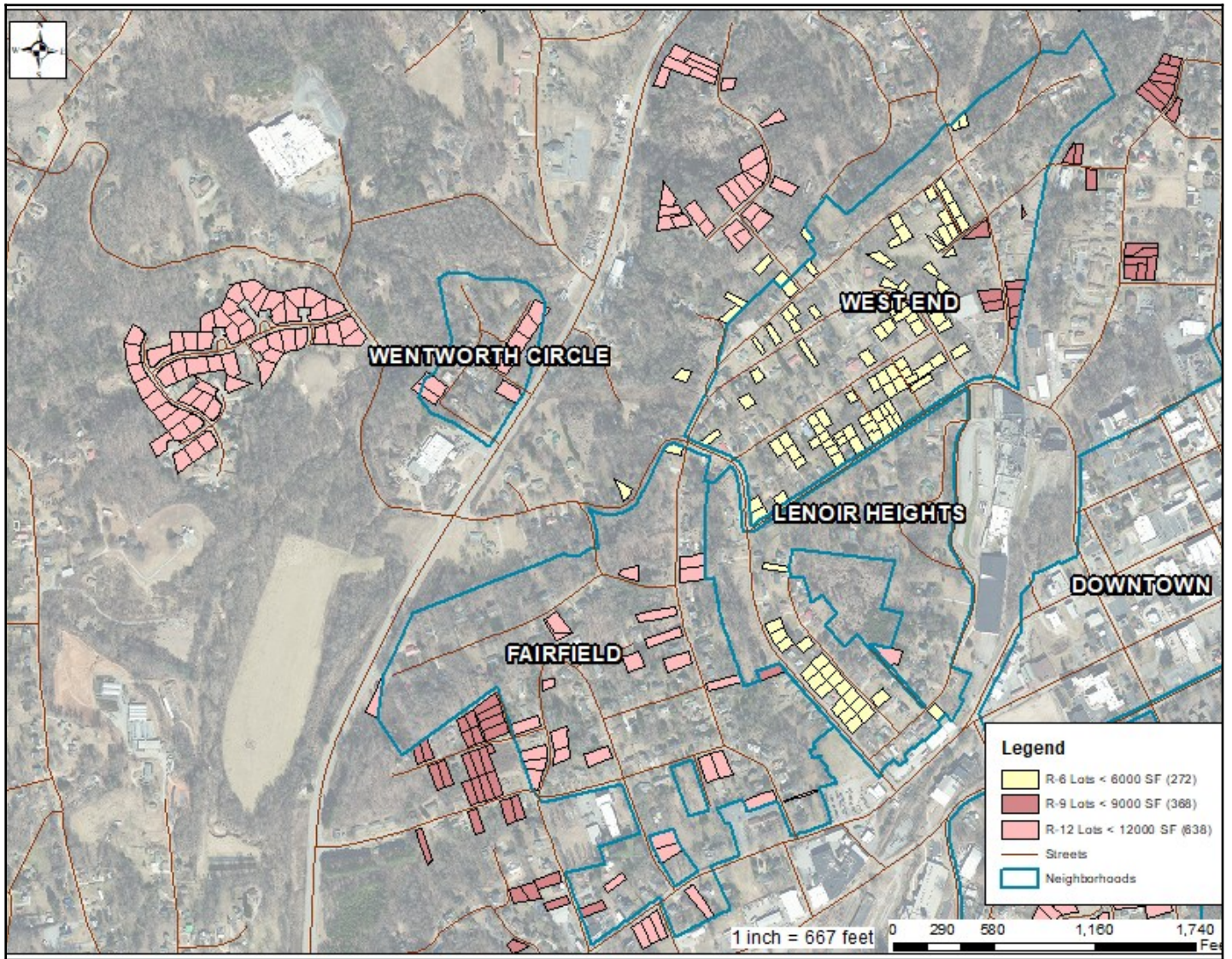
The proposed zoning amendment is consistent with the housing policy concepts in the 2045 Comprehensive Plan, encouraging equity and a well-rounded approach to housing where property owners are able to develop and restore the older housing stock in Lenoir. The 2045 plan recommends that Staff updates zoning regulations to allow for detached housing on smaller lots while maintaining balance with larger lots on the periphery. This zoning amendment is compatible with the goal of establishing neighborhood compatibility. Some neighborhoods with non-conforming lots have distinct neighborhood character, scale, and form. Updating the ordinance with this amendment would promote the maintenance of these neighborhoods and improve upon the character of other neighborhoods with lots that would be otherwise limited in improvement efforts.

