

1. Agenda Packet

Documents:

[APRIL 2, 2019 AGENDA PACKET.PDF](#)

2. Meeting Materials

Documents:

[TRIP GENERATION FOR KATTZ CORNER APARTMENTS, DAVENPORT
PROJECT NUMBER 190207.PDF](#)
[MARKET STUDY, MARCH 11, 2019, KATTZ CORNER.PDF](#)
[AFTER ACTION MEMORANDUM.PDF](#)



AGENDA

**CITY OF LENOIR
CITY COUNCIL MEETING
905 WEST AVENUE
TUESDAY, APRIL 2, 2019
6:00 P.M.**



I. CALL TO ORDER

- A. Moment of Silence & Pledge of Allegiance
- B. Mayor Gibbons will present a proclamation to Ms. Lauren Hart, who will accept the proclamation on behalf of Catawba Valley Realtors Association, proclaiming the month of April as "Fair Housing Month" throughout the City of Lenoir and Caldwell County.
- C. Brent Phelps, Chief of Police, will present the Police Department's Annual Report for 2018.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council Meeting of Tuesday, March 19, 2019, as submitted.
- B. Change Order No. 3; Water Treatment Plant: Staff recommends approval of Change Order No. 3 as recommended by McGill Associates for the Water Treatment Plant Improvements Project to reflect a net deduction in the contract amount of \$82,280.15.
- C. Resolution; General Records Retention and Disposition Schedule: Approval of a resolution adopting the updates to the General Retention and Disposition Schedule as requested by the North Carolina Department of Cultural Resources.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

- 1. A Cruise-In Event is scheduled for Saturday, April 6 at 4:00 p.m. in downtown Lenoir.
- 2. The City/County Services Committee will meet on Monday, April 8 at 11:45 a.m.
- 3. The Caldwell County Economic Development Commission will meet on Tuesday, April 9 at 8:00 a.m.
- 4. The Lenoir Tourism Development Authority will meet on Thursday, April 11 at 4:00 p.m.

5. The Lenoir Business Advisory Board will meet on Thursday, April 11 at 6:00 p.m.
6. The NC Gravity Games sponsored by Google will be held on Saturday, April 13 from 9:30 a.m. – 3:00 p.m. in downtown Lenoir.
7. The ABC Board will meet on Tuesday, April 16 at 2:00 p.m. at Lenoir Store #1 located at 115 ABC Court.
8. The Mayor's Breakfast in conjunction with the National Day of Prayer will be held on Thursday, May 2 at Lenoir Presbyterian Church located at 1002 Kirkwood Street. Tickets are \$10.00 each and will be available at City Hall.

B. Items for Council Action

1. A quasi-judicial public hearing was held on Tuesday, March 19, 2019 for City Council to consider a Conditional Use Permit as submitted by MC Morgan & Associates, Inc. for property located at 316 Lower Creek Drive. **Note: This item was tabled for Council Action until the City Council Meeting of Tuesday, April 2, 2019 in order to allow City Council additional time to review the application.** This request is for property located between Tywood Street and Eastover Circle, NCPIN#2759488961 and NCPIN#2759488577. The applicant is requesting a Conditional Use Permit for a 68-unit apartment complex in the R-9 and B-2 zoning districts. Staff recommends approval subject to the following conditions:
 1. The development shall substantially comply with the site plan on page 8 of the staff report, inclusive of staff's additional notes and clarifications. The maximum number of units shall be 68.
 2. The sidewalk along Lower Creek Drive will be 8' wide and straightened for accessibility. A pedestrian connection must be provided from the sidewalks along Lower Creek Drive to the internal pedestrian network.
 3. The smaller parcel (NCPIN#2759488577) will be recombined with the larger tract (NCPIN# 2759488961), in compliance with City of Lenoir zoning and subdivision regulations, prior to permitting.
 4. The vegetative buffer will be a minimum of 20' wide along the northwestern side property lines where adjacent to single-family residential properties.
 5. The architectural standards for articulation through the provision of architectural features as well as the standards for materials and parking lot landscaping found in Section 714 of the Zoning Ordinance shall apply to the entire site, not just the B-2 zoned portions. Primary facades shall be any façade that is visible from Lower Creek Drive or adjacent residential properties.
 6. Dumpsters shall be screened on all sides with dumpster enclosures finished to match the principal buildings.
 7. All lighting shall be fully cut-off and shielded so as to eliminate/minimize light spill-over onto adjacent residential properties.
 8. Signage on Lower Creek Drive shall use exterior illumination only (no internal illumination). Exterior lighting shall be directed at the sign face and be fully shielded to prevent light spill-over onto neighboring residential properties.
 9. Valid permits must be obtained for this project and all construction must meet the requirements of the City of Lenoir Code of Ordinances, the North Carolina State Building Code, the North Carolina State Fire Code, and any other federal, state, or local regulation that applies.

10. If a building permit has not been issued within 24 months of the adoption of the Conditional Use Permit, the approval shall be considered null and void.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

- A. Mayor Gibbons will announce for the general public a list of individuals for appointment/re-appointment to the City's Authorities/Boards/Commissions.

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

X. ADJOURNMENT



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

CITY COUNCIL
J. T. BEAL
T. H. PERDUE
J. I. PERKINS
T. J. ROHR
D. F. STEVENS
C. D. THOMAS
B. K. WILLIS

PROCLAMATION

FAIR HOUSING MONTH

WHEREAS, April 11, 2019 marks the 51st anniversary of the passage of the U.S. Fair Housing Law, Title VIII of the Civil Rights Act of 1968, as amended, which enunciates a national policy of Fair Housing without regard to race, color, creed, national origin, sex, familial status, and handicap, and encourages fair housing opportunities for all citizens; and

WHEREAS, the Catawba Valley Association of Realtors is committed to highlighting the Fair Housing Law, Title VIII of the Civil Rights Act of 1968, by continuing to address discrimination in our community, supporting programs that will educate the public about the right to equal housing opportunities, and planning partnership efforts with other organizations to help assure every American of their right to fair housing.

NOW, THEREFORE, I, Joseph L. Gibbons, Mayor of the City of Lenoir, North Carolina, and on behalf of the Lenoir City Council, do hereby resolve that April 2019, being *Fair Housing Month*, begins a year-long commemoration of the U.S. Fair Housing Law in the City of Lenoir and urge all citizens to wholeheartedly recognize this celebration throughout the year.

Adopted this the 2nd day of April, 2019.

SEAL

Joseph L. Gibbons, Mayor

ATTEST:

Shirley M. Cannon, City Clerk



2018

Annual Report Overview

Credit: Debbie Debaeremaeker



Full report available at

www.cityoflenoir.com/police

Part 1 Violent Crime

- ▣ **2018: 43 Incidents**
- ▣ **10% Reduction from 2017**
- ▣ **2017: 48 Incidents**
- ▣ **6% Reduction from 2016**
- ▣ **Previous two years have seen a 16% reduction**

Part 1 Property Crime

- ▣ **2018: 883 Incidents**
- ▣ **12% Increase from 2017**
- ▣ **Largest increase was Motor Vehicle Thefts**
- ▣ **All surrounding agencies experienced increases**
- ▣ **Investigators worked with CCSO, Hudson PD, Granite PD, Hickory PD, NC License & Theft.**

Police Activity

- **Communications Center**
 - 35,286 Phone Calls**
 - 5,113 911 Calls**
 - 46,916 Processed CAD Calls**
- **Patrol Division**
 - 31,575 Police Service Calls**
 - 13,121 Property Checks**
 - 865 Call Follow-Ups**
- **Investigations Division**
 - 1,286 Criminal Cases**
 - 382 Nuisance Cases**
 - 3,649 Evidence Items (39,171)**

Police Activity

- **Criminal Charges**
 - 4,288 Felony & Misdemeanor
 - 402 Drug Related
 - 80 Alcohol Related
- **Traffic**
 - 1,055 PD Crashes
 - 147 PI Crashes
 - 6 Fatalities from 5 incidents
 - 4,682 Vehicle Stops
 - 3,296 Charges / 1,909 Warnings
- **Seized/Recovered**
 - \$905,784 Stolen Property
 - \$130,177 Drugs
 - \$20,351 Drug Cash & Property

Police Activity

- **Other Investigations**

32 Drug Overdoses

38 Deaths – 6 OD

15 Naloxone Uses – 9 Saves

21 Backgrounds

16 ABC Permits

491 Crimestoppers Tips

11 Polygraphs

- **Use of Force**

56 Incidents

- **Extra Duty**

473 Projects

3,277 Man-Hours (1.5 FTE)

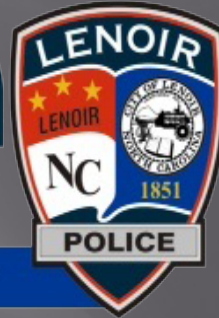
Departmental Training

- ▣ **2018: 11,298 hours of Structured Training**
- ▣ ***“Train your people so they are prepared and equipped to leave, but Treat them good enough that they want to stay!”***



Hear

helping elevate awareness and responsibility





LENOIR POLICE

NORTH CAROLINA



COME JOIN OUR TEAM

- EXCELLENT BENEFITS
- EXCEPTIONAL EQUIPMENT & TRAINING OPPORTUNITIES
- EDUCATION INCENTIVES
- EARN WHILE YOU LEARN TRAINEE PROGRAM
- TAKE-HOME VEHICLE POLICY
- MULTIPLE CAREER OPTIONS:
 - *PATROL
 - *EMERGENCY COMMUNICATIONS
 - *TRAFFIC ENFORCEMENT
 - *SCHOOL-BASED PROGRAMS
 - *CRIMINAL INVESTIGATIONS
 - *SPECIAL RESPONSE TEAM

WWW.CITYOFLENOIR.COM

COURAGE - CHARACTER - ACCOUNTABILITY



Agency Updates

- ▣ **National Incident Based Reporting System (NIBRS)**
- ▣ **Evidence Room – intake & backlog, tracking system.**
- ▣ **Off duty software**
- ▣ **Alarm ordinance implementation**
- ▣ **Policy review by leadership team**

Full report available at

www.cityoflenoir.com/police

QUESTIONS???

LENOIR POLICE

2018

ANNUAL REPORT



www.cityoflenoir.com/police

Brent Phelps, Chief of Police

828-757-2156 (office)

bphelps@ci.lenoir.nc.us



Couby Stilwell, Criminal Investigations Division Commander

828-757-2104 (office)

cstilwell@ci.lenoir.nc.us



Brian Smith, Support Services Division Commander

828-757-2155 (office)

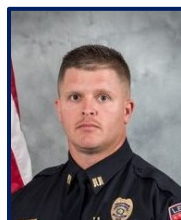
bsmiths@ci.lenoir.nc.us



Andy Wilson, Patrol Division Commander

828-757-2125 (office)

awilson@ci.lenoir.nc.us



Communications Center

24/7

Non-Emergency 828-757-2100

Emergency 911

Records Section

M-F 8:00 AM - 5:00 PM

828-757-2147

828-757-2103 (fax)

LT Brett Ingram

Patrol – A Platoon Commander

828-757-2141

bingram@ci.lenoir.nc.us



LT Jody Herman

Patrol – B Platoon Commander

828-757-2148

jherman@ci.lenoir.nc.us



LT Chris Mills

Community Svcs. – C Platoon Commander

828-757-2144

cmills@ci.lenoir.nc.us



LT Mark Barlowe

Criminal Investigations

828-757-2115

mbarlowe@ci.lenoir.nc.us



LT Chris Robinson

Training Coordinator

828-757-2150

crobinson@ci.lenoir.nc.us



From the Office of the Chief of Police

Brent Phelps

I am proud to present this Annual Report on behalf of the dedicated men and women of the Lenoir Police Department. It is our goal that you find this information to be useful and informative.

During 2018, our Department has experienced a great deal of change internally. Our former Chief Scott Brown retired after 32 years of dedicated service to the Law Enforcement profession. This allowed for a Chief's promotional process in which I was honored to be selected to step into this new role for the department and the City of Lenoir. Since August 1, 2018 the department has promoted 9 different supervisors from the rank of Chief to Corporal. We have also been fortunate to have several other members of our department move into new roles of responsibilities for our agency and community. These moves have allowed us to use the talented men and women of this agency to provide the best level of service possible for our community.

The law enforcement profession is constantly changing and we have to strive to excel with every challenge in making them opportunities for growth and development for our department and community. Our core principles of Courage, Character and Accountability guide the decision-making process for our officers. We stress "Going Above and Beyond" with great customer service in every possible situation. Our officer's focus on "treating people like you want your family treated" and they care about "doing the right thing in every situation". Law Enforcement has to work hand in hand with the community on a daily basis to provide safest environment possible. We care about our community because we are members of our community.

As you review the information in this year's report, please feel free to contact myself or any member of our Leadership team if you have any questions, comments or concerns. We will do our best to address them.



Wall Calendar Photo for 2019 in support of the "Book bags for Kids" program - published by Royce Publications

Highlights for the Year 2018

Support Services:

- Chief Scott Brown retired under the Local Government Retirement System; he had over 30 years of law enforcement experience.
- With over 22 years of experience, Support Services Captain Brent Phelps was promoted to Police Chief. Training Lieutenant Brian Smith was promoted to Support Services Captain.
- Other supervisory promotions and transfers during the year include Patrol Lieutenant Chris Robinson to Training Coordinator, Investigations Sergeant Greg Snider to Logistics, and Master Telecommunicator Dustin Eller to Telecommunications Supervisor.
- IT Specialist Phil Hearon was voted Employee of the Year by department members.
- Support Services received the highest division score for Top Gun during In-Service Firearms and will have the honor of displaying the Trophy during 2019.
- Telecommunicators were recognized during National Telecommunicators Appreciation Week.
- The Records Management System and Computer Aided Dispatch were upgraded to version 18, in anticipation of the NIBRS conversion.
- The department transitioned from UCR Reporting to the new state mandated NIBRS program for reporting crime statistics.
- A security gate was installed around the inner parking lot of the department.
- All department and mobile computers were upgraded with the state's TraCS 10 version 7.1 program for reporting traffic crashes.
- Department members participated and/or assisted with a number of activities during the year to include: Customer Service Committee, Communication Team, Police Community Partners, Chat with a Chief, downtown events, assessment boards, mentoring, Crywolf program, and luminary.
- Chief Brent Phelps continues to serve as an advisor on the Shelter Home of Caldwell County Board of Directors, a member of the Robin's Nest Children's Advocacy Center Board of Directors, as well as the Domestic Preparedness Region 8 Team, Caldwell County Incident Management Response Team and in June of 2018 was voted in by his peers as the 3rd Vice President for the North Carolina FBINAA Chapter.
- Captain Brian Smith, recently promoted to Support Services Commander, began attending Board of Director meetings at the Shelter Home and submitted an application for board appointment.

Criminal Investigations Division:

- Supervisory promotions and transfers during the year include Eddie Keefer to Lieutenant and John Howard to Sergeant. Telecommunications Supervisor Danielle Gainey accepted a full-time position as Crime Analyst.
- The following employee received the Advanced Law Enforcement Certificate from NC Criminal Justice Training and Standards Commission: Stella Coffey.
- Senior Detective Sherry Beavers was voted as Officer of the Year by department members.
- Captain Couby Stilwell received the Top Gun Award for best Individual Firearms score for 2018.
- A total of 5 “Take Back / Operation Medicine Drop” events were held during the year, resulting in a collection of 21 pounds of expired/unused medication. 2 of these events were held in conjunction with the DEA initiative and took place at Foothills and CVS pharmacies. The other 3 were requested by Bernhardt Furniture Industries in conjunction with the Caldwell Project Lazarus initiative. In addition, the permanent medicine drop box in the lobby took in 351.5 pounds.
- Department members participated and/or assisted with the Lenoir/Caldwell County Crime Stoppers coordination and fundraising efforts.
- Department members participated and/or assisted with the Robin’s Nest Children’s Advocacy Center board meetings and fundraising efforts, as well as multi-disciplinary team meetings, Toys for Tots, Back-Packs for Kids, Caldwell Project Lazarus, Cops-in-Shops, Internships, Task Force, SRT, opioid crisis presentations, domestic violence training, bait car, knock-and-talk, and other events and activities throughout the year.
- Lieutenant Mark Barlowe served on the Caldwell County Child Protection/Child Fatality Prevention Team.
- Sergeant Eddie Keefer served as a non-voting member of the ABC Board.
- Captain Couby Stilwell served on the Robin’s Nest Multi-Disciplinary Team and continued his roles as Coordinator for the Lenoir / Caldwell County Crime Stoppers and Co-Coordinator for the Caldwell County Project Lazarus (Drug Free Caldwell) Coalition. Records Secretary Brooklyn Coffey served as Crime Stoppers Secretary. Lieutenant Mark Barlowe, Part-Time Telecommunicator Shelly Hartley, and Part-Time Reserve Officer Rick Shehan served as Crime Stoppers Associate Board Members.

Patrol Division:

- Supervisory promotions and transfers during the year include Jody Herman and Brett Ingram to Lieutenant, Nathaneal Blache to Traffic Sergeant, Zach Poythress to Sergeant, and Brandon MacLeod to Corporal. David Gragg was selected as new School Resource Officer for Horizons Elementary School, at 100% of the cost financed by the school system.
- The following employees received Law Enforcement Certificates from NC Criminal Justice Training and Standards Commission for Advanced: Zach Poythress, and Intermediate: Tyler Sanders and Mitchell Foust.
- K-9 Officer Justin Reid was voted as Officer of the Year by department members.
- The 13th Annual Citizens Canine Academy was scaled back from 10 to 6 weeks and concluded with 9 participants.
- The 13th Annual Citizens Police Academy was held for 8 weeks and concluded with 16 participants.
- To assist in accident reconstruction and public safety efforts, an unmanned aerial vehicle was purchased with federal forfeiture money.
- The department participated in the Caldwell County Task Force Multi-Agency Enforcement Initiative that was conducted throughout the city and county. Campaigns were coordinated through the Governor's Highway Safety Program and included Seat Belt Enforcement, Booze-It & Lose-It, and Click-It or Ticket.
- Department members participated and/or assisted with the annual National Night Out, turkey giveaway, 4th of July, art in the park, Coffee with a Cop, and Take a Kid Fishing (30 students) events, as well as litter pick up, honor guard detail, K-9 demos, FOP, CORE, neighborhood watch programs, read-across America, various safety fairs, department tours, DARE fundraising efforts, radio spotlights, church security presentations, explorers post, training and a number of other activities throughout the year.
- Captain Andy Wilson served on the Caldwell County Mental Health Work Group, Caldwell County Schools Crisis Management Team, Caldwell County Local Emergency Planning Council, as well as Board Member of the Caldwell Council on Adolescent Health.

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MISSION STATEMENT

It is the mission of the Lenoir Police Department to work in partnership with the community to anticipate, define, and meet the needs of our city in the areas of public safety, community well-being, and law enforcement.

VISION STATEMENT

It is the vision of the Lenoir Police Department to continue our pursuit of excellence by providing the highest quality of police services, enhancing public safety, and improving the quality of life for future generations.

CORE VALUES AND PRINCIPLES

We, as members of the Lenoir Police Department, believe in the **Core Values** of:

- **Mutual Respect** of the unique qualities of each individual who contributes to the overall well-being of our department and the community we serve;
- **Integrity and Ethical Behavior**, serving all people with honesty, compassion, and respect;
- **Open Partnership** between the police and the community;
- **Public Service** to be responsive, courteous, and effective;
- **Professionalism** by staying current with new trends and standards in the field of law enforcement;

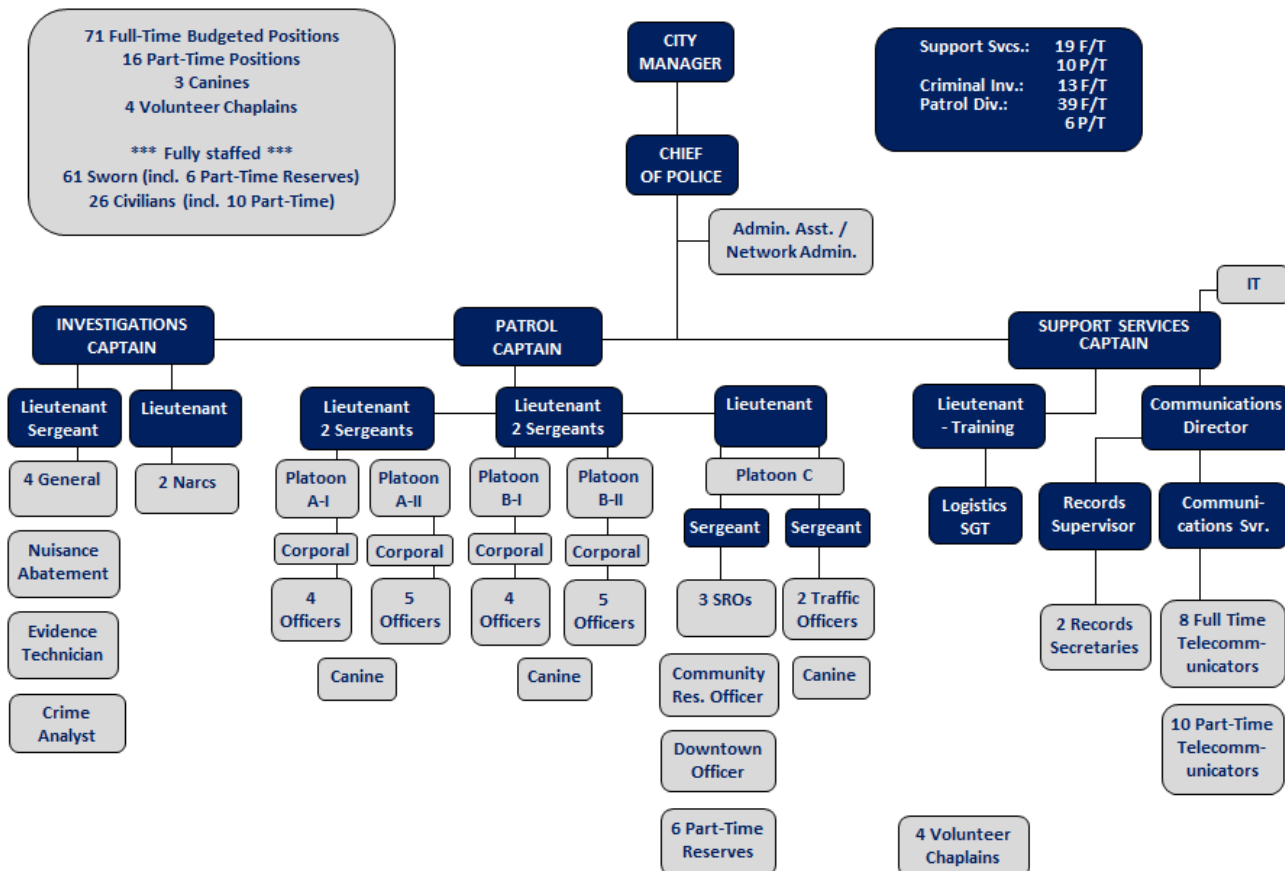
We, as members of the Lenoir Police Department, exercise the **Core Principles** of:

- **Courage** to do what is morally and legally solid, despite fear of criticism, retribution, or physical injury;
- **Character** to serve first, then lead, in a fair, honest, and ethical manner;
- **Accountability** in holding ourselves and our colleagues to an unimpeachable standard of professional behavior and service.

SERVICE ~ JUSTICE ~ FUNDAMENTAL FAIRNESS



Organizational Structure



Support Services		
	Chief	1
	Captain	1
	Lieutenant/Training Coordinator	1
	Sergeant/Logistics	1
	Administrative Assistant / Network Admin.	1
	IT Specialist	1
	Communications Director	1
	Telecommunications Supervisor	1
	Telecommunications Personnel	8
	Telecommunications Personnel (Part-Time)	10
	Records Supervisor	1
	Records Secretaries	2
Full-Time Civilians (15) and Sworn Officers (4)		19
Part-Time Civilians		10
Volunteer Chaplains		4

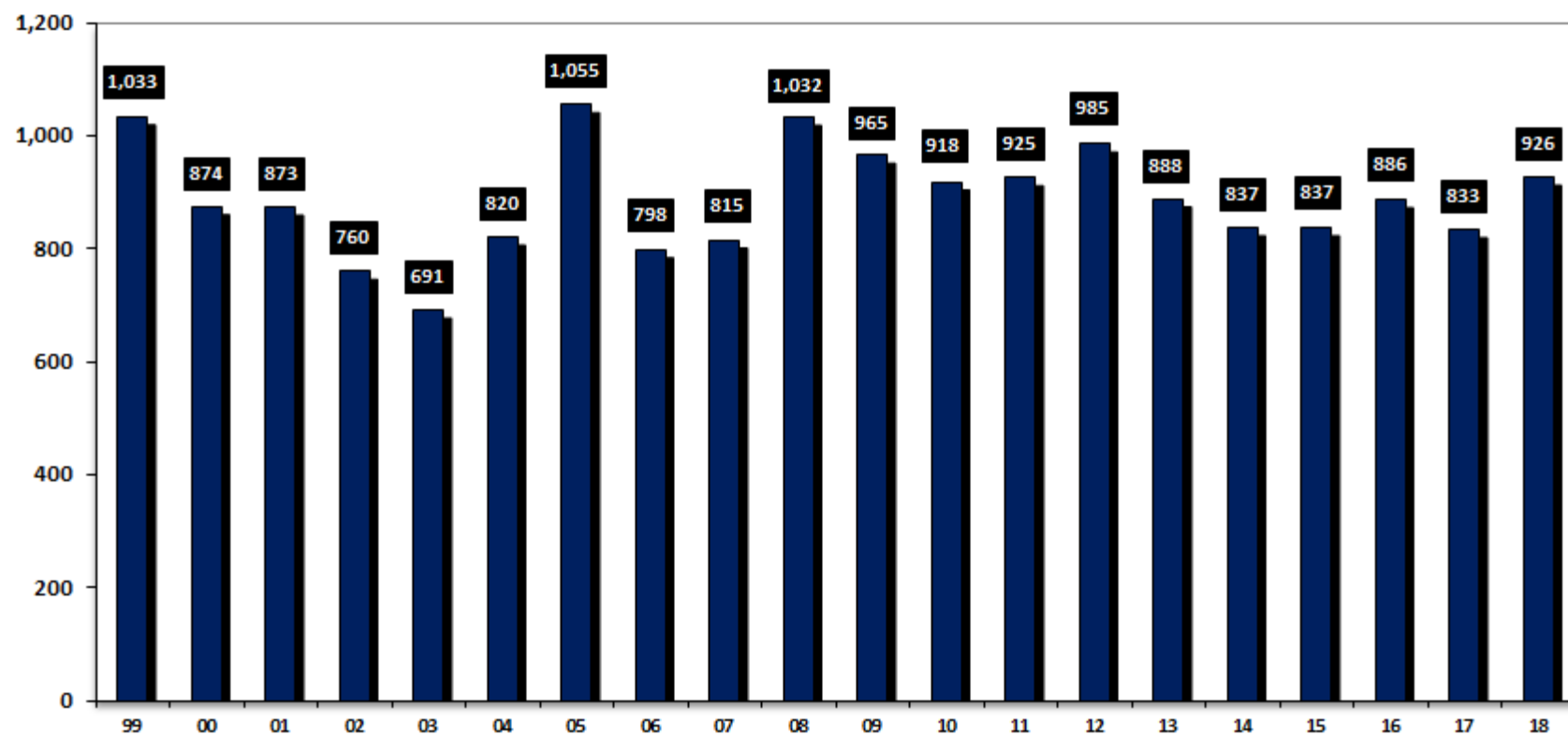
Investigations		
	Captain	1
	Investigations Lieutenants	2
	Investigations Sergeant	1
	General Investigators	4
	Nuisance Abatement Investigator	1
	Narcotics / VICE Investigators	2
	Evidence Technician	1
	Crime Analyst (Full-Time)	1
Full-Time Sworn Investigators (12) and Civilian (1):		13

Patrol Division		
	Captain	1
	Patrol Lieutenants	3
	Patrol Sergeants	6
	Patrol Corporals	4
	Patrol Officers	18
	School Resource Officers ¹	3
	Community Resource Officer	1
	Downtown / Parking Enforcement Officer	1
	Traffic Enforcement Officers	2
	Auxiliary / Reserve Officers (Part-Time)	6
Full-Time Sworn Officers:		39
Part-Time Sworn Auxiliary / Reserve Officers:		6
Canines (Axel, Mato, Cerik):		3

Total Full-Time Positions (16 Civilians, 55 Sworn Officers):		71
Total Part-Time Positions (10 Civilians, 6 Sworn Officers):		16
Canines:		3
Volunteer Chaplains:		4

¹ All three (3) High School, Middle School, and Elementary School SROs' salary and benefits are paid 100% by the School System.

Part 1 Crimes 1999 through 2018



Part 1 Crime Comparison – Violent Crimes

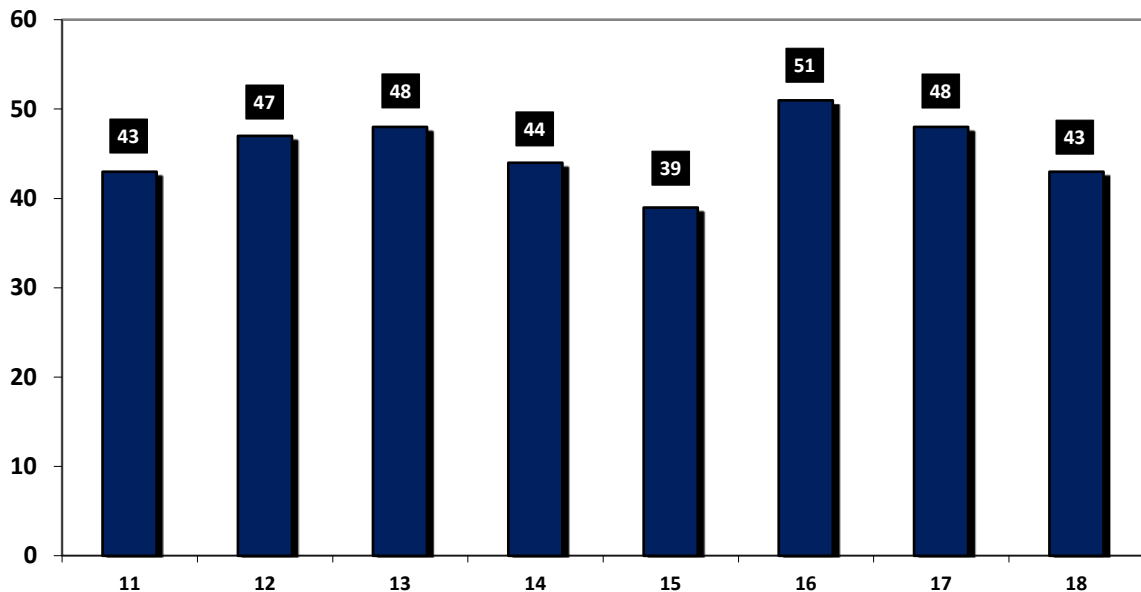
Cities and states review “Part 1 Crimes” in determining the rise and fall in the crime rates nationally. Uniform Crime Reporting standards work to compare cities and states in a standard way. The crimes captured under the “Part 1 Crimes” category are those used for national comparison.

“Part 1 Crimes” is inclusive of two separate break downs of the following categories: violent crimes and property crimes. Numbers for the last four years for violent crimes are depicted in the table and graph below.

Violent Crimes	2015	2016	2017	2018	% Change
Murder	2	1	0	0	0%
Forcible Rape	3	0	2	1	-50%
Robbery	12	13	13	12 ²	-8%
Aggravated Assault	22	37	33	30	-9%
Total	39	51	48	43	-10%

The percentage of change is a comparison of the numbers from the year 2017 to the year 2018 only. During the year of 2018, violent crimes as a whole decreased by 10 percent from the previous year.

Part 1 Violent Crimes 2011 through 2018



² Robbery analysis consists of 1 attempted armed robbery, 8 armed robberies and 3 common law robberies.

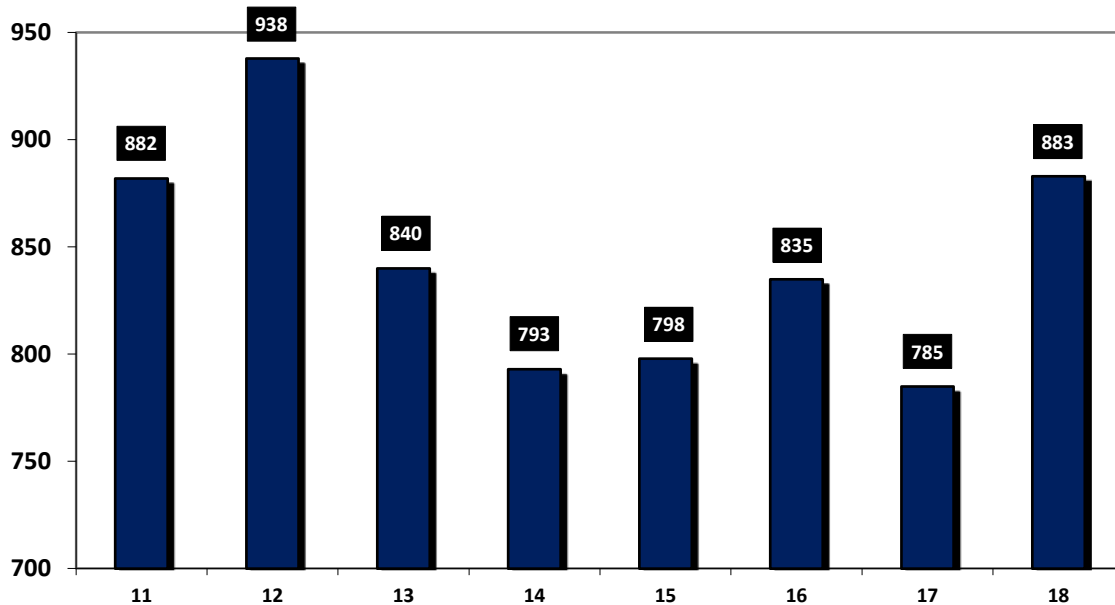
Part 1 Crime Comparison – Property Crimes

Property Crimes	2015	2016	2017	2018	% Change
Breaking and Entering	171	161	150	214	43%
Larceny	589	623	588	569 ³	-3%
Motor Vehicle Theft	37	48	46	100	100%
Arson	1	3	1	0	-100%
Total	798	835	785	883	12%

The percentage of change is a comparison of the numbers from the year 2017 to the year 2018 only. During the year of 2018, property crimes as a whole increased by 12% over the previous year.

Larceny Breakdown	2015	2016	2017	2018
Breaking & Entering to Auto with Larceny	109	127	110	89
B & E to Coin Operated Machines	7	8	9	6
Larceny of Auto Parts or Accessories	36	19	38	26
Thefts from Buildings or Businesses	73	116	94	60
All Other Larcenies	364	353	337	388 ⁴

Part 1 Property Crimes 2011 through 2018



³ This number includes 89 breaking and entering to an auto with larceny for the year 2018, a 20% decrease over last year's figure of 110.

⁴ This number includes 115 shoplifting and 273 all other larcenies.

Support Services

The Support Services Division is comprised of the Chief of Police, Division Captain, Training Lieutenant, Logistics Sergeant, Administrative Assistant, IT Specialist, Communications Director, Communications Supervisor, eight full-time and ten part-time Tele-communicators, Records Supervisor, two full-time Records Specialists, and four volunteer Chaplains.

The Support Services Division handles the 911 Emergency Communications Center responsible for:

- 24/7/365 Service
- Computer Aided Dispatch (CAD)
- State Division of Criminal Information (DCI)
- National Crime Information Center (NCIC)
- Mobile Communications Systems



Volunteer Chaplains for the department pray over newly elected Police Chief Brent Phelps, who was officially sworn in at the Lenoir City Council Chambers on 8/21/2018.

The Division is also responsible for all data entry into the Records Management System, the upkeep of the P2C, Facebook, Next Door, CJLeads, Everbridge Mass Notification System, Power DMS, and LINX systems, department website, as well as retrieval of crash reports via the DMV TraCS website, bodycam and phone systems, workstations and mobile computer systems, personnel and applicant processing, employee payroll and budget management, tracking of extra duty and off duty security details, logistics, Chaplain program and employee development.

All training for department employees is handled and coordinated through this division. The Training Lieutenant is responsible for:

- 12,000 average training hours per year
- Field Training and Evaluation Program
- Employee Mentorship Program
- Recruitment
- Background Investigations
- Basic Law Enforcement Training Liaison

Communications Center

Telephone Calls Received	2015	2016	2017	2018
Telephone Calls Received ⁵	*	37,264	37,258	35,286
9-1-1 Emergency Calls	*	5,155	5,041	5,113
Processed CAD Calls ⁶	48,302	44,539	43,808	46,916
Processed CAD Calls	2015	2016	2017	2018
Police Service Calls	24,143	23,810	25,062	31,576
Property Checks	21,367	15,961	14,872	13,121
Call Follow-ups	642	949	967	865
Code 5s	1,913	3,606	2,718	948
Utility Calls	237	213	189	406
Total Processed CAD Calls	48,302	44,539	43,808	46,916

Property Checks are conducted for businesses and residences that have a need for increased security. They are usually 30 days or less and are generally unoccupied.

Code 5 calls are foot patrols in specified areas for purposes of crime prevention.

CAD calls processed during 2018 represent the data entry, radio call dispatch and telephone interactivity responsibilities for the personnel assigned to the Communications function for the department. Often, Telecommunicators are processing multiple calls for service at the same time. They play a vital role to the citizens of Lenoir and members of the department.

* *The number of telephone calls received and 9-1-1 emergency calls from June – December 2015 were unavailable due to a new phone system and not yet having the ECATS System Software to pull numbers.*

NIBRS

During the month of December 2018, the Lenoir Police Department complied with a mandated conversion to NIBRS (National Incident Based Reporting System), which was implemented to improve the overall quality of crime data collected by law enforcement. NIBRS captures details on each single crime incident as well as on separate offenses within the same incident to include information on victims, known offenders, relationships between victims and offenders, arrestees, and property involved in crimes. Unlike data reported through the UCR Program's traditional Summary Reporting System (SRS); which is an aggregate monthly tally of crimes, NIBRS goes much deeper because of its ability to provide circumstances and context for crimes such as location, time of day, and whether the incident was cleared. Approximately 43% of U.S. law enforcement agencies currently participate in NIBRS.

The vision for NIBRS is for it to become the law enforcement community's standard for quantifying crime which will help law enforcement and communities around the country use resources more strategically and effectively. This will further support the mission of the FBI's UCR Program, which is to generate reliable information for use in law enforcement administration, operation, and management. While the department will still be able to pull numbers and statistics from previous years, 2019 will begin a new baseline of reporting under NIBRS.

⁵ Spawned calls from the County 9-1-1 Center are not reflected in these numbers. It should be noted that the reduction in telephone calls are most likely attributed to the department doing a better job at disseminating office phone numbers through the use of business cards, email, P2C, Facebook, webpage, etc.

⁶ CAD is an acronym for Computer Aided Dispatch.

Patrol Field Operations

The Patrol Field Operations is the “backbone” of the department and is the largest, most visible. This Division is made up of a Captain, three Lieutenants, six Sergeants, four Corporals, twenty-five Officers, three canines, and six part-time reserve officers. There are two Patrol Platoons, ADAM and BAKER, with two Squads on each that work 12-hour shifts and rotate every 28 days between days and nights, as well as a Community Services Platoon that is primarily responsible for Traffic Enforcement, Traffic Crash Investigations and Reconstruction, Traffic Calming and Safety Projects, Highway Interdiction, School-Based Programs and D.A.R.E. Training, Community Resource and Crime Prevention, and Downtown Parking Enforcement. Other responsibilities that fall under this Division include:

- 24/7/365 Service
- Calls for Service / First Responders
- Proactive and Preventative Patrols
- Call Follow-ups
- Customer Service Visitations
- Canine Activity
- Bicycle Unit
- Explorers Post
- Traffic Control
- Warrant Service
- Business and Neighborhood Checks
- Assistance to Other Agencies
- Special Response Team
- Honor Guard Detail
- Case Investigations
- Part-Time and Reserve Officer Program

The Officers work in partnership with many local organizations to include Communities in Schools, the Chamber of Commerce / Economic Development, West End Community, Lenoir Housing Authority, Community Management Corporation, McLeod Center, UNC Healthcare, United Way, LEOs, Shelter Home, Robin’s Nest Child Advocacy Center, Hospice, Soup Kitchen, Take 25 Initiative, Governor’s Highway Safety Initiative, Foothills Radio Broadcasting, and the county’s televised broadcast station. Additionally, they play a large role in raising money for the Special Olympics, Crime Stoppers, Explorers Post, DARE, Christmas for Children, and Book Bags for Kids (a program to help purchase school items for children-in-need).

A number of programs and opportunities are available throughout the year for the public:

- Citizens Police Academy
- National Night Out
- Child Restraint
- Community Watch
- Self-Defense
- Facility Tours
- Security Checks
- Safety Fairs
- Take-A-Kid Fishing
- Citizens Canine Academy
- Bicycle Safety
- Identity Theft & Internet Security
- Crimes Against the Elderly
- Internship
- Gang Awareness
- Child Safety & Free Identification Kit
- Community Walks / Meetings
- Coffee with a Cop

The Officers of the Lenoir Police Department are striving to do their duties to the letter of the law; they are working diligently to make Lenoir’s citizens and visitors feel safe and better informed.

Patrol Field Operations

Patrol Field Operations	2015	2016	2017	2018
Drug-Related Arrests by Patrol Officers	315	353	378	396
Alcohol-Related Arrests by Patrol Officers	182	110	155	110 ⁷
Assistance to Other Agencies	253	473	478	227
Illegal Narcotics Seized	\$35,216	\$292,521	\$109,351	\$81,524
Cash & Property Seized	\$34,258	\$37,127	\$89,421	\$49,589
Vehicles Seized	\$55,000	\$1,100	\$32,557	\$117,349
Stolen Property Recovered by Patrol Officers	*	\$72,584	\$85,374	\$87,645
Officer Initiated Activity	2015	2016	2017	2018
Property Checks	21,367	15,961	14,872	13,121
Call Follow-ups	642	949	967	865
Code 5s	1,913	3,606	2,718	948
Self-Initiated Traffic Stops	4,989	5,628	5,050	5,795
Suspicious Vehicles	1,933	1,844	1,618	1,389
Suspicious Persons	564	555	742	726
Field Contacts	167	165	296	333
Calls for Service	2015	2016	2017	2018
Warrants Served	2,102	1,872	1,837	2,516
Response to Alarms (Burglar, Banks, Holdups)	1,764	1,878	1,720	1,541
Stranded Motorist Assists	721	716	748	701
Domestic Disputes	825	881	1,001	896
Civil Disputes / Disturbances	432	671	580	642
Traffic Accidents Investigated	1,203	1,159	1,153	1,229
Checking Suspicious Person and Vehicles	1,347	3,008	4,102	3,744
Animal Complaints / Dogs at Large	380	405	426	435
Loud Music / Loud Noise Complaints	234	191	207	180
Larcenies	589	623	588	569
Shots Fired / Armed Subject Responses	15	27	27	21
Robbery Responses	11	14	11	12
All other calls for service	14,520	12,365	12,662	19,090
Total Calls for Service	24,143	23,810	25,062	31,576

* Stolen property recovered by Patrol Officers for the year 2015 was not captured.

Involuntary Commitments	2015	2016	2017	2018
	104	93	122	116

⁷ This figure includes 45 DWI arrests in 2018 compared to 39 reported in 2017, 43 reported in 2016, and 70 in 2015.

Enforcement Activity by Race

January – December 2018

Activity	White – Total	Black – Total	Other – Total	White - %	Black - %	Other - %	Total
On View	540	156	1	77%	22%	.14%	697
Taken into Custody	1,032	312	9	76%	23%	.67%	1,353
Summons	328	85	1	79%	21%	.24%	414
True Bill	91	21	0	81%	19%	0%	112
Juvenile Court Summons	2	0	0	100%	0%	0%	2
Total Arrests	1,993	574	11	77%	22%	.43%	2,578
Traffic Stops	3,999	828	46	82%	17%	.94%	4,873
Use of Force	35	21	0	62%	38%	0%	56

Overdoses, Suicides and Unattended Deaths

	2017	2018
Overdoses - Accidental	35	32
Attempted Suicides (1 of which was with Prescription Medication in 2018)	24	6
Suicides	1	4
Other Deaths (Includes both Unattended and Medically Attended) ⁸	30	38
Naloxone Use (9 saved / 6 dead in 2018)	18	15

⁸ Of the 38 deaths, 4 of them occurred due to opioid overdoses in 2018.

Extra Duty Activities

Officers are regularly involved in activities that are in addition to their regularly assigned responsibilities and outside of their current work schedules. The majority of these activities consist of peacekeeping missions that are funded through private parties. Examples include security for public housing facilities, fairgrounds events, and other operations that pose potential security risks for the sponsors. Our partnerships with the various organizations that pay for off-duty police services are critical to the overall management of police activities and resources. Without their assistance, our on-duty staff would often be overwhelmed with calls for service.

Month	# of Projects 2015	# of Projects 2016	# of Projects 2017	# of Projects 2018	Man-Hours Involved 2015	Man-Hours Involved 2016	Man-Hours Involved 2017	Man-Hours Involved 2018
Jan	40	62	53	18	328.00	407.00	399.00	109.00
Feb	38	43	45	49	325.00	319.00	339.00	317.00
Mar	54	56	45	36	470.00	399.00	375.00	309.00
Apr	50	54	49	52	429.00	355.00	387.00	405.00
May	51	56	50	28	426.00	456.00	458.00	212.00
Jun	49	55	49	42	440.00	438.00	387.00	296.00
Jul	59	60	39	15	463.00	415.00	198.00	83.00
Aug	54	54	39	44	503.00	451.00	201.00	295.00
Sep	44	57	39	30	322.00	458.00	263.00	219.00
Oct	67	53	35	60	465.00	402.00	203.00	454.00
Nov	52	48	32	39	430.00	371.00	180.00	207.00
Dec	58	42	27	60	395.00	335.00	165.00	371.00
Total	622	646	502	473	5,102.00	4,926.00	3,634.00	3,277.00

Our numbers decreased this year in total projects and total hours. However, it bears mentioning that several events have not been included in the numbers above due to being paid for by the city. These would include the Blackberry Festival, Halloween neighborhood patrol, marathon races, 4th of July Celebration, and downtown Christmas parade.

Based on 3,277 man hours that were involved in the year 2018, it would be the equivalent of 1.50 full-time officers working regular schedule duty for one year.

Incident and Arrest Comparison for Community Crimes

Incident Comparison for Community Crimes	2015	2016	2017	2018
Aggravated Assault	22	38	33	30
Arson	1	3	1	0
Breaking and Entering	171	161	150	256
Breaking & Entering to Auto with Larceny	109	127	110	94
Damage to Personal & Real Property	168	173	166	185
Forgery & Uttering	4	5	11	14
Identity Fraud	14	10	9	16
Larceny	480	494	478	574
Motor Vehicle Theft	37	48	46	122
Murder	2	0	0	0
Obtaining Property or Money by False Pretense	50	52	51	59
Rape	3	1	2	1
Robbery	12	13	13	12
Sexual Assault	28	30	36	51
Total Incident Comparison for Community Crimes	1,101	1,155	1,106	1,414

Arrest Comparison for Community Crimes	2015	2016	2017	2018
Aggravated Assault	47	59	69	52
Arson	1	1	1	0
Breaking and Entering	35	95	51	78
Breaking & Entering to Auto with Larceny	11	19	10	19
Damage to Personal & Real Property	77	106	106	86
Forgery & Uttering	8	17	20	8
Identity Fraud	5	4	4	2
Larceny	340	374	318	286
Motor Vehicle Theft	9	9	8	34
Murder	2	0	0	1
Obtaining Property or Money by False Pretense	26	45	33	41
Rape	2	1	0	1
Robbery	9	5	2	18
Sexual Assault	5	7	9	9
Total Arrest Comparison for Community Crimes	577	742	631	635

Summary of Charges

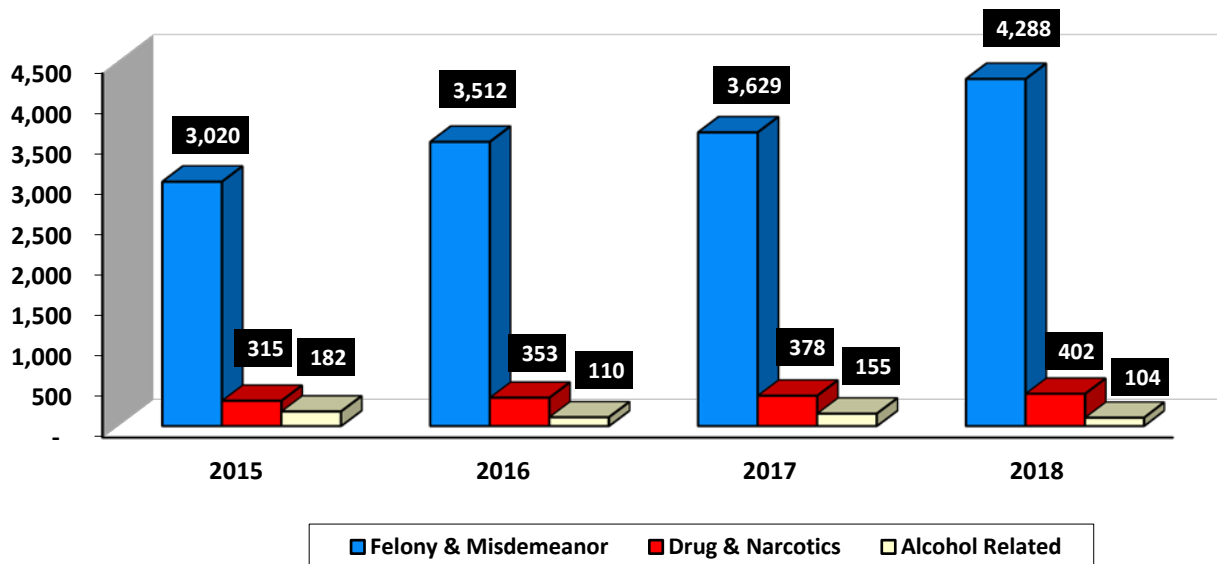
Adult Arrest Charges	2015	2016	2017	2018
Total Felony and Misdemeanor	3,020	3,512	3,629	4,288
Drug / Narcotics	315	353	378	402
Alcohol Related	182	110	155	104

Drug / Narcotics and Alcohol Related charges have been broken down separately to reflect these specific charges and have been included in the totals reported for Felony and Misdemeanor charges (consists of charges made by both Patrol Officers and Investigators).

Juvenile Arrest Charges ⁹	2015	2016	2017	2018
Total Juvenile Arrest Charges	10	10	7	26

Traffic Charges	2015	2016	2017	2018
Total Traffic Related Citation Charges	3,071	3,794	3,370	3,296
Total Warning Ticket Citations ¹⁰	1,368	1,383	1,455	1,909

Adult Arrests



⁹ Includes juveniles less than 16 years of age.

¹⁰ Warning Tickets are non-punitive and are given as a courtesy by officers for minor infractions. They are not reportable to the Criminal Justice System.

Drug Violation Charges

Drug Violation Charges	2015	2016	2017	2018
Conspiring to Sell, Deliver or Traffic Controlled Substance	12	2	1	11
Delivering Schedule IV Controlled Substance	5	0	0	0
Inhaling Fumes for Purpose of Intoxication	1	1	2	0
Maintaining a Vehicle or Dwelling for Controlled Substance	30	28	20	22
Manufacturing Controlled Substance	9	10	10	1
Manuf., Selling, Delivering, and/or Possessing C/S on/near Playground	1	0	3	1
Possessing a Controlled Substance on a Penal Institution	2	7	2	6
Possessing and/or Distributing a Chemical Precursor	0	4	0	0
Possession of Drug Paraphernalia	146	155	168	146
Possession of Methamphetamine	23	39	56	71
Possession of Schedule I Controlled Substance	2	2	4	3
Possession of Schedule II Controlled Substance	45	47	42	26
Possession of Schedule III Controlled Substance	5	3	2	2
Possession of Schedule IV Controlled Substance	31	34	27	11
Possession of Schedule V Controlled Substance	1	0	1	13
Possession of Schedule VI Controlled Substance	58	64	77	45
Possession w/ Intent to Manuf./Sell and/or Deliver C/S	30	60	34	27
Possession w/ Intent to Sell or Deliver C/S 1000ft. of School	0	1	3	4
Practitioner / Other Dispensing a Controlled Substance	0	0	0	0
Sell or Delivery of Controlled Substance	17	6	7	2
Trafficking Controlled Substance	19	15	8	9
Total Drug Violation Charges¹¹	437	478	467	400

Canine Activities

Canine Activities	2015	2016	2017	2018
Total Tracks	23	29	16	23
Tracks Leading to Apprehension	8	8	6	8
Total Building Searches	27	28	20	35
Total Narcotics Searches	192	141	207	183
Total Narcotics Seized (<i>Street Value</i>)	\$ 114,602	\$ 39,313	\$ 341,807 ¹²	\$22,351
U.S. Currency Seized	\$ 31,017	\$ 37,123	\$ 25,012	\$3,314
Call Outs from Home / Demos	9 / 23	1 / 21	1 / 31	0 / 38

Canine Activity Statistics include activities both within our department, as well as any outside law enforcement agency assists.

¹¹ Adult drug violation charges reflect both citations and arrest charges made by Patrol Officers and Investigators for individuals 16 years and older.

¹² Total Narcotics Seized includes those seizures made while working with outside agencies. It should be noted that of the \$341,807 seized in 2017, \$217,500 worth of meth was taken off the street during a combined traffic stop with the Caldwell County Sheriff's Office.

Alcohol Related Violation Charges

Alcohol Related Violation Charges	2015	2016	2017	2018
Aiding and Abetting Driving While Impaired	1	0	0	0
Allowing Consumption of Alcohol without a Permit	2	1	1	0
Consuming Alcoholic Beverage on a Public Roadway	0	1	2	0
Consuming at an Off Premise Establishment	3	0	3	0
Consuming by an Underage Person	12	4	23	5
Consuming in a City Park and/or Public Roadway	2	1	1	0
Consuming While Driving	0	0	0	0
Driving After Consuming Sufficient Amount of Alcohol	0	3	0	0
Driving While Impaired	70	43	39	45
Drunk and Disruptive	28	20	21	4
Habitual Impaired Driving	0	0	0	0
Hold Until Sober	46	33	52	16
Manufacturing Liquor without a Permit	0	0	0	0
Open Container in a Vehicle	6	3	5	5
Possess/Consume Alcohol on Unauthorized Premises	0	1	2	0
Possess/Purchase Alcohol to Underage Person	0	0	1	1
Possess/Purchase Malt Beverage or Unfortified Wine to Underage Person	1	0	2	0
Possess/Purchase Spirituous Liquor or Fortified Wine to Underage Person	0	0	0	0
Possess/Sale Non Taxed Alcoholic Beverage	1	0	0	0
Possession of an Open Container in a Vehicle	0	2	0	0
Public Consumption	0	0	0	1
Provisional License	0	0	0	1
Sell Alcohol <21 Years	9	0	5	0
Sell/Give Fort. Wine & Spirituous Liq. or Mixed Bev. to Underage Person	0	0	0	0
Sell/Give Unfortified Wine and/or Malt Beverage to an Underage Person	4	0	0	0
Sell/Possess Equipment or Ingredients to Manufacture Alcohol	0	0	0	0
Transporting an Open Container After Consuming	0	1	2	2
Total Alcohol Related Violation Charges¹³	186	113	159	80

¹³ Adult alcohol related violation charges reflect both citations and arrest charges made by Patrol Officers and Investigators for individuals 16 years and older.

Traffic Crash Summary

Traffic Crashes	2015	2016	2017	2018	% Change
Crashes with Injuries	202	164	131	147	12%
Crashes with Property Damage Only	1,001	995	1,022	1,055	3%
Total Traffic Crashes	1,203	1,159	1,153	1,202	4%

Crashes w/ Fatalities, Pedestrians and Hit & Runs¹⁴	2015	2016	2017	2018	% Change
Crashes with Fatality	1	3	2	5	100%
Crashes with Pedestrians Injured	13	8	8	11	38%
Hit and Runs	161	155	163	154	-6%

There were 6 fatalities for the year 2018; they are listed below:

Month	Location of the Fatality	Parties Involved	Fatality
January	Morganton Blvd	1 Passenger Car	1 Pedestrian
July	Downtown Blvd	1 Truck / Tree	1 Driver
August	Lower Creek Dr	1 Passenger Car / 1 SUV	1 Driver / 1 Passenger
September	Morganton Blvd	1 SUV	1 Passenger
November	Wilkesboro Blvd.	1 SUV	1 Pedestrian

Total property damage for all crashes over last 4 years	2015	2016	2017	2018
	\$3,148,794	\$3,494,888	\$3,089,780	\$3,381,757

Top 5 Crash Locations in 2018		Top 5 Contributing Circumstances	
Blowing Rock Blvd / Greenhaven Dr	8	Failure to Reduce Speed	195
Blowing Rock Blvd / Hospital Av	8	Improper Backing	181
Blowing Rock Blvd / Seehorn St	7	Inattention	172
Blowing Rock Blvd / Pennton Av	6	Failed to Yield Right of Way	147
Hickory / Mclean Dr & Hibriten Dr	6	Improper Turn	80

¹⁴ These traffic crashes are included in the numbers in the table above.

Parking Tickets

Parking Tickets	2015	2016	2017	2018
Parking Tickets Issued	503	409	390	169
Handicap Tickets Issued	9	2	2	2
Total Parking Tickets	512	411	392	171

During 2018, Parking Enforcement issued 171 parking citations. During that same period, 162 were paid to the department.

Records Deposits Made to General Fund

Deposits¹⁵	2015	2016	2017	2018
General Fund	\$ 753	\$ 720	\$ 940	\$575
Parking Fines and Misc.	\$ 2,872	\$ 2,110	\$ 2,685	\$ 1,380
Total Deposits	\$ 3,625	\$ 2,830	\$ 3,625	\$ 1,955

During 2018, there were no parking permits sold nor wheel locks installed.

The number of outstanding parking tickets since the year 2015 is 111, which amounts to \$2,750 in unpaid fines due to the City of Lenoir. The city implemented an ordinance in 2013 that charges late fees for unpaid parking tickets. After 90 days, the debt that is owed is turned over to a collection process.

Effective November 22, 2016, City Council adopted a fee of \$5 for every applicant and/or non-criminal fingerprinting service. The amount garnered \$135 for 2018 and is included in the table above.

Administrative Activities

Administrative Activities	2015	2016	2017	2018
Backgrounds Performed	20	32	13	21
ABC Permits	17	17	23	16

¹⁵ General Funds is comprised of all fees collected for report copies, audio/video recordings, and RMS/CAD queries. Parking Fines is comprised of all fees collected for parking tickets, wheel locks, and parking permits.

Criminal Investigations

The Investigations Division is comprised of one Captain, two Lieutenants, one Sergeant, four General Case Investigators, two Narcotics / VICE Investigators, one Investigator assigned to nuisance abatement, one Investigator assigned to Evidence, and one full-time Crime Analyst. One of the Investigators is also a fully trained and certified Polygraph Examiner who utilizes in-house equipment for tests related to Lenoir Police criminal and pre-employment investigations, as well as investigative requests by outside agencies.

Investigators specialize in white collar crime, cyber-crime, property crime, crimes against persons, sex crimes and narcotics crime. Many investigations are lengthy and time consuming and force investigators to manage heavy caseloads with sometimes minimal resources. Over the past year, Lenoir Police Investigators have worked closely with numerous agencies to meet the obligations and responsibilities of their assignment, including:

- Federal Bureau of Investigation
- United States Secret Service
- United States Postal Inspector's Office
- United States Immigrations and Customs Enforcement Agency
- United States Attorney General's Office
- North Carolina State Bureau of Investigation
- North Carolina Army National Guard
- Homeland Security Investigations
- As well as several other local, state and federal agencies

Investigators were heavily involved in organizations and groups throughout the City of Lenoir during the year in an effort to improve the quality of life for its citizens. Investigators were routinely involved with:

- Caldwell County Department of Social Services
- Caldwell County Shelter Home
- 25th Judicial District Habitual Felon Task Force
- Caldwell County Child Protection / Child Fatality Prevention Team
- Juvenile Justice Council
- North Carolina Information Sharing and Analysis Center (NC ISAAC)
- Lenoir / Caldwell County Crime Stoppers
- Caldwell County Police Executives Association
- Robin's Nest Child Advocacy Center
- Regional Organized Crime Information Center
- Money Laundering Task Force
- Toys for Tots
- As well as several other civic, school and church based organizations

Investigators and Patrol Officers work together to address criminal activity within the City of Lenoir. They continue to work toward effective communication both inside the agency and with the citizens. They regularly coordinate with local media to recognize important crime trends and implications, as well as offer ideas for preventing future incidents.

Case Assignments

Case Assignment Statistics	2015	2016	2017	2018
Cases Cleared by Arrest ¹⁶	74	108	212	179
Cases Cleared Exceptionally ¹⁷	99	120	175	124
Cases Cleared Leads Exhausted ¹⁸	424	339	437	425
Cases Cleared ¹⁹	62	156	148	196
Active Cases ²⁰	62	44	154	272
Cases Determined to be Unfounded ²¹	94	103	58	90
Total Cases	815	870	1,184	1,286

Case Assignment Statistics include both Patrol Officers and Investigators; whereas, the Investigations Division Activity consists only of activities captured by the Detectives.

Investigations Division Activity	2015	2016	2017	2018
Arrests	55	27	42	41
Recovered Property	\$ 184,424	\$ 866,794	\$ 218,622	\$905,748
Polygraph Examinations Given	4	0	9	11

It should be noted that Evidence took in 3,649 items during the year and disposed of 7 items. The total number of items in evidence inventory as of 12/31/18 is 39,171.

Nuisance Abatement Cases

Nuisance Abatement continues to be a priority for us. We have started assigning these cases to more officers to work. It is our belief that the more people we have working on this, the greater impact it will have on our city.

Assignment Statistics	Total
Junk & Debris	56
Miscellaneous	14
Abandoned / Junk Vehicles	36
Tall Grass / Vegetation	171
Graffiti	0
Health & Safety	6
Total Cases	382

¹⁶ Cleared resulting in the arrest of an offender to include those arrests made by Patrol Officers and agencies outside of the department; the number of arrests/charges under Investigation Division Activity table are those directly made by department investigators.

¹⁷ Cleared by one of the following: 1) death of the offender; 2) victim refused to cooperate; 3) prosecution declined; 4) extradition declined; 5) cleared by locating (missing person or runaway only); or 6) cases transferred to another agency due to location of incident.

¹⁸ Indicates the case will no longer be investigated. The case has not been solved, but it has been determined that further investigation is not merited.

¹⁹ Indicates the case has been cleared (solved). To solve a case, it has been determined that no crime was actually committed or the identity of the offender has been established. These include: 1) Pending Indictments; 2) Indictments Issued but not served; 3) Warrants issued but not served; or 4) Juvenile Petitions issued but not served.

²⁰ Leads are still being developed.

²¹ The reported crime did not occur.

Narcotics Investigations

During the year 2018, the Narcotics Unit opened 19 cases involving local, state and federal agencies. Officers assist agencies in various counties, providing support in undercover roles, surveillance, search warrant executions, and buy-bust operations. In turn, officers from outside Lenoir provide assistance and support whenever needed for investigations inside Lenoir.

Narcotics Officers attend annual training to stay abreast of current trends and strategies in combating drug trafficking. They also receive training to assist them in identifying gangs and gang members, as well as strategies to prevent gangs from getting a strong hold in our area.

The Lenoir Police Department Narcotics Officers engage in joint drug task force operations targeting significant drug traffickers and work closely with Homeland Security. Defendants have been prosecuted federally in connection with these types of investigations.

Narcotics Officer Activity	2015	2016	2017	2018
Arrests / Charges	64 / 120	74 / 99	27 / 57	33 / 50
Arrests / Charges while Assisting other Agencies	0 / 0	0 / 0	0 / 0	0 / 0
Illegal Narcotics Seized	\$441,265	\$193,764	\$66,321	\$130,177
Illegal Narcotics Seized while Assisting other Agencies	\$3,787,233	0	\$1,470	\$74,618
Cash & Property Seized	\$318,004	\$10,669	\$60,926	\$11,382
Cash & Property Seized while Assisting other Agencies	\$197,735	0	\$345	\$8,969
Vehicle Seizures	0	0	0	0
Total Assists / Joint Investigations	17	1	3	19
Search Warrants	*	*	14	25
Cases Opened / Initiated	97	135	98	83
Cases Opened / Initiated Assisting Other Agencies	*	*	3	16

Narcotics Confiscated Amounts

For the Year	Cocaine Powder (GR)	Crack Cocaine (GR)	Marijuana (GR)	Marijuana Plants (plant)	Meth (GR)	Prescription Medication (DU)	Heroin (GR)	Bath Salts (GR)	MDMA ²² (GR)	LSD (DU)
2015	3,254	117.6	2,309	9	318.8	596	1.5	-	-	0
2016	28.3	210.8	777.3	0	1,339.6	273.2	24.8	0	145	501
2017	68.8	210	769.6	5	665.8	1,709	2.5	3	1	3
2018	40.8	19.4	3,229.4	0	299.5	1,038	30.5	0	0	0

It should be noted that 5 grams of fentanyl and 121.2 grams of unknown substance was confiscated during the year 2018. Narcotics Confiscated Amounts are from Lenoir Police Department only and **include both Narcotics and Patrol Officers**. No outside agency assists were included in these numbers.

²² MDMA (methylenedioxymethamphetamine), better known by the street names of Ecstasy or Molly.

Crime Stoppers Activities

Crime Stoppers Statistics	2015	2016	2017	2018
Calls Received	350	344	401	491
Total Arrests / Charges	13 / 36	26 / 73	21 / 53	24 / 63
Illegal Narcotics Recovered	\$141,233	\$156	\$2,808	\$451
Stolen Property Recovered	\$3,300	\$11,600	\$15,900	\$12,300
Rewards Paid	9 / \$1,300	16 / \$3,400	19 / \$2,325	20 / \$4,825
Crime of the Week Press ²³	22	7	26	27

The Lenoir Police Department Investigations Division houses the Lenoir / Caldwell Crime Stoppers Coordinator position. It is the Coordinator's responsibility to make sure that the information from informants is relevant to the solving the case(s) and amply rewarded for their assistance. The Coordinator is also responsible for keeping statistics and ensuring the organization runs in a successful manner.

- Lenoir / Caldwell County Crime Stoppers attended the North Carolina State Crime Stoppers annual Conference held in Boone, North Carolina.
- Lenoir / Caldwell County Crime Stoppers held their annual fundraising golf tournament in May at Lenoir Golf Club.
- Lenoir / Caldwell County Crime Stoppers instructed a program during the annual "Citizen's Police Academy" in May held at the Lenoir Police Department.
- Lenoir / Caldwell County Crime Stoppers attended "National Night Out Against Crime" in downtown Lenoir in October.
- Lenoir / Caldwell County Crime Stoppers sent representatives to attend the North Carolina State Crime Stoppers Association Board meetings.
- Lenoir / Caldwell County Crime Stoppers have one Board Member currently sitting on the North Carolina State Crime Stoppers Association Board.
- Lenoir / Caldwell County Crime Stoppers gave out candy at the Lenoir Downtown Halloween event in October.
- Department members who served in various capacities for the Lenoir / Caldwell County Crime Stoppers during 2018 include: Couby Stilwell as Coordinator and Brooklyn Coffey as Secretary, and Mark Barlowe, Rick Shehan, and Shelly Hartley as Associate Board Members.

²³ Crime of the Week Press only captures Lenoir Police Department activity.

School Resource Officers

The School Resource Officer (SRO) fulfills three primary roles within their school community. The first role established is that of a police officer, with a mission of keeping order on campus, with the legal authority to arrest if required. These aspects of the officer's role are important, for without order, learning cannot take place. In the event of criminal activity on campus, the SRO's ability to intervene immediately can in some cases make the difference between life and death. Secondly, the officer is a resource to teachers in areas of law enforcement that have classroom applications, such as traffic laws, drug laws and law related educational topics. Finally, the officer can and does play the role of counselor and can frequently use their network of contacts with other school and community resources to help address various social problems faced by students.

The School Resource Officer Program for the City of Lenoir had its beginning in the fall of 1994, when the Lenoir Police Department formed a community partnership with Hibriten High School. This partnership utilized police officers that were assigned to the patrol district in which Hibriten High School was located, to patrol the campus on foot during peak activity times, as other calls for service permitted.

In August of 1995, this partnership expanded to encompass the Caldwell County Board of Education, which joined the police department with joint financing of a full-time SRO for Hibriten High School. During the 2008/2009 school year, the Caldwell County Board of Education agreed to pick up 100% of the financing for the SRO at William Lenoir Middle School, with D.A.R.E. (for elementary students) being picked up by a newly created "Community Resource Officer" position paid through the police department. During the 2018/2019 school year, the School Board partnered with us for 100% financing of a newly created SRO position to primarily work at New Horizons Elementary School, as well as part-time at Valmead and West Lenoir Elementary Schools. Responsibilities of the School Resource Officer: investigation of criminal activities and incidents; enforcement of laws; traffic control; campus parking permit control; teaching law related education; coordinating the security for school events; interacting with faculty and students to promote mutual respect between the school and law enforcement; and providing counseling for personal, scholastic, family, or law related problems.

The SRO for Hibriten High School (HHS) is Brandon MacLeod. Officer MacLeod organized 2 K9 demonstrations for Business Law classes, initiated 4 lock-down drills, created 14 Incident Action Plans for sporting events, referred 5 students to administration for disciplinary action, assisted with numerous student conferences with school counselors, held several parent conferences, investigated numerous crimes, and conducted traffic enforcement on campus to educate student drivers. Officer MacLeod received 6 traffic complaints and 3 Crime Stopper tips. He also completed the SRO Professional Certificate Program and serves on the HHS Multicultural Committee. This committee was created to promote and educate students about different cultures within the school. Officer MacLeod was promoted to Corporal in December 2018.

The SRO for William Lenoir Middle School (WLMS) is Mitchell Foust. Officer Foust conducted the D.A.R.E. curriculum for approximately 210 6th graders and 180 8th graders. He also instructed 6th, 7th and 8th grade students (roughly 600 students) in a Cyber Safety Class. There were 46 Juvenile Complaints generated and 23 reports filed at WLMS. Officer Foust served as a member of the Student Services Team, conducted lock-down training with staff, conducted 3 drills, and performed numerous counseling sessions with parents and verbal coaching with students. **In addition, he was assigned as SRO for Horizons Elementary School for the first part of 2018.**

Officer David Gragg was selected in August 2018 as full-time SRO for Horizons Elementary School (HES). Horizons Elementary was relocated in 2016 from Hudson to the former William Lenoir Middle School site. At HES, Officer Gragg assisted with 29 Juvenile Complaints, 18 reports were filed and 3 Lockdown drills were performed. **He is also the part-time SRO for Valmead and West Lenoir Elementary Schools.**

Community Resource

The Community Resource Officer for 2018 was Scott Kanupp. He taught D.A.R.E. to 291 5th grade students in the city's 6 elementary schools and held 6 graduation /pizza parties for those students. He is also the SRO for the 5 elementary schools in the city, assisting with numerous counseling sessions with parents and verbal coaching with principals and elementary students. He filed 12 reports for school incidents and participated in 26 community events in 2018. In addition, Officer Kanupp was involved in Take-A-Kid Fishing, Citizen Police Academy, 2 medicine drop campaigns, "Coffee with a Cop" events, and 8 established neighborhood watch programs. He started 2 new neighborhood watches, held 4 church safety/security meetings, 4 building security meeting and participated in 3 radio spots. Officer Kanupp attended 3 events as a board member of the N.C. DARE Officer Association.

Throughout the year, the Community Resource Platoon assist in a number of events and organizations to include: Fire/Life Safety, Take-a-Kid Fishing, Rotary Christmas Festival, Golf Fundraising Tournaments for D.A.R.E., Book Bags for Kids, Careers in Focus, Governor's Highway Safety Initiatives, Safe Kids, Bike Safety, CUFFS, Special Olympics, Community in Schools, Crisis Management Team, Child Safe Seat Checks, Crime Prevention programs, Job Fairs, Safety Classes, School Events, Lockdown Drills, Child Identification, Downtown Events, TV and Radio Spotlights, and Building Tours.

D.A.R.E. Program

The D.A.R.E. Program (Drug Abuse Resistance Education) of the Lenoir Police Department completed its 28th year in 2018. In 2013, the D.A.R.E. Curriculum was implemented at Hibriten High School and back at William Lenoir Middle School. At that time, Caldwell County was recognized as one of the few counties to offer the D.A.R.E. Program in all of its elementary, middle and high school curriculums.

Lenoir Police Explorers Post

The Lenoir Police Department is home to Explorer Post 246, sponsored through the Boy Scouts of America. The purpose of the program is to introduce young adults age 14-20 to various aspects of law enforcement. Explorers attend bi-monthly meetings where they participate in training conducted by sworn law enforcement officers. In return, Explorers provide services to the department and the city during community activities and public events.

The purpose of the Post is to familiarize Explorers with methods and attitudes of law enforcement. Not all Law Enforcement Explorers are interested in law enforcement as a career, but the training they receive in leadership and responsibility will help prepare them for any profession.

The Post is supervised by police officers and support staff called advisors. The Head Advisor is Officer Brandon MacLeod. Co-Advisors are Crime Analyst Danielle Gainey and Detective Drew Greene. Ranking Explorer members include a Lieutenant, First Sergeant and Sergeant.

Training

This report should serve to document and describe the department's in-service educational activity by providing a detailed list of training conducted and the hours involved:

Communications/Records: <i>Communications Center Trainer</i> <i>DCI Certifications</i> <i>Security Awareness Training</i> <i>Telecommunicator Certification</i>	99 contact hours
Incident Command System: <i>FEMA ICS-0100</i> <i>FEMA ICS-0200</i> <i>FEMA ICS-0700</i> <i>FEMA ICS-0800</i>	126 contact hours
Instructor Training: <i>In-Service Training Coordinator</i> <i>General Instructor Certification</i> <i>General Instructor Update Training</i> <i>Firearms Instructor</i> <i>NCLM Driver Training Course</i> <i>TASER Certification</i>	397 contact hours
Criminal Investigations: <i>Annual Tri State Polygraph Conference</i> <i>Basic Narcotics Investigations</i> <i>Clan Lab Training – DEA</i> <i>Crime Prevention Through Environmental Design</i> <i>Crime Scene Investigation</i> <i>Death Investigations</i> <i>Financial Crimes Investigations</i> <i>Forensic Analysis of Shooting Incidents</i> <i>Gangs Across the Carolinas</i> <i>General Criminal Investigations</i> <i>Interview & Interrogation</i> <i>NCPA – False Confessions</i> <i>NCPA – Introduction to the Reid Technique</i> <i>OCDTEF East Force Conference</i> <i>Opioid Overdose Death Investigation & Prosecution</i> <i>Photography I</i> <i>Police Law Institute</i> <i>Property & Evidence Room Management</i> <i>Suicide Investigation</i> <i>Warrantless Searches</i>	951 contact hours
K-9 Training: <i>K-9 In-Service</i>	367 contact hours
Field Training and Orientation: <i>Lacie Wilson, Molly Ford, Chris Maher,</i> <i>Reginald Shumate, Meredith Haney, Devin Mosteller</i>	2,520 contact hours

Patrol Training:**4,843 contact hours**

Active Shooter Training
Basic Firearms Maintenance/Cleaning
Basic Law Enforcement Training
Body Worn Cameras
Building Search Techniques
Career Survival Social Networking
Challenging the LE Professional
CJ Leads
Community Policing Before the Crisis
Crisis De-escalation
Crisis Intervention for Veterans
Crisis Intervention Certification
Crowd Management Training
Use of Force
Driver Training
Equality in Policing
Firearms Qualification/Classroom/Combat/Squad
Fire Extinguisher
Intoximeter Certification
Intoximeter Re-Certification
Introduction to Drugged Driving
Intro to Traffic Crash Investigations
Juvenile/Minority Sensitivity Training
Law Enforcement Intelligence Update
Leadership Through Community Partnership
Legal Update Training
LINX Training
NARC Identification for Patrol
National Response Plan Introduction
OC Spray Certification
Officer Involved Shooting & Critical Incident Response
Officer Safety: Surviving Planned Attacks
Opioid Awareness & Response
Physical Fitness Assessments
Polaris Ranger Familiarization
Policy Review
SCAT
Speed Measuring Instrument Operator
Speed Measuring Instrument Recert
Stalking and Stalking Behaviors
Standardized Field Sobriety Testing
Stewards of Children Training
Squad Training
TASER Certification
TASER Update Training
Threat Assessment: School Rampage Shooter
Traffic Stop Techniques
Truckers Against Trafficking for LEO
Use of Force
Use of Force Risk Management CEW
Youth Protection Training

School Related: <i>DARE Certification</i> <i>SRO Certification</i> <i>SRO Ethics</i>	152 contact hours
Special Response Team Training: <i>In-service Training</i> <i>SWAT Training</i>	1,105 contact hours
Supervision and Management: <i>Budgeting and Finance for Law Enforcement</i> <i>Criminal Justice Standards Workshop</i> <i>FBI-LEEDA Command Leadership Institute</i> <i>FBI-LEEDA Executive Leadership Institute</i> <i>New Sergeants Course</i> <i>Overview for Executives</i> <i>Recruiting and Hiring for Law Enforcement</i>	185 contact hours
Non-specific: <i>Armoreders Certification</i> <i>Bloodborne Pathogens</i> <i>Chainsaw Safety Training</i> <i>Customer Service Training</i> <i>Hazardous Materials Training</i> <i>NIBRS MFR Training</i> <i>NIBRS RMS Training</i> <i>NIBRS Train the Trainer</i>	552 contact hours
Structured Training Hours Received Department Wide:	11,298 total hours

Professional Certificates

In order to recognize the level of competence of law enforcement officers serving governmental agencies within the state, to foster increased interest in college education and professional law enforcement training programs, and to attract highly qualified individuals into a law enforcement career, the North Carolina Criminal Justice Education and Training Standards Commission established the Law Enforcement Officers' Professional Certificate Program. This program is a method by which dedicated officers may receive statewide and nationwide recognition for education, professional training and on-the-job experience.

The Lenoir Police Department currently has thirty-seven officers who have received either their Intermediate or Advanced Law Enforcement Certificate, which on a percentage is 72% of the 51 current full-time sworn officers in the department. This percentage of Officer Certification earns the City of Lenoir a 7% discount on law enforcement liability insurance. Through continued education, training and retention of our existing employees, we hope to increase this number each year.

**LENOIR CITY COUNCIL
TUESDAY, MARCH 19, 2019
6:00 P.M.**

PRESENT: Mayor Gibbons presiding. Councilmembers present were Beal, Perdue, Perkins, Stevens, Thomas. Also in attendance were City Manager Hildebran, City Clerk Cannon and City Attorney Rohr.

ABSENT: Mayor Pro-Tem Ben Willis.

Note: Councilmember Rohr's seat is vacant on City Council due to his accepting the position of City Attorney.

I. CALL TO ORDER

A. The meeting was opened by a moment of silence followed by the Pledge of Allegiance led by Mayor Gibbons.

LOUANNE

KINCAID: B. On behalf of City Council, Mayor Gibbons asked everyone to keep LouAnne Kincaid, Caldwell County's Public Information Officer, in their thoughts and prayers as she is currently experiencing health issues.

CONGRATULATIONS;

T.J. ROHR: C. On behalf of City Council, Mayor Gibbons congratulated City Attorney T.J. Rohr for placing first in his age bracket at the City's annual Leprechaun Leap 5K/10K race held on Saturday, March 16 at the Aquatic & Fitness Center.

MAIN STREET

AWARDS: D. On behalf of City Council, Mayor Gibbons congratulated Economic Development Director Kaylynn Horn and Main Street Coordinator Kyle Case along with other City Staff and volunteers upon the City of Lenoir winning four awards at the annual North Carolina Main Street Conference held in Salisbury on March 12 through 14.