## PLANNING BOARD RECOMMENDATIONS

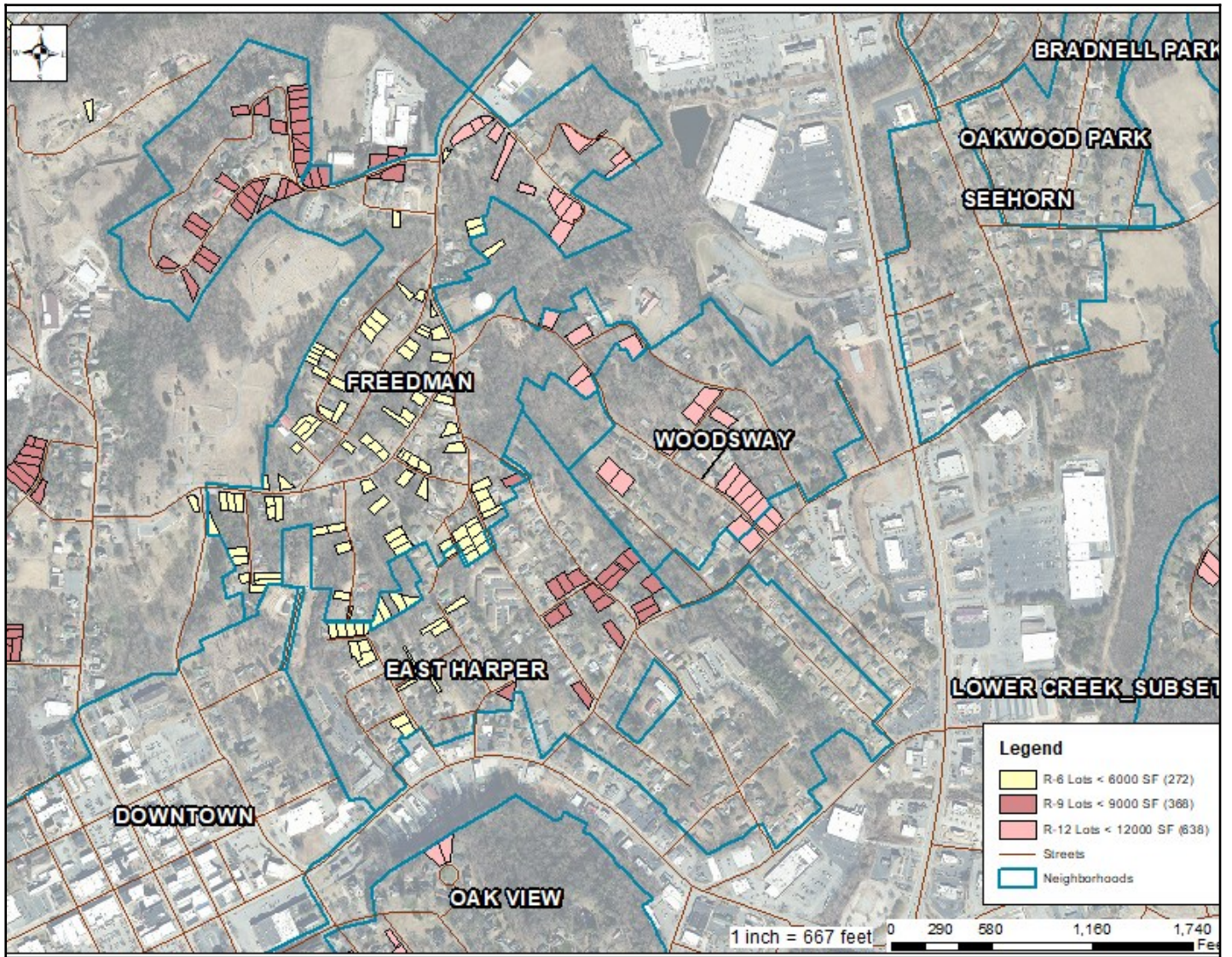
# LERINCO & KENTWOOD



# WEST LENOIR NEIGHBORHOODS



# NEIGHBORHOODS NORTH OF DOWNTOWN



## DOWNTOWN SIDEWALK USE ORDINANCE

### SIDEWALK CAFES AND OUTDOOR DISPLAYS

#### Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Outdoor Display* refers to items that are placed in the public right-of-way which may be in the form of permanent uses such as, but not limited to planters, benches, and other stable furniture, and temporary uses such as storefronts, shelving, and A-frame signs.

*Permanent display* refers to any item that will remain at its designated location in perpetuity until the business operator decides to remove the item, and provided that the item is constructed with sturdy material so as to not be displaced but is movable if necessary. Examples include enclosed sidewalk café furniture and planters.

*Sidewalk Café* refers to an outdoor dining area located on or adjacent to a public sidewalk directly adjacent to an eating and/or drinking establishment in the Lenoir Municipal Service District, maintained by the business operator, consisting typically of tables and chairs and authorized decorative and accessory displays and devices as approved by the City of Lenoir Planning Department on an annual basis.

*Temporary display* refers to any item that will be removed from its designated location after business hours, and is lightweight and not built of sturdy materials that would allow for the item to remain on the street when a business is closed. Examples include unenclosed sidewalk cafes, outdoor furniture, A-frame signs, and merchant storefronts.

#### Permit Required to Operate

Except as may be provided elsewhere in City code, no business operator or other person affiliated with a business may use a public sidewalk or street as an outdoor dining, display, or retail area, nor place thereon any platform, tables, chairs, furniture, seating materials, or other similar items, unless issued a sidewalk use permit in conformance with this section, and the Sidewalk Use Guidebook, as may be amended.

#### Eligibility

Any person or entity that operates a legally established business or organization that is adjacent to a city-maintained sidewalk or street may apply to the City for permanent or temporary use of the entity's abutting sidewalk or street as a sidewalk café or outdoor display in accordance with this section and the provided Sidewalk Use Guidebook. The application and applicable fees shall be submitted to the city, along with any supporting documentation, which will then be reviewed by the Planning Director or designee for the compliance with this section and the Sidewalk Use Guidebook. Businesses must operate within the Lenoir Municipal Service District and/or areas zoned B-3 (Central Business District).

#### Administrative Review

- a. The Planning Director or their designee shall review and comment on the application materials.
- b. If deemed necessary by the Planning Director or their designee, the application and supporting materials may be circulated to technical staff which may include Police, Fire, Streets, Public

Works, Public Utilities, Risk Management, Parks and Recreation, and Downtown Development Departments.

- c. The Planning Director or their designee shall approve, approve with conditions, or deny the application for outdoor displays.
- d. City Council will approve sidewalk cafes, pending a full and complete initial application reviewed by the Planning Director or their designee.

## Permit Denial

A permit may be denied if it is found that the application fails to demonstrate compliance with requirements set forth by this section and/or that the granting of the permit would not be in the public interest or would jeopardize public safety.

Any applicant denied a permit to operate a sidewalk use of any kind shall receive a written statement outlining the grounds on which the denial is based. The applicant may appeal the denial of the permit to the Board of Adjustment (BOA) within 30 days after the certified receipt of the written denial, and the BOA may take such action as it shall find necessary. Following a final decision, applicants shall not apply for one calendar year.

## Term, Transfer, and Fees

The maximum period of approval for a sidewalk use permit is one calendar year. Permits are non-transferable or assignable in any manner without the prior written consent of the Planning Director. All sidewalk use permits are subject to initial approval following submittal of a complete application, and re-approval annually in January of the following year. For outdoor displays, business operators must re-apply annually. All sidewalk uses (cafes and outdoor displays) must renew annually public liability insurance in the amount of \$1,000,000 insuring against personal injury, wrongful death, and property damage, including the city as a party insured and insuring the city against any liability resulting from the uses permitted pursuant to this article.

The application fees are due at the time of application submittal.

## Revocation, Suspension, and Civil Penalty

The City specifically retains the right to revoke sidewalk use permits at any time if the Planning Department deems revocation or suspension to be in the best interest of the public health, safety or welfare, or where the applicant has failed to comply with applicable requirements or is found to have provided false or misleading information in the permit application.

The City shall have the right, through the Planning Director, to suspend or prohibit sidewalk use operation at any time and for any necessary period of time because of conflicts or problems in the use of the sidewalk area. Such problems or conflicts may arise from, but are not limited to, repairs to the street or sidewalk, demonstrations or emergencies occurring in the area, parades, marches, festivals, and other similar events that may require suspension of sidewalk use. In the event of one of the aforementioned occurrences, the business operator may propose an adjusted sidewalk use to accommodate the needs of the event.

Failure to meet the requirements, as laid out in the following articles, will result in the business operator being subject to the Civil Penalties schedule ([Sec. 1-15. \(e\)](#)) if corrections are not made in a time period expressly specified by the Planning Director. The order shall be in writing, directed to the person doing the work or activity, and shall state the specific work or activity to be stopped, the reasons therefore,

and the conditions under which the work or activity may be resumed. A copy of the order shall be delivered to the holder of the sidewalk use permit and to the owner of the property involved (if that person is not the holder of the sidewalk use permit) by personal delivery, electronic delivery, or first-class mail. Refusal to accept the notice shall not relieve the violator of the obligation to pay the penalty.

However, if, in the opinion of the Planning Director, police department, and/or fire department, the unlawful condition is of imminent danger or peril to the public, the city may, without notice, proceed to abate, and the cost thereof shall be charged against the property.

## Obstructions

G.S. 160A-296 imposes upon cities the duty to keep public streets and sidewalks free from unnecessary obstructions. This section applies to all obstructions of whatever nature, whether temporary or permanent.

### *Removal of non-permitted or permissible obstructions*

It shall be unlawful for any person to permit, locate, or erect any obstruction that will interfere with the use of street or sidewalk by the public. Any obstruction that remains on any street or sidewalk after notice or demand for its removal by the city shall be deemed a public nuisance, and it shall be the duty of the City Code Enforcement Officer to abate such nuisance by the summary removal of the obstruction, and to charge the cost thereof to the person responsible.

### *Compliance with Americans with Disabilities Act (ADA)*

There shall be a five-foot-wide unobstructed contiguous walkway within the public sidewalk area for use by pedestrians, and handicapped accessibility shall be provided as required by law. The outdoor activity shall not impede pedestrian or vehicular traffic. The sidewalk use must provide adequate access in compliance with the Americans with Disabilities Act (ADA), with adequate access determined at the city's sole discretion.

### *Exceptions*

The provisions of this section shall not apply to the following circumstances:

1. Signs of duly constituted government bodies, public benches, and any other item placed by the city.
2. Standard covered garbage cans, at the time and place designated by order of the Public Works Director.
3. In the case of a written permit for construction, maintenance, advertising, and such other purposes as provided by the City ordinance.
4. Loading, unloading, moving, or transporting materials.

### *Setbacks and separation requirements*

1. The placement of obstructions must leave at least five feet of unobstructed paved space of sidewalk, excluding the curb, bricked utility area, or city planter, measured from any permanent or temporary sidewalk use object for the passage of pedestrians.
  - a. On sidewalks at least twelve (12) feet in width, excluding the curb, the maximum distance that obstruction may be placed from the wall or front of the place of business shall be 36 inches (three feet).

- b. On sidewalks at least seven (7) feet in width but less than twelve (12) feet in width, excluding the curb, the maximum distance that the obstruction may be placed from the wall or front of the place of business shall be 24 inches (two feet).
  - c. On sidewalks less than seven feet in width, excluding the curb, no obstructions shall be placed on the sidewalks or streets.
  - d. Tables, chairs, and other furnishings shall be placed a minimum of six feet from any vehicular travel lane.
- 2. In accordance with North Carolina Fire Code, no fire exits or lanes may be blocked and must remain clear at all times.
- 3. The placement of obstructions shall not impede any alleyway, driveway, building entrance or exit, sight triangle, emergency entrance or exit, fire hydrant or standpipe, ventilation areas, utility access, or ramps necessary to meet accessibility requirements under the Americans with Disabilities Act (ADA).
- 4. Obstructions shall not impede any public infrastructure or amenities, such as trash receptacles, benches, bicycle racks, utility poles or other similar objects. A three-foot buffer must be established between sidewalk use items and public amenities.
- 5. Public infrastructure and amenities placed by the City of Lenoir, NCDOT, or any other governmental agency are exempt from setback and separation requirements of this subsection, provided that Americans with Disabilities Act and applicable Building Code requirements are duly met.
- 6. Temporary objects placed as part of a permitted special event are exempt from sidewalk use permitting, provided that the setback and separation requirement of this section are met. Objects must be removed at the end of the special event.

## Sidewalk Café Operation

Operation of a sidewalk café shall conform to the following requirements:

- a. All tables, chairs and other items shall be placed so as to not present a sight hazard to vehicular traffic or a hazard to pedestrians. Use of public amenities such as city benches or seats is prohibited. Further, tables and chairs used for sidewalk cafe operation shall be constructed and utilized so as to protect the public safety. Furniture material must be of a commercial grade for outdoor use, sturdy, safe, of quality workmanship, must be consistent and complementary to the business operator's property, and must not be out of character with the business district where the furniture will be located. Non-sturdy furniture and other items shall be removed at the end of the business day. All outdoor dining furniture shall be movable.
- b. A physical barrier separating the permitted area from the unobstructed contiguous sidewalk, is required for permanent sidewalk cafes, as approved in the permitting process.
- c. For temporary sidewalk cafes, the tables, chairs, umbrellas, cushions, and other items, excepting planters and sturdy furniture, shall be removed at the end of each day's operation or during the period of the year when the temporary sidewalk café ceases operation. No materials shall be stored in the public right-of-way and the sidewalk must be restored to its normal condition.
- d. The business operator shall maintain in a clean and sanitary manner all areas where sidewalk cafes or outdoor displays are present, including maintaining appropriate trash receptacles, sweeping on a daily basis the full right-of-way where displays are located and immediately

cleaning and washing any liquid, food, debris, broken glass and other trash from the right-of-way.