Mayor Gibbons shared the City won awards for Best Innovation; Best Volunteer Recruitment, Training and Recognition; Best Downtown Special Event or Event Series; and Best Image-Building Campaign. The City also received the prestigious designation of Main Street Champion.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

**TABLED; CONDITIONAL USE PERMIT;
316 LOWER CREEK DRIVE:**

A. A quasi-judicial public hearing was held to consider a Conditional Use Permit (CUP) as submitted by MC Morgan & Associates, Inc. for property located between Tywood Street and Eastover Circle, NCPIN#2759488961 and NCPIN#2759488577. The applicant is requesting a Conditional Use Permit for

a 68-unit apartment complex in the R-9 and B-2 zoning districts. Staff recommends approval subject to the following conditions:

1. The development shall substantially comply with the site plan on page 8 of the staff report, inclusive of staff's additional notes and clarifications. The maximum number of units shall be 68.
2. The sidewalk along Lower Creek Drive will be 8' wide and straightened for accessibility. A pedestrian connection must be provided from the sidewalks along Lower Creek Drive to the internal pedestrian network.
3. The smaller parcel (NCPIN#2759488577) will be recombined with the larger tract (NCPIN# 2759488961), in compliance with City of Lenoir zoning and subdivision regulations, prior to permitting.
4. The vegetative buffer will be a minimum of 20' wide along the northwestern side property lines where adjacent to single-family residential properties.
5. The architectural standards for articulation through the provision of architectural features as well as the standards for materials and parking lot landscaping found in Section 714 of the Zoning Ordinance shall apply to the entire site, not just the B-2 zoned portions. Primary facades shall be any façade that is visible from Lower Creek Drive or adjacent residential properties.
6. Dumpsters shall be screened on all sides with dumpster enclosures finished to match the principal buildings.
7. All lighting shall be fully cut-off and shielded so as to eliminate/minimize light spill-over onto adjacent residential properties.
8. Signage on Lower Creek Drive shall use exterior illumination only (no internal illumination). Exterior lighting shall be directed at the sign face and be fully shielded to prevent light spill-over onto neighboring residential properties.
9. Valid permits must be obtained for this project and all construction must meet the requirements of the City of Lenoir Code of Ordinances, the North Carolina State Building Code, the North Carolina State Fire Code, and any other federal, state, or local regulation that applies.
10. If a building permit has not been issued within 24 months of the adoption of the Conditional Use Permit, the approval shall be considered null and void.

City Attorney Rohr explained for the general public that a quasi-judicial public hearing is a hearing where City Council sits as a panel of Judges and receives evidence as presented by individuals that have been sworn in by the City Clerk. In addition, Mr. Rohr stated City Council is not allowed to discuss the conditional use permit among themselves or with anyone else and they cannot visit the proposed property site. Attorney Rohr remarked that Council also needs to remain open minded about the project.

Attorney Rohr further advised Council that if an applicant meets all of the proposed conditions, they are entitled by law to be granted a conditional use permit and Council has to grant that approval. Attorney Rohr explained the applicant also has to adhere to all of the conditions upon approval of the

permit.

Attorney Rohr informed Council they should not interrupt speakers, but wait until the hearing is closed before asking for clarification regarding any comments that were presented.

Mayor Gibbons opened the public hearing to receive public comments regarding the conditional use permit.

The following individuals were sworn in by the City Clerk: Jenny Wheelock, Planning Director, Connie Vermillion, Neena C. Tysinger, Grace Caudle, Teresa Edmisten, Jessie Price, Lida Martinat, Patsy Riddle and Mark Morgan, Applicant.

Planning Director Jenny Wheelock submitted a copy of the Staff Report to the City Clerk as evidence to be included in the record. (A copy of the Staff Report is hereby incorporated into these minutes. Refer to pages 105-119).

Director Wheelock stated the information included in the Staff Report is true and correct to the best of her knowledge.

Director Wheelock reported the Staff Report includes draft findings of fact on page 5 that Council may modify should they choose to do so. She pointed out that 1.95 acres of the subject property is zoned as B-2 (General Business) and 3.27 acres is zoned as R-9 (Residential). Ms. Wheelock explained the applicant has submitted a new site plan and noted the access easement located on Lower Creek Drive also provides access to Wilkesboro Boulevard. She stated the North Carolina Department of Transportation will be reviewing the existing driveway on Lower Creek Drive in the future. In addition, Director Wheelock mentioned the CUP Council approved in 2017 for this property expires in two days. This project was never funded therefore a traffic study was not done at that time. Director Wheelock further explained this property could be developed for a variety of uses as it is currently zoned.

Director Wheelock shared the proposed development includes a clubhouse that will be adjacent to Lower Creek Drive along with (2) three-story units and (3) two-story units. Ms. Wheelock also reviewed the elevation of each facility.

Next, Director Wheelock reviewed the results of an Impact Analysis Report for Traffic showing 3,500 cars travel Lower Creek Drive daily. On Wilkesboro Boulevard, 23,000 cars travel daily west of Lower Creek Drive and 18,000 cars travel east of Lower Creek Drive.

The proposed project of 68 units will average 448 daily trips split between two access points (224 SB/224 NB). This averages a 6.4% increase of traffic and less than a 1% increase for Wilkesboro Boulevard.

The Impact Analysis Report for PM Peak Traffic showed estimates of 39 trips (split between two entrances). The Impact Analysis for Schools for 68 units would generate ~5-11 elementary school students. For the “By-Right” scenario for 25 single family homes would generate ~5 elementary. The Impact Analysis for Density is as follows:

	<u>B-2</u>	<u>R-9</u>	<u>Combined Site</u>
Acreage	1.95	3.27	5.22
Total Dwelling Units	36	32	68
Density (du/ac)	18.46	9.79	13 du/ac

As directed by Council, Director Wheelock explained a “by right” development refers to projects that are permitted under their current zoning and do not require any legislative action by City Council. They are approved administratively and do not require public hearings.

Director Wheelock stated this project represents the maximum density for this site that would be allowed in the future under the proposed zoning code amendments, and that Mr. Morgan voluntarily revised the site plan to lower the density when the original proposal would have exceeded the proposed density limits. She noted this project meets all of the standards for a CUP and submitted a copy of her power point presentation to the Clerk to be included in the record of the meeting. (Refer to pages 120-137).

Mr. Mark Morgan, MC Morgan & Associates, Inc., 2408 Lake Oak, High Point, NC, submitted a copy of the Engineer’s Traffic Report prepared by Davenport for the property located on Lower Creek Drive between US 64 and Tremont Park Drive and a copy of the Market Study for property located at 316 Lower Creek Drive (Kattz Corner) which was prepared by Gibson Consulting, LLC, to the City Clerk as evidence to be included in the record for this meeting. (Refer to pages 138-227).

Mr. Morgan stated his firm has built apartment complexes across the state of North Carolina and they have worked on Lenoir’s project for nine months. Mr. Morgan also clarified for City Council that he has not built any market rate housing in North Carolina and confirmed his company sells tax credits. Mr. Morgan stated he redesigned the project following a request to make it more residential in character and to meet the City’s requirements as listed in its Comprehensive Plan. He reviewed the amenities for each buildings and noted a site manager and site engineer would be on site daily.

Mr. Morgan emphasized the City of Lenoir has the highest need for additional housing according to his market study dated March 11, 2019. He reported the demand has grown from 1,100 units in 2017 to 1,800 currently which equals an increase of 40%. Mr. Morgan stated the market study was based on an eight-mile radius which ended at the Town of Hudson. Mr. Morgan further stated the statistics came from a report compiled by the Workforce Development Group at the Western Piedmont Council of

Governments.

Mr. Morgan stated he has a process in place for managing apartments and noted the application process is fairly intensive. He commented he has done due diligence regarding multi-family housing and restated several times during the hearing that this project is why he is here and requested Council let him do what he does.

Mayor Gibbons advised all of the speakers to be clear and concise with their comments and to be as brief as possible due to the number of individuals who signed up to speak.

Ms. Teresa Edmisten, 319 Lower Creek Drive, read part of an editorial in the *News-Topic* in 2017 which included a statement that City Council has approved applications for low income housing five times in the past four years. Ms. Edmisten stated there were fifteen low income apartment facilities in Lenoir and pointed out Lenoir's population is only 18,000. She remarked that 14,000 residents couldn't be living in apartments which indicates the other complexes are not full. Ms. Edmisten mentioned that one-third of Lenoir's workforce lives outside of Caldwell County asked where the residents of the proposed complex are going to work.

Ms. Edmisten stated she was a 48-year resident of Lenoir and referred to her property value possibly decreasing due to the proposed complex. She cited the City's Code, Appendix A, Article IX, Special Review Procedures for Conditional Uses which includes language that allows Council to recommend additional conditions/and base their approval on projects not being detrimental to the surrounding environment and property values and remarked that Council could block this project.

Ms. Edmisten stated she called City Hall six times and was told there was no need for regulation regarding this application and also that she could not speak to City Council since it was a quasi-judicial public hearing. Ms. Edmisten remarked the residents did not have any rights and their loyalty to the community did not mean anything. Ms. Edmisten asked Council to consider placing a cap for these types of apartments in the future so this situation doesn't happen to other neighborhoods.

Ms. Neena Tysinger, 311A Lower Creek Drive NE, stated the right-of-way was 35-feet from her driveway which is their designated right-of-way. She also commented her 92-year old father-in-law lived in the neighborhood and expressed concern regarding his ability to remember the driveway to the complex would be there. Ms. Tysinger stated this proposed project is designed better than the last project, but she asked Council to look out for the residents and further asked Council to consider having the clubhouse driveway moved to the other side of the property in order to alleviate the traffic issue for the residents. Ms. Tysinger reported the current apartments

located on Lower Creek Drive only have one entrance.

Ms. Jessie Price, 305 Lower Creek Drive, expressed her anger regarding the project and that the residents didn't feel welcome at the recent Planning Board meeting. She asked who would be their advocate and that no one seemed to care how this project would affect their neighborhood. Ms. Price stated she wouldn't have purchased her home if the low-income apartments were already been located there. In addition, Ms. Price stated it was poor timing by the City to consider amending the Lenoir Zoning Ordinance when this project was before them for consideration.

Ms. Price also cited statistics from a report obtained from the Lenoir Police Department regarding crime at Skyland, Viridian and the 300 block of Lower Creek Drive. She noted there were 40 calls to Skyland Apartments of which 3 were for significant issues. In the 300 block of Lower Creek Drive there were 25 calls of which 4 were for significant issues and the Department received 26 calls from Viridian Apartments of which 22 were significant.

Ms. Connie Vermillion stated her residence is directly across from the proposed property and pointed out there were 37 single family homes, 34 units at Skyland Apartments and 6 townhomes for a total of 77 houses located within a ½ mile from the proposed project. Ms. Vermillion stated the additional 68 units would increase the population of their neighborhood by 88%. Ms. Vermillion remarked there was no other way out of their neighborhood and the project would affect many more people than just the ones located within a 100-foot radius of the proposed site. Ms. Vermillion also reported that Director Wheelock stated this project would not have an impact on the traffic there.

Ms. Grace Caudle, 372 Eastover Circle NE, stated she was a fifty-seven year resident of the neighborhood and it was a great place to live. Ms. Caudle related that one Councilmember stated Council could only consider the cited conditions in the application and she also referred to the City's Code, Appendix A, Article IX, Special Review Procedures for Conditional Uses which includes language that allows Council to recommend additional conditions/and base their approval on projects not being detrimental to the surrounding environment and property values.

Ms. Caudle stated this project would radically change the balance of their neighborhood and reiterated Council should consider the residents instead of the applicant. Ms. Caudle remarked that Council has the ability to block this project.

Ms. Jessie Price shared she had counted cars traveling on Lower Creek Drive and stated the lanes could not handle 9,400 cars daily.

Planning Director Wheelock clarified that the 9,400 cars represents a generic

accepted estimated maximum per lane before traffic was at a standstill, and that 10,000 cars a day is a better number to estimate the maximum traffic load the road can handle before it fails. She clarified that with a daily traffic count of 3,500 cars, the road is not anywhere near maximum capacity.

Mrs. Lida Martinat, 1044 Randolph Circle, stated the residents have worked hard on their presentations and are nice people, but stated this property has been zoned as B-2 and R-9 for many years. Mrs. Martinat remarked she and her husband have given back to the community over the years and have previously donated land for different projects, but now they need the revenue due to medical reasons. Mrs. Martinat asked Council to be fair.

Planning Director Wheelock clarified that Planning Board requested that Staff review the driveway location, which they did and concluded that as proposed the driveway location is acceptable. She further clarified the Fire Code requires two entrances. Also, Ms. Wheelock stated the Developer would have to take care of demolishing the existing buildings on the property and noted that while Caldwell County does not issue demolition permits, environmental standards for removal and disposal would need to be met by any contractors hired to perform the work.

Councilmember Perdue asked how far back from Lower Creek Drive the proposed buildings. Director Wheelock stated she was unsure, but it would default to the R-9 zoning standard which was 35 or 40 ft.

Mr. Morgan stated the setbacks were sixty-feet.

In addition, Councilmember Perdue referred to the pending NCDOT study regarding access management on US Highway 18 and US Highway 321 and stated he wished the Council had the results of that study. Councilmember Perdue further stated that housing was Council's number two priority from their February Planning Retreat.

Councilmember Perdue informed Mr. Morgan that he did not disclose this project would be income assisted housing at any time during his presentation.

At this time, Mr. Morgan affirmed the project is income restricted with a range of income levels, based on the tax credit structure and the income levels of the community.

Mayor Gibbons also clarified for the audience that a Conditional Use Permit was the only time that Council could not discuss projects with the general public. Mayor Gibbons stated he has never failed to return anyone's calls and emphasized that Council was willing to address issues with the public at any given time. Mayor Gibbons stressed that Council cares very deeply about the City and the direction it is taking.

City Attorney Rohr referenced Chapter 41-A, State Fair Housing Act, and cautioned City Council their decision could be considered discriminatory if it is based on the fact the apartments are low income housing. Mr. Rohr explained someone could arguably say Council was in violation of North Carolina law since Council is having a discussion about low income housing. Mr. Rohr advised Council this action may expose you to legal action.

Councilmember Perdue asked City Attorney Rohr if Council was truly bound to approve the conditional use permit if the applicant meets all of the criteria and referred to the section of the City Code that was mentioned by several of the speakers.

City Attorney Rohr informed Council that Staff and the Planning Board have made recommendations along with conditions based on their findings of fact. Mr. Rohr stated that Council would have to present its own findings of fact if they wanted to add additional conditions to the project plus the conditions would have to relate to an issue that Council wanted to address.

Councilmember Beal asked what the income ranges would be.

City Attorney Rohr advised Mr. Beal he was in danger of violating state law asking this type of question.

City Attorney Rohr stated it should not be a factor whether the proposed tenant's salary is \$30,000 or \$200,000.

Councilmember Beal withdrew his question and reserved the right to ask a question at a later time.

Mr. Morgan stressed to Council the development was going to be very nice. There being no further public participation, Mayor Gibbons closed the public hearing and asked Council for action.

Councilmember Perdue asked if a traffic study was done when the previous project was submitted in 2017.

Director Wheelock stated a study was not done due to the project not being funded in 2017 although Council had added that condition, and clarified that the traffic analysis would likely be based on ITE trip generation information, which has been submitted for this project. As information, Director Wheelock mentioned she has requested NCDOT to do a high level feasibility study to on US Highway 18 and US Highway 321 in order to improve traffic safety through access management. That high-level analysis has been completed, and now the access management projects will be scored in the next round of STIP (Strategic Transportation Investment Program) projects. Those projects are ranked based on need and cost, and projects that score well move into more detail design work and are programmed for funding. Ms. Wheelock stated these both of these projects are low cost Projects, which should help

them score higher and be implemented sooner.

Councilmember Perdue stated he feels it is unfair for Council to make a decision at this meeting due to trying to process all of the information that has been presented to Council. He stated he wanted to give this project his due diligence and moved to table this item until the next City Council meeting of Tuesday, April. 2 in order for Council to further review the application.

Councilmember Beal reminded Council they cannot talk to the public about this request outside of the Council meeting. City Attorney Rohr stated he would check with the UNC School of Government to see if Council could discuss the issue further with each other.

Mr. Morgan informed Council he has deadlines to meet and he has been forthcoming with information. He also remarked that he willing gave City Council the copy of the Market Study for free.

At this time, Mayor Gibbons stated in order to be fair to Mr. Morgan he would re-open the public hearing to receive additional comments regarding the proposed conditional use permit.

Mr. Morgan continued his comments by stating this is a commercial real estate project and he has met all of the requirements for this permit. He stated the traffic impact would be low and remarked all of the conditions are fair. Mr. Morgan implored Council to let him do what he does for communities.

Ms. Martinat stated she has been trying to get this project approved for two years and the previous delay is what killed that project. She asked Council to please make a decision and end this delay.

Ms. Edmisten asked for clarification regarding how far back the setbacks would be since Mr. Morgan said he would make them 60-feet. Ms. Edmisten referred to the site plan and pointed out the first building cannot possibly be back 60-feet.

Planning Director Wheelock clarified that the site plan is still conceptual at this stage of review, and in absence of a specific condition addressing setbacks that the default zoning standards for a 35-foot front setback in the R-9 district would be applied at time of permitting. She further advised Council they could make a condition changing it to 60-feet for this project should they wish to do so.

Mr. Morgan informed Council of all of the work that has already been done plus he stated he has invested an additional 20% into the cost by making the front buildings as split buildings in order to transition into the neighborhood. Mr. Morgan stated he would agree to the 60-foot setback, but

he would like the flexibility to do what he does.

There being no further public participation, Mayor Gibbons closed the public hearing for the second time and asked Council for action regarding the application before them.

Councilmember Perdue pointed out that Mr. Morgan has had more time than Council to review the project and stated that Council was elected to be fair and partial. He stated he has several questions relating to the project and wants this permitting process to be done correctly.

Councilmember Stevens stated the issue kept coming back to the traffic problems.

At this time, it was noted by Council that Mayor Pro-Tem Ben Willis would not be able to participate in the vote at the April 2 City Council Meeting due to being absent for the quasi-judicial public hearing.

There being no further public participation, Mayor Gibbons closed the public hearing and asked Council for action.

Motion

Upon the motion by Councilmember Perdue, Council voted 5 to 0 to table the conditional use permit request until the next Council Meeting of Tuesday, April 2 in order to allow Council the opportunity to further review the project and submitted information.

ORDINANCE; AMENDING THE LENOIR CITY ATLAS TO REMOVE THE B-4 ZONING CLASSIFICATION & ASSIGN APPROPRIATE NEW ZONING CLASSIFICATIONS:

- B. A public hearing will be held to consider approval of an Ordinance Amending the Lenoir Zoning Atlas to Remove the B-4 Zoning Classification and Assign Appropriate New Zoning Classifications to all B-4 Properties, Providing for Severability, and an Effective Date, based on the Consistency Statement provided. **Note:** Only 37 properties in the City currently have the B-4 zoning classification assigned to them. **Consistency Statement:** The Lenoir City Council finds that the proposed zoning map amendments ***are consistent*** with the Comprehensive Plan because they facilitate progressive and sound land use policies and strategies to ensure that Lenoir grows fairly, effectively, and efficiently and is related to the adoption of sensible, straightforward zoning standard and procedures that are easily understood by developers and the general public.

A copy of the ordinance is hereby incorporated into these minutes by reference. (Refer to pages 228-238).

Mayor Gibbons opened the public hearing to receive public comments regarding the ordinance to amend the Zoning Ordinance.

Planning Director Wheelock stated one of the main things that the companion zoning ordinance amendments do is to collapse all the uses into categories and streamline the code in order to make them more reasonable and more transparent. In doing that analysis, one zoning district, the B-4 district, was found to be redundant with the B-6 district as far as the purpose and the new list of permitted uses under the consolidated categories. She explained that due to only 37 properties being zoned as B-4, it is more practical in the long-run to change the zoning on these properties than maintain two very similar districts in the revised code. Director Wheelock stated she has worked with all of the property owners to find appropriate zoning classifications, and stated there are several people present who wish to address City Council.

Councilmember Stevens inquired if all of these zonings are transitional.

Director Wheelock referred to Map 1 and stated that while most of the B-4 properties are contemplated to be changed to the B-6 transitional business district, some made more sense as other districts, due to their existing development or the adjacent districts. She pointed out the example in Map 1 Home Health Care parking lot, which is zoned as B-4 instead of B-2. She recommended extending the existing B-2 zoning to include this parking lot. Ms. Wheelock stated the church (Unitarian Universalists) on Map 3 is in an existing spot zone (B-4) and all of the surrounding properties are different. She stated that while staff's initial recommendation had been to change the zoning to R-9 to eliminate the "spot zone" that a change to B-6 in this scenario would be equally appropriate as the church is already a spot zone and the zoning in the area is already diverse with residential, business, and industrial all within a single block. She noted these properties are all non-conforming anyway, and that this would be something to be handled as projects come forward as they are today with the existing zoning.

Director Wheelock further commented, if the owners were interested in rezoning this property to B-2, she recommends including the proper currently zoned R-9 adjacent to Harper Avenue, which had not been noticed or advertised as being subject to a zoning change and could not be addressed with this re-zoning consideration.

Ms. Kathleen Kaminski, representing the Unitarian Universalists of Caldwell County, at 103, 105 and 109 Virginia Street SW, read a statement formally requesting that the property located at 105 Virginia Street SW not be rezoned as R-9 in order to allow the property owners the opportunity to work with the Planning Department to secure a Business Classification appropriate to their current uses and to their site. Ms. Kaminski also mentioned there was an error in the County's GIS system which caused the property owners not to receive a sufficient notice of the public hearing because the first letter was returned to the Planning Department and the second notification was mailed to the church address.

(A copy of the statement is hereby incorporated into these minutes by

reference. Refer to pages 239-240).

Ms. Kaminski further stated the multi-family designation is not an appropriate new zoning classification for their church property. She remarked it seems like the City is taking their property without compensation so therefore they are requesting an appropriate business designation. Ms. Kaminski stated they also want the record to reflect their considered objections.

Mrs. Patsy Riddle, 2350 Lakeside Terrace, stated their property is adjacent to the Lenoir Veterinary Hospital and stressed the only access to the Veterinary Hospital is through their neighborhood. She clarified you can't access this area through Victoria Court. Mrs. Riddle stated the neighbors have had a good relationship with the Veterinary Hospital but pointed out the property may become something else in the future which causes additional concern. She asked Council to take that into consideration when making a decision on this request. Mrs. Riddle also expressed concerns including property value, safety issues, noise control and lighting issues.

Director Wheelock remarked that you can't condition rezoning to straight zoning and pointed out that she and Public Works Director Jared Wright are currently looking at access management standards and exploring classifying streets in the City to allow for more context-sensitive regulations. In addition, Director Wheelock advised Council, should they delay action on this request; the date of the public hearing to amend Appendix A of the Lenoir City Code (Item C.) on the Agenda will have to be changed as it relates to these rezoning amendments. It was noted these proposed amendments are all city initiated.

Director Wheelock referred to Map 3 and stated B-6 zoning is the most like B-4 and recommended against the City Council rezoning just the middle lot to B-2. She stated that the owners could petition the City Council in the future to re-zone their entire property to B-2, which would be consistent with the other zoning at the intersection. The property owners could also initiate a request to change the residential lot at the corner to B-6; but that only the highlighted middle parcel on Map 3 was before the Board for action tonight.

Councilmember Perdue made a motion with the following two changes:

1) Amend the Ordinance in Section 3 to remove 105 Virginia Street as B-4 and add 105 Virginia Street as B-6 to Section 8 of the Ordinance.

2) Remove Lakeside Terrace as B-2 from Map 7 and add as B-6 in Section 8 of the Ordinance.

There being no further public participation, Mayor Gibbons closed the public hearing and asked Council for action.

Upon the motion by Councilmember Perdue, Council voted 5 to 0 to adopt the amended Ordinance with the above two (2) changes **in bold** to Amend the Lenoir Zoning Atlas to Remove the B-4 Zoning Classification and Assign

Appropriate New Zoning Classifications to all B-4 Properties, Providing for Severability, and an Effective Date, based on the Consistency Statement provided above as recommended by City Staff.

ORDINANCE; AMENDING APPENDIX A OF THE LENOIR CITY CODE RELATED TO USE AND ZONING DISTRICT PERFORMANCE STANDARDS, REPEALING THE PERMITTED USE CHART, UPDATING USE DEFINITIONS, ESTABLISHING A CHART OF ZONING DISTRICT REGULATIONS, ESTABLISHING A RESIDENTIAL-COMMERICAL ZONING DISTRICT, DELETING THE B-4 ZONING DISTRICT, AND ELIMINATING DUPLICATIVE CODE SECTIONS, PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE:

- C. A public hearing was held to consider adopting an Ordinance Amending Appendix A of the Lenoir City Code Related to Use and Zoning District Performance Standards, Repealing and Replacing the Permitted Use Chart, Updating Use Definitions, Establishing a Chart of Zoning District Regulations, Establishing A Residential-Commercial Zoning District, Deleting the B-4 Zoning District, and Eliminating Duplicative Code Sections, Providing for Codification and an Effective Date.

Mayor Gibbons opened the public hearing to receive public comments regarding the proposed ordinance.

A copy of the Ordinance is hereby incorporated into these minutes by reference. (Refer to pages 241-323).

Planning Director Wheelock clarified for Council the proposed ordinance is not intended to eliminate public input, but rather allows certain projects that currently require Conditional Use Permits but would always meet the standards be allowed “by right,” sets limits on Conditional Use Permits to better define what is and isn’t compatible with the community, and establishes more legislative options for multi-family that gives the City Council options to speak with members of the neighborhood to see whether a project will fit in with the community. Ms. Wheelock stated this is a technical ordinance that has been in the works for a number of years.

There being no further public participation, Mayor Gibbons closed the public hearing and asked Council for action.

Upon a motion by Councilmember Perdue, Council voted 5 to 0 to adopt the Ordinance Amending Appendix A of the Lenoir City Code Related to Use and Zoning District Performance Standards, Repealing and Replacing the Permitted Use Chart, Updating Use Definitions, Establishing a Chart of Zoning District Regulations, Establishing A Residential-Commercial Zoning District, Deleting the B-4 Zoning District, and Eliminating Duplicative Code Sections, Providing for Codification and an Effective Date as recommended by City Staff.

REVISED RESOLUTION; AUTHORIZING FILING OF A FINANCING AGREEMENT AS AUTHORIZED BY N.C.G.C. §160A-20 WITH THE N.C. LOCAL GOVERNMENT COMMISSION; METERING PROJECT:

- D. A public hearing will be held to consider adopting an Ordinance Authorizing the Filing of a Financing Agreement as authorized by N.C.G.S. §160A-20 with the North Carolina Local Government Commission (LGC) for approval of the City's Metering Project, the proposed financing contract and other actions not inconsistent with this Resolution.

Note: City Council received an amended resolution prior to the meeting in order to correct the percentage rate from 0% to the correct percentage of 2.952%.

A copy of the Revised Resolution is hereby incorporated into these minutes by reference. (Refer to pages 324-326).

Mayor Gibbons opened the public hearing to receive public comments regarding the proposed resolution.

City Manager Hildebran reiterated that the correct interest rate is 2.925 percent as outlined on the revised resolution. The City will be borrowing \$4,400,000 at 2.925% for a period of ten years for this project.

There being no further public participation, Mayor Gibbons closed the public hearing and asked Council for action.

Upon a motion by Councilmember Thomas, Council voted 5 to 0 to adopt the amended Resolution as authorized by N.C.G.S. §160A-20 with the North Carolina Local Government Commission (LGC) for approval of the City's Metering Project, the proposed financing contract and other actions not inconsistent with this Resolution as presented by City Staff.

III. CONSENT AGENDA ITEMS

- A. Upon a recommendation by City Manager Hildebran, the following Consent Agenda items were submitted for approval:

1. Minutes: Approval of the minutes of the City Council Meeting of Tuesday, March 5, 2019, as submitted.
2. Minutes: Approval of the minutes of the Committee of the Whole Meeting of Tuesday, February 26, 2019, as submitted.
3. Bid Award; MeterSYS Project: Staff recommends Council award the low bid of \$4,400,000 at a percentage rate of 2.925 percent to US BanCorp for a term of ten (10 years for the City's MeterSYS Project contingent upon approval of the North Carolina Local Government Commission. (A copy of the bid award is hereby incorporated into these minutes by reference. Refer to pages 327-328).

Note: Staff further recommends Council hereby authorize, empower and direct

the City Manager to do all such acts to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract as approved.

Upon a motion by Councilmember Stevens, Council voted 5 to 0 to approve the above listed items on the Consent Agenda as presented and as recommended by City Manager Hildebran.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

FY2019 ACTION PLAN & UNIFOUR HOME CONSORTIUM:

A. Mr. Rick Oxford, Plan Administrator, Western Piedmont Council of Governments, held the first of two public meetings to receive public comments regarding the proposed FY2019 Action Plan and the Unifour HOME Consortium as part of the five-year Consolidated Plan. This plan, as required by the U.S. Department of Housing and Urban Development (DHUD), outlines goals and action plans of the City of Lenoir and the Unifour HOME Consortium and its use of Community Development Block Grant (CDBG) and HOME funds for fiscal year 2019, beginning July 1, 2019 and ending June 30, 2020. The City of Lenoir serves as the Lead Entity for the Unifour Consortium.

Mr. Oxford stated HUD has not released the funding amounts yet for municipalities and reported the City received \$137,000 in Community Development Block Grant Funds in 2018 and \$1,100,000 in HOME Funds. He stated they are proposing these funds be used for improvements at J.E. Broyhill Park, the Mack Cook Stadium and the former Lenoir High School Auditorium (LHS). In addition, funds will continue to be used for Downpayment Assistance to first time home buyers and non-profit organizations such as Habitat.

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

LENOIR TOURISM DEVELOPMENT

AUTHORITY: 1. The Lenoir Tourism Development Authority will meet on Thursday, March 21 at 4:00 p.m. at City Hall, Third Floor.

LENOIR BUSINESS ADVISORY

BOARD: 2. The Lenoir Business Advisory Board will meet on Thursday, March 21 at 6:00 p.m. at City Hall, Third Floor.

PLANNING

BOARD: 3. The Planning Board will meet on Monday, March 25 at 5:30 p.m.

COMMITTEE OF THE

WHOLE: 4. The Committee of the Whole will meet on Tuesday, March 26 at 8:30 a.m. at City Hall, Third Floor. City Council will conduct a Budget Work Session during this meeting.

EMPLOYEE RECOGNITION

BANQUET: 5. The annual Employee Recognition Banquet will be held on Tuesday, March 26 at 6:00 p.m. at the J.E. Broyhill Civic Center.

FOOTHILLS REGIONAL AIRPORT

AUTHORITY: 6. The Foothills Regional Airport Authority will meet on Wednesday, March 27 at noon.

CRUISE-IN: 7. A Cruise-In Event is scheduled for Saturday, April 6 at 4:00 p.m. in downtown Lenoir.

GRAVITY

GAMES: 8. The North Carolina Gravity Games presented by Google will be held on Saturday, April 13 from 9:30 a.m. – 3:00 p.m. in downtown Lenoir.

HOLIDAY

CLOSING: 9. City offices will be closed on Friday, April 19 in observance of Good Friday.

B. ITEMS FOR COUNCIL ACTION**VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY****VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR****IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS****X. ADJOURNMENT**

A. There being no further business, the meeting was adjourned at 8:45 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor



Staff Report

Conditional Use Permit

CASE NUMBER CUP #1/19

LOCATION MAP/AERIAL PHOTOGRAPH



Subject Property

316 Lower Creek Drive



SUMMARY

Owner

Silvio G Matinat, Edwin H Martinat JR, Karan M Witt

Applicant

MC Morgan & Associates, Inc

Location

Located on Lower Creek Dr between Tywood St and Eastover Cir. +/- 5.22 Acres

NC PIN

2759488961 & 2759488577

Project Planners

Jenny Wheelock, AICP, CZO
Hannah Williams

Updated March 4, 2019

Applicant's Request:

The applicant is requesting a Conditional Use Permit for a 68 unit multi-family apartment development in the General Business (B-2) and Multi-Family Residential (R-9) zoning districts.

Staff Recommendation:

Approval of the request, subject to the conditions in this report.

Planning Board Recommendation:

Planning Board recommends approval of the Conditional Use Permit, with conditions listed on page 6 of this report.

Public Comment:

Of those in attendance at the Planning Board meeting, approximately 15 people opposed the proposal, while approximately 5 supported the proposal.

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

City Council (Public Hearing): Scheduled for March 19, 2019.

*****This request is considered quasi-judicial. You should not discuss this case with decision mak-**

BACKGROUND AND ANALYSIS

Intent of Conditional Use Permits

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

Intent of the Zoning Districts

The Multi-family Residential District (R-9) is intended to accommodate medium density single-family residential and multi-family residential, double wide manufactured homes and compatible land uses. Multifamily developments over 3 units are permitted as Conditional Uses in the R-9 district.

The General Business (B-2) zoning district is intended to provide areas along major and minor thoroughfares for activities which require larger tracts of land and ideal vehicular access. As a higher intensity residential use, multifamily developments require and benefit from much of the same site features as commercial uses. Multifamily developments over 3 units are permitted as Conditional Uses in the B-2 district.

Subject and Surrounding Properties

The approximately 5.2 acre subject property is on Lower Creek Drive, just west of the Skyland apartment development and across the street from Eastover Circle. It is currently developed with a large, vacant farm house with several outbuildings. There are no residents using the property. The property is mostly cleared land with several mature trees and vegetative buffers around the side property lines. The subject property is "split-zoned" with R-9 (Multi-family) and B-2 (General Business) zoning districts. The R-9 zoning district takes up about 3.27 acres on the subject property, and includes the entirety of the 600 feet of street frontage on Lower Creek Drive. The B-2 zoning district takes up about 1.95 acres of the subject property, located towards the rear/south.

Adjacent properties to the north of the subject property are single family homes in the R-12 district. Neighboring properties to the east are multi-family apartments in the R-9 zoning district and to the west are single family homes in the R-9 zoning district. These properties have access off of Lower Creek Drive. Properties to the south are zoned B-2 general business district and are accessed from Wilkesboro Boulevard.

Proposed Development

The applicant is proposing a 68 unit multi-family apartment complex. Multi-family developments are allowed with a Conditional Use Permit in both R-9 and B-2 districts.

The applicant proposes an apartment complex with four residential buildings and one standalone clubhouse. An apartment building with 12 units (Bldg 400) and the 1 story clubhouse will face Lower Creek Drive. Three other buildings will be located towards the rear of the property, one with 12 units (Bldg 200), one with 20 units (Bldg 300) and one with 24 units (Bldg 100). Building 400 and Building 300 will have their lower levels built below the grade of Lower Creek Drive, reducing visibility impacts from surrounding properties. See the site plan (page 8) and elevation drawings and section detail diagram (page 9-10).

BACKGROUND AND ANALYSIS, CONT.

Additional amenities include a playground, a picnic shelter, a multipurpose room, and a computer room for resident use. Parking is provided internal to the site, with much of the parking areas being screened from view by building 400. The proposed development would require 2 parking spaces per unit, requiring 136 total parking spaces.

The primary access for the apartments is proposed off of Lower Creek Drive; however, a secondary access point to allow ingress/egress from Wilkesboro Blvd. is also proposed along an existing easement that runs along the western side of the property currently developed with Community One Bank. Sidewalks are proposed along Lower Creek Drive as well as to connect all of the buildings internally within the site.

Consistency with the Comprehensive Plan

All decisions of the Planning Board and City Council should be based on consistency of the proposal with the Comprehensive Plan and any other officially adopted plan that is applicable. The comprehensive plan encourages the development of affordable housing for people in all stages of life, and encourages the development of high-quality multi-family buildings. The design of the apartment buildings, with varied building types, residential design features (pitched roofs, covered entries), and high-quality architecture and materials achieves these goals.

Compatibility with Surrounding Uses

Generally, multi-family residential uses make good transitional uses to “step down” from the intensity of commercial districts to lower density single family residential neighborhoods. As such, the location of the subject property between the commercial areas on Wilkesboro Blvd and the predominately one- and two-family houses to the north and west of the subject site makes it an ideal transitional use. The site layout, with the smaller units closer to the street and other residences, gives careful consideration to the surrounding neighborhood.

Impacts of the Project

Intensification of development rights on properties should be analyzed both on their overall impact to the community as well as their specific intensification of impact over what might be allowed “by right” on the site. For this analysis, staff assumed a “by right” build out scenario of ~25 single family homes, based on the density allowed in the R-9 district.

School Impacts: The proposed apartments are located within the Lower Creek Elementary School, William Lenoir Middle School, and Hibriten High School districts. Of the three schools, Lower Creek Elementary School is the closest to capacity.

Apartments tend to generate less students than single family homes, with various studies putting the generation rates of elementary-school aged children from apartment complexes anywhere between 0.07-0.159 students per unit. Using this range, the proposed apartment complex can be projected to generate anywhere between 5 and 11 new students in the Lower Creek school district. For purposes of determining impacts of the conditional use over the “by right” development scenarios, 25 single-family homes would have a student generation rate of ~0.2 elementary school students per unit, or about 5 students.

Traffic Impacts: According to the ITE Trip Generation Handbook (see excerpts in Appendix B of this report), the average trip generation rates for single family homes on a normal weekday is 7 trips per unit while the average daily trip generation rates for low-rise apartments is 6.59 trips per unit. Therefore, the proposed project can be expected to generate ~448 trips a day, compared to 25 single homes, which would generate ~175 trips a day.

The ITE also studies “peak hour” trip generation rates, typically for a morning and evening “rush hour.” For low-rise apartments, the weekday AM peak hour has a generation rate of 0.24 trips/unit (16 trips, 79% exiting) and a weekday PM peak hour rate of 0.38 trips/unit (26 trips, 65% entering). This means that peak times for traffic for this project are likely to be in the PM rush hour, which would not conflict with the brief but heavy traffic times for drop off and pick up of elementary school students.

Assuming a relatively equal split between the two points of ingress/egress proposed, the traffic generation rates would result in about 224 trips (entering and/or exiting) a day at each driveway. Given that a 25-home single family development is likely to be a

BACKGROUND AND ANALYSIS, CONT.

single dead-end street with access only to Lower Creek Drive, with all ~175 trips on Lower Creek Drive, the traffic impacts of the development on Lower Creek Drive are negligible over a maximum build-out of single-family homes.

Traffic impacts are also low on Wilkesboro Blvd; however, land adjacent to Wilkesboro Blvd. is rapidly developing. Certain left turning movements, particularly during peak hours, can be difficult/dangerous due to poor visibility, full unrestricted dual-left center turn lanes, and higher traffic volumes. City staff have engaged NCDOT Division 11 staff as well as the Greater Hickory MPO in order to study the feasibility of certain congestion and access management techniques that could be implemented along this section of Wilkesboro Blvd, in particular the area between Smith-Crossroads and Taylorsville Rd. Because NCDOT permitting will be required to utilize the existing driveway for Community One bank for this project, the access and design of the driveway will be carefully considered.

Relationship of Proposal to Proposed Code Amendments

The Planning Board and Planning staff are proposing changes to the way the City regulates multi-family developments as a part of a broader effort to update the zoning code. The proposed amendments create a tiered approach to regulating multi-family housing, removing the requirement for a Conditional Use Permit (CUP) for projects that meet certain design standards and stay under certain density thresholds (essentially, densities allowed for “by right” single family detached homes are extended to townhomes, semi-detached homes, and garden-style multi-family projects in the high density residential districts). More intense multi-family projects will still require a CUP, and maximum density thresholds are established to provide clear, objective standards to limit impacts of such developments.

Because the proposed amendments are tracking concurrently through the approval process with this project, they are not applicable to this project. However, a great deal of research and local land use analysis went into the creation of the proposed density standards, and as such they represent a way to offer insight on the compatibility of the intensity of the proposed development. At 68 units, the applicant is requesting the maximum number of units that could be built under the proposed density thresholds (see a more in-depth analysis in Appendix A). However, regardless of whether or not a particular project fell below the maximum density threshold, it still must meet all of the other standards for approval of a CUP. The establishment of the maximum density thresholds, in other words, does not mean that applicants are entitled to the maximum build out if such a project would otherwise be incompatible with one of the required findings for CUP approval.

Please note: based on state statutes, because this developer has already submitted a plan to the City, they have the legal right to be reviewed and considered under the ordinances in place at time of submittal, but may choose to develop under either set of standards. However, given that this project needs a Conditional Use Permit under today’s (and proposed) regulations, the Planning Board and Council may choose to use this analysis to help guide their finding of facts on the overall compatibility of the project.

FINDINGS

No Conditional Use Permit shall be approved unless the Planning Board and City Council find that:

1. The proposed conditional use will comply with all height, yard, lot and area requirements and other regulations of the district in which it is located unless otherwise specified. *The project site is currently split zoned (R-9 and B-2). The proposed development complies with all height, yard, and area requirements of the R-9 and B-2 zoning districts. It will also comply with the design standards of the B-2 zoning district.*
2. All driveways will be designed with respect to such matters as proper ingress and egress for automobiles in order to minimize traffic congestion and increase pedestrian safety and conveniences. *To reduce traffic on Lower Creek Drive and to have a second access point the proposed plans show the development of a second driveway along an existing 50' easement that travels south of the property through 509 Wilkesboro Blvd (Community One Bank) to provide ingress/egress on Wilkesboro Blvd. ITE trip generation rates for low-rise apartments project low traffic generation rates, especially for peak hour traffic. Sidewalks will be installed along Lower Creek Drive, which ultimately will connect to the City's overall sidewalk system, as Lower Creek Drive is listed as a priority corridor for pedestrian connections in Lenoir's Pedestrian Plan. There will also be internal pedestrian access between the apartment buildings and parking areas, as well as property recreation areas.*
3. Off-street parking and loading areas will be provided in compliance with the Zoning Ordinance. *Two parking spaces per dwelling unit are required by the zoning ordinance. For the proposed 68 unit complex, 136 parking spaces are provided.*
4. The establishment of the conditional use will not hinder the normal and orderly development and improvement of surrounding property for uses already permitted in the district. *Multi-family uses make good transitional uses between lower density residential areas and more intense commercial districts. The establishment of a multi-family use on this site will not hinder the surrounding B-2 properties from developing as either commercial or multi-family residential, nor will it hinder the improvement of other underutilized residential parcels for infill housing development (both detached and attached/multi-family).*
5. Any required screening and landscaping will be designed or planted with full consideration of the effectiveness of individual plant types, dimensions, and characteristics in minimizing the noise, glare, visual impacts and other economic effects on adjoining properties. *Where the subject property shares a boundary with single-family homes, a 20 foot vegetative buffer consisting of a combination of evergreen and deciduous trees is required to be installed in accordance with the standards in §712.8 of the zoning ordinance. Street trees and landscaped planting areas within the parking lots must meet the requirements of §1002. All trees and shrubs must be selected from §714.22, List of Approved Trees and Shrubs.*
6. Any permitted signs and proposed exterior lighting will be designed to reduce glare and to mitigate any adverse effects of sign size and height; so as to make the signs aesthetically pleasing and compatible with adjoining properties. *The applicant proposes one monument sign. All signage will meet the standards of the sign ordinance. As a condition of approval, all exterior lighting will be designed to reduce glare and light pollution on neighboring properties, and signage will have external illumination only.*
7. The exterior architectural appearance and functional plan of any proposed building or structure will not vary greatly from any buildings or structures already construction or in the course of construction in the immediate vicinity or from the character of the applicable district, so as to cause a substantial depreciation in the property values of the immediate vicinity. *The applicant is proposing 4 apartment buildings and one community building. Façade materials include brick veneer, fiber cement board trim, vinyl lap siding, and vinyl shakes. Two of the apartment buildings are split-level, which reduce visibility impacts on Lower Creek Drive and create a greater transition to the predominately single-story residential development surrounding the subject property. As a condition of approval, the architectural standards for the B-2 zoning district will be met throughout the site to ensure this criterion is satisfied.*
8. The type, size, hours of operations, location of the use upon the site, and intensity of the proposed conditional use will not be harmful or annoying to surrounding properties. *Great effort was made in the site planning and building designs to develop a*

plan that was sensitive to the context of the neighborhood and the natural lay of the land. The site plan is designed so that three-story buildings are located on the lower elevations of the site, closer to commercial neighbors, with the relative height of such structures all but hidden by creatively placing split-level designed buildings in front of them, facing Lower Creek Drive. Parking areas are largely screened by buildings, which also helps block light and noise from such areas. While at 68 units the proposed complex will be one of the most dense projects in the immediate vicinity, the intensity is camouflaged by creative site planning. Estimates on school and traffic impacts presented in the staff analysis show that this project will not have impacts that significantly exceed those of a typical single family development that could also be built out on the site today by right.

STAFF RECOMMENDATIONS

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

1. The development shall substantially comply with the site plan on page 8 of the staff report, inclusive of staff's additional notes and clarifications. The maximum number of units shall be 68.
2. An 8-ft wide sidewalk is required along Lower Creek Drive, as shown on the submitted site plan. A pedestrian connection must be provided from the sidewalks along Lower Creek Drive to the internal pedestrian network.
3. The smaller parcel (NCPIN 2759488577) will be recombined with the larger tract (NCPIN 2759488961), in compliance with City of Lenoir zoning and subdivision regulations, prior to permitting.
4. The vegetative buffer will be a minimum of 20' wide along the northwestern side property lines where adjacent to single-family residential properties.
5. The architectural standards for articulation through the provision of architectural features as well as the standards for materials and parking lot landscaping found in Section 714 of the Zoning Ordinance shall apply to the entire site, not just the B-2 zoned portions. Primary facades shall be any façade that is visible from Lower Creek Drive or adjacent residential properties.
6. Dumpsters shall be screened on all sides with dumpster enclosures finished to match the principal buildings.
7. All lighting shall be fully cut-off and shielded so as to eliminate/minimize light spill-over onto adjacent residential properties.
8. Signage on Lower Creek Drive shall use exterior illumination only (no internal illumination). Exterior lighting shall be directed at the sign face and be fully shielded to prevent light spill-over onto neighboring residential properties.
9. Valid permits must be obtained for this project and all construction must meet the requirements of the City of Lenoir Code of Ordinances, the North Carolina State Building Code, the North Carolina State Fire Code, and any other federal, state, or local regulation that applies.
10. If a building permit has not been issued within 24 months of the adoption of the Conditional Use Permit, the approval shall be considered null and void.

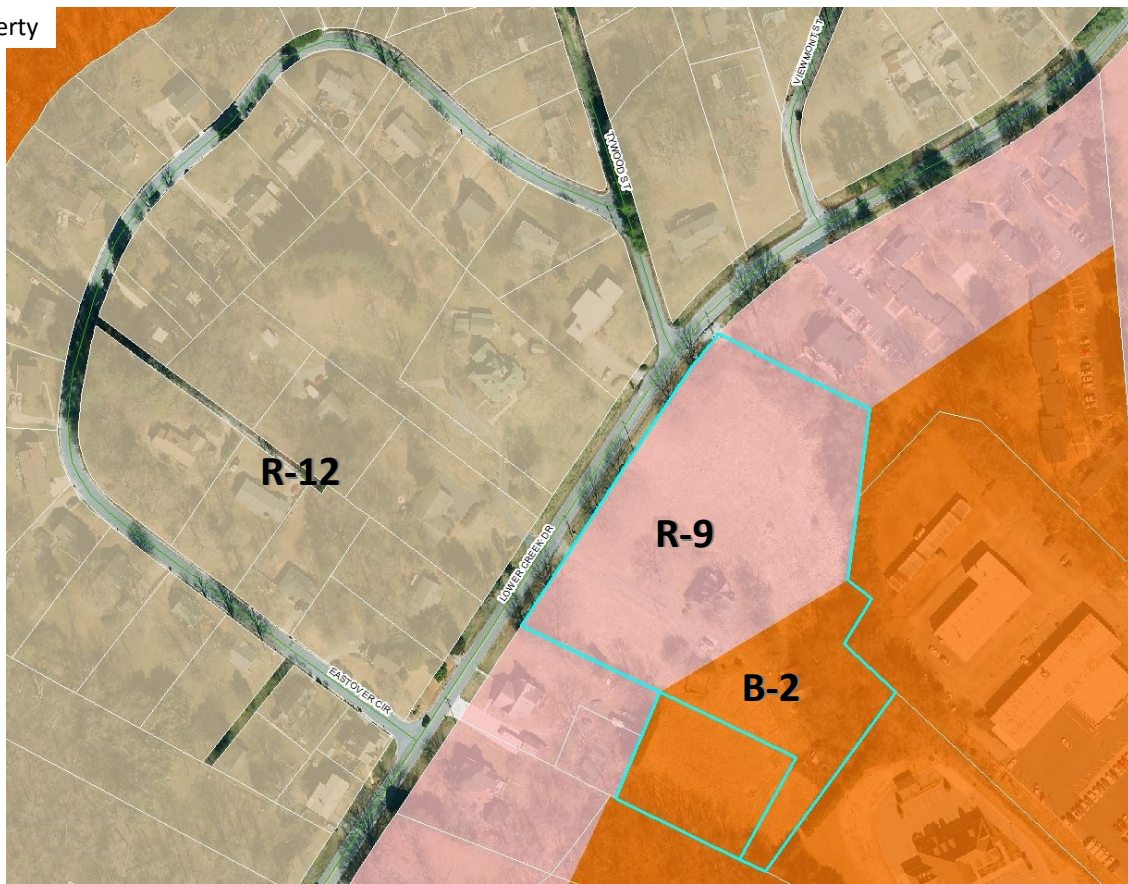
PLANNING BOARD RECOMMENDATIONS

Planning Board recommends approval of the Conditional Use Permit, with conditions listed by staff and the following:

11. The City of Lenoir Planning, Public Works, and Police Departments' staff will evaluate the location of the Lower Creek driveway entrance to maximize safety for the apartment complex and the existing driveways nearby. *NOTE: This has been done, and City of Lenoir staff supports the proposed driveway location in it's current configuration.*

ZONING MAP

Subject Property



Development Standards

	Minimum Lot	Minimum Lot Width	Setbacks	Maximum Building Height	Uses
R-9 Zoning	Single Family 9,000sqft Two-Family 15,000sqft Multi-Family—None	75 Ft	Front: 35' from ROW Side: 12' Rear: 25'	35 ft.	Single Family Dwelling, Family Care Facility, Permitted Uses include Adult Daye Care, Multi-Family Dwelling Single-Family Dwelling (See Sec. 600 and Sec. 804 for full list)
B-2 Zoning	None	None	Front: 10' from ROW Side: Abutting Residential 30' Rear: Abutting Residential 30'	65 ft.	Adult Day Care, Automobile and Truck Sales, Banks, Convenience Stores, Department Stores, Group, Single-Family or Two-Family Dwelling, Sales (See Sec 600 or Sec 810 for full list)

SITE PLAN

SITE INFORMATION:
 SITE: 5.20 ACRES
 BUILDINGS:
 (1) 1-STORY CLUBHOUSE
 (1) 1/2-STORY APARTMENT BUILDING
 (1) 2/3-STORY APARTMENT BUILDING
 (1) 2-STORY APARTMENT BUILDING
 SPRING LINES:
 150' PROVIDED @ 2.0 FPA UNIT
 PARKING SPACES:
 139 PROVIDED @ 2.0 FPA UNIT
 ZONING:
 (R-2) (B-2)
 SETBACKS:
 FRONT = 35'
 SIDE = 12'
 REAR = 25'

UNIT INFORMATION:

UNIT MIX	SQ. FT./UNIT	PKG. REQ.
1-BR (A1 UNITS)	11	2.0
2-BR (B1 UNITS)	33	2.0
3-BR (C1 UNITS)	24	2.0
TOTAL	68 UNITS	139

- REQUIRED SITE AMENITIES:**
- A PLAYGROUND - (W/ MIN. 1 BENCH)
 - B MULTI-PIECE RECREATION (MIN. 200 SQ. FT.)
 - C COVERED PICNIC AREA - (100 SQ. FT. W/ 2 TABLES & GRILL)
- ADDITIONAL AMENITIES:**
- D OUTDOOR SITTING AREAS W/ BENCHES - (MIN. 3 LOCATIONS)
 - E COVERED PORCH W/ SEATING (MIN. 50 SQ. FT.)
 - F RESIDENT COMPUTER CENTER - (MIN. 2 COMPUTERS)



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

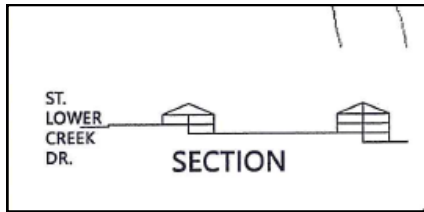
As a condition of approval, sidewalk will be installed parallel to Lower Creek Drive as a standard straight 8-ft. sidewalk

Per applicant, building 400 and 500 will have approx. 12 units

KATTS CORNER
 LENOIR, NC
 2-15-2019



ELEVATIONS — SPLIT LEVEL BUILDINGS (R-9 PORTION)



This is the rendering of the two primary buildings that will be visible from Lower Creek Drive. The applicant proposes to utilize the existing topography of the site to create split-level buildings to achieve the look of two attractive, single-story buildings adjacent to Lower Creek Drive.



Buildings 300 and 400 Rear Elevation



Buildings 300 and 400 Front Elevation





EXISTING SITE PHOTO

316 Lower Creek Dr.



Google Street View

509 Wilkesboro Blvd (Community One Bank)



Google Street View

APPENDIX A: DENSITY ANALYSIS



Density Analysis			
	B-2	R-9	Combined Site
Acreage	1.95 AC	3.27 AC	5.22 AC
Total Dwelling Units (du)	36	32	68
Density (du/ac)	18.46 du/ac	9.79 du/ac	13 du/ac

Relationship to Proposed Code Amendments:

The proposed code amendments would set a “by right” density allowance of up to 4.8 dwelling units/acre for multi-family uses on the R-9 portion of the site, with a maximum density cap of 9 du/acre when approved through a Conditional Use Permit (CUP). In the B-2 (General Business) district, the requirement for CUPs for multi-family is removed entirely, but a maximum density cap of 20 du/acre is established. Based on the acreage in each zone, this would allow a “by right” project of approximately 54 units (15 units in R-9 and 39 units in B-2), with up to 14 additional units on the R-9 portion if approved through a CUP. As proposed, the 68 units represents the maximum that could be approved under the proposed code revisions, and would still require a CUP, although the actual development split across the two zoning districts results in densities of ~18.46 du/acre in the B-2 portion and ~9.8 du/acre in the R-9 portion.

APPENDIX B: ITE TRIP GENERATION RATES

Low-Rise Apartment (221)

Average Vehicle Trip Ends vs: Occupied Dwelling Units
On a: Weekday

Number of Studies: 22
Avg. Num. of Occupied Dwelling Units: 264
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Occupied Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
6.59	5.10 - 9.24	2.84

Low-Rise Apartment (221)

Average Vehicle Trip Ends vs: Occupied Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Number of Studies: 27
Avg. Num. of Occupied Dwelling Units: 257
Directional Distribution: 21% entering, 79% exiting

Trip Generation per Occupied Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.46	0.25 - 0.86	0.70

Low-Rise Apartment (221)

Average Vehicle Trip Ends vs: Occupied Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 27
Avg. Num. of Occupied Dwelling Units: 257
Directional Distribution: 65% entering, 35% exiting

Trip Generation per Occupied Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.58	0.38 - 0.93	0.77

APPENDIX C: APPLICANT'S RESPONSE TO FINDINGS

1. The proposed conditional use will comply with all height, yard, lot and area requirements and other regulations of the district in which it is located unless otherwise specified. The project site is currently split zoned (R-9 and B-2). The proposed development complies with all height, yard, lot and area requirements of the R-9 zoning district, which prescribes the most restrictive standards. It will also comply with the design standards of the B-2 zoning district. As such this standard is being met.
2. All driveways will be designed with respect to such matters as proper ingress and egress for automobiles in order to minimize traffic congestion and increase pedestrian safety and conveniences. The proposed driveway for the front entrance will off-set any other existing streets or driveways that front Lower Creek Drive. To reduce traffic on Lower Creek Dr and to have a second access point the proposed plans show the development of a second driveway along an existing 40' easement that travels south of the property through 509 Wilkesboro Blvd (Community One Bank) to provide ingress/egress on Wilkesboro Blvd. ITE trip generation rates for low-rise apartments project low traffic generation rates, especially for peak hour traffic. Sidewalks will be installed along Lower Creek Drive, which ultimately will connect to the City's overall sidewalk system, as Lower Creek Drive is listed as a priority corridor for pedestrian connections in Lenoir's Pedestrian Plan.
3. Off-street parking and loading areas will be provided in compliance with the Zoning Ordinance. Two parking spaces per dwelling unit are required by the zoning ordinance. One hundred and sixteen will be needed to meet ordinance, the plans propose 136 spaces.
4. The establishment of the conditional use will not hinder the normal and orderly development and improvement of surrounding property for uses already permitted in the district. As a higher density residential use, a multi-family development in this location serves to effectively transition from the commercial orientation of Wilkesboro Boulevard to the single-family homes to the north off of Lower Creek Drive. While this development will likely generate new students within the Lower Creek Elementary School district, the generation rates are similar or lower to those of permitted development in the area and the growth appears to be anticipated within the current school planning growth models.
5. Any required screening and landscaping will be designed or planted with full consideration of the effectiveness of individual plant types, dimensions, and characteristics in minimizing the noise, glare, visual impacts and other economic effects on adjoining properties. Where the subject property shares a boundary with single-family homes, a 15 foot vegetative buffer consisting of a combination of evergreen and deciduous trees is required to be installed in accordance with the standards in §712.8 of the zoning ordinance. Street trees and landscaped planting areas within the parking lots must meet the requirements of §1002. All trees and shrubs must be selected from §714.22, List of Approved Trees and Shrubs.
6. Any permitted signs and proposed exterior lighting will be designed to reduce glare and to mitigate any adverse effects of sign size and height; so as to make the signs aesthetically pleasing and compatible with adjoining properties. The applicant proposes single two-sided ground-mounted monument sign at the entrance on Lower Creek Dr. As a condition of approval, all exterior lighting will be designed to reduce glare and light pollution on neighboring properties, and signage will have external illumination only.
7. The exterior architectural appearance and functional plan of any proposed building or structure will not vary greatly from any buildings or structures already construction or in the course of construction in the immediate vicinity or from the character of the applicable district, so as to cause a substantial depreciation in the property values of the immediate vicinity. The applicant is proposing a small split story town home-style apartment building and one single-story community building along Lower Creek. Facade materials include brick veneer, fiber cement board trim, vinyl lap siding, and vinyl shakes. Purposefully designed, the two three-story townhome-style buildings will only be visible as two-story structures from Lower Creek Drive. This design creates a seamless transition to the predominately two-story residential development located to the north of the property. As a condition of approval, the architectural standards for the B-2 zoning district will be met throughout the site to ensure this criterion is satisfied.

Quasi-Judicial Hearing: CUP for Katts Corner Apartments

March 19, 2019
Case Number: CUP 1/19

Presented by: Jenny Wheelock, AICP, CZO



- 68 unit multi-family development
- Split zoned Residential and Commercial
 - **(B-2 and R-9)**
- Located on Lower Creek Drive
 - Access easement also provides access to Wilkesboro Blvd.



 Subject Property



CUP#1/19

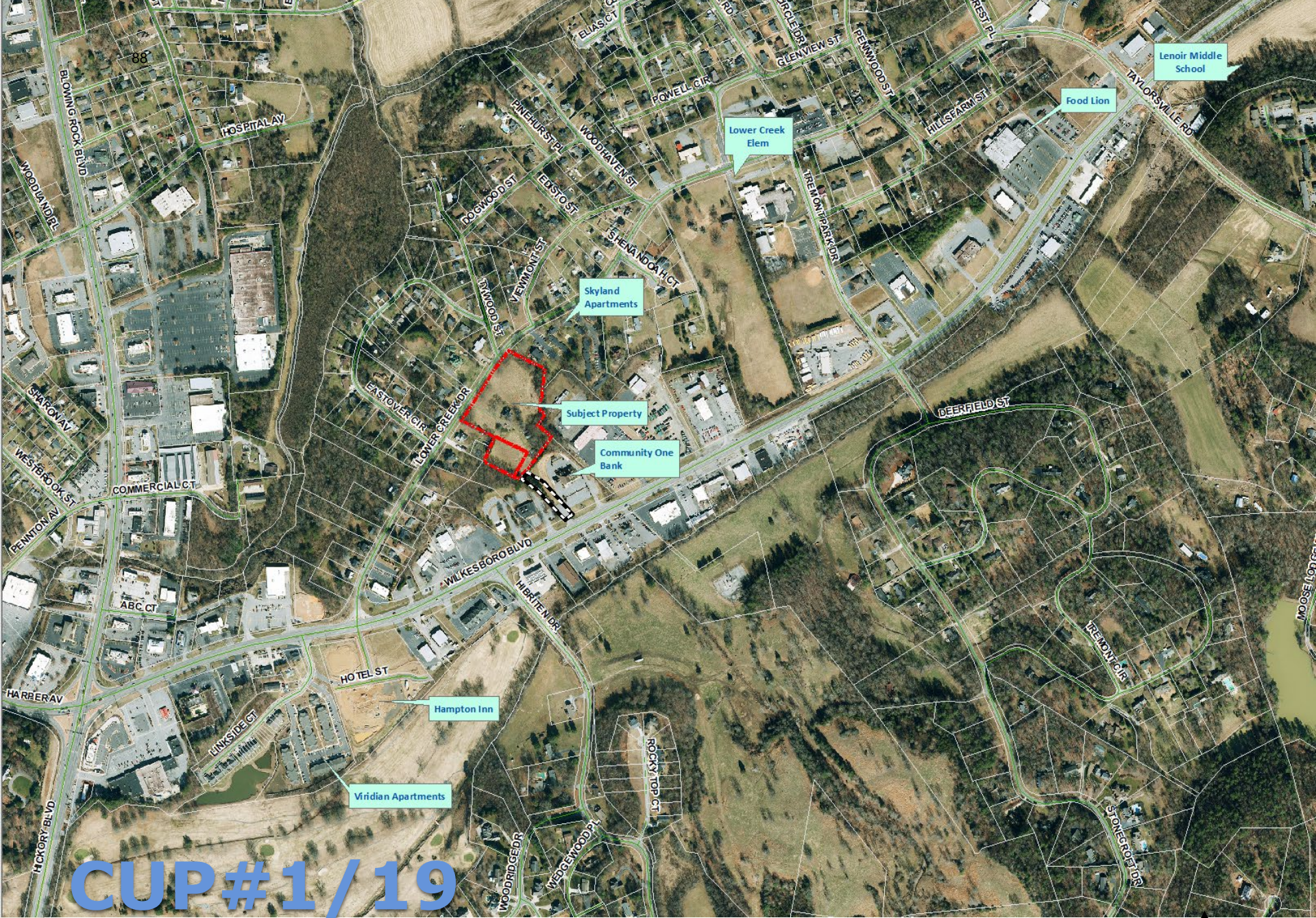


 Subject Property

B-2: 1.95 acres
R-9: 3.27 acres



CUP#1/19



CUP#1/19



Subject Property

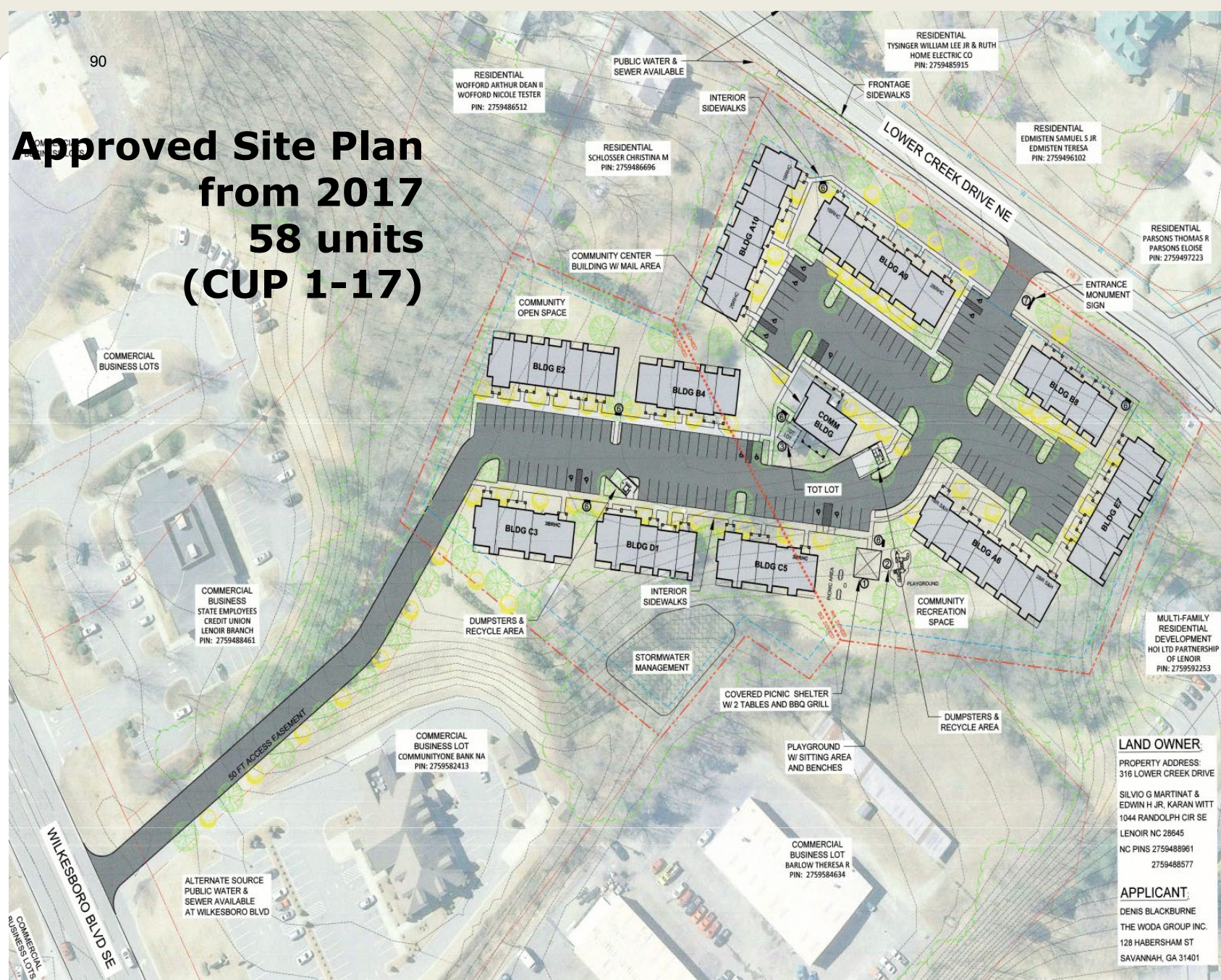


N



CUP#1/19

Approved Site Plan from 2017 58 units (CUP 1-17)



KATTS CORNER

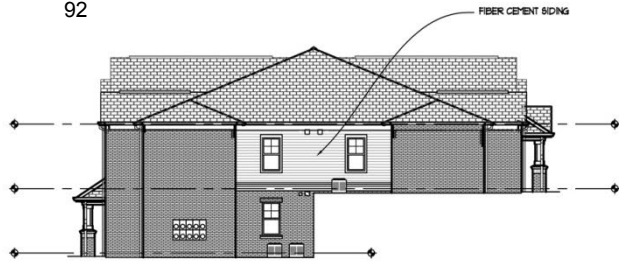
LENOIR, NC

2-15-2019



CUP#1/19

Site Plan: REVISED



3 BUILDINGS 300 & 400 SIDE ELEVATION
3/32" = 1'-0" OPPOSITE SIDE SIMILAR



5 CLUBHOUSE - SIDE ELEVATION
1/8" = 1'-0"



2 BUILDINGS 300 & 400 REAR ELEVATION
3/32" = 1'-0"



4 CLUBHOUSE - FRONT ELEVATION
1/8" = 1'-0"



1 BUILDINGS 300 & 400 FRONT ELEVATION
3/32" = 1'-0"

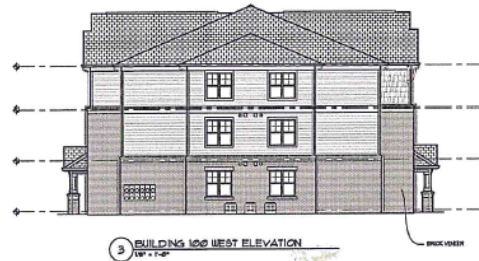
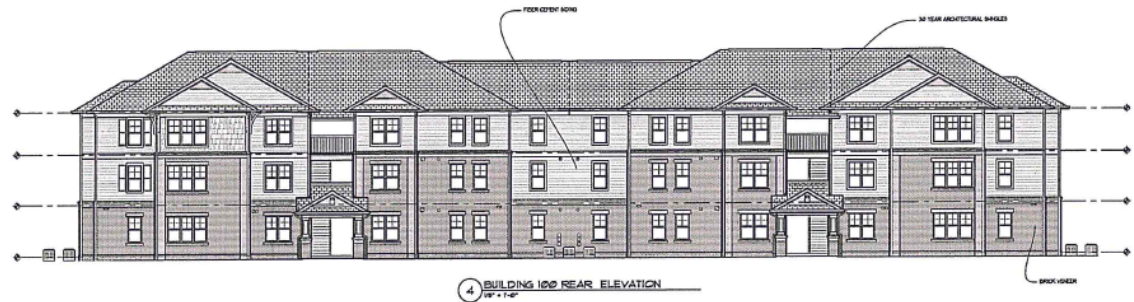
CUP#1/19

Elevations: Lower Creek Drive



CUP#1/19

Elevations: R-9 Internal



CUP#1/19

Elevations: B-2 portion (furthest south)

Impact Analysis: Traffic

Wilkesboro Blvd:

- 23,000 daily cars (west of Lower Creek Dr)
- 18,000 daily cars (east of Lower Creek Dr)
- Standard carrying capacity before LOS reduction: 36,800 daily cars

Lower Creek Drive:

- 3,500 daily cars
- Standard carrying capacity before LOS reduction: 10,000 daily cars
- Theoretical max. saturation flow rate per lane: 1,900 vehicles/hour

Proposed Project: 68 units

- 448 daily trips
- Split between two access points (224 SB/224 NB)

Lower Creek Dr: 6.4% increase
(~49 trips/day or 1 every 15 min)
Wilkesboro Blvd: <1% increase

"By Right" scenario: 25 single family homes

- 175 daily trips
- Unlikely to build out second access point

Lower Creek Dr: 5% increase

Impact Analysis: Traffic PM Peak Hour

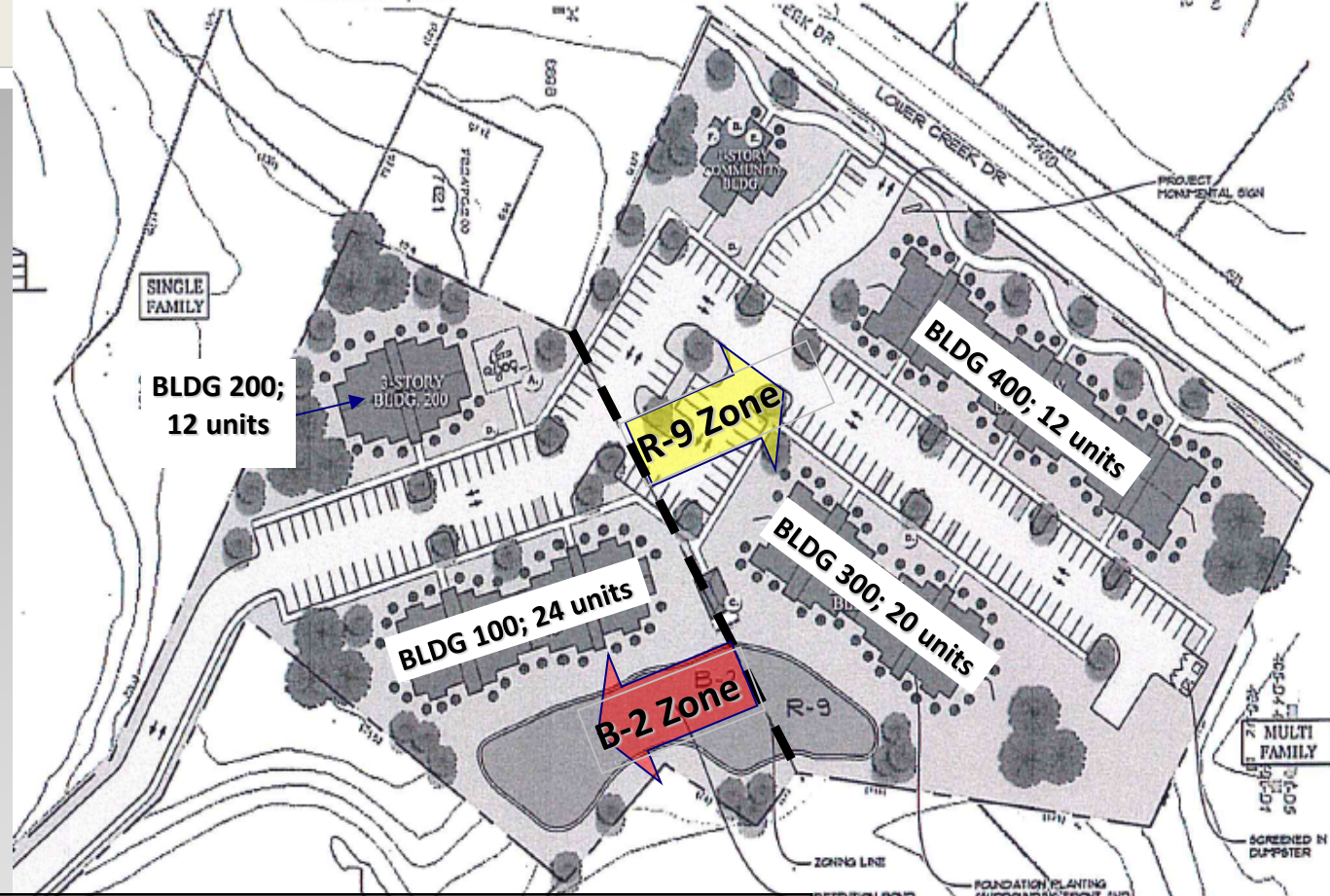
Development	PM Peak Hour Estimates
68 apartments	39 trips (split btwn 2 entrances)
25 single family homes	25 trips
Hampton Inn & Suites (85 rooms)	49 trips
Dunkin Donuts	89 trips (36 trips*)
Chic-fil-a	169 trips (68 trips*)
Community One Bank	220 trips (88 trips*)
Aldi	177 trips (71 trips*)
Hess Gas Station	123 trips (49 trips*)

*these land uses are allotted a "passby" trip reduction of 60% if less than 50,000 sq. ft.

Impact Analysis: Schools

Proposed Project: 68 units	"By Right" scenario: 25 single family homes
• Projected to generate ~5-11 elementary school students	• Projected to generate ~5 elementary school students

Impact Analysis: Density



Density Analysis			
	B-2	R-9	Combined Site
Acreage	1.95 AC	3.27 AC	5.22 AC
Total Dwelling Units (du)	36	32	68
Density (du/ac)	18.46 du/ac	9.79 du/ac	13 du/ac

CUP#1/19

QUESTIONS?

CUP#1/19

Lenoir city, North Carolina


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Description	Measure	Source
Population		
Census 2010 Total Population	18,228	2010 Demographic Profile
2018 Population Estimate (as of July 1, 2018)	N/A	2018 Population Estimates
2017 ACS 5-Year Population Estimate	17,890	2013-2017 American Community Survey 5-Year Estimates
Median Age	43.0	2013-2017 American Community Survey 5-Year Estimates
Number of Companies	1,770	2012 Survey of Business Owners
Educational Attainment: Percent high school graduate or higher	79.3%	2013-2017 American Community Survey 5-Year Estimates
Count of Governments	N/A	2012 Census of Governments
Total housing units	8,607	2013-2017 American Community Survey 5-Year Estimates
Median Household Income	33,947	2013-2017 American Community Survey 5-Year Estimates
Foreign Born Population	923	2013-2017 American Community Survey 5-Year Estimates
Individuals below poverty level	22.3%	2013-2017 American Community Survey 5-Year Estimates
Race and Hispanic Origin		
White alone	14,387	2013-2017 American Community Survey 5-Year Estimates
Black or African American alone	1,831	2013-2017 American Community Survey 5-Year Estimates
American Indian and Alaska Native alone	131	2013-2017 American Community Survey 5-Year Estimates
Asian alone	55	2013-2017 American Community Survey 5-Year Estimates
Native Hawaiian and Other Pacific Islander alone	13	2013-2017 American Community Survey 5-Year Estimates
Some Other Race alone	1,248	2013-2017 American Community Survey 5-Year Estimates
Two or More Races	225	2013-2017 American Community Survey 5-Year Estimates
Hispanic or Latino (of any race)	1,687	2013-2017 American Community Survey 5-Year Estimates
White alone, Not Hispanic or Latino	13,929	2013-2017 American Community Survey 5-Year Estimates
Veterans	960	2013-2017 American Community Survey 5-Year Estimates

Subject	Lenoir city, North Carolina			
	Estimate	Margin of Error	Percent	Percent Margin of Error
Not computed	0	+/-19	(X)	(X)
Housing unit without a mortgage (excluding units where SMOCAPI cannot be computed)	1,934	+/-251	1,934	(X)
Less than 10.0 percent	708	+/-176	36.6%	+/-7.3
10.0 to 14.9 percent	541	+/-139	28.0%	+/-6.8
15.0 to 19.9 percent	254	+/-116	13.1%	+/-5.6
20.0 to 24.9 percent	110	+/-54	5.7%	+/-2.8
25.0 to 29.9 percent	45	+/-38	2.3%	+/-1.9
30.0 to 34.9 percent	49	+/-51	2.5%	+/-2.6
35.0 percent or more	227	+/-120	11.7%	+/-6.1
Not computed	0	+/-19	(X)	(X)
GROSS RENT				
Occupied units paying rent	2,721	+/-328	2,721	(X)
Less than \$500	789	+/-189	29.0%	+/-6.7
\$500 to \$999	1,824	+/-318	67.0%	+/-7.4
\$1,000 to \$1,499	59	+/-62	2.2%	+/-2.2
\$1,500 to \$1,999	49	+/-79	1.8%	+/-2.9
\$2,000 to \$2,499	0	+/-19	0.0%	+/-1.2
\$2,500 to \$2,999	0	+/-19	0.0%	+/-1.2
\$3,000 or more	0	+/-19	0.0%	+/-1.2
Median (dollars)	596	+/-26	(X)	(X)

Source: ACS 2013-2017

**AN ORDINANCE OF THE CITY COUNCIL OF LENOIR,
NORTH CAROLINA, AMENDING APPENDIX A OF THE
LENOIR CITY CODE RELATED TO USE AND ZONING
DISTRICT PERFORMANCE STANDARDS, REPEALING AND
REPLACING THE PERMITTED USE CHART, UPDATING USE
DEFINITIONS, ESTABLISHING A CHART OF ZONING
DISTRICT REGULATIONS, ESTABLISHING A RESIDENTIAL-
COMMERCIAL ZONING DISTRICT, DELETING THE B-4
ZONING DISTRICT, AND ELIMINATING DUPLICATIVE
CODE SECTIONS, PROVIDING FOR CODIFICATION, AND AN
EFFECTIVE DATE.**

Whereas, the Lenoir Zoning Ordinance was adopted in its current form in 1978, and while we have surgically amended the Code as best zoning practices and community need have necessitated, the regulatory framework for classifying uses and zoning district regulations has remained largely unchanged; and

Whereas, best practices in zoning and land use regulation recognize that the use of a particular parcel or structure tends to have less overall impact on the surrounding neighborhood than the design and massing of the building; and

Whereas, the current Permitted Use Chart spans 13 pages of the Lenoir Zoning Ordinance, enumerating 249 separate land uses within the City, often making “distinctions without difference” as the land use impacts and permitted locations of many similar uses are identical; and

Whereas, the proposed Permitted Use Chart reduces the 249 currently enumerated land uses into two, one-page tables (one for 17 residential uses, classified according to intensity and one for 36 non-residential uses), establishing new use categories defined on similar impacts and characteristics, creating a streamlined, predictable, and flexible regulatory framework moving forward; and

Whereas, the current Permitted Use Chart makes no distinction between various densities of multi-family housing, requiring a Conditional Use Permit for any development with 3 or more dwelling units, even in districts expressly adopted to provide opportunities for multi-family housing; and

Whereas, the Lenoir City Council and the Lenoir Planning Board recognize that a “missing middle” for housing types exists within the City, with detached single family homes and home sites in plentiful supply, and larger subsidized apartment projects able to navigate the often controversial Conditional Use Permit process, but lower density, small scale projects are effectively “zoned out” due to overly restrictive multi-family standards; and

Whereas, Section VIII of the Lenoir Zoning Ordinance is unnecessarily repetitive, creating confusion and conflict and making it more difficult for the average citizen to successfully interpret the rules that apply to his property, which is counteractive to Council’s goal of a transparent government; and

Whereas, creating a chart of Zoning District Regulations allows staff and the general public the ability to quickly determine the development standards of a particular district without navigating pages of extraneous text, as well as to quickly see the relationship between the districts; and

Whereas the creation of the Zoning District Regulation chart allows the deletion of approximately 35 pages of outdated, duplicative, and extraneous code provisions, while retaining the district-specific design standards that make the greatest impact on the character of development within each district; and

Whereas, the Lenoir Planning Board finds and declares that this ordinance and these amendments are consistent with the City’s adopted Comprehensive Plan, which calls for: (1) the development of progressive and sound land use policies, (2) the adoption of sensible, straightforward zoning standards that are easily understood by the public, (3) the promotion of affordable housing for people in all stages of life, (4) allowances for greater flexibility in predominately single family districts to allow multi-family developments, (5) the establishment of a high density residential district that does not allow manufactured housing, (6) allowances for garage apartments, and (7) the promotion of Lenoir as a retirement destination through the development of more multi-family buildings and “transitional” housing, while recognizing that due to the growth constraints of our natural and built environment, most development will occur on under-utilized parcels within the existing City, rather than at the edge; and

Whereas, the Lenoir City Council hereby finds and declares that this ordinance and these amendments are in the best interest of the public health, safety, and welfare, as they will promote the orderly and safe development and redevelopment of land within the City at densities and intensities appropriate to allow incremental, achievable, and sustainable growth over time as well as to adapt to changing market conditions, contributing to overall community economic resiliency; and

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

SECTION 1. Appendix A, Article IV of the Code of Ordinances, City of Lenoir, North Carolina, “Definitions” is hereby amended to read as follows:

Accessory Apartment - A secondary dwelling unit, meeting all standards of the City of Lenoir's Minimum Housing Code, located entirely within the same structure as a principal single family dwelling.

Accessory Cottage - A secondary, detached dwelling unit, meeting all standards of the City of Lenoir's Minimum Housing Code, located on single-family lot that is also developed with a principal single family dwelling. Also referred to as garage apartments, granny flats, or mother-in-law apartments. Accessory cottages are considered accessory buildings.

Accessory Use or Building - A use or building subordinate to the principal use or building located on the same lot and used for purposes incidental to the principal use or building.

Adult Day Care Center - A facility which provides daytime care for six (6) or more adults of whom one or more are unrelated and who are aged, handicapped, or disabled and are in need of adult supervision or provided services to meet their needs.

Adult Establishments/Adult Uses/Sexually Orientated Businesses - In addition to "adult establishments" defined by N.C.G.S. 14-202.10, adult uses and sexually orientated businesses include, but are not limited to, adult bookstores, adult motion picture theaters, adult picture rental, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse, sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas" as defined by N.C.G.S. 14-202.10. Such uses are further defined below:

Adult Gaming Establishment - Any establishment deemed legal by state law, featuring one or more stand-alone electronic or conventional gaming units, skill-based or otherwise, or serving one or more patrons in such a capacity at any one time, which also rewards patrons with cash or other monetary payments, goods or certificates for services which are redeemable for cash or other monetary payment on or off premise and including on-line redemptions, as well as any rewards which cannot be legally obtained, consumed, or otherwise used by minors. This term includes, but is not limited to, internet cafes, internet sweepstakes, beach sweepstakes, and cyber cafes.

Agriculture - Farms and general farming, including horticulture, floriculture, dairying, livestock and poultry raising, farm forestry and other similar enterprises.

Attached Dwellings – See Dwelling Unit, Single Family Attached.

Automobile Service Station - Any area of land, including structures thereon, that is used for the retail sale of gasoline or any other motor vehicle fuel or oil and other lubrication substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating and servicing of vehicles, but not including the painting thereof by any means.

Bed and Breakfast – An establishment providing short-term, overnight lodging in three or more separate guest rooms, often providing breakfast. Bed and Breakfast establishments often make re-use of existing historic homes.

Bungalow Court - A residential development where three (3) or more detached, single-family dwellings are arranged around a common, shared courtyard or greenspace, often with shared parking facilities and amenities. Zoning standards like rear, front, and side yard setbacks are applied to the exterior yards of the development site rather than to individual bungalows.

Clinic - An establishment where medical or dental patients, who are not lodged overnight, are given examinations and treatment.

Clubs and Lodges: Establishments that primarily involve the gathering of people for social, literary, political, educational, fraternal, or charitable purposes, but which are not operated for profit or to render a service which is customarily a business. Private country clubs, golf course club houses, Elk lodges, Optimist, Ruritan, and similar civic organizations, American Legion Posts, Veteran's Associations, and clubhouses maintained by homeowners associations are all included in this definition, and such clubs are considered "Cultural and Community Facilities" on the Chart of Permitted Uses, provided that any establishment considered a "private club" as defined by the NC Alcoholic Beverage Commission and serving alcohol under an ABC permit for on premise consumption at a "private club" shall be regulated as a Night Club.

- ~~a. Clubs: (Optimist/Ruritan/other civic organizations; currently permitted as conditional uses in residential districts) An establishment operated by a corporation or association of persons for social, literary, political, educational, fraternal, or charitable purposes, but which is not operated for profit or to render a service which is customarily conducted as a business.~~
- ~~b. Private Clubs: (County clubs, Elks/Moose lodges; currently permitted as conditional uses in residential districts) When operated in a residential zone, the term "private club" shall include associations and organizations of a fraternal or social character or which are maintained in connection with a golf course or country club, and shall not include nightclubs, cocktail lounges, discos, or other such institutions operated as a business. Such organizations and associations may be organized under the laws of the State of North Carolina as a non-profit corporation. When operated in a commercial or industrial zone, the term "private club" may apply to a fraternal or social organizations which restricts memberships, is operated as a business, and may or may not offer for sale alcoholic beverages.~~
- ~~c. Private Club, Commercial: (includes nightclubs, etc., currently permitted in B-2 & B-3 only) An establishment, including but not limited to a cocktail lounge, discotheque, nightclub or tavern, the main use of which is to serve alcoholic beverages for on-site consumption. Such facility may serve food, provide dancing and entertainment as well as operate equipment commonly found in a video arcade. Such establishments shall be located a minimum of 1,000 feet from any school, church, residential zoning district, or public recreational facility.~~

~~Common Development – Any residential development, other than single family (attached or detached), under single ownership or corporation, partnership, trustee, or any other similar entity that represents the parties involved in the overall development, whether subdivided or whole, shall submit to the~~

~~Lenoir Planning Board and City Council a comprehensive site development plan for the project. This will be considered a common development and shall be reviewed under the conditional use process.~~

Communications Tower - A facility, including but not limited to, radio and television transmission towers, microwave towers, and mobile telephone and radio communication towers. This term shall not include radio transmission facilities for use by ham radio operators or two-way local radio facilities for business or government purposes that are under fifty feet (50') in height and that have a maximum horizontal measurement of eighteen inches (18"), nor shall it include any tower erected by a public authority for public safety or emergency purposes.

~~*Condominium* - A building, or group of buildings, in which dwelling units, offices, or floor area are individually owned, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided bases.~~

Convenience Store - A retail establishment selling grocery and sundry items for the convenience of the area or the traveling public. ~~Such an establishment may sell gasoline (limited to 4 pumps (hoses) in B-1 Zone) and automotive accessories, but does not provide any services.~~

Convenience Retail Use - A retail establishment to serve the needs of the residents of the local neighborhood. Such convenience retail uses are generally small in size and provide items of general use, such as groceries, sundries, hardwares, and personal services.

Country Clubs - An organization catering exclusively to members and their guest including buildings and grounds with commercial and recreational activities serving the membership only.

Cultural or Community Facilities - Facilities designed to promote cultural advancement and serve the community by offering gathering spaces for various social, fraternal, educational, and community-centered services such as art galleries, libraries, museums, and community centers, clubs and lodges, such YMCA and YWCA; and facilities to house civic or fraternal organizations; (provided that such facilities are not operated for profit nor offer alcoholic beverages for sale for on or off premise consumption).

Day Care Center — An establishment that provides care, supervision, or instruction to six or more individuals in need of such services on a regular basis. Day Care Centers typically operate between the hours of 5 a.m. and 8 p.m., and do not include any overnight lodging or sleeping facilities. The term day care center includes adult day care centers, youth day care centers, and nursery schools.

~~See Nursery School.~~

Dwelling - A building or portion of a building arranged or designed to provide living quarters for one or more families.

Dwelling, Single-family attached (Town-patiohouses or row houses) - A single-family dwelling unit constructed in a series or groups of attached units with a common dividing side wall with property lines

separating such units. A single housing unit occupies the area from ground to roof and may include front and/or back yard areas.

Dwelling, Single-family detached - A detached dwelling of one unit, other than a manufactured home, designed for occupancy exclusively by one family.

Dwelling, Two-family - A detached building including two individual units, also, known as a duplex.

Dwelling, Group - A building or portion of a building intended for occupancy by several unrelated persons. The term group dwelling includes, but is not limited to the terms rooming house, fraternity house, dormitory and boarding house.

Dwelling, Multi-family - A dwelling designed for or occupied by three or more families living independently of each other, with separate housekeeping, sleeping and cooking facilities for each.

Dwelling, Multi-family low-rise – A low-intensity multi-family development. Often called garden apartments, buildings are typically arranged around common courtyards or greenspace, with patios, porches, decks, or other private amenities for each unit. Units are usually accessed through private entrances directly from the outside. This definition includes the conversions of existing residential or non-residential buildings into multiple apartments, when the densities remain below the thresholds established for low-rise apartments for each zoning district.

Dwelling, Multi-family high-rise – Any multi-family development that exceeds the density or height allowances for low-rise multi-family. Units may be accessed directly from the outside, or through shared internal corridors. Green space and other community amenities such as playgrounds and clubhouses are commonly located on the same site, along with surface parking for residents and guests.

Dwelling Unit - A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Dwelling Unit, Zero-Lot-Line - Single family, detached or semi-detached developments on individual lots, where zero foot side setbacks are used on a maximum of one side of a lot.

Eating and Drinking Establishment – An establishment where food and/or beverages are prepared, served, and consumed. Eating and Drinking establishments include sit-down restaurants, pubs, cafes, tea rooms, cafeterias, coffee shops, fast food/drive-in uses, and any other establishment focused primarily on the sale of food and/or beverages for immediate consumption. This definition does not include private clubs that serve spirituous liquor for on-site consumption.

Educational Facility - A facility for the education of children and/or adults including public and private kindergarten, elementary and secondary schools, colleges, technical institutes and universities, but excluding specialized trade schools and nursery schools.

Family Care Facility - A facility which provides resident service in residence to six (6) or fewer individuals who are not related to the resident household, and are handicapped, aged, disabled, or in need of adult supervision in accordance with their individual needs. This category may include foster or

boarding homes for children, group dwellings, and family care homes. Such facility shall be regulated as a single family residence in this ordinance.

Flea Market - A retail outlet composed of independent booths and/or areas to sell an assortment of merchandise both new and used.

Garage, Commercial - Any structure which is used for storage, repair, rental, servicing, washing, adjusting, or equipping of automobiles or other vehicles for business, occupation or service for profit, but not to include the sale or storage of junked cars. This definition shall also include the storage of vehicles maintained for hobby purposes which are also used in speed competition or any other commercial manner.

Garage, Private - An accessory building or portion of a principal building used for the storage of private motor vehicles and to which no business, occupation or service for profit is in any way connected. The term garage shall include the term carport.

General Gaming Establishment - Any establishment deemed legal by state law, excluding billiards halls, adult gaming establishments and any others similarly defined in this chapter, whose primary use is to provide entertainment services to the general public in the form of electronic or conventional gaming units which provide either no reward to patrons or rewards of limited value such as children's toys, games, and novelties when all of said rewards can be legally obtained and used by all ages and are not redeemable for cash or any other kind of compensation or services on or off premises, including on-line redemptions. This term includes, but is not limited to, traditional video game arcades and children's and family game centers, whether stand-alone or in conjunction with a restaurant or other permissible uses.

Group Care Facility - A facility which provides residents services to ~~six (6)~~seven or more individuals of whom one or more are unrelated and who are handicapped, aged, or disabled, are undergoing rehabilitation, and are provided services to meet their needs. Caregivers typically provide 24-hour awake care, and do not live on the premises. This category may include uses licensed or supervised by any Federal, State or County Health/Welfare Agency, such as group dwellings (all ages), halfway houses, nursing homes, and other convalescent and extended care facilities. ~~resident schools, resident facilities, and foster or boarding homes.~~

Group Housing – See Dwelling, Group

Hospital - An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient facilities, and staff offices which are an integral part of the facility.

Hotel - Any building containing six or more guest rooms intended to be used, or which are use, rented or hired out to be occupied for sleeping purposes by guests. The term Hotel shall include the term Motel.

~~*Junk and Salvage Yard*~~ - The use of any part of a lot for the storage, keeping abandonment, sale or resale of junk, salvage, or scrap materials; or for the dismantling, demolition, or abandonment of automobiles and other vehicles, machinery, equipment, manufactured homes or parts thereof. Also called Salvage Yards. See also Salvage Operation.

Kennel - Any location where boarding, caring for or keeping of more than a total of three (3) dogs or cats or other small animals or a combination thereof (except litters of animals or a combination than six (6) months of age) is carried on, and also raising, breeding, caring for or boarding dogs, cats, or other small animals for commercial purposes.

Kennel, Private - Any location where boarding, caring for or keeping of more than a total of three (3) but not more than ten (10) dogs or cats or other small animals or a combination thereof (except litters of animals or a combination than six (6) months of age) is carried on, not for commercial purposes, but as a hobby such as raising of show and hunting dogs. Private kennels are subject to the performance standards for commercial kennels, but may be permitted as an accessory use where the owner of the private kennel resides on the property.

~~*Manufacturing, and Processing and Assembling*~~ - The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories, or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition, if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastics, resins or lacquers.

Manufacturing and Processing, Boutique/Artisan – Uses that would normally be defined as manufacturing and processing, but are small enough in scale, operation, and technique that they do not have the same intensive land use impacts as larger-scale manufacturing and processing uses. Boutique/Artisan manufacturing uses offer customized, small-run products that are mostly handmade, not mass produced, and often include a showroom or gallery space. Boutique/Artisan manufacturing and processing uses may include custom wood-working shops, production of handmade furniture, artisanal metalworking/sculpting, glass-blowing, small-run screen printing shops, pottery studios, and similar uses.

Manufacturing and Processing, Light – Manufacturing and Processing uses that by nature of their operation typically occur entirely within enclosed facilities; therefore having limited noise, smell, vibration, and aesthetic impacts on surrounding properties. Light Manufacturing and Processing uses include: cabinet shops, chemical manufacturing, duplicating, mimeographing and multitithing operations, electronic products manufacturing, fabrication or assembly of products from pre-constructed materials or components, laundry and dry cleaning plants, lumber and products (raw materials processing), lumber yards, machine and welding shops, meat packing plants, metal fabrication plants, pharmaceuticals manufacturing, plastic products manufacturing, processing plants, sign manufacturing and assembly, sign painting, tool and die operations, welding operations, and woodworking shops.

Manufacturing and Processing, Heavy – Manufacturing and Processing uses that do not meet the criteria for a “light” uses are considered “heavy” uses. These uses include any Light Manufacturing and Processing Use not occurring within an enclosed building, and the following uses: asphalt products, brick, tile, and pottery manufacturing, concrete products or production, extraction of earth products, feed and seed milling and storage, fertilizer manufacturing and distribution, film processing plant, foundry, furniture manufacturing, glass and mirror manufacturing, rubber and glass products manufacturing, stone and clay products manufacturing, stone crushing, cutting, and polishing, textile manufacturing, finishing, and dyeing, and tire re-capping operations.

Massage Parlor - ~~An establishment where~~ personal service use where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Neighborhood Business - A retail establishment to serve the needs of the residents of the local neighborhood. Such convenience retail uses are generally small in size and provide items of general use, such as groceries, sundries, hardwares, and personal services. Neighborhood businesses do not include the sale of alcoholic beverages for on or off premise consumption.

Nursery School - A school designed to provide daytime care or instruction for six (6) or more preschool children, and operated on a regular basis. The term nursery school shall include the term day care center.

Nursing, Convalescence and Extended Care Facility ~~Home~~ - A facility where persons are housed or lodged and furnished with meals and 24-hour nursing care and supervision by awake employees who do not live on the premises. Uses for hire (see Group Care Facility).

Office – A room, suite of rooms, or building in which a person transacts the affairs of a business, profession, service, industry, or government. This term includes accountants, auditors, book keepers, architects, contractor’s offices, credit and financial offices, doctor’s offices, insurance sales, government offices, lawyers, medical/dental offices and labs, professional offices, public utility offices, realtors, research activities and research development, sign sales and leasing (no storage or manufacturing), and surveyors.

Park - A public or private facility for recreation, which may have commercial activities accessory to the recreational uses only.

~~Processing~~ – Any operation changing the nature of material or materials chemical composition or physical properties. ~~Does not include operations described as fabrication.~~

~~*Professional Office* – The office of persons performing professional services such as doctors, lawyers, accountants, real estate brokers and insurance salesmen.~~

Personal Storage (Mini Warehouse) – Often referred to as self-storage, mini-warehouses, or mini-storage, personal storage uses provide secure, individual storage units of various sizes and types (climate controlled or not), for the secure, dry storage of personal items.

Public Service Facility - A facility that is owned, operated, or financed, in whole or in part, by any public or governmental entity, and is dedicated to the provision of services to the general public. This includes public safety facilities (EMS, police, and fire protection), schools and education, hospitals and health care, and the public provision of social services.

Private Club – An establishment that is organized and operated solely for a social, recreational, patriotic, or fraternal purpose and that is not open to the general public, but is open only to the members of the organization and their bona fide guests. Such an establishment may be issued a permit for on-premise consumption of spirituous liquor, consistent with the NC Alcohol Beverage Commission laws. Private clubs that offer liquor for on-premise consumption are regulated the same as night clubs in all zoning districts.

Recreation, Indoor – Uses that provide recreational opportunities for adults and children located primarily within enclosed buildings. Indoor recreation uses include general gaming establishments, movie theaters, bowling alleys, arcades, indoor roller skating and ice skating rinks, escape rooms, laser tag, indoor play structures, trampolines, indoor rock climbing walls, museums and hands-on play spaces, and similar uses. Adult gaming establishments and billiard/pool halls are regulated separately and are not included in indoor recreation uses.

Recreation, Outdoor – Any recreation use that occurs mostly outdoors, with few structures associated with the use. Outdoor recreation uses include parks, playgrounds, sports fields (soccer, baseball, etc.), golf courses, mini-golf, driving ranges, dog parks, batting cages, zoos, zoological gardens, and similar uses.

~~*Recycling Collection Point* – A collection point for small refuse items, such as bottles and newspapers, located either in a container or small structure.~~

Religious Complex - A building or group of buildings used for the purpose of religious worship including the sanctuary(s), education building(s), recreation building(s), child care facilities, and parsonage.

Rehabilitation Center – In-patient residential facilities, often provided in a secure, institutional setting, where patients in need of rehabilitation, often from addiction or mental illness, can be provided 24-hour awake care and supervision by caretakers and medical professionals who do not live on the same premises. Beds may be provided in private or shared spaces, with meals typically being prepared in common kitchen facilities by staff. Rehabilitation centers may offer an array of medical and support services for residents, along with counseling and other mental health services.

Restaurant - An establishment whose principal business is the selling of unpackaged food to customers in a ready-to-consume state, in individual servings, or in nondisposable containers, and serves food and beverages primarily to person seated within the building. ~~The use of deep fryers and flat grills are permitted for use.~~

Restaurant, Drive-In - A retail outlet where food or beverages are sold to a substantial extent for consumption by customers in parked motor vehicles. ~~The use of deep fryers and flat grills are permitted for use.~~

Restaurant, Fast-Food - An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fired, or griddled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customers table, and food is generally served in disposable wrapping or containers. ~~The use of deep fryers and flat grills are permitted for use.~~

Restaurant, Cafe/Tea Room - An establishment whose principal business is the selling of unpackaged food to customers in a ready-to-consume state, in individual servings, or in ~~non-disposable~~non-disposable container, and server food and beverages primarily to persons seated within the building. Food is generally hearted in a device such as a microwave oven. ~~The use of deep fryers and flat grills are not permitted in zone O & I.~~

Retail - Sale of a commodity to the ultimate consumer and not customarily subject to sale again.

Retailing, Light – Any retail use that displays a majority of their products indoors and due to the nature of the product for sale does not typically have land use impacts on neighboring properties. Light retail uses include but are not limited to: antennas, radio, TV, and dish sales and service, antique shops, apparel and accessory sales, appliance stores, art galleries, art and drafting supplies, audio/video sales, rental, and repair, automobile parts and accessories (no service), bakeries, bicycle sales/service, book and stationary stores, candy stores, convenience stores (no fuel pumps), crafts/hobby shops, delicatessens, department stores, drug stores, electronic products sales and service, fabric stores, film drop-off booths, florists, furniture and home goods stores, garden supply store, gift shops, glass and mirror store, grocery stores, guns and ammunition sales, hardware stores, jewelry sale and repair, lawn and garden care supplies, lighting stores, line and uniform supply stores, liquor (ABC) stores, music stores, musical instrument sales and service, novelty and souvenir shops, office equipment and supply stores, pet shops, pharmacies, photography supply stores, plumbing and heating supplies, produce stands, radio and television sales, rent-to-own stores, second hand stores and swap shops, shoe sales and repair, shopping centers and malls, sporting goods stores, and supermarkets.

Retailing, Intensive – Any retail use that, due to the nature of the products sold, primarily uses outdoor displays, which may or may not include long-term outdoor storage of merchandise. Intensive retail uses include but are not limited to: Auction sales, automobile and truck sales (new or used), boat sales, farm machinery sales, farm supplies, heavy equipment sales and service, livestock sales, manufactured home sales, RV sales, monument sales, motorcycle sales, pawn and trade shops, stone and clay products sales, and truck, farm equipment, and heavy equipment sales.

Salvage Operation - The reclamation, dismantling or storage of pre-used commodities, junk and similar material for the purposes of resale, processing, distribution or deposition.

Services, Automotive – Service uses involving fuel sales, the sale and installation of car parts and accessories and limited aspects of vehicle repair and maintenance (oil changes, emissions checks, batteries, muffler and radiator shops, automobile service stations, vehicle engine maintenance, quick-lube, etc). Automotive Service uses include automobile and other vehicle washing facilities and detailing services. Generally, vehicles receiving services falling under this definition arrive to the site in operable condition and are able to leave the same day. Inoperable vehicles are not stored on site, unless they are located within a fully enclosed building. This term shall include commercial garages.

Services, Business and Personal – Uses dedicated to providing services to businesses and individuals, generally compatible with light retailing uses. Business and Personal Services include but are not limited to advertising agencies, ATMs, banks (main and branch offices), barber and beauty shops, computer and data processing services, copying services, dry cleaning and laundry services, exterminating services, funeral homes, furniture repair including refinishing and upholstery, health clubs/spas, gyms/workout facilities, interior designers, laundromats, locksmiths, gunsmiths, music studios, photography studios, publishing and printing, radio and television repair shops, real estate services, seamstress shops, tattoo and body piercing parlors, and travel agencies.

Services, Major Vehicle – Service uses involving the repair, alteration, restoration, towing, painting, or finishing of automobiles, trucks, recreational vehicles, boats, and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes major repair and body work-repair facilities dealing with entire vehicles; such establishments typically provide towing, collision repair, other body work, and painting services and may also include tire recapping establishments. Bus terminals, fleet and bus garages, and similar large-scale vehicle maintenance facilities are also considered Major Vehicle uses.

Shopping Center - Any combination of structures containing or designed to contain an aggregate of 15,000 square feet or more of floor area (floor area to be measured at main floor level); or any structure or combination of structures containing four (4) or more businesses or service establishments on the same lot or combination of lots, (having shared parking or common parking) and being under one ownership, partnership, corporation, association, or either being rented, leased, or subleased.

~~*Specialized Training School* – Commercial establishment offering specialized training such as a business college, barber and beauty college, and voice and dance schools.~~

Studios and Specialty Schools – Uses dedicated to the instruction or training in non-academic subjects, typically in art, dance, music, athletics, and vocational training. Studios and specialty schools include dance studios, gymnastics studios, yoga studios, karate/martial arts dojos, barber/beauty colleges, voice and musical instruction, and similar uses.

Townhome – See Dwelling, Attached

Veterinarian's Office - A facility where a veterinarian supplies medical care for animals and which may include boarding facilities which are completely enclosed.

Warehousing – The storage of bulk inventory for wholesale distribution. Warehousing does not include the manufacturing or processing of any product, but may include a showroom for wholesaling which may or may not be open to the general public.

~~*Youth Day Care* – A treatment facility providing intensive day care treatment to children and adolescents (years 7 thru 17) who may not be able to function in a normal group or educational setting.~~

SECTION 2. Appendix A, Article V of the Code of Ordinances, City of Lenoir, North Carolina, “Establishment of Zoning Districts and Applications of Regulations” is hereby amended to read as follows:

502 Establishment of Zoning Districts - For the purpose of this ordinance the City of Lenoir and its extraterritorial planning district is divided into the following classes of zones:

- R-20 Residential (Single-family) District
- R-15 Residential (Single-family) District
- R-12 Residential (Single-family) District
- R-9 Residential (Multi-family) District
- R-6 Residential (Multi-family) District
- R-R Residential (Rural) District
- R-C Residential-Commercial District
- O & I Office and Institutional District
- ~~B-2-1~~ Neighborhood Business District
- B-2 General Business District
- B-3 Central Business District
- ~~B-4 Limited Business District~~
- B-5 Neighborhood Mixed Use
- B-6 ~~Exclusive~~ Transitional Business District
- B-7 ~~Planned~~ Highway Business District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- S-2 North Main Street Special Overlay District
- CZ-* Conditional Zoning District

*Conditional zoning districts are numbered individually according to the order in which they are adopted (i.e. conditional zoning districts will be numbered CZ-1, CZ-2, CZ-3, etc. on the Official Zoning Map).

Establishment of Zoning Districts

The following array presents for the several districts the Schedule of Statements of Intent are hereby adopted for applicable to each district:

~~a. Reserved.~~

~~b.a.~~ R - 20 Residential (Single-family) District R-20 (Single-family Residential) District is intended to accommodate low density single-family residences and compatible ~~conditional~~ land uses. The regulations for this district are designed to stabilize and encourage a healthful environment for family life in areas where public or community water or public sewer may not be available. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

~~e.b.~~ R - 15 Residential (Single-family) District R-15 (Residential Single family) District is intended to accommodate low density single-family ~~residential residences~~ and compatible ~~land uses, as conditional uses.~~ R-15 is normally serviced by public water and sewer facilities. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

~~c.~~ R - 12 Residential (Single-family) District R-12 (Residential Single family) District is intended to establish and preserve land within the city for ~~accommodate~~ medium density single-family and two-family residential residences and compatible land uses, conditional uses and planned unit developments. Regulations are designed to allow predominately single-family residences at medium densities, with duplex, townhome, low-rise apartments, and planned residential developments allowed at compatible densities as Conditional Uses. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

~~d.~~ R - 9 Residential (Multi-family) District R-9 (Multi-family Residential) District is intended to establish and preserve areas of land within the city for ~~accommodate~~ medium density single-family residences, doublewide manufactured homes, duplexes, townhomes, low-rise garden apartments, and other compatible land uses, with higher density multi-family apartments allowed as Conditional Uses. —residential and multi family residential, double wide manufactured homes and compatible land uses. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

~~e.~~ R - 6 Residential (Multi-family) District R-6 (Multi-family Residential) District is intended to establish and preserve areas of land within the city for medium and high density residences, including single family, doublewide manufactured homes, duplexes, townhomes, multi-family developments, and other compatible uses at appropriate densities. Higher density multi-family developments are allowed as Conditional Uses. accommodate high density single family residential and multi family residential, single or double wide manufactured homes and compatible land uses. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

~~f.~~ R - R Residential (Rural) District R-R (Rural Residential) Districts are areas is intended to develop and maintain, in keeping with the existing and future land development patterns, those areas of extraterritorial jurisdiction for low density single family residences, double wide manufactured homes, and compatible uses. The regulations for this district are designed to

stabilize and encourage a healthful environment for family life ~~for low density residential, conditional and multi-family uses and manufactured homes (double wide) in an areas generally~~ where public or community water or public sewer may not be available. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

~~f.g.~~ *R – C (Residential-Commercial) District* is established to provide land areas suitable for moderate to high intensity development of residential developments, with limited supporting commercial uses to accommodate planned, mixed-use developments and small community-serving commercial uses within predominately multi-family developments.

~~g.h.~~ *O & I Office and Institutional District O & I (Office and Institutional) District* is established to provide land areas suitable for the location of high density residential uses, professional and business offices, medical services, institutional uses, and associated commercial activities. This district is intended to provide a transitional zone between lower density residential districts and business or industrial districts and to accommodate a moderate to high intensity of development. residential, office and institutional, and minor commercial activities located with access to major or minor thoroughfares with access through local streets discouraged.

~~h.i.~~ *B - 1 Neighborhood Business District B-1 (Neighborhood Business) District* is intended to serve the needs of the surrounding residential neighborhoods by providing convenience goods and services which cater to the everyday needs of the residents. These areas are usually located on small parcels within established neighborhoods, allowing structures built as neighborhood businesses prior to the establishment of zoning to continue to be improved and re-used to suit the changing needs of the neighborhood. provide the normal everyday needs, through retail and service uses of the adjacent residential areas. It is the intent of this district to protect the integrity of the surrounding residential neighborhoods-; and therefore the It is the intent that B-1 district should not normally be extended or new areas established.

~~i.j.~~ *B - 2 General Business District B-2 (General Business) District* is intended to provide for a wide variety of retail, service and other activities, controlled by performance standards, at locations along major transportation routes, to serve the motoring public both local and transient traffic. While generally located in areas that are auto-centric, the General Business zoning district is intended to promote development that equally considers pedestrian traffic, because this district is often located in close proximity to multi-family developments and short-term lodging. This district is designed to accommodate a moderate to high intensity of development along key commercial corridors in the City, with robust design standards to encourage a unique sense of place and promote a multi-modal future with support for transit, bike, and pedestrian infrastructure.

~~j.k.~~ *B - 3 Central Business District B-3 (Central Business) District* is applied to the Downtown Core area of the City and is intended to promote the Downtown Central Business District as the city's central hub for financial, professional, cultural, and governmental business by providing a variety of supporting personal services, retail uses, restaurants, and gathering spaces that help support a vibrant, active downtown for people employed in and around the district as well as transient shoppers. The yard requirements within the district are designed to provide for infill development standards that are compatible with the concentrated development patterns commonly found in the historic downtown core. Demolitions of contributing historic structures are strongly discouraged, and the re-use and renovation of with active uses on the ground floor and residential apartments or offices located on upper floors is strongly encouraged. Those

commercial activities which require an extensive use of land to market their products such as car dealerships and commercial establishments requiring outside storage are prohibited from the district. be applied to the traditional, commercial, financial, governmental core area of Lenoir, commonly known as the Central Business District.

~~k. B - 4 Limited Business District B-4 (Limited Business) District is intended to provide retail, service and professional uses adjacent to major and minor thoroughfares undergoing transition from other zones to a more commercialized atmosphere.~~

l. ~~B - 5 Neighborhood Mixed Use B-5 (Neighborhood Mixed Use) District is intended to protect and foster the architectural and historic residential character of the North Main Street corridor while encouraging the location of aesthetically compatible small-scale commercial activities that will provide basic and specialty consumer needs to the district and the immediate neighborhood.~~

m. ~~B - 6 Exclusive Business District B-6 (Exclusive Transitional Business) District is intended to serve the needs of the traveling public as well as provide convenience goods and services to surrounding residential neighborhoods. This district is further intended to promote commercial activity in a high-volume traffic corridor that is in close proximity to well established, economically healthy residential neighborhoods, and as such requires design and performance standards to ensure commercial development occurs at compatible intensities, with appropriate architectural standards and buffering/screening requirements. Areas zoned B-6 tend to be already developed with medium density single family homes and a variety of multi-family uses, and are experiencing pressure for commercial expansion due to their close proximity to major transportation facilities. This district promotes incremental change to accommodate the conversion of existing structures into offices and low intensity retail or service uses, along with new development of non-residential uses, while allowing single family residences to remain as permitted land uses as the areas undergo gradual change.~~

~~n. —~~

~~o.n. B - 7 Planned Highway Business District B-7 (Planned Highway Business) District is intended to provide areas along major thoroughfares for development at similar intensities as the General Business district, but in areas less conducive to the accommodation of pedestrian infrastructure and pedestrian-scaled architecture. Performance standards in this district focus on improving highway-adjacent development access, through the development or redevelopment of parcels with interior service roads and consolidated driveway access to help minimize traffic congestion on the state highway system. Sidewalks, landscaping, and architectural design standards of this district are intended to promote the unique character of Lenoir on these highly visible parcels, while maintaining affordability of development in areas that are located further away from the main economic core. large-scale commercial activities that require large acreage and are conducive to planned developments with a variety of complementary land uses, as opposed to typical highway strip development. Property in this zoning district should be of adequate size and dimension to employ interior service roads, thereby minimizing the number of driveway connections to arterials. The retail and service establishments allowed within this district are intended to serve both local and regional consumers.~~

~~p.o. I - 1 Light Industrial District I-1 (Light Industrial) District is established to provide regulations for the development of areas generally devoted to light manufacturing, processing and assembly uses, warehousing, retail storage and other compatible uses that are limited in noise, obnoxious odors, with minimal little to no adverse effects on adjacent areas. Some~~

mixture of retail, wholesale, and industrial development may occur in this district, but residential uses are prohibited.

- ~~q-p.~~ *I - 2 Heavy Industrial District I-2 (Heavy Industrial) District* is intended to produce areas to accommodate those industrial uses (manufacturing, processing, major vehicle services, junk yards, etc) which, because of their operation, may be incompatible with surrounding residential and commercial land uses or require large acreage near or adjacent to major thoroughfares and railroad access. Realizing the necessity of providing, maintaining, and preserving land areas for industrial development, all residential uses are prohibited in this zone and commercial uses are limited to those commercial activities that may be supportive of the district or similarly benefit from a location away from sensitive land uses. for intensive manufacturing processing and assembly uses, controlled by performance standards to limit the effect of such uses on adjacent districts.
- q. *CZ- (Conditional Zoning District)* is intended for use in situations where conventional zoning standards are inadequate to facilitate a particular desirable development or to fully mitigate concerns over the impact of such a development. A Conditional Zoning district may be based on a conventional "base" zoning district, with additional conditions added that are reasonable and necessary to permit the proposed use and development of the property, or it may contain regulations that are completely unique to the district. Conditional Zoning districts are intended to achieve results equal to or better than would be permissible under an existing zoning district.
- r. *S-1 Special Use Overlay District (REPEALED)* The process of allowing uses beyond what is permitted by right in a particular zoning district through the adoption of a Special Use overlay district via a legislative process followed by the adoption of a Special Use permit via a quasi-judicial process was repealed and replaced with a legislative process of "Conditional Zoning" (see Article VIII, Section 820). Projects previously approved utilizing the Special Use process may continue to function under the terms and conditions set forth under the initial approval of the Special Use permit. Special Use overlay districts shall continue to be depicted on the Official Zoning Map, but in no case shall lands be re-zoned to have Special Use overlay districts in the future. Section 900.8, "Expiration of Permits" shall continue to apply to Special Use permits issued prior to the adoption of this ordinance. If a Special Use permit is allowed to expire, the Special Use overlay district shall also be considered null and void.
- ~~s.~~
- s. *S-2 North Main Street Special Overlay District* is intended to implement the design standards and permitted uses recommended by the North Main Street Small Area Plan. This district is an overlay district, which works in tandem with the underlying zoning districts in the North Main Special Overlay area to promote orderly and compatible development appropriate to the traditional historic character and overall future vision of the area.

SECTION 3. Appendix A, Article VI of the Code of Ordinances, City of Lenoir, North Carolina, "Permitted Use Chart" is hereby repealed in its entirety, to be replaced with the following:

[Remainder of Page intentionally left blank. Chart is a full page diagram.]

SECTION 600, TABLE A: Chart of Permitted and Conditional RESIDENTIAL Uses																
P=Permitted Use • PS=Permitted w/ Separation Requirements • C=Conditional Use • Blank = Prohibited																
	Residential							Mixed Use/Commercial							Industrial	
	R-R (Rural Residential)	R-20 (Low Density Single Family)	R-15 (Single Family)	R-12 (Single Family)	R-9 (mixed density residential)	R-6 (high density residential)	R-C (residential-commercial)	O&I (Office and Institutional)	B-1 (Neighborhood Business)	B-2 (General Business)	B-3 (Central Business District)	B-5 (Neighborhood Mixed Use)	B-6 (Transitional Business)	B-7 (Highway Business)	I-1 (Light Industrial)	I-2 (Heavy Industrial)
RESIDENTIAL, GENERAL (1)																
Accessory Apt/Accessory Cottage (2)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Attached Dwellings (townhomes)				C	P	P	P	P	C	P	P	P	P			
Bed & Breakfast	C	C	C	C	C	C	C	P	P	P	P	P	C	P		
Bungalow Court					P	P	P					P				
Dwelling, single family detached	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Dwelling, 2 Family (Duplex)	P			C	P	P	P	P	P	P	P	P	C	P		
Manufactured Homes	P (3)				P (3)	P (3)										
Manufactured Home Parks (existing)	C (4)	C (4)	C (4)	C (4)	C (4)	C (4)				C (4)						
Multi-Family, low-density (Garden Apartments)				C (5)	P (5)	P (5)	P(5)	P(5)	P(5)	P(5)	P(5)		P(5)	P(5)		
Multi-Family, medium/high density					C	C	P	C		P	P	C	C			
Planned Residential Development				C	C	C	P	C	C	C	C					
Zero-Lot Line (1-Family)					P	P	P					P				
RESIDENTIAL, CONGREGATE																
Group Housing (no care provided)																
1-6 non-related residents	C			C	C	C	P	P	C	P	P					
7+ non-related residents							C	P		C			C	C		
Family/Group Care Facilities																
1-6 non-related residents (family)	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
7+ non-related residents (group)	C			C	C	C	C	P		P				P	P	
Rehabilitation Centers/In-Patient Mental Health Facilities								P		P				P	P	P

FOOTNOTES (SECTION 600, TABLE A):

A1. See the definition section for a description of each use category. The Planning Director, or his or her designee, will make a determination on the closest comparable use in cases of uncertainty. Incidental uses necessary to support the principal use and occupying no more than ten percent of the gross floor area may be included.

A2. See Section 508 for additional regulations for accessory dwellings.

A3. Only Class A (doublewide) Manufactured Homes are permitted within the City of Lenoir, except in limited instances when Class B or Class B (single wide) homes may be allowed within existing Manufactured Home Parks and/or as replacements for existing single wide manufactured homes. See Section 620 for additional regulations for the placement of manufactured houses within the City and the ETJ.

A4. Conditional Use Permits may be approved by the Lenoir City Council, after review by the Lenoir Planning Board, for the re-establishment or expansion of an existing manufactured home park, in accordance with the provisions of Section 902. New manufactured home parks are prohibited.

A5. The following standards apply to Low-rise multi-family uses:

a. Maximum Allowable Density:

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

b. Development Standards:

- i. Each unit shall be differentiated by a front porch or stoop. Pitched roof forms creating covered entrances are encouraged.
- ii. A minimum of 60% of the length of any façade facing a public street shall be windows, doors, architectural features or porches.
- iii. A minimum of 20% of the development site must remain as landscaped or undisturbed/natural open space. This area can include any required bufferyards or stormwater control measures.
- iv. Maximum height of 2 stories, measured from street-level (walk-out basement levels are permissible provided the overall appearance from the street is that of a 2 story building).
- i.v. One parking space is required for each studio and one bedroom apartment unit. Two parking spaces are required for all units with 2 or more bedrooms. Any development of more than 4 units shall provide one additional space or 10% over the required parking, whichever is greater, to accommodate guest parking, unless on-street/public parking is available within 200 ft.

SECTION 600, TABLE A: Chart of Permitted and Conditional NON-RESIDENTIAL Uses

P=Permitted Use • PS=Permitted w/ Separation Requirements • C=Conditional Use • Blank = Prohibited

	<i>Residential</i>							<i>Mixed Use/Commercial</i>							<i>Industrial</i>	
NON RESIDENTIAL (1)	<i>R-R (Rural Residential)</i>	<i>R-20 (Low Density Single Family)</i>	<i>R-15 (Single Family)</i>	<i>R-12 (Single Family)</i>	<i>R-9 (mixed density residential)</i>	<i>R-6 (high density residential)</i>	<i>R-C (residential-commercial)</i>	<i>O&I (Office and Institutional)</i>	<i>B-1 (Neighborhood Business)</i>	<i>B-2 (General Business)</i>	<i>B-3 (Central Business District)</i>	<i>B-5 (Neighborhood Mixed Use)</i>	<i>B-6 (Transitional Business)</i>	<i>B-7 (Highway Business)</i>	<i>I-1 (Light Industrial)</i>	<i>I-2 (Heavy Industrial)</i>
Adult Establishment/Adult Use/Sexually Oriented Business (2)										PS					PS	
Adult Gaming Establishment (3)										PS					PS	
Agriculture	C	C(9)													C(9)	C(9)
Billards and Pool Halls (10)										P	P					
Day Care Centers	C			C	C	C	P	P	P	P	P	P	C	P	P	P
Communication Towers (4)	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C
Cultural and Community Facilities, Churches, Synagogues, Mosques	C	C	C	C	C	C	C	P	C	P	P	C	C	P		
Kennels, Commercial (12)										p				P	P	p
Eating and Drinking (without drive-through)							P	P	C	P	P	P	P	P	P	P
Eating and Driving (with Drive-through)							P			P				P	P	P
Flea Markets										C				C	P	P
Green Houses, Commercial (5)	C	C								P	P			P	P	P
Hospital/Clinics								P		P	C			P	P	P
Hotels/Motels										P	P			P		
Junk Yard/Salvage Yard (11)																P
Manufacturing & Processing: Boutique/Artisan							P	P	P	P	P			P	P	P
Manufacturing & Processing: Light										P(6)				P(6)	P	P
Manufacturing & Processing: Heavy																P
Night Clubs/Private Clubs (7)										PS	P					
Office (includes Medical and Dental)							P	P		P	P	P	P	P	P	P
Public Service Facilities					C	C	C	P		P	P			P	P	P
Personal Storage (mini warehouse)										P				P	P	P
Recreation, Outdoor	(8)	(8)	(8)	(8)	(8)	(8)	(8)			P				P		
Recreation, Indoor										P	P			P	P	P
Retailing, Light							P	P		P	P	P	P	P	P	P
Retailing, Intensive										P				P	P	P
Retailing: Neighborhood Business	C	C					P	P	P			P	P			
Services, Automotive (13)										P				P	P	P
Services, Major Vehicle										C				C	P	P
Services, Business and Personal							P	P	P	P	P	P	P	P	P	P
Shooting Range, Indoor										P					P	P
Studios and Specialty Schools								P	P	P	P	P	P	P	P	P
Veterinarians (no outdoor kennels)										P			P	P	P	P
Warehousing										P(14)				P(14)	P	P

FOOTNOTES, SECTION 600, TABLE B:

- B1. See the definition section for a description of each use category. The Planning Director, or his or her designee, will make a determination on the closest comparable use in cases of uncertainty. Incidental uses necessary to support the principal use and occupying no more than ten percent of the gross floor area may be included.
- B2. All adult establishments, adult uses, and sexually oriented businesses must be located at least 1,000 linear feet from the property line of said location to the property line of any school, church, public recreational facility, or any residential zoning district.
- B3. See Section 611 – separation requirements apply.
- B4. See specific performance standards for conditional use permit applications for communication towers in Appendix A, Section 910.
- B5. Private (not commercial) greenhouses that are less than 1,000 sq. ft. are permitted as an accessory use to any detached single family residential dwelling unit, subject to the setback standards for accessory structures.
- B6. Light manufacturing and processing uses are permitted uses in the B-2 and B-7 zoning districts only when they are conducted entirely within an enclosed building and meet the following standards:
- a. Outdoor storage of materials is discouraged, and will only be permitted when it is screened from view from any public street or adjacent property. All outdoor storage must be screened from view by opaque fencing, walls, landscaping, or a combination thereof. Fencing should be of a quality aesthetically acceptable to the surrounding area.
 - b. Emissions: Emissions of dust, smoke, and noise shall be at a minimum and in keeping with the regulations as set forth by the North Carolina Department of Natural Resources and Community Development.
 - c. Pretreatment of Sewage: Prior to the issuance of a Certificate of Occupancy, a confirmation in writing from the Superintendent of the Lenoir Water and Sewer Treatment Facilities shall be submitted to the Planning Department indicating that all effluent would be acceptable to the Lenoir Sewer System without pre-treatment.
 - d. Hazardous Waste: Storage of hazardous waste in excess of the requirements of the North Carolina State Building Code shall not be permitted. Confirmation in writing from the City Building Inspector as to the hazardous waste requirements shall be submitted to the Planning Department prior to the issuance of a Certificate of Occupancy.
- B7. All night clubs and private clubs must be located at least 1,000 linear feet from the property line of said location to the property line of any school, church, public recreational facility, or any residential zoning district, except in the B-3 zoning district.
- B8. Golf courses, including driving ranges, may be approved as a part of a Planned Residential Development or Major Subdivision in residential zoning districts. Other outdoor recreational uses are prohibited.
- B9. See Chapter 3 for restrictions on livestock and other animals in the City Limits.
- B10. See Chapter 5, Article 3 for specific business regulations related to the operation of billiards and pool halls in the City Limits.

- B11. Any portion of a junk or salvage yard located within 100 feet of a public street must be buffered from view per the buffering specifications of Section 712.8 of this ordinance. Existing natural vegetation and/or opaque fencing and walls may be used as a credit for buffering in cases where it meets the screening intent of section 712.8. Junk yards in existence at the time of adoption of this ordinance shall have 6 months to comply with the buffering standards contained herein.
- B12. All commercial kennels shall comply with the Care of Animal (Sec. 3-43) and Kennels and Housing (Sec. 3-44) standards of Chapter 3, Article 3, Regulations For High-Volume Dog and Cat Breeders.
- B13. Fuel Pump islands must be located a minimum of 25 ft. from any public right-of-way. Canopies must be set back a minimum of 10 ft. from the right-of-way, unless the zoning district requires a greater setback – then the most restrictive standard shall apply.
- B14. Warehousing uses in the B-2 and B-7 districts must include a showroom that's open to the public or for wholesale.

610 Performance Standards for Crematories

Crematories may be established as an accessory use to a funeral home in the O&I, B-2, B-4, B-5, and B-7 zoning districts and as a principal use in the B-2, I-1, and I-2 zoning districts, when the following requirements are met:

1. A crematory shall have a licensed crematory manager on staff.
2. All crematory operations shall be conducted in the principal building or within an approved accessory building on the main premises of the Funeral Home or upon a lot directly adjacent to the main premises.
3. No crematory use may be established on a lot or parcel located within 500 feet of any residential district.
4. A crematory must comply and remain in compliance with all applicable public health and environmental laws and rules and must contain the equipment and meet all of the standards established by the North Carolina Crematory Act, as amended or superseded, and any additional rules and regulations issued by the North Carolina Board of Funeral Services.

611 Performance Standards for Adult Gaming Establishments

1. Adult Gaming Establishments must be located at least 350 ft. away from any residential zoning district, measured from the edge of the residential district to the closest door of the adult gaming establishment open to the public in a straight line.
2. Adult Gaming Establishments must be located at least 1,000 ft. away from any school, youth day care, church, park, or playground, measured from the property line of the protected use to the closest door open to the public of the adult gaming establishment in a straight line.
3. Establishment, Adult Use, Liquor (ABC) Store, or Addiction Treatment and Recovery Facility, measured from door to door in a straight line.
4. Alcohol Sales are prohibited.

5. Hours of operation are limited to the hours between 11 a.m. and 12:00 midnight.
6. Adult Gaming Establishments are limited to 1,500 sq. ft. of floor area dedicated to gaming operations and must provide 1 parking space for every 150 sq. ft. of floor area.
7. A zoning permit issued by the Planning and Community Development department is required prior to the establishment of any Adult Gaming Establishment within the City.

612. Performance Standards for Light Industrial Uses in Business Districts

1. Outside Storage: Outside storage shall not be located between the principal façade and any public street. All outdoor storage must be screened from view by opaque fencing. Fencing should be of a quality aesthetically acceptable to the surrounding area.
2. Emissions: Emissions of dust, smoke, and noise shall be at a minimum and in keeping with the regulations as set forth by the North Carolina Department of Natural Resources and Community Development.
3. Pretreatment of Sewage: Prior to the issuance of a Certificate of Occupancy, a confirmation in writing from the Superintendent of the Lenoir Water and Sewer Treatment Facilities shall be submitted to the Planning Department indicating that all effluent would be acceptable to the Lenoir Sewer System without pre-treatment.

Sections 613-619 Reserved.

620. Performance, Design, and Locational Standards for Manufactured Housing

[Editor's Note: This was previously Section 806, which has been deleted. The regulations contained herein are not materially changed, but are slightly updated for additional clarity.]

In order to accommodate the placement manufactured housing on individual lots and in existing manufactured home parks, while ensuring that such manufactured housing is in keeping with the general residential character of the districts where they are allowed, the following classifications of manufacturing housing are hereby established. All manufactured housing within the City and the ETJ must conform to the following performance and design standards.

620.1 Manufactured Home Classifications

620.11 Class A (Doublewide or Multi-Segment): A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, which is of multi-sectional or double-wide design and that satisfies the following additional criteria:

- a) The home is occupied only as a single-family dwelling;
- b) The home shall have a minimum width of twenty (20) feet and length not exceeding four (4) times its width, with length measured along the longest axis and width measured perpendicular to the longest axis at the narrowest part;

c) The home shall have the towing apparatus, wheels, axles, and transporting lights removed and not included in length and width measurements;

d) The home must be oriented so that the façade with the functional front door is facing the lot's primary street frontage;

e) The home shall be set up in accordance with the standards established by the North Carolina Department of Insurance;

f) The home shall be permanently placed on a masonry foundation, unpierced except for required ventilation and access, and constructed in compliance with the North Carolina Building Code. The foundation shall be protected with a polyvapor barrier. Installation shall include positive water drainage away from the home. The finished exterior of the foundation shall be brick, stone, stucco, or split-faced concrete masonry units (cmu). Smooth-faced concrete block shall not be permitted;

g) The pitch of the roof of the home shall have a minimum vertical rise of approximately three (3) feet for each twelve (12) feet of horizontal run and the roof shall be finished with a type of shingle that is commonly used in standard residential construction. Standing seam metal roofs, as are commonly used in residential construction, are also allowed. Such roof shall be installed by the manufacturer of the home at the time of construction. All roof structures shall provide an eave projection of no less than six (6) inches, which may include a gutter;

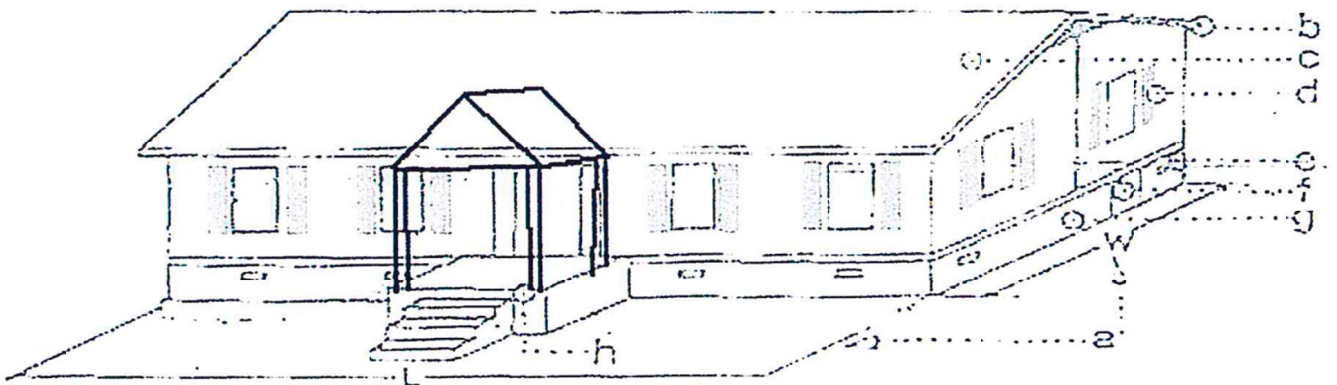
h) The home shall have a covered porch that is permanently mounted to the ground at the front door and constructed in compliance with the North Carolina Building Code. The minimum area for such a porch shall be thirty six (36) square feet, and must be a front-gabled roof design oriented towards the primary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

i) Permanent stairs shall be constructed at all exterior doors of the home. Stairs shall be permanently mounted to the ground and constructed in compliance with the North Carolina Building Code;

j) The home shall have an exterior facade of vinyl or wood siding, stone, brick, or other non-metallic material;

k) The home shall be in full compliance with the City of Lenoir's Minimum Housing Code.

Figure - Class A - Manufactured Home



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

620.12 Class B (single-wide): A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, which is of a single section design, and that satisfies the following additional criteria:

- a) The home is occupied only as a single-family dwelling;
- b) The home shall have a length not exceeding five (5) times its width measured perpendicular to the longest axis at the narrowest part;
- c) The home shall have the towing apparatus, wheels, axles, and transporting lights removed and not included in length and width measurements;
- d) The home shall be set up in accordance with the standards established by the North Carolina Department of Insurance;
- e) The pitch of the roof of the home shall have a minimum vertical rise of approximately three (3) feet for each twelve (12) feet of horizontal run and the roof shall be finished with a type of shingle that is commonly used in standard residential construction. Such roof shall be installed by the manufacturer of the home at the time of construction;
- f) The home shall have either a deck, porch or concrete patio that is permanently mounted to the ground and constructed in compliance with the North Carolina Building Code. The minimum area for such deck, porch or patio shall be seventy five (75) square feet;
- g) Permanent stairs shall be constructed at all exterior doors of the home. Stairs shall be permanently mounted to the ground and constructed in compliance with the North Carolina Building Code;
- h) The home shall have an exterior facade of vinyl or wood siding, stone, brick, or other non-metallic material;
- i) The home shall be in full compliance with the City of Lenoir's Minimum Housing Code.

620.13 Class C: A manufactured home which does not meet the Class A or Class B criteria listed above, or any mobile home constructed prior to 1976. Class C homes are not permitted within the jurisdiction of this ordinance.

620.2 Permitted Locations of Manufactured Home Classes

- a) Class A Manufactured Homes (Doublewides) are permitted on individual lots in the R-9, R-6, and R-R zoning districts, and in existing Manufactured Home Parks.
- b) Class B Manufactured Homes (Singlewides constructed after 1976) shall be permitted only in existing Manufactured Home Parks, or as replacements for existing Class B or Class C Manufactured Homes in the R-6 and R-R zoning districts.
- c) Class B and Class C Manufactured Homes that are located within the jurisdiction of this ordinance at the time of its adoption may remain in their current location, may be moved to another location within the R-6 or R-R zoning districts, and may be moved to an existing Manufactured Home Park within the jurisdiction of this ordinance.

SECTION 4. Appendix A, Article VII of the Code of Ordinances, City of Lenoir, North Carolina, “General Provisions” is hereby amended to read as follows:

ARTICLE VII. GENERAL PROVISIONS

701 Corner Lots - On corner lots, the minimum front yard will depend upon the requirements of the zone in which the lot is located. The front yard will be the street frontage which the structure faces and the other street frontage will be the street side yard. ~~In all zones except the B-3 Central Business District zones, the minimum side yard on a corner lot will be 45 feet from the centerline of the street or 25 feet from the right-of-way line, whichever is greater.~~

707 ~~Residences in Non-Residential Districts—Where residences are a permitted use in a non-residential district, such use shall meet requirements of the R-6 Residential District.~~ Reserved.

709 Accessory ~~Buildings~~ Structures

709.1 Number of Accessory ~~Buildings~~ Structures - In ~~the~~ residential districts, no more than two accessory ~~buildings~~ structures shall be permitted per lot, except for farm enterprises.

709.2 ~~709.2~~ Location of Accessory ~~Buildings~~ Structures - Accessory structures must be located behind the front façade, e.g. to the side or the rear of the principal structure. On corner lots, structures must not be located between the principal structure and the street. In non-residential districts, accessory structures that are located between a principal structure and the street shall meet the architectural design standards of the district, if applicable. Accessory buildings shall be located only in side or rear yards for non-corner residential lots. No part of an accessory building shall be located in the required side setback of any corner lot in a residential district.

709.3 Lot Coverage - Accessory buildings shall not cover more than thirty percent (30%) of the required side or rear yard in residential districts.

Accessory buildings shall not exceed the height of 20 feet.

709.4 Appearance - Within residential zones except R-R and R-20, accessory buildings ~~larger than~~ 144 square feet or greater and accessory buildings that have any exterior dimension 12 feet or greater (including height) shall have exterior wall facades composed of brick, stone, vinyl or wood lap siding, or stucco. Within commercial zones, accessory buildings that are visible from the public right-of-way or any adjoining property must meet the material and design standards of the commercial district, as applicable.

Accessory structures that meet the zoning district and dimensional criteria above, but do not meet the exterior wall facade criteria above, shall be: 1) located on tracts of land 5 acres or larger; 2) screened on the sides and rear in accordance 712.8 of this Ordinance; 3) set back at least 250 feet from any street right-of-way and at least 50 feet from adjoining property lines; 4) have a minimum roof pitch of 3:12 with 12-inch overhangs.

714 Design Standards For Commercial, Office, Institutional And Government Buildings

714.3 Definitions:

b) Public visibility - An element of a building shall be deemed publicly visible when any of the following conditions are met:

1. At least ~~70~~50 percent of the element occurs above adjacent grade and is visible from any street adjacent to the property; or
2. At least ~~70~~50 percent of the element is, upon staff review, deemed visible from an adjacent residentially zoned property; or
3. At least ~~70~~50 percent of the element is taller than the vegetative buffer at the time of planting.

800.5 Building Design and Orientation

GUIDELINE: The intent of this section is to encourage building design and placement that encourages and supports a safe and attractive pedestrian environment.

STANDARD: The primary facade and main building entry shall face the primary public street unless the majority of off-street parking is located to the sides or rear of the building.

The main building entrance, when not facing the primary public street, shall provide a safe and convenient access for pedestrians from the main building entrances to the primary public street. The pedestrian way must provide additional landscape amenities.

Entrances which are oriented on a diagonal are permitted, provided that they are integrated with the overall architectural design, and not merely angled appendages or alcoves.

Ground floor windows or window display boxes shall be provided along at least 60% of the building's ground floor street-facing elevations. Windows and window display boxes shall be integral to the building design and have include visually prominent sills, shutters, or other such forms of framing. Windows must have vertical dimensions which exceed their horizontal dimensions. Where the interior floor plan and use of the building makes windows technically

infeasible, the Planning Director may approve alternative treatments that support street-level pedestrian activity, such as front porches (on residential structures), alcoves with benches or other human-scale features, spandrel glass, or faux window architectural treatments such that intent of this section is realized.

SECTION 5. Appendix A, Article VIII of the Code of Ordinances, City of Lenoir, North Carolina, “Zoning District Regulations” is hereby amended to read as follows:

ARTICLE VIII. - ZONING DISTRICT REGULATIONS AND DEVELOPMENT STANDARDS

800. Table of Zoning District Regulations

The following table establishes the development standards for each of the zoning districts. For additional regulations for specific uses, see Appendix A, Article VI. Numbers in parentheses refer to footnotes following the table. A blank cell indicates that the specific development standard is not prescribed for that particular zoning district. Some zoning districts have additional design standards, which are presented in the sections of Article VIII that follow the table.

SECTION 800, TABLE A: ZONING DISTRICT REGULATIONS

<u>Standards</u>	<u>Residential Districts</u>							<u>Mixed Use/Commercial Districts</u>							<u>Industrial Districts</u>	
	<u>R-R</u> <i>Rural Residential</i>	<u>R-20</u> <i>Low Density Single Family</i>	<u>R-15</u> <i>Single Family</i>	<u>R-12</u> <i>Single Family</i>	<u>R-9</u> <i>Mixed Density Residential</i>	<u>R-6</u> <i>High Density Residential</i>	<u>R-C</u> <i>Residential-Commercial</i>	<u>O&I</u> <i>Office & Institutional</i>	<u>B-1</u> <i>Neighborhood Business</i>	<u>B-2</u> <i>General Business</i>	<u>B-3</u> <i>Central Business (Downtown)</i>	<u>B-5</u> <i>Neighborhood Mixed Use (N. Main St.)</i>	<u>B-6</u> <i>Transitional Business</i>	<u>B-7</u> <i>Highway Business</i>	<u>I-1</u> <i>Light Industrial</i>	<u>I-2</u> <i>Heavy Industrial</i>
Minimum Lot Area (in sq. ft.):																
Residential Uses (1-family)	(1)	(1)	15,000	12,000	9,000	6,000							10,000			
Residential Uses (2+ family)	(1)	(1)			15,000	9,000										
Non-Residential Uses	20,000	20,000	20,000	18,000		9,000							10,000	20,000	10,000	20,000
Minimum Lot Width (measured at building line)		60 ft.	60 ft.	60 ft.	50 ft. (1-family) 60 ft. (all other uses)	40 ft. (1-family) 50 ft. (all other uses)			50 ft.			40 ft. (1-family) 50 ft. (all other uses)	100 ft.	100 ft.	80 ft.	100 ft.
Minimum Street Frontage (2)	25 ft. (8)	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Principal Building Setback(11):																
Front yard	40ft	40ft	40ft	40ft	35ft	35ft	10 ft.	10 ft.	10 ft.	10 ft.	0 ft.	(7)	10 ft.	50 ft.	25 ft.	25 ft.
Side yard (3)	15ft (4)	15ft (4)	15ft (4)	12ft (4)	12ft (4)	10ft (4)	0 ft.(4)	10 ft. (4)	10 ft.(4)	0 ft.(4)	0 ft.	(7)	10 ft.(4)	10 ft. (4)	0 ft.(5)	0 ft.(6)
Street side yard	25ft	25ft	25ft	25ft	25ft	25ft	10 ft.	10 ft.	10 ft.	0 ft.	0 ft.	(7)	10 ft.	10 ft.	0 ft.	0 ft.
Rear yard (3)	35ft	35ft	35ft	30ft	25ft (4)	25ft (4)	20 ft.(4)	10 ft. (4)	10 ft.(4)	20 ft. (4)	0 ft.	(7)	10 ft. (4)	10 ft. (4)	0 ft. (5)	0 ft. (6)
Accessory Structure Setbacks (9)																
Side/Rear (less than 144 sq. ft.)	5ft	5ft	5ft	5ft	5ft	5ft	5ft	5ft	5ft	5ft	0 ft.	5ft	5ft	5 ft.	5ft	5ft
Side/Rear (144 sq. ft. and greater)	10ft	10ft	10ft	10ft	10ft	10ft	10ft	10ft	10ft	10ft	0 ft.	10ft	10ft	10 ft.	10ft	10ft
Max. Bldg. Height:	30ft	35ft	35ft	35ft	35ft	50ft	65 ft.	35 ft.	35 ft.	65 ft.	80 ft.	(7)	25 ft.	35 ft.	65 ft.	65 ft.
Max. Residential Density (10)	4.8 du/ac	3 du/ac	3 du/ac	3.6 du/ac	9 du/ac	15 du/ac	30 du/ac	15 du/ac	9 du/ac	20 du/ac	none	9 du/ac	9 du/ac	20 du/ac		
Use this table to determine regulations that apply within each zoning district. For additional regulations for specific uses, see Appendix A, Article VI. Numbers in parentheses refer to footnotes following the tables. A blank cell indicates that the specific development standard is not prescribed for that particular zoning district. Residential densities are given as gross dwelling units per acre (du/ac).																

FOOTNOTES, SECTION 800 TABLE A

A1. Minimum lot sizes in the R-R and R-20 zoning districts are determined by the availability of community or public utility services, as follows:

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

A2. Street frontage must be on a publicly dedicated and maintained street, unless a private road was approved to meet this criteria as a part of a planned development, major subdivision, conditional zoning, or similar approval.

A3. Depending on the use of the subject property and the adjacent uses, the required bufferyard may be larger than the minimum building setbacks. Nothing in this table shall be interpreted to allow a building to be located within a required bufferyard. See Appendix A, Article VII, Section 712.

A4. When property abuts a residential district, and is being developed with non-residential uses, the setback shall be 30ft.

A5. When property abuts a residential or office district the setback shall be 25 feet.

A6. When property abuts a residential or office district the setback shall be 40 feet.

A7. The following yard requirements are established for the B-5 District:

<u>Minimum Front Yard Setback (residential)</u>	<u>20 ft., or the average of structures on adjoining lots if less than 20 ft</u>
<u>Minimum Front Yard Setback (non- residential)</u>	<u>10 ft. from back-of-curb for the provision of sidewalk/streetscape improvements. No other applicable setback.</u>
<u>Minimum Side Yard setback</u>	<u>0 ft. (abutting non-residential)</u> <u>7 ft. (residential)</u> <u>*See Sec. 712 for required bufferyards</u>
<u>Minimum Rear Yard Setback</u>	<u>20 ft.</u>
<u>Minimum Street Side Yard Setback</u>	<u>10 ft.</u>

A8. Family subdivisions may be exempt from this standard. See Chapter 19, Article VII. Procedure for Review and Approval of Family Subdivisions.

- A9. Accessory structures must be located behind the front façade of the principal structure. In non-residential districts, accessory structures that are located between a principal structure and the street shall meet the architectural design standards of the district, if applicable.
- A10. Maximum densities do not apply to accessory apartments or any development of 4 or fewer total units (duplex, triplex, or quadplex developments).
- A11. Setbacks are measured from the property line, excluding right-of-way or easements. When a property fronts on a street with no recorded right-of-way, the point of beginning for applying the setback shall be 15 ft. from the center line of the street, or at the edge of pavement, whichever is greater.

~~801 R-20 (Single Family Residential)~~

~~801.1 Intent~~

~~The intent of the R-20 (Single family Residential) District shall be to establish and preserve the character of areas within the areas of extraterritorial jurisdiction for low density single family residences and compatible land uses. The regulations for this district are designed to stabilize and encourage a healthful environment for family life in areas where public water or sewer facilities may not be available. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.~~

~~801.2 Permitted Uses~~

~~Accessory Apartment (preexisting)
Accessory Use or Accessory Building (residential)
Dwelling, Single Family Detached
Family Care Facility
Green Houses, Private (Not to Exceed 1000 Square Feet)
Also see Permitted Use Chart~~

~~801.3 Permitted Conditional Uses~~

~~Art Galleries
Auditorium, Assembly Hall
Cemeteries—Human & Pet
Church/Synagogue
Country Clubs
Cultural and Community Facilities
Hatcheries
Kennels (Private)
Libraries
Museums
Neighborhood Business
Parks & Playgrounds
Public Utility Substation
Radio & Television Transmission Tower
See Permitted Use Chart
Special Review Procedures for Conditional Use Permit (see Article IX Section 900)~~

~~801.4 Area Regulations (Also see Article VII)~~

801.41 Minimum Lot Area**801.411 Residential**

~~801.4111 Single family—15,000 square feet when served by public or community water but not sewer; or~~

~~801.4112 Single family—20,000 square feet when served by neither public/community water nor sewer.~~

~~801.412 Non residential—20,000 square feet~~

801.42 Minimum Lot Width

~~801.421 Front Lot Line—25 feet~~

~~801.422 Building Line—100 feet~~

801.43 Minimum Front Yard

~~801.431 Residential—70 feet from centerline of street or 40 feet from street right of way, whichever is greater.~~

~~801.432 Non Residential—80 feet from centerline of street or 50 feet from street right of way, whichever is greater.~~

801.44 Minimum Side Yard

~~801.441 Residential—15 feet~~

~~801.442 Non Residential—30 feet~~

~~801.443 Accessory Uses—Smaller than 144 square feet (12' × 12')—5 feet. Larger than 144 square feet (12' × 12')—10 feet~~

~~801.444 All Lots—Abutting side street—25 feet (see Section 701)~~

801.45 Minimum Rear Yard

~~801.451 Residential—35 feet~~

~~801.452 Non Residential—10% of average lot depth~~

~~801.453 Accessory Uses—Smaller than 144 square feet (12' × 12')—5 feet. Larger than 144 square feet (12' × 12')—10 feet.~~

801.5 Building Height Regulations (Also see Section 706)

~~Maximum building height—35 feet~~

801.6 Off Street Parking and Loading Regulations

~~See Article X~~

801.7 Sign Regulations

~~See Article XI~~

801.8 Landscaping and Buffering Requirements

~~See Section 712~~

802 R-15 Residential District (Single-Family)**802.1 Intent**

~~The intent of the R-15 Residential Single-family District shall be to establish and preserve areas of land within the City for low density single-family residences and compatible land uses. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.~~

802.2 Permitted Uses

~~Accessory Apartment (preexisting)~~

~~Accessory Use or Accessory Building (residential)~~

~~Dwelling, Single-Family Detached~~

~~Family Care Facility~~

~~Green Houses, Private (Not to Exceed 1000 Square Feet)~~

~~Also see Permitted Use Chart~~

802.3 ~~Permitted Conditional Uses~~

~~Art Galleries~~

~~Auditorium, Assembly Hall~~

~~Cemeteries—Human & Pet~~

~~Church/Synagogue~~

~~Country Clubs~~

~~Cultural and Community Facilities~~

~~Libraries~~

~~Museums~~

~~Parks & Playgrounds~~

~~Public Utility Substation~~

~~Radio & Television Transmission Tower~~

~~See Permitted Use Chart~~

~~Special Review Procedures for Conditional Use Permit~~

~~(see Article IX Section 900)~~

802.4 ~~Area Regulations (Also See Article VII)~~

802.41 ~~Minimum Lot Area~~

802.411 ~~Residential—15,000 square feet~~

802.412 ~~Non-residential—20,000 square feet~~

802.42 ~~Minimum Lot Width~~

802.421 ~~Front lot line—40 feet~~

802.422 ~~Building line—100 feet~~

802.43 ~~Minimum Front Yard~~

802.431 ~~Residential—70 feet from centerline of streets where no recorded right of way exists or 40 feet from street right of way where the recorded right of way is not less than 40 feet. Rights of way are to be determined by Caldwell County Tax Maps, recorded subdivision plats, or deed descriptions.~~

802.432 ~~Non-residential—80 feet from centerline of street or 50 feet from street right of way, whichever is greater.~~

802.44 ~~Minimum Side Yard~~

802.441 ~~Residential—15 feet.~~

802.442 ~~Non-residential—30 feet.~~

802.443 ~~Accessory uses—Smaller than 144 square feet (12' × 12')—5 feet. Larger than 144 square feet (12' × 12')—10 feet.~~

802.444 ~~Abutting side street—25 feet (See Sect. 701)~~

802.45 ~~Minimum Rear Yard~~

802.451 ~~Residential—35 feet.~~

802.452 ~~Non-residential—10% of average lot depth.~~

802.453 ~~Accessory uses—Smaller than 144 square feet (12' × 12')—5 feet. Larger than 144 square feet (12' × 12')—10 feet.~~

802.5 ~~Building Height Regulations (Also see Section 706).~~

~~Maximum building height—35 feet.~~

802.6 ~~Off Street Parking and Loading Regulations~~

See Article X.

802.7 Sign Regulations

See Article XI.

802.8 Landscaping and Buffering Requirements — See Section 712.

803 R-12 (Single-Family Residential)

803.1 Intent

The intent of the R-12 Residential Single-Family District shall be to establish and preserve areas of land within the city for medium density single and two family residences and compatible land uses. Planned Residential Developments, which allow for the orderly integration of single and multi family residential uses with limited commercial facilities are permitted only as a conditional use. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

803.2 Permitted Uses

Accessory Apartment (preexisting)

Accessory Use or Accessory Building (residential)

Dwelling, Single-Family Detached

Family Care Facility

Green Houses, Private (Not to Exceed 1000 Square Feet)

Also see Permitted Use Chart

803.3 Permitted Conditional Uses

Adult Day Care Center

Art Galleries

Auditorium, Assembly Hall

Cemeteries — Human & Pet

Church/Synagogue

Country Clubs

Cultural and Community Facilities

Dwelling, Single-family Attached

Dwelling, Two-family

Dwelling, Group

Kennels (Private)

Libraries

Museums

Nursing, Convalescent & Extended Care Facilities

Nursery Schools & Day Care Facilities

Parks & Playgrounds

Planned Residential Development

Public Utility Substation

Radio & Television Transmission Tower

Youth Day Care

See Permitted Use Chart

Special Review Procedures for Conditional Use Permit

(see Article IX Section 900)

803.4 Area Regulations (also see Article VII)

803.41 Minimum Lot Area**803.411 Residential**~~A. Single family—12,000 square feet~~~~B. Planned Residential Development—~~~~(See Article XII)~~~~803.412 Non-residential—18,000 square feet~~**803.42 Minimum Lot Width**~~803.421 Front Lot Line—40 feet~~~~803.422 Building line—100 feet.~~**803.43 Minimum Front Yard**~~803.431 Residential—70 feet from centerline of streets where no recorded right of way exists, or 40 feet from street right of way where the recorded right of way is not less than 40 feet. Rights of way are to be determined by Caldwell County Tax Maps, recorded plats, and recorded subdivision plats or deed description.~~~~803.432 Non-residential—80 feet from centerline of street or 50 feet from street right of way, whichever is greater.~~**803.44 Minimum Side Yard**~~803.441 Residential—12 feet~~~~803.442 Non-residential—30 feet~~~~803.443 Accessory Uses—Smaller than 144 square feet (12' x 12')—5 feet. Larger than 144 square feet (12' x 12')—10 feet~~~~803.444 Abutting side street—25 feet (See Section 701)~~**803.45 Minimum Rear Yard**~~803.451 Residential—30 feet.~~~~803.452 Non-residential—10% of average lot depth.~~~~803.453 Accessory Uses—Smaller than 144 square feet (12' x 12')—5 feet. Larger than 144 square feet (12' x 12')—10 feet.~~**803.5 Building Height Regulations (Also see Section 706)**~~Maximum building height—35 feet.~~~~803.6 Off street Parking and Loading Regulations—See Article X.~~~~803.7 Sign Regulations—See Article XI.~~~~803.8 Landscaping and Buffering Requirements—See Section 712~~**804 R-9 (Multi-family Residential)****804.1 Intent**~~The intent of R-9 Residential Multi-family District shall be to establish and preserve areas of land within the city for medium density multi-family residences and compatible land uses. Planned Residential Development and multi-family complexes of three (3) or more units are allowed as conditional uses. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.~~**804.2 Permitted Uses**~~Accessory Apartment (preexisting)~~~~Accessory Use or Accessory Building (residential)~~~~Dwelling, Single-Family Detached~~

~~Dwelling, Two-Family~~
~~Family Care Facility~~
~~Green Houses, Private (not to exceed 1000 square feet)~~
~~Kennels (Private)~~
~~Class A—Manufactured Homes (See Section 806)~~
~~Also see Permitted Use Chart~~
~~804.3 Permitted Conditional Uses~~
~~Adult Day Care Center~~
~~Art Galleries~~
~~Auditorium, Assembly Hall~~
~~Cemeteries—Human & Pet~~
~~Church/Synagogue~~
~~Country Clubs~~
~~Cultural and Community Facilities~~
~~Dwelling, Group~~
~~Dwelling, Multi-Family (3 or more)~~
~~Dwelling, Single-Family Attached~~
~~Existing Manufactured Homes Parks (subject to Article IX of this ordinance)~~
~~Libraries~~
~~Museums~~
~~Nursing, Convalescent & Extended Care Facilities~~
~~Nursery Schools & Day Care Centers~~
~~Parks & Playgrounds~~
~~Planned Residential Development (See Article XII)~~
~~Public Utility Substation~~
~~Radio & Television Transmission Tower~~
~~Youth Day Care~~
~~See Permitted Use Chart~~

~~Special Review Procedures for Conditional Use Permit (see Article IX Section 900)~~

~~804.4 Area Regulations (also see Article VII)~~

~~804.41 Minimum Lot Area~~

~~804.411 Residential~~

~~A. Single family—9,000 square feet~~

~~B. Manufactured Housing (Double wide)~~

~~(See Section 806)~~

~~C. Two family—15,000 square feet~~

~~D. Multi-family and Planned~~

~~Residential Development—see Article XII~~

~~804.42 Minimum Lot Width~~

~~804.421 Front Lot Line—40 feet~~

~~804.422 Building Line~~

~~A. Single family—60 feet~~

~~B. Two-family—75 feet~~

~~C. Multi-family and Planned Residential Development—75 feet~~

~~D. Other Permitted Uses—75 feet~~

~~804.43 Minimum Front Yard~~

~~804.431 Residential—65 feet from centerline of streets where no recorded right of way exists or 35 feet from street right of way where the recorded right of way is not less than 40 feet. Rights of way are to be determined by Caldwell County Tax Maps, recorded plats, recorded subdivision plats or deed descriptions.~~

~~804.432 Non-Residential—80 feet from centerline of street or 40 feet from street right of way, whichever is greater.~~

~~804.44 Minimum Side Yard~~

~~804.441 Residential—12 feet~~

~~804.442 Non-residential—30 feet~~

~~804.443 Accessory uses—Smaller than 144 square feet (12' × 12')—5 feet. Larger than 144 square feet (12' × 12')—10 feet.~~

~~804.444 Abutting side street—25 feet (see Section 701)~~

~~804.45 Minimum Rear Yard~~

~~804.451 Residential—25 feet.~~

~~804.452 Non-residential—10% of average lot depth~~

~~804.453 Accessory uses—Smaller than 144 square feet (12' × 12')—5 feet. Larger than 144 square feet (12' × 12')—10 feet.~~

~~804.5 Building Height Regulations (Also see Section 706)~~

~~Maximum Building Height—35 feet~~

~~804.6 Off Street Parking and Loading Regulations—See Article X~~

~~804.7 Sign Regulations—See Article XI.~~

~~804.8 Landscaping and Buffering Requirements—See Section 712~~

805 R-6 (Multi-family Residential)

805.1 Intent

~~The intent of the R-6 Residential Multi-Family District shall be to establish and preserve areas of land within the city for high density multi-family residences and compatible land uses. Planned Residential Developments and multi-family complexes of three (3) or more units are permitted as conditional uses. Any use which would adversely affect or interfere with the residential character and development of these areas are excluded.~~

805.2 Permitted Uses

~~Accessory Apartment (preexisting)
Accessory Use or Accessory Building (residential)
Dwelling, Single-Family Detached
Dwelling, Two-Family
Family Care Facility
Green Houses, Private (not to Exceed 1000 Square Feet)
Class A—Manufactured Homes (See Section 806)
Also see Permitted Use Chart~~

805.3 Permitted Conditional Uses

~~Adult Day Care Center
Art Galleries
Auditorium, Assembly Hall
Cemeteries—Human & Pet
Church/Synagogue
Country Clubs
Cultural and Community Facilities
Dwelling, Group
Dwelling, Multi-Family (3 or more)
Dwelling, Single-family Attached
Existing Manufactured Home Parks (subject to Article IX of this Ordinance)
Libraries
Museums
Nursing, Convalescent & Extended Care Facilities
Nursery Schools & Day Care Centers
Parks & Playgrounds
Planned Residential Development (See Article XII)
Public Utility Substation
Radio & Television Transmission Tower
Youth Day Care
See Permitted Use Chart
Special Review Procedures for Conditional Use Permit (see Article IX Section 900)~~

805.4 Area Regulations ~~(Also see Article VII)~~

805.41 Minimum Lot Area

805.411 Residential

A. Single family—6,000 square feet

B. Manufactured Housing (Double wide) (See Section 806)

C. Two family—9,000 square feet D. Multi family and Planned Residential Development—See Article XI

805.412 Non-residential—9,000 square feet

805.42 Minimum Lot Width

805.421 Front lot line—40 feet

805.422 Building Line

A. Single family—60 feet

B. Two family—75 feet

C. Multi family and Planned Residential Development—75 feet

D. Other permitted uses—75 feet

805.43 Minimum Front Yard

805.431 Residential—65 feet from centerline of streets where no recorded right of way exists, or 35 feet from street right of way where the recorded right of way is not less than 40 feet. Rights of way are to be determined by Caldwell County Tax Maps, recorded plats, recorded subdivision plats or deed description.

805.432 Non-residential—80 feet from centerline of street or 50 feet from street right of way, whichever is greater.

805.44 Minimum Side Yard

805.441 Residential—10 feet

805.442 Non-residential—30 feet

805.443 Accessory Uses—Smaller than 144 square feet (12' × 12')—5 feet. Larger than 144 square feet (12' × 12')—10 feet.

805.444 Abutting side street—25 feet (see Sec. 701)

805.45 Minimum Rear Yard

805.451 Residential—25 feet

805.452 Non-residential—10% of average lot depth

~~805.453 Accessory Uses—Smaller than 144 square feet (12' × 12')—5 feet. Larger than 144 square feet (12' × 12')—10 feet.~~

805.5 Building Height Regulations (Also see Section 706)

Maximum building height—50 feet

805.6 Off street Parking and Loading Regulations

See Article X

805.7 Sign Regulations—See Article XI

805.8 Landscaping and Buffering Requirements—See Section 712

806 Manufactured Housing—The intent of this section shall be to present criteria for placement of manufacturing housing within the proper zoning districts and/or manufactured home parks.