- e. Overnight storage of trash and refuse for the sidewalk cafe shall not be permitted within the outdoor dining area or on adjacent sidewalk areas, and the business operator shall remove all trash and litter as it accumulates.
- f. The business operator shall agree to cease part or all sidewalk uses in order to allow for construction, maintenance, or repair of any street, sidewalk, utility, or public building, by NCDOT, the city, its agents or employees, or by any other governmental or public entity.
- g. Notwithstanding any other provisions of this Code, alcoholic beverages may be served in approved sidewalk cafes provided that the following requirements are met:
  - 1. The sidewalk cafe shall be part of an eating and/or drinking establishment and shall otherwise be authorized, permitted, or licensed under the state law and this Code to serve and sell alcoholic beverages for on-premises consumption.
  - 2. The sidewalk cafe must be included as part of the premises for which an ABC permit is issued pursuant to state law for the purpose of applying and enforcing state laws regarding the sale or consumption of alcoholic beverages, and/or display an official social district participating business sign in a visible location during the times when the social district is active. A customer may not bring an alcoholic beverage into a non-permittee business that does not display the social district sign.
  - 3. Signs shall be posted, visible at all exit points from the sidewalk cafe, that it is unlawful to remove alcoholic beverages from the premises, unless sold under social district standards.
  - 4. The business shall not have violated any law, regulation, or ordinance relating to the possession, sale, transportation or consumption of intoxicating beverages or controlled substances for the three years preceding the commencement of the sale of alcoholic beverages at the sidewalk cafe.
  - 5. No outdoor bar is allowed within the sidewalk cafe, nor shall outdoor preparation of alcoholic beverages be permitted except that wine may be decanted or beer poured at a table.
  - 6. Any alcoholic beverages served and consumed at an approved sidewalk cafe must be served and consumed in glasses or cups which bear no markings other than the social district beverage logo or the name of the business operating the sidewalk café.
- h. At all times the business operator must comply with all other local, state or federal laws, ordinances and regulations, including but not limited to health, safety and welfare rules, laws and regulations.

## Outdoor Display Operation

Businesses utilizing outdoor displays as part of a sidewalk use permit must conform to the following requirements:

- a. Except as permitted by the Planning Director or in conjunction with approved special event permits, it shall be unlawful for any person to obstruct entirely or in part any right-of-way, street or sidewalk of city, by displaying, offering for sale or selling, at auction or otherwise, any goods, wares, or merchandise thereon.

- b. In those circumstances where the building in which a business is located is contiguous with a public sidewalk, merchants and operators of said business may make limited use of the sidewalk in accordance with items classified as temporary display during business hours. In such circumstances, adjacent sidewalks may be used for decoration, display of wares, and/or a portable A-frame sign advertising the business so long as at least a continuous five-foot width of unobstructed sidewalk is accessible. Businesses are prohibited from attaching displays to buildings or awnings.
- c. Advertising and/or displaying signage on benches, umbrellas, or other applicable furniture is prohibited.
- d. Amplified sound equipment and excessive lighting, including but not limited to rapid flashing, moving, and/or excessive brightness, are prohibited. New exterior lighting must be designed to reduce glare or project exclusively onto signage and/or away from the public right-of-way which includes both pedestrian and vehicular traffic areas. Any lighting deemed distracting by the public or by the Planning Director is subject for review.
- e. It shall be unlawful to place any building material upon any public right-of-way without prior permission from the Planning Director or their designee, and then only under such reasonable restrictions as may be prescribed by them for the public safety. For further rules regarding placement of materials, refer to Page 3 *Setback and separation requirements*.

*Additional Requirements for NC Department of Transportation (NCDOT) Streets*

An applicant for a sidewalk use permit on a NC Department of Transportation-maintained street shall meet all separate NCDOT requirements.

# LENOIR SIDEWALK USE GUIDEBOOK AND MANUAL

CITY OF

# LENOIR

NC ★ CREATE WITH US

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# LENOIR'S SIDEWALK USE GUIDEBOOK

## Purpose

The City of Lenoir's Sidewalk Use Guidebook outlines appropriate sidewalk usage in the Municipal Service District (see map on page 13). This manual is supplemental to the Sidewalk Use Ordinance in **Sec. XXX** in the Lenoir Zoning Ordinance and maintained by the Planning Department to clarify and illustrate the concepts contained in the Sidewalk Use Ordinance. While it is intended to provide guidance for commercial use of the public sidewalk, each site is unique, so there may be instances where Planning Staff require additional design interventions or make exceptions. Pedestrian activity, emergency access, or utility-related constraints are examples of unique circumstances that may be considered. In addition to what is included in this manual, business owners and operators must adhere to all local, state, and federal laws.

For business owners to use the sidewalk, business owners must obtain a yearly permit, must be mindful that they are using the public right-of-way, and must ensure that:

- Pedestrian traffic flow and safety are not impeded and ADA standards are met.
- All modifications shall maintain compatibility with and strengthen the historic architectural setting.
- Permitted outdoor spaces shall be kept free of litter, debris, and hazards and maintained in good repair by the business owner

## Types of Sidewalk Use Included in this Guidebook

1. *Sidewalk Café* refers to an outdoor dining area located on or adjacent to a public sidewalk directly adjacent to an eating and/or drinking establishment in the Lenoir Municipal Service District, maintained by the business operator, consisting typically of tables and chairs and authorized decorative and accessory displays and devices as approved by the City of Lenoir Planning Department on an annual basis. Sidewalk cafes are further classified into permanent and temporary, based on the design of the permitted area, sidewalks where they can operate, and whether they are removed off of the sidewalk at close of business.
2. *Outdoor display* refers to items that are placed in the public right-of-way which may be in the form of permanent uses such as, but not limited to planters, benches, and other stable furniture, and temporary uses such as storefronts, shelving, and A-frame signs.

## Types of Sidewalk Uses Not Included in this Guidebook

- Food Trucks/Food Carts
- Mobile Vendors
- Special Event Permits
- Streeery/Parklets (use of on-street parking)
- Outdoor Dining on Private Property



## APPLICATION PROCESS

To apply for a sidewalk café or an outdoor display, businesses must submit the Sidewalk Use application to the Lenoir Planning Department.