806.1 Manufactured Home Classifications

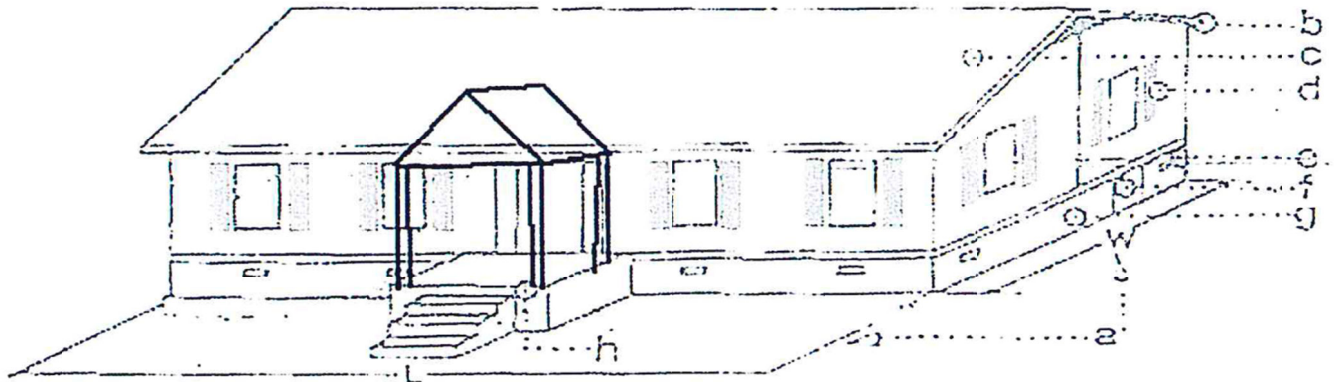
~~Class A: A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, which is of multi-sectional or double-wide design and that satisfies the following additional criteria:~~

- ~~a) The home is occupied only as a single family dwelling;~~
- ~~b) The home shall have a minimum width of twenty (20) feet and length not exceeding four (4) times its width, with length measured along the longest axis and width measured perpendicular to the longest axis at the narrowest part;~~
- ~~c) The home shall have the towing apparatus, wheels, axles, and transporting lights removed and not included in length and width measurements;~~
- ~~d) The home must be oriented so that the façade with the functional front door is facing the lot's primary street frontage;~~
- ~~e) The home shall be set up in accordance with the standards established by the North Carolina Department of Insurance;~~
- ~~f) The home shall be permanently placed on a masonry foundation, unpierced except for required ventilation and access, and constructed in compliance with the North Carolina Building Code. The foundation shall be protected with a polyvapor barrier. Installation shall include positive water drainage away from the home. The finished exterior of the foundation shall be brick, stone, stucco, or split-faced concrete masonry units (cmu). Smooth-faced concrete block shall not be permitted;~~
- ~~g) The pitch of the roof of the home shall have a minimum vertical rise of approximately three (3) feet for each twelve (12) feet of horizontal run and the roof shall be finished with a type of shingle that is commonly used in standard residential construction. Standing seam metal roofs, as are commonly used in residential construction, are also allowed. Such roof shall be installed by the manufacturer of the home at the time of construction. All roof structures shall provide an eave projection of no less than six (6) inches, which may include a gutter;~~
- ~~h) The home shall have a covered porch that is permanently mounted to the ground at the front door and constructed in compliance with the North Carolina Building Code. The minimum area for such a porch~~

shall be thirty six (36) square feet, and must be a front gabled roof design oriented towards the primary public street;

- i) Permanent stairs shall be constructed at all exterior doors of the home. Stairs shall be permanently mounted to the ground and constructed in compliance with the North Carolina Building Code;
- j) The home shall have an exterior facade of vinyl or wood siding, stone, brick, or other non-metallic material;
- k) The home shall be in full compliance with the City of Lenoir's Minimum Housing Code.

Figure Class A Manufactured



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

Sections 801-810 Reserved.

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806.12 Class B: A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, which is of a single section design, and that satisfies the following additional criteria:

- a) The home is occupied only as a single family dwelling;
- b) The home shall have a length not exceeding five (5) times its width measured perpendicular to the longest axis at the narrowest part;
- c) The home shall have the towing apparatus, wheels, axles, and transporting lights removed and not included in length and width measurements;
- d) The home shall be set up in accordance with the standards established by the North Carolina Department of Insurance;
- e) The pitch of the roof of the home shall have a minimum vertical rise of approximately three (3) feet for each twelve (12) feet of horizontal run and the roof shall be finished with a type of shingle that is commonly used in standard residential construction. Such roof shall be installed by the manufacturer of the home at the time of construction;

~~f) The home shall have either a deck, porch or concrete patio that is permanently mounted to the ground and constructed in compliance with the North Carolina Building Code. The minimum area for such deck, porch or patio shall be seventy five (75) square feet;~~

~~g) Permanent stairs shall be constructed at all exterior doors of the home. Stairs shall be permanently mounted to the ground and constructed in compliance with the North Carolina Building Code;~~

~~h) The home shall have an exterior facade of vinyl or wood siding, stone, brick, or other non-metallic material;~~

~~i) The home shall be in full compliance with the City of Lenoir's Minimum Housing Code.~~

~~806.13 Class C: A manufactured home which does not meet the Class A or Class B criteria listed above, or any mobile home constructed prior to 1976. Class C homes are not permitted within the jurisdiction of this ordinance.~~

~~806.2 Permitted Locations of Manufactured Home Classes~~

~~806.21 Class A Manufactured Homes are permitted on individual lots in the R-9, R-6, and R-R zoning districts, and in existing Manufactured Home Parks.~~

~~806.22 Class B Manufactured Homes shall be permitted only in existing Manufactured Home Parks, or as replacements for existing Class B or Class C Manufactured Homes in the R-6 and R-R zoning districts.~~

~~806.23 Class B and Class C Manufactured Homes that are located within the jurisdiction of this ordinance at the time of its adoption may remain in their current location, may be moved to another location within the R-6 or R-R zoning districts, and may be moved to an existing Manufactured Home Park within the jurisdiction of this ordinance.~~

EXTRATERRITORIAL ZONING

807 R-R (Rural Residential)

~~807.1 Intent~~

~~The intent of the R-R Residential District shall be to develop and maintain, in keeping with the existing and future land development patterns, those areas of extraterritorial jurisdiction. The regulations for this district are designed to stabilize and encourage a healthful environment for family life in areas where neither public water nor sewer facilities are available.~~

~~Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.~~

~~807.2 Permitted Uses~~

~~Accessory Apartment (preexisting)~~

~~Accessory Use or Accessory Building (residential)~~

~~Dwelling, Single Family Detached~~

~~Dwelling, Two Family~~

~~Family Care Facility~~

~~Golf Courses (18 holes)~~

~~Green Houses, Private (not to exceed 1000 square feet)~~

~~Class A Manufactured Homes (see Section 806)~~

~~Also see Permitted Use Chart~~

~~807.3 Permitted Conditional Uses~~

~~Armories~~

Art Galleries
 Auditorium, Assembly Hall
 Bed & Breakfast
 Cemeteries — Human & Pet
 Church/Synagogue
 Country Clubs
 Cultural and Community Facilities
 Dwelling, Group
 Dwelling, Multi-Family (3 or more units)
 Dwelling, Single-family Attached
 Existing Manufactured Home Parks (Subject to Article IX of this Ordinance)
 Hatcheries
 Libraries
 Museums
 Neighborhood Business
 Nursing, Convalescent & Extended Care Facilities
 Nursery Schools & Day Care Centers
 Parks & Playgrounds
 Public Utility Substation
 Radio & Television Transmission Tower
 See Permitted Use Chart
 Special Review Procedures for Conditional Use Permit
 (see Article IX Section 900)

807.4 Area Regulations (Also see Article VII)

807.41 Minimum Lot Area

807.411 Residential

807.4111 Single-family — 15,000 square feet when served by public or community water but not sewer;

807.4112 Single-family — 20,000 square feet when served by neither public/community water nor sewer;

807.4113 Two-family — 18,000 square feet when served by both public or community water and sewer or;

807.4114 Two-family — 20,000 square feet when served by public or community water but not sewer or;

807.4115 Two-family — 25,000 square feet when served by either public/community water nor sewer.

807.412 Non-Residential — 20,000 square feet

807.42 Minimum Lot Width

807.421 Front Lot line — 40 feet

807.422 Building line

A. Single-family — 100 feet

807.43 Minimum Front Yard

~~807.431 Residential—70 feet front centerline of street or 40 feet from street right of way; whichever is greater.~~

~~807.432 Non-Residential—80 feet from centerline of street or 50 feet from street right of way, whichever is greater.~~

807.44 Minimum Side Yard

~~807.441 Residential—15 feet~~

~~807.442 Non-residential—30 feet~~

~~807.443 Accessory uses—Smaller than 144 square feet (12' × 12')—5 feet. Larger than 144 square feet (12' × 12')—10 feet.~~

~~807.444 All lots—abutting side street—25 feet
(see Section 701)~~

807.45 Minimum Rear Yard

~~807.451 Residential—35 feet~~

~~807.452 Non-residential—10% of average lot depth~~

~~807.453 Accessory uses—Smaller than 144 square feet (12' × 12')—5 feet. Larger than 144 square feet (12' × 12')—10 feet.~~

807.5 Building Height Regulations (Also see Section 706)

~~Maximum Building Heights—35 feet.~~

807.6 Off-Street Parking and Loading Requirements—

~~See Article X~~

808 O & I (Office and Institutional)**808.1 Intent**

~~This district is established to provide land areas suitable for the location of professional and business offices and institutional and associated commercial activities. Whereas, this district usually serves as a buffer between residential neighborhoods and commercial districts the regulations are designed to protect and be compatible with nearby residences.~~

808.2 Permitted Uses

~~Accessory Apartment (Preexisting)~~

~~Accessory Use or Accessory Building (Non-Residential)~~

~~Accessory Use or Accessory Building (Residential)~~

~~Accountants Office, Auditors and Bookkeepers~~
~~Adult Day Care Center~~
~~Advertising Agencies~~
~~Architects Office~~
~~Art Galleries~~
~~Auditorium, Assembly Hall~~
~~Automatic Bank Tellers~~
~~Automobile Parking Lots~~
~~Banks, Main Office~~
~~Banks, Branch Office~~
~~Barber & Beauty Shops~~
~~Bed & Breakfast~~
~~Boarding/Rooming Houses~~
~~Book & Stationary Stores (No more than 3000 square feet)~~
~~Church/Synagogue~~
~~Contractors Office (No Storage)~~
~~Country Clubs~~
~~Credit and Finance Office~~
~~Crematory (Accessory to Funeral Home Only—see Section 715)~~
~~Cultural and Community Facilities~~
~~Drug Stores (Not More Than 3000 Square Feet)~~
~~Duplication, Mimeographing and Multilithing Operations (Not More Than 3000 Square Feet)~~
~~Dwelling, Single-Family Detached~~
~~Dwelling, Two-Family~~
~~Dwelling, Group~~
~~Family Care Facility~~
~~Florist Shops (Not More Than 3000 Square Feet)~~
~~Funeral Homes~~
~~Gift Shops (Not More Than 3000 Square Feet)~~
~~Government Offices~~
~~Green Houses, Private (Not to Exceed 1000 Square Feet)~~
~~Health Clubs/Spa~~
~~Hospitals~~
~~Jewelry Sales & Repair~~
~~Libraries~~
~~Medical & Dental Offices/Clinics~~
~~Medical & Dental Labs~~
~~Museums~~
~~Nursing, Convalescent & Extended Care Facilities~~
~~Nursery Schools & Day Care Centers~~
~~Parks & Playgrounds~~
~~Pharmaceuticals~~
~~Photography Supply Stores~~
~~Professional Offices~~

Public Utility Office
 Real Estate Services
 Restaurant, Cafe/Tea Room
 Studio and Specialty Schools
 Surveyors Offices
 Travel Agency
 Youth Day Care
 Also see Permitted Use Chart

808.3 Permitted Conditional Uses

Cemeteries—Human & Pet
 Dwelling, Single Family Attached
 Dwelling, Multi Family (3 or more)
 See Permitted Use Chart
 Special Review Procedures for Conditional Use Permit
 (see Article IX Section 900)

808.4 Area Regulations—(Also see Article VII)

808.41 Minimum Lot Area—None

808.42 Minimum Lot Width—50 feet

808.43 Minimum Front Yard

808.431 Residential—65' from centerline of street where no recorded right of way exists or 35' from street right of way where the recorded right of way is not less than 40'. Rights of way are to be determined by Caldwell County Tax Maps, recorded plats, recorded subdivision plats, and deed descriptions.

808.432 Non Residential

A. With side and rear parking—40' from the centerline of street right of way or 10' from street right of way whichever distance is greater.

B. With front parking—100' from centerline of street or 70 feet from street right of way, whichever distance is greater.

808.44 Minimum Side Yard

808.441 Residential—10 feet

808.442 Non Residential

A. Abutting residential—30 feet

B. Abutting non residential—10 feet

808.443 All lots abutting side street—25 feet (see Section 701)

808.45 Minimum Rear Yard

808.451 Residential—20 feet

808.452 Non-Residential—10 feet

808.5 Building Height Regulations (Also see Section 706)

Maximum Building Height—35 feet

808.6 Off-Street Parking and Loading Regulations—See Article X

808.7 Sign Regulations—See Article XI

808.8 Landscaping and Buffering Requirements—See Section 712

809 B-1 (Neighborhood Business)

809.1 Intent

This district is intended to serve the needs of the surrounding residential neighborhood by providing convenience goods and services which cater to the everyday needs of the residents. Whereas, this district is created within or near residential areas, It is imperative the residential property be protected by developing the B-1 district as a planned grouping designed to make the most efficient use of land and meet all requirements of this district.

809.2 Permitted Uses

- Accessory Apartment (Preexisting)
- Accessory Use or Accessory Building (Residential)
- Antique Shops
- Art Galleries
- Audio & Video Retail, Rental, and Repair Shops
- Automatic Bank Tellers
- Automobile Parking Lots
- Bakeries Retail (Not More Than 4000 Square Feet)
- Banks, Branch Office
- Barber & Beauty Shops
- Baseball Hitting Ranges
- Book & Stationary Stores (No More Than 3000 Square Feet)
- Computer & Data Processing Services
- Crafts/Hobby Shops
- Delicatessens
- Drug Stores (Not More Than 3000 Square Feet)
- Dry Cleaning and Laundry Service (Not More Than 3000 Square Feet)
- Dwelling, Single Family Detached
- Dwelling, Two Family
- Family Care Facility
- Florist Shops (Not More Than 3000 Square Feet)
- Gift Shops (Not More Than 3000 Square Feet)

~~Green Houses, Private (Not to Exceed 1000 Square Feet)~~
~~Hardware Stores (Not More Than 3000 Square Feet)~~
~~Interior Designers~~
~~Laundromats (Not More Than 3000 Square Feet)~~
~~Neighborhoods Business~~
~~Novelty & Souvenir Shops~~
~~Photography Supply Stores~~
~~Produce Stands~~
~~Public Utility Substation~~
~~Seamstress Shops~~
~~Shoe Sales & Repair Stores~~
~~Studio and Specialty Schools~~
~~Surveyors Offices~~
 Also see Permitted Use Chart

809.3 Permitted Conditional Uses

~~Cemeteries—Human & Pet~~
~~Dwelling, Group~~
~~Dwelling, Multi-Family (3 or more)~~
~~Dwelling, Single-Family Attached~~
 Also see Permitted Use Chart
~~Special Review Procedures for Conditional Use Permit (see Article IX, Section 900)~~

809.4 Area Regulations (also see Article VII)

809.41 Minimum Lot Area—None

809.42 Minimum Lot Width—50 feet

809.43 Minimum Front Yard

~~809.431 Residential—65' from centerline of street where no recorded right of way exists or 35' from street right of way where the recorded right of way is not less than 40'. Rights of way are to be determined by Caldwell County Tax Maps, recorded plats, recorded subdivision plats, and deed description.~~

809.432 Non-Residential

A. ~~With side and rear parking—40' from the centerline of street right of way or 10' from street right of way whichever distance is greater.~~
 B. ~~With front parking—70' from centerline of street or 40 feet from street right of way, whichever distance is greater.~~

809.44 Minimum Side Yard

809.441 Residential—10 feet

809.442 Non Residential

~~A. Abutting residential—30 feet~~

~~B. Abutting non residential—10 feet~~

~~809.443 All lots—abutting side street—25 feet (see Section 701)~~

809.45 Minimum Rear Yard

~~809.451 Residential—20 feet~~

~~809.452 Non residential—10 feet~~

809.5 Building Height Regulations (also see Section 706)

~~Maximum building height—35 feet~~

~~809.6 Off street Parking and Loading Regulations—See Article X~~

~~809.7 Sign Regulations—See Article XI~~

~~809.8 Landscaping and Buffering Requirements—See Section 712~~

810 B-2 (General Business)

810.1 Intent

~~The purpose of this district is to provide areas along major and minor thoroughfares for those commercial activities which require relatively large acreage of land and/or good vehicular access. The retail and service establishments allowed within this district are intended to serve both transient and resident traffic.~~

810.2 Permitted Uses

~~Accessory Apartment (Preexisting)~~
~~Accessory Use Or Accessory Bldg. (Nonresidential)~~
~~Accessory Use Or Accessory Bldg. (Residential)~~
~~Accountants Office, Auditors and Bookkeepers~~
~~Adult Day Care Center~~
~~Advertising Agencies~~
~~Amusement Services~~
~~Antennas, Radio, TV, Dish Sales~~
~~Antique Shops~~
~~Apparel and Accessory Sales~~
~~Appliance Store~~
~~Architects Office~~
~~Art Galleries~~
~~Art and Drafting Supplies~~
~~Auction Sales (No Outside Storage)~~
~~Auction Sales (With Outside Storage)~~
~~Audio & Video Retail, Rental, and Repair Shops~~

~~Automatic Bank Tellers~~
~~Automobile Body Shop~~
~~Automobile Parking Lots~~
~~Automobile Parts and Accessories~~
~~Automobile Repair Shop~~
~~Automobile Service Station (Pump Islands Shall Be 25' From Right Of Way And Closest Edge Of Canopies 10' From Right Of Way)~~
~~Automobile & Truck Sales and Services (New Or Used)~~
~~Automobile Washing Facilities~~
~~Bakeries Retail (Not More Than 4000 Square Feet)~~
~~Banks, Branch Office~~
~~Banks, Main Office~~
~~Barber & Beauty Shops~~
~~Baseball Hitting Ranges~~
~~Beach Bingo~~
~~Bed & Breakfast~~
~~Bicycle Sales and/or Services~~
~~Billiards & Pool Halls~~
~~Boat Sales and/or Services~~
~~Book & Stationary Stores (up to or exceeding 3000 Square Feet)~~
~~Bowling Lanes~~
~~Breweries, Distilleries, and Wineries~~
~~Broadcasting Studios~~
~~Building Construction and Supplies~~
~~Bus Terminals~~
~~Carpet Sales & Storage~~
~~Computer and Data Processing Services~~
~~Contractors Office (No Storage)~~
~~Convenience Stores (No Fuel Pumps)~~
~~Convenience Stores (Pump Islands Shall Be 25' from Right of way, Closest Edge Of Any Canopies Shall Be 10' From Right Of Way)~~
~~Convenience Stores (Full Service, Pump Islands Shall be 25' From Right Of Way, Closest Edge Of Any Canopies Shall Be 10' From Right Of Way)~~
~~Crafts/Hobby Shops~~
~~Credit and Finance Office~~
~~Crematory (see Section 715)~~
~~Dance Halls/Including Night Clubs~~
~~Delicatessens~~
~~Department Stores~~
~~Drug Stores (up to or exceeding 3000 Square Feet)~~
~~Dry Cleaning and Laundry Service (Not More Than 3000 Square Feet)~~
~~Duplicating, Mimeographing and Multilithing Operations (up to or exceeding 3000 Square Feet)~~
~~Dwelling, Group~~
~~Dwelling, Single Family Detached~~

~~Dwelling, Two Family~~
~~Electronic Product Sales & Services~~
~~Exterminating Service~~
~~Fabric Stores~~
~~Family Care Facility~~
~~Farm Machinery Sales and Services~~
~~Farm Supplies~~
~~Film Drop Off Booth~~
~~Firing Range (Indoor)~~
~~Floor Coverings~~
~~Florist Shops (up to or exceeding 3000 Square Feet)~~
~~Funeral Homes~~
~~Furniture and Home Furnishings~~
~~Furniture Repair Including Refinishing and Upholstery~~
~~Garden Supply Store~~
~~Gift Shops (up to or exceeding 3000 Square Feet)~~
~~Glass & Mirror Stores (Sales)~~
~~Golf Courses (18 Holes)~~
~~Golf Courses (Miniature)~~
~~Golf Driving Ranges~~
~~Green Houses, Commercial~~
~~Green Houses, Private (Not To Exceed 1000 Square Feet)~~
~~Guns & Ammunition Sales~~
~~Hardware Stores (up to or exceeding 3000 Square Feet)~~
~~Health Clubs/Spa~~
~~Heavy Equipment Sales & Service~~
~~Hospitals~~
~~Hotels & Motels~~
~~Interior Designers~~
~~Jewelry Sales & Repair~~
~~Kennels Commercial~~
~~Laundromats (up to or exceeding 3000 Square Feet)~~
~~Lawn & Garden Care Supplies~~
~~Lighting Stores~~
~~Liquor (ABC) Stores~~
~~Locksmith and Gunsmith~~
~~Manufactured Home Sales and/or Recreational Vehicle Sales~~
~~Medical & Dental Offices/Clinics~~
~~Medical & Dental Labs~~
~~Monument Sales~~
~~Motorecycle Sales & Service~~
~~Movie Theaters (Indoor)~~
~~Music Stores~~
~~Music Studio~~

~~Novelty & Souvenir Shops~~
~~Nurseries and Commercial Greenhouses (up to or exceeding 3000 Square Feet)~~
~~Nursery Schools & Day Care Centers~~
~~Office Equipment & Supply Stores~~
~~Optician & Optical Supply Stores~~
~~Paint & Wallpaper Stores~~
~~Pawn & Trade Shops~~
~~Pet Shops~~
~~Pharmaceutical Manufacturing~~
~~Pharmaceuticals (Sales)~~
~~Photography Studios~~
~~Photography Supply Stores~~
~~Plumbing and Hearing Supplies~~
~~Produce Stands~~
~~Professional Offices~~
~~Public Utility Office~~
~~Public Utility Substation~~
~~Publishing and Printing~~
~~Radio & Television Repair Shops~~
~~Radio & Television Sales~~
~~Radio & Television Studios~~
~~Radio & Television Transmission Tower~~
~~Real Estate Services~~
~~Research Activities and Research Development~~
~~Restaurants~~
~~Seamstress Shops~~
~~Second Hand Stores and Swap Shops~~
~~Sheetmetal Shops~~
~~Shoe Sales & Repair Stores~~
~~Shoe Store~~
~~Shopping Centers & Malls~~
~~Sign Manufacturing and Assembly~~
~~Sign Painting~~
~~Sign Sales Leasing (No storage)~~
~~Skating Rinks~~
~~Sporting Goods Stores~~
~~Stone and Clay Product Sales~~
~~Studio and Specialty Schools~~
~~Supermarkets~~
~~Surveyors Offices~~
~~Tattoo and Body Piercing Parlors~~
~~Taxi Stands~~
~~Travel Agencies~~
~~Truck, Farm Equipment and Heavy Equipment Sales and Service~~

~~Truck Terminals~~
~~Vending Company~~
~~Veterinarians Office (With No Outside Kennels or Storage of Supplies and Soundproofed Walls)~~
~~Veterinarians Office~~
~~Warehouses (Mini)~~
~~Youth Day Care~~
~~Also see Permitted Use Chart~~

810.3 Permitted Conditional Uses

~~Adult Uses (Provided They Are Located 1000 Feet (Measured From Center of Said Location in a Direct Line) From Any School, Church or Any Residential Zone)~~
~~Armories~~
~~Auditorium, Assembly Hall~~
~~Cemeteries – Human & Pet~~
~~Church/Synagogue~~
~~Colleges, Universities, Technical Colleges or Commercial Trade Schools~~
~~Country Clubs~~
~~Cultural and Community Facilities~~
~~Dwelling, Multifamily (3 or more Units)~~
~~Dwelling, Single Family Attached~~
~~Flea Markets~~
~~Government Offices~~
~~Libraries~~
~~Museums~~
~~Parks & Playgrounds~~
~~Wholesale Operations~~
~~Woodworking Shops~~
~~See Permitted Use Chart~~
~~Special Review Procedures for Conditional Use Permit (see Article IX, Section 900)~~

810.4 Area Regulations (also see Article VII)

810.41 Minimum Lot Area – None

810.42 Minimum Lot Width – None

810.43 Minimum Front Yard

810.431 Residential – ~~65' from centerline of street where no recorded right of way exists or 35' from street right of way where the recorded right of way is not less than 40'. Rights of way are to be determined by Caldwell County Tax Maps, recorded plats, recorded subdivision plats, and deed descriptions.~~

810.432 Non Residential

~~A. With side and rear parking—40' from the centerline of street, right of way or 10' from street right of way whichever distance is greater.~~

~~B. With front parking—75' from centerline of street or 40' from street right of way, whichever distance is greater.~~

810.44 Minimum Side Yard

~~810.441 Residential—10 feet~~

~~810.442 Non-Residential~~

~~A. Abutting residential—30 feet~~

~~B. Abutting non-residential—none~~

~~810.443 All Lots—abutting side street—25 feet~~

~~810.45 Minimum Rear Yard (see Section 701)~~

~~810.451 Residential—20 feet~~

~~810.452 Non-Residential~~

~~A. Abutting residential—30 feet~~

~~B. Abutting non-residential—20 feet~~

~~810.5 Building Height Regulations (also see Section 706)~~

~~Maximum building height—65 feet~~

~~810.6 Off Street Parking and Loading Regulations—See Article X~~

~~810.7 On Street Loading and Unloading Regulations~~

~~If off-street loading and unloading facilities are not available, and loading and unloading must occur on public streets, the following regulations shall be met:~~

~~810.71 One (1) lane of traffic on one-way streets must be left open at all times.~~

~~810.72 No loading or unloading shall take place on streets with two (2) way traffic where only two (2) lanes are available and traffic is opposing.~~

~~810.73 No on-street loading and unloading shall take place where on-street parking is permitted to the extent parked vehicles would not be permitted adequate ingress and egress to parking spaces.~~

~~810.74 No on-street loading or unloading shall take place on streets on the federally-aided system, NC 18, US 321 and US 64.~~

~~810.8 Sign Regulations—See Article X.~~

~~810.9 Landscaping and Buffering Requirements—See Section 712~~

~~810.10 Light Industrial Uses~~

~~810.101 Outside Storage: Outside storage shall be screened by opaque fencing. Fencing should be of a quality aesthetically acceptable to the surrounding area.~~

~~810.102 Emissions: Emissions of dust, smoke, and noise shall be at a minimum and in keeping with the regulations as set forth by the North Carolina Department of Natural Resources and Community Development.~~

~~810.103 Parking:~~

~~810.1031 Employee parking shall be provided by either on-site or off-site parking.~~

~~810.1032 Parking shall be the responsibility of the occupant of the structure and/or land area used for light industrial purposes.~~

~~810.104 Pretreatment of Sewage: Prior to the issuance of a Certificate of Occupancy, a confirmation in writing from the Superintendent of the Lenoir Water and Sewer Treatment Facilities shall be submitted to the Planning Department indicating that all effluent would be acceptable to the Lenoir Sewer System without pre-treatment.~~

~~810.105 Hazardous Waste: Storage of hazardous waste in excess of the requirements of the North Carolina State Building Code shall not be permitted. Confirmation in writing from the City Building Inspector as to the hazardous waste requirements shall be submitted to the Planning Department prior to the issuance of a Certificate of Occupancy.~~

~~810.106 Loading and Unloading: See Article X and Section 811.7.~~

811 B-3 (Central Business District)

811.1 Intent

~~The purpose of the Central Business District is to serve as the center of the city's financial business, professional, cultural, and governmental activities by providing a variety of supporting personal services and retail trades for the convenience of people employed in and around the Central Business District and transient shoppers. The yard requirements within the district are designed to provide for the intensive use of land within this district and concentrated development. Those commercial activities which require an extensive use of land to market their products such as car dealerships and commercial establishments requiring outside storage are prohibited from the district.~~

811.2 Permitted Uses

~~Accessory Apartment (Preexisting)
 Accessory Use or Accessory Building (Residential)
 Accountants Office, Auditors and Bookkeepers
 Adult Day Care Center
 Advertising Agencies
 Amusement Services
 Antennas, Radio, TV, Dish Sales
 Antique Shops
 Apparel and Accessory Sales
 Appliance Store
 Architects Office
 Art Galleries
 Art and Drafting Supplies
 Auction Sales (No Outside Storage)~~

~~Audio & Video Retail, Rental, and Repair Shops~~
~~Auditorium, Assembly Hall~~
~~Automatic Bank Tellers~~
~~Automobile Parking Lots~~
~~Automobile Parts and Accessories~~
~~Automobile Service Station (Pump Islands Shall be 25' From Right of Way and Closest Edge of Canopies 10' From Right of Way)~~
~~Bakeries Retail (Not More Than 4000 Square Feet)~~
~~Banks, Branch Office~~
~~Banks, Main Office~~
~~Barber & Beauty Shops~~
~~Bed & Breakfast~~
~~Bicycle Sales and/or Services~~
~~Billiards & Pool Halls~~
~~Book & Stationary Stores (Up To or Exceeding 3000 Square Feet)~~
~~Bowling Lanes~~
~~Breweries, Distilleries, and Wineries~~
~~Broadcasting Studios~~
~~Carpet Sales & Storage~~
~~Church/Synagogue~~
~~College, University, Technical College or Commercial Trade~~
~~Computer & Data Processing Services~~
~~Contractors Office (No Outside Storage)~~
~~Convenience Stores (No Fuel Pumps)~~
~~Convenience Stores (Pump Islands Shall be 25' from Right of way, Closest Edge of Any Canopies Shall be 10' From Right of Way)~~
~~Convenience Stores (Full Service, Pump Islands Shall be 25' From Right of Way, Closest Edge of Any Canopies Shall be 10' From Right of Way)~~
~~Crafts/Hobby Shops~~
~~Credit and Finance Office~~
~~Cultural and Community Facilities~~
~~Dance Halls Including Night Clubs~~
~~Delicatessens~~
~~Department Stores~~
~~Drug Stores (More Than 3000 Square Feet)~~
~~Dry Cleaning and Laundry Service (Not More Than 3000 Square Feet)~~
~~Duplicating, Mimeographing and Multilithing Operations (More Than 3000 Square Feet)~~
~~Dwelling, Group~~
~~Dwelling, Single Family Detached~~
~~Dwelling, Two Family~~
~~Electronic Product Sales~~
~~Fabric Stores~~
~~Family Care Facility~~
~~Film Drop Off Booth~~

Floor Coverings
 Florist Shops (More Than 3000 Square Feet)
 Funeral Homes
 Furniture and Home Furnishings
 Furniture Repair Including Refinishing and Upholstery
 Garden Supply Store
 Gift Shops (More Than 3000 Square Feet)
 Glass & Mirror Stores (Sales)
 Golf Courses (Miniature)
 Government Offices
 Green Houses, Commercial
 Green Houses, Private (Not To Exceed 1000 Square Feet)
 Guns & Ammunition Sales
 Hardware Stores (Up To or exceeding 3000 Square Feet)
 Health Clubs/Spa
 Hospitals
 Hotels & Motels
 Interior Designers
 Jewelry Sales & Repair
 Laundromats (Up To or Exceeding 3000 Square Feet)
 Libraries
 Lighting Stores
 Liquor (ABC) Stores
 Locksmith and Gunsmith
 Medical & Dental Offices/Clinics
 Medical & Dental Labs
 Movie Theaters (Indoors)
 Museums
 Music Stores
 Music Studio
 Novelty & Souvenir Shops
 Nursery Schools & Day Care Centers
 Office Equipment & Supply Stores
 Optician & Optical Supply Stores
 Paint & Wallpaper Stores
 Parks & Playgrounds
 Pawn & Trade Shops
 Pet Shops
 Pharmaceuticals Sales
 Photography Studios
 Photography Supply Stores
 Produce Stands
 Professional Offices
 Public Utility Office

~~Public Utility Substation~~
~~Publishing and Printing~~
~~Radio & Television Repair Shops~~
~~Radio & Television Sales~~
~~Radio & Television Studios~~
~~Radio & Television Transmission Tower~~
~~Real Estate Services~~
~~Restaurants~~
~~Second Hand Stores and Swap Shops~~
~~Shoe Sales & Repair Stores~~
~~Shoe Store~~
~~Shopping Centers & Malls~~
~~Skating Rinks~~
~~Sporting Goods Stores~~
~~Studios or Specialty Schools~~
~~Supermarkets~~
~~Surveyors Offices~~
~~Taxi Stands~~
~~Travel Agencies~~
~~Youth Day Care~~
~~Also see Permitted Use Chart~~

811.3 Permitted Conditional Uses

~~None~~
~~Dwelling, Multi-Family (3 or more units)~~
~~Dwelling, Single-Family Attached~~
~~See Permitted Use Chart~~
~~Special Review Procedures for Conditional Use Permit~~
~~(see Article IX Section 900)~~

811.4 Area Regulations (Also see Article VII)

~~811.41 Minimum Lot Area—None~~
~~811.42 Minimum Lot Width—None~~
~~811.43 Minimum Front Yard—None~~
~~811.44 Minimum Side Yard—None~~
~~811.45 Minimum Rear Yard—none~~

811.5 Building Height Regulations (Also see Section 706)

~~Maximum building height—80 feet~~

811.6 Off street Parking and Loading Regulations—None

811.7 On-Street Loading and Unloading Regulations

~~If off-street loading and unloading facilities are not available, and loading and unloading must occur on public streets the following regulations shall be met:~~

~~811.71 One (1) lane of traffic on one-way streets must be left open at all times.~~

~~811.72 No loading or unloading shall take place on streets with two (2) way traffic where only two (2) lanes are available and traffic is opposing.~~

~~811.73 No on-street loading or unloading shall take place where on-street parking is permitted to the extend parked vehicles would not be permitted adequate ingress and egress to parking spaces.~~

~~811.74 No on-street loading or unloading shall take place on streets on the federally aided system, NC 18, US 321 and US 64.~~

~~811.8 Sign Regulations – See Article XI.~~

~~811.9 Landscaping and Buffering Requirements. See Section 712.~~

~~811.10 Light Industrial Uses~~

~~811.101 Outside Storage: No outside storage shall be permitted.~~

~~811.102 Emissions: No outside emissions of dust, smoke or noise shall be caused by manufacturing process.~~

~~811.103 Parking:~~

~~811.1031 Employee parking shall be provided by either on-site or off-site parking.~~

~~811.1032 Parking shall be the responsibility of the occupant of the structure and/or land area used for light industrial purposes.~~

~~811.104 Pretreatment of Sewage: Prior to the issuance of a Certificate of Occupancy a confirmation in writing from the Superintendent of the Lenoir Water and Sewer Treatment Facilities shall be submitted to the Planning Department indicating that all effluent would be acceptable to the Lenoir Sewer System without pretreatment.~~

~~811.105 Hazardous Waste: Storage of hazardous waste in excess of the requirements of the North Carolina State Building Code shall not be permitted. Confirmation in writing from the City Building Inspector as to the hazardous waste requirements shall be submitted to the Planning Department prior to the issuance of a Certificate of Occupancy.~~

~~811.106 Loading and Unloading~~

~~See Article X and Section 807.~~

811.11 Central Business District (B-3) Design Standards

[Editor's Note: Section 811.11 is proposed to remain unchanged in content, with slight changes to numbering. The text of the subsections has been omitted from this ordinance, as indicated by the "****" notation.]

811.14 Design Criteria

~~811.412-2~~ Parking Criteria

~~811.413-3~~ Streetscape Protection

~~812 B-4 (Limited Business)~~

812.1 Intent

This district is to provide for areas which serve the retail service and professional uses. The intent is to provide for the size, scope and scale of the commercial and professional uses in this district that would be compatible and not intrusive, noxious or detrimental with adjacent residential neighborhoods and provide adequate transition between commercial and residential areas. Points of access to public street shall be limited as appropriate and common points of access between lots should be utilized.

812.2 Permitted Uses

Accessory Apartment (Preexisting)
 Accessory Use Or Accessory Bldg. (Non Residential)
 Accessory Use Or Accessory Bldg. (Residential)
 Accountants Office, Auditors and Bookkeepers
 Adult Day Care Center
 Advertising Agencies
 Antennas, Radio, TV, Dish Sales
 Antique Shops
 Apparel and Accessory Sales
 Architects Office
 Armories
 Art Galleries
 Art and Drafting Supplies
 Audio & Video Retail, Rental, and Repair Shops
 Automatic Bank Tellers
 Automobile Parking Lots
 Bakeries Retail (Not More Than 4000 Square Feet)
 Banks, Branch Office
 Barber & Beauty Shops
 Bed & Breakfast
 Bicycle Sales and/or Services
 Boarding/Rooming Houses
 Boat Sales and/or Services
 Book & Stationary Stores (No More Than 3000 Square Feet)
 Broadcasting Studios
 Bus Terminals
 Church/Synagogue
 Computer & Data Processing Services
 Contractors Office (No Storage)

~~Convenience Stores (No Fuel Pumps)~~
~~Country Clubs~~
~~Crafts/Hobby Shops~~
~~Credit and Finance Office~~
~~Crematory (Accessory to Funeral Home Only—see Section 715)~~
~~Cultural and Community Facilities~~
~~Delicatessens~~
~~Drug Stores (Not More Than 3000 Square Feet)~~
~~Dry Cleaning and Laundry Service (Not More Than 3000 Square Feet)~~
~~Duplicating, Mimeographing and Multilithing Operations (Not More Than 3000 Square Feet)~~
~~Dwelling, Group~~
~~Dwelling, Single Family Detached~~
~~Dwelling, Two Family~~
~~Electronic Product Sales~~
~~Fabric Stores~~
~~Family Care Facility~~
~~Film Drop-Off Booth~~
~~Florist Shops (Not More Than 3000 Square Feet)~~
~~Funeral Homes~~
~~Garden Supply Store~~
~~Gift Shops (Not More Than 3000 Square Feet)~~
~~Glass & Mirror Stores (Sales)~~
~~Golf Driving Ranges~~
~~Government Offices~~
~~Green Houses, Commercial~~
~~Green Houses, Private (Not To Exceed 1000 Square Feet)~~
~~Guns & Ammunition Sales~~
~~Hardware Stores (Not More Than 3000 Square Feet)~~
~~Health Clubs/Spa~~
~~Hospitals~~
~~Interior Designers~~
~~Jewelry Sales & Repair~~
~~Kennels Commercial~~
~~Laundromats (Not More Than 3000 Square Feet)~~
~~Lighting Stores~~
~~Locksmith and Gunsmith~~
~~Medical & Dental Offices/Clinics~~
~~Medical & Dental Labs~~
~~Museums~~
~~Music Stores~~
~~Neighborhood Business~~
~~Novelty & Souvenir Shops~~
~~Nurseries and Commercial Greenhouses (Not More Than 3000 Square Feet)~~
~~Nursing, Convalescent & Extended Care Facilities~~

~~Nursery Schools & Day Care Centers~~
~~Office Equipment & Supply Stores~~
~~Optician & Optical Supply Stores~~
~~Parks & Playgrounds~~
~~Pawn & Trade Shops~~
~~Pet Shops~~
~~Pharmaceuticals Sales~~
~~Photography Studios~~
~~Photography Supply Stores~~
~~Plastic Products (Manufacturing)~~
~~Plumbing & Heating Supplies~~
~~Produce Stands~~
~~Professional Offices~~
~~Public Utility Office~~
~~Public Utility Substation~~
~~Publishing and Printing~~
~~Radio & Television Sales~~
~~Real Estate Services~~
~~Research Activities and Research Development~~
~~Seamstress Shop~~
~~Second Hand Stores and Swap Shops~~
~~Shoe Store~~
~~Skating Rinks~~
~~Sporting Goods Stores~~
~~Studios or Specialty Schools~~
~~Supermarkets~~
~~Surveyors Offices~~
~~Travel Agencies~~
~~Veterinarian Office (With No Outside Kennels or Storage of Supplies and Soundproofed Walls)~~
~~Youth Day Care~~
~~Also see Permitted Use Chart~~

812.3 Permitted Conditional Uses

~~Dwelling, Multi Family (3 or More Units)~~
~~Dwelling, Single Family Attached~~
~~See Permitted Use Chart~~
~~Special Review Procedures for Conditional Use Permit (see Article IX, Section 900)~~

812.4 Area Regulations (also see Article VII)

812.41 Minimum Lot Area—None

812.42 Minimum Lot Width—None

812.43 Minimum Front Yard

~~812.431 Residential—65' from centerline of street where no recorded right of way exists or 35' from street right of way where the recorded right of way is not less than 40'. Rights of way are to be determined by Caldwell County Tax Maps, recorded plats, recorded subdivision plats, and deed descriptions.~~

812.432 Non Residential

~~A. With side and rear parking 40' from the centerline of street, right of way or 10' from street right of way whichever distance is greater.~~

~~B. With front parking 75 feet from centerline of street or 40 feet from street right of way, whichever distance is greater.~~

812.44 Minimum Side Yard

~~812.441 Residential—10 feet~~

~~812.442 Non Residential~~

~~A. Abutting residential—30 feet~~

~~B. Abutting non-residential none~~

~~812.443 All Lots—abutting side street—25 feet (see Section 701)~~

812.45 Minimum Rear Yard

~~812.451 Residential—20 feet~~

~~812.452 Non-residential~~

~~A. Abutting residential—30 feet~~

~~B. Abutting non-residential—20 feet~~

812.5 Building Height Regulations (also see Section 706)

~~Maximum building height—35 feet~~

812.6 Off Street Parking and Loading Regulations—See Article X

812.7 On Street Loading and Unloading Regulations

~~If off-street loading and unloading facilities are not available, and loading and unloading must occur on public streets, the following regulations shall be met:~~

~~812.71 One (1) lane of traffic on one-way streets must be left open at all times.~~

~~812.72 No loading or unloading shall take place on streets with two-way traffic where only two (2) lanes are available and traffic is opposing.~~

~~812.73 No on-street loading and unloading shall take place where on-street parking is permitted to the extent parked vehicles would not be permitted adequate ingress and egress to parking spaces.~~

~~812.74 No on-street loading or unloading shall take place on streets on the Federally aided system, NC 18, US 321 and US 64.~~

~~812.8 Sign Regulations—See Article XI~~

~~812.9 Landscaping and Buffering Requirements—See Section 712.~~

813 I-1 (Light Industrial)

813.1 Intent

~~This district is established to provide wholesale distribution activities, warehousing, retail storage, and certain industrial and fabrication activities which are normally operated in a relatively clean and quite manner and with little or no adverse effect upon adjoining properties. Some mixture of retail, wholesale, and industrial development may occur in this district.~~

813.2 Permitted Uses

~~Accessory Apartment (Preexisting)~~
~~Accessory Use or Accessory Building (Non-Residential)~~
~~Accessory Use or Accessory Building (Residential)~~
~~Adult Day Care Center~~
~~Adult Use (Provided They are Located 1000 Feet (Measured From Center of Said Location in a Direct Line) From Any School, Church or Any Residential Zone)~~
~~Amusement Services~~
~~Apparel and Accessory Sales~~
~~Appliance Store~~
~~Armories~~
~~Art Galleries~~
~~Art and Drafting Supplies~~
~~Auction Sales (No Outside Storage)~~
~~Auction Sales (With Outside Storage)~~
~~Audio Video Retail Rental & Repair Shops~~
~~Auditorium, Assembly Hall~~
~~Automatic Bank Tellers~~
~~Automobile Body Shop~~
~~Automobile Parking Lots~~
~~Automobile Parts and Accessories~~
~~Automobile Repair Shop~~
~~Automobile Service Station (Pump Islands Shall be 25' From Right of Way and Closest Edge of Canopies, 10' From Right of Way)~~
~~Automobile & Truck Sales and Service (New or Used)~~
~~Automobile Washing Facilities~~
~~Bakeries Retail (Up To or Exceeding Over 4000 Square Feet)~~
~~Banks, Branch Office~~
~~Barber & Beauty Shops~~
~~Baseball Hitting Ranges~~
~~Bicycle Sales and/or Services~~
~~Boat Sales and/or Services~~
~~Breweries, Distilleries, and Wineries~~

~~Broadcast Studios~~
~~Building Construction and Supplies~~
~~Bus Terminals~~
~~Cabinet Shops~~
~~Carpet Sales & Storage~~
~~Chemical Manufacturing~~
~~College, University, Technical College or Commercial Trade Schools~~
~~Computer & Data Processing Services~~
~~Contractors Office (General, Electrical, Heating, Air Conditioning etc.) (No Outside Storage)~~
~~Contractors Office and Equipment (General, Electrical, Heating, Air Conditioning etc.) (Storage)~~
~~Convenience Stores (No Fuel Pumps)~~
~~Convenience Stores (Pump Islands Shall Be 25' From Right Of Way, Closest Edge Of Any Canopies Shall Be 10' From Right Of Way)~~
~~Convenience Stores (Full Service, Pump Islands Shall Be 25' From Right Of Way, Closest Edge Of Any Canopies Shall Be 10' From Right Of Way)~~
~~Crafts/Hobby Shops~~
~~Crematory (see Section 715)~~
~~Delicatessens~~
~~Drug Stores (Not more than 3000 Square Feet)~~
~~Drug Stores (Up To or Exceeding 3000 Square Feet)~~
~~Dry Cleaning and Laundry Service (More Than 3000 Square Feet)~~
~~Duplicating, Mimeographing and Multilithing Operations (Not More Than 3000 Square Feet)~~
~~Duplicating, Mimeographing and Multilithing Operations (Up To Or Exceeding 3000 Square Feet)~~
~~Electronic Products Manufacturing~~
~~Electronic Product Sales & Service~~
~~Exterminating Service~~
~~Fabric Stores~~
~~Fabrication or Assembly of Products from Preconstructed Materials or Components~~
~~Farm Machinery Sales and Services~~
~~Farm Supplies~~
~~Film Drop Off Booth~~
~~Firing Range (In Door)~~
~~Flammable Liquids (Bulk Storage)~~
~~Flea Markets~~
~~Floor Coverings~~
~~Furniture And Home Furnishings Sales~~
~~Furniture Repair Including Refinishing And Upholstery~~
~~Garden Supply Store~~
~~Glass & Mirror Stores (Sales)~~
~~Golf Driving Ranges~~
~~Greenhouses – Commercial~~
~~Hardware Stores (Up To Or Exceeding 3000 Square Feet)~~
~~Heavy Equipment Sales & Service~~

~~Laundromats (Not more than 3000 Square Feet)~~
~~Laundromats (Up To Or Exceeding 3000 Square Feet)~~
~~Laundry & Dry Cleaning Plants~~
~~Lawn & Garden Care Supplies~~
~~Lighting Stores~~
~~Linen & Uniform Supply Stores~~
~~Locksmith and Gunsmith~~
~~Lumber and Products (Raw Materials Processing)~~
~~Lumber Yards~~
~~Machine & Welding Shops~~
~~Manufactured Home Sales and/or Recreational Vehicle Sales~~
~~Meat packing Plants~~
~~Metal Fabrication Plants~~
~~Monument Sales~~
~~Motoreycle Sales & Service~~
~~Moving and Storage Operations~~
~~Nurseries and Commercial Greenhouses (Up To Or Exceeding 3000 Square Feet)~~
~~Nursery Schools & Day Care Centers~~
~~Office Equipment & Supply Stores~~
~~Optician & Optical Supply Stores~~
~~Paint & Wallpaper Stores~~
~~Pawn & Trade Shops~~
~~Pharmaceuticals (Sales)~~
~~Pharmaceuticals Manufacturing~~
~~Plastic Products~~
~~Plumbing and Heating Supplies~~
~~Processing Plants~~
~~Produce Stands~~
~~Public Service Facilities~~
~~Public Utility Office~~
~~Public Utility Office and Equipment Storage~~
~~Public Utility Substation~~
~~Radio & Television Repair Shops~~
~~Radio & Television Studios~~
~~Radio & Television Transmission Tower~~
~~Restaurants~~
~~Second Hand Stores and Swap Shops~~
~~Sheetmetal Shops~~
~~Sign Manufacturing and Assembling~~
~~Sign Painting~~
~~Skating Rinks~~
~~Stone and Clay Product Sales~~
~~Studios/Specialty Schools~~
~~Taxi Stands~~

~~Tool and Die Operations~~
~~Truck, Farm Equipment and Heavy Equipment Sales and Services~~
~~Truck Terminals~~
~~Vending Companies~~
~~Veterinarian Office (With No Outside Kennels Or Storage Of Supplies and Soundproofed Walls)~~
~~Veterinarian Office~~
~~Warehouses~~
~~Warehouses (Mini)~~
~~Welding Operations~~
~~Wholesale Operations~~
~~Woodworking Shops~~
~~Youth Day Care~~
~~Also see Permitted Use Chart~~

813.3 Permitted Conditional Uses

~~None~~
~~See Permitted Use Chart~~
~~Special Review Procedures for Conditional Use Permit~~
~~(see Article XI Section 900)~~

813.4 Area Regulations (Also see Article VII)

813.41 Minimum Lot Area ~~—10,000 square feet~~

813.42 Minimum Lot Width ~~—80 feet~~

813.43 Minimum Front Yard ~~—25 feet from right of way~~

813.44 Minimum Side Yard

813.441 Abutting residential or office district ~~—25 feet~~

813.442 Abutting commercial or industrial district ~~—none~~

813.443 All lots ~~—abutting side street — 25 feet~~

813.45 Minimum Rear Yard (See Section 701)

813.451 Abutting residential or office district ~~25 feet~~

813.452 Abutting commercial or industrial district ~~—none~~

813.5 Building Height Regulations (Also see Section 706)

~~Maximum building height —65 feet.~~

~~813.6 Off street Parking and Loading Regulations—~~

~~813.7 Sign Regulations—See Article XI~~

~~813.8 Landscaping and Buffering Requirements—See Section 712~~

~~814 I-2 (Heavy Industrial District)~~

~~814.1 Intent~~

~~This district is established to accommodate those industrial uses which, because of their operation, may be incompatible with surrounding residential and commercial land uses or require large acreage near or adjacent to major thoroughfares and railroad access. Realizing the necessity of providing, maintaining and preserving land areas for industrial development, all residential and commercial uses are prohibited in this zone (except those commercial activities that may be supportive of this district, by special use—such as—restaurants, day care facilities, etc.). Certain heavy industrial operations which, because of the nature of their function, may emit smoke, dust, glare, noise, odors, and use dangerous materials, are allowed in this zone, but such emissions should be minimized.~~

~~814.2 Permitted Uses~~

~~Accessory Apartment (Preexisting)
 Accessory Use Or Accessory Bldg. (Nonresidential)
 Accessory Use Or Accessory Bldg. (Residential)
 Adult Day Care Center
 Amusement Services
 Apparel and Accessory Sales
 Appliance Store
 Armories
 Art Galleries
 Art and Drafting Supplies
 Asphalt Products
 Auction Sales (No Outside Storage)
 Audio Video Retail Rental & Repair Shops
 Auditorium, Assembly Hall
 Automatic Bank Tellers
 Automobile Body Shop
 Automobile Parking Lots
 Automobile Parts and Accessories
 Automobile Repair Shop
 Automobile Service Station (Pump Islands Shall Be 25' From Right Of Way And Closest Edge Of Canopies 10' From Right Of Way)
 Automobile & Truck Sales and Service—(New or Used)
 Automobile Washing Facilities
 Bakeries Retail (Up To Or Exceeding 4000 Square Feet)~~

~~Banks, Branch Office~~
~~Barber & Beauty Shops~~
~~Baseball Hitting Ranges~~
~~Bicycle Sales and/or Services~~
~~Boat Sales and/or Services~~
~~Breweries, Distilleries, and Wineries~~
~~Brick, Tile and Pottery Manufacturing~~
~~Broadcast Studios~~
~~Building Construction and Supplies~~
~~Bus Terminals~~
~~Cabinet Shops~~
~~Carpet Sales & Storage~~
~~Chemical Manufacturing~~
~~College, University, Technical College or Commercial Trade Schools~~
~~Computer & Data Processing Services~~
~~Concrete Products or Production~~
~~Contractors Office and Equipment Storage~~
~~Convenience Stores (No Fuel Pumps)~~
~~Convenience Stores (Pump Islands Shall Be 25' From~~
~~Right Of Way, Closest Edge Of Any Canopies Shall Be 10' From Right Of Way)~~
~~Crafts/Hobby Shops~~
~~Crematory (see Section 715)~~
~~Delicatessens~~
~~Drug Stores (Not more than 3000 Square Feet)~~
~~Drug Stores (Up To or Exceeding 3000 Square Feet)~~
~~Dry Cleaning and Laundry Service (More Than 3000 Square Feet)~~
~~Duplicating, Mimeographing and Multilithing Operations~~
~~Electronic Products Manufacturing~~
~~Electronic Product Sales & Service~~
~~Exterminating Service~~
~~Extraction of Earth Products~~
~~Fabric Stores~~
~~Fabrication or Assembly of Products From Preconstructed Materials or Components~~
~~Farm Machinery Sales and Services~~
~~Farm Supplies~~
~~Feed and Seed Milling and Storage~~
~~Fertilizer Manufacturing and Distribution~~
~~Film Drop Off Booth~~
~~Film Processing Plant~~
~~Firing Range (Indoor)~~
~~Flammable Liquids (Bulk Storage)~~
~~Flea Markets~~
~~Floor Coverings Stores~~
~~Food Processing Plants~~

Foundry
 Furniture And Home Furnishings Sales
 Furniture Manufacturing
 Furniture Repair Including Refinishing And Upholstery
 Garden Supply Store
 Glass and Mirror Manufacturing
 Glass & Mirror Stores
 Golf Driving Ranges
 Greenhouses—Commercial
 Hardware Stores (Up To Or Exceeding 3000 Square Feet)
 Heavy Equipment Sales & Service
 Junk Yards, provided portions within 100 feet of a public street are buffered from view per the buffering specifications of section 712.8 of this ordinance. Existing natural vegetation may be used as a credit for buffering in cases where it meets the screening intent of section 712.8 junk yards in existence at the time of adoption of this ordinance shall have 6 months to comply with the buffering standards.
 Kennels—Commercial
 Laundromats
 Laundry & Dry Cleaning Plants
 Lawn & Garden Care Supplies
 Lighting Stores
 Linen & Uniform Supply Stores
 Locksmith and Gunsmith
 Lumber and Products (Raw Materials Processing)
 Lumber Yards
 Machine & Welding Shops
 Manufactured Home Sales and/or Recreational Vehicle Sales
 Meat Packing Plants
 Metal Fabricating Plants
 Monument Sales
 Motorcycle Sales & Service
 Moving and Storage Operations
 Nurseries and Commercial Greenhouses (Up To Or Exceeding 3000 Square Feet)
 Nursery Schools & Day Care Centers
 Office Equipment & Supply Stores
 Optician & Optical Supply Stores
 Paint & Wallpaper Stores
 Pawn & Trade Shops
 Pharmaceuticals Manufacturing
 Pharmaceuticals Sales
 Plastic Products
 Plumbing and Heating Supplies
 Processing Plants
 Produce Stands

~~Public Service Facilities~~
~~Public Utility Office and Equipment Storage~~
~~Public Utility Substation~~
~~Radio & Television Repair Shops~~
~~Radio & Television Studios~~
~~Radio & Television Transmission Tower~~
~~Restaurants~~
~~Rubber and Glass Products Manufacturing~~
~~Second Hand Stores and Swap Shops~~
~~Sheetmetal Shops~~
~~Sign Manufacturing and Assembling~~
~~Sign Painting~~
~~Skating Rinks~~
~~Stone and Clay Products Manufacturing~~
~~Stone and Clay Products Sales~~
~~Stone Crushing, Cutting and Polishing~~
~~Studios/Specialty Schools~~
~~Taxi Stands~~
~~Textile Manufacturing, Finishing & Dyeing~~
~~Tire Recapping Operations~~
~~Tool and Die Operations~~
~~Truck Terminals~~
~~Truck, Farm Equipment and Heavy Equipment Sales and Services~~
~~Vending Companies~~
~~Veterinarian Office~~
~~Warehouses~~
~~Warehouses (Mini)~~
~~Welding Operations~~
~~Wholesale Operations~~
~~Woodworking Shops~~
~~Youth Day Care~~
~~Also see Permitted Use Chart~~

814.3 ~~Permitted Conditional Uses~~

~~None~~
~~See Permitted Use Chart~~
~~Special Review Procedures for Conditional Use Permit~~
~~(see Article XI Section 900)~~

814.4 ~~Area Regulations~~

814.41 ~~Minimum Lot Area—20,000 square feet~~

814.42 ~~Minimum Lot Width—100 feet~~

~~814.43 Minimum Front Yard—25 feet from right of way~~

~~814.44 Minimum Side Yard~~

~~814.441 Abutting residential or office district—40 feet~~

~~814.442 Abutting commercial or industrial district—None~~

~~814.443 Abutting side street—25 feet (see Section 701)~~

~~814.45 Minimum Rear Yard~~

~~814.451 Abutting residential or office district—40 feet.~~

~~814.452 Abutting commercial or industrial district—None~~

~~814.5 Building Height Regulations (Also see Section 706)~~

~~Maximum building height—65 feet~~

~~814.6 Off Street Parking and Loading Regulations—See Article X.~~

~~814.7 Sign Regulations—See Article XI~~

~~814.8 Landscaping and Buffering Requirements—See Section 712.~~

815 S-1 (Special Use District)

The process of allowing uses beyond what is permitted by right in a particular zoning district through the adoption of a Special Use overlay district via a legislative process followed by the adoption of a Special Use permit via a quasi-judicial process is hereby repealed and replaced with a legislative process of "Conditional Zoning" (see Article VIII, Section 820). Projects previously approved utilizing the Special Use process may continue to function under the terms and conditions set forth under the initial approval of the Special Use permit. Special Use overlay districts shall continue to be depicted on the Official Zoning Map, but in no case shall lands be re-zoned to have Special Use overlay districts in the future. Section 900.8, "Expiration of Permits" shall continue to apply to Special Use permits issued prior to the adoption of this ordinance. If a Special Use permit is allowed to expire, the Special Use overlay district shall also be considered null and void.

Sections 812-815 Reserved.

816 B-5 (Neighborhood Mixed Use) Design and Performance Standards

816.1 Intent

The intent of this district is to protect and foster the architectural and historic residential character of the North Main Street corridor while encouraging the location of aesthetically compatible small-scale commercial activities that will provide basic and specialty consumer needs to the district and the immediate neighborhood.

816.2 Permitted Uses

~~All permitted nonresidential uses are limited to 5,000 square feet, except through approval as a Conditional Use. Buildings containing these uses may be larger to accommodate a mix of commercial and residential uses, but the square footage dedicated to non-residential use cannot exceed 5,000 square feet, except through approval as a Conditional Use.~~

~~Accessory Apartments~~

~~Accessory Cottages~~

~~Accountant's offices, Auditors and Bookkeepers~~

~~Adult Day Care Center~~

~~Advertising agencies~~

~~Antique shops~~

~~Architect's offices~~

~~Art Galleries~~

~~Bakeries Retail (Not more than 4000 sq. ft.)~~

~~Bakeries Wholesale (Up to or exceeding 4000 sq. ft.)~~

~~Banks & other finance offices~~

~~Barber & Beauty Shops~~

~~Bed & Breakfast~~

~~Bicycle Shops~~

~~Book Stores~~

~~Bungalow Courts~~

~~Craft & Hobby Shops~~

~~Crematory (Accessory to Funeral Home Only—see Section 715)~~

~~Day care Centers~~

~~Dwellings, Attached~~

~~Dwellings, Single-family Detached~~

~~Dwellings, Two-family Dwellings, Zero lot line~~

~~Family Care Facility~~

~~Florists / Gift shops~~

~~Funeral Homes~~

~~Interior design consultants~~

~~Medical, dental, optical offices~~

~~Music stores & musical instrument stores~~

~~Parks & Playgrounds~~

~~Photography Studios~~

~~Real Estate Services~~

~~Retirement facilities, including nursing homes, assisted living centers, adult day care, etc.~~

~~Studios for the instruction of dance, music, martial arts etc.~~

~~Surveyor's offices~~

~~Travel agencies~~

~~Other uses may be permitted if they are interpreted by the Board of Adjustment to be similar in nature to those listed above and compatible with the neighborhood.~~

~~Also see Permitted Use Chart~~

816.3 Conditional Uses

Churches/Synagogue

Cultural and Community Facilities

Dwellings, Multi-family (3 or more units)

Museums

Permitted non-residential uses that exceed 5,000 sq. ft. (stand alone or as the non-residential portion of a mixed-use building)

Also see Permitted Use Chart

816.4 Grandfathered Uses and Non-Conforming Uses

Any building or structure in existence at the time this district is adopted is permitted to remain without being subject to any of the appearance improvements of the B-5 zoning district unless it is converted from residential to nonresidential use, is improved beyond 50% of the tax value of the building, or was already a non-conforming structure or use at that the time the district was adopted. Such conversion of use or improvements will subject the building or structure to all applicable appearance criteria of the B-5 zoning district. Furthermore, any existing building or structure that was considered conforming prior to the adoption of this district will be permitted to be rebuilt up to the square footage at the time of adoption of this ordinance should it be destroyed or demolished for any reason. New construction, including additions to or replacements of existing buildings or structures, will be required to adhere to applicable appearance improvements of the B-5 zoning district.

Any parcel at the time this district is adopted which contains facilities for multi-family use may continue to be used and maintained for such multi-family facilities provided that the total number of dwelling units on the parcel does not increase. An inventory prepared by the Lenoir Planning Department prior to the adoption of this ordinance will be the final authority in determining the number of multi-family units in existence on each individual parcel of land. Should any multi-family unit(s) be destroyed, removed, condemned, or otherwise eliminated, such units may not be replaced if the total number of multi-family units on any parcel would exceed three units.

Multi-family units in existence at the time this district is adopted which are not occupied within 24 months of the adoption of this district shall be considered non-conforming and shall not be permitted for occupancy thereafter.

816.5 Area Requirements

Minimum Lot Size:	None
Minimum Lot Width:	40 ft. (single family residential) 50 ft. (all other uses)
Minimum Front Yard Setback (residential)	20 ft., or the average of structures on adjoin lots if less than 20 ft
Minimum Front Yard Setback (non-residential)	10 ft. from back-of-curb for the provision of sidewalk/streetscape improvements. No other applicable setback.
Minimum Side Yard setback	0 ft. (abutting non-residential) 7 ft. (residential) *See Sec. 712 for required bufferyards
Minimum Rear Yard Setback	20 ft.
Maximum Building Height	35 ft. 65 ft. by Conditional Use Permit

Sections 816.1-816.5 Reserved.

[Editor's Note: Sections 816.6-817.15 are proposed to remain unchanged in content or numbering and the text has been omitted from this ordinance, as indicated by the "*****" notation.]

817 B-6 (~~Exclusive~~ Transitional Business District) Design Standards

817.1 Intent

~~This district is intended to serve the needs of the traveling public as well as provide convenience goods and services to surrounding residential neighborhoods. This district is further intended to promote commercial activity in a high-volume traffic corridor that is in close proximity to well established, economically healthy residential neighborhoods. Therefore, it is imperative that future developments in the B-6 zoning district accomplish two goals. First, future development should promote the dominant architectural character of the area through design and construction of buildings that are aesthetically compatible with the surrounding neighborhoods. Second, the existing neighborhoods should be protected from the negative impacts of highway corridor development through the implementation of dense landscape buffers and screening.~~

817.2 Permitted Uses

~~All permitted uses are limited to 5,000 square feet gross floor area per building. No permitted use shall be staffed and open for business between the hours of 1:00 a.m. and 6:00 a.m. (Product listings includes their sale and service, but shall not be stored outdoors.)~~

~~Accessory Uses and Accessory Buildings, provided they have the same exterior facade as the principal building.~~

~~Accounting & Bookkeeping Offices~~

~~Advertising Agencies~~

~~Antique Shops~~

~~Apparel Shops~~

~~Architects Offices~~

~~Art Galleries~~

~~Art & Drafting Supply Sales~~

~~Automatic Teller Machines~~

~~Bakeries~~

~~Banks~~

~~Barber & Beauty Shops~~

~~Book Stores~~

~~Candy Stores~~

~~Computer Sales & Service~~

~~Copying Services~~

~~Craft & Hobby Shops~~

~~Credit & Finance Offices~~

~~Drug Stores~~

~~Dwellings, Single-family Detached~~
~~Electronics Sales & Service~~
~~Fabric Stores~~
~~Florist Shops~~
~~Gift Shops~~
~~Government Offices~~
~~Greenways~~
~~Grocery Stores~~
~~Hardware Stores~~
~~Home Furnishing Stores~~
~~Insurance Offices~~
~~Interior Design Studios~~
~~Jewelry Sales & Repair~~
~~Lighting Stores~~
~~Medical & Dental Offices, Clinics and Laboratories~~
~~Music Stores~~
~~Musical Instrument Sales & Services~~
~~Office Equipment & Supply Stores~~
~~Photography Studios~~
~~Photography Supply Stores~~
~~Public Utility Offices~~
~~Real Estate Offices~~
~~Rent-to-Own Stores~~
~~Restaurants, excluding drive-through and drive-in service~~
~~Seamstress and dressmaking shops~~
~~Studios and Specialty Schools~~
~~Surveyors Offices~~
~~Travel Agencies~~
~~See Permitted Uses Chart~~

817.3 Conditional Uses

~~Churches, Synagogues, Mosques, and similar places of worship~~
~~See Permitted Uses Chart and Table~~

817.4 Area Regulations

817.41 Minimum Lot Size: 10,000 square feet.

817.42 Minimum Lot Width: 100 feet.

817.43 Minimum Front Yard: 40 feet with front yard parking; 10 feet with side and/or rear parking.

817.44 Minimum Side Yard: 30 feet when abutting residentially zoned property; 10 feet when abutting non-residentially zoned property; 25 feet when abutting a side street.

~~817.45 Minimum Rear Yard: 30 feet when abutting residentially zoned property; 10 feet when abutting non-residentially zoned property; 25 feet when abutting a rear street.~~

~~817.46 Maximum Building Height: 25 feet~~

~~Reserved: Sections 817.1-817.4~~ Reserved.

[Editor's Note: Sections 817.5-817.15 are proposed to remain unchanged in content or numbering and the text has been omitted from this ordinance, as indicated by the "****" notation.]

~~Reserved: Section 818~~ Reserved.

~~818 B-7 (Planned Highway Business District)~~

~~818.1 Intent~~

~~The purpose of this district is to provide areas along major thoroughfares for large-scale commercial activities that require large acreage and are conducive to planned developments with a variety of complementary land uses, as opposed to typical highway strip development. Property in this zoning district should be of adequate size and dimension to employ interior service roads, thereby minimizing the number of driveway connections to arterials. The retail and service establishments allowed within this district are intended to serve both local and regional consumers.~~

~~818.2 Permitted Uses (product listings includes their sale and service)~~

~~Accessory Use or Accessory Bldg. (Non-Residential)~~

~~Accountants Office, Auditors and Bookkeepers~~

~~Adult Day Care Centers~~

~~Advertising Agencies~~

~~Amusement Services (Indoors only)~~

~~Antique Shops~~

~~Apparel and Accessories~~

~~Appliance Stores~~

~~Architects Offices~~

~~Art Galleries~~

~~Art and Drafting Supplies~~

~~Auction Sales (No Outside Storage)~~

~~Audio & Video Retail, Rental, and Repair Shops~~

~~Auditorium, Assembly Hall~~

~~Automatic Bank Tellers~~

~~Automobile Parking Lots~~

~~Automobile Parts and Accessories~~

~~Automobile Washing Facilities (Automated Only)~~

~~Bakeries~~

~~Banks~~

~~Barber & Beauty Shops~~
~~Beach Bingo (Inside Only)~~
~~Bed & Breakfasts~~
~~Bicycle Shops~~
~~Book & Stationary Stores~~
~~Bowling Lanes~~
~~Broadcasting Studios~~
~~Building Construction and Supplies (Inside Storage Only)~~
~~Colleges and Trade Schools~~
~~Computer and Data Processing Services~~
~~Contractors Offices (No Outside Storage)~~
~~Convention Centers and Facilities~~
~~Copying & Duplicating Services~~
~~Crafts/Hobby Shops~~
~~Credit and Finance Offices~~
~~Crematory (Accessory to Funeral Home Only—see Section 715)~~
~~Cultural and Community Facilities~~
~~Delicatessens~~
~~Department Stores~~
~~Drug Stores~~
~~Dry Cleaning and Laundry Services~~
~~Electronic Product Sales & Services~~
~~Fabric Stores~~
~~Film Drop-Off Booths~~
~~Floor Coverings~~
~~Florist Shops~~
~~Funeral Homes~~
~~Furniture and Home Furnishings~~
~~Garden Supply Stores~~
~~Gift Shops~~
~~Glass & Mirror Stores~~
~~Golf Courses~~
~~Golf Courses (Miniature)~~
~~Government Offices~~
~~Guns & Ammunition Sales~~
~~Hardware Stores~~
~~Health Clubs/Spas~~
~~Hospitals~~
~~Hotels & Motels~~
~~Interior Designers~~
~~Jewelry Sales & Repair~~
~~Lawn & Garden Care Supplies~~
~~Libraries~~
~~Lighting Stores~~

~~Liquor Stores~~
~~Medical & Dental Offices/Clinics~~
~~Medical & Dental Labs~~
~~Monument Sales~~
~~Movie Theaters (Indoor)~~
~~Museums~~
~~Music Stores~~
~~Music Studios~~
~~Novelty & Souvenir Shops~~
~~Nurseries and Commercial Greenhouses~~
~~Nursery Schools & Day Care Centers~~
~~Office Equipment & Supply Stores~~
~~Optician & Optical Supply Stores~~
~~Paint & Wallpaper Stores~~
~~Parks & Playgrounds~~
~~Pet Shops~~
~~Pharmaceuticals Sales~~
~~Photography Studios~~
~~Photography Supply Stores~~
~~Professional Offices~~
~~Public Utility Offices~~
~~Public Utility Substations~~
~~Publishing and Printing~~
~~Radio & Television Repair Shops~~
~~Radio & Television Sales~~
~~Radio & Television Studios~~
~~Real Estate Services~~
~~Research and Development Activities~~
~~Restaurants, excluding drive through and drive in service~~
~~Seamstress Shops~~
~~Shoe Sales & Repair Stores~~
~~Shoe Stores~~
~~Shopping Centers & Malls (Subject To The Use Limitations of This District)~~
~~Sporting Goods Stores~~
~~Stone and Clay Product Sales~~
~~Studio and Specialty Schools~~
~~Supermarkets~~
~~Surveyors Offices~~
~~Travel Agencies~~
~~Trade Centers~~
~~Veterinarians Office (No Outdoor Kennels)~~
~~See Permitted Use Chart~~

818.3 Permitted Conditional Uses

None

~~818.4 Area Regulations (Also See Article VII)~~

~~818.41 Minimum Lot Area—20,000 square feet.~~

~~818.42 Minimum Lot Width—100 feet.~~

~~818.43 Minimum Front Yard—50 feet from the adjoining street right of way where the right of way is wider than 60 feet; 25 feet from the adjoining street right of way where the right of way is 60 feet or less.~~

~~818.44 Minimum Side Yard~~

~~818.441 A. Abutting residential zoning—100 feet;~~

~~B. Abutting non-residential zoning—10 feet;~~

~~C. Abutting side street—25 feet.~~

~~818.45 Minimum Rear Yard~~

~~818.451 A. Abutting residential zoning—100 feet;~~

~~B. Abutting non-residential zoning—10 feet.~~

~~818.5 Building Height Regulations (Also see Section 706)~~

~~Maximum building height—35 feet.~~

~~818.6 Off Street Parking and Loading Regulations—See Article X~~

~~818.7 Sign Regulations—See Article XI.~~

~~818.8 Landscaping and Buffering Requirements—See Section 712~~

~~818.9 Pretreatment of Sewage—Prior to the issuance of a Certificate of Occupancy, a confirmation in writing from the Superintendent of the Lenoir Water and Sewer Treatment Facilities shall be submitted to the Planning Department indicating that all effluent would be acceptable to the Lenoir Sewer System without pre-treatment.~~

819 S-2 (North Main Street Special Overlay District)

[Editor's Note: Section 819 is proposed to remain unchanged in content or numbering and the text has been omitted from this ordinance, as indicated by the "****" notation.]

820 Additional Procedures for Conditional Zoning District Map Amendments

[Editor's Note: Section 820 is proposed to remain unchanged in content or numbering and the text has been omitted from this ordinance, as indicated by the "*****" notation.]

SECTION 6. Appendix A, Article X of the Code of Ordinances, City of Lenoir, North Carolina, "Off-Street Parking and Loading Requirements" is hereby amended to read as follows:

ARTICLE X. OFF-STREET PARKING AND LOADING REQUIREMENTS

1001 Off-Street Loading and Unloading Spaces

1001.1 Off-Street Loading and Unloading Spaces - Every lot on which a retail or wholesale business, trade or industry is hereafter established shall provide space indicated herein for the loading and unloading of vehicles off the street, except in the B-3 Central Business District. For the purpose of this section, an off-street loading space shall have minimum dimensions of twelve (12) feet by forty (40) feet and be clear and free of obstruction at all times. However, the minimum loading requirements shall meet the needs of each individual use.

Required space shall be considered as follows:

1001.11 Retail Business - One (1) space for the first five thousand (5,000) square feet gross floor area and one additional space for each additional five thousand (5,000) square feet gross floor area or increment thereof. If contiguous uses are under single ownership, gross floor area may be totaled to calculate spaces.

1001.12 Wholesale, Industrial, Governmental, and Institutional Uses - One (1) space for the first twenty-five thousand (25,000) square feet of gross floor area. For anything in excess of twenty-five thousand (25,000) square feet, such uses shall provide loading spaces according to the following schedule:

Square Feet	No. of Spaces
25, 000—99, 000	2
100,000—159,999	3
160,000—239,999	4
240,000—349,999	5
Additional 100,000 or fraction thereof	1 additional

1001.2 Loading Spaces Adjacent to Sidewalks - Where a loading space is adjacent to a public sidewalk or other public pedestrian way, it shall be so located, arranged, and improved with curbs or barriers, as to provide adequate protection for pedestrians.

1001.3 Maneuvering Areas - All off-street maneuvering areas shall be designed so that vehicles do not obstruct traffic during maneuvering. Any loading space provided shall not use any street or street right-of-way for egress or ingress maneuvering.

1001.4 On-Street Loading and Unloading Regulations

If off-street loading and unloading facilities are not available, and loading and unloading must occur on public streets the following regulations shall be met:

- a) One (1) lane of traffic on one-way streets must be left open at all times.
- b) No loading or unloading shall take place on streets with two (2) way traffic where only two (2) lanes are available and traffic is opposing.
- c) No on-street loading or unloading shall take place where on-street parking is permitted to the extent parked vehicles would not be permitted adequate ingress and egress to parking spaces.
- d) No on-street loading or unloading shall take place on streets on the federally aided system, NC 18, US 321 and US 64.

SECTION 7. CODIFICATION. The City Clerk shall cause the Code of Ordinances of Lenoir, North Carolina to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 8. EFFECTIVE DATE. This ordinance takes effect upon adoption.

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

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

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

Mayor/Mayor Pro Tempore

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

City Clerk

***[Remainder of page intentionally left blank.]**

**AN ORDINANCE OF THE CITY COUNCIL OF LENOIR,
NORTH CAROLINA, AMENDING APPENDIX A OF THE
LENOIR CITY CODE RELATED TO USE AND ZONING
DISTRICT PERFORMANCE STANDARDS, REPEALING AND
REPLACING THE PERMITTED USE CHART, UPDATING USE
DEFINITIONS, ESTABLISHING A CHART OF ZONING
DISTRICT REGULATIONS, ESTABLISHING A RESIDENTIAL-
COMMERCIAL ZONING DISTRICT, DELETING THE B-4
ZONING DISTRICT, AND ELIMINATING DUPLICATIVE
CODE SECTIONS, PROVIDING FOR CODIFICATION, AND AN
EFFECTIVE DATE.**

Whereas, the Lenoir Zoning Ordinance was adopted in its current form in 1978, and while we have surgically amended the Code as best zoning practices and community need have necessitated, the regulatory framework for classifying uses and zoning district regulations has remained largely unchanged; and

Whereas, best practices in zoning and land use regulation recognize that the use of a particular parcel or structure tends to have less overall impact on the surrounding neighborhood than the design and massing of the building; and

Whereas, the current Permitted Use Chart spans 13 pages of the Lenoir Zoning Ordinance, enumerating 249 separate land uses within the City, often making “distinctions without difference” as the land use impacts and permitted locations of many similar uses are identical; and

Whereas, the proposed Permitted Use Chart reduces the 249 currently enumerated land uses into two, one-page tables (one for 17 residential uses, classified according to intensity and one for 36 non-residential uses), establishing new use categories defined on similar impacts and characteristics, creating a streamlined, predictable, and flexible regulatory framework moving forward; and

Whereas, the current Permitted Use Chart makes no distinction between various densities of multi-family housing, requiring a Conditional Use Permit for any development with 3 or more dwelling units, even in districts expressly adopted to provide opportunities for multi-family housing; and

Whereas, the Lenoir City Council and the Lenoir Planning Board recognize that a “missing middle” for housing types exists within the City, with detached single family homes and home sites in plentiful supply, and larger subsidized apartment projects able to navigate the often controversial Conditional Use Permit process, but lower density, small scale projects are effectively “zoned out” due to overly restrictive multi-family standards; and

Whereas, Section VIII of the Lenoir Zoning Ordinance is unnecessarily repetitive, creating confusion and conflict and making it more difficult for the average citizen to successfully interpret the rules that apply to his property, which is counteractive to Council’s goal of a transparent government; and

Whereas, creating a chart of Zoning District Regulations allows staff and the general public the ability to quickly determine the development standards of a particular district without navigating pages of extraneous text, as well as to quickly see the relationship between the districts; and

Whereas the creation of the Zoning District Regulation chart allows the deletion of approximately 35 pages of outdated, duplicative, and extraneous code provisions, while retaining the district-specific design standards that make the greatest impact on the character of development within each district; and

Whereas, the Lenoir Planning Board finds and declares that this ordinance and these amendments are consistent with the City’s adopted Comprehensive Plan, which calls for: (1) the development of progressive and sound land use policies, (2) the adoption of sensible, straightforward zoning standards that are easily understood by the public, (3) the promotion of affordable housing for people in all stages of life, (4) allowances for greater flexibility in predominately single family districts to allow multi-family developments, (5) the establishment of a high density residential district that does not allow manufactured housing, (6) allowances for garage apartments, and (7) the promotion of Lenoir as a retirement destination through the development of more multi-family buildings and “transitional” housing, while recognizing that due to the growth constraints of our natural and built environment, most development will occur on under-utilized parcels within the existing City, rather than at the edge; and

Whereas, the Lenoir City Council hereby finds and declares that this ordinance and these amendments are in the best interest of the public health, safety, and welfare, as they will promote the orderly and safe development and redevelopment of land within the City at densities and intensities appropriate to allow incremental, achievable, and sustainable growth over time as well as to adapt to changing market conditions, contributing to overall community economic resiliency; and

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

SECTION 1. Appendix A, Article IV of the Code of Ordinances, City of Lenoir, North Carolina, “Definitions” is hereby amended to read as follows:

Accessory Apartment - A secondary dwelling unit, meeting all standards of the City of Lenoir's Minimum Housing Code, located entirely within the same structure as a principal single family dwelling.

Accessory Cottage - A secondary, detached dwelling unit, meeting all standards of the City of Lenoir's Minimum Housing Code, located on single-family lot that is also developed with a principal single family dwelling. Also referred to as garage apartments, granny flats, or mother-in-law apartments. Accessory cottages are considered accessory buildings.

Accessory Use or Building - A use or building subordinate to the principal use or building located on the same lot and used for purposes incidental to the principal use or building.

Adult Day Care Center - A facility which provides daytime care for six (6) or more adults of whom one or more are unrelated and who are aged, handicapped, or disabled and are in need of adult supervision or provided services to meet their needs.

Adult Establishments/Adult Uses/Sexually Orientated Businesses - In addition to "adult establishments" defined by N.C.G.S. 14-202.10, adult uses and sexually orientated businesses include, but are not limited to, adult bookstores, adult motion picture theaters, adult picture rental, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse, sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas" as defined by N.C.G.S. 14-202.10. Such uses are further defined below:

Adult Gaming Establishment - Any establishment deemed legal by state law, featuring one or more stand-alone electronic or conventional gaming units, skill-based or otherwise, or serving one or more patrons in such a capacity at any one time, which also rewards patrons with cash or other monetary payments, goods or certificates for services which are redeemable for cash or other monetary payment on or off premise and including on-line redemptions, as well as any rewards which cannot be legally obtained, consumed, or otherwise used by minors. This term includes, but is not limited to, internet cafes, internet sweepstakes, beach sweepstakes, and cyber cafes.

Agriculture - Farms and general farming, including horticulture, floriculture, dairying, livestock and poultry raising, farm forestry and other similar enterprises.

Attached Dwellings – See Dwelling Unit, Single Family Attached.

Automobile Service Station - Any area of land, including structures thereon, that is used for the retail sale of gasoline or any other motor vehicle fuel or oil and other lubrication substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating and servicing of vehicles, but not including the painting thereof by any means.