Application materials required for sidewalk cafes and outdoor displays:

1. Identification of whether the business will be applying for a sidewalk café or outdoor display
2. Name, address, phone number, and email address for the business operator(s)
3. The proposed location of the sidewalk use(s)
4. A diagram illustrating the placement of tables, chairs, walkway area, location of entrances and exits to the restaurant with dimensions, or, a diagram illustrating the placement of outdoor displays clarifying if they are permanent or temporary. The diagram must include evidence of a five-foot wide unobstructed walkway.
5. Documentation of public liability insurance in the amount of \$1,000,000 insuring against personal injury, wrongful death, and property damage, including the city as a party insured and insuring the city against any liability resulting from the uses permitted pursuant to this article.
6. Copies of all permits and licenses showing required approvals by the county health department and any other applicable regulatory agencies.
7. Consent to enter into a hold-harmless agreement with the city.
8. The application fee required at the time of application to cover the costs of processing and researching the application, and subsequently issuing the permit once requirements are met.
9. Other information deemed necessary by the Planning Director.

### Permit Terms

- Sidewalk café permits are subject to City Council review and approval. Outdoor displays are subject to review and approval by the Planning Department.
- Both types of sidewalk use permits are subject to initial approval following submittal of a complete application, and re-approval annually in January of the following year. Permit renewal applications must be submitted by January 1 each year to the Planning Department. Once issued, a permit shall be valid from the date of issuance through the subsequent December 31st.
- Permit holders must:
  - keep current all licenses and permits required for business operations.
  - agree to keep and maintain for the duration of the permit general liability insurance.
  - undergo annual site inspections and inspections at any time.
  - be liable for all damages repairs to the streetscape, sidewalks, streets, and other amenities that directly relate to the use of the permitted space.
  - remove all components of permitted space upon permit non-renewal or termination of the permitted business.
- Sidewalk use permits are non-transferrable.
- Any costs incurred by the City for removal or storage of tables, chairs, and other structures shall be the responsibility of the business. The City is not responsible for any damages or loss of equipment.

## SETBACK AND SEPARATION REQUIREMENTS

The placement of obstructions must leave at least five feet of unobstructed paved space of sidewalk, excluding the curb, bricked utility area, or city planter, measured from any permanent or temporary sidewalk use object for the passage of pedestrians.

- **On sidewalks at least twelve (12) feet in width, excluding the curb, the maximum distance that obstruction may be placed from the wall or front of the place of business shall be 36 inches (three feet).**
  - **On sidewalks at least seven (7) feet in width but less than twelve (12) feet in width, excluding the curb, the maximum distance that the obstruction may be placed from the wall or front of the place of business shall be 24 inches (two feet).**
  - **On sidewalks less than seven feet in width, excluding the curb, no obstructions shall be placed on the sidewalks or streets.**
1. Tables, chairs, and other furnishings shall be placed a minimum of six feet from any vehicular travel lane.
  2. In accordance with North Carolina Fire Code, no fire exits or lanes may be blocked and must remain clear at all times.
  3. The placement of obstructions shall not impede any alleyway, driveway, building entrance or exit, sight triangle, emergency entrance or exit, fire hydrant or standpipe, ventilation areas, utility access, or ramps necessary to meet accessibility requirements under the Americans with Disabilities Act (ADA).
  4. Obstructions shall not impede any public infrastructure or amenities, such as trash receptacles, benches, bicycle racks, utility poles or other similar objects. A three-foot buffer must be established between sidewalk use items and public amenities.
  5. Public infrastructure and amenities placed by the City of Lenoir, NCDOT, or any other governmental agency are exempt from setback and separation requirements of this subsection, provided that Americans with Disabilities Act and applicable Building Code requirements are duly met.
  6. Temporary objects placed as part of a permitted special event are exempt, provided that the setback and separation requirement of this section are met.

# Setbacks and Separation Requirements For sidewalks less than 7' wide

## Downtown Buildings

5'-wide unobstructed sidewalk as required by ADA



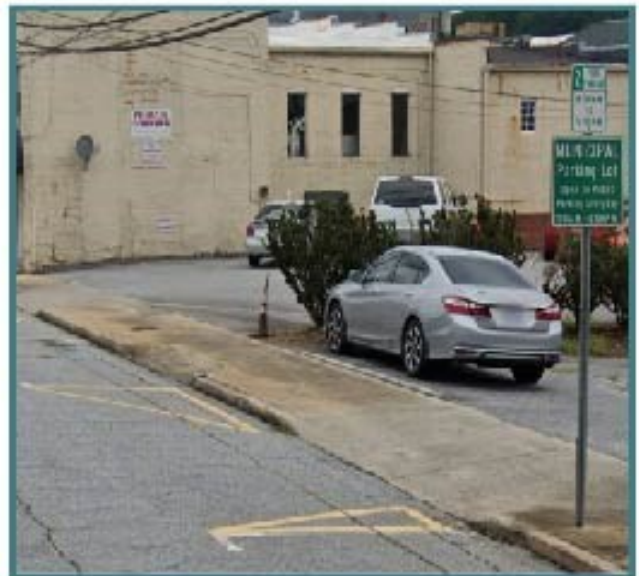
No eligible area for outdoor use



A-Frame signs only along remaining clearance



Harper Avenue and Main Street Intersection



Ashe Avenue (South Sidewalk)

These sidewalks are too narrow for sidewalk cafes or outdoor displays; only A-Frame signs will be approved.

## Sidewalk Segments Under 7'

Ashe Ave (South)

Downum St

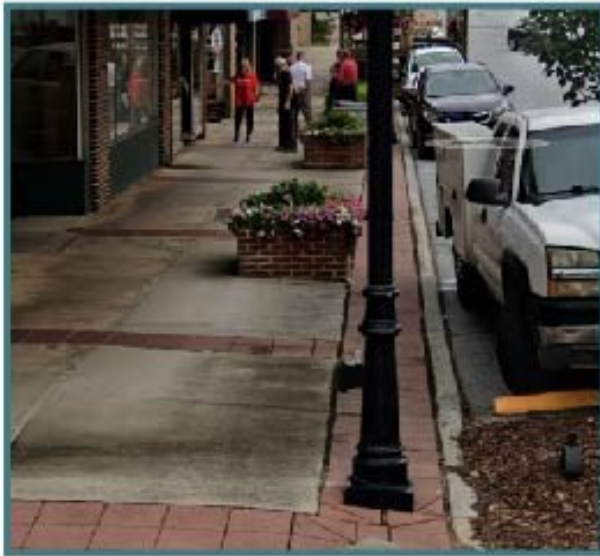
Harper Ave - Church to Mulberry

West Ave - Downum to Willow

Willow St - Harper to College (East)

Harper Ave - Boundary to Willow

## Setbacks and Separation Requirements For sidewalks 7-12' wide



**Main Street and Harper Avenue Intersection**



**Church Street between Harper and West**

These sidewalks are wide enough for outdoor displays and A-Frame signs; sidewalk cafes will not be approved.