Bed and Breakfast – An establishment providing short-term, overnight lodging in three or more separate guest rooms, often providing breakfast. Bed and Breakfast establishments often make re-use of existing historic homes.

Bungalow Court - A residential development where three (3) or more detached, single-family dwellings are arranged around a common, shared courtyard or greenspace, often with shared parking facilities and amenities. Zoning standards like rear, front, and side yard setbacks are applied to the exterior yards of the development site rather than to individual bungalows.

Clinic - An establishment where medical or dental patients, who are not lodged overnight, are given examinations and treatment.

Clubs and Lodges: Establishments that primarily involve the gathering of people for social, literary, political, educational, fraternal, or charitable purposes, but which are not operated for profit or to render a service which is customarily a business. Private country clubs, golf course club houses, Elk lodges, Optimist, Ruritan, and similar civic organizations, American Legion Posts, Veteran's Associations, and clubhouses maintained by homeowners associations are all included in this definition, and such clubs are considered "Cultural and Community Facilities" on the Chart of Permitted Uses, provided that any establishment considered a "private club" as defined by the NC Alcoholic Beverage Commission and serving alcohol under an ABC permit for on premise consumption at a "private club" shall be regulated as a Night Club.

- a. ~~Clubs: (Optimist/Ruritan/other civic organizations; currently permitted as conditional uses in residential districts) An establishment operated by a corporation or association of persons for social, literary, political, educational, fraternal, or charitable purposes, but which is not operated for profit or to render a service which is customarily conducted as a business.~~
- b. ~~Private Clubs: (County clubs, Elks/Moose lodges; currently permitted as conditional uses in residential districts) When operated in a residential zone, the term "private club" shall include associations and organizations of a fraternal or social character or which are maintained in connection with a golf course or country club, and shall not include nightclubs, cocktail lounges, discos, or other such institutions operated as a business. Such organizations and associations may be organized under the laws of the State of North Carolina as a non-profit corporation. When operated in a commercial or industrial zone, the term "private club" may apply to a fraternal or social organizations which restricts memberships, is operated as a business, and may or may not offer for sale alcoholic beverages.~~
- e. ~~Private Club, Commercial: (includes nightclubs, etc., currently permitted in B-2 & B-3 only) An establishment, including but not limited to a cocktail lounge, discotheque, nightclub or tavern, the main use of which is to serve alcoholic beverages for on-site consumption. Such facility may serve food, provide dancing and entertainment as well as operate equipment commonly found in a video arcade. Such establishments shall be located a minimum of 1,000 feet from any school, church, residential zoning district, or public recreational facility.~~

~~Common Development – Any residential development, other than single family (attached or detached), under single ownership or corporation, partnership, trustee, or any other similar entity that represents the parties involved in the overall development, whether subdivided or whole, shall submit to the~~

~~Lenoir Planning Board and City Council a comprehensive site development plan for the project. This will be considered a common development and shall be reviewed under the conditional use process.~~

Communications Tower - A facility, including but not limited to, radio and television transmission towers, microwave towers, and mobile telephone and radio communication towers. This term shall not include radio transmission facilities for use by ham radio operators or two-way local radio facilities for business or government purposes that are under fifty feet (50') in height and that have a maximum horizontal measurement of eighteen inches (18"), nor shall it include any tower erected by a public authority for public safety or emergency purposes.

~~*Condominium* - A building, or group of buildings, in which dwelling units, offices, or floor area are individually owned, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided bases.~~

Convenience Store - A retail establishment selling grocery and sundry items for the convenience of the area or the traveling public. ~~Such an establishment may sell gasoline (limited to 4 pumps (hoses) in B-1 Zone) and automotive accessories, but does not provide any services.~~

Convenience Retail Use - A retail establishment to serve the needs of the residents of the local neighborhood. Such convenience retail uses are generally small in size and provide items of general use, such as groceries, sundries, hardware, and personal services.

Country Clubs - An organization catering exclusively to members and their guest including buildings and grounds with commercial and recreational activities serving the membership only.

Cultural or Community Facilities - Facilities designed to promote cultural advancement and serve the community by offering gathering spaces for various social, fraternal, educational, and community-centered services such as art galleries, libraries, museums, and community centers, clubs and lodges, such YMCA and YWCA; and facilities to house civic or fraternal organizations; (provided that such facilities are not operated for profit nor offer alcoholic beverages for sale for on or off premise consumption).

Day Care Center — An establishment that provides care, supervision, or instruction to six or more individuals in need of such services on a regular basis. Day Care Centers typically operate between the hours of 5 a.m. and 8 p.m., and do not include any overnight lodging or sleeping facilities. The term day care center includes adult day care centers, youth day care centers, and nursery schools.

~~See Nursery School.~~

Dwelling - A building or portion of a building arranged or designed to provide living quarters for one or more families.

Dwelling, Single-family attached (Town-patiohouses or row houses) - A single-family dwelling unit constructed in a series or groups of attached units with a common dividing side wall with property lines

separating such units. A single housing unit occupies the area from ground to roof and may include front and/or back yard areas.

Dwelling, Single-family detached - A detached dwelling of one unit, other than a manufactured home, designed for occupancy exclusively by one family.

Dwelling, Two-family - A detached building including two individual units, also, known as a duplex.

Dwelling, Group - A building or portion of a building intended for occupancy by several unrelated persons. The term group dwelling includes, but is not limited to the terms rooming house, fraternity house, dormitory and boarding house.

Dwelling, Multi-family - A dwelling designed for or occupied by three or more families living independently of each other, with separate housekeeping, sleeping and cooking facilities for each.

Dwelling, Multi-family low-rise – A low-intensity multi-family development. Often called garden apartments, buildings are typically arranged around common courtyards or greenspace, with patios, porches, decks, or other private amenities for each unit. Units are usually accessed through private entrances directly from the outside. This definition includes the conversions of existing residential or non-residential buildings into multiple apartments, when the densities remain below the thresholds established for low-rise apartments for each zoning district.

Dwelling, Multi-family high-rise – Any multi-family development that exceeds the density or height allowances for low-rise multi-family. Units may be accessed directly from the outside, or through shared internal corridors. Green space and other community amenities such as playgrounds and clubhouses are commonly located on the same site, along with surface parking for residents and guests.

Dwelling Unit - A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Dwelling Unit, Zero-Lot-Line - Single family, detached or semi-detached developments on individual lots, where zero foot side setbacks are used on a maximum of one side of a lot.

Eating and Drinking Establishment – An establishment where food and/or beverages are prepared, served, and consumed. Eating and Drinking establishments include sit-down restaurants, pubs, cafes, tea rooms, cafeterias, coffee shops, fast food/drive-in uses, and any other establishment focused primarily on the sale of food and/or beverages for immediate consumption. This definition does not include private clubs that serve spirituous liquor for on-site consumption.

Educational Facility - A facility for the education of children and/or adults including public and private kindergarten, elementary and secondary schools, colleges, technical institutes and universities, but excluding specialized trade schools and nursery schools.

Family Care Facility - A facility which provides resident service in residence to six (6) or fewer individuals who are not related to the resident household, and are handicapped, aged, disabled, or in need of adult supervision in accordance with their individual needs. This category may include foster or

boarding homes for children, group dwellings, and family care homes. Such facility shall be regulated as a single family residence in this ordinance.

Flea Market - A retail outlet composed of independent booths and/or areas to sell an assortment of merchandise both new and used.

Garage, Commercial - Any structure which is used for storage, repair, rental, servicing, washing, adjusting, or equipping of automobiles or other vehicles for business, occupation or service for profit, but not to include the sale or storage of junked cars. This definition shall also include the storage of vehicles maintained for hobby purposes which are also used in speed competition or any other commercial manner.

Garage, Private - An accessory building or portion of a principal building used for the storage of private motor vehicles and to which no business, occupation or service for profit is in any way connected. The term garage shall include the term carport.

General Gaming Establishment - Any establishment deemed legal by state law, excluding billiards halls, adult gaming establishments and any others similarly defined in this chapter, whose primary use is to provide entertainment services to the general public in the form of electronic or conventional gaming units which provide either no reward to patrons or rewards of limited value such as children's toys, games, and novelties when all of said rewards can be legally obtained and used by all ages and are not redeemable for cash or any other kind of compensation or services on or off premises, including on-line redemptions. This term includes, but is not limited to, traditional video game arcades and children's and family game centers, whether stand-alone or in conjunction with a restaurant or other permissible uses.

Group Care Facility - A facility which provides residents services to ~~six (6)~~seven or more individuals of whom one or more are unrelated and who are handicapped, aged, or disabled, are undergoing rehabilitation, and are provided services to meet their needs. Caregivers typically provide 24-hour awake care, and do not live on the premises. This category may include uses licensed or supervised by any Federal, State or County Health/Welfare Agency, such as group dwellings (all ages), halfway houses, nursing homes, and other convalescent and extended care facilities. ~~resident schools, resident facilities, and foster or boarding homes.~~

Group Housing – See Dwelling, Group

Hospital - An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient facilities, and staff offices which are an integral part of the facility.

Hotel - Any building containing six or more guest rooms intended to be used, or which are use, rented or hired out to be occupied for sleeping purposes by guests. The term Hotel shall include the term Motel.

~~Junk and Salvage Yard~~ - The use of any part of a lot for the storage, keeping abandonment, sale or resale of junk, salvage, or scrap materials; or for the dismantling, demolition, or abandonment of automobiles and other vehicles, machinery, equipment, manufactured homes or parts thereof. Also called Salvage Yards. See also Salvage Operation.

Kennel - Any location where boarding, caring for or keeping of more than a total of three (3) dogs or cats or other small animals or a combination thereof (except litters of animals or a combination than six (6) months of age) is carried on, and also raising, breeding, caring for or boarding dogs, cats, or other small animals for commercial purposes.

Kennel, Private - Any location where boarding, caring for or keeping of more than a total of three (3) but not more than ten (10) dogs or cats or other small animals or a combination thereof (except litters of animals or a combination than six (6) months of age) is carried on, not for commercial purposes, but as a hobby such as raising of show and hunting dogs. Private kennels are subject to the performance standards for commercial kennels, but may be permitted as an accessory use where the owner of the private kennel resides on the property.

~~Manufacturing, and Processing and Assembling~~ - The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories, or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition, if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastics, resins or lacquers.

Manufacturing and Processing, Boutique/Artisan – Uses that would normally be defined as manufacturing and processing, but are small enough in scale, operation, and technique that they do not have the same intensive land use impacts as larger-scale manufacturing and processing uses. Boutique/Artisan manufacturing uses offer customized, small-run products that are mostly handmade, not mass produced, and often include a showroom or gallery space. Boutique/Artisan manufacturing and processing uses may include custom wood-working shops, production of handmade furniture, artisanal metalworking/sculpting, glass-blowing, small-run screen printing shops, pottery studios, and similar uses.

Manufacturing and Processing, Light – Manufacturing and Processing uses that by nature of their operation typically occur entirely within enclosed facilities; therefore having limited noise, smell, vibration, and aesthetic impacts on surrounding properties. Light Manufacturing and Processing uses include: cabinet shops, chemical manufacturing, duplicating, mimeographing and multitithing operations, electronic products manufacturing, fabrication or assembly of products from pre-constructed materials or components, laundry and dry cleaning plants, lumber and products (raw materials processing), lumber yards, machine and welding shops, meat packing plants, metal fabrication plants, pharmaceuticals manufacturing, plastic products manufacturing, processing plants, sign manufacturing and assembly, sign painting, tool and die operations, welding operations, and woodworking shops.

Manufacturing and Processing, Heavy – Manufacturing and Processing uses that do not meet the criteria for a “light” uses are considered “heavy” uses. These uses include any Light Manufacturing and Processing Use not occurring within an enclosed building, and the following uses: asphalt products, brick, tile, and pottery manufacturing, concrete products or production, extraction of earth products, feed and seed milling and storage, fertilizer manufacturing and distribution, film processing plant, foundry, furniture manufacturing, glass and mirror manufacturing, rubber and glass products manufacturing, stone and clay products manufacturing, stone crushing, cutting, and polishing, textile manufacturing, finishing, and dyeing, and tire re-capping operations.

Massage Parlor - ~~An establishment where~~ personal service use where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Neighborhood Business - A retail establishment to serve the needs of the residents of the local neighborhood. Such convenience retail uses are generally small in size and provide items of general use, such as groceries, sundries, hardwares, and personal services. Neighborhood businesses do not include the sale of alcoholic beverages for on or off premise consumption.

Nursery School - A school designed to provide daytime care or instruction for six (6) or more preschool children, and operated on a regular basis. The term nursery school shall include the term day care center.

Nursing, Convalescence and Extended Care Facility ~~Home~~ - A facility where persons are housed or lodged and furnished with meals and 24-hour nursing care and supervision by awake employees who do not live on the premises. Uses for hire (see Group Care Facility).

Office – A room, suite of rooms, or building in which a person transacts the affairs of a business, profession, service, industry, or government. This term includes accountants, auditors, book keepers, architects, contractor’s offices, credit and financial offices, doctor’s offices, insurance sales, government offices, lawyers, medical/dental offices and labs, professional offices, public utility offices, realtors, research activities and research development, sign sales and leasing (no storage or manufacturing), and surveyors.

Park - A public or private facility for recreation, which may have commercial activities accessory to the recreational uses only.

~~Processing~~ – Any operation changing the nature of material or materials chemical composition or physical properties. ~~Does not include operations described as fabrication.~~

~~*Professional Office*—The office of persons performing professional services such as doctors, lawyers, accountants, real estate brokers and insurance salesmen.~~

Personal Storage (Mini Warehouse) – Often referred to as self-storage, mini-warehouses, or mini-storage, personal storage uses provide secure, individual storage units of various sizes and types (climate controlled or not), for the secure, dry storage of personal items.

Public Service Facility - A facility that is owned, operated, or financed, in whole or in part, by any public or governmental entity, and is dedicated to the provision of services to the general public. This includes public safety facilities (EMS, police, and fire protection), schools and education, hospitals and health care, and the public provision of social services.

Private Club – An establishment that is organized and operated solely for a social, recreational, patriotic, or fraternal purpose and that is not open to the general public, but is open only to the members of the organization and their bona fide guests. Such an establishment may be issued a permit for on-premise consumption of spirituous liquor, consistent with the NC Alcohol Beverage Commission laws. Private clubs that offer liquor for on-premise consumption are regulated the same as night clubs in all zoning districts.

Recreation, Indoor – Uses that provide recreational opportunities for adults and children located primarily within enclosed buildings. Indoor recreation uses include general gaming establishments, movie theaters, bowling alleys, arcades, indoor roller skating and ice skating rinks, escape rooms, laser tag, indoor play structures, trampolines, indoor rock climbing walls, museums and hands-on play spaces, and similar uses. Adult gaming establishments and billiard/pool halls are regulated separately and are not included in indoor recreation uses.

Recreation, Outdoor – Any recreation use that occurs mostly outdoors, with few structures associated with the use. Outdoor recreation uses include parks, playgrounds, sports fields (soccer, baseball, etc.), golf courses, mini-golf, driving ranges, dog parks, batting cages, zoos, zoological gardens, and similar uses.

~~*Recycling Collection Point*—A collection point for small refuse items, such as bottles and newspapers, located either in a container or small structure.~~

Religious Complex - A building or group of buildings used for the purpose of religious worship including the sanctuary(s), education building(s), recreation building(s), child care facilities, and parsonage.

Rehabilitation Center – In-patient residential facilities, often provided in a secure, institutional setting, where patients in need of rehabilitation, often from addiction or mental illness, can be provided 24-hour awake care and supervision by caretakers and medical professionals who do not live on the same premises. Beds may be provided in private or shared spaces, with meals typically being prepared in common kitchen facilities by staff. Rehabilitation centers may offer an array of medical and support services for residents, along with counseling and other mental health services.

Restaurant - An establishment whose principal business is the selling of unpackaged food to customers in a ready-to-consume state, in individual servings, or in nondisposable containers, and serves food and beverages primarily to person seated within the building. ~~The use of deep fryers and flat grills are permitted for use.~~

Restaurant, Drive-In - A retail outlet where food or beverages are sold to a substantial extent for consumption by customers in parked motor vehicles. ~~The use of deep fryers and flat grills are permitted for use.~~

Restaurant, Fast-Food - An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fired, or griddled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customers table, and food is generally served in disposable wrapping or containers. ~~The use of deep fryers and flat grills are permitted for use.~~

Restaurant, Cafe/Tea Room - An establishment whose principal business is the selling of unpackaged food to customers in a ready-to-consume state, in individual servings, or in ~~non-disposable~~non-disposable container, and server food and beverages primarily to persons seated within the building. Food is generally hearted in a device such as a microwave oven. ~~The use of deep fryers and flat grills are not permitted in zone O & I.~~

Retail - Sale of a commodity to the ultimate consumer and not customarily subject to sale again.

Retailing, Light – Any retail use that displays a majority of their products indoors and due to the nature of the product for sale does not typically have land use impacts on neighboring properties. Light retail uses include but are not limited to: antennas, radio, TV, and dish sales and service, antique shops, apparel and accessory sales, appliance stores, art galleries, art and drafting supplies, audio/video sales, rental, and repair, automobile parts and accessories (no service), bakeries, bicycle sales/service, book and stationary stores, candy stores, convenience stores (no fuel pumps), crafts/hobby shops, delicatessens, department stores, drug stores, electronic products sales and service, fabric stores, film drop-off booths, florists, furniture and home goods stores, garden supply store, gift shops, glass and mirror store, grocery stores, guns and ammunition sales, hardware stores, jewelry sale and repair, lawn and garden care supplies, lighting stores, line and uniform supply stores, liquor (ABC) stores, music stores, musical instrument sales and service, novelty and souvenir shops, office equipment and supply stores, pet shops, pharmacies, photography supply stores, plumbing and heating supplies, produce stands, radio and television sales, rent-to-own stores, second hand stores and swap shops, shoe sales and repair, shopping centers and malls, sporting goods stores, and supermarkets.

Retailing, Intensive – Any retail use that, due to the nature of the products sold, primarily uses outdoor displays, which may or may not include long-term outdoor storage of merchandise. Intensive retail uses include but are not limited to: Auction sales, automobile and truck sales (new or used), boat sales, farm machinery sales, farm supplies, heavy equipment sales and service, livestock sales, manufactured home sales, RV sales, monument sales, motorcycle sales, pawn and trade shops, stone and clay products sales, and truck, farm equipment, and heavy equipment sales.

Salvage Operation - The reclamation, dismantling or storage of pre-used commodities, junk and similar material for the purposes of resale, processing, distribution or deposition.

Services, Automotive – Service uses involving fuel sales, the sale and installation of car parts and accessories and limited aspects of vehicle repair and maintenance (oil changes, emissions checks, batteries, muffler and radiator shops, automobile service stations, vehicle engine maintenance, quick-lube, etc). Automotive Service uses include automobile and other vehicle washing facilities and detailing services. Generally, vehicles receiving services falling under this definition arrive to the site in operable condition and are able to leave the same day. Inoperable vehicles are not stored on site, unless they are located within a fully enclosed building. This term shall include commercial garages.

Services, Business and Personal – Uses dedicated to providing services to businesses and individuals, generally compatible with light retailing uses. Business and Personal Services include but are not limited to advertising agencies, ATMs, banks (main and branch offices), barber and beauty shops, computer and data processing services, copying services, dry cleaning and laundry services, exterminating services, funeral homes, furniture repair including refinishing and upholstery, health clubs/spas, gyms/workout facilities, interior designers, laundromats, locksmiths, gunsmiths, music studios, photography studios, publishing and printing, radio and television repair shops, real estate services, seamstress shops, tattoo and body piercing parlors, and travel agencies.

Services, Major Vehicle – Service uses involving the repair, alteration, restoration, towing, painting, or finishing of automobiles, trucks, recreational vehicles, boats, and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes major repair and body work-repair facilities dealing with entire vehicles; such establishments typically provide towing, collision repair, other body work, and painting services and may also include tire recapping establishments. Bus terminals, fleet and bus garages, and similar large-scale vehicle maintenance facilities are also considered Major Vehicle uses.

Shopping Center - Any combination of structures containing or designed to contain an aggregate of 15,000 square feet or more of floor area (floor area to be measured at main floor level); or any structure or combination of structures containing four (4) or more businesses or service establishments on the same lot or combination of lots, (having shared parking or common parking) and being under one ownership, partnership, corporation, association, or either being rented, leased, or subleased.

~~*Specialized Training School* – Commercial establishment offering specialized training such as a business college, barber and beauty college, and voice and dance schools.~~

Studios and Specialty Schools – Uses dedicated to the instruction or training in non-academic subjects, typically in art, dance, music, athletics, and vocational training. Studios and specialty schools include dance studios, gymnastics studios, yoga studios, karate/martial arts dojos, barber/beauty colleges, voice and musical instruction, and similar uses.

Townhome – See Dwelling, Attached

Veterinarian's Office - A facility where a veterinarian supplies medical care for animals and which may include boarding facilities which are completely enclosed.

Warehousing – The storage of bulk inventory for wholesale distribution. Warehousing does not include the manufacturing or processing of any product, but may include a showroom for wholesaling which may or may not be open to the general public.

~~*Youth Day Care* – A treatment facility providing intensive day care treatment to children and adolescents (years 7 thru 17) who may not be able to function in a normal group or educational setting.~~

SECTION 2. Appendix A, Article V of the Code of Ordinances, City of Lenoir, North Carolina, “Establishment of Zoning Districts and Applications of Regulations” is hereby amended to read as follows:

502 Establishment of Zoning Districts - For the purpose of this ordinance the City of Lenoir and its extraterritorial planning district is divided into the following classes of zones:

- R-20 Residential (Single-family) District
- R-15 Residential (Single-family) District
- R-12 Residential (Single-family) District
- R-9 Residential (Multi-family) District
- R-6 Residential (Multi-family) District
- R-R Residential (Rural) District
- R-C Residential-Commercial District
- O & I Office and Institutional District
- ~~B-2-1~~ Neighborhood Business District
- B-2 General Business District
- B-3 Central Business District
- ~~B-4 Limited Business District~~
- B-5 Neighborhood Mixed Use
- B-6 ~~Exclusive~~ Transitional Business District
- B-7 ~~Planned~~ Highway Business District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- S-2 North Main Street Special Overlay District
- CZ-* Conditional Zoning District

*Conditional zoning districts are numbered individually according to the order in which they are adopted (i.e. conditional zoning districts will be numbered CZ-1, CZ-2, CZ-3, etc. on the Official Zoning Map).

Establishment of Zoning Districts

The following array presents for the several districts the Schedule of Statements of Intent are hereby adopted for applicable to each district:

~~a. Reserved.~~

~~b.a.~~ R - 20 Residential (Single-family) District R-20 (Single family Residential) District is intended to accommodate low density single-family residences and compatible ~~conditional~~ land uses. The regulations for this district are designed to stabilize and encourage a healthful environment for family life in areas where public or community water or public sewer may not be available. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

~~e.b.~~ R - 15 Residential (Single-family) District R-15 (Residential Single family) District is intended to accommodate low density single-family ~~residential residences~~ and compatible ~~land uses, as conditional uses.~~ R-15 is normally serviced by public water and sewer facilities. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

~~c.~~ R - 12 Residential (Single-family) District R-12 (Residential Single family) District is intended to establish and preserve land within the city for ~~accommodate~~ medium density single-family and two family residential residences and compatible land uses, conditional uses and planned unit developments. Regulations are designed to allow predominately single-family residences at medium densities, with duplex, townhome, low-rise apartments, and planned residential developments allowed at compatible densities as Conditional Uses. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

~~d.~~ R - 9 Residential (Multi-family) District R-9 (Multi family Residential) District is intended to establish and preserve areas of land within the city for ~~accommodate~~ medium density single-family residences, doublewide manufactured homes, duplexes, townhomes, low-rise garden apartments, and other compatible land uses, with higher density multi-family apartments allowed as Conditional Uses. — residential and multi family residential, double wide manufactured homes and compatible land uses. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

~~e.~~ R - 6 Residential (Multi-family) District R-6 (Multi family Residential) District is intended to establish and preserve areas of land within the city for medium and high density residences, including single family, doublewide manufactured homes, duplexes, townhomes, multi-family developments, and other compatible uses at appropriate densities. Higher density multi-family developments are allowed as Conditional Uses. accommodate high density single family residential and multi family residential, single or double wide manufactured homes and compatible land uses. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

~~f.~~ R - R Residential (Rural) District R-R (Rural Residential) Districts are areas is intended to develop and maintain, in keeping with the existing and future land development patterns, those areas of extraterritorial jurisdiction for low density single family residences, double wide manufactured homes, and compatible uses. The regulations for this district are designed to

stabilize and encourage a healthful environment for family life ~~for low density residential, conditional and multi-family uses and manufactured homes (double wide) in an areas generally~~ where public or community water or public sewer may not be available. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

f.g. ~~R – C (Residential-Commercial) District~~ is established to provide land areas suitable for moderate to high intensity development of residential developments, with limited supporting commercial uses to accommodate planned, mixed-use developments and small community-serving commercial uses within predominately multi-family developments.

g.h. ~~O & I Office and Institutional District~~ ~~O & I (Office and Institutional) District~~ is established to provide land areas suitable for the location of high density residential uses, professional and business offices, medical services, institutional uses, and associated commercial activities. This district is intended to provide a transitional zone between lower density residential districts and business or industrial districts and to accommodate a moderate to high intensity of development. residential, office and institutional, and minor commercial activities located with access to major or minor thoroughfares with access through local streets discouraged.

h.i. ~~B - 1 Neighborhood Business District~~ ~~B-1 (Neighborhood Business) District~~ is intended to serve the needs of the surrounding residential neighborhoods by providing convenience goods and services which cater to the everyday needs of the residents. These areas are usually located on small parcels within established neighborhoods, allowing structures built as neighborhood businesses prior to the establishment of zoning to continue to be improved and re-used to suit the changing needs of the neighborhood. provide the normal everyday needs, through retail and service uses of the adjacent residential areas. It is the intent of this district to protect the integrity of the surrounding residential neighborhoods-; and therefore the ~~It is the intent that B-1 district should~~ not normally be extended or new areas established.

i.j. ~~B - 2 General Business District~~ ~~B-2 (General Business) District~~ is intended to provide for a wide variety of retail, service and other activities, controlled by performance standards, at locations along major transportation routes, to ~~serve the motoring public~~ both local and transient traffic. While generally located in areas that are auto-centric, the General Business zoning district is intended to promote development that equally considers pedestrian traffic, because this district is often located in close proximity to multi-family developments and short-term lodging. This district is designed to accommodate a moderate to high intensity of development along key commercial corridors in the City, with robust design standards to encourage a unique sense of place and promote a multi-modal future with support for transit, bike, and pedestrian infrastructure.

j.k. ~~B - 3 Central Business District~~ ~~B-3 (Central Business) District~~ is applied to the Downtown Core area of the City and is intended to promote the Downtown Central Business District as the city's central hub for financial, professional, cultural, and governmental business by providing a variety of supporting personal services, retail uses, restaurants, and gathering spaces that help support a vibrant, active downtown for people employed in and around the district as well as transient shoppers. The yard requirements within the district are designed to provide for infill development standards that are compatible with the concentrated development patterns commonly found in the historic downtown core. Demolitions of contributing historic structures are strongly discouraged, and the re-use and renovation of with active uses on the ground floor and residential apartments or offices located on upper floors is strongly encouraged. Those

commercial activities which require an extensive use of land to market their products such as car dealerships and commercial establishments requiring outside storage are prohibited from the district. be applied to the traditional, commercial, financial, governmental core area of Lenoir, commonly known as the Central Business District.

~~k. B - 4 Limited Business District B-4 (Limited Business) District is intended to provide retail, service and professional uses adjacent to major and minor thoroughfares undergoing transition from other zones to a more commercialized atmosphere.~~

l. ~~B - 5 Neighborhood Mixed Use B-5 (Neighborhood Mixed Use) District is intended to protect and foster the architectural and historic residential character of the North Main Street corridor while encouraging the location of aesthetically compatible small-scale commercial activities that will provide basic and specialty consumer needs to the district and the immediate neighborhood.~~

m. ~~B - 6 Exclusive Business District B-6 (Exclusive Transitional Business) District is intended to serve the needs of the traveling public as well as provide convenience goods and services to surrounding residential neighborhoods. This district is further intended to promote commercial activity in a high-volume traffic corridor that is in close proximity to well established, economically healthy residential neighborhoods, and as such requires design and performance standards to ensure commercial development occurs at compatible intensities, with appropriate architectural standards and buffering/screening requirements. Areas zoned B-6 tend to be already developed with medium density single family homes and a variety of multi-family uses, and are experiencing pressure for commercial expansion due to their close proximity to major transportation facilities. This district promotes incremental change to accommodate the conversion of existing structures into offices and low intensity retail or service uses, along with new development of non-residential uses, while allowing single family residences to remain as permitted land uses as the areas undergo gradual change.~~

~~n. —~~

~~o.n. B - 7 Planned Highway Business District B-7 (Planned Highway Business) District is intended to provide areas along major thoroughfares for development at similar intensities as the General Business district, but in areas less conducive to the accommodation of pedestrian infrastructure and pedestrian-scaled architecture. Performance standards in this district focus on improving highway-adjacent development access, through the development or redevelopment of parcels with interior service roads and consolidated driveway access to help minimize traffic congestion on the state highway system. Sidewalks, landscaping, and architectural design standards of this district are intended to promote the unique character of Lenoir on these highly visible parcels, while maintaining affordability of development in areas that are located further away from the main economic core. large-scale commercial activities that require large acreage and are conducive to planned developments with a variety of complementary land uses, as opposed to typical highway strip development. Property in this zoning district should be of adequate size and dimension to employ interior service roads, thereby minimizing the number of driveway connections to arterials. The retail and service establishments allowed within this district are intended to serve both local and regional consumers.~~

~~p.o. I - 1 Light Industrial District I-1 (Light Industrial) District is established to provide regulations for the development of areas generally devoted to light manufacturing, processing and assembly uses, warehousing, retail storage and other compatible uses that are limited in noise, obnoxious odors, with minimal little to no adverse effects on adjacent areas. Some~~

mixture of retail, wholesale, and industrial development may occur in this district, but residential uses are prohibited.

~~q-p.~~ *I - 2 Heavy Industrial District I-2 (Heavy Industrial) District* is intended to produce areas to accommodate those industrial uses (manufacturing, processing, major vehicle services, junk yards, etc) which, because of their operation, may be incompatible with surrounding residential and commercial land uses or require large acreage near or adjacent to major thoroughfares and railroad access. Realizing the necessity of providing, maintaining, and preserving land areas for industrial development, all residential uses are prohibited in this zone and commercial uses are limited to those commercial activities that may be supportive of the district or similarly benefit from a location away from sensitive land uses. ~~for intensive manufacturing processing and assembly uses, controlled by performance standards to limit the effect of such uses on adjacent districts.~~

q. *CZ-* (Conditional Zoning District)* is intended for use in situations where conventional zoning standards are inadequate to facilitate a particular desirable development or to fully mitigate concerns over the impact of such a development. A Conditional Zoning district may be based on a conventional "base" zoning district, with additional conditions added that are reasonable and necessary to permit the proposed use and development of the property, or it may contain regulations that are completely unique to the district. Conditional Zoning districts are intended to achieve results equal to or better than would be permissible under an existing zoning district.

r. *S-1 Special Use Overlay District (REPEALED)* The process of allowing uses beyond what is permitted by right in a particular zoning district through the adoption of a Special Use overlay district via a legislative process followed by the adoption of a Special Use permit via a quasi-judicial process was repealed and replaced with a legislative process of "Conditional Zoning" (see Article VIII, Section 820). Projects previously approved utilizing the Special Use process may continue to function under the terms and conditions set forth under the initial approval of the Special Use permit. Special Use overlay districts shall continue to be depicted on the Official Zoning Map, but in no case shall lands be re-zoned to have Special Use overlay districts in the future. Section 900.8, "Expiration of Permits" shall continue to apply to Special Use permits issued prior to the adoption of this ordinance. If a Special Use permit is allowed to expire, the Special Use overlay district shall also be considered null and void.

~~s.~~

s. *S-2 North Main Street Special Overlay District* is intended to implement the design standards and permitted uses recommended by the North Main Street Small Area Plan. This district is an overlay district, which works in tandem with the underlying zoning districts in the North Main Special Overlay area to promote orderly and compatible development appropriate to the traditional historic character and overall future vision of the area.

SECTION 3. Appendix A, Article VI of the Code of Ordinances, City of Lenoir, North Carolina, "Permitted Use Chart" is hereby repealed in its entirety, to be replaced with the following:

[Remainder of Page intentionally left blank. Chart is a full page diagram.]

SECTION 600, TABLE A: Chart of Permitted and Conditional RESIDENTIAL Uses																
P=Permitted Use • PS=Permitted w/ Separation Requirements • C=Conditional Use • Blank = Prohibited																
	Residential							Mixed Use/Commercial							Industrial	
	R-R (Rural Residential)	R-20 (Low Density Single Family)	R-15 (Single Family)	R-12 (Single Family)	R-9 (mixed density residential)	R-6 (high density residential)	R-C (residential-commercial)	O&I (Office and Institutional)	B-1 (Neighborhood Business)	B-2 (General Business)	B-3 (Central Business District)	B-5 (Neighborhood Mixed Use)	B-6 (Transitional Business)	B-7 (Highway Business)	I-1 (Light Industrial)	I-2 (Heavy Industrial)
RESIDENTIAL, GENERAL (1)																
Accessory Apt/Accessory Cottage (2)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Attached Dwellings (townhomes)				C	P	P	P	P	C	P	P	P	P			
Bed & Breakfast	C	C	C	C	C	C	C	P	P	P	P	P	C	P		
Bungalow Court					P	P	P					P				
Dwelling, single family detached	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Dwelling, 2 Family (Duplex)	P			C	P	P	P	P	P	P	P	P	C	P		
Manufactured Homes	P (3)				P (3)	P (3)										
Manufactured Home Parks (existing)	C (4)	C (4)	C (4)	C (4)	C (4)	C (4)				C (4)						
Multi-Family, low-density (Garden Apartments)				C (5)	P (5)	P (5)	P(5)	P(5)	P(5)	P(5)	P(5)		P(5)	P(5)		
Multi-Family, medium/high density					C	C	P	C		P	P	C	C			
Planned Residential Development				C	C	C	P	C	C	C	C					
Zero-Lot Line (1-Family)					P	P	P					P				
RESIDENTIAL, CONGREGATE																
Group Housing (no care provided)																
1-6 non-related residents	C			C	C	C	P	P	C	P	P					
7+ non-related residents							C	P		C			C	C		
Family/Group Care Facilities																
1-6 non-related residents (family)	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
7+ non-related residents (group)	C			C	C	C	C	P		P				P	P	
Rehabilitation Centers/In-Patient Mental Health Facilities								P		P				P	P	P

FOOTNOTES (SECTION 600, TABLE A):

A1. See the definition section for a description of each use category. The Planning Director, or his or her designee, will make a determination on the closest comparable use in cases of uncertainty. Incidental uses necessary to support the principal use and occupying no more than ten percent of the gross floor area may be included.

A2. See Section 508 for additional regulations for accessory dwellings.

A3. ~~Only~~ Class A (doublewide) Manufactured Homes are permitted within the City of Lenoir, except in limited instances when Class B or Class B (single wide) homes may be allowed within existing Manufactured Home Parks and/or as replacements for existing single wide manufactured homes. See Section 620 for additional regulations for the placement of manufactured houses within the City and the ETJ.

A4. Conditional Use Permits may be approved by the Lenoir City Council, after review by the Lenoir Planning Board, for the re-establishment or expansion of an existing manufactured home park, in accordance with the provisions of Section 902. New manufactured home parks are prohibited.

A5. The following standards apply to Low-rise multi-family uses:

a. Maximum Allowable Density:

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

b. Development Standards:

- i. Each unit shall be differentiated by a front porch or stoop. Pitched roof forms creating covered entrances are encouraged.
- ii. A minimum of 60% of the length of any façade facing a public street shall be windows, doors, architectural features or porches.
- iii. A minimum of 20% of the development site must remain as landscaped or undisturbed/natural open space. This area can include any required bufferyards or stormwater control measures.
- iv. Maximum height of 2 stories, measured from street-level (walk-out basement levels are permissible provided the overall appearance from the street is that of a 2 story building).
- i.v. One parking space is required for each studio and one bedroom apartment unit. Two parking spaces are required for all units with 2 or more bedrooms. Any development of more than 4 units shall provide one additional space or 10% over the required parking, whichever is greater, to accommodate guest parking, unless on-street/public parking is available within 200 ft.

SECTION 600, TABLE A: Chart of Permitted and Conditional NON-RESIDENTIAL Uses

P=Permitted Use • PS=Permitted w/ Separation Requirements • C=Conditional Use • Blank = Prohibited

	<i>Residential</i>							<i>Mixed Use/Commercial</i>							<i>Industrial</i>	
NON RESIDENTIAL (1)	<i>R-R (Rural Residential)</i>	<i>R-20 (Low Density Single Family)</i>	<i>R-15 (Single Family)</i>	<i>R-12 (Single Family)</i>	<i>R-9 (mixed density residential)</i>	<i>R-6 (high density residential)</i>	<i>R-C (residential-commercial)</i>	<i>O&I (Office and Institutional)</i>	<i>B-1 (Neighborhood Business)</i>	<i>B-2 (General Business)</i>	<i>B-3 (Central Business District)</i>	<i>B-5 (Neighborhood Mixed Use)</i>	<i>B-6 (Transitional Business)</i>	<i>B-7 (Highway Business)</i>	<i>I-1 (Light Industrial)</i>	<i>I-2 (Heavy Industrial)</i>
Adult Establishment/Adult Use/Sexually Oriented Business (2)										PS					PS	
Adult Gaming Establishment (3)										PS					PS	
Agriculture	C	C(9)													C(9)	C(9)
Billards and Pool Halls (10)										P	P					
Day Care Centers	C			C	C	C	P	P	P	P	P	P	C	P	P	P
Communication Towers (4)	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C
Cultural and Community Facilities, Churches, Synagogues, Mosques	C	C	C	C	C	C	C	P	C	P	P	C	C	P		
Kennels, Commercial (12)										p				P	P	p
Eating and Drinking (without drive-through)							P	P	C	P	P	P	P	P	P	P
Eating and Driving (with Drive-through)							P			P				P	P	P
Flea Markets										C				C	P	P
Green Houses, Commercial (5)	C	C								P	P			P	P	P
Hospital/Clinics								P		P	C			P	P	P
Hotels/Motels										P	P			P		
Junk Yard/Salvage Yard (11)																P
Manufacturing & Processing: Boutique/Artisan							P	P	P	P	P			P	P	P
Manufacturing & Processing: Light										P(6)				P(6)	P	P
Manufacturing & Processing: Heavy																P
Night Clubs/Private Clubs (7)										PS	P					
Office (includes Medical and Dental)							P	P		P	P	P	P	P	P	P
Public Service Facilities					C	C	C	P		P	P			P	P	P
Personal Storage (mini warehouse)										P				P	P	P
Recreation, Outdoor	(8)	(8)	(8)	(8)	(8)	(8)	(8)			P				P		
Recreation, Indoor										P	P			P	P	P
Retailing, Light							P	P		P	P	P	P	P	P	P
Retailing, Intensive										P				P	P	P
Retailing: Neighborhood Business	C	C					P	P	P			P	P			
Services, Automotive (13)										P				P	P	P
Services, Major Vehicle										C				C	P	P
Services, Business and Personal							P	P	P	P	P	P	P	P	P	P
Shooting Range, Indoor										P					P	P
Studios and Specialty Schools								P	P	P	P	P	P	P	P	P
Veterinarians (no outdoor kennels)										P			P	P	P	P
Warehousing										P(14)				P(14)	P	P

FOOTNOTES, SECTION 600, TABLE B:

- B1. See the definition section for a description of each use category. The Planning Director, or his or her designee, will make a determination on the closest comparable use in cases of uncertainty. Incidental uses necessary to support the principal use and occupying no more than ten percent of the gross floor area may be included.
- B2. All adult establishments, adult uses, and sexually oriented businesses must be located at least 1,000 linear feet from the property line of said location to the property line of any school, church, public recreational facility, or any residential zoning district.
- B3. See Section 611 – separation requirements apply.
- B4. See specific performance standards for conditional use permit applications for communication towers in Appendix A, Section 910.
- B5. Private (not commercial) greenhouses that are less than 1,000 sq. ft. are permitted as an accessory use to any detached single family residential dwelling unit, subject to the setback standards for accessory structures.
- B6. Light manufacturing and processing uses are permitted uses in the B-2 and B-7 zoning districts only when they are conducted entirely within an enclosed building and meet the following standards:
- a. Outdoor storage of materials is discouraged, and will only be permitted when it is screened from view from any public street or adjacent property. All outdoor storage must be screened from view by opaque fencing, walls, landscaping, or a combination thereof. Fencing should be of a quality aesthetically acceptable to the surrounding area.
 - b. Emissions: Emissions of dust, smoke, and noise shall be at a minimum and in keeping with the regulations as set forth by the North Carolina Department of Natural Resources and Community Development.
 - c. Pretreatment of Sewage: Prior to the issuance of a Certificate of Occupancy, a confirmation in writing from the Superintendent of the Lenoir Water and Sewer Treatment Facilities shall be submitted to the Planning Department indicating that all effluent would be acceptable to the Lenoir Sewer System without pre-treatment.
 - d. Hazardous Waste: Storage of hazardous waste in excess of the requirements of the North Carolina State Building Code shall not be permitted. Confirmation in writing from the City Building Inspector as to the hazardous waste requirements shall be submitted to the Planning Department prior to the issuance of a Certificate of Occupancy.
- B7. All night clubs and private clubs must be located at least 1,000 linear feet from the property line of said location to the property line of any school, church, public recreational facility, or any residential zoning district, except in the B-3 zoning district.
- B8. Golf courses, including driving ranges, may be approved as a part of a Planned Residential Development or Major Subdivision in residential zoning districts. Other outdoor recreational uses are prohibited.
- B9. See Chapter 3 for restrictions on livestock and other animals in the City Limits.
- B10. See Chapter 5, Article 3 for specific business regulations related to the operation of billiards and pool halls in the City Limits.

- B11. Any portion of a junk or salvage yard located within 100 feet of a public street must be buffered from view per the buffering specifications of Section 712.8 of this ordinance. Existing natural vegetation and/or opaque fencing and walls may be used as a credit for buffering in cases where it meets the screening intent of section 712.8. Junk yards in existence at the time of adoption of this ordinance shall have 6 months to comply with the buffering standards contained herein.
- B12. All commercial kennels shall comply with the Care of Animal (Sec. 3-43) and Kennels and Housing (Sec. 3-44) standards of Chapter 3, Article 3, Regulations For High-Volume Dog and Cat Breeders.
- B13. Fuel Pump islands must be located a minimum of 25 ft. from any public right-of-way. Canopies must be set back a minimum of 10 ft. from the right-of-way, unless the zoning district requires a greater setback – then the most restrictive standard shall apply.
- B14. Warehousing uses in the B-2 and B-7 districts must include a showroom that's open to the public or for wholesale.

610 Performance Standards for Crematories

Crematories may be established as an accessory use to a funeral home in the O&I, B-2, B-4, B-5, and B-7 zoning districts and as a principal use in the B-2, I-1, and I-2 zoning districts, when the following requirements are met:

1. A crematory shall have a licensed crematory manager on staff.
2. All crematory operations shall be conducted in the principal building or within an approved accessory building on the main premises of the Funeral Home or upon a lot directly adjacent to the main premises.
3. No crematory use may be established on a lot or parcel located within 500 feet of any residential district.
4. A crematory must comply and remain in compliance with all applicable public health and environmental laws and rules and must contain the equipment and meet all of the standards established by the North Carolina Crematory Act, as amended or superseded, and any additional rules and regulations issued by the North Carolina Board of Funeral Services.

611 Performance Standards for Adult Gaming Establishments

1. Adult Gaming Establishments must be located at least 350 ft. away from any residential zoning district, measured from the edge of the residential district to the closest door of the adult gaming establishment open to the public in a straight line.
2. Adult Gaming Establishments must be located at least 1,000 ft. away from any school, youth day care, church, park, or playground, measured from the property line of the protected use to the closest door open to the public of the adult gaming establishment in a straight line.
3. Establishment, Adult Use, Liquor (ABC) Store, or Addiction Treatment and Recovery Facility, measured from door to door in a straight line.
4. Alcohol Sales are prohibited.

5. Hours of operation are limited to the hours between 11 a.m. and 12:00 midnight.
6. Adult Gaming Establishments are limited to 1,500 sq. ft. of floor area dedicated to gaming operations and must provide 1 parking space for every 150 sq. ft. of floor area.
7. A zoning permit issued by the Planning and Community Development department is required prior to the establishment of any Adult Gaming Establishment within the City.

612. Performance Standards for Light Industrial Uses in Business Districts

1. Outside Storage: Outside storage shall not be located between the principal façade and any public street. All outdoor storage must be screened from view by opaque fencing. Fencing should be of a quality aesthetically acceptable to the surrounding area.
2. Emissions: Emissions of dust, smoke, and noise shall be at a minimum and in keeping with the regulations as set forth by the North Carolina Department of Natural Resources and Community Development.
3. Pretreatment of Sewage: Prior to the issuance of a Certificate of Occupancy, a confirmation in writing from the Superintendent of the Lenoir Water and Sewer Treatment Facilities shall be submitted to the Planning Department indicating that all effluent would be acceptable to the Lenoir Sewer System without pre-treatment.

Sections 613-619 Reserved.

620. Performance, Design, and Locational Standards for Manufactured Housing

[Editor's Note: This was previously Section 806, which has been deleted. The regulations contained herein are not materially changed, but are slightly updated for additional clarity.]

In order to accommodate the placement manufactured housing on individual lots and in existing manufactured home parks, while ensuring that such manufactured housing is in keeping with the general residential character of the districts where they are allowed, the following classifications of manufacturing housing are hereby established. All manufactured housing within the City and the ETJ must conform to the following performance and design standards.

620.1 Manufactured Home Classifications

620.11 Class A (Doublewide or Multi-Segment): A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, which is of multi-sectional or double-wide design and that satisfies the following additional criteria:

- a) The home is occupied only as a single-family dwelling;
- b) The home shall have a minimum width of twenty (20) feet and length not exceeding four (4) times its width, with length measured along the longest axis and width measured perpendicular to the longest axis at the narrowest part;

c) The home shall have the towing apparatus, wheels, axles, and transporting lights removed and not included in length and width measurements;

d) The home must be oriented so that the façade with the functional front door is facing the lot's primary street frontage;

e) The home shall be set up in accordance with the standards established by the North Carolina Department of Insurance;

f) The home shall be permanently placed on a masonry foundation, unpierced except for required ventilation and access, and constructed in compliance with the North Carolina Building Code. The foundation shall be protected with a polyvapor barrier. Installation shall include positive water drainage away from the home. The finished exterior of the foundation shall be brick, stone, stucco, or split-faced concrete masonry units (cmu). Smooth-faced concrete block shall not be permitted;

g) The pitch of the roof of the home shall have a minimum vertical rise of approximately three (3) feet for each twelve (12) feet of horizontal run and the roof shall be finished with a type of shingle that is commonly used in standard residential construction. Standing seam metal roofs, as are commonly used in residential construction, are also allowed. Such roof shall be installed by the manufacturer of the home at the time of construction. All roof structures shall provide an eave projection of no less than six (6) inches, which may include a gutter;

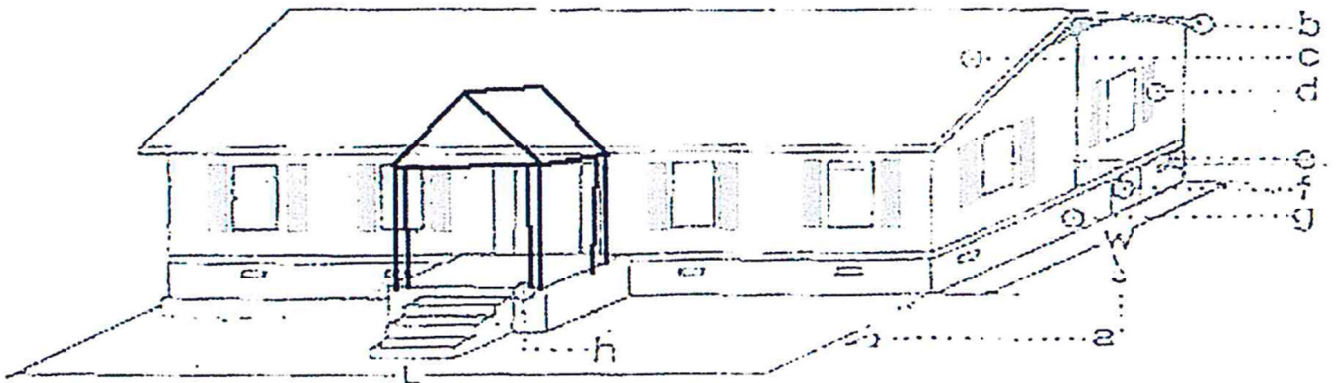
h) The home shall have a covered porch that is permanently mounted to the ground at the front door and constructed in compliance with the North Carolina Building Code. The minimum area for such a porch shall be thirty six (36) square feet, and must be a front-gabled roof design oriented towards the primary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

i) Permanent stairs shall be constructed at all exterior doors of the home. Stairs shall be permanently mounted to the ground and constructed in compliance with the North Carolina Building Code;

j) The home shall have an exterior facade of vinyl or wood siding, stone, brick, or other non-metallic material;

k) The home shall be in full compliance with the City of Lenoir's Minimum Housing Code.

Figure - Class A - Manufactured Home



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

620.12 Class B (single-wide): A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, which is of a single section design, and that satisfies the following additional criteria:

- a) The home is occupied only as a single-family dwelling;
- b) The home shall have a length not exceeding five (5) times its width measured perpendicular to the longest axis at the narrowest part;
- c) The home shall have the towing apparatus, wheels, axles, and transporting lights removed and not included in length and width measurements;
- d) The home shall be set up in accordance with the standards established by the North Carolina Department of Insurance;
- e) The pitch of the roof of the home shall have a minimum vertical rise of approximately three (3) feet for each twelve (12) feet of horizontal run and the roof shall be finished with a type of shingle that is commonly used in standard residential construction. Such roof shall be installed by the manufacturer of the home at the time of construction;
- f) The home shall have either a deck, porch or concrete patio that is permanently mounted to the ground and constructed in compliance with the North Carolina Building Code. The minimum area for such deck, porch or patio shall be seventy five (75) square feet;
- g) Permanent stairs shall be constructed at all exterior doors of the home. Stairs shall be permanently mounted to the ground and constructed in compliance with the North Carolina Building Code;
- h) The home shall have an exterior facade of vinyl or wood siding, stone, brick, or other non-metallic material;
- i) The home shall be in full compliance with the City of Lenoir's Minimum Housing Code.

620.13 Class C: A manufactured home which does not meet the Class A or Class B criteria listed above, or any mobile home constructed prior to 1976. Class C homes are not permitted within the jurisdiction of this ordinance.

620.2 Permitted Locations of Manufactured Home Classes

- a) Class A Manufactured Homes (Doublewides) are permitted on individual lots in the R-9, R-6, and R-R zoning districts, and in existing Manufactured Home Parks.
- b) Class B Manufactured Homes (Singlewides constructed after 1976) shall be permitted only in existing Manufactured Home Parks, or as replacements for existing Class B or Class C Manufactured Homes in the R-6 and R-R zoning districts.
- c) Class B and Class C Manufactured Homes that are located within the jurisdiction of this ordinance at the time of its adoption may remain in their current location, may be moved to another location within the R-6 or R-R zoning districts, and may be moved to an existing Manufactured Home Park within the jurisdiction of this ordinance.

SECTION 4. Appendix A, Article VII of the Code of Ordinances, City of Lenoir, North Carolina, “General Provisions” is hereby amended to read as follows:

ARTICLE VII. GENERAL PROVISIONS

701 Corner Lots - On corner lots, the minimum front yard will depend upon the requirements of the zone in which the lot is located. The front yard will be the street frontage which the structure faces and the other street frontage will be the street side yard. ~~In all zones except the B-3 Central Business District zones, the minimum side yard on a corner lot will be 45 feet from the centerline of the street or 25 feet from the right-of-way line, whichever is greater.~~

707 ~~Residences in Non-Residential Districts—Where residences are a permitted use in a non-residential district, such use shall meet requirements of the R-6 Residential District.~~ Reserved.

709 Accessory ~~Buildings~~ Structures

709.1 Number of Accessory ~~Buildings~~ Structures - In ~~the~~ residential districts, no more than two accessory ~~buildings~~ structures shall be permitted per lot, except for farm enterprises.

709.2 ~~709.2~~ Location of Accessory ~~Buildings~~ Structures - Accessory structures must be located behind the front façade, e.g. to the side or the rear of the principal structure. On corner lots, structures must not be located between the principal structure and the street. In non-residential districts, accessory structures that are located between a principal structure and the street shall meet the architectural design standards of the district, if applicable. Accessory buildings shall be located only in side or rear yards for non-corner residential lots. No part of an accessory building shall be located in the required side setback of any corner lot in a residential district.

709.3 Lot Coverage - Accessory buildings shall not cover more than thirty percent (30%) of the required side or rear yard in residential districts.

Accessory buildings shall not exceed the height of 20 feet.

709.4 Appearance - Within residential zones except R-R and R-20, accessory buildings ~~larger than~~ 144 square feet or greater and accessory buildings that have any exterior dimension 12 feet or greater (including height) shall have exterior wall facades composed of brick, stone, vinyl or wood lap siding, or stucco. Within commercial zones, accessory buildings that are visible from the public right-of-way or any adjoining property must meet the material and design standards of the commercial district, as applicable.

Accessory structures that meet the zoning district and dimensional criteria above, but do not meet the exterior wall facade criteria above, shall be: 1) located on tracts of land 5 acres or larger; 2) screened on the sides and rear in accordance 712.8 of this Ordinance; 3) set back at least 250 feet from any street right-of-way and at least 50 feet from adjoining property lines; 4) have a minimum roof pitch of 3:12 with 12-inch overhangs.

714 Design Standards For Commercial, Office, Institutional And Government Buildings

714.3 Definitions:

b) Public visibility - An element of a building shall be deemed publicly visible when any of the following conditions are met:

1. At least ~~70~~50 percent of the element occurs above adjacent grade and is visible from any street adjacent to the property; or
2. At least ~~70~~50 percent of the element is, upon staff review, deemed visible from an adjacent residentially zoned property; or
3. At least ~~70~~50 percent of the element is taller than the vegetative buffer at the time of planting.

800.5 Building Design and Orientation

GUIDELINE: The intent of this section is to encourage building design and placement that encourages and supports a safe and attractive pedestrian environment.

STANDARD: The primary facade and main building entry shall face the primary public street unless the majority of off-street parking is located to the sides or rear of the building.

The main building entrance, when not facing the primary public street, shall provide a safe and convenient access for pedestrians from the main building entrances to the primary public street. The pedestrian way must provide additional landscape amenities.

Entrances which are oriented on a diagonal are permitted, provided that they are integrated with the overall architectural design, and not merely angled appendages or alcoves.

Ground floor windows or window display boxes shall be provided along at least 60% of the building's ground floor street-facing elevations. Windows and window display boxes shall be integral to the building design and have include visually prominent sills, shutters, or other such forms of framing. Windows must have vertical dimensions which exceed their horizontal dimensions. Where the interior floor plan and use of the building makes windows technically

infeasible, the Planning Director may approve alternative treatments that support street-level pedestrian activity, such as front porches (on residential structures), alcoves with benches or other human-scale features, spandrel glass, or faux window architectural treatments such that intent of this section is realized.

SECTION 5. Appendix A, Article VIII of the Code of Ordinances, City of Lenoir, North Carolina, “Zoning District Regulations” is hereby amended to read as follows:

ARTICLE VIII. - ZONING DISTRICT REGULATIONS AND DEVELOPMENT STANDARDS

800. Table of Zoning District Regulations

The following table establishes the development standards for each of the zoning districts. For additional regulations for specific uses, see Appendix A, Article VI. Numbers in parentheses refer to footnotes following the table. A blank cell indicates that the specific development standard is not prescribed for that particular zoning district. Some zoning districts have additional design standards, which are presented in the sections of Article VIII that follow the table.

SECTION 800, TABLE A: ZONING DISTRICT REGULATIONS

<u>Standards</u>	<u>Residential Districts</u>							<u>Mixed Use/Commercial Districts</u>							<u>Industrial Districts</u>	
	<u>R-R</u> <i>Rural Residential</i>	<u>R-20</u> <i>Low Density Single Family</i>	<u>R-15</u> <i>Single Family</i>	<u>R-12</u> <i>Single Family</i>	<u>R-9</u> <i>Mixed Density Residential</i>	<u>R-6</u> <i>High Density Residential</i>	<u>R-C</u> <i>Residential-Commercial</i>	<u>O&I</u> <i>Office & Institutional</i>	<u>B-1</u> <i>Neighborhood Business</i>	<u>B-2</u> <i>General Business</i>	<u>B-3</u> <i>Central Business (Downtown)</i>	<u>B-5</u> <i>Neighborhood Mixed Use (N. Main St.)</i>	<u>B-6</u> <i>Transitional Business</i>	<u>B-7</u> <i>Highway Business</i>	<u>I-1</u> <i>Light Industrial</i>	<u>I-2</u> <i>Heavy Industrial</i>
Minimum Lot Area (in sq. ft.):																
Residential Uses (1-family)	(1)	(1)	15,000	12,000	9,000	6,000							10,000			
Residential Uses (2+ family)	(1)	(1)			15,000	9,000										
Non-Residential Uses	20,000	20,000	20,000	18,000		9,000							10,000	20,000	10,000	20,000
Minimum Lot Width (measured at building line)		60 ft.	60 ft.	60 ft.	50 ft. (1-family) 60 ft. (all other uses)	40 ft. (1-family) 50 ft. (all other uses)			50 ft.			40 ft. (1-family) 50 ft. (all other uses)	100 ft.	100 ft.	80 ft.	100 ft.
Minimum Street Frontage (2)	25 ft. (8)	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Principal Building Setback(11):																
Front yard	40ft	40ft	40ft	40ft	35ft	35ft	10 ft.	10 ft.	10 ft.	10 ft.	0 ft.	(7)	10 ft.	50 ft.	25 ft.	25 ft.
Side yard (3)	15ft (4)	15ft (4)	15ft (4)	12ft (4)	12ft (4)	10ft (4)	0 ft.(4)	10 ft. (4)	10 ft.(4)	0 ft.(4)	0 ft.	(7)	10 ft.(4)	10 ft. (4)	0 ft.(5)	0 ft.(6)
Street side yard	25ft	25ft	25ft	25ft	25ft	25ft	10 ft.	10 ft.	10 ft.	0 ft.	0 ft.	(7)	10 ft.	10 ft.	0 ft.	0 ft.
Rear yard (3)	35ft	35ft	35ft	30ft	25ft (4)	25ft (4)	20 ft.(4)	10 ft. (4)	10 ft.(4)	20 ft. (4)	0 ft.	(7)	10 ft. (4)	10 ft. (4)	0 ft. (5)	0 ft. (6)
Accessory Structure Setbacks (9)																
Side/Rear (less than 144 sq. ft.)	5ft	5ft	5ft	5ft	5ft	5ft	5ft	5ft	5ft	5ft	0 ft.	5ft	5ft	5 ft.	5ft	5ft
Side/Rear (144 sq. ft. and greater)	10ft	10ft	10ft	10ft	10ft	10ft	10ft	10ft	10ft	10ft	0 ft.	10ft	10ft	10 ft.	10ft	10ft
Max. Bldg. Height:	30ft	35ft	35ft	35ft	35ft	50ft	65 ft.	35 ft.	35 ft.	65 ft.	80 ft.	(7)	25 ft.	35 ft.	65 ft.	65 ft.
Max. Residential Density (10)	4.8 du/ac	3 du/ac	3 du/ac	3.6 du/ac	9 du/ac	15 du/ac	30 du/ac	15 du/ac	9 du/ac	20 du/ac	none	9 du/ac	9 du/ac	20 du/ac		
Use this table to determine regulations that apply within each zoning district. For additional regulations for specific uses, see Appendix A, Article VI. Numbers in parentheses refer to footnotes following the tables. A blank cell indicates that the specific development standard is not prescribed for that particular zoning district. Residential densities are given as gross dwelling units per acre (du/ac).																

FOOTNOTES, SECTION 800 TABLE A

A1. Minimum lot sizes in the R-R and R-20 zoning districts are determined by the availability of community or public utility services, as follows:

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

A2. Street frontage must be on a publicly dedicated and maintained street, unless a private road was approved to meet this criteria as a part of a planned development, major subdivision, conditional zoning, or similar approval.

A3. Depending on the use of the subject property and the adjacent uses, the required bufferyard may be larger than the minimum building setbacks. Nothing in this table shall be interpreted to allow a building to be located within a required bufferyard. See Appendix A, Article VII, Section 712.

A4. When property abuts a residential district, and is being developed with non-residential uses, the setback shall be 30ft.

A5. When property abuts a residential or office district the setback shall be 25 feet.

A6. When property abuts a residential or office district the setback shall be 40 feet.

A7. The following yard requirements are established for the B-5 District:

<u>Minimum Front Yard Setback (residential)</u>	<u>20 ft., or the average of structures on adjoining lots if less than 20 ft</u>
<u>Minimum Front Yard Setback (non- residential)</u>	<u>10 ft. from back-of-curb for the provision of sidewalk/streetscape improvements. No other applicable setback.</u>
<u>Minimum Side Yard setback</u>	<u>0 ft. (abutting non-residential)</u> <u>7 ft. (residential)</u> <u>*See Sec. 712 for required bufferyards</u>
<u>Minimum Rear Yard Setback</u>	<u>20 ft.</u>
<u>Minimum Street Side Yard Setback</u>	<u>10 ft.</u>

A8. Family subdivisions may be exempt from this standard. See Chapter 19, Article VII. Procedure for Review and Approval of Family Subdivisions.

- A9. Accessory structures must be located behind the front façade of the principal structure. In non-residential districts, accessory structures that are located between a principal structure and the street shall meet the architectural design standards of the district, if applicable.
- A10. Maximum densities do not apply to accessory apartments or any development of 4 or fewer total units (duplex, triplex, or quadplex developments).
- A11. Setbacks are measured from the property line, excluding right-of-way or easements. When a property fronts on a street with no recorded right-of-way, the point of beginning for applying the setback shall be 15 ft. from the center line of the street, or at the edge of pavement, whichever is greater.

~~801 R-20 (Single Family Residential)~~

~~801.1 Intent~~

~~The intent of the R-20 (Single family Residential) District shall be to establish and preserve the character of areas within the areas of extraterritorial jurisdiction for low density single family residences and compatible land uses. The regulations for this district are designed to stabilize and encourage a healthful environment for family life in areas where public water or sewer facilities may not be available. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.~~

~~801.2 Permitted Uses~~

~~Accessory Apartment (preexisting)
Accessory Use or Accessory Building (residential)
Dwelling, Single Family Detached
Family Care Facility
Green Houses, Private (Not to Exceed 1000 Square Feet)
Also see Permitted Use Chart~~

~~801.3 Permitted Conditional Uses~~

~~Art Galleries
Auditorium, Assembly Hall
Cemeteries—Human & Pet
Church/Synagogue
Country Clubs
Cultural and Community Facilities
Hatcheries
Kennels (Private)
Libraries
Museums
Neighborhood Business
Parks & Playgrounds
Public Utility Substation
Radio & Television Transmission Tower
See Permitted Use Chart
Special Review Procedures for Conditional Use Permit (see Article IX Section 900)~~

~~801.4 Area Regulations (Also see Article VII)~~

801.41 Minimum Lot Area**801.411 Residential**

~~801.4111 Single family—15,000 square feet when served by public or community water but not sewer; or~~

~~801.4112 Single family—20,000 square feet when served by neither public/community water nor sewer.~~

~~801.412 Non residential—20,000 square feet~~

801.42 Minimum Lot Width

~~801.421 Front Lot Line—25 feet~~

~~801.422 Building Line—100 feet~~

801.43 Minimum Front Yard

~~801.431 Residential—70 feet from centerline of street or 40 feet from street right of way, whichever is greater.~~

~~801.432 Non Residential—80 feet from centerline of street or 50 feet from street right of way, whichever is greater.~~

801.44 Minimum Side Yard

~~801.441 Residential—15 feet~~

~~801.442 Non Residential—30 feet~~

~~801.443 Accessory Uses—Smaller than 144 square feet (12' × 12')—5 feet. Larger than 144 square feet (12' × 12')—10 feet~~

~~801.444 All Lots—Abutting side street—25 feet (see Section 701)~~

801.45 Minimum Rear Yard

~~801.451 Residential—35 feet~~

~~801.452 Non Residential—10% of average lot depth~~

~~801.453 Accessory Uses—Smaller than 144 square feet (12' × 12')—5 feet. Larger than 144 square feet (12' × 12')—10 feet.~~

801.5 Building Height Regulations (Also see Section 706)

~~Maximum building height—35 feet~~

801.6 Off Street Parking and Loading Regulations

~~See Article X~~

801.7 Sign Regulations

~~See Article XI~~

801.8 Landscaping and Buffering Requirements

~~See Section 712~~

802 R-15 Residential District (Single Family)**802.1 Intent**

~~The intent of the R-15 Residential Single family District shall be to establish and preserve areas of land within the City for low density single family residences and compatible land uses. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.~~

802.2 Permitted Uses

~~Accessory Apartment (preexisting)~~

~~Accessory Use or Accessory Building (residential)~~

~~Dwelling, Single Family Detached~~

~~Family Care Facility~~

~~Green Houses, Private (Not to Exceed 1000 Square Feet)~~

~~Also see Permitted Use Chart~~

802.3 ~~Permitted Conditional Uses~~

~~Art Galleries~~

~~Auditorium, Assembly Hall~~

~~Cemeteries—Human & Pet~~

~~Church/Synagogue~~

~~Country Clubs~~

~~Cultural and Community Facilities~~

~~Libraries~~

~~Museums~~

~~Parks & Playgrounds~~

~~Public Utility Substation~~

~~Radio & Television Transmission Tower~~

~~See Permitted Use Chart~~

~~Special Review Procedures for Conditional Use Permit~~

~~(see Article IX Section 900)~~

802.4 ~~Area Regulations (Also See Article VII)~~

802.41 ~~Minimum Lot Area~~

~~802.411 Residential—15,000 square feet~~

~~802.412 Non-residential—20,000 square feet~~

802.42 ~~Minimum Lot Width~~

~~802.421 Front lot line—40 feet~~

~~802.422 Building line—100 feet~~

802.43 ~~Minimum Front Yard~~

~~802.431 Residential—70 feet from centerline of streets where no recorded right of way exists or 40 feet from street right of way where the recorded right of way is not less than 40 feet. Rights of way are to be determined by Caldwell County Tax Maps, recorded subdivision plats, or deed descriptions.~~

~~802.432 Non-residential—80 feet from centerline of street or 50 feet from street right of way, whichever is greater.~~

802.44 ~~Minimum Side Yard~~

~~802.441 Residential—15 feet.~~

~~802.442 Non-residential—30 feet.~~

~~802.443 Accessory uses—Smaller than 144 square feet (12' × 12')—5 feet. Larger than 144 square feet (12' × 12')—10 feet.~~

~~802.444 Abutting side street—25 feet (See Sect. 701)~~

802.45 ~~Minimum Rear Yard~~

~~802.451 Residential—35 feet.~~

~~802.452 Non-residential—10% of average lot depth.~~

~~802.453 Accessory uses—Smaller than 144 square feet (12' × 12')—5 feet. Larger than 144 square feet (12' × 12')—10 feet.~~

802.5 ~~Building Height Regulations (Also see Section 706).~~

~~Maximum building height—35 feet.~~

802.6 ~~Off Street Parking and Loading Regulations~~

See Article X.

802.7 Sign Regulations

See Article XI.

802.8 Landscaping and Buffering Requirements — See Section 712.

803 R-12 (Single-Family Residential)

803.1 Intent

The intent of the R-12 Residential Single-Family District shall be to establish and preserve areas of land within the city for medium density single and two family residences and compatible land uses. Planned Residential Developments, which allow for the orderly integration of single and multi family residential uses with limited commercial facilities are permitted only as a conditional use. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

803.2 Permitted Uses

Accessory Apartment (preexisting)

Accessory Use or Accessory Building (residential)

Dwelling, Single-Family Detached

Family Care Facility

Green Houses, Private (Not to Exceed 1000 Square Feet)

Also see Permitted Use Chart

803.3 Permitted Conditional Uses

Adult Day Care Center

Art Galleries

Auditorium, Assembly Hall

Cemeteries — Human & Pet

Church/Synagogue

Country Clubs

Cultural and Community Facilities

Dwelling, Single-family Attached

Dwelling, Two-family

Dwelling, Group

Kennels (Private)

Libraries

Museums

Nursing, Convalescent & Extended Care Facilities

Nursery Schools & Day Care Facilities

Parks & Playgrounds

Planned Residential Development

Public Utility Substation

Radio & Television Transmission Tower

Youth Day Care

See Permitted Use Chart

Special Review Procedures for Conditional Use Permit

(see Article IX Section 900)

803.4 Area Regulations (also see Article VII)

803.41 Minimum Lot Area**803.411 Residential**~~A. Single family—12,000 square feet~~~~B. Planned Residential Development—~~~~(See Article XII)~~~~803.412 Non-residential—18,000 square feet~~**803.42 Minimum Lot Width**~~803.421 Front Lot Line—40 feet~~~~803.422 Building line—100 feet.~~**803.43 Minimum Front Yard**~~803.431 Residential—70 feet from centerline of streets where no recorded right of way exists, or 40 feet from street right of way where the recorded right of way is not less than 40 feet. Rights of way are to be determined by Caldwell County Tax Maps, recorded plats, and recorded subdivision plats or deed description.~~~~803.432 Non-residential—80 feet from centerline of street or 50 feet from street right of way, whichever is greater.~~**803.44 Minimum Side Yard**~~803.441 Residential—12 feet~~~~803.442 Non-residential—30 feet~~~~803.443 Accessory Uses—Smaller than 144 square feet (12' x 12')—5 feet. Larger than 144 square feet (12' x 12')—10 feet~~~~803.444 Abutting side street—25 feet (See Section 701)~~**803.45 Minimum Rear Yard**~~803.451 Residential—30 feet.~~~~803.452 Non-residential—10% of average lot depth.~~~~803.453 Accessory Uses—Smaller than 144 square feet (12' x 12')—5 feet. Larger than 144 square feet (12' x 12')—10 feet.~~**803.5 Building Height Regulations (Also see Section 706)**~~Maximum building height—35 feet.~~~~803.6 Off-street Parking and Loading Regulations—See Article X.~~~~803.7 Sign Regulations—See Article XI.~~~~803.8 Landscaping and Buffering Requirements—See Section 712~~**804 R-9 (Multi-family Residential)****804.1 Intent**~~The intent of R-9 Residential Multi-family District shall be to establish and preserve areas of land within the city for medium density multi-family residences and compatible land uses. Planned Residential Development and multi-family complexes of three (3) or more units are allowed as conditional uses. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.~~**804.2 Permitted Uses**~~Accessory Apartment (preexisting)~~~~Accessory Use or Accessory Building (residential)~~~~Dwelling, Single-Family Detached~~

~~Dwelling, Two-Family~~
~~Family Care Facility~~
~~Green Houses, Private (not to exceed 1000 square feet)~~
~~Kennels (Private)~~
~~Class A—Manufactured Homes (See Section 806)~~
~~Also see Permitted Use Chart~~
~~804.3 Permitted Conditional Uses~~
~~Adult Day-Care Center~~
~~Art Galleries~~
~~Auditorium, Assembly Hall~~
~~Cemeteries—Human & Pet~~
~~Church/Synagogue~~
~~Country Clubs~~
~~Cultural and Community Facilities~~
~~Dwelling, Group~~
~~Dwelling, Multi-Family (3 or more)~~
~~Dwelling, Single-Family Attached~~
~~Existing Manufactured Homes Parks (subject to Article IX of this ordinance)~~
~~Libraries~~
~~Museums~~
~~Nursing, Convalescent & Extended Care Facilities~~
~~Nursery Schools & Day-Care Centers~~
~~Parks & Playgrounds~~
~~Planned Residential Development (See Article XII)~~
~~Public Utility Substation~~
~~Radio & Television Transmission Tower~~
~~Youth Day-Care~~
~~See Permitted Use Chart~~

~~Special Review Procedures for Conditional Use Permit (see Article IX Section 900)~~

~~804.4 Area Regulations (also see Article VII)~~

~~804.41 Minimum Lot Area~~

~~804.411 Residential~~

~~A. Single-family—9,000 square feet~~

~~B. Manufactured Housing (Double-wide)~~

~~(See Section 806)~~

~~C. Two-family—15,000 square feet~~

~~D. Multi-family and Planned~~

~~Residential Development—see Article XII~~

~~804.42 Minimum Lot Width~~

~~804.421 Front Lot Line—40 feet~~

~~804.422 Building Line~~

~~A. Single-family—60 feet~~

~~B. Two-family—75 feet~~

~~C. Multi-family and Planned Residential Development—75 feet~~

~~D. Other Permitted Uses—75 feet~~

~~804.43 Minimum Front Yard~~

~~804.431 Residential—65 feet from centerline of streets where no recorded right of way exists or 35 feet from street right of way where the recorded right of way is not less than 40 feet. Rights of way are to be determined by Caldwell County Tax Maps, recorded plats, recorded subdivision plats or deed descriptions.~~

~~804.432 Non-Residential—80 feet from centerline of street or 40 feet from street right of way, whichever is greater.~~

~~804.44 Minimum Side Yard~~

~~804.441 Residential—12 feet~~

~~804.442 Non-residential—30 feet~~

~~804.443 Accessory uses—Smaller than 144 square feet (12' × 12')—5 feet. Larger than 144 square feet (12' × 12')—10 feet.~~

~~804.444 Abutting side street—25 feet (see Section 701)~~

~~804.45 Minimum Rear Yard~~

~~804.451 Residential—25 feet.~~

~~804.452 Non-residential—10% of average lot depth~~

~~804.453 Accessory uses—Smaller than 144 square feet (12' × 12')—5 feet. Larger than 144 square feet (12' × 12')—10 feet.~~

~~804.5 Building Height Regulations (Also see Section 706)~~

~~Maximum Building Height—35 feet~~

~~804.6 Off Street Parking and Loading Regulations—See Article X~~

~~804.7 Sign Regulations—See Article XI.~~

~~804.8 Landscaping and Buffering Requirements—See Section 712~~

805 R-6 (Multi-family Residential)

805.1 Intent

The intent of the R-6 Residential Multi-Family District shall be to establish and preserve areas of land within the city for high density multi-family residences and compatible land uses. Planned Residential Developments and multi-family complexes of three (3) or more units are permitted as conditional uses. Any use which would adversely affect or interfere with the residential character and development of these areas are excluded.

805.2 Permitted Uses

~~Accessory Apartment (preexisting)~~
~~Accessory Use or Accessory Building (residential)~~
~~Dwelling, Single-Family Detached~~
~~Dwelling, Two-Family~~
~~Family Care Facility~~
~~Green Houses, Private (not to Exceed 1000 Square Feet)~~
~~Class A—Manufactured Homes (See Section 806)~~
~~Also see Permitted Use Chart~~

805.3 Permitted Conditional Uses

~~Adult Day Care Center~~
~~Art Galleries~~
~~Auditorium, Assembly Hall~~
~~Cemeteries—Human & Pet~~
~~Church/Synagogue~~
~~Country Clubs~~
~~Cultural and Community Facilities~~
~~Dwelling, Group~~
~~Dwelling, Multi-Family (3 or more)~~
~~Dwelling, Single-family Attached~~
~~Existing Manufactured Home Parks (subject to Article IX of this Ordinance)~~
~~Libraries~~
~~Museums~~
~~Nursing, Convalescent & Extended Care Facilities~~
~~Nursery Schools & Day Care Centers~~
~~Parks & Playgrounds~~
~~Planned Residential Development (See Article XII)~~
~~Public Utility Substation~~
~~Radio & Television Transmission Tower~~
~~Youth Day Care~~
~~See Permitted Use Chart~~
~~Special Review Procedures for Conditional Use Permit (see Article IX Section 900)~~

805.4 Area Regulations (Also see Article VII)

805.41 Minimum Lot Area

805.411 Residential

A. Single family—6,000 square feet

B. Manufactured Housing (Double wide) (See Section 806)

C. Two family—9,000 square feet D. Multi family and Planned Residential Development—See Article XI

805.412 Non-residential—9,000 square feet

805.42 Minimum Lot Width

805.421 Front lot line—40 feet

805.422 Building Line

A. Single family—60 feet

B. Two family—75 feet

C. Multi family and Planned Residential Development—75 feet

D. Other permitted uses—75 feet

805.43 Minimum Front Yard

805.431 Residential—65 feet from centerline of streets where no recorded right of way exists, or 35 feet from street right of way where the recorded right of way is not less than 40 feet. Rights of way are to be determined by Caldwell County Tax Maps, recorded plats, recorded subdivision plats or deed description.

805.432 Non-residential—80 feet from centerline of street or 50 feet from street right of way, whichever is greater.

805.44 Minimum Side Yard

805.441 Residential—10 feet

805.442 Non-residential—30 feet

805.443 Accessory Uses—Smaller than 144 square feet (12' × 12')—5 feet. Larger than 144 square feet (12' × 12')—10 feet.

805.444 Abutting side street—25 feet (see Sec. 701)

805.45 Minimum Rear Yard

805.451 Residential—25 feet

805.452 Non-residential—10% of average lot depth

~~805.453 Accessory Uses—Smaller than 144 square feet (12' × 12')—5 feet. Larger than 144 square feet (12' × 12')—10 feet.~~

805.5 Building Height Regulations (Also see Section 706)

Maximum building height—50 feet

805.6 Off street Parking and Loading Regulations

See Article X

805.7 Sign Regulations—See Article XI

805.8 Landscaping and Buffering Requirements—See Section 712

806 Manufactured Housing—The intent of this section shall be to present criteria for placement of manufacturing housing within the proper zoning districts and/or manufactured home parks.

806.1 Manufactured Home Classifications

~~Class A: A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, which is of multi-sectional or double-wide design and that satisfies the following additional criteria:~~

- ~~a) The home is occupied only as a single family dwelling;~~
- ~~b) The home shall have a minimum width of twenty (20) feet and length not exceeding four (4) times its width, with length measured along the longest axis and width measured perpendicular to the longest axis at the narrowest part;~~
- ~~c) The home shall have the towing apparatus, wheels, axles, and transporting lights removed and not included in length and width measurements;~~
- ~~d) The home must be oriented so that the façade with the functional front door is facing the lot's primary street frontage;~~
- ~~e) The home shall be set up in accordance with the standards established by the North Carolina Department of Insurance;~~
- ~~f) The home shall be permanently placed on a masonry foundation, unpierced except for required ventilation and access, and constructed in compliance with the North Carolina Building Code. The foundation shall be protected with a polyvapor barrier. Installation shall include positive water drainage away from the home. The finished exterior of the foundation shall be brick, stone, stucco, or split-faced concrete masonry units (cmu). Smooth-faced concrete block shall not be permitted;~~
- ~~g) The pitch of the roof of the home shall have a minimum vertical rise of approximately three (3) feet for each twelve (12) feet of horizontal run and the roof shall be finished with a type of shingle that is commonly used in standard residential construction. Standing seam metal roofs, as are commonly used in residential construction, are also allowed. Such roof shall be installed by the manufacturer of the home at the time of construction. All roof structures shall provide an eave projection of no less than six (6) inches, which may include a gutter;~~
- ~~h) The home shall have a covered porch that is permanently mounted to the ground at the front door and constructed in compliance with the North Carolina Building Code. The minimum area for such a porch~~

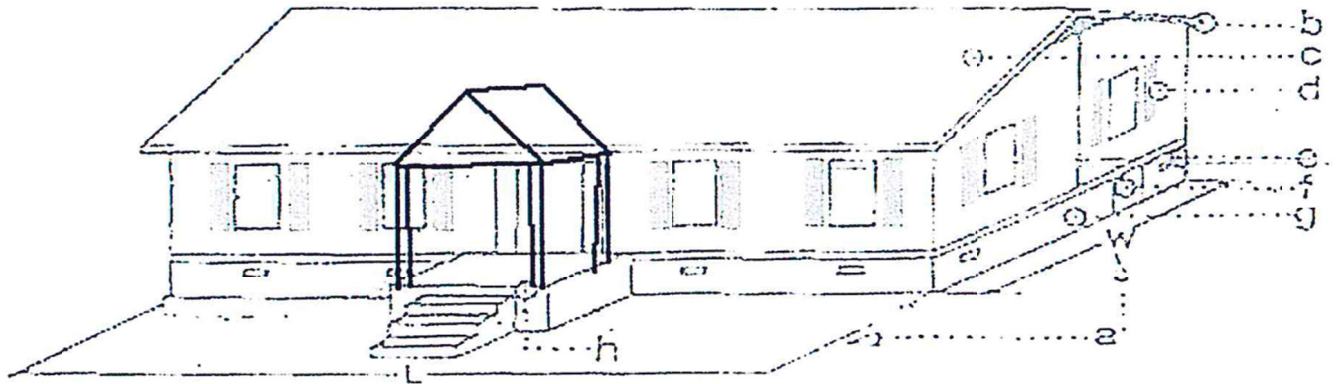
shall be thirty six (36) square feet, and must be a front gabled roof design oriented towards the primary public street;

i) Permanent stairs shall be constructed at all exterior doors of the home. Stairs shall be permanently mounted to the ground and constructed in compliance with the North Carolina Building Code;

j) The home shall have an exterior facade of vinyl or wood siding, stone, brick, or other non-metallic material;

k) The home shall be in full compliance with the City of Lenoir's Minimum Housing Code.

Figure — Class A — Manufactured



(a) Length (L) not more than $4 \times$ Width (W).
Min. Width 20 ft.

(b) — 6" minimum eave

(c) Shingle or standing seam metal roof w/min.
3/12 pitch

(d) — typical residential siding

(e) — required foundation ventilation (handrails
required if more than 30" above graded)

(f) — required foundation access

(g) — masonry foundation

(h) — Covered, front gabled porch & steps required
(handrails required if more than 30" above grade)

Sections 801-810 Reserved.

806.12 Class B: A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, which is of a single section design, and that satisfies the following additional criteria:

a) The home is occupied only as a single family dwelling;

b) The home shall have a length not exceeding five (5) times its width measured perpendicular to the longest axis at the narrowest part;

c) The home shall have the towing apparatus, wheels, axles, and transporting lights removed and not included in length and width measurements;

d) The home shall be set up in accordance with the standards established by the North Carolina Department of Insurance;

e) The pitch of the roof of the home shall have a minimum vertical rise of approximately three (3) feet for each twelve (12) feet of horizontal run and the roof shall be finished with a type of shingle that is commonly used in standard residential construction. Such roof shall be installed by the manufacturer of the home at the time of construction;

~~f) The home shall have either a deck, porch or concrete patio that is permanently mounted to the ground and constructed in compliance with the North Carolina Building Code. The minimum area for such deck, porch or patio shall be seventy five (75) square feet;~~

~~g) Permanent stairs shall be constructed at all exterior doors of the home. Stairs shall be permanently mounted to the ground and constructed in compliance with the North Carolina Building Code;~~

~~h) The home shall have an exterior facade of vinyl or wood siding, stone, brick, or other non-metallic material;~~

~~i) The home shall be in full compliance with the City of Lenoir's Minimum Housing Code.~~

~~806.13 Class C: A manufactured home which does not meet the Class A or Class B criteria listed above, or any mobile home constructed prior to 1976. Class C homes are not permitted within the jurisdiction of this ordinance.~~

~~806.2 Permitted Locations of Manufactured Home Classes~~

~~806.21 Class A Manufactured Homes are permitted on individual lots in the R-9, R-6, and R-R zoning districts, and in existing Manufactured Home Parks.~~

~~806.22 Class B Manufactured Homes shall be permitted only in existing Manufactured Home Parks, or as replacements for existing Class B or Class C Manufactured Homes in the R-6 and R-R zoning districts.~~

~~806.23 Class B and Class C Manufactured Homes that are located within the jurisdiction of this ordinance at the time of its adoption may remain in their current location, may be moved to another location within the R-6 or R-R zoning districts, and may be moved to an existing Manufactured Home Park within the jurisdiction of this ordinance.~~

EXTRATERRITORIAL ZONING

807 R-R (Rural Residential)

807.1 Intent

~~The intent of the R-R Residential District shall be to develop and maintain, in keeping with the existing and future land development patterns, those areas of extraterritorial jurisdiction. The regulations for this district are designed to stabilize and encourage a healthful environment for family life in areas where neither public water nor sewer facilities are available.~~

~~Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.~~

807.2 Permitted Uses

~~Accessory Apartment (preexisting)
Accessory Use or Accessory Building (residential)
Dwelling, Single Family Detached
Dwelling, Two Family
Family Care Facility
Golf Courses (18 holes)
Green Houses, Private (not to exceed 1000 square feet)
Class A Manufactured Homes (see Section 806)
Also see Permitted Use Chart~~

807.3 Permitted Conditional Uses

~~Armories~~

Art Galleries
 Auditorium, Assembly Hall
 Bed & Breakfast
 Cemeteries—Human & Pet
 Church/Synagogue
 Country Clubs
 Cultural and Community Facilities
 Dwelling, Group
 Dwelling, Multi-Family (3 or more units)
 Dwelling, Single-family Attached
 Existing Manufactured Home Parks (Subject to Article IX of this Ordinance)
 Hatcheries
 Libraries
 Museums
 Neighborhood Business
 Nursing, Convalescent & Extended Care Facilities
 Nursery Schools & Day Care Centers
 Parks & Playgrounds
 Public Utility Substation
 Radio & Television Transmission Tower
 See Permitted Use Chart
 Special Review Procedures for Conditional Use Permit
 (see Article IX Section 900)

807.4 Area Regulations (Also see Article VII)

807.41 Minimum Lot Area

807.411 Residential

807.4111 Single-family—15,000 square feet when served by public or community water but not sewer;

807.4112 Single-family—20,000 square feet when served by neither public/community water nor sewer;

807.4113 Two-family—18,000 square feet when served by both public or community water and sewer or;

807.4114 Two-family—20,000 square feet when served by public or community water but not sewer or;

807.4115 Two-family—25,000 square feet when served by either public/community water nor sewer.

807.412 Non-Residential—20,000 square feet

807.42 Minimum Lot Width

807.421 Front Lot line—40 feet

807.422 Building line

A. Single-family—100 feet

807.43 Minimum Front Yard

~~807.431 Residential—70 feet front centerline of street or 40 feet from street right of way; whichever is greater.~~

~~807.432 Non-Residential—80 feet from centerline of street or 50 feet from street right of way, whichever is greater.~~

807.44 Minimum Side Yard

~~807.441 Residential—15 feet~~

~~807.442 Non-residential—30 feet~~

~~807.443 Accessory uses—Smaller than 144 square feet (12' × 12')—5 feet. Larger than 144 square feet (12' × 12')—10 feet.~~

~~807.444 All lots—abutting side street—25 feet
(see Section 701)~~

807.45 Minimum Rear Yard

~~807.451 Residential—35 feet~~

~~807.452 Non-residential—10% of average lot depth~~

~~807.453 Accessory uses—Smaller than 144 square feet (12' × 12')—5 feet. Larger than 144 square feet (12' × 12')—10 feet.~~

807.5 Building Height Regulations (Also see Section 706)

~~Maximum Building Heights—35 feet.~~

807.6 Off-Street Parking and Loading Requirements—

~~See Article X~~

808 O & I (Office and Institutional)**808.1 Intent**

~~This district is established to provide land areas suitable for the location of professional and business offices and institutional and associated commercial activities. Whereas, this district usually serves as a buffer between residential neighborhoods and commercial districts the regulations are designed to protect and be compatible with nearby residences.~~

808.2 Permitted Uses

~~Accessory Apartment (Preexisting)~~

~~Accessory Use or Accessory Building (Non-Residential)~~

~~Accessory Use or Accessory Building (Residential)~~

~~Accountants Office, Auditors and Bookkeepers~~
~~Adult Day Care Center~~
~~Advertising Agencies~~
~~Architects Office~~
~~Art Galleries~~
~~Auditorium, Assembly Hall~~
~~Automatic Bank Tellers~~
~~Automobile Parking Lots~~
~~Banks, Main Office~~
~~Banks, Branch Office~~
~~Barber & Beauty Shops~~
~~Bed & Breakfast~~
~~Boarding/Rooming Houses~~
~~Book & Stationary Stores (No more than 3000 square feet)~~
~~Church/Synagogue~~
~~Contractors Office (No Storage)~~
~~Country Clubs~~
~~Credit and Finance Office~~
~~Crematory (Accessory to Funeral Home Only—see Section 715)~~
~~Cultural and Community Facilities~~
~~Drug Stores (Not More Than 3000 Square Feet)~~
~~Duplication, Mimeographing and Multilithing Operations (Not More Than 3000 Square Feet)~~
~~Dwelling, Single Family Detached~~
~~Dwelling, Two Family~~
~~Dwelling, Group~~
~~Family Care Facility~~
~~Florist Shops (Not More Than 3000 Square Feet)~~
~~Funeral Homes~~
~~Gift Shops (Not More Than 3000 Square Feet)~~
~~Government Offices~~
~~Green Houses, Private (Not to Exceed 1000 Square Feet)~~
~~Health Clubs/Spa~~
~~Hospitals~~
~~Jewelry Sales & Repair~~
~~Libraries~~
~~Medical & Dental Offices/Clinics~~
~~Medical & Dental Labs~~
~~Museums~~
~~Nursing, Convalescent & Extended Care Facilities~~
~~Nursery Schools & Day Care Centers~~
~~Parks & Playgrounds~~
~~Pharmaceuticals~~
~~Photography Supply Stores~~
~~Professional Offices~~

Public Utility Office
 Real Estate Services
 Restaurant, Cafe/Tea Room
 Studio and Specialty Schools
 Surveyors Offices
 Travel Agency
 Youth Day Care
 Also see Permitted Use Chart

808.3 Permitted Conditional Uses

Cemeteries—Human & Pet
 Dwelling, Single Family Attached
 Dwelling, Multi Family (3 or more)
 See Permitted Use Chart
 Special Review Procedures for Conditional Use Permit
 (see Article IX Section 900)

808.4 Area Regulations—(Also see Article VII)

808.41 Minimum Lot Area—None

808.42 Minimum Lot Width—50 feet

808.43 Minimum Front Yard

808.431 Residential—65' from centerline of street where no recorded right of way exists or 35' from street right of way where the recorded right of way is not less than 40'. Rights of way are to be determined by Caldwell County Tax Maps, recorded plats, recorded subdivision plats, and deed descriptions.

808.432 Non Residential

A. With side and rear parking—40' from the centerline of street right of way or 10' from street right of way whichever distance is greater.

B. With front parking—100' from centerline of street or 70 feet from street right of way, whichever distance is greater.

808.44 Minimum Side Yard

808.441 Residential—10 feet

808.442 Non Residential

A. Abutting residential—30 feet

B. Abutting non residential—10 feet

808.443 All lots abutting side street—25 feet (see Section 701)

808.45 Minimum Rear Yard

808.451 Residential—20 feet

808.452 Non Residential—10 feet

808.5 Building Height Regulations (Also see Section 706)

Maximum Building Height—35 feet

808.6 Off Street Parking and Loading Regulations—See Article X

808.7 Sign Regulations—See Article XI

808.8 Landscaping and Buffering Requirements—See Section 712

809 B-1 (Neighborhood Business)

809.1 Intent

This district is intended to serve the needs of the surrounding residential neighborhood by providing convenience goods and services which cater to the everyday needs of the residents. Whereas, this district is created within or near residential areas, It is imperative the residential property be protected by developing the B-1 district as a planned grouping designed to make the most efficient use of land and meet all requirements of this district.

809.2 Permitted Uses

- Accessory Apartment (Preexisting)
- Accessory Use or Accessory Building (Residential)
- Antique Shops
- Art Galleries
- Audio & Video Retail, Rental, and Repair Shops
- Automatic Bank Tellers
- Automobile Parking Lots
- Bakeries Retail (Not More Than 4000 Square Feet)
- Banks, Branch Office
- Barber & Beauty Shops
- Baseball Hitting Ranges
- Book & Stationary Stores (No More Than 3000 Square Feet)
- Computer & Data Processing Services
- Crafts/Hobby Shops
- Delicatessens
- Drug Stores (Not More Than 3000 Square Feet)
- Dry Cleaning and Laundry Service (Not More Than 3000 Square Feet)
- Dwelling, Single Family Detached
- Dwelling, Two Family
- Family Care Facility
- Florist Shops (Not More Than 3000 Square Feet)
- Gift Shops (Not More Than 3000 Square Feet)

~~Green Houses, Private (Not to Exceed 1000 Square Feet)~~
~~Hardware Stores (Not More Than 3000 Square Feet)~~
~~Interior Designers~~
~~Laundromats (Not More Than 3000 Square Feet)~~
~~Neighborhoods Business~~
~~Novelty & Souvenir Shops~~
~~Photography Supply Stores~~
~~Produce Stands~~
~~Public Utility Substation~~
~~Seamstress Shops~~
~~Shoe Sales & Repair Stores~~
~~Studio and Specialty Schools~~
~~Surveyors Offices~~
 Also see Permitted Use Chart

809.3 Permitted Conditional Uses

~~Cemeteries—Human & Pet~~
~~Dwelling, Group~~
~~Dwelling, Multi-Family (3 or more)~~
~~Dwelling, Single-Family Attached~~
 Also see Permitted Use Chart
~~Special Review Procedures for Conditional Use Permit (see Article IX, Section 900)~~

809.4 Area Regulations (also see Article VII)

809.41 Minimum Lot Area—None

809.42 Minimum Lot Width—50 feet

809.43 Minimum Front Yard

~~809.431 Residential—65' from centerline of street where no recorded right of way exists or 35' from street right of way where the recorded right of way is not less than 40'. Rights of way are to be determined by Caldwell County Tax Maps, recorded plats, recorded subdivision plats, and deed description.~~

809.432 Non-Residential

A. ~~With side and rear parking—40' from the centerline of street right of way or 10' from street right of way whichever distance is greater.~~
 B. ~~With front parking—70' from centerline of street or 40 feet from street right of way, whichever distance is greater.~~

809.44 Minimum Side Yard

809.441 Residential—10 feet

809.442 Non Residential

~~A. Abutting residential—30 feet~~

~~B. Abutting non residential—10 feet~~

~~809.443 All lots—abutting side street—25 feet (see Section 701)~~

809.45 Minimum Rear Yard

~~809.451 Residential—20 feet~~

~~809.452 Non residential—10 feet~~

809.5 Building Height Regulations (also see Section 706)

~~Maximum building height—35 feet~~

~~809.6 Off street Parking and Loading Regulations—See Article X~~

~~809.7 Sign Regulations—See Article XI~~

~~809.8 Landscaping and Buffering Requirements—See Section 712~~

810 B-2 (General Business)

810.1 Intent

~~The purpose of this district is to provide areas along major and minor thoroughfares for those commercial activities which require relatively large acreage of land and/or good vehicular access. The retail and service establishments allowed within this district are intended to serve both transient and resident traffic.~~

810.2 Permitted Uses

~~Accessory Apartment (Preexisting)~~
~~Accessory Use Or Accessory Bldg. (Nonresidential)~~
~~Accessory Use Or Accessory Bldg. (Residential)~~
~~Accountants Office, Auditors and Bookkeepers~~
~~Adult Day Care Center~~
~~Advertising Agencies~~
~~Amusement Services~~
~~Antennas, Radio, TV, Dish Sales~~
~~Antique Shops~~
~~Apparel and Accessory Sales~~
~~Appliance Store~~
~~Architects Office~~
~~Art Galleries~~
~~Art and Drafting Supplies~~
~~Auction Sales (No Outside Storage)~~
~~Auction Sales (With Outside Storage)~~
~~Audio & Video Retail, Rental, and Repair Shops~~

~~Automatic Bank Tellers~~
~~Automobile Body Shop~~
~~Automobile Parking Lots~~
~~Automobile Parts and Accessories~~
~~Automobile Repair Shop~~
~~Automobile Service Station (Pump Islands Shall Be 25' From Right Of Way And Closest Edge Of Canopies 10' From Right Of Way)~~
~~Automobile & Truck Sales and Services (New Or Used)~~
~~Automobile Washing Facilities~~
~~Bakeries Retail (Not More Than 4000 Square Feet)~~
~~Banks, Branch Office~~
~~Banks, Main Office~~
~~Barber & Beauty Shops~~
~~Baseball Hitting Ranges~~
~~Beach Bingo~~
~~Bed & Breakfast~~
~~Bicycle Sales and/or Services~~
~~Billiards & Pool Halls~~
~~Boat Sales and/or Services~~
~~Book & Stationary Stores (up to or exceeding 3000 Square Feet)~~
~~Bowling Lanes~~
~~Breweries, Distilleries, and Wineries~~
~~Broadcasting Studios~~
~~Building Construction and Supplies~~
~~Bus Terminals~~
~~Carpet Sales & Storage~~
~~Computer and Data Processing Services~~
~~Contractors Office (No Storage)~~
~~Convenience Stores (No Fuel Pumps)~~
~~Convenience Stores (Pump Islands Shall Be 25' from Right of way, Closest Edge Of Any Canopies Shall Be 10' From Right Of Way)~~
~~Convenience Stores (Full Service, Pump Islands Shall be 25' From Right Of Way, Closest Edge Of Any Canopies Shall Be 10' From Right Of Way)~~
~~Crafts/Hobby Shops~~
~~Credit and Finance Office~~
~~Crematory (see Section 715)~~
~~Dance Halls/Including Night Clubs~~
~~Delicatessens~~
~~Department Stores~~
~~Drug Stores (up to or exceeding 3000 Square Feet)~~
~~Dry Cleaning and Laundry Service (Not More Than 3000 Square Feet)~~
~~Duplicating, Mimeographing and Multilithing Operations (up to or exceeding 3000 Square Feet)~~
~~Dwelling, Group~~
~~Dwelling, Single Family Detached~~

~~Dwelling, Two Family~~
~~Electronic Product Sales & Services~~
~~Exterminating Service~~
~~Fabric Stores~~
~~Family Care Facility~~
~~Farm Machinery Sales and Services~~
~~Farm Supplies~~
~~Film Drop Off Booth~~
~~Firing Range (Indoor)~~
~~Floor Coverings~~
~~Florist Shops (up to or exceeding 3000 Square Feet)~~
~~Funeral Homes~~
~~Furniture and Home Furnishings~~
~~Furniture Repair Including Refinishing and Upholstery~~
~~Garden Supply Store~~
~~Gift Shops (up to or exceeding 3000 Square Feet)~~
~~Glass & Mirror Stores (Sales)~~
~~Golf Courses (18 Holes)~~
~~Golf Courses (Miniature)~~
~~Golf Driving Ranges~~
~~Green Houses, Commercial~~
~~Green Houses, Private (Not To Exceed 1000 Square Feet)~~
~~Guns & Ammunition Sales~~
~~Hardware Stores (up to or exceeding 3000 Square Feet)~~
~~Health Clubs/Spa~~
~~Heavy Equipment Sales & Service~~
~~Hospitals~~
~~Hotels & Motels~~
~~Interior Designers~~
~~Jewelry Sales & Repair~~
~~Kennels Commercial~~
~~Laundromats (up to or exceeding 3000 Square Feet)~~
~~Lawn & Garden Care Supplies~~
~~Lighting Stores~~
~~Liquor (ABC) Stores~~
~~Locksmith and Gunsmith~~
~~Manufactured Home Sales and/or Recreational Vehicle Sales~~
~~Medical & Dental Offices/Clinics~~
~~Medical & Dental Labs~~
~~Monument Sales~~
~~Motorcycle Sales & Service~~
~~Movie Theaters (Indoor)~~
~~Music Stores~~
~~Music Studio~~

~~Novelty & Souvenir Shops~~
~~Nurseries and Commercial Greenhouses (up to or exceeding 3000 Square Feet)~~
~~Nursery Schools & Day Care Centers~~
~~Office Equipment & Supply Stores~~
~~Optician & Optical Supply Stores~~
~~Paint & Wallpaper Stores~~
~~Pawn & Trade Shops~~
~~Pet Shops~~
~~Pharmaceutical Manufacturing~~
~~Pharmaceuticals (Sales)~~
~~Photography Studios~~
~~Photography Supply Stores~~
~~Plumbing and Hearing Supplies~~
~~Produce Stands~~
~~Professional Offices~~
~~Public Utility Office~~
~~Public Utility Substation~~
~~Publishing and Printing~~
~~Radio & Television Repair Shops~~
~~Radio & Television Sales~~
~~Radio & Television Studios~~
~~Radio & Television Transmission Tower~~
~~Real Estate Services~~
~~Research Activities and Research Development~~
~~Restaurants~~
~~Seamstress Shops~~
~~Second Hand Stores and Swap Shops~~
~~Sheetmetal Shops~~
~~Shoe Sales & Repair Stores~~
~~Shoe Store~~
~~Shopping Centers & Malls~~
~~Sign Manufacturing and Assembly~~
~~Sign Painting~~
~~Sign Sales Leasing (No storage)~~
~~Skating Rinks~~
~~Sporting Goods Stores~~
~~Stone and Clay Product Sales~~
~~Studio and Specialty Schools~~
~~Supermarkets~~
~~Surveyors Offices~~
~~Tattoo and Body Piercing Parlors~~
~~Taxi Stands~~
~~Travel Agencies~~
~~Truck, Farm Equipment and Heavy Equipment Sales and Service~~

~~Truck Terminals~~
~~Vending Company~~
~~Veterinarians Office (With No Outside Kennels or Storage of Supplies and Soundproofed Walls)~~
~~Veterinarians Office~~
~~Warehouses (Mini)~~
~~Youth Day Care~~
~~Also see Permitted Use Chart~~

810.3 Permitted Conditional Uses

~~Adult Uses (Provided They Are Located 1000 Feet (Measured From Center of Said Location in a Direct Line) From Any School, Church or Any Residential Zone)~~
~~Armories~~
~~Auditorium, Assembly Hall~~
~~Cemeteries – Human & Pet~~
~~Church/Synagogue~~
~~Colleges, Universities, Technical Colleges or Commercial Trade Schools~~
~~Country Clubs~~
~~Cultural and Community Facilities~~
~~Dwelling, Multifamily (3 or more Units)~~
~~Dwelling, Single Family Attached~~
~~Flea Markets~~
~~Government Offices~~
~~Libraries~~
~~Museums~~
~~Parks & Playgrounds~~
~~Wholesale Operations~~
~~Woodworking Shops~~
~~See Permitted Use Chart~~
~~Special Review Procedures for Conditional Use Permit (see Article IX, Section 900)~~

810.4 Area Regulations (also see Article VII)

810.41 Minimum Lot Area – None

810.42 Minimum Lot Width – None

810.43 Minimum Front Yard

810.431 Residential – ~~65' from centerline of street where no recorded right of way exists or 35' from street right of way where the recorded right of way is not less than 40'. Rights of way are to be determined by Caldwell County Tax Maps, recorded plats, recorded subdivision plats, and deed descriptions.~~

810.432 Non Residential

~~A. With side and rear parking—40' from the centerline of street, right of way or 10' from street right of way whichever distance is greater.~~

~~B. With front parking—75' from centerline of street or 40' from street right of way, whichever distance is greater.~~

810.44 Minimum Side Yard

~~810.441 Residential—10 feet~~

~~810.442 Non-Residential~~

~~A. Abutting residential—30 feet~~

~~B. Abutting non-residential—none~~

~~810.443 All Lots—abutting side street—25 feet~~

~~810.45 Minimum Rear Yard (see Section 701)~~

~~810.451 Residential—20 feet~~

~~810.452 Non-Residential~~

~~A. Abutting residential—30 feet~~

~~B. Abutting non-residential—20 feet~~

~~810.5 Building Height Regulations (also see Section 706)~~

~~Maximum building height—65 feet~~

~~810.6 Off Street Parking and Loading Regulations—See Article X~~

~~810.7 On Street Loading and Unloading Regulations~~

~~If off-street loading and unloading facilities are not available, and loading and unloading must occur on public streets, the following regulations shall be met:~~

~~810.71 One (1) lane of traffic on one-way streets must be left open at all times.~~

~~810.72 No loading or unloading shall take place on streets with two (2) way traffic where only two (2) lanes are available and traffic is opposing.~~

~~810.73 No on-street loading and unloading shall take place where on-street parking is permitted to the extent parked vehicles would not be permitted adequate ingress and egress to parking spaces.~~

~~810.74 No on-street loading or unloading shall take place on streets on the federally-aided system, NC 18, US 321 and US 64.~~

~~810.8 Sign Regulations—See Article X.~~

~~810.9 Landscaping and Buffering Requirements—See Section 712~~

~~810.10 Light Industrial Uses~~

~~810.101 Outside Storage: Outside storage shall be screened by opaque fencing. Fencing should be of a quality aesthetically acceptable to the surrounding area.~~

~~810.102 Emissions: Emissions of dust, smoke, and noise shall be at a minimum and in keeping with the regulations as set forth by the North Carolina Department of Natural Resources and Community Development.~~

~~810.103 Parking:~~

~~810.1031 Employee parking shall be provided by either on-site or off-site parking.~~

~~810.1032 Parking shall be the responsibility of the occupant of the structure and/or land area used for light industrial purposes.~~

~~810.104 Pretreatment of Sewage: Prior to the issuance of a Certificate of Occupancy, a confirmation in writing from the Superintendent of the Lenoir Water and Sewer Treatment Facilities shall be submitted to the Planning Department indicating that all effluent would be acceptable to the Lenoir Sewer System without pre-treatment.~~

~~810.105 Hazardous Waste: Storage of hazardous waste in excess of the requirements of the North Carolina State Building Code shall not be permitted. Confirmation in writing from the City Building Inspector as to the hazardous waste requirements shall be submitted to the Planning Department prior to the issuance of a Certificate of Occupancy.~~

~~810.106 Loading and Unloading: See Article X and Section 811.7.~~

811 B-3 (Central Business District)

811.1 Intent

~~The purpose of the Central Business District is to serve as the center of the city's financial business, professional, cultural, and governmental activities by providing a variety of supporting personal services and retail trades for the convenience of people employed in and around the Central Business District and transient shoppers. The yard requirements within the district are designed to provide for the intensive use of land within this district and concentrated development. Those commercial activities which require an extensive use of land to market their products such as car dealerships and commercial establishments requiring outside storage are prohibited from the district.~~

811.2 Permitted Uses

~~Accessory Apartment (Preexisting)
 Accessory Use or Accessory Building (Residential)
 Accountants Office, Auditors and Bookkeepers
 Adult Day Care Center
 Advertising Agencies
 Amusement Services
 Antennas, Radio, TV, Dish Sales
 Antique Shops
 Apparel and Accessory Sales
 Appliance Store
 Architects Office
 Art Galleries
 Art and Drafting Supplies
 Auction Sales (No Outside Storage)~~

~~Audio & Video Retail, Rental, and Repair Shops~~
~~Auditorium, Assembly Hall~~
~~Automatic Bank Tellers~~
~~Automobile Parking Lots~~
~~Automobile Parts and Accessories~~
~~Automobile Service Station (Pump Islands Shall be 25' From Right of Way and Closest Edge of Canopies 10' From Right of Way)~~
~~Bakeries Retail (Not More Than 4000 Square Feet)~~
~~Banks, Branch Office~~
~~Banks, Main Office~~
~~Barber & Beauty Shops~~
~~Bed & Breakfast~~
~~Bicycle Sales and/or Services~~
~~Billiards & Pool Halls~~
~~Book & Stationary Stores (Up To or Exceeding 3000 Square Feet)~~
~~Bowling Lanes~~
~~Breweries, Distilleries, and Wineries~~
~~Broadcasting Studios~~
~~Carpet Sales & Storage~~
~~Church/Synagogue~~
~~College, University, Technical College or Commercial Trade~~
~~Computer & Data Processing Services~~
~~Contractors Office (No Outside Storage)~~
~~Convenience Stores (No Fuel Pumps)~~
~~Convenience Stores (Pump Islands Shall be 25' from Right of way, Closest Edge of Any Canopies Shall be 10' From Right of Way)~~
~~Convenience Stores (Full Service, Pump Islands Shall be 25' From Right of Way, Closest Edge of Any Canopies Shall be 10' From Right of Way)~~
~~Crafts/Hobby Shops~~
~~Credit and Finance Office~~
~~Cultural and Community Facilities~~
~~Dance Halls Including Night Clubs~~
~~Delicatessens~~
~~Department Stores~~
~~Drug Stores (More Than 3000 Square Feet)~~
~~Dry Cleaning and Laundry Service (Not More Than 3000 Square Feet)~~
~~Duplicating, Mimeographing and Multilithing Operations (More Than 3000 Square Feet)~~
~~Dwelling, Group~~
~~Dwelling, Single Family Detached~~
~~Dwelling, Two Family~~
~~Electronic Product Sales~~
~~Fabric Stores~~
~~Family Care Facility~~
~~Film Drop Off Booth~~

Floor Coverings
 Florist Shops (More Than 3000 Square Feet)
 Funeral Homes
 Furniture and Home Furnishings
 Furniture Repair Including Refinishing and Upholstery
 Garden Supply Store
 Gift Shops (More Than 3000 Square Feet)
 Glass & Mirror Stores (Sales)
 Golf Courses (Miniature)
 Government Offices
 Green Houses, Commercial
 Green Houses, Private (Not To Exceed 1000 Square Feet)
 Guns & Ammunition Sales
 Hardware Stores (Up To or exceeding 3000 Square Feet)
 Health Clubs/Spa
 Hospitals
 Hotels & Motels
 Interior Designers
 Jewelry Sales & Repair
 Laundromats (Up To or Exceeding 3000 Square Feet)
 Libraries
 Lighting Stores
 Liquor (ABC) Stores
 Locksmith and Gunsmith
 Medical & Dental Offices/Clinics
 Medical & Dental Labs
 Movie Theaters (Indoors)
 Museums
 Music Stores
 Music Studio
 Novelty & Souvenir Shops
 Nursery Schools & Day Care Centers
 Office Equipment & Supply Stores
 Optician & Optical Supply Stores
 Paint & Wallpaper Stores
 Parks & Playgrounds
 Pawn & Trade Shops
 Pet Shops
 Pharmaceuticals Sales
 Photography Studios
 Photography Supply Stores
 Produce Stands
 Professional Offices
 Public Utility Office

~~Public Utility Substation~~
~~Publishing and Printing~~
~~Radio & Television Repair Shops~~
~~Radio & Television Sales~~
~~Radio & Television Studios~~
~~Radio & Television Transmission Tower~~
~~Real Estate Services~~
~~Restaurants~~
~~Second Hand Stores and Swap Shops~~
~~Shoe Sales & Repair Stores~~
~~Shoe Store~~
~~Shopping Centers & Malls~~
~~Skating Rinks~~
~~Sporting Goods Stores~~
~~Studios or Specialty Schools~~
~~Supermarkets~~
~~Surveyors Offices~~
~~Taxi Stands~~
~~Travel Agencies~~
~~Youth Day Care~~
~~Also see Permitted Use Chart~~

811.3 Permitted Conditional Uses

~~None~~
~~Dwelling, Multi-Family (3 or more units)~~
~~Dwelling, Single-Family Attached~~
~~See Permitted Use Chart~~
~~Special Review Procedures for Conditional Use Permit~~
~~(see Article IX Section 900)~~

811.4 Area Regulations (Also see Article VII)

~~811.41 Minimum Lot Area—None~~
~~811.42 Minimum Lot Width—None~~
~~811.43 Minimum Front Yard—None~~
~~811.44 Minimum Side Yard—None~~
~~811.45 Minimum Rear Yard—none~~

811.5 Building Height Regulations (Also see Section 706)

~~Maximum building height—80 feet~~

811.6 Off-street Parking and Loading Regulations—None

811.7 On-Street Loading and Unloading Regulations

~~If off-street loading and unloading facilities are not available, and loading and unloading must occur on public streets the following regulations shall be met:~~

~~811.71 One (1) lane of traffic on one-way streets must be left open at all times.~~

~~811.72 No loading or unloading shall take place on streets with two (2) way traffic where only two (2) lanes are available and traffic is opposing.~~

~~811.73 No on-street loading or unloading shall take place where on-street parking is permitted to the extend parked vehicles would not be permitted adequate ingress and egress to parking spaces.~~

~~811.74 No on-street loading or unloading shall take place on streets on the federally aided system, NC 18, US 321 and US 64.~~

~~811.8 Sign Regulations – See Article XI.~~

~~811.9 Landscaping and Buffering Requirements. See Section 712.~~

~~811.10 Light Industrial Uses~~

~~811.101 Outside Storage: No outside storage shall be permitted.~~

~~811.102 Emissions: No outside emissions of dust, smoke or noise shall be caused by manufacturing process.~~

~~811.103 Parking:~~

~~811.1031 Employee parking shall be provided by either on-site or off-site parking.~~

~~811.1032 Parking shall be the responsibility of the occupant of the structure and/or land area used for light industrial purposes.~~

~~811.104 Pretreatment of Sewage: Prior to the issuance of a Certificate of Occupancy a confirmation in writing from the Superintendent of the Lenoir Water and Sewer Treatment Facilities shall be submitted to the Planning Department indicating that all effluent would be acceptable to the Lenoir Sewer System without pretreatment.~~

~~811.105 Hazardous Waste: Storage of hazardous waste in excess of the requirements of the North Carolina State Building Code shall not be permitted. Confirmation in writing from the City Building Inspector as to the hazardous waste requirements shall be submitted to the Planning Department prior to the issuance of a Certificate of Occupancy.~~

~~811.106 Loading and Unloading~~

~~See Article X and Section 807.~~

811.11 Central Business District (B-3) Design Standards

[Editor's Note: Section 811.11 is proposed to remain unchanged in content, with slight changes to numbering. The text of the subsections has been omitted from this ordinance, as indicated by the "****" notation.]

811.14 Design Criteria

~~811.412-2~~ Parking Criteria

~~811.413-3~~ Streetscape Protection

~~812 B-4 (Limited Business)~~

812.1 Intent

This district is to provide for areas which serve the retail service and professional uses. The intent is to provide for the size, scope and scale of the commercial and professional uses in this district that would be compatible and not intrusive, noxious or detrimental with adjacent residential neighborhoods and provide adequate transition between commercial and residential areas. Points of access to public street shall be limited as appropriate and common points of access between lots should be utilized.

812.2 Permitted Uses

Accessory Apartment (Preexisting)
 Accessory Use Or Accessory Bldg. (Non-Residential)
 Accessory Use Or Accessory Bldg. (Residential)
 Accountants Office, Auditors and Bookkeepers
 Adult Day-Care Center
 Advertising Agencies
 Antennas, Radio, TV, Dish Sales
 Antique Shops
 Apparel and Accessory Sales
 Architects Office
 Armories
 Art Galleries
 Art and Drafting Supplies
 Audio & Video Retail, Rental, and Repair Shops
 Automatic Bank Tellers
 Automobile Parking Lots
 Bakeries Retail (Not More Than 4000 Square Feet)
 Banks, Branch Office
 Barber & Beauty Shops
 Bed & Breakfast
 Bicycle Sales and/or Services
 Boarding/Rooming Houses
 Boat Sales and/or Services
 Book & Stationary Stores (No More Than 3000 Square Feet)
 Broadcasting Studios
 Bus Terminals
 Church/Synagogue
 Computer & Data Processing Services
 Contractors Office (No Storage)

Convenience Stores (No Fuel Pumps)
 Country Clubs
 Crafts/Hobby Shops
 Credit and Finance Office
 Crematory (Accessory to Funeral Home Only—see Section 715)
 Cultural and Community Facilities
 Delicatessens
 Drug Stores (Not More Than 3000 Square Feet)
 Dry Cleaning and Laundry Service (Not More Than 3000 Square Feet)
 Duplicating, Mimeographing and Multilithing Operations (Not More Than 3000 Square Feet)
 Dwelling, Group
 Dwelling, Single Family Detached
 Dwelling, Two Family
 Electronic Product Sales
 Fabric Stores
 Family Care Facility
 Film Drop-Off Booth
 Florist Shops (Not More Than 3000 Square Feet)
 Funeral Homes
 Garden Supply Store
 Gift Shops (Not More Than 3000 Square Feet)
 Glass & Mirror Stores (Sales)
 Golf Driving Ranges
 Government Offices
 Green Houses, Commercial
 Green Houses, Private (Not To Exceed 1000 Square Feet)
 Guns & Ammunition Sales
 Hardware Stores (Not More Than 3000 Square Feet)
 Health Clubs/Spa
 Hospitals
 Interior Designers
 Jewelry Sales & Repair
 Kennels Commercial
 Laundromats (Not More Than 3000 Square Feet)
 Lighting Stores
 Locksmith and Gunsmith
 Medical & Dental Offices/Clinics
 Medical & Dental Labs
 Museums
 Music Stores
 Neighborhood Business
 Novelty & Souvenir Shops
 Nurseries and Commercial Greenhouses (Not More Than 3000 Square Feet)
 Nursing, Convalescent & Extended Care Facilities

~~Nursery Schools & Day Care Centers~~
~~Office Equipment & Supply Stores~~
~~Optician & Optical Supply Stores~~
~~Parks & Playgrounds~~
~~Pawn & Trade Shops~~
~~Pet Shops~~
~~Pharmaceuticals Sales~~
~~Photography Studios~~
~~Photography Supply Stores~~
~~Plastic Products (Manufacturing)~~
~~Plumbing & Heating Supplies~~
~~Produce Stands~~
~~Professional Offices~~
~~Public Utility Office~~
~~Public Utility Substation~~
~~Publishing and Printing~~
~~Radio & Television Sales~~
~~Real Estate Services~~
~~Research Activities and Research Development~~
~~Seamstress Shop~~
~~Second Hand Stores and Swap Shops~~
~~Shoe Store~~
~~Skating Rinks~~
~~Sporting Goods Stores~~
~~Studios or Specialty Schools~~
~~Supermarkets~~
~~Surveyors Offices~~
~~Travel Agencies~~
~~Veterinarian Office (With No Outside Kennels or Storage of Supplies and Soundproofed Walls)~~
~~Youth Day Care~~
~~Also see Permitted Use Chart~~

812.3 Permitted Conditional Uses

~~Dwelling, Multi Family (3 or More Units)~~
~~Dwelling, Single Family Attached~~
~~See Permitted Use Chart~~
~~Special Review Procedures for Conditional Use Permit (see Article IX, Section 900)~~

812.4 Area Regulations (also see Article VII)

812.41 Minimum Lot Area ~~None~~

812.42 Minimum Lot Width ~~None~~

812.43 Minimum Front Yard

~~812.431 Residential—65' from centerline of street where no recorded right of way exists or 35' from street right of way where the recorded right of way is not less than 40'. Rights of way are to be determined by Caldwell County Tax Maps, recorded plats, recorded subdivision plats, and deed descriptions.~~

812.432 Non Residential

~~A. With side and rear parking 40' from the centerline of street, right of way or 10' from street right of way whichever distance is greater.~~

~~B. With front parking 75 feet from centerline of street or 40 feet from street right of way, whichever distance is greater.~~

812.44 Minimum Side Yard

~~812.441 Residential—10 feet~~

~~812.442 Non Residential~~

~~A. Abutting residential—30 feet~~

~~B. Abutting non-residential none~~

~~812.443 All Lots—abutting side street—25 feet (see Section 701)~~

812.45 Minimum Rear Yard

~~812.451 Residential—20 feet~~

~~812.452 Non-residential~~

~~A. Abutting residential—30 feet~~

~~B. Abutting non-residential—20 feet~~

812.5 Building Height Regulations (also see Section 706)

~~Maximum building height—35 feet~~

812.6 Off Street Parking and Loading Regulations—See Article X

812.7 On Street Loading and Unloading Regulations

~~If off-street loading and unloading facilities are not available, and loading and unloading must occur on public streets, the following regulations shall be met:~~

~~812.71 One (1) lane of traffic on one-way streets must be left open at all times.~~

~~812.72 No loading or unloading shall take place on streets with two-way traffic where only two (2) lanes are available and traffic is opposing.~~

~~812.73 No on-street loading and unloading shall take place where on-street parking is permitted to the extent parked vehicles would not be permitted adequate ingress and egress to parking spaces.~~

~~812.74 No on-street loading or unloading shall take place on streets on the Federally aided system, NC 18, US 321 and US 64.~~

812.8 Sign Regulations—See Article XI

812.9 Landscaping and Buffering Requirements—See Section 712.

813 I-1 (Light Industrial)

813.1 Intent

This district is established to provide wholesale distribution activities, warehousing, retail storage, and certain industrial and fabrication activities which are normally operated in a relatively clean and quite manner and with little or no adverse effect upon adjoining properties. Some mixture of retail, wholesale, and industrial development may occur in this district.

813.2 Permitted Uses

Accessory Apartment (Preexisting)
 Accessory Use or Accessory Building (Non-Residential)
 Accessory Use or Accessory Building (Residential)
 Adult Day Care Center
 Adult Use (Provided They are Located 1000 Feet (Measured From Center of Said Location in a Direct Line) From Any School, Church or Any Residential Zone)
 Amusement Services
 Apparel and Accessory Sales
 Appliance Store
 Armories
 Art Galleries
 Art and Drafting Supplies
 Auction Sales (No Outside Storage)
 Auction Sales (With Outside Storage)
 Audio Video Retail Rental & Repair Shops
 Auditorium, Assembly Hall
 Automatic Bank Tellers
 Automobile Body Shop
 Automobile Parking Lots
 Automobile Parts and Accessories
 Automobile Repair Shop
 Automobile Service Station (Pump Islands Shall be 25' From Right of Way and Closest Edge of Canopies, 10' From Right of Way)
 Automobile & Truck Sales and Service (New or Used)
 Automobile Washing Facilities
 Bakeries Retail (Up To or Exceeding Over 4000 Square Feet)
 Banks, Branch Office
 Barber & Beauty Shops
 Baseball Hitting Ranges
 Bicycle Sales and/or Services
 Boat Sales and/or Services
 Breweries, Distilleries, and Wineries

~~Broadcast Studios~~
~~Building Construction and Supplies~~
~~Bus Terminals~~
~~Cabinet Shops~~
~~Carpet Sales & Storage~~
~~Chemical Manufacturing~~
~~College, University, Technical College or Commercial Trade Schools~~
~~Computer & Data Processing Services~~
~~Contractors Office (General, Electrical, Heating, Air Conditioning etc.) (No Outside Storage)~~
~~Contractors Office and Equipment (General, Electrical, Heating, Air Conditioning etc.) (Storage)~~
~~Convenience Stores (No Fuel Pumps)~~
~~Convenience Stores (Pump Islands Shall Be 25' From Right Of Way, Closest Edge Of Any Canopies Shall Be 10' From Right Of Way)~~
~~Convenience Stores (Full Service, Pump Islands Shall Be 25' From Right Of Way, Closest Edge Of Any Canopies Shall Be 10' From Right Of Way)~~
~~Crafts/Hobby Shops~~
~~Crematory (see Section 715)~~
~~Delicatessens~~
~~Drug Stores (Not more than 3000 Square Feet)~~
~~Drug Stores (Up To or Exceeding 3000 Square Feet)~~
~~Dry Cleaning and Laundry Service (More Than 3000 Square Feet)~~
~~Duplicating, Mimeographing and Multilithing Operations (Not More Than 3000 Square Feet)~~
~~Duplicating, Mimeographing and Multilithing Operations (Up To Or Exceeding 3000 Square Feet)~~
~~Electronic Products Manufacturing~~
~~Electronic Product Sales & Service~~
~~Exterminating Service~~
~~Fabric Stores~~
~~Fabrication or Assembly of Products from Preconstructed Materials or Components~~
~~Farm Machinery Sales and Services~~
~~Farm Supplies~~
~~Film Drop Off Booth~~
~~Firing Range (In Door)~~
~~Flammable Liquids (Bulk Storage)~~
~~Flea Markets~~
~~Floor Coverings~~
~~Furniture And Home Furnishings Sales~~
~~Furniture Repair Including Refinishing And Upholstery~~
~~Garden Supply Store~~
~~Glass & Mirror Stores (Sales)~~
~~Golf Driving Ranges~~
~~Greenhouses – Commercial~~
~~Hardware Stores (Up To Or Exceeding 3000 Square Feet)~~
~~Heavy Equipment Sales & Service~~

~~Laundromats (Not more than 3000 Square Feet)~~
~~Laundromats (Up To Or Exceeding 3000 Square Feet)~~
~~Laundry & Dry Cleaning Plants~~
~~Lawn & Garden Care Supplies~~
~~Lighting Stores~~
~~Linen & Uniform Supply Stores~~
~~Locksmith and Gunsmith~~
~~Lumber and Products (Raw Materials Processing)~~
~~Lumber Yards~~
~~Machine & Welding Shops~~
~~Manufactured Home Sales and/or Recreational Vehicle Sales~~
~~Meat packing Plants~~
~~Metal Fabrication Plants~~
~~Monument Sales~~
~~Motoreycle Sales & Service~~
~~Moving and Storage Operations~~
~~Nurseries and Commercial Greenhouses (Up To Or Exceeding 3000 Square Feet)~~
~~Nursery Schools & Day Care Centers~~
~~Office Equipment & Supply Stores~~
~~Optician & Optical Supply Stores~~
~~Paint & Wallpaper Stores~~
~~Pawn & Trade Shops~~
~~Pharmaceuticals (Sales)~~
~~Pharmaceuticals Manufacturing~~
~~Plastic Products~~
~~Plumbing and Heating Supplies~~
~~Processing Plants~~
~~Produce Stands~~
~~Public Service Facilities~~
~~Public Utility Office~~
~~Public Utility Office and Equipment Storage~~
~~Public Utility Substation~~
~~Radio & Television Repair Shops~~
~~Radio & Television Studios~~
~~Radio & Television Transmission Tower~~
~~Restaurants~~
~~Second Hand Stores and Swap Shops~~
~~Sheetmetal Shops~~
~~Sign Manufacturing and Assembling~~
~~Sign Painting~~
~~Skating Rinks~~
~~Stone and Clay Product Sales~~
~~Studios/Specialty Schools~~
~~Taxi Stands~~

~~Tool and Die Operations~~
~~Truck, Farm Equipment and Heavy Equipment Sales and Services~~
~~Truck Terminals~~
~~Vending Companies~~
~~Veterinarian Office (With No Outside Kennels Or Storage Of Supplies and Soundproofed Walls)~~
~~Veterinarian Office~~
~~Warehouses~~
~~Warehouses (Mini)~~
~~Welding Operations~~
~~Wholesale Operations~~
~~Woodworking Shops~~
~~Youth Day Care~~
~~Also see Permitted Use Chart~~

813.3 Permitted Conditional Uses

~~None~~
~~See Permitted Use Chart~~
~~Special Review Procedures for Conditional Use Permit~~
~~(see Article XI Section 900)~~

813.4 Area Regulations (Also see Article VII)

813.41 Minimum Lot Area ~~—10,000 square feet~~

813.42 Minimum Lot Width ~~—80 feet~~

813.43 Minimum Front Yard ~~—25 feet from right of way~~

813.44 Minimum Side Yard

813.441 Abutting residential or office district ~~—25 feet~~

813.442 Abutting commercial or industrial district ~~—none~~

813.443 All lots ~~—abutting side street — 25 feet~~

813.45 Minimum Rear Yard (See Section 701)

813.451 Abutting residential or office district ~~25 feet~~

813.452 Abutting commercial or industrial district ~~—none~~

813.5 Building Height Regulations (Also see Section 706)

~~Maximum building height —65 feet.~~

~~813.6 Off street Parking and Loading Regulations—~~

~~813.7 Sign Regulations—See Article XI~~

~~813.8 Landscaping and Buffering Requirements—See Section 712~~

~~814 I-2 (Heavy Industrial District)~~

~~814.1 Intent~~

~~This district is established to accommodate those industrial uses which, because of their operation, may be incompatible with surrounding residential and commercial land uses or require large acreage near or adjacent to major thoroughfares and railroad access. Realizing the necessity of providing, maintaining and preserving land areas for industrial development, all residential and commercial uses are prohibited in this zone (except those commercial activities that may be supportive of this district, by special use—such as—restaurants, day care facilities, etc.). Certain heavy industrial operations which, because of the nature of their function, may emit smoke, dust, glare, noise, odors, and use dangerous materials, are allowed in this zone, but such emissions should be minimized.~~

~~814.2 Permitted Uses~~

~~Accessory Apartment (Preexisting)~~

~~Accessory Use Or Accessory Bldg. (Nonresidential)~~

~~Accessory Use Or Accessory Bldg. (Residential)~~

~~Adult Day Care Center~~

~~Amusement Services~~

~~Apparel and Accessory Sales~~

~~Appliance Store~~

~~Armories~~

~~Art Galleries~~

~~Art and Drafting Supplies~~

~~Asphalt Products~~

~~Auction Sales (No Outside Storage)~~

~~Audio Video Retail Rental & Repair Shops~~

~~Auditorium, Assembly Hall~~

~~Automatic Bank Tellers~~

~~Automobile Body Shop~~

~~Automobile Parking Lots~~

~~Automobile Parts and Accessories~~

~~Automobile Repair Shop~~

~~Automobile Service Station (Pump Islands Shall Be 25' From Right Of Way And Closest Edge Of Canopies 10' From Right Of Way)~~

~~Automobile & Truck Sales and Service—(New or Used)~~

~~Automobile Washing Facilities~~

~~Bakeries Retail (Up To Or Exceeding 4000 Square Feet)~~

~~Banks, Branch Office~~
~~Barber & Beauty Shops~~
~~Baseball Hitting Ranges~~
~~Bicycle Sales and/or Services~~
~~Boat Sales and/or Services~~
~~Breweries, Distilleries, and Wineries~~
~~Brick, Tile and Pottery Manufacturing~~
~~Broadcast Studios~~
~~Building Construction and Supplies~~
~~Bus Terminals~~
~~Cabinet Shops~~
~~Carpet Sales & Storage~~
~~Chemical Manufacturing~~
~~College, University, Technical College or Commercial Trade Schools~~
~~Computer & Data Processing Services~~
~~Concrete Products or Production~~
~~Contractors Office and Equipment Storage~~
~~Convenience Stores (No Fuel Pumps)~~
~~Convenience Stores (Pump Islands Shall Be 25' From~~
~~Right Of Way, Closest Edge Of Any Canopies Shall Be 10' From Right Of Way)~~
~~Crafts/Hobby Shops~~
~~Crematory (see Section 715)~~
~~Delicatessens~~
~~Drug Stores (Not more than 3000 Square Feet)~~
~~Drug Stores (Up To or Exceeding 3000 Square Feet)~~
~~Dry Cleaning and Laundry Service (More Than 3000 Square Feet)~~
~~Duplicating, Mimeographing and Multilithing Operations~~
~~Electronic Products Manufacturing~~
~~Electronic Product Sales & Service~~
~~Exterminating Service~~
~~Extraction of Earth Products~~
~~Fabric Stores~~
~~Fabrication or Assembly of Products From Preconstructed Materials or Components~~
~~Farm Machinery Sales and Services~~
~~Farm Supplies~~
~~Feed and Seed Milling and Storage~~
~~Fertilizer Manufacturing and Distribution~~
~~Film Drop Off Booth~~
~~Film Processing Plant~~
~~Firing Range (Indoor)~~
~~Flammable Liquids (Bulk Storage)~~
~~Flea Markets~~
~~Floor Coverings Stores~~
~~Food Processing Plants~~

Foundry
 Furniture And Home Furnishings Sales
 Furniture Manufacturing
 Furniture Repair Including Refinishing And Upholstery
 Garden Supply Store
 Glass and Mirror Manufacturing
 Glass & Mirror Stores
 Golf Driving Ranges
 Greenhouses—Commercial
 Hardware Stores (Up To Or Exceeding 3000 Square Feet)
 Heavy Equipment Sales & Service
 Junk Yards, provided portions within 100 feet of a public street are buffered from view per the buffering specifications of section 712.8 of this ordinance. Existing natural vegetation may be used as a credit for buffering in cases where it meets the screening intent of section 712.8 junk yards in existence at the time of adoption of this ordinance shall have 6 months to comply with the buffering standards.
 Kennels—Commercial
 Laundromats
 Laundry & Dry Cleaning Plants
 Lawn & Garden Care Supplies
 Lighting Stores
 Linen & Uniform Supply Stores
 Locksmith and Gunsmith
 Lumber and Products (Raw Materials Processing)
 Lumber Yards
 Machine & Welding Shops
 Manufactured Home Sales and/or Recreational Vehicle Sales
 Meat Packing Plants
 Metal Fabricating Plants
 Monument Sales
 Motorcycle Sales & Service
 Moving and Storage Operations
 Nurseries and Commercial Greenhouses (Up To Or Exceeding 3000 Square Feet)
 Nursery Schools & Day Care Centers
 Office Equipment & Supply Stores
 Optician & Optical Supply Stores
 Paint & Wallpaper Stores
 Pawn & Trade Shops
 Pharmaceuticals Manufacturing
 Pharmaceuticals Sales
 Plastic Products
 Plumbing and Heating Supplies
 Processing Plants
 Produce Stands

~~Public Service Facilities~~
~~Public Utility Office and Equipment Storage~~
~~Public Utility Substation~~
~~Radio & Television Repair Shops~~
~~Radio & Television Studios~~
~~Radio & Television Transmission Tower~~
~~Restaurants~~
~~Rubber and Glass Products Manufacturing~~
~~Second Hand Stores and Swap Shops~~
~~Sheetmetal Shops~~
~~Sign Manufacturing and Assembling~~
~~Sign Painting~~
~~Skating Rinks~~
~~Stone and Clay Products Manufacturing~~
~~Stone and Clay Products Sales~~
~~Stone Crushing, Cutting and Polishing~~
~~Studios/Specialty Schools~~
~~Taxi Stands~~
~~Textile Manufacturing, Finishing & Dyeing~~
~~Tire Recapping Operations~~
~~Tool and Die Operations~~
~~Truck Terminals~~
~~Truck, Farm Equipment and Heavy Equipment Sales and Services~~
~~Vending Companies~~
~~Veterinarian Office~~
~~Warehouses~~
~~Warehouses (Mini)~~
~~Welding Operations~~
~~Wholesale Operations~~
~~Woodworking Shops~~
~~Youth Day Care~~
~~Also see Permitted Use Chart~~

814.3 ~~Permitted Conditional Uses~~

~~None~~
~~See Permitted Use Chart~~
~~Special Review Procedures for Conditional Use Permit~~
~~(see Article XI Section 900)~~

814.4 ~~Area Regulations~~

814.41 ~~Minimum Lot Area—20,000 square feet~~

814.42 ~~Minimum Lot Width—100 feet~~

~~814.43 Minimum Front Yard—25 feet from right of way~~

~~814.44 Minimum Side Yard~~

~~814.441 Abutting residential or office district—40 feet~~

~~814.442 Abutting commercial or industrial district—None~~

~~814.443 Abutting side street—25 feet (see Section 701)~~

~~814.45 Minimum Rear Yard~~

~~814.451 Abutting residential or office district—40 feet.~~

~~814.452 Abutting commercial or industrial district—None~~

~~814.5 Building Height Regulations (Also see Section 706)~~

~~Maximum building height—65 feet~~

~~814.6 Off Street Parking and Loading Regulations—See Article X.~~

~~814.7 Sign Regulations—See Article XI~~

~~814.8 Landscaping and Buffering Requirements—See Section 712.~~

815 S-1 (Special Use District)

The process of allowing uses beyond what is permitted by right in a particular zoning district through the adoption of a Special Use overlay district via a legislative process followed by the adoption of a Special Use permit via a quasi-judicial process is hereby repealed and replaced with a legislative process of "Conditional Zoning" (see Article VIII, Section 820). Projects previously approved utilizing the Special Use process may continue to function under the terms and conditions set forth under the initial approval of the Special Use permit. Special Use overlay districts shall continue to be depicted on the Official Zoning Map, but in no case shall lands be re-zoned to have Special Use overlay districts in the future. Section 900.8, "Expiration of Permits" shall continue to apply to Special Use permits issued prior to the adoption of this ordinance. If a Special Use permit is allowed to expire, the Special Use overlay district shall also be considered null and void.

Sections 812-815 Reserved.

816 B-5 (Neighborhood Mixed Use) Design and Performance Standards

816.1 Intent

The intent of this district is to protect and foster the architectural and historic residential character of the North Main Street corridor while encouraging the location of aesthetically compatible small-scale commercial activities that will provide basic and specialty consumer needs to the district and the immediate neighborhood.

816.2 Permitted Uses

~~All permitted nonresidential uses are limited to 5,000 square feet, except through approval as a Conditional Use. Buildings containing these uses may be larger to accommodate a mix of commercial and residential uses, but the square footage dedicated to non-residential use cannot exceed 5,000 square feet, except through approval as a Conditional Use.~~

~~Accessory Apartments~~

~~Accessory Cottages~~

~~Accountant's offices, Auditors and Bookkeepers~~

~~Adult Day Care Center~~

~~Advertising agencies~~

~~Antique shops~~

~~Architect's offices~~

~~Art Galleries~~

~~Bakeries Retail (Not more than 4000 sq. ft.)~~

~~Bakeries Wholesale (Up to or exceeding 4000 sq. ft.)~~

~~Banks & other finance offices~~

~~Barber & Beauty Shops~~

~~Bed & Breakfast~~

~~Bicycle Shops~~

~~Book Stores~~

~~Bungalow Courts~~

~~Craft & Hobby Shops~~

~~Crematory (Accessory to Funeral Home Only—see Section 715)~~

~~Day care Centers~~

~~Dwellings, Attached~~

~~Dwellings, Single-family Detached~~

~~Dwellings, Two-family Dwellings, Zero lot line~~

~~Family Care Facility~~

~~Florists / Gift shops~~

~~Funeral Homes~~

~~Interior design consultants~~

~~Medical, dental, optical offices~~

~~Music stores & musical instrument stores~~

~~Parks & Playgrounds~~

~~Photography Studios~~

~~Real Estate Services~~

~~Retirement facilities, including nursing homes, assisted living centers, adult day care, etc.~~

~~Studios for the instruction of dance, music, martial arts etc.~~

~~Surveyor's offices~~

~~Travel agencies~~

~~Other uses may be permitted if they are interpreted by the Board of Adjustment to be similar in nature to those listed above and compatible with the neighborhood.~~

~~Also see Permitted Use Chart~~

816.3 Conditional Uses

Churches/Synagogue

Cultural and Community Facilities

Dwellings, Multi-family (3 or more units)

Museums

Permitted non-residential uses that exceed 5,000 sq. ft. (stand alone or as the non-residential portion of a mixed-use building)

Also see Permitted Use Chart

816.4 Grandfathered Uses and Non-Conforming Uses

Any building or structure in existence at the time this district is adopted is permitted to remain without being subject to any of the appearance improvements of the B-5 zoning district unless it is converted from residential to nonresidential use, is improved beyond 50% of the tax value of the building, or was already a non-conforming structure or use at that the time the district was adopted. Such conversion of use or improvements will subject the building or structure to all applicable appearance criteria of the B-5 zoning district. Furthermore, any existing building or structure that was considered conforming prior to the adoption of this district will be permitted to be rebuilt up to the square footage at the time of adoption of this ordinance should it be destroyed or demolished for any reason. New construction, including additions to or replacements of existing buildings or structures, will be required to adhere to applicable appearance improvements of the B-5 zoning district.

Any parcel at the time this district is adopted which contains facilities for multi-family use may continue to be used and maintained for such multi-family facilities provided that the total number of dwelling units on the parcel does not increase. An inventory prepared by the Lenoir Planning Department prior to the adoption of this ordinance will be the final authority in determining the number of multi-family units in existence on each individual parcel of land. Should any multi-family unit(s) be destroyed, removed, condemned, or otherwise eliminated, such units may not be replaced if the total number of multi-family units on any parcel would exceed three units.

Multi-family units in existence at the time this district is adopted which are not occupied within 24 months of the adoption of this district shall be considered non-conforming and shall not be permitted for occupancy thereafter.

816.5 Area Requirements

Minimum Lot Size:	None
Minimum Lot Width:	40 ft. (single family residential) 50 ft. (all other uses)
Minimum Front Yard Setback (residential)	20 ft., or the average of structures on adjoin lots if less than 20 ft
Minimum Front Yard Setback (non-residential)	10 ft. from back-of-curb for the provision of sidewalk/streetscape improvements. No other applicable setback.
Minimum Side Yard setback	0 ft. (abutting non-residential) 7 ft. (residential) *See Sec. 712 for required bufferyards
Minimum Rear Yard Setback	20 ft.
Maximum Building Height	35 ft. 65 ft. by Conditional Use Permit

Sections 816.1-816.5 Reserved.

[Editor's Note: Sections 816.6-817.15 are proposed to remain unchanged in content or numbering and the text has been omitted from this ordinance, as indicated by the "*****" notation.]

817 B-6 (~~Exclusive~~ Transitional Business District) Design Standards

817.1 Intent

~~This district is intended to serve the needs of the traveling public as well as provide convenience goods and services to surrounding residential neighborhoods. This district is further intended to promote commercial activity in a high-volume traffic corridor that is in close proximity to well-established, economically healthy residential neighborhoods. Therefore, it is imperative that future developments in the B-6 zoning district accomplish two goals. First, future development should promote the dominant architectural character of the area through design and construction of buildings that are aesthetically compatible with the surrounding neighborhoods. Second, the existing neighborhoods should be protected from the negative impacts of highway corridor development through the implementation of dense landscape buffers and screening.~~

817.2 Permitted Uses

~~All permitted uses are limited to 5,000 square feet gross floor area per building. No permitted use shall be staffed and open for business between the hours of 1:00 a.m. and 6:00 a.m. (Product listings includes their sale and service, but shall not be stored outdoors.)~~

~~Accessory Uses and Accessory Buildings, provided they have the same exterior facade as the principal building.~~

~~Accounting & Bookkeeping Offices~~

~~Advertising Agencies~~

~~Antique Shops~~

~~Apparel Shops~~

~~Architects Offices~~

~~Art Galleries~~

~~Art & Drafting Supply Sales~~

~~Automatic Teller Machines~~

~~Bakeries~~

~~Banks~~

~~Barber & Beauty Shops~~

~~Book Stores~~

~~Candy Stores~~

~~Computer Sales & Service~~

~~Copying Services~~

~~Craft & Hobby Shops~~

~~Credit & Finance Offices~~

~~Drug Stores~~

~~Dwellings, Single-family Detached~~
~~Electronics Sales & Service~~
~~Fabric Stores~~
~~Florist Shops~~
~~Gift Shops~~
~~Government Offices~~
~~Greenways~~
~~Grocery Stores~~
~~Hardware Stores~~
~~Home Furnishing Stores~~
~~Insurance Offices~~
~~Interior Design Studios~~
~~Jewelry Sales & Repair~~
~~Lighting Stores~~
~~Medical & Dental Offices, Clinics and Laboratories~~
~~Music Stores~~
~~Musical Instrument Sales & Services~~
~~Office Equipment & Supply Stores~~
~~Photography Studios~~
~~Photography Supply Stores~~
~~Public Utility Offices~~
~~Real Estate Offices~~
~~Rent-to-Own Stores~~
~~Restaurants, excluding drive-through and drive-in service~~
~~Seamstress and dressmaking shops~~
~~Studios and Specialty Schools~~
~~Surveyors Offices~~
~~Travel Agencies~~
~~See Permitted Uses Chart~~

817.3 Conditional Uses

~~Churches, Synagogues, Mosques, and similar places of worship~~
~~See Permitted Uses Chart and Table~~

817.4 Area Regulations

817.41 Minimum Lot Size: 10,000 square feet.

817.42 Minimum Lot Width: 100 feet.

817.43 Minimum Front Yard: 40 feet with front yard parking; 10 feet with side and/or rear parking.

817.44 Minimum Side Yard: 30 feet when abutting residentially zoned property; 10 feet when abutting non-residentially zoned property; 25 feet when abutting a side street.

~~817.45 Minimum Rear Yard: 30 feet when abutting residentially zoned property; 10 feet when abutting non-residentially zoned property; 25 feet when abutting a rear street.~~

~~817.46 Maximum Building Height: 25 feet~~

~~Reserved: Sections 817.1-817.4~~ Reserved.

[Editor's Note: Sections 817.5-817.15 are proposed to remain unchanged in content or numbering and the text has been omitted from this ordinance, as indicated by the "****" notation.]

~~Reserved: Section 818~~ Reserved.

~~818 B-7 (Planned Highway Business District)~~

~~818.1 Intent~~

~~The purpose of this district is to provide areas along major thoroughfares for large-scale commercial activities that require large acreage and are conducive to planned developments with a variety of complementary land uses, as opposed to typical highway strip development. Property in this zoning district should be of adequate size and dimension to employ interior service roads, thereby minimizing the number of driveway connections to arterials. The retail and service establishments allowed within this district are intended to serve both local and regional consumers.~~

~~818.2 Permitted Uses (product listings includes their sale and service)~~

~~Accessory Use or Accessory Bldg. (Non-Residential)~~

~~Accountants Office, Auditors and Bookkeepers~~

~~Adult Day Care Centers~~

~~Advertising Agencies~~

~~Amusement Services (Indoors only)~~

~~Antique Shops~~

~~Apparel and Accessories~~

~~Appliance Stores~~

~~Architects Offices~~

~~Art Galleries~~

~~Art and Drafting Supplies~~

~~Auction Sales (No Outside Storage)~~

~~Audio & Video Retail, Rental, and Repair Shops~~

~~Auditorium, Assembly Hall~~

~~Automatic Bank Tellers~~

~~Automobile Parking Lots~~

~~Automobile Parts and Accessories~~

~~Automobile Washing Facilities (Automated Only)~~

~~Bakeries~~

~~Banks~~

~~Barber & Beauty Shops~~
~~Beach Bingo (Inside Only)~~
~~Bed & Breakfasts~~
~~Bicycle Shops~~
~~Book & Stationary Stores~~
~~Bowling Lanes~~
~~Broadcasting Studios~~
~~Building Construction and Supplies (Inside Storage Only)~~
~~Colleges and Trade Schools~~
~~Computer and Data Processing Services~~
~~Contractors Offices (No Outside Storage)~~
~~Convention Centers and Facilities~~
~~Copying & Duplicating Services~~
~~Crafts/Hobby Shops~~
~~Credit and Finance Offices~~
~~Crematory (Accessory to Funeral Home Only—see Section 715)~~
~~Cultural and Community Facilities~~
~~Delicatessens~~
~~Department Stores~~
~~Drug Stores~~
~~Dry Cleaning and Laundry Services~~
~~Electronic Product Sales & Services~~
~~Fabric Stores~~
~~Film Drop-Off Booths~~
~~Floor Coverings~~
~~Florist Shops~~
~~Funeral Homes~~
~~Furniture and Home Furnishings~~
~~Garden Supply Stores~~
~~Gift Shops~~
~~Glass & Mirror Stores~~
~~Golf Courses~~
~~Golf Courses (Miniature)~~
~~Government Offices~~
~~Guns & Ammunition Sales~~
~~Hardware Stores~~
~~Health Clubs/Spas~~
~~Hospitals~~
~~Hotels & Motels~~
~~Interior Designers~~
~~Jewelry Sales & Repair~~
~~Lawn & Garden Care Supplies~~
~~Libraries~~
~~Lighting Stores~~

~~Liquor Stores~~
~~Medical & Dental Offices/Clinics~~
~~Medical & Dental Labs~~
~~Monument Sales~~
~~Movie Theaters (Indoor)~~
~~Museums~~
~~Music Stores~~
~~Music Studios~~
~~Novelty & Souvenir Shops~~
~~Nurseries and Commercial Greenhouses~~
~~Nursery Schools & Day Care Centers~~
~~Office Equipment & Supply Stores~~
~~Optician & Optical Supply Stores~~
~~Paint & Wallpaper Stores~~
~~Parks & Playgrounds~~
~~Pet Shops~~
~~Pharmaceuticals Sales~~
~~Photography Studios~~
~~Photography Supply Stores~~
~~Professional Offices~~
~~Public Utility Offices~~
~~Public Utility Substations~~
~~Publishing and Printing~~
~~Radio & Television Repair Shops~~
~~Radio & Television Sales~~
~~Radio & Television Studios~~
~~Real Estate Services~~
~~Research and Development Activities~~
~~Restaurants, excluding drive through and drive in service~~
~~Seamstress Shops~~
~~Shoe Sales & Repair Stores~~
~~Shoe Stores~~
~~Shopping Centers & Malls (Subject To The Use Limitations of This District)~~
~~Sporting Goods Stores~~
~~Stone and Clay Product Sales~~
~~Studio and Specialty Schools~~
~~Supermarkets~~
~~Surveyors Offices~~
~~Travel Agencies~~
~~Trade Centers~~
~~Veterinarians Office (No Outdoor Kennels)~~
~~See Permitted Use Chart~~

818.3 Permitted Conditional Uses

None

~~818.4 Area Regulations (Also See Article VII)~~

~~818.41 Minimum Lot Area—20,000 square feet.~~

~~818.42 Minimum Lot Width—100 feet.~~

~~818.43 Minimum Front Yard—50 feet from the adjoining street right of way where the right of way is wider than 60 feet; 25 feet from the adjoining street right of way where the right of way is 60 feet or less.~~

~~818.44 Minimum Side Yard~~

~~818.441 A. Abutting residential zoning—100 feet;~~

~~B. Abutting non-residential zoning—10 feet;~~

~~C. Abutting side street—25 feet.~~

~~818.45 Minimum Rear Yard~~

~~818.451 A. Abutting residential zoning—100 feet;~~

~~B. Abutting non-residential zoning—10 feet.~~

~~818.5 Building Height Regulations (Also see Section 706)~~

~~Maximum building height—35 feet.~~

~~818.6 Off Street Parking and Loading Regulations—See Article X~~

~~818.7 Sign Regulations—See Article XI.~~

~~818.8 Landscaping and Buffering Requirements—See Section 712~~

~~818.9 Pretreatment of Sewage—Prior to the issuance of a Certificate of Occupancy, a confirmation in writing from the Superintendent of the Lenoir Water and Sewer Treatment Facilities shall be submitted to the Planning Department indicating that all effluent would be acceptable to the Lenoir Sewer System without pre-treatment.~~

819 S-2 (North Main Street Special Overlay District)

[Editor's Note: Section 819 is proposed to remain unchanged in content or numbering and the text has been omitted from this ordinance, as indicated by the "****" notation.]

820 Additional Procedures for Conditional Zoning District Map Amendments

[Editor's Note: Section 820 is proposed to remain unchanged in content or numbering and the text has been omitted from this ordinance, as indicated by the "*****" notation.]

SECTION 6. Appendix A, Article X of the Code of Ordinances, City of Lenoir, North Carolina, "Off-Street Parking and Loading Requirements" is hereby amended to read as follows:

ARTICLE X. OFF-STREET PARKING AND LOADING REQUIREMENTS

1001 Off-Street Loading and Unloading Spaces

1001.1 Off-Street Loading and Unloading Spaces - Every lot on which a retail or wholesale business, trade or industry is hereafter established shall provide space indicated herein for the loading and unloading of vehicles off the street, except in the B-3 Central Business District. For the purpose of this section, an off-street loading space shall have minimum dimensions of twelve (12) feet by forty (40) feet and be clear and free of obstruction at all times. However, the minimum loading requirements shall meet the needs of each individual use.

Required space shall be considered as follows:

1001.11 Retail Business - One (1) space for the first five thousand (5,000) square feet gross floor area and one additional space for each additional five thousand (5,000) square feet gross floor area or increment thereof. If contiguous uses are under single ownership, gross floor area may be totaled to calculate spaces.

1001.12 Wholesale, Industrial, Governmental, and Institutional Uses - One (1) space for the first twenty-five thousand (25,000) square feet of gross floor area. For anything in excess of twenty-five thousand (25,000) square feet, such uses shall provide loading spaces according to the following schedule:

Square Feet	No. of Spaces
25, 000—99, 000	2
100,000—159,999	3
160,000—239,999	4
240,000—349,999	5
Additional 100,000 or fraction thereof	1 additional

1001.2 Loading Spaces Adjacent to Sidewalks - Where a loading space is adjacent to a public sidewalk or other public pedestrian way, it shall be so located, arranged, and improved with curbs or barriers, as to provide adequate protection for pedestrians.

1001.3 Maneuvering Areas - All off-street maneuvering areas shall be designed so that vehicles do not obstruct traffic during maneuvering. Any loading space provided shall not use any street or street right-of-way for egress or ingress maneuvering.

1001.4 On-Street Loading and Unloading Regulations

If off-street loading and unloading facilities are not available, and loading and unloading must occur on public streets the following regulations shall be met:

- a) One (1) lane of traffic on one-way streets must be left open at all times.
- b) No loading or unloading shall take place on streets with two (2) way traffic where only two (2) lanes are available and traffic is opposing.
- c) No on-street loading or unloading shall take place where on-street parking is permitted to the extent parked vehicles would not be permitted adequate ingress and egress to parking spaces.
- d) No on-street loading or unloading shall take place on streets on the federally aided system, NC 18, US 321 and US 64.

SECTION 7. CODIFICATION. The City Clerk shall cause the Code of Ordinances of Lenoir, North Carolina to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 8. EFFECTIVE DATE. This ordinance takes effect upon adoption.

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

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

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

Mayor/Mayor Pro Tempore

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

City Clerk

***[Remainder of page intentionally left blank.]**



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

CITY COUNCIL
J. T. BEAL
T. H. PERDUE
J. I. PERKINS
T. J. ROHR
D. F. STEVENS
C. D. THOMAS
B. K. WILLIS

RESOLUTION

**RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APROVAL
OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL
STATUTE 160A-20**

WHEREAS, the City of Lenoir, North Carolina, desires to finance a MeterSYS AMI Project (the "Project") to better serve the citizens of Lenoir; and

WHEREAS, the City of Lenoir, North Carolina, plans to finance the project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Lenoir, North Carolina, meeting in regular session on the 19th day of March, 2019, make the following findings of fact:

1. The proposed contract is necessary or expedient because it is necessary for the City of Lenoir to upgrade the City's water metering system to improve accuracy and increase efficiency.
2. The proposed contract is preferable to a bond issue for the same purpose because the loan is at a lower percent of interest.
3. The sums to fall due under the contract are adequate and not excessive for the proposed purpose because the loan rate is 2.925 percent interest.
4. The City of Lenoir, North Carolina, debt management procedures and policies are good because as concluded in the financial audit, the debt management policies of the City of Lenoir have been carried out in strict compliance with law, or provide assurances that debt management will hence forth be so carried out.
5. The City of Lenoir, North Carolina, is not in default in any of its debt service obligations.

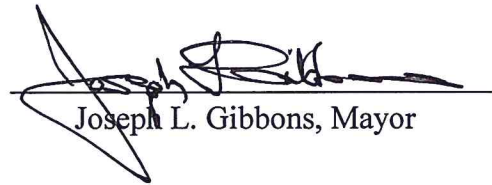
6. The attorney for the City of Lenoir, North Carolina, has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to act on behalf of the City of Lenoir, North Carolina, in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

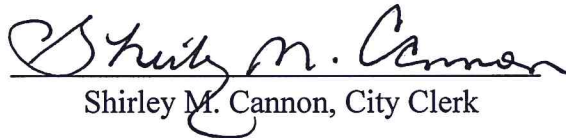
This resolution is effective upon its adoption this 19th day of March, 2019.

The motion to adopt this resolution was made by City Councilmember Thomas, seconded by n/a and passed by a vote of 5 to 0.

SEAL


Joseph L. Gibbons, Mayor

ATTEST:


Shirley M. Cannon, City Clerk

CERTIFICATION STATEMENT

This is to certify that this is a true and accurate copy of Resolution No. n/a adopted by the City of Lenoir City Council on the 19th day of March, 2019.


Shirley M. Cannon, City Clerk

3-19-2019
Date



All of **us** serving you®

Government Leasing and Finance

February 22, 2019

City of Lenoir, NC

At your request, U.S. Bancorp Government Leasing and Finance, Inc. ("USBGLF") has prepared for your consideration the following proposal for financing ("Proposal"). **This is only a proposal and does not represent a commitment by U.S. Bancorp Government Leasing and Finance, Inc.**

Interest Rate: 2.925%

Rate Expiration: May 20, 2019

Amortization Schedule: Attached

RFP Part B: Agreed

Funds will be deposited into a no fee U.S. Bank N.A. escrow account at closing. We expect to use standard documentation and no external counsel. Prepayment is permitted after 13 months on any payment date at the lower of a break funding fee or 103% of outstanding balance. If the funding amount is over \$5 million, a tax opinion will be required from nationally recognized "Red Book" bond counsel. The interest rates quoted are good for either bank qualified or non-bank qualified financing.

The financing will be structured as a Master Tax-exempt Installment Payment Plan, with title in the Borrower's name and USBGLF holding a security interest in the equipment during the term. The Installment Payment Plan is "triple-net" with the Borrower responsible for taxes, maintenance and insurance. Documentation will be provided by USBGLF, including (i) standard representations, warranties and covenants by the Borrower pertaining to the accuracy of information, organization, authority, essential use, compliance with laws, pending legal action, location and use of collateral, insurance, financial reporting and financial covenants; and (ii) standard USBGLF provisions pertaining to events of default and remedies available upon default. This offer is subject to the execution of all documentation by the Borrower within a reasonable time and in form and substance acceptable to Borrower, USBGLF and USBGLF's counsel, including terms and conditions not outlined in this Proposal.

This Proposal is conditioned on there being no material adverse change in the financial condition of the Borrower. Additionally, the terms and conditions outlined herein are subject to final review and approval (including collateral and essential use review) by USBGLF's business, legal, credit, and equipment risk management personnel. If you would like to proceed, please complete the Essential Use Application and return along with a link to your 3 most recent Comprehensive Annual Financial Reports.

Thank you for the opportunity to present this proposal. Other financing options are available on request.

Sincerely,

Denise Beauchamp

Denise Beauchamp
Vice President
Direct (904) 284-3520
denise.beauchamp@usbank.com

All of **us** serving you®

Government Leasing and Finance

Quote #PQ-25425.....GLF Muni Tax-Exempt_Periodic

Average life.....5.222 years

Average rate.....2.92500000%

date	starting balance	takedowns	debt service	interest	principal	ending balance
4/11/2019	\$ -	\$ 4,400,000.00	\$ -	\$ -	\$ -	\$ 4,400,000.00
10/1/2019	\$ 4,400,000.00	\$ -	\$ 280,775.00	\$ 60,775.00	\$ 220,000.00	\$ 4,180,000.00
4/1/2020	\$ 4,180,000.00	\$ -	\$ 281,132.50	\$ 61,132.50	\$ 220,000.00	\$ 3,960,000.00
10/1/2020	\$ 3,960,000.00	\$ -	\$ 277,915.00	\$ 57,915.00	\$ 220,000.00	\$ 3,740,000.00
4/1/2021	\$ 3,740,000.00	\$ -	\$ 274,697.50	\$ 54,697.50	\$ 220,000.00	\$ 3,520,000.00
10/1/2021	\$ 3,520,000.00	\$ -	\$ 271,480.00	\$ 51,480.00	\$ 220,000.00	\$ 3,300,000.00
4/1/2022	\$ 3,300,000.00	\$ -	\$ 268,262.50	\$ 48,262.50	\$ 220,000.00	\$ 3,080,000.00
10/1/2022	\$ 3,080,000.00	\$ -	\$ 265,045.00	\$ 45,045.00	\$ 220,000.00	\$ 2,860,000.00
4/1/2023	\$ 2,860,000.00	\$ -	\$ 261,827.50	\$ 41,827.50	\$ 220,000.00	\$ 2,640,000.00
10/1/2023	\$ 2,640,000.00	\$ -	\$ 258,610.00	\$ 38,610.00	\$ 220,000.00	\$ 2,420,000.00
4/1/2024	\$ 2,420,000.00	\$ -	\$ 255,392.50	\$ 35,392.50	\$ 220,000.00	\$ 2,200,000.00
10/1/2024	\$ 2,200,000.00	\$ -	\$ 252,175.00	\$ 32,175.00	\$ 220,000.00	\$ 1,980,000.00
4/1/2025	\$ 1,980,000.00	\$ -	\$ 248,957.50	\$ 28,957.50	\$ 220,000.00	\$ 1,760,000.00
10/1/2025	\$ 1,760,000.00	\$ -	\$ 245,740.00	\$ 25,740.00	\$ 220,000.00	\$ 1,540,000.00
4/1/2026	\$ 1,540,000.00	\$ -	\$ 242,522.50	\$ 22,522.50	\$ 220,000.00	\$ 1,320,000.00
10/1/2026	\$ 1,320,000.00	\$ -	\$ 239,305.00	\$ 19,305.00	\$ 220,000.00	\$ 1,100,000.00
4/1/2027	\$ 1,100,000.00	\$ -	\$ 236,087.50	\$ 16,087.50	\$ 220,000.00	\$ 880,000.00
10/1/2027	\$ 880,000.00	\$ -	\$ 232,870.00	\$ 12,870.00	\$ 220,000.00	\$ 660,000.00
4/1/2028	\$ 660,000.00	\$ -	\$ 229,652.50	\$ 9,652.50	\$ 220,000.00	\$ 440,000.00
10/1/2028	\$ 440,000.00	\$ -	\$ 226,435.00	\$ 6,435.00	\$ 220,000.00	\$ 220,000.00
4/1/2029	\$ 220,000.00	\$ -	\$ 223,217.50	\$ 3,217.50	\$ 220,000.00	\$ 0.00

total		\$ 4,400,000.00	\$ 5,072,100.00	\$ 672,100.00	\$ 4,400,000.00
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CITY OF LENOIR

COUNCIL ACTION FORM

I. Agenda Item: Water Plant Improvements – Change Order No.3 - Final

Background Information: The City of Lenoir has planned the construction of improvements to the Bernhardt Water Treatment Plant which are currently underway. The project generally consists of filter rehabilitations (including underdrains, media, and air scour system), chemical storage tanks and feed pumps in a new building, chemical feed improvements, high service pump station improvements (including two new pumps/motors, one new motor for a recently replaced pump, control valves, starters, and motor control center), sedimentation basin sludge removal improvements, laboratory renovation, SCADA system, and all associated piping, valves, electrical, controls, paving, and appurtenances.