### Sidewalk Segments between 7 - <12

Ashe Ave (North)

Boundary St

Church St

Harper Ave - Mulberry to Ridge

Main St - Harper to West

Mulberry St

N Main St - West to Ashe (West)

West Ave - Ridge to Main

Willow St - Harper to College (West)

Willow St - West to Harper

West Ave - Main to Boundary (South)

# Setbacks and Separation Requirements

## For sidewalks over 12' wide

### Downtown Buildings

Eligible area for outdoor display or temporary sidewalk cafe (maximum 3' wide)

5'-wide unobstructed sidewalk as required by ADA



A-Frame signs only along remaining clearance



North Main Street



West Avenue

These sidewalks are wide enough for temporary sidewalk cafes, outdoor displays, and A-Frame signs; permanent sidewalk cafes are not allowed.

## Sidewalk Segments between 12-14.999'

N Main St - West to Ashe (East)

West Ave - Boundary to Willow (South)

# Setbacks and Separation Requirements

## For sidewalks over 15' wide

### Downtown Buildings

Eligible area for outdoor use OR sidewalk cafe with permanent barrier

Permanent Barrier for Sidewalk Cafe

5'-wide unobstructed sidewalk as required by ADA



A-Frame signs only along remaining clearance



### West Avenue and Church Street Intersection

The north side of West Avenue between Main Street and 1002 West Avenue allows for all sidewalk uses

## Sidewalk Segments Over 15'

### West Ave - Main to Lenoir PD - North

## SIDEWALK CAFE OPERATION

Operation of a sidewalk café shall conform to the following requirements:

- a. All tables, chairs and other items shall be placed so as to not present a sight hazard to vehicular traffic or a hazard to pedestrians. Use of public amenities such as city benches or seats is prohibited. Further, tables and chairs used for sidewalk cafe operation shall be constructed and utilized so as to protect the public safety. Furniture material must be of a commercial grade for outdoor use, sturdy, safe, of quality workmanship, must be consistent and complementary to the business operator's property, and must not be out of character with the business district where the furniture will be located. Non-sturdy furniture and other items shall be removed at the end of the business day. All outdoor dining furniture shall be movable.
- b. A physical barrier separating the permitted area from the unobstructed contiguous sidewalk, is required for permanent sidewalk cafes, as approved in the permitting process.
- c. For temporary sidewalk cafes, the tables, chairs, umbrellas, cushions, and other items, excepting planters and sturdy furniture, shall be removed at the end of each day's operation or during the period of the year when the temporary sidewalk café ceases operation. No materials shall be stored in the public right-of-way and the sidewalk must be restored to its normal condition.
- d. The business operator shall maintain in a clean and sanitary manner all areas where sidewalk cafes or outdoor displays are present, including maintaining appropriate trash receptacles, sweeping on a daily basis the full right-of-way where displays are located and immediately cleaning and washing any liquid, food, debris, broken glass and other trash from the right-of-way.
- e. Overnight storage of trash and refuse for the sidewalk cafe shall not be permitted within the outdoor dining area or on adjacent sidewalk areas, and the business operator shall remove all trash and litter as it accumulates.
- f. The business operator shall agree to cease part or all sidewalk uses in order to allow for construction, maintenance, or repair of any street, sidewalk, utility, or public building, by NCDOT, the city, its agents or employees, or by any other governmental or public entity.
- g. Notwithstanding any other provisions of this Code, alcoholic beverages may be served in approved sidewalk cafes provided that the following requirements are met:
  1. The sidewalk cafe shall be part of an eating and/or drinking establishment and shall otherwise be authorized, permitted, or licensed under the state law and City of Lenoir Code to serve and sell alcoholic beverages for on-premises consumption.
  2. The sidewalk cafe must be included as part of the premises for which an ABC permit is issued pursuant to state law for the purpose of applying and enforcing state laws regarding the sale or consumption of alcoholic beverages, and/or display an official social district participating business sign in a visible location during the times when the social district is active. A customer may not bring an alcoholic beverage into a non-permittee business that does not display the social district sign.
  3. Signs shall be posted, visible at all exit points from the sidewalk cafe, that it is unlawful to remove alcoholic beverages from the premises, unless sold under social district standards.
  4. The business shall not have violated any law, regulation, or ordinance relating to the possession, sale, transportation or consumption of intoxicating beverages or controlled substances for the three years preceding the commencement of the sale of alcoholic beverages at the sidewalk cafe.
  5. No outdoor bar is allowed within the sidewalk cafe, nor shall outdoor preparation of alcoholic beverages be permitted except that wine may be decanted or beer poured at a table.
  6. Any alcoholic beverages served and consumed at an approved sidewalk cafe must be served and consumed in glasses or cups which bear no markings other than the social district beverage logo or the name of the business operating the sidewalk café.
- h. At all times the business operator must comply with all other local, state or federal laws, ordinances and regulations, including but not limited to health, safety and welfare rules, laws and regulations.