Several changes have been necessary for the proper execution of the construction as outlined in the cover letter from McGill Associates attached to the Change Order documents. The final adjustments are based upon the contractor's schedule of values, as well as some additional work items. These changes will result in a net deduction of \$82,280.15. The original construction amount was \$4,415,000.00. The final construction amount will be \$4,301,419.99 with the final change order execution.

II. Staff Recommendation: Staff recommends City Council approval of Change Order No.3 as recommended by McGill Associates for the Water Treatment Plant Improvements to reflect a net deduction in the contract amount of \$82,280.15.

III. Reviewed by:

City Attorney: _____

Finance Director: _____

Public Works/Public Utilities Director: _____



March 28, 2019

Mr. Radford Thomas
Director of Public Utilities
City of Lenoir
801 West Avenue
Lenoir, North Carolina 28645

RE: Final Adjusting Change Order
Water Treatment Plant Improvements
City of Lenoir, North Carolina

Dear Mr. Thomas:

Please find enclosed for your review and approval *Change Order No. 3 – Final* for the Water Treatment Plant Improvements project for the City of Lenoir. The final adjusting change order includes the final quantity adjustments to the project. These final adjustments are based upon the contractor's schedule of values, as well as some additional work items.

The amount of the final adjusting change order will result in a deduction of \$82,280.15. The original construction contract amount was \$4,415,000.00. With the execution of this final change order the final construction contract amount will be in the amount of \$4,301,419.99. Should you have any questions regarding this change order submittal package please do not hesitate to contact us at (828) 328-2024.

Sincerely,
McGILL ASSOCIATES, P.A.

A handwritten signature in blue ink, appearing to read 'Michael Patton'.

MICHAEL PATTON
Construction Services Manager

Enclosures

:mp

L:\Hickory\Projects\2015 PROJECTS\15.01103 CITY OF LENOIR - DWSRF WTP Improvements\04_Construction Phase\ChangeOrders\Change Order 3 - Final Adjusting CO\FinalAdjCO Cvr Ltr.docx

Date of Issuance: March 28, 2019	Effective Date: March 28, 2019
Owner: City of Lenoir	Owner's Contract No.: WIF-1875
Contractor: Frizzell Construction Company, Inc.	Contractor's Project No.:
Engineer: McGill Associates, P.A.	Engineer's Project No.: 15.01103
Project: Lenoir WTP Improvements	Contract Name:

The Contract is modified as follows upon execution of this Change Order:

Description: Adjustment of the Contract Price in order to deduct project work items

Attachments: Change Order Summary, with Contractor's change order request documentation

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES [note changes in Milestones if applicable]
Original Contract Price: \$ 4,415,000.00	Original Contract Times: Substantial Completion: 480 Ready for Final Payment: 510 days or dates
[Increase] [Decrease] from previously approved Change Orders No. 1 to No. 2: \$ 31,299.86 (Cumulative decrease from original contract amount)	[Increase] [Decrease] from previously approved Change Orders No. 1 to No. 2: Substantial Completion: 63 Ready for Final Payment: 63 days
Contract Price prior to this Change Order: \$ 4,383,700.14	Contract Times prior to this Change Order: Substantial Completion: 543 Ready for Final Payment: 573 days or dates
[Increase] [Decrease] of this Change Order: \$ 82,280.15	[Increase] [Decrease] of this Change Order: Substantial Completion: N/A Ready for Final Payment: N/A days or dates
Contract Price incorporating this Change Order: \$ 4,301,419.99	Contract Times with all approved Change Orders: Substantial Completion: 543 Ready for Final Payment: 573 days or dates

RECOMMENDED:		ACCEPTED:		ACCEPTED:	
By: _____	By: _____	By: _____	By: _____	By: _____	By: _____
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)			
Title: _____	Title _____	Title _____			
Date: _____	Date _____	Date _____			

Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____



CHANGE ORDER SUMMARY
City of Lenoir, North Carolina
Frizzell Construction Co.
15.01103 WIF-1875

APPROVED CHANGE ORDER SUMMARY

CO #	Description	Date Approved	# Days	Amounts
1	Upgraded Bfly Vlv Flg's, Hollow Shft, Quazite Box	11/14/2017	5	\$ 12,666.42
2	Various CO Items	7/25/2018	58	\$ (43,966.28)
PREVIOUSLY APPROVED CHANGE ORDER TOTAL			63	\$ (31,299.86)

CHANGE ORDER NO. 3 - PROPOSED CHANGE ORDER DETAILS

CONTRACT AMOUNT REVISIONS				
CO #3	Description	Date Submitted	# Days	Amounts
3-Final	Additional I/O Card for relays to stop 4 flocculators, 2 mixers, 3 raw water pumps	8/23/2018		2,855.00
3-Final	Blower Line Reactor	10/4/2018		1,071.00
3-Final	Chain Link Fence & Gates			(5,000.00)
3-Final	Allowance - Concrete Repairs to Filters			(75,000.00)
3-Final	Laboratory Equipment Allowance Remaining Amount			(4,706.15)
3-Final	Project Plaque			(1,500.00)
Change Order Total			0	\$ (82,280.15)

ADJUSTED CONTRACT AMOUNT	
Original Contract Amount	\$ 4,415,000.00
Executed CO No.1 - Adjusted Contract Amount	\$ 4,427,666.42
Executed CO No.2 - Adjusted Contract Amount	\$ 4,383,700.14
Current Change Order Contract Adjustment	\$ (82,280.15)
Contract Amount Incorporating Final Adjusting Change Order	\$ 4,301,419.99

CITY OF LENOIR
COUNCIL ACTION FORM

- I. Agenda Item:** Update to the General Records Retention and Disposition Schedule in order to be current on standards for records retention.
- II. Background Information:** The records retention and disposition schedule and retention periods governing the records series listed herein are hereby approved by the North Carolina Department of Cultural Resources in accordance with the provisions of Chapters 121 and 132 of the North Carolina General Statutes. It is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to approval of either party to this agreement.

The local government agency agrees to comply with 07 NCAC 04M .0509 (Destruction of Records in State Records Center) when deciding on a method of destruction. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed. However, records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule. Public records, including electronic records, not listed in this schedule are not authorized to be destroyed.

- III. Staff Recommendation:** Approve the resolution by the N.C. Department of Cultural Resources as submitted.

- IV. Reviewed by:**

City Attorney:

Finance Director:

Public Works/Public Utilities Director:

Planning Director:

Recreation Director:

2019 Local Government Agencies General Records Retention and Disposition Schedule

The records retention and disposition schedule and retention periods governing the records series listed herein are hereby approved. In accordance with the provisions of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement. The local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed. However, records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule. **Public records, including electronic records, not listed in this schedule are not authorized to be destroyed.**

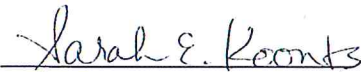
All local government agencies and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods that allow these records to be destroyed when "*reference value ends*." All local government agencies hereby agree that they will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "*destroy when reference value ends*." If a local government agency does not establish internal policies and retention periods, the local government agency is not complying with the provisions of this retention schedule and is not authorized by the Department of Natural and Cultural Resources to destroy the records with the disposition instruction "*destroy when reference value ends*."

All local government agencies and the Department of Natural and Cultural Resources concur that the long-term and/or permanent preservation of electronic records requires additional commitment and active management by the agency. Agencies agree to comply with all policies, standards, and best practices published by the Department of Natural and Cultural Resources regarding the creation and management of electronic records.

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule supersedes the general standards in all previous local government retention and disposition schedules and is to remain in effect from the date of approval until it is reviewed and updated.

APPROVAL RECOMMENDED

Municipal/County Clerk or Manager
Title: _____


Sarah E. Koonts, Director
Division of Archives and Records

APPROVED

Head of Governing Body
Title: _____


Susi H. Hamilton, Secretary
Department of Natural and Cultural
Resources

Municipality/County: _____

07 NCAC 04M .0509 DESTRUCTION OF RECORDS IN STATE RECORDS CENTER

Records transferred to the State Records Center according to Rule .0501 of this Section shall retain the same records retention and disposition schedule as when they were transferred. If the disposition of transferred records is destruction, the records shall not be destroyed until the agency with legal custody concurs in writing.

*History Note: Authority G.S. 121-4(2); 121-5(b),(c),(d); 132-8.1; 143B-62(2)b;
Eff. February 1, 1985;
Amended Eff. June 1, 2014;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

2019 LOCAL GOVERNMENT AGENCIES GENERAL RECORDS RETENTION AND DISPOSITION SCHEDULE

Records Series

Standard 1: Administration and Management Records

- Abstracts of Municipal Elections
- Accreditation Records
- Administrative Directives, Regulations, and Rules
- Agenda and Meeting Packets
- Applications for Appointment
- Appointment Reports
- Audio and Video Recordings of Meetings
- Audits: Performance
- Blueprints and Specifications
- Bonds
- Bulletins
- Business Certification Records
- Business Development Subject File
- Calendars of Events and Appointments
- Census Project Records
- Charter Records
- Citizen Comments, Complaints, Petitions, and Service Requests
- Citizen Rebate Program Records
- Citizen Surveys
- Collected Data
- Comprehensive Plan
- Correspondence and Memoranda
- Customer Call Center Recordings
- Equipment and Vehicle Maintenance, Repair, and Inspection Records
- Equipment and Vehicle Reference Records
- Equipment, Facility, and Vehicle Usage Records
- Facility Maintenance, Repair, and Inspection Records
- Forms and Templates
- Governing and Advisory Body Member Files
- Grant Proposals
- Grants
- History Records (Agency and Employees)
- Improper Conduct Investigations
- Indices
- Interagency Programs
- Inventories
- Legislation and Regulatory Records

Logistics Materials
Mail: Undeliverable/Returned
Mailing and Distribution Records
Membership Records
Minutes of Public Bodies
Minutes (Staff Meetings)
Miscellaneous (Non-Building) Applications, Licenses, and Permits
Notices of Public Meetings
Office Security Records
Ordinances
Pest Control
Policies and Procedures
Poll List/Registration List/Roster/Authorization to Vote (ATV)
Price Quotations
Proclamations and Orders
Projects
Property Management Records
Rate and Fee Schedules
Records Management
Reference (Reading) File
Reports and Studies
Requests for Information
Requests for Proposals (RFP)
Resolutions
Surplus Property
Tracking Materials
Travel Requests
Vehicle Registration Cards
Work Orders

Standard 2: Budget, Fiscal, and Payroll Records

Accounts Payable
Accounts Receivable
Accounts Uncollectable
Annual Budget
Arbitrage Records
Audits: Financial
Authorization Forms
Bank Statements and Reconciliations
Bids for Disposal of Property
Bids for Purchase
Bond Closing Records
Bond Register
Bonds, Notes, and Coupons
Budget Administration Records

Budget Execution Records
 Budget Reports
 Budget Requests and Working Papers
 Budget Resolutions and Ordinances
 Cost Allocation Plans
 Credit/Debit/Procurement Card Records
 Donations and Solicitations
 Electronic Funds Transfers (EFT)
 Escheats and Unclaimed Property
 Financial Journals and Ledgers
 Financial Reports
 Government Employees Retirement System Monthly Reports
 Grants: Financial
 Investments
 Loan Records
 Local Government Commission Financial Statements
 Longevity Pay
 Payment Card Data
 Payroll and Earnings Records
 Payroll Deduction Records
 Powell Bill Records
 Purchase Orders
 Qualified Products Lists (QPL)
 Requisitions
 Scholarship Records
 Shift Premium Pay
 Statements of Back Pay
 Tax Forms
 Tax Returns
 Time Sheets, Cards, and Attendance Records
 Travel Reimbursements
 Vendors

Standard 3: Geographic Information System (GIS) Records

Geographic Information System (GIS) Core Data
 Geographic Information System (GIS) Data Documentation (Metadata)
 Geographic Information System (GIS) Internal Standards and Procedures
 Geographic Information System (GIS) Monitoring Records
 Geographic Information System (GIS) Operational Records
 Geographic Information System (GIS) Project Records
 Layers: Address Points
 Layers: Corporate Limits
 Layers: Extraterritorial Jurisdictions
 Layers: Orthoimagery
 Layers: Street Centerline

Mapping Project Records

Maps: Parcel

Maps: Parks

Maps: All Other

Standard 4: Information Technology (IT) Records

Audits: IT Systems

Computer and Network Usage Records

Data Documentation Records

Data Migration Records

Data Warehouses

Digitization and Scanning Records

Electronic Records Policies and Procedures

Information Technology Assistance Records

Network and System Security Records

Network Diagrams

Project Documentation

Software License and Copyright Provisions Records

System Access Records

System Documentation Records

System Maintenance Records: Hardware Repair or Service

System Maintenance Records: Records Backups

Technical Program Documentation

Voice over Internet Protocol (VoIP) Records

Web Management and Operations Records: Structure

Standard 5: Legal Records

Affidavits of Publication

Authentications

Civil Rights Case Records

Civil Rights Records

Condemnation Records

Conflict of Interest and Conflict of Commitment Disclosure Statements

Contracts, Leases, and Agreements

Declaratory Rulings

Delegation of Authority Records

Easements and Right-of-Way Agreements

Encroachments

Land Ownership Records

Legal Correspondence

Legal Opinions

Legal Review Records

Litigation Case Records

Oaths of Office

Permissions

Pre-Trial Release Program Records
Reasonable Accommodations
Release Forms
Vehicle Titles

Standard 6: Personnel Records

Abolished Positions
Administrative Investigations
Applications for Employment
Apprenticeship Program Records
Aptitude and Skills Testing Records
Asbestos Training
Benefits Records
Bloodborne Pathogen Training
Certification and Qualification Records
Directories, Rosters, or Indices
Disability Salary Continuation Claims
Disciplinary Actions
Dual Employment
Educational Leave and Reimbursement
Eligibility Records
Employee Assistance Programs
Employment Selection Records
Exit Interview Records
Family Medical Leave Act (FMLA) Records
Grievances
Hazardous Materials Training Records
Internship Program
Law Enforcement Training
Leave Records
Medical Records
Military Leave
Performance Reviews
Personnel Action Notices
Personnel Records (Official Copy)
Personnel Records (Supervisor Copy)
Policies and Procedures (Personnel)
Polygraph Records
Position Classification, Control, and History
Position Descriptions
Position Evaluations
Recruitment Records
Retirement Records
Seasonal and Contract Worker Records
Secondary Employment

- Service Awards and Commendations
- Suggestions and Surveys
- Training and Educational Records
- Unemployment Compensation Claims
- Unemployment Compensation Reports
- Unemployment Insurance
- Verification of Employment Records
- Volunteer Records
- Work Schedules and Assignments
- Workers' Compensation Program Administration
- Workers' Compensation Program Claims

Standard 7: Public Relations Records

- Agency Publications
- Audio-Visual Recordings
- Community Awards
- Conferences and Workshops
- Educational Materials
- Fund Drive and Event Records
- Invitations
- Media File
- Popular Annual Finance Report
- Public Hearings
- Public Records Requests
- Publicity Records
- Social Media
- Speeches
- Website (Electronic)

Standard 8: Risk Management Records

- Accident/Incident Reports (Customer and Employee)
- Asbestos Management Plan
- Declarations and Terminations of States of Emergency
- Disaster and Emergency Management Plans
- Disaster Recovery
- Emergency Drills and Equipment Records
- Employee Security Records
- Fire, Health, and Safety Records
- Fuel Oil Storage Tank Records
- Hazardous Materials Management
- Insurance Policies
- Loss Control Inspection Reports
- Lost, Stolen, or Damaged Property Reports
- Occupational Safety and Health Administration (OSHA)
- Safety Data Sheets

Standard 9: Workforce Development Records

Audit/Audit Resolutions

Local Area Job Training Plan Records

Participant Records

Cannon, Shirley

From: Sweitzer, Emily <Emily.Sweitzer@ncdcr.gov>
Sent: Monday, March 11, 2019 1:37 PM
To: City and County Clerks
Subject: Re: [clerks] 2019 General Schedule for Local Records

Dear Hillary,

Here are the two definitions from Richard Pearce-Moses' *A Glossary of Archival and Records Terminology*, published by the Society of American Archivists in 2005:

Administrative Value: n. ~ The usefulness or significance of records to support ancillary operations and the routine management of an organization.

Reference Value:

n. ~ The usefulness or significance of materials based on their content, independent of any intrinsic or evidential value.

In both cases, we're asking you to make a judgment on how useful the information contained in these records is to *you* and your office. "Reference Value" is generally a more accurate way to describe this as it's used in the schedule, because we're asking you how long you need to *refer* to these records in your course of work. Additionally, a lot of records that have primarily administrative value *don't* have the "fill in the blank" setup, because we've already determined that the records' administrative value to an office is consistent for every agency across the board. For example, a disaster preparedness policy has a retention period of "destroy when superseded/obsolete," because you need only the most current set of information to respond to a disaster appropriately. By contrast, records that have only reference value to an agency are much more likely to vary depending on the individual offices' needs. So we thought it was a better way of communicating our intent in writing the schedule.

As far as setting up a policy goes--the language in the signature page states only that you need to establish internal policies and procedures before you destroy a records series with the retention period "destroy when administrative/reference value ends." It doesn't state how these policies should be established, and doesn't require you to establish them at the exact same time that you sign the schedule. So, if your manager has the authority to set up policy without running it by the council first, you can establish the policy that way if you want. If your council prefers to establish it themselves, that's fine, too. It really just depends on your town's needs and preferences.

No matter what you choose, though, I personally recommend that you *don't* just set a blanket retention period for "administrative/reference value" across the board. Records with these retention periods were given these retention periods because reference value can vary so much from town to town and from records series to records series.

Let us know if you have any follow-up questions!

Sincerely,

The G.S. 132 Files

State Archives of North Carolina

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How to Adopt the New Local Government Retention Schedules

Emily Sweitzer / February 21, 2019

This post is a follow-up to our [January announcement of a new approach to local records schedules in North Carolina](#).

The March 2019 updates to North Carolina Local Government Records Retention Schedules have been signed by the Department of Natural and Cultural Resources. While we're preparing them for publication and adoption, here's what you need to know:

General Records

The universal update covering General Records is taking the form of a General Local Records Retention Schedule. When adopted, it supersedes the following standards on *all* local schedules published prior to March 1, 2019:

- Administration and Management Records
- Budget, Fiscal, and Payroll Records

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- Personnel Records

- Public Relations Records
- Risk Management Records
- Workforce Development Records

To adopt this schedule, the governing board should take action in a regular open meeting—typically as part of the consent agenda or by resolution. The signature page to the schedule should then be signed by the Clerk, Manager, or other Executive Officer; and by the head of the governing body. A *sample* of the new signature page is below so that agencies can begin to familiarize themselves with the language. It is *not* the official version and should not be signed.

2019 Local Government Agencies General Records Retention and Disposition Schedule

The records retention and disposition schedule and retention periods governing the records series listed herein are hereby approved. In accordance with the provisions of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement. The local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed. However, records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule. *Public records, including electronic records, not listed in this schedule are not authorized to be destroyed.*

All local government agencies and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods that allow these records to be destroyed when "reference value ends." All local government agencies hereby agree that they will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." If a local government agency does not establish internal policies and retention periods, the local government agency is not complying with the provisions of this retention schedule and is not authorized by the Department of Natural and Cultural Resources to destroy the records with the disposition instruction "destroy when reference value ends."

All local government agencies and the Department of Natural and Cultural Resources concur that the long-term and/or permanent preservation of electronic records requires additional commitment and active management by the agency. Agencies agree to comply with all policies, standards, and best practices published by the Department of Natural and Cultural Resources regarding the creation and management of electronic records.

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule supersedes the general standards in all previous local government retention and disposition schedules and is to remain in effect from the date of approval until it is reviewed and updated.

APPROVAL RECOMMENDED

Municipal/County Clerk or Manager
Title: _____

Sarah E. Koonts, Director
Division of Archives and Records

APPROVED

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Municipal/County Clerk or Manager

Example Signature Page of the 2019 General Records Retention and Disposition Schedule for Local Government Agencies

Once the official signature page has been signed, please send a copy of it to [a records management analyst](#) via email, fax, or U.S. mail, and keep the original with the full 2019 General Schedule for your own records.

Who Needs to Adopt This Schedule?

The State Archives would like as many agencies using this new schedule as possible. However, since it covers *general* records that are frequently managed by central offices, some county agencies may be able to use it without signing it directly. For example, if the County manages financial, IT, and human resources records for its Register of Deeds, the Register of Deeds may not need to sign this schedule, even though the office would normally sign the schedule for the Register of Deeds' Program Records, once the County Manager has signed it.

On the other hand, some agencies that cover the same county may have a different authority structure and prefer to sign the General Schedule separately, even if some of their administrative support functions are managed by the County, or may manage some of the records on the General Schedule themselves. Agencies that may fall under this category include Boards of Elections and Departments of Social Services.

Whether individual county agencies need to adopt this schedule or not is an internal decision. We recommend agencies discuss the matter with legal counsel and the County Manager's office.



ASHRO
BRING YOUR A STYLE!



REPORT THIS AD

Agencies that are completely independent of the county structure, such as municipalities and regional councils of government, should adopt the 2019 General Schedule in all circumstances.

Program Records

In addition to the 2019 General Schedule, we will be publishing separate retention schedules for the program records of Local Health Departments and of Soil and Water Conservation Districts. These agencies will need to adopt and sign these schedules as

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Once again, please send a copy of your signed signature pages to [a records management analyst](#) via email, fax, or U.S. mail.

What's Next

Watch this space for an announcement once the retention schedules are ready for signature. In January 2020, we intend to repeat this process with a 2020 General Schedule for Local Government Records, as well as the Program Schedules for Agricultural Extensions, County Management, Local Education Agencies, Municipalities, Regional Councils of Government, and Tourism Development Authorities. Subsequent Program Schedules will continue to update on a 5-year rolling cycle.

With that said, this entire process is still a work in progress. We appreciate any feedback or recommendations you have to improve the new system we are putting in place.

Questions? Feedback?

For additional information on this project, please see our [initial announcement post](#). You can also contact Emily Sweitzer at emily.sweitzer@ncdcr.gov.

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RECORDS RETENTION AND DISPOSITION SCHEDULE

GENERAL RECORDS SCHEDULE FOR LOCAL GOVERNMENT AGENCIES



Issued By:



NC DEPARTMENT OF
NATURAL AND CULTURAL RESOURCES

North Carolina Department of Natural and Cultural Resources
Division of Archives and Records
Government Records Section

March 1, 2019

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2019 Local Government Agencies General Records Retention and Disposition Schedule

The records retention and disposition schedule and retention periods governing the records series listed herein are hereby approved. In accordance with the provisions of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement. The local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed. However, records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule. ***Public records, including electronic records, not listed in this schedule are not authorized to be destroyed.***

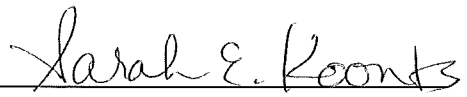
All local government agencies and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods that allow these records to be destroyed when "*reference value ends.*" All local government agencies hereby agree that they will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "*destroy when reference value ends.*" If a local government agency does not establish internal policies and retention periods, the local government agency is not complying with the provisions of this retention schedule and is not authorized by the Department of Natural and Cultural Resources to destroy the records with the disposition instruction "*destroy when reference value ends.*"

All local government agencies and the Department of Natural and Cultural Resources concur that the long-term and/or permanent preservation of electronic records requires additional commitment and active management by the agency. Agencies agree to comply with all policies, standards, and best practices published by the Department of Natural and Cultural Resources regarding the creation and management of electronic records.

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule supersedes the general standards in all previous local government retention and disposition schedules and is to remain in effect from the date of approval until it is reviewed and updated.

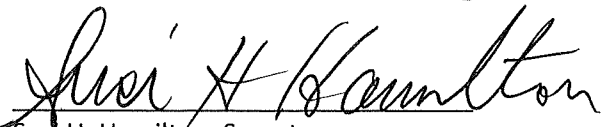
APPROVAL RECOMMENDED

Municipal/County Clerk or Manager
Title: _____


Sarah E. Koonts, Director
Division of Archives and Records

APPROVED

Head of Governing Body
Title: _____


Susi H. Hamilton, Secretary
Department of Natural and Cultural
Resources

Municipality/County: _____

EXECUTIVE SUMMARY

- ✓ According to G.S. § 121-5(b) and G.S. § 132-3, you may destroy public records only with the consent of the Department of Natural and Cultural Resources (DNCR). The State Archives of North Carolina is the division of DNCR charged with administering a records management program. This schedule is the primary way the State Archives of North Carolina gives its consent. Without approving this schedule, your agency is obligated to obtain the State Archives of North Carolina's permission to destroy *any* record, no matter how insignificant.
- ✓ Each records series listed on this schedule has specific disposition instructions that will indicate how long the series must be kept in your office. In some cases, the disposition instructions are simply "retain in office permanently," which means that those records must be kept in your office forever. In other cases, the retention period may be "destroy in office when reference value ends." An agency may have reference copies of materials, meaning "a copy of a record distributed to make recipients aware of the content but not directing the recipient to take any action on the matter" (from Richard Pearce-Moses, *A Glossary of Archival and Records Terminology*). Your agency must establish and enforce internal policies by setting minimum retention periods for the records that the State Archives of North Carolina has scheduled with the disposition instructions, "destroy when reference value ends."
- ✓ E-mail is a record as defined by G.S. § 121-5 and G.S. § 132. It is the content of the e-mail that is critical when determining the retention period of a particular e-mail, including attachments, not the media in which the record was created. It is important for all agency employees and officials to determine the appropriate records series for specific e-mails and retain them according to the disposition instructions.
- ✓ The State Archives of North Carolina recommends that all agency employees and officials view the tutorials that are available online through the State Archives website in order to familiarize themselves with records management principles and practices. The State Archives of North Carolina's online tutorials include topics such as records management and scanning guidelines.
- ✓ The State Archives of North Carolina provides microfilming services for the minutes of major decision-making boards and commissions. Once those records are filmed, we will store the silver halide negative (original) in our security vault. There is a nominal fee for filming and duplicating film. Contact the Records Management Analyst in charge of microfilm coordination for the most current information.

MANAGING PUBLIC RECORDS IN NORTH CAROLINA

Q. What is this “records retention and disposition schedule”?

- A.** This document is a tool for the employees of local government agencies across North Carolina to use when managing the records in their offices. It lists records commonly found in agency offices and gives an assessment of their value by indicating how long those records should be retained. This schedule is also an agreement between your agency and the State Archives of North Carolina.

This schedule serves as the inventory and schedule that the State Archives of North Carolina is directed by G.S. § 121-5(c) and G.S. § 132-8 to provide. It supersedes all previous editions, including all amendments.

Q. How do I get this schedule approved?

- A.** This schedule must be approved by your governing body for use in your agency. That approval should be made in a regular meeting and recorded as an action in the minutes. It may be done as part of the consent agenda, by resolution, or other action.
-

Q. Am I required to have all the records listed on this schedule?

- A.** No, this is not a list of records you must have in your office.
-

Q. What is “reference value”?

- A.** Items containing “reference value” in the disposition instructions are generally records that hold limited value, which is typically restricted to those documenting routine operations within the office. A minimum retention period should be established by the office for any items containing the phrase “destroy in office when reference value ends” in the disposition instructions.
-

Q. Do the standards correspond to the organizational structure of my agency?

- A.** Records series are grouped into standards to make it easier for users to locate records and their disposition instructions. You may find that the groupings reflect the organizational structure of your agency, or you may find that records are located in various standards depending on the content of the record. The intent of the schedule’s organization is to provide an easy reference guide for the records created in your agency.
-

Q. What if I cannot find some of my records on this schedule?

- A.** Sometimes the records are listed in a different standard than how you organize them in your office. Be sure to check the Index and utilize the search function on the PDF version of the schedule to facilitate the location of records series. If you still cannot locate your records on the schedule, contact a Records Management Analyst. We will work with you to amend this records schedule so that you may destroy records appropriately.
-

Q. What are public records?

- A.** The *General Statutes of North Carolina*, Chapter 132, provides this definition of public records:
- “Public record” or “public records” shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government.

Q. Is any person allowed to see my records?

A. Yes, except as restricted by specific provisions in state or federal law. G.S. § 132-6 instructs:

“Every custodian of public records shall permit any record in the custodian’s custody to be inspected and examined at reasonable times and under reasonable supervision by any person, and shall, as promptly as possible, furnish copies thereof upon payment of any fees as may be prescribed by law. ... No person requesting to inspect and examine public records, or to obtain copies thereof, shall be required to disclose the purpose or motive for the request.”

Q. What about my confidential records?

A. Not all government records are open to public inspection. Exceptions to the access requirements in G.S. § 132-6 and the definition of public records in G.S. § 132-1 are found throughout the General Statutes. You must be able to cite a specific provision in the General Statutes or federal law when you restrict or deny access to a particular record.

Q. Am I required to make available to the public copies of drafts that have not been approved?

A. Yes, even if a report, permit, or other record has not been finalized, it is still a public record subject to request. Any record that is not confidential by law must be provided when a request is received, whether it is “finished” or not.

Q. What do I do with permanent records?

A. Permanent records should be maintained in the office that created the records, forever.

The Department of Natural and Cultural Resources (DNCR) is charged by the General Assembly with the administration of a records management program (N.C.G.S. §121-4 (2) and §132-8.1) and the maintenance of “a program for the selection and preservation of public records considered **essential** to the operation of government and to the **protection of the rights and interests of persons**” (§132-8.2). Permanent records with these characteristics require preservation duplicates that are human-readable (paper or microfilm). Some examples of these characteristics include:

- Affect multiple people, without regard to relation
- Have significance over a long span of time
- Document governance
- Document citizenship

Examples of records with these characteristics:

- Minutes of governing bodies at the state and local levels are the basic evidence of our system of governance, and are routinely provided for the public to read.
 - Records, such as deeds and tax scrolls, about land document changes in ownership and condition. Counties maintain offices expressly for the purpose of making those records available to the public. Other records in local and state governments document potential public health hazards, such as hazardous materials spills.
 - Adoptions, marriages, and divorces document changes in familial relationships and document citizenship. Though adoptions are confidential (not available for public inspection), they document citizenship and changes in inheritance and familial succession.
 - Court records, such as wills, estates, and capital cases, affect people within and across family groups, are made available for public inspection, and often involve transactions related to the examples above.
- See the Human-Readable Preservation Duplicates policy issued by the North Carolina Department of Natural and Cultural Resources (<https://archives.ncdcr.gov/documents/human-readable-preservation-duplicates>) and check with a records analyst to determine whether your permanent records require a preservation duplicate.

Q. What is historical value?

- A.** Historical records document significant events, actions, decisions, conditions, relationships, and similar developments. These records have administrative, legal, fiscal, or evidential importance for the government or its citizens. Call a Records Management Analyst for further assistance in assessing historical value.

Q. What if I do not have any records?

- A.** Nearly every position in government generates, receives, or uses records. Computer files of any kind, including drafts and e-mail, are public records. Even if your records are not the official or final version, your records are public records. Not all records have high historical, legal, or fiscal value, but they all must be destroyed in accordance with the provisions of the appropriate records schedule.

Q. May I store our unused records in the basement, attic, shed, etc.?

- A.** Public records are public property. Though we encourage agencies to find places to store records that do not take up too much valuable office space, the selected space should be dry, secure, and free from pests and mold. Your office must ensure that records stored away from your main office area are well protected from natural and man-made problems while remaining readily available to your staff and the public.

Q. Our old records are stored in the attic, basement, or off-site building, etc. Are we required to provide public access to these records?

- A.** Yes, as long as the records are not confidential by law. You should also be aware that confidentiality can expire.

Q. Aren't all our old records at the State Archives of North Carolina?

- A.** Probably not. The State Archives of North Carolina collects only very specific types of records from local government offices. Contact a Records Management Analyst for more information about which records are held or can be transferred to the State Archives of North Carolina for permanent preservation.

Q. I found some really old records. What should I do with them?

- A.** Call a Records Management Analyst. We will help you examine the records and assess their historical value.

Q. Can I give my old records to the historical society or public library?

- A.** Before you offer any record to a historical society, public library, or any other entity, you must contact a Records Management Analyst. Permanent records must be kept either in your offices or at the State Archives of North Carolina.

Q. Whom can I call with questions?

- A.** If you are located west of Statesville, call our Western Office in Asheville at (828) 296-7230 extension 224. If you are east of Statesville, all the way to the coast, call our Raleigh office at (919) 814-6900.

AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION

Q. Why is there an asterisk in the disposition instructions of so many items on this schedule?

A. No record involved in a pending or ongoing audit, legal, or other official action may be destroyed before that audit or action is resolved.

A legal hold or litigation hold means that records that are the subject of the legal hold or litigation hold must be preserved and thus must not be destroyed until officially released from the hold. A legal hold or litigation hold is placed when either an official discovery order is served on the agency requesting the production of the records in question (for a litigation, regulatory investigation, audit, open records request, etc.) or litigation is pending and the agency is thus on notice to preserve all potentially relevant records. You must also ensure that for a claim or litigation that appears to be reasonably foreseeable or anticipated but not yet initiated, any records (in paper or electronic formats) relevant to such a claim or litigation are preserved and not destroyed until released by your General Counsel. The records in question must not be destroyed until the completion of the action and the resolution of all issues that arise from it regardless of the retention period set forth in this schedule.

We have used an asterisk (*) in the disposition instructions to mark records series that are commonly audited, litigated, or may be subject to other official actions. However, any record has this potential. Records custodians are responsible for being aware of potential actions, and for preventing the destruction of any record that is, or may be reasonably expected to become, involved in an audit, legal, or other official action.

Records used during routine audits may be destroyed when the governing body accepts the audit, if the records have completed the retention period listed in this schedule. If time remains in the retention period, the records must be maintained for the remainder of the period. The auditor's working papers must be kept according to the schedule. (See **AUDITS: PERFORMANCE**, page 2, item 8, and **AUDITS: FINANCIAL**, page 19, item 6.) Should a dispute arise over an audit, the records that were audited should be retained until that dispute is resolved.

The attorney representing the agency should inform records custodians when legal matters are concluded and records will no longer be needed. Following the conclusion of any legal action, the records may be destroyed if they have met the retention period in the schedule. Otherwise, they should be kept for the remaining time period.

TRANSITORY RECORDS

Transitory records are defined as “record[s] that [have] little or no documentary or evidential value and that need not be set aside for future use.”¹

According to North Carolina General Statutes § 121 and § 132, every document, paper, letter, map, book, photograph, film, sound recording, magnetic or other tape, electronic data processing record, artifact, or other documentary material, regardless of physical form or characteristics, made or received in connection with the transaction of public business by any state, county, municipal agency, or other political subdivision of government is considered a public record and may not be disposed of, erased, or destroyed without specific approval from the Department of Natural and Cultural Resources.

The Department of Natural and Cultural Resources recognizes that some records may have little or no long-term documentary or evidential value to the creating agency. These records are often called “transitory records.” The following questions and answers discuss types of transitory records commonly created in state government. They may be disposed of according to the guidance below. However, all public employees should be familiar with the General Schedule for State Agency Records, their office’s Program Records Retention and Disposition Schedule, and any other applicable guidelines for their office. If any of these documents require a different retention period for these records, follow the longer of the two retention periods. When in doubt about whether a record is transitory, or whether it has special significance or importance, retain the record in question and seek guidance from the analyst assigned to your agency.

Q. What do I do with routing slips, fax cover sheets, “while you were out” slips, memory aids, etc.?

- A.** Routing slips and transmittal sheets adding no information to that contained in the transmitted material have minimal value after the material has been successfully transmitted. These records may be destroyed or otherwise disposed of after receipt of the material has been confirmed.

Similarly, “while you were out” slips, memory aids, and other records requesting follow-up actions (including voicemails) have minimal value once the official action these records are supporting has been completed and documented. Unless they are listed on the General Schedule for State Agency Records or your office’s Program Records Retention and Disposition Schedule, these records may be destroyed or otherwise disposed of once the action has been resolved.

Q. What about research materials, drafts, and other working papers used to create a final, official record?

- A.** Drafts and working papers are materials, including notes and calculations, gathered or created to assist in the creation of another record. All drafts and working papers are public records subject to all provisions of General Statute § 132, but many of them have minimal value after the final version of the record has been approved, and may be destroyed after final approval, if they are no longer necessary to support the analysis or conclusions of the official record. Drafts and working documents which may be destroyed after final approval include:

- Drafts and working papers for internal and external policies
- Drafts and working papers for internal administrative reports, such as daily and monthly activity reports
- Drafts and working papers for internal, non-policy-level documents, such as informal workflows and manuals; and

¹ A Glossary of Archival and Records Terminology, Richard Pearce-Moses (2005)

- Drafts and working papers for presentations, workshops, and other explanations of agency policy that are already formally documented.

Q. What if I have forms designed and used solely to create, update, or modify records in an electronic medium?

- A.** If these records are not required for audit or legal purposes, they may be destroyed in office after completion of data entry and after all verification and quality control procedures. However, if the forms contain any analog components that are necessary to validate the information contained on them (e.g. a signature or notary's seal), they should be retained according to the disposition instructions for the records series encompassing the forms' function.

See also the State Archives of North Carolina's guidance on digital signatures found at:

<https://archives.ncdcr.gov/documents/digital-signature-policy-guidelines>

LEGEND FOR RECORDS SCHEDULE

This records retention and disposition schedule applies to records in all media, unless otherwise specified.



– symbol designating that one or more records in this series may be confidential or may include confidential information.

Item # – an identifying number assigned to each records series for ease of reference.

Series – “a group of similar records that are . . . related as the result of being created, received, or used in the same activity.” (From Richard Pearce-Moses, *A Glossary of Archival and Records Terminology*). Series in this schedule are based on common functions in government offices.

Records Series Title – a short identification of the records in a series, based on their common function.

Series Description – a longer description of the records in a series, often including the types of records that can frequently be found in that series. This information is included underneath the Records Series Title.

Disposition Instructions – instructions dictating the length of time a series must be retained and how the office should dispose of those records after that time.

Citation – a listing of references to statutes, laws, and codes related to the records series. Citations can include:

- Authority: governing the creation of records
- Confidentiality: limiting access to public records
- Retention: setting a retention period

Throughout this schedule, items that cross-reference other items within this schedule are indicated with bold, uppercase letters. If you hover your cursor over one of these items, you will see the hand tool that will enable you to click on the item to follow the link to that location.

AUDITS: PERFORMANCE
Records concerning internal and external audits conducted to assess the function of government programs. Includes reports, working papers, corrective measures, and other related records.

See also **AUDITS: FINANCIAL**, page 20, item 6.

Sample records series title and description with cross-reference included

No destruction of records may take place if litigation or audits are pending or reasonably anticipated.

See also AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS, page vi.

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS

Official records pertaining to the authority, operating philosophy, methods, primary functions, and routine office administration of local agencies.

ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.	ABSTRACTS OF MUNICIPAL ELECTIONS Copies of abstracts prepared by the County Board of Elections and forwarded to the municipal clerk.	Destroy in office when reference value ends.† Agency Policy: Destroy in office after _____ <i>Retention Note: Official record maintained permanently by the County Board of Elections.</i>	Authority: G.S. § 163-300
2.	ACCREDITATION RECORDS Records documenting accreditations and certifications received by the agency. Includes applications, final reports, and other related records.	Destroy in office 5 years after superseded or obsolete.	Authority: 10A NCAC 48B
3.	ADMINISTRATIVE DIRECTIVES, REGULATIONS, AND RULES	a) Retain in office official copy permanently. b) Destroy in office remaining records after 3 years.	
4.	AGENDA AND MEETING PACKETS Includes agendas and copies of supporting documentation submitted and discussed during meetings of public bodies. Also includes documentation of outside meetings attended by agency personnel. See also MINUTES OF PUBLIC BODIES , page 11, item 42.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends.† Agency Policy: Destroy in office after _____	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page vi.

† See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
5.	APPLICATIONS FOR APPOINTMENT Applications and related records received from individuals applying for appointments to serve on public boards, commissions, councils, and committees.	a) Destroy in office records concerning appointed individuals 1 year after expiration of term. b) Destroy in office remaining records when reference value ends. [†] Agency Policy: Destroy in office after _____	
6.	APPOINTMENT REPORTS Includes annual appointment reports filed with the NC Department of the Secretary of State.	Destroy in office after 2 years.	Authority: G.S. § 143-157.1
7.	AUDIO AND VIDEO RECORDINGS OF MEETINGS See also MINUTES OF PUBLIC BODIES , page 11, item 42.	Destroy in office after approval of official written minutes. <i>NOTE: If these serve as the official minutes, as allowed by G.S. § 143-318.10(e), their retention should be permanent. These disposition instructions apply to recordings produced solely for the purpose of generating official written minutes.</i>	
8.	AUDITS: PERFORMANCE Records concerning internal and external audits conducted to assess the function of government programs. Includes reports, working papers, corrective measures, and other related records. See also AUDITS: FINANCIAL , page 19, item 6.	a) Retain in office permanently reports related to internal compliance or operational audits, hazardous material, or those that document a significant change in agency practices. b) Destroy in office remaining audit reports after 10 years. c) Destroy in office documentation of corrective measures 2 years after their implementation. d) Destroy in office working papers and remaining records when superseded or obsolete.	

1

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page vi.

[†] See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
9. 	BLUEPRINTS AND SPECIFICATIONS Blueprints and specifications of agency owned buildings and facilities. Includes as-built plans and related records concerning approved changes.	a) Transfer as-built drawings to new owner when agency relinquishes ownership of building or facility. b) Retain in office as-built drawings for life of structure and then destroy. c) Destroy in office blueprints, floorplans, and other preliminary design and construction documents when superseded or obsolete.	Confidentiality: G.S. § 132-1.7
10.	BONDS Records documenting written guarantees from a third party, including bid bonds, payment bonds, performance bonds, and surety bonds. See also BIDS FOR PURCHASE , page 20, item 10, and PROJECTS , page 14, item 53.	Destroy in office 5 years after expiration or cancellation.	
11.	BULLETINS Internal information sharing materials that circulate information within the agency. Also includes memoranda and newsletters.	Destroy in office when superseded or obsolete.	
12.	BUSINESS CERTIFICATION RECORDS Applications and supporting documentation submitted by businesses to be certified as a Small Business Enterprise (SBE) or other classification.	a) Destroy in office all documentation 3 years after most recent recertification. b) If certification was never issued, destroy in office all documentation when reference value ends. [†] Agency Policy: Destroy in office after _____	
13.	BUSINESS DEVELOPMENT SUBJECT FILE	Destroy in office after 3 years.	
14.	CALENDARS OF EVENTS AND APPOINTMENTS	Destroy in office when superseded or obsolete.	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page vi.

[†] See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
15.	CENSUS PROJECT RECORDS Records created to assist the U.S. Census Bureau with the decennial census.	Destroy in office when reference value ends.† Agency Policy: Destroy in office after _____	
16.	CHARTER RECORDS Charter and charter proceedings related to adoption, amendment and/or repeal.	Retain in office permanently.	
17.	CITIZEN COMMENTS, COMPLAINTS, PETITIONS, AND SERVICE REQUESTS Records concerning objections, dissatisfaction, or disagreements with actions or positions taken or not taken by the agency. Includes comments and petitions submitted by citizens requesting action as well as routine requests for service. Also includes requests for reasonable accommodation under Title II of the Americans with Disabilities Act, including survey of agency buildings to determine accessibility to the physically handicapped, federal regulations, proposals for implementing the act, correspondence (including e-mail), resolutions, and solutions to access problems. See also CIVIL RIGHTS RECORDS , page 44, item 4.	a) Transfer records as applicable to LITIGATION CASE RECORDS , page 47, item 16. b) Destroy in office comments, informal complaints, petitions, and requests 1 year after resolution.* c) Destroy in office accommodation requests and complaints 2 years after resolution.*	Authority: 42 USC 12132
18.	CITIZEN REBATE PROGRAM RECORDS Applications, receipts, and related records concerning rebate programs sponsored by the agency. These records document programs and incentivized actions that citizens may opt into.	a) Destroy in office financial records 3 years after approval.* b) Destroy in office applications 1 year after approval. c) Destroy in office denied applications when reference value ends.† Agency Policy: Destroy in office after _____	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page vi.

† See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
19.	CITIZEN SURVEYS Surveys and related records addressing agency services, policies, and other concerns.	Destroy in office when reference value ends. [†] Agency Policy: Destroy in office after _____	
20.	COLLECTED DATA Information and statistics compiled and analyzed for research purposes or to support the functions of the agency.	Destroy in office when superseded or obsolete.	If data contains confidential information, abide by relevant restrictions.
21.	COMPREHENSIVE PLAN Long-range plan outlining policies, guidelines, and plans for future development of the agency. Includes official copy of comprehensive plan and all background surveys, studies, reports, and draft versions of plans. Also includes strategic plans and business plans, as well as goals and objectives.	a) Retain in office comprehensive plans and strategic plans permanently. b) Destroy in office background surveys, studies, reports, and drafts 5 years after adoption of plan. c) Destroy in office business plans 2 years after execution of plan. d) Destroy in office goals and mission statements when superseded or obsolete.	
22.	CORRESPONDENCE AND MEMORANDA Administrative and management correspondence/memoranda (including e-mail) written or received by the office concerning agency authority, operating philosophy, purpose, methods, and any other function. For information on handling e-mail and text or instant messages, see ELECTRONIC RECORDS , page 77.	a) Transfer correspondence (including e-mail) with historical value to HISTORY RECORDS , page 8, item 32, after 3 years. b) Destroy routine administrative correspondence and memoranda after 1 year. c) Destroy in office remaining records after 3 years. <i>Retention Note: The correspondence (including e-mail) of the most senior administrator has historical value and should be retained permanently.</i>	

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ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
23.	CUSTOMER CALL CENTER RECORDINGS Recordings of calls to customer service centers made for quality assurance and training purposes.	Destroy in office after 30 days.	
24.	EQUIPMENT AND VEHICLE MAINTENANCE, REPAIR, AND INSPECTION RECORDS Records concerning the maintenance, repair, routine testing, and inspection of agency owned equipment and vehicles. Also includes warranties. See also GRANTS , page 8, item 31, and SYSTEM MAINTENANCE RECORDS: HARDWARE REPAIR OR SERVICE , page 40, item 15.	a) Destroy in office records documenting routine inspections, janitorial cleaning, and routine maintenance of equipment and vehicles after 1 year.* b) Destroy in office records documenting all other maintenance and repairs after 3 years.* c) Destroy in office warranties 1 year after expiration.	
25.	EQUIPMENT AND VEHICLE REFERENCE RECORDS Includes operation, specification, and technical manuals. Also includes brochures, bulletins, and related documentation.	Destroy in office when superseded or obsolete.	
26.	EQUIPMENT, FACILITY, AND VEHICLE USAGE RECORDS Records documenting the assignment, request, and usage of agency assets. Also includes mileage and checkout logs, fuel consumption reports, reservation requests, authorizations, utility usage logs, and similar records.	a) Destroy in office after 3 years if records are used for allocating costs or determining payment under rental or lease agreements.* b) Destroy in office remaining records after 1 year.	

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ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
27.	FACILITY MAINTENANCE, REPAIR, AND INSPECTION RECORDS Records documenting maintenance, repair, and inspection of agency-owned facilities. See also CONTRACTS, LEASES, AND AGREEMENTS , page 45, item 7.	a) Destroy in office records documenting routine inspections, janitorial cleaning, environmental monitoring, and routine maintenance of facilities after 1 year. b) Destroy in office records documenting system repair and improvement (including plumbing, electrical, fire, and other systems) after 3 years.	
28.	FORMS AND TEMPLATES Blank forms, templates, and letterhead used to create agency records.	Destroy in office when superseded or obsolete.	
29.	GOVERNING AND ADVISORY BODY MEMBER FILES Records concerning members of public boards, commissions, councils, and committees. Includes codes of conduct, ethics statements, agreements, notices of resignation, and other related records. Also includes biographical information and waivers. See also APPLICATIONS FOR APPOINTMENT , page 2, item 5, and OATHS OF OFFICE , page 47, item 17.	a) Retain in office records with historical value permanently. b) Destroy in office 1 year after superseded or obsolete waivers from board members choosing not to receive stipend/per diem payments. c) Destroy in office remaining records 1 year after service ends.	
30.	GRANT PROPOSALS Proposals submitted for grants, including applications, correspondence (including e-mail), and other related records.	a) Transfer records concerning approved grants to GRANTS , page 8, item 31. b) Destroy in office rejected or withdrawn grant proposals when reference value ends. [†] Agency Policy: Destroy in office after _____	

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ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
31.	GRANTS Records concerning approved federal, state, and private grants. File includes applications, reports, records of equipment purchased with grant funds, and all relevant programmatic records. Also includes documentation about grants issued by the agency along with research records generated as part of a grant project. See also GRANTS: FINANCIAL , page 24, item 27.	a) Destroy records supporting the expenditure of federal funds passed through NC DHHS on a fiscal year basis when the DHHS Office of the Controller provides written guidance that records are released from all audits and other official actions. b) Destroy in office records of state and private grants 5 years after final financial report is filed.* c) Destroy in office records of other federal grants 3 years after final financial report is filed. d) Destroy in office records not relating to a specific grant after 1 year. <i>Retention Note: According to 2 CFR 200.333(c), records for real property and equipment acquired with Federal funds must be retained for 3 years after disposition of the property/equipment.</i>	Retention: 09 NCAC 03M .0703 2 CFR 200.333
32.	HISTORY RECORDS (AGENCY AND EMPLOYEES) Records concerning the history of the agency and its employees. Includes published and unpublished histories, biographical data, photographs, newspaper clippings, and other related records.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends.† Agency Policy: Destroy in office after _____	
33.	IMPROPER CONDUCT INVESTIGATIONS Records concerning investigations triggered by questions about ethics or conduct within an agency, such as whistleblower reports or allegations of fraud. Includes complaints, reports, investigations, and other related records. Also includes records from an ombuds office.	Destroy in office 3 years after resolution.	

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ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
34.	INDICES Listings of where specific information can be found.	Destroy in office when superseded or obsolete.	
35.	INTERAGENCY PROGRAMS Records of programs involving more than one government agency. Includes resource materials, program information, and other related records.	Destroy in office when reference value ends.† Agency Policy: Destroy in office after _____	
36.	INVENTORIES Inventories describing the type of property (including equipment and facilities other and fixed assets), its location, and related information. Also includes inventory control and usage records, such as requisitions/draw tickets, mileage logs, request forms, and other related records.	a) Destroy in office lists of properties, facilities, fixed assets, supplies, and surplus property when superseded or obsolete. b) Destroy in office inventory control and usage records after 3 years.	
37.	LEGISLATION AND REGULATORY RECORDS Notices and copies of proposed or adopted state or federal legislation or regulations affecting the agency.	Destroy in office when reference value ends.† Agency Policy: Destroy in office after _____	
38.	LOGISTICS MATERIALS Records concerning scheduled plans of agency personnel. Includes routine notices, task lists, and arrangements.	Destroy in office after 1 year.	
39.	MAIL: UNDELIVERABLE/RETURNED Outgoing agency mail returned by the post office for any reason, including insufficient postage, incorrect address, forwarding order expired, etc. Also includes outgoing e-mail returned for any reason.	Destroy in office after 30 days.	

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ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
40. 	MAILING AND DISTRIBUTION RECORDS Includes mailing and meeting notification lists, e-mail distribution lists, Sunshine Lists, and related documentation of transactions with the U.S. Postal Service, state courier, or private carriers.	a) Destroy in office Sunshine Lists when superseded or obsolete. b) Destroy in office remaining records when reference value ends. [†] Agency Policy: Destroy in office after _____	Confidentiality: G.S. § 132-1.12 G.S. § 132-1.13
41.	MEMBERSHIP RECORDS Records concerning associations, organizations, groups, etc., with which the agency is involved. Includes records concerning memberships or registrations on behalf of the agency or agency personnel.	Destroy in office when superseded or obsolete.	

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ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
42.	MINUTES OF PUBLIC BODIES Includes minutes of the governing board and all subsidiary and advisory boards. Subsidiary boards are defined as boards that exercise or are authorized to exercise legislative, policy-making, quasi-judicial, or administrative functions. Also includes minutes of subcommittees of the governing board and its subsidiary and advisory boards. See the MICROFILM section on page 81 for instructions on microfilming. See also AGENDA AND MEETING PACKETS, page 1, item 4, and AUDIO AND VIDEO RECORDINGS OF MEETINGS, page 2, item 7. If there are other boards in the operational standard(s) or if the Workforce Development standard is included, add references to those boards here.	a) Retain in office permanently official minutes of the governing board and its subsidiary boards as well as all attachments necessary to understand the body's actions. b) The official minutes of advisory boards may be destroyed only upon approval by the State Archives of North Carolina. The State Archives reserves the right to designate the minutes of any advisory board as permanent. c) Destroy in office minutes of committees or subcommittees when reference value ends, if the minutes or actions and decisions of the committee are entered as part of the minutes of the parent board. If minutes or actions and decisions of the committee or subcommittee in question are not entered as part of the minutes of the parent board, the State Archives reserves the right to designate the minutes as permanent.† Agency Policy: Destroy in office after _____	Authority: G.S. § 143-318.10
43.	MINUTES (STAFF MEETINGS) Minutes of staff meetings, including all referenced and attached documentation.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records after 1 year.	
44.	MISCELLANEOUS (NON-BUILDING) APPLICATIONS, LICENSES, AND PERMITS Includes, but not limited to, applications and permits regarding burning, special events, and landscape establishment.	a) Destroy in office 1 year after expiration of license/permit. b) Destroy in office applications for which a license/permit was never issued when reference value ends.† Agency Policy: Destroy in office after _____	Authority: G.S. § 66-77

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ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
45.	NOTICES OF PUBLIC MEETINGS Includes notices and regular meeting schedules. See also AFFIDAVITS OF PUBLICATION , page 43, item 1, and PUBLICITY RECORDS , page 68, item 12.	Destroy in office after 1 year.	
46.	 OFFICE SECURITY RECORDS Records concerning the security of agency offices, facilities, vehicles, equipment, and personnel. Includes visitors' register; security, employee, or contractor access to facilities or resources; and surveillance system reports and recordings.	a) If the recording becomes evidence in a personnel investigation or lawsuit, transfer to DISCIPLINARY ACTIONS , page 53, item 12, or LITIGATION CASE RECORDS , page 47, item 16. b) Destroy in office recordings not required to support known investigations or litigation after 30 days. c) Destroy in office remaining records after 1 year.	Confidentiality: G.S. § 132-1.7
47.	ORDINANCES Includes code of ordinances. See the MICROFILM section on page 81 for instructions on microfilming.	a) Retain in office official copy permanently. b) Destroy in office ordinance development records when ordinance is no longer in effect. c) Destroy in office additional copies (including tabled or failed ordinances) when reference value ends.† Agency Policy: Destroy in office after _____	
48.	PEST CONTROL Records concerning pest abatement or eradication programs overseen by the agency.	Destroy in office after 3 years.*	

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ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
49.	POLICIES AND PROCEDURES Records documenting the formulation, planning, and adoption of policies, procedures, and functions of the agency and its departments. File also includes organizational charts, reorganization studies, and similar records describing the arrangement and administrative structure of the agency. See also CIVIL RIGHTS RECORDS , page 44, item 4, POLICIES AND PROCEDURES (PERSONNEL) , page 61, item 31, and ELECTRONIC RECORDS POLICIES AND PROCEDURES , page 38, item 7.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.	
50.	POLL LIST/REGISTRATION LIST/ROSTER/ AUTHORIZATION TO VOTE (ATV) Lists documenting registered electors and votes cast prior to County Board of Elections taking over municipal elections. Includes electronic or paper ATV related records such as ATV books, forms, unused stickers, lists, registers, indexes, or similar records used to verify persons are registered voters at each polling location.	Contact State Archives of North Carolina prior to destroying old poll books and voter registration books.	Authority: G.S. § 163 Art. 15A G.S. § 163-166.7 08 NCAC 10B .0103 52 USC Chap. 205
51.	PRICE QUOTATIONS	Destroy in office when reference value ends.† Agency Policy: Destroy in office after _____.	
52.	PROCLAMATIONS AND ORDERS Proclamations and orders issued by the governing board.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends.† Agency Policy: Destroy in office after _____.	

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ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
53.	PROJECTS Includes project correspondence (including e-mail), feasibility studies, final reports, specifications, assessments, notices to proceed, cost estimates, change orders, statements of work, and similar documentation. See also PROJECT DOCUMENTATION , page 39, item 11.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records 3 years after completion of project.	
54.	PROPERTY MANAGEMENT RECORDS Includes appraisals of the financial valuation of agency-owned property as well as surveys, plats, and maps.	Destroy in office when superseded or obsolete.	
55.	RATE AND FEE SCHEDULES Records relating to rates, fees, and regulations concerning agency services.	Destroy in office when superseded or obsolete.	
56.	RECORDS MANAGEMENT Includes correspondence (including e-mail) with state and/or federal agencies with regards to records retention. Also includes records disposition documentation, file plans, and copies of records retention and disposition schedules.	a) Retain in office documentation concerning the final disposition of records permanently. b) Destroy in office remaining records when superseded or obsolete.	

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ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
57.	REFERENCE (READING) FILE Subject files containing informational copies of records organized by areas of interest. Also includes materials that have no regulatory authority for the recipient and are received from outside the agency or from other units within the agency as well as reference copies of documents where another individual or agency is responsible for maintaining the record copy.	Destroy in office when reference value ends.† Agency Policy: Destroy in office after _____	
58.	REPORTS AND STUDIES Records concerning the performance of a department, program, or project, as well as those created for planning purposes. Includes all annual, sub-annual, or irregularly prepared research studies, reports, and studies generated by an agency or prepared by consultants hired by the agency. Also includes reports required to be submitted to the agency. See also CIVIL RIGHTS RECORDS , page 44, item 4, and COMPREHENSIVE PLAN , page 5, item 21.	a) Retain in office permanently 1 copy of all annual and biennial reports written by the agency. b) Retain in office permanently reports and studies prepared by request of an agency's governing body or a court. c) Destroy in office after 3 years reports prepared monthly, bimonthly, or semi-annually. d) Destroy in office after 1 year activity reports concerning workload measurements, time studies, number of jobs completed, etc., prepared on a daily or other periodic basis. e) Destroy in office when superseded or obsolete reports required to be submitted to the agency. f) Destroy in office remaining reports and studies when reference value ends.† Agency Policy: Destroy in office after _____. <i>Retention Note: Reports and studies listed elsewhere in this schedule should be retained the specified period of time.</i>	

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ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
59.	REQUESTS FOR INFORMATION Requests received and responses issued by the agency. See also PUBLIC RECORDS REQUESTS , page 68, item 11.	Destroy in office after 1 year after resolution.	
60.	REQUESTS FOR PROPOSALS (RFP) Proposals submitted by vendors in response to requests from agency. See also BIDS FOR PURCHASE , page 20, item 10, and PRICE QUOTATIONS , page 13, item 51.	Destroy in office when reference value ends.† Agency Policy: Destroy in office after _____	
61.	RESOLUTIONS File consists of resolutions indicating date, issues or policy involved, and appropriate signatures. See the MICROFILM section on page 81 for instructions on microfilming.	a) Retain in office permanently one copy of final resolution. b) Retain in office permanently resolution development records with historical value. c) Destroy in office additional copies of resolutions (including those tabled or failed) along with all remaining development records when reference value ends.† Agency Policy: Destroy in office after _____	
62.	SURPLUS PROPERTY Inventories and reports of agency property to be surplussed.	Destroy in office 3 years after disposition of property.*	
63.	TRACKING MATERIALS Records intended to verify the receipt of information, such as certified mail receipts.	Destroy in office when reference value ends.† Agency Policy: Destroy in office after _____	

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ITEM #	STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
64.	TRAVEL REQUESTS Requests and authorizations for travel. Includes forms and itineraries. See also TRAVEL REIMBURSEMENTS , page 28, item 45, and PRICE QUOTATIONS , page 13, item 51.	Destroy in office after 1 year.*	
65.	VEHICLE REGISTRATION CARDS North Carolina registration cards for vehicles in the agency fleet. See also VEHICLE TITLES , page 48, item 22.	Destroy in office when superseded.	
66.	WORK ORDERS Includes date and location of work, cost of materials used and labor, type of work performed, and other related records regarding the repairs of equipment, facilities, and vehicles.	a) Destroy in office 1 year after work is completed.* b) If this is the only record documenting completed work, follow disposition instructions for FACILITY MAINTENANCE, REPAIR, AND INSPECTION RECORDS , page 7, item 27, or EQUIPMENT AND VEHICLE MAINTENANCE, REPAIR, AND INSPECTION RECORDS , page 6, item 24.	

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STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS

Records created and accumulated concerning the managerial control, budgeting, disbursement, collection, and accounting of the agency.

Note: Per 26 CFR 1.148-5(d)(6)(iii)(E), all records necessary to support the tax-exempt status of an agency debt issue must be retained for the life of the debt plus 3 years.

ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.	ACCOUNTS PAYABLE Records concerning the status of accounts in which the agency owes money to firms or individuals. Includes invoices, reimbursements, receipts or bills of sale, check registers, and subsidiary registers. Also includes stop payment notices.	Destroy in office 3 years after payment.*	
2.	ACCOUNTS RECEIVABLE Records concerning receivables owed and collected. Includes billing statements, records of payment received, remittances, subsidiary registers, overpayment or refund records, deposits, fines and fees assessed, and collection of past due accounts.	Destroy in office 3 years after collection.*	
3.	ACCOUNTS UNCOLLECTABLE Records of accounts deemed uncollectable, including returned checks, write-off authorizations, and other related records.	Destroy in office 3 years after account is determined to be uncollectable.*	

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ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.	ANNUAL BUDGET Annual budget and budget message submitted to governing board for approval. See also BUDGET REPORTS , page 21, item 16.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records after 3 years. <i>Retention Note: Annual budgets should be entered into the minutes of the governing board.</i>	Authority: G.S. § 159-11
5.	ARBITRAGE RECORDS Records concerning arbitrage rebate calculations and funds rebated.	Destroy in office 3 years after final redemption date of the bonds and after all related debts and obligations have been satisfied.*	Authority: 26 CFR 1.148-3
6.	AUDITS: FINANCIAL Records concerning internal and external audits. Includes reports, working papers, and related records. See also AUDITS: PERFORMANCE , page 2, item 8.	a) Retain in office reports permanently final reports related to internal compliance or operational audits or those that document a significant change in agency practices or have significant administrative value. b) Destroy in office after 10 years final reports related to internal accounting systems and controls and those with limited administrative value. c) Destroy in office working papers and remaining records when superseded or obsolete.*	Authority: G.S. § 159-34
7.	AUTHORIZATION FORMS Authorization to purchase materials.	Destroy in office after 3 years.*	
8.	BANK STATEMENTS AND RECONCILIATIONS Includes bank statements, canceled checks, deposit slips, and reconciliation reports.	Destroy in office after 3 years.*	

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ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
9.	BIDS FOR DISPOSAL OF PROPERTY Records concerning the disposal of surplus property. Includes information about various disposition procedures used, such as sealed bids and public auction. See also ACCOUNTS RECEIVABLE , page 18, item 2.	Destroy in office all records after the disposition of property has been recorded in governing board's minutes.*	Authority: G.S. § 153A-176
10.	BIDS FOR PURCHASE Records documenting quotes to supply products and services. Includes advertisements, tabulations, awards letters, records of bids, good faith effort documentation, and related records concerning accepted and rejected bids.	a) Transfer records to CONTRACTS, LEASES, AND AGREEMENTS , page 45, item 7 when bid is approved. b) Destroy in office bid records not awarded or opened after 1 year.*	Authority: G.S. § 143 Article 8
11.	BOND CLOSING RECORDS Includes applications, agreements, tax records, contracts, official statements, legal opinions, rating letters, public hearing bonds, title insurance, deeds of trust, and other related records concerning bonds issued by the agency. Also includes records concerning expenditure and/or investment of bond proceeds.	Destroy in office 3 years after entire issuance has been satisfied.*	Authority: G.S. § 159 Article 7
12.	BOND REGISTER Records of all bonds, notes, and coupons issued by the agency detailing the purpose of issuance, the date of issue, serial numbers (if any), denomination, maturity date, and total principal amount.	Retain in office permanently.	Authority: G.S. § 159-130
13.	BONDS, NOTES, AND COUPONS	Destroy in office 1 year from date of payment.	Authority: G.S. § 159-139

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2019 LOCAL GOVERNMENT AGENICES GENERAL RECORDS RETENTION AND DISPOSITION SCHEDULE



ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
14.	BUDGET ADMINISTRATION RECORDS Records of budget administration. Includes research, correspondence, and other related records.	Destroy in office after 2 years.*	
15.	BUDGET EXECUTION RECORDS Records of authorizations to move funds between budget codes.	Destroy in office when released from audits.	
16.	BUDGET REPORTS Includes daily detail reports and monthly budget reports. Also includes contract budget and expenditure reports and summaries of tax allocations. See also ANNUAL BUDGET , page 19, item 4.	a) Destroy in office daily detail reports after 1 year.* b) Destroy in office remaining reports after 3 years.*	
17.	BUDGET REQUESTS AND WORKING PAPERS Includes budget requests, cost estimates, expenditures, program requests, salary and wage lists, correspondence (including e-mail), and related records.	Destroy in office after 3 years.*	Authority: G.S. § 159-10
18.	BUDGET RESOLUTIONS AND ORDINANCES Includes project ordinances, budget resolutions, and amendments. See also MINUTES OF PUBLIC BODIES , page 11, item 42.	a) Retain official copies in the minutes of the governing board. b) Destroy in office remaining copies when reference value ends.† Agency Policy: Destroy in office after _____	Authority: G.S. § 159-8 G.S. § 159-13 G.S. § 159-13.2 G.S. § 159-15

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ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
19.	COST ALLOCATION PLANS Accounting report that calculates and spreads agency-wide indirect costs to departments and funds that receive a service from other departments.	Destroy in office after 3 years.*	
20. 	CREDIT/DEBIT/PROCUREMENT CARD RECORDS Records of assignation of agency credit cards and purchasing cards along with authorization logs.	Destroy in office when superseded or obsolete.*	Confidentiality: G.S. § 132-1.2(2)
21.	DONATIONS AND SOLICITATIONS Records concerning requests made to agency by outside organizations. Includes applications and other related records. See also FUND DRIVE AND EVENT RECORDS , page 67, item 6.	a) Destroy in office records supporting approved donations 1 year after payment. b) Destroy in office rejected applications after 30 days.	
22. 	ELECTRONIC FUNDS TRANSFERS (EFT) Includes forms authorizing electronic transfer of monies via wire transfer or automated clearing house (ACH) as well as ACH bank reports.	Destroy in office when superseded or obsolete.	Confidentiality: G.S. § 14-113.20
23.	ESCHEATS AND UNCLAIMED PROPERTY Records containing information required to be included in holder reports submitted to the State Treasurer's office. For more information, see the State Treasurer's memo, " Annual Reporting of Unclaimed Property ."	a) Destroy in office after 10 years if report was filed prior to July 16, 2012.* b) Destroy in office after 5 years if report was filed on or after July 16, 2012.*	Authority: G.S. § 116B-60 Retention: G.S. § 116B-73

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ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
24.	FINANCIAL JOURNALS AND LEDGERS	a) Destroy in office year-end summaries of receipts and disbursements after 3 years.* b) Destroy in office daily, monthly, or quarterly transaction detail journals and ledgers after 1 year.*	
25.	FINANCIAL REPORTS	a) Destroy in office annual financial reports or other reports generated to inform decision-making after 3 years.* b) Destroy monthly or quarterly reports generated for operational purposes after 1 year. c) Destroy logs and distribution reports generated to track transactions when released from audits.	
26.	GOVERNMENT EMPLOYEES RETIREMENT SYSTEM MONTHLY REPORTS Reports produced by the North Carolina Department of State Treasurer regarding the Teachers' and State Employees' Retirement System (TSERS) and the Local Governmental Employees' Retirement System (LGERS).	Destroy in office when reference value ends.† Agency Policy: Destroy in office after _____	

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ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
27.	GRANTS: FINANCIAL Records concerning approved federal, state, and private grants received or issued by the agency. Includes all relevant accounting, purchasing, payroll, and other financial records. See also GRANTS , page 8, item 31.	a) Destroy records supporting the expenditure of federal funds passed through NC DHHS on a fiscal year basis when the DHHS Office of the Controller provides written guidance that records are released from all audits and other official actions. b) Destroy in office records of state and private grants 5 years after final financial report is filed.* c) Destroy in office records of other federal grants 3 years after final financial report is filed. d) Destroy in office records not relating to a specific grant or to grants not funded after 1 year. <i>Retention Note: According to 2 CFR 200.333(c), records for real property and equipment acquired with Federal funds must be retained for 3 years after disposition of the property/equipment.</i>	Retention: 09 NCAC 03M .0703 2 CFR 200.333
28.	INVESTMENTS Includes fund information, portfolio listings and reports, balance sheets, exchange or consent instructions, broker confirmations, notices, and other documentation related to agency investments. Also includes transaction schedules for projecting revenue on investments as well as performance investment reports issued by broker or investment firm.	a) Destroy in office transaction schedules after 2 years.* b) Destroy in office performance investment reports when reference value ends. c) Destroy in office all remaining records after 3 years.*	Authority: G.S. § 159-30

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ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
29.	LOAN RECORDS Records concerning loans received by the agency. Includes documentation of intent to proceed, loan agreements, promissory notes, letters of credit, statements, notices of principal and interest due, and other related records.	Destroy in office 5 years after satisfaction or cancellation of loan.*	
30.	LOCAL GOVERNMENT COMMISSION FINANCIAL STATEMENTS	Destroy in office after 3 years.*	Authority: G.S. § 159-33
31.	LONGEVITY PAY	Destroy in office after 3 years.*	
32. 	PAYMENT CARD DATA Records created in association with payment card transactions entered by third parties for the purchase of goods or services from the agency.	Destroy in office after processed.*	Confidentiality: G.S. § 132-1.2(2) G.S. § 132-1.10(b)(5)
33. 	PAYROLL AND EARNINGS RECORDS Records containing information such as the name, Social Security number, number of hours worked, compensation rate, deductions, and total wages paid each employee per payroll period. Also includes individual and group employee earnings records and payroll registers showing earnings and deductions for each pay period. See also TIME SHEETS, CARDS, AND ATTENDANCE RECORDS , page 28, item 44.	a) Destroy in office 30 years from date of separation records necessary for retirement or similar benefits verification. b) Destroy in office remaining records after 3 years.*	Authority: 29 CFR 516.30(a) Confidentiality: G.S. § 132-1.10 G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1 Retention: 29 CFR 516.5(a) 29 CFR 1627.3(a)

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ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
34. 	PAYROLL DEDUCTION RECORDS Records used to start, modify, or stop all voluntary or required deductions from payroll. Includes tax withholding (NC-4, W-4), savings plans, insurance, association dues, orders of garnishment, etc. Used as proof the employee approved of the deduction(s).	a) Destroy in office tax withholding forms 4 years after termination of deduction.* b) Destroy in office authorizations for deductions for retirement contributions, bank payments, savings plans, insurance, and dues 2 years after termination of deduction. c) Destroy in office remaining records 3 years after termination of deduction.*	Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1 Retention: IRS Publication 15 29 CFR 516.6(c)(1)
35.	POWELL BILL RECORDS Records include certified statements, expenditures reports, information sheets, financial statements submitted to the North Carolina Department of Transportation, and all other related records.	Destroy in office after 3 years.	
36.	PURCHASE ORDERS Records, forms, packing slips, and attached documents concerning purchased supplies, equipment, and services. See also GRANTS: FINANCIAL , page 24, item 27.	Destroy in office after 3 years.* <i>Retention Note: Packing slips may be destroyed upon verification of items received if they are not the only record of the purchase of the item.</i>	
37.	QUALIFIED PRODUCTS LISTS (QPL) Records identifying products approved for purchase by the agency.	Destroy in office 3 years after superseded or obsolete.*	

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ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
38.	REQUISITIONS Requests for payment or to acquire goods or services. See also INVENTORIES , page 9, item 36.	Destroy in office after 1 year.*	
39.	SCHOLARSHIP RECORDS Records concerning scholarships awarded by the agency. Includes applications, award letters, conditions and stipulations, agreements and contracts, disbursement statements, progress reports, and other related records.	a) Destroy in office after 3 years records documenting the awarding of scholarships. b) Destroy in office 1 year after notification of applicant records concerning applications that are denied by the agency or awards that are declined by the recipient.	
40.	SHIFT PREMIUM PAY Authorizations and other related records concerning employees receiving shift premium pay.	Destroy in office after 3 years.*	
41.	STATEMENTS OF BACK PAY Forms used to determine the gross pay an employee would have earned during a specified period for back pay in a grievance decision, settlement agreement, or other order.	Destroy in office 3 years after payment.*	

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ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
42. 	TAX FORMS Tax information returns generated by the agency (e.g., 1098, 1099, W-2, W-3) to be reported to the Internal Revenue Service and furnished to the other party to the transaction.	Destroy in office 4 years after submitted to taxpayer and/or IRS.*	Confidentiality: G.S. § 132-1.10 G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1 Retention: IRS Publication 15
43.	TAX RETURNS Tax returns filed by the agency.	Destroy in office 6 years after filed.*	
44.	TIME SHEETS, CARDS, AND ATTENDANCE RECORDS Records documenting the work hours and attendance of employees. See also PAYROLL AND EARNINGS RECORDS , page 25, item 33.	Destroy in office after 2 years.*	Retention: 29 CFR 516.6(a)(1)
45.	TRAVEL REIMBURSEMENTS Includes requests and authorizations for reimbursement for travel and related expenses. See also GRANTS: FINANCIAL , page 24, item 27, and TRAVEL REQUESTS , page 17, item 64.	Destroy in office after 3 years.*	

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ITEM #	STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
46. 	VENDORS Files maintained on specific vendors authorized or debarred from doing business with the agency. Includes name and address, correspondence (including e-mail), and other related records.	Destroy in office when superseded or obsolete.	

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STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS

Official records received and created by agency geographic information system programs. See G.S. § 132-10 for information about providing public access to GIS databases.

ITEM #	STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.	GEOGRAPHIC INFORMATION SYSTEM (GIS) CORE DATA Geo-referenced data and metadata to facilitate the management, manipulation, analysis, modeling, representation, and spatial analysis of complex problems regarding planning and management of resources.	Retain in office parcel, boundary, zoning, and orthoimagery layers (with accompanying data sets) permanently. <i>Retention Note: Other datasets should be kept according to standards and procedures set by the North Carolina Geographic Information Coordinating Council (http://www.ncgicc.com/).</i> <i>See also GEOSPATIAL RECORDS, page 79.</i>	
2.	GEOGRAPHIC INFORMATION SYSTEM (GIS) DATA DOCUMENTATION (METADATA) Records created during development or modification of an automated system which are necessary to access, retrieve, manipulate, and interpret data in that system; and records that explain the meaning, purpose, structure, local relationships, and origin of the data elements. Includes data element dictionaries, file layout, codebooks and tables, and definition files.	Destroy in office when the system is discontinued or when system data has been transferred to a new operating environment (platform).	
3.	GEOGRAPHIC INFORMATION SYSTEM (GIS) INTERNAL STANDARDS AND PROCEDURES Includes requirements that are intended to make hardware, software, and data compatible and that cover data capture, accuracy, sources, base categories, output, and data element dictionaries.	Retain in office permanently.	

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ITEM #	STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.	GEOGRAPHIC INFORMATION SYSTEM (GIS) MONITORING RECORDS Includes system security, quality assurance, transaction tracking, and other related activity monitoring records.	Destroy in office after 1 year.	
5.	GEOGRAPHIC INFORMATION SYSTEM (GIS) OPERATIONAL RECORDS Includes user guides, system flowcharts, job or workflow records, system specifications, and similar documentation.	Destroy in office when the system is discontinued or when system data has been transferred to a new operating environment (platform).	
6.	GEOGRAPHIC INFORMATION SYSTEM (GIS) PROJECT RECORDS	a) Retain in office GIS datasets and accompanying documentation (metadata) with historical and/or legal value permanently. b) Destroy in office remaining items when reference value ends. [†] Agency Policy: Destroy in office after _____	

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ITEM #	STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
7.	LAYERS: ADDRESS POINTS See also GEOSPATIAL RECORDS , page 79.	Paper: Retain in office permanently. GIS dataset: Create a snapshot of dataset annually. To maintain permanently, <i>Either:</i> Transfer snapshot to NCOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council . <i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council .	
8.	LAYERS: CORPORATE LIMITS See also GEOSPATIAL RECORDS , page 79.	Paper: Retain in office permanently. GIS dataset: Create a snapshot of dataset annually. To maintain permanently, <i>Either:</i> Transfer snapshot to NCOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council . <i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council .	

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ITEM #	STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
9.	LAYERS: EXTRATERRITORIAL JURISDICTIONS See also GEOSPATIAL RECORDS , page 79.	Paper: Retain in office permanently. GIS dataset: Create a snapshot of dataset annually. To maintain permanently, <i>Either:</i> Transfer snapshot to NCOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council . <i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council .	
10.	LAYERS: ORTHOIMAGERY See also GEOSPATIAL RECORDS , page 79.	Create a snapshot of dataset when created. To maintain permanently, <i>Either:</i> Transfer snapshot to NCOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council . <i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council .	

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ITEM #	STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
11.	LAYERS: STREET CENTERLINE See also GEOSPATIAL RECORDS , page 79.	Paper: Retain in office permanently. GIS dataset: Create a snapshot of dataset annually. To maintain permanently, <i>Either:</i> Transfer snapshot to NCOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council . <i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council .	
12.	MAPPING PROJECT RECORDS Includes contract maps and all deliverable products for aerial photography, orthophotography, cartographic, cadastral, and digital mapping projects. See also GEOSPATIAL RECORDS , page 79.	Paper: Retain in office permanently. GIS dataset: Create a snapshot of dataset annually. To maintain permanently, <i>Either:</i> Transfer snapshot to NCOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council . <i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council .	

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ITEM #	STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
13.	MAPS: PARCEL Maps, including cadastral maps, and surveys of boundaries and measurements of each parcel, and information about encroachments, right-of-ways, and structures. See also GEOSPATIAL RECORDS , page 79, and PROPERTY MANAGEMENT RECORDS , page 14, item 54.	Paper: Destroy in office upon State Archives approval. GIS dataset: Create a snapshot of dataset quarterly. To maintain permanently, <i>Either:</i> Transfer snapshot to NCOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council . <i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council .	
14.	MAPS: PARKS Includes park boundaries, facilities, landscaping, topography, and other pertinent information. Also includes maps and drawings stored and generated by Geographic Information System (GIS) and computer-aided design (CAD) systems. See also GEOSPATIAL RECORDS , page 79.	Paper: Retain in office permanently. GIS dataset: Create a snapshot of dataset annually. To maintain permanently, <i>Either:</i> Transfer snapshot to NCOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council . <i>Or:</i> If retained in office permanently, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council .	

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ITEM #	STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
15.	MAPS: ALL OTHER Includes field maps, soil, topographic, sales, subdivision plats, right-of-way, sectional, highway, etc.	a) Retain in office maps, including GIS datasets and accompanying documentation (metadata), with historical and/or legal value permanently. b) Destroy in office remaining items when reference value ends. [†] Agency Policy: Destroy in office after _____	

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STANDARD 4: INFORMATION TECHNOLOGY (IT) RECORDS

Information technology encompasses all activities undertaken by agency to design, develop, and operate electronic information systems. This section covers records for which Information Technology personnel are responsible, including administrative records and those used to process data and monitor and control operations.

Note: Administration, use, and retention of records concerning computer and information security should comply with applicable provisions of G.S. § 132-6.1 on the confidentiality of records regarding "hardware or software security, passwords, or security standards, procedures, processes, configurations, software, and codes." (G.S. § 132-6.1 (c))

ITEM #	STANDARD 4: INFORMATION TECHNOLOGY RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1. 	AUDITS: IT SYSTEMS Records documenting user actions affecting the contents of monitored systems. Also includes fixity checks and other periodic tests of data validity.	a) Destroy in office after 1 year fixity check documentation. b) Destroy in office remaining records after disposition of record.*	Confidentiality: G.S. § 132-6.1(c)
2.	COMPUTER AND NETWORK USAGE RECORDS Records documenting usage of electronic devices and networks. Includes login files, system usage files, individual program usage files, and records of use of the Internet by employees.	Destroy in office after 1 year.	
3.	DATA DOCUMENTATION RECORDS Records concerning data in automated systems. Includes data element dictionary, file layout, code book or table, entity relationships tables, and other records related to the structure, management, and organization of data.	Destroy in office 3 years after system is discontinued and/or replaced.	