## OUTDOOR DISPLAY OPERATION

Businesses utilizing outdoor displays as part of a sidewalk use permit must conform to the following requirements:

- a. Except as permitted by the Planning Director or in conjunction with approved special event permits, it shall be unlawful for any person to obstruct entirely or in part any right-of-way, street or sidewalk of city, by displaying, offering for sale or selling, at auction or otherwise, any goods, wares, or merchandise thereon.
- b. In those circumstances where the building in which a business is located is contiguous with a public sidewalk, merchants and operators of said business may make limited use of the sidewalk in accordance with items classified as temporary display during business hours. In such circumstances, adjacent sidewalks may be used for decoration, display of wares, and/or a portable A-frame sign advertising the business so long as at least a continuous five-foot width of unobstructed sidewalk is accessible. Businesses are prohibited from attaching displays to buildings or awnings.
- c. Advertising and/or displaying signage on benches, umbrellas, or other applicable furniture is prohibited.
- d. Amplified sound equipment and excessive lighting, including but not limited to rapid flashing, moving, and/or excessive brightness, are prohibited. New exterior lighting must be designed to reduce glare or project exclusively onto signage and/or away from the public right-of-way which includes both pedestrian and vehicular traffic areas. Any lighting deemed distracting by the public or by the Planning Director is subject for review.
- e. It shall be unlawful to place any building material upon any public right-of-way without prior permission from the Planning Director or their designee, and then only under such reasonable restrictions as may be prescribed by them for the public safety. For further rules regarding placement of materials, refer to Page 3 *Setback and separation requirements*.

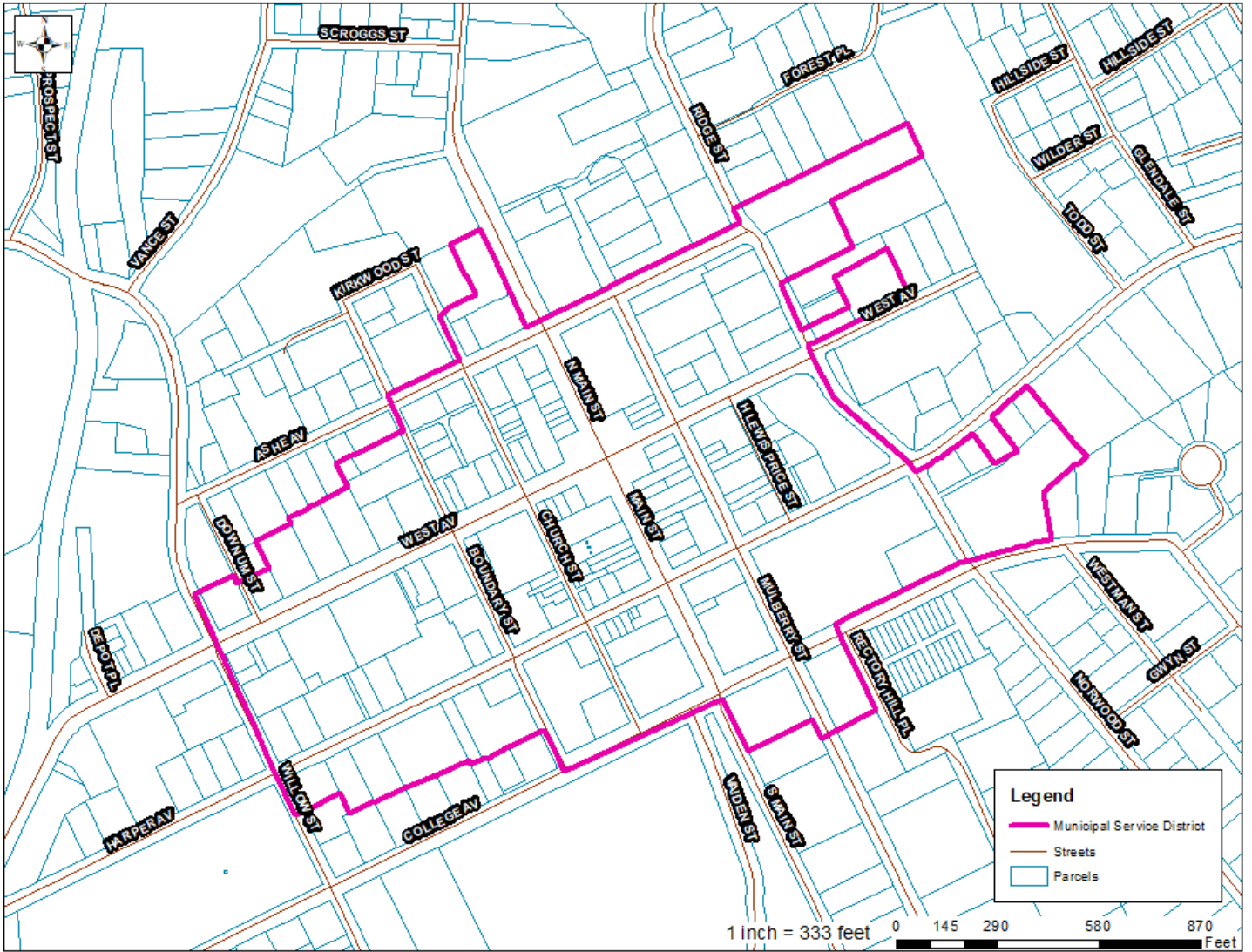


## APPROPRIATE SIDEWALK FURNITURE, BARRIERS, AND PLANTERS

1. Tables, chairs, and other furnishings must be constructed predominantly of metal (aluminum, steel, wrought iron, etc.).
2. Commercial umbrellas must be made with outdoor fabric and a metal or commercial grade plastic stand. Advertising messages may not be displayed from tables, chairs, umbrellas, or other furnishings. Umbrellas must provide a height clearance of at least 6 1/2 feet from the lowest point of their canopy.
3. Sidewalk café stanchions/posts constructed of metal (aluminum, steel, wrought iron, etc.), wood (wood must be painted or stained, railings that are steel chain coated with black plastic, heavy duty black plastic chain, heavy duty black rope or black velour rope), or commercial grade planters must be installed to identify the designated sidewalk café area.



# LENOIR'S MUNICIPAL SERVICE DISTRICT



08/15/2025 - 10/1/2025

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

2025243	8/27/2025		Katie Brummett	8/28/2025	Temporary Banner 8x4. To be removed after CAROLINA TATTOO AND ARTS GATHERING	1048 HARPER AV

**Group Total: 1**

**Group: Accessory**

2025267	9/30/2025	Accessory	Jeff Torres	9/30/2025	25 x 45 Storage Building	
2025259	9/17/2025	Accessory	Jay Eversole	9/17/2025	Accessory Structure	BROADWAY ST
2025254	9/11/2025	Accessory	Rasjeed Alnagar	9/11/2025	Accessory Structure	804 TIFFANY PL
2025252	9/9/2025	Accessory	Crestview Baptist Church (Jeff Roland)	9/9/2025	storage building	1593 ECHO DR
2025231	8/26/2025	Accessory	Kayla Gray	8/26/2025	Construction of an inground pool	1215 WINTER PL
2025225	8/21/2025	Accessory	Charles Bounds	8/21/2025	12x28 storage/utility shed	406 GEORGETOWN RD NE

**Group Total: 6**

**Group: Driveway**

2025264	9/24/2025	Driveway	Bonnie Smith	9/24/2025	Driveway	505 CLINGMAN CT
2025250	9/2/2025	Driveway	Colin Brown	9/2/2025	Driveway	368 Abington Rd
2025237	8/26/2025	Driveway	LC Builder and Investments LLC	8/26/2025	driveway	1223 FALL DAY CR
2025236	8/26/2025	Driveway	LC Builder and Investments LLC	8/26/2025	driveway	1213 FALL DAY CR

2025235	8/26/2025	Driveway	LC Builder and Investments	8/26/2025	driveway	1209 FALL DAY CR
2025229	8/25/2025	Driveway	Leandro Pereira	8/25/2025	driveway	232 Wilson St
2025228	8/22/2025	Driveway	Hoel Services	8/22/2025	Driveway	747 CHATSWORTH CR

**Group Total: 7**

**Group: Floodplain Development**

2025262	9/22/2025	Floodplain Development	Rick Allen	9/17/2024	addition to church	1317 WAKEFIELD DR
2025255	9/11/2025	Floodplain Development	Jay White	9/16/2025	3 utility poles	GERMAN ST

**Group Total: 2**

**Group: Manufactured Home**

2025260	9/17/2025	Manufactured Home	Mario Barrera		Manufacture home single wide replacement	607 JASON PL

**Group Total: 1**

**Group: Multifamily**

2025253	9/10/2025	Multifamily	Jamal Gilmer	9/10/2025	Duplex	1632 HARPER AV NW

**Group Total: 1**

**Group: Non-residential**

2025227	8/21/2025	Non-residential	Tonya Yates Amelia	8/26/2025	Exterior renovation/restoration	1057 WEST AV

**Group Total: 1**

**Group: Permanent Sign**

2025265	9/29/2025	Permanent Sign	Nian W Avery	9/29/2025	New business post sign	601 COLLEGE AV
2025261	9/18/2025	Permanent Sign	O'Burns Holdings Inc	9/18/2025	Permanent Sign	1381 HIBRITEN DR
2025256	9/12/2025	Permanent Sign	Haithm Saleh	9/24/2025	Permanent Signs	217 NORTH MAIN ST
2025251	9/3/2025	Permanent Sign	Frye's Sign Company	9/16/2025	Create & install one 8 ft x 10 ft sandblasted sign.	2584 HICKORY BV

					Flush mount to front of building.	
2025249	9/2/2025	Permanent Sign	Travis Greene		BILLBOARD	1829 BLOWING ROCK BL

**Group Total: 5**

**Group: Single Family Home**

2025266	9/30/2025	Single Family Home	Jeff Torres	9/30/2025	Single family home	
2025263	9/24/2025	Single Family Home	Bonnie Smith	9/24/2025	Building a single family home	505 CLINGMAN CT
2025257	9/15/2025	Single Family Home	Robert Grigg and Earnest Parker	9/15/2025	Barndominium	527 ROBBINS AV
2025242	8/26/2025	Single Family Home	Legacy Home Builders North Carolina LLC	8/29/2025	New Construction - Single Family Home 1,749 SqFT 3 bed and 2 bath, 1 Garage	2331 MERTS WY
2025241	8/26/2025	Single Family Home	Legacy Home Builders North Carolina LLC	8/29/2025	New Construction - Single Family Home 2103 SqFT 3 bed and 2.5 bath, 1 Garage	2323 MERTS WY
2025240	8/26/2025	Single Family Home	Legacy Home Builders North Carolina LLC	8/29/2025	New Construction - Single Family Home 2103 SqFT 3 bed and 2.5 bath, 1 Garage	2336 MERTS WY
2025239	8/26/2025	Single Family Home	Legacy Home Builders North Carolina LLC	8/29/2025	New Construction - Single Family Home 2103 SqFT 3 bed and 2.5 bath, 1 Garage	2332 MERTS WY
2025238	8/26/2025	Single Family Home	Legacy Home Builders North Carolina LLC	8/29/2025	New construction - Single family home 1749sf	2335 MERTS WY
2025234	8/26/2025	Single Family Home	LC Builder and Investments LLC	8/26/2025	SFH	1223 FALL DAY CR
2025233	8/26/2025	Single Family Home	LC Builder and Investments LLC	8/26/2025	SFH	1213 FALL DAY CR

2025232	8/26/2025	Single Family Home	LC Builder and Investments LLC	8/26/2025	SFH	1209 FALL DAY CR
2025230	8/25/2025	Single Family Home	Leandro Pereira	8/25/2025	1440 SF SFH	232 Wilson St
2025226	8/21/2025	Single Family Home	sweet mango builders		new construction residential	747 CHATSWORTH CR
2025224	8/19/2025	Single Family Home	Davis Massey		SFH	0 NORWOOD ST (OFF)
2025223	8/18/2025	Single Family Home	Colin Brown	8/18/2025	SFH	368 Abington Rd

Group Total: 15

Group: Temporary Advertising

2025258	9/17/2025	Temporary Advertising	Sandy Austin	9/17/2025	Temporary banner for Jackson Hewitt Tax Service	845 BLOWING ROCK BV

Group Total: 1

Group: Zoning Verification

2025248	8/28/2025	Zoning Verification	Christina Surprenant	8/28/2025	zoning verification	462 ARLINGTON CR
2025247	8/28/2025	Zoning Verification	Christina Surprenant	8/28/2025	zoning verification	516 ARLINGTON CR
2025246	8/28/2025	Zoning Verification	Christina Surprenant	8/28/2025	zoning verification	ARLINGTON CR
2025245	8/28/2025	Zoning Verification	Christina Surprenant	8/28/2025	zoning verification	ARLINGTON CR
2025244	8/28/2025	Zoning Verification	Christina Surprenant	8/28/2025	zoning verification	ARLINGTON CR

Group Total: 5

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Total Records: 45

10/1/2025