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ITEM #	STANDARD 4: INFORMATION TECHNOLOGY RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.	DATA MIGRATION RECORDS Technical records documenting data migrations. <i>Note: The data itself is subject to the disposition instructions indicated for its relevant records series; these are merely records about migrating said data.</i>	Destroy in office 1 year after completion of data migration.	
5.	DATA WAREHOUSES Federated data gathered by the agency from other sources for the purposes of comparison and distribution.	Destroy in office when superseded or obsolete.	Maintain confidentiality consistent with any restrictions placed on the data provider.
6.	DIGITIZATION AND SCANNING RECORDS Records concerning data entry and imaging operations. Includes quality control records. See Request for Disposal of Original Records Duplicated by Electronic Means , page 87.	Destroy in office 10 days after digitization. <i>Note: The digital surrogate becomes the record copy and must be retained according to the disposition instructions for that record type.</i>	
7.	 ELECTRONIC RECORDS POLICIES AND PROCEDURES Includes procedural manuals as well as an Electronic Records and Imaging Policy and a Security Backup Policy.	Destroy in office 3 years after superseded or obsolete.	Confidentiality: G.S. § 132-1.7(b) G.S. § 132-6.1(c)
8.	INFORMATION TECHNOLOGY ASSISTANCE RECORDS Records documenting troubleshooting and problem-solving assistance provided by agency information systems personnel to users of the systems. Includes help desk assistance requests, resolution records, and related documentation.	Destroy in office 1 year after work is completed.	

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ITEM #	STANDARD 4: INFORMATION TECHNOLOGY RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
9. 	NETWORK AND SYSTEM SECURITY RECORDS Records documenting the security of network and system. Includes records concerning firewalls, anti-virus programs, and intruder scanning logs.	a) Destroy in office finalized cyber incident reports 5 years after resolution. b) Destroy in office after 2 years records documenting incidents involving unauthorized attempted entry or probes on data processing systems, IT systems, telecommunications networks, and electronic security systems. c) Destroy in office after 1 year records concerning firewalls, anti-virus programs, and other related records.	Confidentiality: G.S. § 132-6.1(c)
10. 	NETWORK DIAGRAMS Records documenting the logical and physical relationships of network components for purposes of organization, deployment, troubleshooting, monitoring of access, and management of day-to-day operations.	Destroy in office when superseded or obsolete.	Confidentiality: G.S. § 132-6.1(c)
11.	PROJECT DOCUMENTATION Records created to design, develop, control, or monitor a specific project or group of IT projects. Includes statements of work, assessments, maintenance agreements, and testing records. See also PROJECTS , page 14, item 53.	a) Retain in office permanently records with historical value. b) Destroy in office remaining records 3 years after completion of project.	

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ITEM #	STANDARD 4: INFORMATION TECHNOLOGY RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
12.	SOFTWARE LICENSE AND COPYRIGHT PROVISIONS RECORDS Records documenting compliance with agency software license and copyright provisions. Includes software licenses, correspondence (including e-mail), and related documentation.	Destroy in office 1 year after software is superseded or obsolete.	
13.	SYSTEM ACCESS RECORDS Records documenting access requests and authorizations, system access logs, and other related records.	Destroy in office 1 year after superseded or obsolete.	
14.	 SYSTEM DOCUMENTATION RECORDS Records documenting operating systems, application programs, structure and form of datasets, system structure, and system-to-system communication. Includes system overviews, dataset inventories, server name, IP address, purpose of the system, vendor-supplied documentation, installed software, and current source code.	Destroy in office 3 years after superseded or obsolete.	Confidentiality: G.S. § 132-1.1(g) G.S. § 132-6.1(c)
15.	SYSTEM MAINTENANCE RECORDS: HARDWARE REPAIR OR SERVICE Records documenting inspections, maintenance, and repairs of agency computer systems that are owned or leased. Includes computer equipment inventories and service records. See also EQUIPMENT AND VEHICLE MAINTENANCE, REPAIR, AND INSPECTION RECORDS , page 6, item 24.	a) Destroy in office records documenting routine inspections and maintenance of equipment after 1 year. b) Destroy records documenting all other equipment maintenance and repairs upon the final disposition of the equipment.	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page vi.

† See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

ITEM #	STANDARD 4: INFORMATION TECHNOLOGY RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
16.	SYSTEM MAINTENANCE RECORDS: RECORDS BACKUPS Records documenting regular or essential system backups. Includes backup tape inventories, relevant correspondence (including e-mail), and related documentation. See Also: Security Backup Files as Public Records in North Carolina: Guidelines for the Recycling, Destruction, Erasure, and Re-use of Security Backup Files , available on the State Archives of North Carolina website.	Destroy in office in accordance with your office's established, regular backup plan and procedures. [†] Agency Policy: Destroy in office after _____	
17.	TECHNICAL PROGRAM DOCUMENTATION Records concerning program code, program flowcharts, program maintenance logs, systems change notices, and other related records that document modifications to computer programs.	Destroy in office 1 year after superseded or obsolete.	
18.	VOICE OVER INTERNET PROTOCOL (VoIP) RECORDS Records concerning line registrations, calls logs, and voicemail records.	a) Destroy in office records concerning line registration when superseded or obsolete. b) Destroy in office call logs after 1 year. c) Destroy in office voicemail records after 30 days.	

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ITEM #	STANDARD 4: INFORMATION TECHNOLOGY RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
19.	WEB MANAGEMENT AND OPERATIONS RECORDS: STRUCTURE Site maps that show the directory structure into which content pages are organized, and commercial, off-the-shelf software configuration or content management system files used to operate the site and establish its look and feel. Includes server environment configuration specifications. See also WEBSITE (ELECTRONIC) , page 69, item 15.	Destroy in office when superseded or obsolete.	

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STANDARD 5: LEGAL RECORDS

Official documentation created or accumulated to substantiate the rights, obligations, or interests of the agency or their individual employees or clients. Please note the confidentiality that G.S. § 132-1.1(a) confers to communications by legal counsel expires three years after receipt of such communication.

ITEM #	STANDARD 5: LEGAL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.	AFFIDAVITS OF PUBLICATION Proof of publication provided by newspapers regarding publication of ordinances, public hearings, bid solicitations, payment of bills, public sales, etc. See also NOTICES OF PUBLIC MEETINGS , page 12, item 45.	a) Retain in office permanently if record provides sole evidence of publication. b) Destroy in office remaining records after 3 years.*	Authority: G.S. § 1-600
2.	AUTHENTICATIONS Certificates of authentication issued by the agency.	Retain in office permanently.	
3.	CIVIL RIGHTS CASE RECORDS Records concerning discrimination complaints by employees or former employees and requests for reasonable accommodation. Includes equal opportunity (EO) complaints. See also PERSONNEL RECORDS (OFFICIAL COPY) , page 60, item 29.	Destroy in office 1 year after final disposition of the charge or the action.* <i>Retention Note: 29 CFR 1602.14 defines final disposition of the charge or the action as "the date of expiration of the statutory period within which the aggrieved person may bring an action in a U.S. District Court or, where an action is brought against an employer either by the aggrieved person, the Commission, or by the Attorney General, the date on which such litigation is terminated."</i>	Retention: 29 CFR 1602.14 29 CFR 1602.31

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ITEM #	STANDARD 5: LEGAL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.	CIVIL RIGHTS RECORDS Records concerning documentation of personnel policies and procedures to comply with the Age Discrimination in Employment Act (ADEA), the Americans with Disabilities Act (ADA), the Equal Pay Act, the Genetic Information Nondiscrimination Act (GINA), Section 504 of the 1973 Rehabilitation Act, and the 1964 Civil Rights Act. Includes reports required by the Equal Employment Opportunity (EEO) Commission and affirmative action plans. See also CITIZEN COMMENTS, COMPLAINTS, PETITIONS, AND SERVICE REQUESTS , page 4, item 17, CIVIL RIGHTS CASE RECORDS , page 43, item 3, and POLICIES AND PROCEDURES (PERSONNEL) , page 61, item 31.	Destroy in office 3 years after superseded or obsolete.	Authority: 29 CFR 1602.1 29 CFR 1602.7 29 CFR 1608.4 Retention: 29 CFR 1602.30 29 CFR 1602.32
5.	CONDEMNATION RECORDS Settled and pending condemnation cases. See also ACCOUNTS PAYABLE , page 18, item 1 for disposition of financial records.	Retain in office permanently.	
6.	CONFLICT OF INTEREST AND CONFLICT OF COMMITMENT DISCLOSURE STATEMENTS Completed by the elected agency officials as well as designated staff members in order to disclose an official's status or ownership interests.	Destroy in office 1 year after completion of term or separation.	

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ITEM #	STANDARD 5: LEGAL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
7.	CONTRACTS, LEASES, AND AGREEMENTS Contracts and agreements for construction, equipment, property, supplies, special programs, and projects. Includes franchise agreements, hold harmless agreements, good faith effort documentation, contractor compliance monitoring, leases, and memoranda of understanding. See also SOFTWARE LICENSE AND COPYRIGHT PROVISIONS RECORDS , page 40, item 12.	a) Retain in office contracts and agreements with historical value permanently. b) Destroy in office sealed contract records 10 years after expiration of contract.* c) Destroy in office capital improvement contracts and business associate agreements 6 years after completion, termination, or expiration.* d) Destroy in office records documenting restrictions and compliance with license and copyright provisions for products and services purchased by the agency 1 year after superseded or obsolete.* e) Destroy in office all other contracts and agreements 3 years after completion, termination, or expiration.*	Retention: G.S. § 1-47(2) G.S. § 1-50(a)(5) 45 CFR 164.316 G.S. § 1-52
8.	DECLARATORY RULINGS Records concerning declaratory rulings issued by the agency to interpret statutes or rules as applied to a specified set of facts.	Retain in office permanently.	
9.	DELEGATION OF AUTHORITY RECORDS Records documenting delegations of power to authorize agency business. Includes signature authorities and powers of attorney.	Destroy in office 1 year after superseded or obsolete.	
10.	EASEMENTS AND RIGHT-OF-WAY AGREEMENTS Granted to the agency. See also ACCOUNTS PAYABLE , page 18, item 1 for disposition of financial records.	Destroy in office 10 years after expiration of agreement.	

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ITEM #	STANDARD 5: LEGAL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
11.	ENCROACHMENTS Records concerning agreements granted by or to the agency. Also includes maps or drawings detailing construction plans attached to agreements.	a) Retain in office permanently records concerning agreements granted by outside entities to the agency. b) Destroy in office when superseded or obsolete records concerning agreements granted to utilities, businesses, and private citizens to encroach upon agency property.	
12.	LAND OWNERSHIP RECORDS Includes deeds and titles.	Destroy in office 1 year after agency relinquishes ownership of land.*	
13.	 LEGAL CORRESPONDENCE Correspondence (including e-mail) and related records concerning legal matters not related to specific legal cases or official opinions.	Destroy in office after 5 years. For information on handling e-mail, see ELECTRONIC RECORDS , page 77.	Confidentiality: G.S. § 132-1.1(a)
14.	LEGAL OPINIONS Formal legal opinions written by counsel in response to requests concerning the governance and administration of the agency.	Retain in office permanently.	
15.	 LEGAL REVIEW RECORDS Includes legal reviews of by-laws and charges to boards and commissions, conflicts of interest, and all other agency matters as requested. See also LEGAL OPINIONS , page 46, item 14.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records after expiration of relevant statute of limitations.	Confidentiality: G.S. § 132-1.1(a)

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ITEM #	STANDARD 5: LEGAL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
16.	LITIGATION CASE RECORDS Civil suits to which the agency is a party. Includes affidavits, agreements, appeals, bills, briefs, citations, commitments, complaints, discharges, motions, notices, pleas, releases, statements, testimony, verdicts, waivers, warrants, and writs.	a) Retain in office cases having precedential or historical value permanently. b) Destroy in office adjudicated cases 6 years after final disposition. c) Destroy in office non-adjudicated cases (out-of-court claims) 6 years after final disposition or expiration of relevant statute of limitations.	Confidentiality: G.S. § 132-1.1(a) G.S. § 132-1.9
17.	OATHS OF OFFICE See also GOVERNING AND ADVISORY BODY MEMBER FILES , page 7, item 29.	Transfer official copy of oath of office to the Clerk to the Board. <i>Retention Note: The Clerk to the Board should present a copy of the oaths of elected officials to the Clerk of Superior Court for recording. The Clerk to the Board maintains the original oaths.</i>	Authority: G.S. § 153A-26 Retention: G.S. § 7A-103(2)
18.	PERMISSIONS Records conferring legal permission. Includes copyright permission requests and requests for permission to publish intellectual property or holdings of the agency. Also includes copyrights, patents, and trademarks held by the agency.	a) Retain in office permanently records conferring perpetual legal permission as well as records documenting copyrights, patents, and trademarks held by the agency. b) Destroy in office 3 years after expiration records concerning one-time copyright permissions granted by the agency.	
19.	PRE-TRIAL RELEASE PROGRAM RECORDS Records documenting supervision for defendants who do not pose a risk to the community as they await trial.	Destroy in office 3 years after trial.	

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ITEM #	STANDARD 5: LEGAL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.	REASONABLE ACCOMMODATIONS Records concerning agency efforts to provide reasonable accommodations to the general public under Title II of the Americans with Disabilities Act, Housing and Urban Development Act, 1973 Rehabilitation Act, and Title VII of the Civil Rights Act of 1964. Includes constituent requests, survey of agency buildings to determine accessibility to the physically handicapped, proposals for implementation, and resolutions. See also CITIZEN COMMENTS, COMPLAINTS, PETITIONS, AND SERVICE REQUESTS , page 4, item 17, and CIVIL RIGHTS CASE RECORDS , page 43, item 3.	Destroy in office after 2 years.*	Authority: 42 USC 12132
21.	RELEASE FORMS Records documenting consent and waiving the individual's right to hold the agency responsible for injuries or damages occurring while voluntarily participating in events or activities.	Destroy in office 5 years after termination of release/waiver.	
22.	VEHICLE TITLES Titles of agency owned vehicles.	Dispose of in accordance with Division of Motor Vehicles procedures for title transfer upon disposition of vehicle.	Authority: G.S. § 20-72

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STANDARD 6: PERSONNEL RECORDS

Official records and materials created and accumulated incidental to the employment, qualifications, training, and pay status of agency employees. Comply with applicable provisions of G.S. § 115C Article 21A (LEAs), G.S. § 122C-158 (area authorities), G.S. § 130A-45.9 (public health authorities), G.S. § 153A-98 (county), G.S. § 160A-168 (municipal), G.S. § 161E-257.2 (public hospitals), and G.S. § 162A-6.1 (water and sewer authorities) regarding confidentiality of personnel records.

ITEM #	STANDARD 6: PERSONNEL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.	ABOLISHED POSITIONS	Destroy in office after 1 year.	
2.	 ADMINISTRATIVE INVESTIGATIONS Records concerning the investigation of conduct problems among agency personnel. See also DISCIPLINARY ACTIONS , page 53, item 12.	a) Destroy in office after 3 years records concerning complaints against agency personnel that are resolved without an internal investigation. b) Destroy in office after 5 years records concerning complaints lodged against agency personnel that are exonerated. Destroy in office 5 years after final disposition or expiration of relevant statute of limitations complaints lodged against agency personnel that are settled out-of-court. c) Transfer investigation reports, disciplinary actions, and other related internal affairs case records to PERSONNEL RECORDS (OFFICIAL COPY) , page 60, item 29.	Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1

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ITEM #	STANDARD 6: PERSONNEL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
3. 	APPLICATIONS FOR EMPLOYMENT Records submitted by job applicants for vacant positions or by current employees for promotion, transfer, or training opportunities. Includes applications, transcripts, resumes, letters of reference, and other related records.	a) Transfer applications, resumes, transcripts, and similar records as applicable to PERSONNEL RECORDS (OFFICIAL COPY) , page 60, item 29. b) Destroy in office after 2 years unsolicited application materials from individuals hired. c) Destroy in office records concerning individuals not hired 2 years after date of receipt, if no charge of discrimination has been filed. If charge has been filed, destroy in office 1 year after resolution of charge.* d) Destroy in office 2 years after receipt unsolicited applications/resumes and those received after posted closing dates.	Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1 Retention: 29 CFR 1602.31
4.	APPRENTICESHIP PROGRAM RECORDS Records concerning registered apprenticeship programs. Includes applications and selection materials as well as aggregated data. Also includes apprenticeship affirmative action plans.	Destroy in office 5 years after the making of the record or the personnel action involved, whichever occurs later.	Authority: 29 CFR 30.4(a) 29 CFR 1602.20 Retention: 29 CFR 30.12(d) 29 CFR 1602.21

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ITEM #	STANDARD 6: PERSONNEL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
5. 	APTITUDE AND SKILLS TESTING RECORDS Records concerning aptitude and skills tests required of job applicants or of current employees to qualify for promotion or transfer. Includes civil service examinations. See also EMPLOYMENT SELECTION RECORDS , page 55, item 17.	Destroy in office after 2 years.	Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1 Retention: 29 CFR 1602.31 29 CFR 1627.3(b)(1)(iv)
6.	ASBESTOS TRAINING Records concerning training programs about the proper management of asbestos. See also BLOODBORNE PATHOGEN TRAINING , page 52, item 8, and HAZARDOUS MATERIALS TRAINING RECORDS , page 57, item 21.	a) Destroy in office employee-specific records 1 year after separation. b) Destroy in office remaining records when superseded or obsolete.	Retention: 29 CFR 1910.1001(m)(4)
7.	BENEFITS RECORDS Records concerning life, health, accident, and disability insurance plans as well as seniority and merit systems. Includes records concerning systems in which employees can select fringe benefits from a cafeteria plan, including flexible spending plans. File also includes notifications, election and claim forms, rejection letters, and other records related to COBRA (Consolidated Omnibus Budget Reconciliation Act).	a) Destroy in office approved claims forms after 2 years.* b) Destroy in office rejected requests 6 months after decision. c) Destroy in office notifications to employees or dependents informing them of their rights to continue insurance coverage after termination or during disability or family leave 3 years after employee returns or eligibility expires. d) Destroy in office remaining records 1 year after plan is terminated.	Retention: 29 CFR 1627.3(b)(2)

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ITEM #	STANDARD 6: PERSONNEL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
8.	BLOODBORNE PATHOGEN TRAINING Includes records showing date of training, sessions, contents or summaries of sessions, names of employees attending, and names and qualifications of instructors. See also ASBESTOS TRAINING , page 51, item 6, and HAZARDOUS MATERIALS TRAINING RECORDS , page 57, item 21.	Destroy in office after 3 years.	Retention: 29 CFR 1910.1030(h)(2)(ii)
9.	 CERTIFICATION AND QUALIFICATION RECORDS Records concerning certification or qualification as required for employment, continued employment, or promotion. See also APPLICATIONS FOR EMPLOYMENT , page 50, item 3.	a) Destroy in office certificates 5 years after date of separation. b) Destroy in office instructional materials, assessments, and other related records when superseded or obsolete.	Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1 Retention: 29 CFR 1602.31
10.	DIRECTORIES, ROSTERS, OR INDICES Includes records listing employees, their job titles, work locations, phone numbers, e-mail addresses, and similar information.	Destroy in office when superseded or obsolete.	

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ITEM #	STANDARD 6: PERSONNEL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
11.	DISABILITY SALARY CONTINUATION CLAIMS Forms used by disabled employees to apply for salary continuation benefits. Also include short-term disability claims forms and other related records.	a) Transfer original forms to Local Government Employees' Retirement System (LGERS) or Teachers' and State Employees' Retirement System (TSERS) for action when received. b) Destroy in office remaining records after 3 years.	
12.	DISCIPLINARY ACTIONS Correspondence (including e-mail) and other records concerning disciplinary actions taken against employees by personnel or supervisory staff, including records documenting terminations. Includes records created by civil service boards when considering, or reconsidering on appeal, an adverse action against an employee.	a) Transfer records as applicable to PERSONNEL RECORDS (OFFICIAL COPY) , page 60, item 29. b) Destroy in office all remaining records 2 years after resolution of all actions.	Authority: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1 Retention: 29 CFR 1602.31 Subject to the public information provision delineated in the above authorities.
13.	DUAL EMPLOYMENT Records concerning employees' requests and authorizations to accept employment with another local government agency.	a) Destroy in office approved requests and related records 1 year after employee terminates additional employment. b) Destroy in office denied requests and related records after 6 months.	

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ITEM #	STANDARD 6: PERSONNEL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
14. 	EDUCATIONAL LEAVE AND REIMBURSEMENT Includes records requesting educational leave and tuition assistance, reimbursements, and other related records. See also LEAVE RECORDS , page 57, item 24.	a) Transfer records documenting approved leave requests to PERSONNEL RECORDS (OFFICIAL COPY) , page 60, item 29. b) Destroy in office records concerning denied requests 6 months after denial.* Destroy in office records concerning approved tuition reimbursements 3 years after reimbursement.*	Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1
15. 	ELIGIBILITY RECORDS Includes the I-9 forms, employment authorization documents filed with the U.S. Department of Labor, petitions filed by the agency, E-Verify documentation, and Selective Service Registration compliance forms.	a) I-9 forms have mandatory retention throughout the duration of an individual's employment. After separation, destroy records in office 3 years from date of hire or 1 year from separation, whichever occurs later. b) Destroy in office after 5 years employment authorization documents filed with the U.S. Department of Labor. c) Destroy in office immigrant or nonimmigrant petitions filed by the agency 3 years after employee separation. d) Destroy in office remaining records 1 year after employee separation.	Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1 Retention: 8 USC 1324a(b)(3)
16. 	EMPLOYEE ASSISTANCE PROGRAMS Records documenting assistance and counseling opportunities. Includes requests for information, referrals, forms, releases, correspondence, and other related records.	Destroy in office after 3 years.	Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1

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ITEM #	STANDARD 6: PERSONNEL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
17. 	EMPLOYMENT SELECTION RECORDS Records concerning the selection of applicants for vacant positions or of current employees for promotion, transfer, or training opportunities. Includes interview documentation, rosters, eligibility lists, test ranking sheets, justification statements, background and criminal history checks, and similar records. See also APPLICATIONS FOR EMPLOYMENT , page 50, item 3, and APTITUDE AND SKILLS TESTING RECORDS , page 51, item 5.	a) Destroy in office background and criminal history checks after 5 years. b) Destroy in office remaining records 2 years after hiring decision.*	Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1 Retention: 29 CFR 1602.31 29 CFR 1627.3(b)(1)
18. 	EXIT INTERVIEW RECORDS Includes feedback from employees planning to separate from the agency.	Destroy in office after 1 year.	Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1

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ITEM #	STANDARD 6: PERSONNEL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
19. 	FAMILY MEDICAL LEAVE ACT (FMLA) RECORDS Records concerning leave taken, premium payments, employer notice, medical examinations considered in connection with personnel action, disputes with employees over FMLA, and other related records. See also LEAVE RECORDS , page 57, item 24.	Destroy in office 3 years after leave ends.*	Authority: 29 CFR 825.110 Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1 Retention: 29 CFR 825.500(b)
20. 	GRIEVANCES Includes initial complaint by employee, investigation, action, summary, and disposition. See also DISCIPLINARY ACTIONS , page 53, item 12, and PERSONNEL RECORDS (OFFICIAL COPY) , page 60, item 29.	Destroy in office after 2 years.*	Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1

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ITEM #	STANDARD 6: PERSONNEL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
21.	HAZARDOUS MATERIALS TRAINING RECORDS Includes records showing date of training, sessions, contents or summaries of sessions, names of employees attending, and names and qualifications of instructors. See also ASBESTOS TRAINING , page 51, item 6, and BLOODBORNE PATHOGEN TRAINING , page 52, item 8.	Destroy in office after 5 years.	Authority: 29 CFR 1910.120(p)(8)(iii) 10A NCAC 15
22.	INTERNSHIP PROGRAM Records concerning interns and students who work for the agency.	Destroy in office after 2 years.	
23.	LAW ENFORCEMENT TRAINING Records concerning internal training for law enforcement personnel.	Retain in office permanently.	
24. 	LEAVE RECORDS Records concerning employee leave, including requests for and approval of sick, vacation, overtime, buy-back, shared, donated, etc. Also includes records documenting leave without pay. See also EDUCATIONAL LEAVE AND REIMBURSEMENT , page 54, item 14, FAMILY MEDICAL LEAVE ACT (FMLA) RECORDS , page 56, item 19, and MILITARY LEAVE , page 58, item 26.	a) Destroy in office denied requests after 6 months. b) Destroy in office approved requests 3 years after return of employee or termination of employment.*	Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page vi.

† See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

ITEM #	STANDARD 6: PERSONNEL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
25.	 MEDICAL RECORDS Records concerning asbestos, toxic substances, and bloodborne pathogen exposure; medical examinations required by state or federal law; and records of injury or illness. (Does not include worker's compensation or health insurance claim records.)	a) Destroy in office exposure records 30 years after date of exposure.* b) Destroy in office records pertaining to first-aid job-related illness and injury after 5 years. c) Provide medical records to employees who have worked for less than 1 year at time of separation. d) Destroy in office after 1 year records concerning physical examinations or health certificates. e) Destroy in office remaining records 30 years after employee separation. <i>Retention Note: Records must be maintained separately from an employee's personnel jacket. If part of a worker's compensation claim, follow disposition for WORKERS' COMPENSATION PROGRAM CLAIMS, page 65, item 50.</i>	Authority: 29 CFR 1910.1020(e) Confidentiality: 29 CFR 1630.14(c)(1) 29 CFR 1910.1030(h)(1)(iii) Retention: 29 CFR 1627.3(b)(1)(v) 29 CFR 1910.1020(d) 42 USC 12112(d)(3)
26.	MILITARY LEAVE Records concerning military leave, as established by the Uniformed Services Employment and Reemployment Rights Act (USERRA). See also LEAVE RECORDS , page 57, item 24.	Destroy in office 3 years after leave ends or employee separates from agency.*	Authority: 5 CFR 1208

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ITEM #	STANDARD 6: PERSONNEL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
27. 	PERFORMANCE REVIEWS Information used to establish employees' goals and primary tasks. Records used to evaluate each employee's work performance. See also PERSONNEL RECORDS (OFFICIAL COPY) , page 60, item 29.	Destroy in office after 3 years.	Confidentiality (applies only to performance evaluations): G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1
28.	PERSONNEL ACTION NOTICES Records used to create or change information in the personnel records of individual employees concerning such issues as hiring, termination, transfer, pay grade, and position or job title.	Transfer records to PERSONNEL RECORDS (OFFICIAL COPY) , page 60, item 29.	Subject to the public information provision delineated in relevant General Statutes.

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ITEM #	STANDARD 6: PERSONNEL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
29. 	PERSONNEL RECORDS (OFFICIAL COPY) Official copy of personnel file maintained on each permanent and temporary agency employee. Includes basic employee information and records and forms relating to the selection or non-selection, promotion, transfer, leave, salary, suspension, and termination of employment. Note: For agencies responsible for maintaining personnel files for criminal justice officers, please consult 12 NCAC 09C .0307 for the mandatory records of certification that must be housed in the personnel file. See also MEDICAL RECORDS , page 58, item 25.	a) Destroy in office after 30 years from date of separation information needed to document: date and amount of each increase or decrease in salary with that agency; date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that agency; date and general description of the reasons for each promotion with that agency; date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the agency; and, if the disciplinary action was a dismissal, a copy of the written notice of the final decision of the agency setting forth the specific acts or omissions that are the basis of the dismissal. b) Destroy in office information necessary to verify benefits 30 years after date of separation. c) Destroy in office remaining records when individual retention periods are reached as noted in individual items in the Records Retention and Disposition Schedule.	Authority/ Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1
30. 	PERSONNEL RECORDS (SUPERVISOR COPY) Personnel jacket that is often maintained by supervisors.	a) Transfer records as applicable to PERSONNEL RECORDS (OFFICIAL COPY) , page 60, item 29. b) Destroy in office remaining records when reference value ends. [†] Agency Policy: Destroy in office after _____	Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1

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ITEM #	STANDARD 6: PERSONNEL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
31.	POLICIES AND PROCEDURES (PERSONNEL)	a) Retain in office internal agency personnel policies and procedures permanently. b) Destroy in office remaining records when superseded or obsolete.	
32.	 POLYGRAPH RECORDS Includes statements informing employee of the time, place, and reasons for the test; copy of notice sent to examiner identifying employee to be tested; and copies of opinions, reports, or similar records generated by the examiner and provided to the agency.	Destroy in office 3 years from the date the test was given, or from the date the test was requested if no examination was given.	Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1 Retention: 29 CFR 801.30
33.	POSITION CLASSIFICATION, CONTROL, AND HISTORY Records concerning personnel actions and position control, status of each established permanent, temporary full-time, or part-time position, and other related topics. Also includes listings providing classification, titles, and position numbers. See also POSITION DESCRIPTIONS , page 61, item 34.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.	
34.	POSITION DESCRIPTIONS Includes information on job title, grade, duties, agency assigned, and responsibilities.	Destroy in office 2 years after superseded.	Retention: 29 CFR 1620.32

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ITEM #	STANDARD 6: PERSONNEL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
35.	POSITION EVALUATIONS Forms used to evaluate the primary purpose of a position.	Destroy in office after 1 year.	
36.	RECRUITMENT RECORDS Includes ads and notices of overtime, promotion, and training. Also includes employment listings.	Destroy in office 1 year from date of record.	Retention: 29 CFR 1627.3(b)
37.	RETIREMENT RECORDS Includes plans and related records outlining the terms of employee pension and other deferred compensation plans.	a) Destroy in office records documenting deferred compensation 3 years after payment.* b) Destroy in office descriptive information about retirements plans 1 year after plan is terminated. c) Destroy in office records concerning employer-sponsored retirement plans 7 years after payment.* d) Transfer Local Governmental Employees' Retirement System (LGERS) forms to Department of State Treasurer. e) Transfer applicable records to PERSONNEL RECORDS (OFFICIAL COPY) , page 60, item 29.	Retention: 29 CFR 1627.3(b)(2)
38. 	SEASONAL AND CONTRACT WORKER RECORDS Records concerning seasonal or contractual employees who are not provided with or eligible for benefits.	Destroy in office 5 years after date of separation.	Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1

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ITEM #	STANDARD 6: PERSONNEL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
39.	SECONDARY EMPLOYMENT Records concerning employees' requests and authorizations to accept employment with a private entity.	a) Destroy in office approved requests and related records 1 year after employee terminates outside employment. b) Destroy in office denied requests and related records after 6 months.	
40.	SERVICE AWARDS AND COMMENDATIONS Includes award and selection committee reports, nominations, selection criteria, and similar administrative records relating to employee recognition or incentive programs. See also PERSONNEL RECORDS (OFFICIAL COPY) , page 60, item 29.	Destroy in office 2 years from date of record creation or the personnel action involved.	
41.	SUGGESTIONS AND SURVEYS Recommendations and feedback submitted by agency employees.	Destroy in office after 1 year.	
42.	TRAINING AND EDUCATIONAL RECORDS Includes employee-specific records (certificates, transcripts, test scores, etc.) relating to the training, testing, or continuing education of employees. See also CONFERENCES AND WORKSHOPS , page 67, item 4, and EDUCATIONAL LEAVE AND REIMBURSEMENT , page 54, item 14. Other required trainings are handled in ASBESTOS TRAINING , page 51, item 6, BLOODBORNE PATHOGEN TRAINING , page 52, item 8, and HAZARDOUS MATERIALS TRAINING RECORDS , page 57, item 21.	a) Transfer records as applicable to PERSONNEL RECORDS (OFFICIAL COPY) , page 60, item 29, if such training and testing is required for the position held or could affect career advancement. b) Destroy in office remaining records after 1 year.	Retention: 29 CFR 1627.3(b)(1)(iv)

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ITEM #	STANDARD 6: PERSONNEL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
43. 	UNEMPLOYMENT COMPENSATION CLAIMS Claim forms and other related records concerning unemployment compensation cases.	Destroy in office after 3 years.*	Confidentiality: G.S. § 115C Art. 21A G.S. § 122C-158 G.S. § 130A-45.9 G.S. § 153A-98 G.S. § 160-168 G.S. § 161E-257.2 G.S. § 162A-6.1
44.	UNEMPLOYMENT COMPENSATION REPORTS Quarterly reports showing month-to-date wages, month-to-date compensation, year-to-date wages, and year-to-date compensation for each employee. May be filed with NC Division of Employment Security.	Destroy in office after 3 years.*	
45.	UNEMPLOYMENT INSURANCE Forms submitted to the Department of Commerce to report wage records of terminated employees.	Transfer to the N.C. Department of Commerce, Division of Employment Security.	
46.	VERIFICATION OF EMPLOYMENT RECORDS Inquiries and responses concerning verification of an employee's prior or current employment with the agency.	Destroy in office after 1 year.	
47.	VOLUNTEER RECORDS Records concerning individuals who volunteer to assist with various agency activities.	Destroy in office 2 years after completion of assignment.	
48.	WORK SCHEDULES AND ASSIGNMENTS Records concerning work, duty, shift, crew, or case schedules, rosters, or assignments.	Destroy in office after 1 year.	

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ITEM #	STANDARD 6: PERSONNEL RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
49.	WORKERS' COMPENSATION PROGRAM ADMINISTRATION Includes program policies, guidelines, and related administrative documentation.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.	
50.	 WORKERS' COMPENSATION PROGRAM CLAIMS Records concerning workers' compensation claims filed by employees' supervisors concerning accidental injuries or illnesses suffered on the job. Includes Employer's Report of Injury to Employee (Form 19), accident investigation reports, medical reports, claim cost reports, reference copies of medical invoices, and other related records. <i>Note: All official copies of claims records should be transferred to the North Carolina Industrial Commission in compliance with G.S. § 97-92(a).</i>	Destroy in office agency's working file for workers' compensation claims by its employees 5 years after employee returns to work or separates from agency.	Confidentiality: G.S. § 8-53 G.S. § 97-92(b)

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STANDARD 7: PUBLIC RELATIONS RECORDS

Official records and materials created and accumulated by internal public relations programs operated by the agency.

ITEM #	STANDARD 7: PUBLIC RELATIONS RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.	AGENCY PUBLICATIONS Publications created at agency expense. Also includes correspondence and other related records regarding the design and creation of agency publications.	a) Retain in office records with historical value permanently. b) Destroy publications management records after 5 years. c) Destroy in office remaining records when reference value ends. [†] Agency Policy: Destroy in office after _____	
2.	AUDIO-VISUAL RECORDINGS Recordings (including digital) and films produced by the agency. This does not include recordings of public meetings or security videos. See also AUDIO AND VIDEO RECORDINGS OF MEETINGS , page 2, item 7, and OFFICE SECURITY RECORDS , page 12, item 46.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends. [†] Agency Policy: Destroy in office after _____	
3.	COMMUNITY AWARDS Records concerning awards by the agency recognizing community contributions.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends. [†] Agency Policy: Destroy in office after _____	

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ITEM #	STANDARD 7: PUBLIC RELATIONS RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.	CONFERENCES AND WORKSHOPS Records concerning conferences and workshops conducted by agency employees. Includes slides, charts, transparencies, handouts, and other related records used in presentations. See also TRAINING AND EDUCATIONAL RECORDS , page 63, item 42.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.	
5.	EDUCATIONAL MATERIALS Materials produced for usage by teachers or tour groups. Includes lesson plans, activities, and other related records.	Destroy in office when superseded or obsolete.	
6.	FUND DRIVE AND EVENT RECORDS Records documenting the promotion and organization of fund drives and other special events in which the agency participated. Includes records concerning solicitations requesting and donations providing money or in-kind donations for agency programs. Also includes invitations, registration materials, agendas, handouts, presentations, and programs. See also DONATIONS AND SOLICITATIONS , page 22, item 21.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.	
7.	INVITATIONS Invitations sent and received concerning agency and external functions.	Destroy in office after event occurs.	

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ITEM #	STANDARD 7: PUBLIC RELATIONS RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
8.	MEDIA FILE Reference copies of newspaper, magazine, and other media clippings concerning the agency, agency officials, and other topics of interest.	Destroy in office when reference value ends. [†] Agency Policy: Destroy in office after _____	
9.	POPULAR ANNUAL FINANCE REPORT Comprehensive annual financial report (CAFR)	a) Retain records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.	
10.	PUBLIC HEARINGS Includes agendas, minutes, notices, speaker sign-up sheets, and similar documentation.	a) Retain in office minutes permanently. b) Destroy in office remaining records after 1 year.	
11.	PUBLIC RECORDS REQUESTS Formal requests submitted by persons seeking access to agency records along with documentation of agency response.	Destroy in office 2 years after resolution.* <i>Note: These disposition instructions apply only to the request, internal agency records related to searching for and preparing responsive records, and communication fo response; the documents that are responsive to public records requests should be handled acording to their respective disposition instructions. However, if the agency also retains separate copies of the documents that are responsive to public records requests, they may also be destroyed 2 years after completion of the request.</i>	
12.	PUBLICITY RECORDS Records concerning overall public relations of agency. Includes advertisements, announcements, correspondence (including e-mail), photographic materials, news and press releases, and other related records.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.*	

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ITEM #	STANDARD 7: PUBLIC RELATIONS RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
13.	SOCIAL MEDIA	See APPENDIX (page 78) for guidance in handling social media.	
14.	SPEECHES Speeches made by agency officials.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends. [†] Agency Policy: Destroy in office after _____	
15.	WEBSITE (ELECTRONIC) Records created and maintained in paper and electronic formats concerning the creation and maintenance of the agency's presence on the World Wide Web. Includes correspondence (including e-mail), procedures, instructions, website designs, HTML/XHTML, or other web-based file formats, and other related records. See also WEB MANAGEMENT AND OPERATIONS RECORDS: STRUCTURE , page 42, item 19.	a) Capture website annually or whenever a major revision in design and/or content has taken place, whichever occurs first. Retain captured content in office permanently. Can be maintained as website snapshots or via Web crawler. b) Destroy in office remaining records when superseded or obsolete.	

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STANDARD 8: RISK MANAGEMENT RECORDS

Official records created and accumulated to manage risks in the agency.

ITEM #	STANDARD 8: RISK MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.	ACCIDENT/INCIDENT REPORTS (CUSTOMER AND EMPLOYEE) See also WORKERS' COMPENSATION PROGRAM CLAIMS , page 65, item 50.	a) Transfer records resulting in workers' compensation to WORKERS' COMPENSATION PROGRAM CLAIMS , page 65, item 50. b) Destroy in office remaining employee claims 3 years after settlement or denial of claim.* c) Destroy in office adult non-employee reports 3 years after settlement or denial of claim.* d) Destroy in office reports that do not result in claims or official action after 3 years. e) Destroy in office reports of minors after minor has reached age of 21.	
2.	ASBESTOS MANAGEMENT PLAN	a) Destroy in office 1 year after building is demolished. b) If building is sold, transfer records to new owner.	Retention: 29 CFR 1910.1001(j)(3)(ii)
3.	DECLARATIONS AND TERMINATIONS OF STATES OF EMERGENCY	Retain in office permanently.	Authority: G.S. § 166A-19.22

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ITEM #	STANDARD 8: RISK MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4. 	DISASTER AND EMERGENCY MANAGEMENT PLANS Records concerning preparedness, evacuations, and operations in the event of a disaster (natural, accidental, or malicious). Includes background surveys, studies, reports, and records concerning the process of notifying personnel in the event of an emergency. Also includes Continuity of Operations Plans (COOP) and Business Continuity Plans (BCP).	Destroy in office when superseded or obsolete.	Confidentiality: G.S. § 132-1.7
5.	DISASTER RECOVERY Administrative records documenting recovery efforts.	a) Retain in office permanently records documenting major agency disaster recovery efforts b) Destroy in office after 3 years records concerning minor or routine agency recovery operations that are managed with minimal disruption to normal operations.	
6.	EMERGENCY DRILLS AND EQUIPMENT RECORDS Includes test records for fire suppression, defibrillator, respirator fit, and other emergency equipment. Also includes records concerning agency emergency and fire drills.	Destroy in office when superseded or obsolete.	
7.	EMPLOYEE SECURITY RECORDS Records concerning the issuance of keys, identification cards, parking assignments, passes, etc., to employees.	Destroy in office when superseded or obsolete.	
8.	FIRE, HEALTH, AND SAFETY RECORDS Records concerning agency safety measures. Includes reports, logs, and other related records documenting inspections of agency facilities.	Destroy in office when superseded or obsolete.	

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ITEM #	STANDARD 8: RISK MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
9.	FUEL OIL STORAGE TANK RECORDS	Destroy in office closure records 3 years after completion of permanent closure.	Authority: 40 CFR 280.34 Retention: 40 CFR 280.74
10.	HAZARDOUS MATERIALS MANAGEMENT Records related to hazardous materials and hazard mitigation plans.	a) Destroy in office after 30 years records related to hazardous materials, including biowaste. b) Destroy in office after 5 years records concerning the receipt, maintenance, and disposal of radioactive materials. c) Destroy in office 3 years after superseded or obsolete records concerning hazard mitigation plans.	
11.	INSURANCE POLICIES Records concerning automobile, theft, fire, and all other insurance policies purchased by agency. Also includes insurance audits, claims reports, surveys, endorsements, certificates of insurance, and waivers.	a) Destroy in office records concerning automobile and other liability insurance policies 10 years after superseded or obsolete.* b) Destroy in office certificates of insurance after 1 year. c) Destroy in office self-insurer certifications 6 years from date of termination of policy or settlement of all claims. d) Destroy in office remaining records after 1 year after superseded or obsolete.	
12.	LOSS CONTROL INSPECTION REPORTS Self-inspections to identify potential liabilities or hazards that may exist in agency owned buildings or property.	Destroy in office when superseded or obsolete.	

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ITEM #	STANDARD 8: RISK MANAGEMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
13.	LOST, STOLEN, OR DAMAGED PROPERTY REPORTS Includes citizen reports of property lost or stolen at agency. Also includes reports and employee narratives of vandalism to agency property.	Destroy in office after 2 years.*	
14.	OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) Records concerning injury or illness, extent and outcomes, summary totals for calendar year, and OSHA forms. Includes ergonomic assessments for employees.	Destroy in office after 5 years.	Retention: 29 CFR 1904.33 29 CFR 1904.44
15.	SAFETY DATA SHEETS Forms supplied to agencies from manufacturers and distributors of hazardous materials for materials held by the agency.	Destroy in office 30 years after materials have been disposed of according to manufacturer's instructions. <i>Retention Note: A data sheet for a mixture may be discarded if the new data sheet includes the same hazardous chemicals as the original formulation. If the formulation is different, both data sheets must be retained for 30 years. Data sheets may also be discarded if some other record identifying the substances used, where they were used, and when they were used is retained the required 30-year period.</i>	Retention: 29 CFR 1910.1020(d)(1)(ii)(B)

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STANDARD 9: WORKFORCE DEVELOPMENT RECORDS

Official records created and accumulated by the agency to manage workforce development programs. Relevant legislation includes the Comprehensive Employment and Training Act, the Job Training and Partnership Act, the Workforce Investment Act, and the Workforce Innovation and Opportunity Act.

ITEM #	STANDARD 9: WORKFORCE DEVELOPMENT RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.	AUDIT/AUDIT RESOLUTIONS Records concerning reports from financial and compliance audits conducted on WIA programs in accordance with OMB Circular A-133. Includes audit reports and correspondence concerning audits and audit resolutions for the local area. Also includes federal and state audits.	Destroy in office after 3 years.	Authority: OMB Circular A-133 29 CFR 97.26
2.	LOCAL AREA JOB TRAINING PLAN RECORDS Records concerning the local board's bid process for contracting workforce development programs.	Destroy in office when superseded or obsolete.	Authority: 20 CFR 652.8
3.	PARTICIPANT RECORDS Records concerning applicants, registrants, eligible applicants/registrants, participants, terminees, and employees who submit requests for services of the Dislocated Workers Program and Workforce Investment Act programs. Includes applications, client history, Employability Development Plans, program referral, monitoring notes, pay authorizations, release forms, and WIA follow-up questionnaires.	Destroy in office 3 years after close of audit/final year expenditure.*	Authority: 20 CFR 652.8

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DESTRUCTION OF PUBLIC RECORDS

Q. When can I destroy records?

- A.** Each records series listed on this schedule has specific disposition instructions that indicate how long the series must be kept in your office. In some cases, the disposition instructions are “Retain in office permanently,” which means that those records must be kept in your offices forever.
-

Q. How do I destroy records?

- A.** After your agency has approved this records retention and disposition schedule, records should be destroyed in one of the following ways:
- 1) burned, unless prohibited by local ordinance;
 - 2) shredded, or torn so as to destroy the record content of the documents or material concerned;
 - 3) placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the documents or materials concerned;
 - 4) sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold without pulverizing or shredding the documents so that the information contained within cannot be practicably read or reconstructed.

The provision that electronic records are to be destroyed means that the data, metadata, and physical media are to be overwritten, deleted, and unlinked so that the data and metadata may not be practicably reconstructed.

The data, metadata, and physical media containing confidential records of any format are to be destroyed in such a manner that the information cannot be read or reconstructed under any means.

— N.C. Administrative Code, Title 7, Chapter 4, Subchapter M, Section .0510

Without your agency’s approval of this records schedule, no records may legally be destroyed.

Q. How can I destroy records if they are not listed on this schedule?

- A.** Contact a Records Management Analyst. An analyst will discuss the nature of the records with you to determine if the records have historical value. If the records do have historical value, we will discuss the possibility of transferring the records to the State Archives of North Carolina to be preserved permanently.

If the records do not have historical value, we will ask you to complete a Request for Disposal of Unscheduled Records (page 86) if the records are no longer being created. If the records are an active records series, an analyst will help you develop an amendment to this schedule so that you can destroy the records appropriately from this point forward.

Q. Am I required to tell anyone about the destructions?

- A.** We recommend that you report on your records retention activities to your governing board on an annual basis. This report does not need to be detailed, but it is important that significant destructions be entered into the minutes of the Board. See a sample destructions log that follows (and is available online at the State Archives of North Carolina website, <https://archives.ncdcr.gov/government/forms-government>).



Destructions Log

Agency					
Division		Section		Branch	
Location(s) of Records					

[illegible]

ELECTRONIC RECORDS: E-MAIL, BORN-DIGITAL RECORDS, AND DIGITAL IMAGING

Q. When can I delete my e-mail?

- A.** E-mail is a public record as defined by G.S. § 121-5 and G.S. § 132. Electronic mail is as much a record as any paper record and must be treated in the same manner. **It is the content of each message that is important.** If a particular message would have been filed as a paper memo, it should still be filed (either in your e-mail program or in your regular directory structure), and it should be retained the same length of time as its paper counterparts. **It is inappropriate to destroy e-mail simply because storage limits have been reached.** Some examples of e-mail messages that are public records and therefore covered by this policy include:

- Policies or directives;
- Final drafts of reports and recommendations;
- Correspondence and memoranda related to official business;
- Work schedules and assignments;
- Meeting agendas or minutes
- Any document or message that initiates, facilitates, authorizes, or completes a business transaction; and
- Messages that create a precedent, such as issuing instructions and advice.

*From the Department of Cultural Resources E-Mail Policy (Revised July 2009),
available at the State Archives of North Carolina website*

Other publications (available online at the [State Archives of North Carolina website](http://www.southcarolina.gov)) that will be particularly helpful in managing your e-mail include tutorials on managing e-mail as a public record and on using Microsoft Exchange.

Q. May I print my e-mail to file it?

- A.** We do not recommend printing e-mail for preservation purposes. Important metadata are lost when e-mail is printed.

Q. I use my personal e-mail account for work. No one can see my personal e-mail, right?

- A.** The best practice is to avoid using personal resources, including private e-mail accounts, for public business. G.S. § 132-1 states that records “made or received pursuant to law or ordinance *in connection with the transaction of public business* by any agency of North Carolina government or its subdivisions” are public records (emphasis added). The fact that public records reside in a personal e-mail account is irrelevant.

Q. We have an imaging system. Are we required to keep the paper?

- A.** You may scan any record, but you will need to receive approval from the Government Records Section in order to destroy paper originals that have been digitized. Your agency must develop an electronic records policy and then submit a Request for Disposal of Original Records Duplicated by Electronic Means. You can find these templates in the Digital Imaging section of the State Archives of North Carolina website (<https://archives.ncdcr.gov/government/digital-records/digital-records-policies-and-guidelines#digital-imaging>). Contact a Records Management Analyst for further instructions on how to develop a compliant electronic records policy.

Permanent records must have a security preservation copy as defined by State Archives of North Carolina’s **Human-Readable Preservation Duplicate Policy** (G.S. § 132-8.2):

Preservation duplicates shall be durable, accurate, complete and clear, and such duplicates made by a photographic, photo static, microfilm, micro card, miniature photographic, or other process which accurately reproduces and forms a durable medium for so reproducing the original shall have the same force and effect for all purposes as the original record whether the original record is in existence or not. ... Such preservation duplicates shall be preserved in the place and manner of safekeeping prescribed by the Department of Natural and Cultural Resources.

The preservation duplicate of permanent records must be either on paper or microfilm.

Non-permanent records may be retained in any format. You will need to take precautions with electronic records that you must keep more than about 5 years. Computer systems do not have long life cycles. Each time you change computer systems, you must convert all records to the new system so that you can assure their preservation and provide access.

Q. Computer storage is cheap. Can I just keep my computer records permanently?

- A.** The best practice is to destroy all records that have met their retention requirements, regardless of format.

Q. What are the guidelines regarding the creation and handling of electronic public records?

- A.** There are numerous documents available on the State Archives of North Carolina website (<https://archives.ncdcr.gov/government/digital-records/digital-records-policies-and-guidelines>). Topics covered include shared storage, cloud computing, e-discovery, trustworthy digital public records, digital signatures, e-mail, social media, text messages, websites, digital imaging, metadata, file formats, database indexing, and security backups.

Note that e-mail, text messages, and social media should be handled according to their content. Therefore, this schedule does not include a records series that instructs you on how to handle one of these born-digital records by format; instead of focusing on how the information is disseminated, consider what content is contained in the e-mail, text message, or social media post. For instance, an e-mail requesting leave that is sent to a supervisor should be kept for 1 year (see **LEAVE RECORDS**, page 57, item 24).

GEOSPATIAL RECORDS

Q. Why should geographic information system (GIS) datasets be retained and preserved?

- A.** Geospatial records are public records and need to be retained and preserved based on their legal, fiscal, evidential and/or historical value according to an established retention schedule. Local agencies involved in GIS operations should work with the State Archives of North Carolina in order to appraise, inventory, and preserve their geospatial records according to established best practices and standards to insure both their short- and long-term accessibility.

Due to the complexity and transitory nature of these records, geospatial records retention and long-term preservation is a community-wide challenge. GIS files have become essential to the function of many local agencies and will continue to frequently be utilized in agency decision-making processes in the near and far future. Accessibility of GIS records over time has legal, fiscal, practical, and historical implications. The availability of GIS records can help safeguard the local government's legal and fiscal accountability and aid agencies in conducting retrospective and prospective studies. These studies are only possible when essential data from the past are still available.

Q. What GIS datasets should be preserved by local governments?

- A.** The following types of geospatial records have been designated as having archival value:

- Parcel data
- Street centerline data
- Corporate limits data
- Extraterritorial jurisdiction data
- Zoning data, address points
- Orthophotography (imagery)
- Utilities
- Emergency/E-911 themes

Q. How often should we capture the datasets retained for their legal, fiscal, evidential or historical value?

- A.** Consult the retention schedule for frequency of capture. The frequency of capture is based on the significance of the record as well as its alterability.

Q. What data formats, compression formats, and media should be used to preserve the data?

- A.** Archiving practices should be consistent with North Carolina Geographic Information Coordinating Council (GICC) approved standards and recommendations. (Examples: Content Standards for Metadata; Data Sharing Recommendations). Consult the GICC website at <http://www.ncgicc.com/>

You should also comply with guidelines and standards issued by the State Archives of North Carolina, which are available on its website.

Q. *Who should be responsible for creation and long-term storage of archived data?*

- A.** The creating agency, NCOneMap, and the State Archives of North Carolina may all have responsibility for archiving data. If you choose to upload your data to NCOneMap, consult with your county's GIS department to determine whether data will be uploaded by your agency or by the whole county. If you choose not to upload your data to NCOneMap, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council.

MICROFILM

Q. Why do you still use microfilm?

- A.** Microfilm is a legally acceptable replacement for original records, as outlined in G.S. § 8-45.1 and § 153A-436. Microfilm can be read with nothing more sophisticated than a magnifying glass, and there is no software to keep current. Usually, deterioration in the film itself can be detected by visual inspection. The State Archives of North Carolina provides a publication, *Micrographics: Technical and Legal Procedures*, on our website. It explains the four groups of national standards for the production of archival quality microfilm:

- manufacture of raw film
- filming methods
- processing (developing) film
- storage methods

That publication also provides sample forms, targets, and procedures that you or your vendor can use in producing film of your records.

Q. What film services do you provide?

- A.** The Department of Natural and Cultural Resources provides microfilming services for minutes of major decision-making boards and commissions. We will also film records of adoptions for Social Services agencies. Once those records are filmed, we will store the silver negative (original) in our security vault. Contact the Records Management Analyst in charge of microfilm coordination for the most current information.

Q. How do I get my minutes filmed?

- A.** We have two processes to film minutes. First, you can send photocopies of your approved minutes to us in the mail. Simply include a copy of the **Certification of the Preparation of Minutes for Microfilming** form (available online at the [State Archives of North Carolina website](#)) with each shipment. For more detailed instructions, contact a Records Management Analyst.

Alternately, you can bring us your original books. We will film them and return them to you. This process is most useful when you have more minutes to film than you are willing to photocopy. It is important to remember that a representative of your office or ours must transport the original books in person so that the custody of the records is maintained. You should not mail or ship your original minutes. Call a Records Management Analyst to make arrangements for an appointment for your books to be filmed. We will make every effort to expedite the filming so that your books will be returned to you as quickly as possible.

Q. What if I need my books while they are being filmed?

- A.** Call the Raleigh Office at (919) 814-6900, and ask for the Records Management Analyst in charge of microfilm coordination.

Q. Can I send you my minutes electronically?

- A.** We are working on standards and procedures for an electronic transfer system for minutes. Please contact the Records Management Analyst in charge of microfilm coordination for more information.

Q. I have some old minutes that are not signed. Can they still be filmed?

- A.** If the only copy you have available is unsigned, and you use it as the official copy, we will film it.

Q. What if my books are destroyed after they have been filmed?

- A.** Call a Records Management Analyst who will help you make arrangements to purchase copies of the microfilm from our office. You can then send those reels to a vendor who can either make new printed books or scan the film to create a digital copy.

DISASTER ASSISTANCE

Q. What should I do in case of fire or flood?

- A.** Secure the area, and keep everyone out until fire or other safety professionals allow entry. Then, call our Raleigh office at (919) 814-6903 for the Head of the Government Records Section or (919) 814-6849 for the Head of the Collections Management Branch. If you're in the western part of the state, call our Asheville Office at (828) 296-7230 extension 224. On nights and weekends, call your local emergency management office.

DO NOT ATTEMPT TO MOVE OR CLEAN ANY RECORDS.

Damaged records are extremely fragile and require careful handling. Our staff are trained in preliminary recovery techniques, documenting damage to your records, and authorizing destruction of damaged records. Professional vendors can handle larger disasters.

Q. What help do you give in case of an emergency?

- A.** We will do everything we can to visit you at the earliest opportunity in order to provide hands-on assistance. We can assist you in appraising the records that have been damaged so that precious resources (and especially time) are not spent on records with lesser value. We can provide lists of professional recovery vendors that you can contact to preserve your essential and permanent records.

Q. What can I do to prepare for an emergency?

- A.** We provide training on disaster preparation that includes a discussion of the roles of proper inventories, staff training, and advance contracts with recovery vendors. If you would like to have this workshop presented, call a Records Management Analyst.

Q. What are essential records?

- A.** Essential records are records that are necessary for continuity of operations in the event of a disaster. There are two common categories of records that are considered essential:
- **Emergency operating records** – including emergency plans and directives, orders of succession, delegations of authority, staffing assignments, selected program records needed to continue the most critical agency operations, as well as related policy or procedural records.
 - **Legal and financial rights records** – these protect the legal and financial rights of the Government and of the individuals directly affected by its activities. Examples include accounts receivable records, Social Security records, payroll records, retirement records, and insurance records. These records were formerly defined as "rights-and-interests" records.

Essential records should be stored in safe, secure locations as well as duplicated and stored off-site, if possible.

STAFF TRAINING

Q. What types of workshops or training do you offer?

A. We have a group of prepared workshops that we can offer at any time at various locations throughout the state. Contact a Records Management Analyst if you are interested in having one of the workshops presented to your agency. We will work with you directly to develop training suited to your specific needs. Our basic workshops are:

- Managing public records in North Carolina
- Scanning/digital imaging
- Disaster preparedness and recovery
- Confidentiality
- Organizing paper and digital files
- E-mail
- Digital communications

Q. Will you design a workshop especially for our office?

A. Yes, we will. Let a Records Management Analyst know what type of training you need.

Q. Are workshops offered only in Raleigh?

A. No, we will come to your offices to present the workshops you need. We have no minimum audience requirement. We will also do presentations for professional associations, regional consortiums, and the public.

Q. Is there a fee for workshops?

A. Not at this time.

Q. Are the workshops available in an online format?

A. Not at this time. However, there are several online tutorials available on the State Archives of North Carolina website, including managing public records, electronic records, and scanning.



Request for Change in Local Government Records Schedule

Use this form to request a change in the records retention and disposition schedule governing the records of your agency. Submit the signed original and keep a copy for your file. A proposed amendment will be prepared and submitted to the appropriate state and local officials for their approval and signature. Copies of the signed amendment will be sent to you for insertion in your copy of the schedule.

AGENCY INFORMATION

Requestor name

Location and Agency [e.g., County/Municipality + Department of Social Services]

Phone and email

Mailing Address

CHANGE REQUESTED

Specify title and edition of records retention schedule being used: _____

☐ Add a new item

☐ Delete an existing item

Standard Number _____ Page _____ Item Number _

☐ Change a retention period

Standard Number _____ Page _____ Item Number _

Title of Records Series in Schedule or Proposed Title:

Inclusive Dates of Records:

Proposed Retention Period:

Description of Records:

Justification for Change:

Requested by:

Signature

Title

Date

Approved by:

Signature

Requestor's Supervisor

Date



Request for Disposal of Unscheduled Records

AGENCY INFORMATION

Requestor name

Location and Agency [e.g., County/Municipality + Department of Social Services]

Phone and email

Mailing Address

In accordance with the provisions of G.S. § 121 and § 132, approval is requested for the destruction of records listed below. These records have no further use or value for official administrative, fiscal, historical, or legal purposes.

RECORDS TITLE AND DESCRIPTION	INCLUSIVE DATES	QUANTITY	RELEVANT STATUTORY REGULATIONS	PROPOSED RETENTION PERIOD

Requested by:

Signature

Title

Date

Approved by:

Signature

Requestor's Supervisor

Date

Concurred by:

Signature

Assistant Records Administrator
State Archives of North Carolina

Date



Request for Disposal of Original Records Duplicated by Electronic Means

If you have questions, call (919) 814-6900 and ask for a Records Management Analyst.

This form is used to request approval from the Department of Natural and Cultural Resources to dispose of non-permanent paper records that have been scanned, entered into databases, or otherwise duplicated through digital imaging or other conversion to a digital environment. This form does not apply to records that have been microfilmed or photocopied or to records with a permanent retention.

Agency Contact Name:		Date (MM-DD-YYYY):
Phone (area code):	Email:	
County/Municipality:	Office:	
Mailing address:		

Records Series Title A group of records as listed in records retention schedule	Description of Records Specific records as referred to in-office	Inclusive Dates (1987-1989; 2005-present)	Approx. Volume of Records (e.g. "1 file cabinet," "5 boxes")	Retention Period As listed in records retention schedule

Requested by:

Signature Title Date

Approved by:

Signature Requestor's Supervisor Date

Concurred by:

Signature Assistant Records Administrator
State Archives of North Carolina Date



File Plan

Agency					
Division		Section		Branch	

[illegible]

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CITY OF LENOIR

COUNCIL ACTION FORM: March 19, 2019

I. Agenda Item:

Conditional Use Permit for a 68-unit apartment complex in the R-9 and B-2 zoning districts.

II. Background Information:

Staff report is attached.

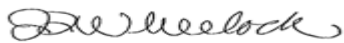
III. Staff and Planning Board Recommendation:

Planning staff and the Planning Board recommend that City Council approval of the Conditional Use Permit, with the staff conditions 1-10 as presented in the staff report.

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Planning Director:  _____



Staff Report

Conditional Use Permit

CASE NUMBER CUP #1/19

LOCATION MAP/AERIAL PHOTOGRAPH



Subject Property

316 Lower Creek Drive



SUMMARY

Owner

Silvio G Matinat, Edwin H Martinat JR, Karan M Witt

Applicant

MC Morgan & Associates, Inc

Location

Located on Lower Creek Dr between Tywood St and Eastover Cir. +/- 5.22 Acres

NC PIN

2759488961 & 2759488577

Project Planners

Jenny Wheelock, AICP, CZO
Hannah Williams

Updated March 4, 2019

Applicant's Request:

The applicant is requesting a Conditional Use Permit for a 68 unit multi-family apartment development in the General Business (B-2) and Multi-Family Residential (R-9) zoning districts.

Staff Recommendation:

Approval of the request, subject to the conditions in this report.

Planning Board Recommendation:

Planning Board recommends approval of the Conditional Use Permit, with conditions listed on page 6 of this report.

Public Comment:

Of those in attendance at the Planning Board meeting, approximately 15 people opposed the proposal, while approximately 5 supported the proposal.

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

City Council (Public Hearing): Scheduled for March 19, 2019.

*****This request is considered quasi-judicial. You should not discuss this case with decision mak-**

BACKGROUND AND ANALYSIS

Intent of Conditional Use Permits

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

Intent of the Zoning Districts

The Multi-family Residential District (R-9) is intended to accommodate medium density single-family residential and multi-family residential, double wide manufactured homes and compatible land uses. Multifamily developments over 3 units are permitted as Conditional Uses in the R-9 district.

The General Business (B-2) zoning district is intended to provide areas along major and minor thoroughfares for activities which require larger tracts of land and ideal vehicular access. As a higher intensity residential use, multifamily developments require and benefit from much of the same site features as commercial uses. Multifamily developments over 3 units are permitted as Conditional Uses in the B-2 district.

Subject and Surrounding Properties

The approximately 5.2 acre subject property is on Lower Creek Drive, just west of the Skyland apartment development and across the street from Eastover Circle. It is currently developed with a large, vacant farm house with several outbuildings. There are no residents using the property. The property is mostly cleared land with several mature trees and vegetative buffers around the side property lines. The subject property is "split-zoned" with R-9 (Multi-family) and B-2 (General Business) zoning districts. The R-9 zoning district takes up about 3.27 acres on the subject property, and includes the entirety of the 600 feet of street frontage on Lower Creek Drive. The B-2 zoning district takes up about 1.95 acres of the subject property, located towards the rear/south.

Adjacent properties to the north of the subject property are single family homes in the R-12 district. Neighboring properties to the east are multi-family apartments in the R-9 zoning district and to the west are single family homes in the R-9 zoning district. These properties have access off of Lower Creek Drive. Properties to the south are zoned B-2 general business district and are accessed from Wilkesboro Boulevard.

Proposed Development

The applicant is proposing a 68 unit multi-family apartment complex. Multi-family developments are allowed with a Conditional Use Permit in both R-9 and B-2 districts.

The applicant proposes an apartment complex with four residential buildings and one standalone clubhouse. An apartment building with 12 units (Bldg 400) and the 1 story clubhouse will face Lower Creek Drive. Three other buildings will be located towards the rear of the property, one with 12 units (Bldg 200), one with 20 units (Bldg 300) and one with 24 units (Bldg 100). Building 400 and Building 300 will have their lower levels built below the grade of Lower Creek Drive, reducing visibility impacts from surrounding properties. See the site plan (page 8) and elevation drawings and section detail diagram (page 9-10).

BACKGROUND AND ANALYSIS, CONT.

Additional amenities include a playground, a picnic shelter, a multipurpose room, and a computer room for resident use. Parking is provided internal to the site, with much of the parking areas being screened from view by building 400. The proposed development would require 2 parking spaces per unit, requiring 136 total parking spaces.

The primary access for the apartments is proposed off of Lower Creek Drive; however, a secondary access point to allow ingress/egress from Wilkesboro Blvd. is also proposed along an existing easement that runs along the western side of the property currently developed with Community One Bank. Sidewalks are proposed along Lower Creek Drive as well as to connect all of the buildings internally within the site.

Consistency with the Comprehensive Plan

All decisions of the Planning Board and City Council should be based on consistency of the proposal with the Comprehensive Plan and any other officially adopted plan that is applicable. The comprehensive plan encourages the development of affordable housing for people in all stages of life, and encourages the development of high-quality multi-family buildings. The design of the apartment buildings, with varied building types, residential design features (pitched roofs, covered entries), and high-quality architecture and materials achieves these goals.

Compatibility with Surrounding Uses

Generally, multi-family residential uses make good transitional uses to “step down” from the intensity of commercial districts to lower density single family residential neighborhoods. As such, the location of the subject property between the commercial areas on Wilkesboro Blvd and the predominately one- and two-family houses to the north and west of the subject site makes it an ideal transitional use. The site layout, with the smaller units closer to the street and other residences, gives careful consideration to the surrounding neighborhood.

Impacts of the Project

Intensification of development rights on properties should be analyzed both on their overall impact to the community as well as their specific intensification of impact over what might be allowed “by right” on the site. For this analysis, staff assumed a “by right” build out scenario of ~25 single family homes, based on the density allowed in the R-9 district.

School Impacts: The proposed apartments are located within the Lower Creek Elementary School, William Lenoir Middle School, and Hibriten High School districts. Of the three schools, Lower Creek Elementary School is the closest to capacity.

Apartments tend to generate less students than single family homes, with various studies putting the generation rates of elementary-school aged children from apartment complexes anywhere between 0.07-0.159 students per unit. Using this range, the proposed apartment complex can be projected to generate anywhere between 5 and 11 new students in the Lower Creek school district. For purposes of determining impacts of the conditional use over the “by right” development scenarios, 25 single-family homes would have a student generation rate of ~0.2 elementary school students per unit, or about 5 students.

Traffic Impacts: According to the ITE Trip Generation Handbook (see excerpts in Appendix B of this report), the average trip generation rates for single family homes on a normal weekday is 7 trips per unit while the average daily trip generation rates for low-rise apartments is 6.59 trips per unit. Therefore, the proposed project can be expected to generate ~448 trips a day, compared to 25 single homes, which would generate ~175 trips a day.

The ITE also studies “peak hour” trip generation rates, typically for a morning and evening “rush hour.” For low-rise apartments, the weekday AM peak hour has a generation rate of 0.24 trips/unit (16 trips, 79% exiting) and a weekday PM peak hour rate of 0.38 trips/unit (26 trips, 65% entering). This means that peak times for traffic for this project are likely to be in the PM rush hour, which would not conflict with the brief but heavy traffic times for drop off and pick up of elementary school students.

Assuming a relatively equal split between the two points of ingress/egress proposed, the traffic generation rates would result in about 224 trips (entering and/or exiting) a day at each driveway. Given that a 25-home single family development is likely to be a

BACKGROUND AND ANALYSIS, CONT.

single dead-end street with access only to Lower Creek Drive, with all ~175 trips on Lower Creek Drive, the traffic impacts of the development on Lower Creek Drive are negligible over a maximum build-out of single-family homes.

Traffic impacts are also low on Wilkesboro Blvd; however, land adjacent to Wilkesboro Blvd. is rapidly developing. Certain left turning movements, particularly during peak hours, can be difficult/dangerous due to poor visibility, full unrestricted dual-left center turn lanes, and higher traffic volumes. City staff have engaged NCDOT Division 11 staff as well as the Greater Hickory MPO in order to study the feasibility of certain congestion and access management techniques that could be implemented along this section of Wilkesboro Blvd, in particular the area between Smith-Crossroads and Taylorsville Rd. Because NCDOT permitting will be required to utilize the existing driveway for Community One bank for this project, the access and design of the driveway will be carefully considered.

Relationship of Proposal to Proposed Code Amendments

The Planning Board and Planning staff are proposing changes to the way the City regulates multi-family developments as a part of a broader effort to update the zoning code. The proposed amendments create a tiered approach to regulating multi-family housing, removing the requirement for a Conditional Use Permit (CUP) for projects that meet certain design standards and stay under certain density thresholds (essentially, densities allowed for “by right” single family detached homes are extended to townhomes, semi-detached homes, and garden-style multi-family projects in the high density residential districts). More intense multi-family projects will still require a CUP, and maximum density thresholds are established to provide clear, objective standards to limit impacts of such developments.

Because the proposed amendments are tracking concurrently through the approval process with this project, they are not applicable to this project. However, a great deal of research and local land use analysis went into the creation of the proposed density standards, and as such they represent a way to offer insight on the compatibility of the intensity of the proposed development. At 68 units, the applicant is requesting the maximum number of units that could be built under the proposed density thresholds (see a more in-depth analysis in Appendix A). However, regardless of whether or not a particular project fell below the maximum density threshold, it still must meet all of the other standards for approval of a CUP. The establishment of the maximum density thresholds, in other words, does not mean that applicants are entitled to the maximum build out if such a project would otherwise be incompatible with one of the required findings for CUP approval.

Please note: based on state statutes, because this developer has already submitted a plan to the City, they have the legal right to be reviewed and considered under the ordinances in place at time of submittal, but may choose to develop under either set of standards. However, given that this project needs a Conditional Use Permit under today’s (and proposed) regulations, the Planning Board and Council may choose to use this analysis to help guide their finding of facts on the overall compatibility of the project.

FINDINGS

No Conditional Use Permit shall be approved unless the Planning Board and City Council find that:

1. The proposed conditional use will comply with all height, yard, lot and area requirements and other regulations of the district in which it is located unless otherwise specified. *The project site is currently split zoned (R-9 and B-2). The proposed development complies with all height, yard, and area requirements of the R-9 and B-2 zoning districts. It will also comply with the design standards of the B-2 zoning district.*
2. All driveways will be designed with respect to such matters as proper ingress and egress for automobiles in order to minimize traffic congestion and increase pedestrian safety and conveniences. *To reduce traffic on Lower Creek Drive and to have a second access point the proposed plans show the development of a second driveway along an existing 50' easement that travels south of the property through 509 Wilkesboro Blvd (Community One Bank) to provide ingress/egress on Wilkesboro Blvd. ITE trip generation rates for low-rise apartments project low traffic generation rates, especially for peak hour traffic. Sidewalks will be installed along Lower Creek Drive, which ultimately will connect to the City's overall sidewalk system, as Lower Creek Drive is listed as a priority corridor for pedestrian connections in Lenoir's Pedestrian Plan. There will also be internal pedestrian access between the apartment buildings and parking areas, as well as property recreation areas.*
3. Off-street parking and loading areas will be provided in compliance with the Zoning Ordinance. *Two parking spaces per dwelling unit are required by the zoning ordinance. For the proposed 68 unit complex, 136 parking spaces are provided.*
4. The establishment of the conditional use will not hinder the normal and orderly development and improvement of surrounding property for uses already permitted in the district. *Multi-family uses make good transitional uses between lower density residential areas and more intense commercial districts. The establishment of a multi-family use on this site will not hinder the surrounding B-2 properties from developing as either commercial or multi-family residential, nor will it hinder the improvement of other underutilized residential parcels for infill housing development (both detached and attached/multi-family).*
5. Any required screening and landscaping will be designed or planted with full consideration of the effectiveness of individual plant types, dimensions, and characteristics in minimizing the noise, glare, visual impacts and other economic effects on adjoining properties. *Where the subject property shares a boundary with single-family homes, a 20 foot vegetative buffer consisting of a combination of evergreen and deciduous trees is required to be installed in accordance with the standards in §712.8 of the zoning ordinance. Street trees and landscaped planting areas within the parking lots must meet the requirements of §1002. All trees and shrubs must be selected from §714.22, List of Approved Trees and Shrubs.*
6. Any permitted signs and proposed exterior lighting will be designed to reduce glare and to mitigate any adverse effects of sign size and height; so as to make the signs aesthetically pleasing and compatible with adjoining properties. *The applicant proposes one monument sign. All signage will meet the standards of the sign ordinance. As a condition of approval, all exterior lighting will be designed to reduce glare and light pollution on neighboring properties, and signage will have external illumination only.*
7. The exterior architectural appearance and functional plan of any proposed building or structure will not vary greatly from any buildings or structures already construction or in the course of construction in the immediate vicinity or from the character of the applicable district, so as to cause a substantial depreciation in the property values of the immediate vicinity. *The applicant is proposing 4 apartment buildings and one community building. Façade materials include brick veneer, fiber cement board trim, vinyl lap siding, and vinyl shakes. Two of the apartment buildings are split-level, which reduce visibility impacts on Lower Creek Drive and create a greater transition to the predominately single-story residential development surrounding the subject property. As a condition of approval, the architectural standards for the B-2 zoning district will be met throughout the site to ensure this criterion is satisfied.*
8. The type, size, hours of operations, location of the use upon the site, and intensity of the proposed conditional use will not be harmful or annoying to surrounding properties. *Great effort was made in the site planning and building designs to develop a*

plan that was sensitive to the context of the neighborhood and the natural lay of the land. The site plan is designed so that three-story buildings are located on the lower elevations of the site, closer to commercial neighbors, with the relative height of such structures all but hidden by creatively placing split-level designed buildings in front of them, facing Lower Creek Drive. Parking areas are largely screened by buildings, which also helps block light and noise from such areas. While at 68 units the proposed complex will be one of the most dense projects in the immediate vicinity, the intensity is camouflaged by creative site planning. Estimates on school and traffic impacts presented in the staff analysis show that this project will not have impacts that significantly exceed those of a typical single family development that could also be built out on the site today by right.

STAFF RECOMMENDATIONS

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

1. The development shall substantially comply with the site plan on page 8 of the staff report, inclusive of staff's additional notes and clarifications. The maximum number of units shall be 68.
2. An 8-ft wide sidewalk is required along Lower Creek Drive, as shown on the submitted site plan. A pedestrian connection must be provided from the sidewalks along Lower Creek Drive to the internal pedestrian network.
3. The smaller parcel (NCPIN 2759488577) will be recombined with the larger tract (NCPIN 2759488961), in compliance with City of Lenoir zoning and subdivision regulations, prior to permitting.
4. The vegetative buffer will be a minimum of 20' wide along the northwestern side property lines where adjacent to single-family residential properties.
5. The architectural standards for articulation through the provision of architectural features as well as the standards for materials and parking lot landscaping found in Section 714 of the Zoning Ordinance shall apply to the entire site, not just the B-2 zoned portions. Primary facades shall be any façade that is visible from Lower Creek Drive or adjacent residential properties.
6. Dumpsters shall be screened on all sides with dumpster enclosures finished to match the principal buildings.
7. All lighting shall be fully cut-off and shielded so as to eliminate/minimize light spill-over onto adjacent residential properties.
8. Signage on Lower Creek Drive shall use exterior illumination only (no internal illumination). Exterior lighting shall be directed at the sign face and be fully shielded to prevent light spill-over onto neighboring residential properties.
9. Valid permits must be obtained for this project and all construction must meet the requirements of the City of Lenoir Code of Ordinances, the North Carolina State Building Code, the North Carolina State Fire Code, and any other federal, state, or local regulation that applies.
10. If a building permit has not been issued within 24 months of the adoption of the Conditional Use Permit, the approval shall be considered null and void.

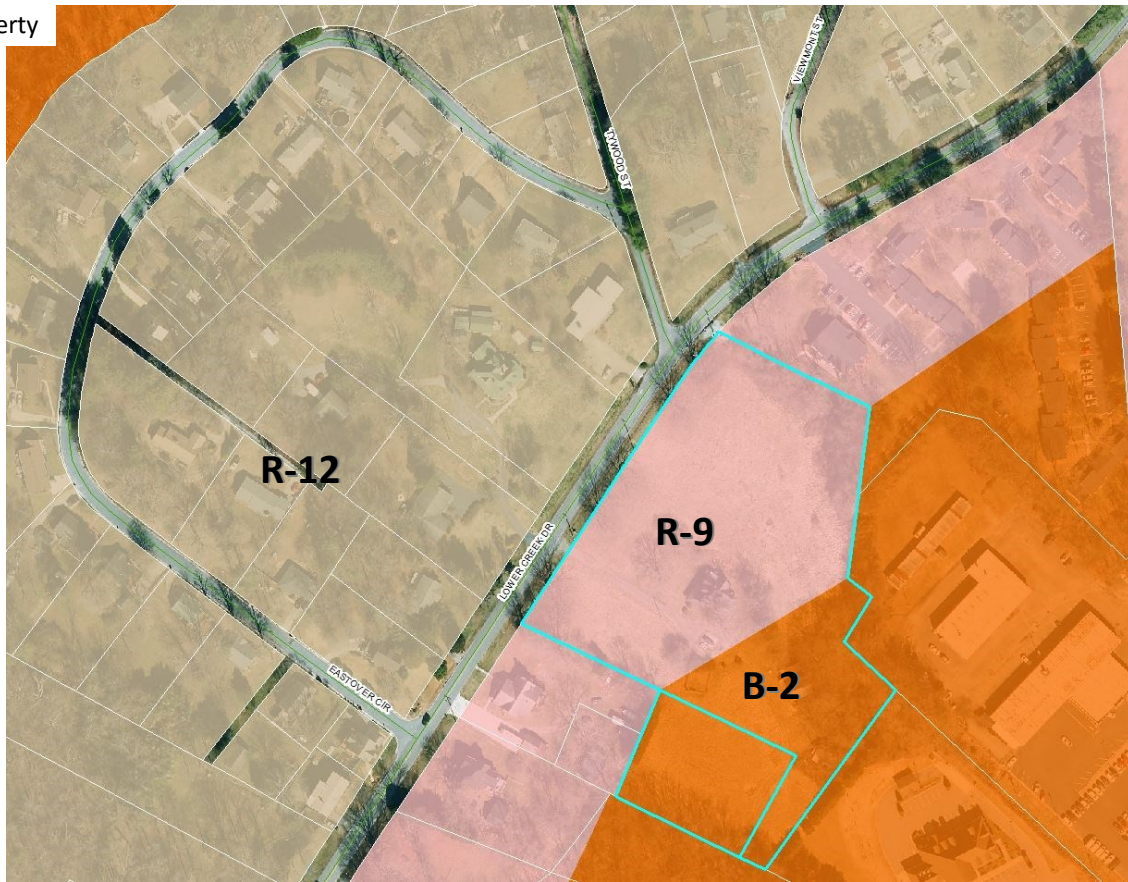
PLANNING BOARD RECOMMENDATIONS

Planning Board recommends approval of the Conditional Use Permit, with conditions listed by staff and the following:

11. The City of Lenoir Planning, Public Works, and Police Departments' staff will evaluate the location of the Lower Creek driveway entrance to maximize safety for the apartment complex and the existing driveways nearby. *NOTE: This has been done, and City of Lenoir staff supports the proposed driveway location in it's current configuration.*

ZONING MAP

Subject Property



Development Standards

	Minimum Lot	Minimum Lot Width	Setbacks	Maximum Building Height	Uses
R-9 Zoning	Single Family 9,000sqft Two-Family 15,000sqft Multi-Family—None	75 Ft	Front: 35' from ROW Side: 12' Rear: 25'	35 ft.	Single Family Dwelling, Family Care Facility, Permitted Uses include Adult Daye Care, Multi-Family Dwelling Single-Family Dwelling (See Sec. 600 and Sec. 804 for full list)
B-2 Zoning	None	None	Front: 10' from ROW Side: Abutting Residential 30' Rear: Abutting Residential 30'	65 ft.	Adult Day Care, Automobile and Truck Sales, Banks, Convenience Stores, Department Stores, Group, Single-Family or Two-Family Dwelling, Sales (See Sec 600 or Sec 810 for full list)

BUILDINGS:	(1) 1-STORY CLUBHOUSE
	(1) 1 1/2-STORY APARTMENT BUILDING
SPIRITUALS:	(1) 2 1/2-STORY APARTMENT BUILDING
PARKING SPACES:	180 1ST-3RD FLOOR APARTMENT BUILDING 2SP PROVIDED @ 2.0 PER UNIT
ZONING:	(R-9)-(B-2)
SETBACKS:	
FRONT	= 35'
SIDE	= 12'
REAR	= 25'

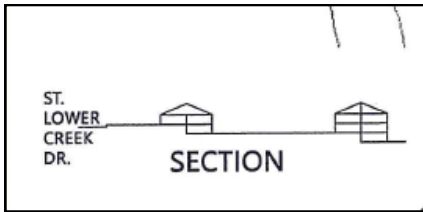
<u>UNIT INFORMATION:</u>		
	UNITS/MIX	SQFTS/UNIT
1-BR.(A) UNITS	= 11	2.0
2-BR.(B) UNITS	= 51	2.2
3-BR.(C) UNITS	= 24	2.0
TOTAL	= 66 UNITS	48
		250



ELEVATIONS: 3-STORY BUILDINGS/B-2 PORTION



ELEVATIONS — SPLIT LEVEL BUILDINGS (R-9 PORTION)



This is the rendering of the two primary buildings that will be visible from Lower Creek Drive. The applicant proposes to utilize the existing topography of the site to create split-level buildings to achieve the look of two attractive, single-story buildings adjacent to Lower Creek Drive.



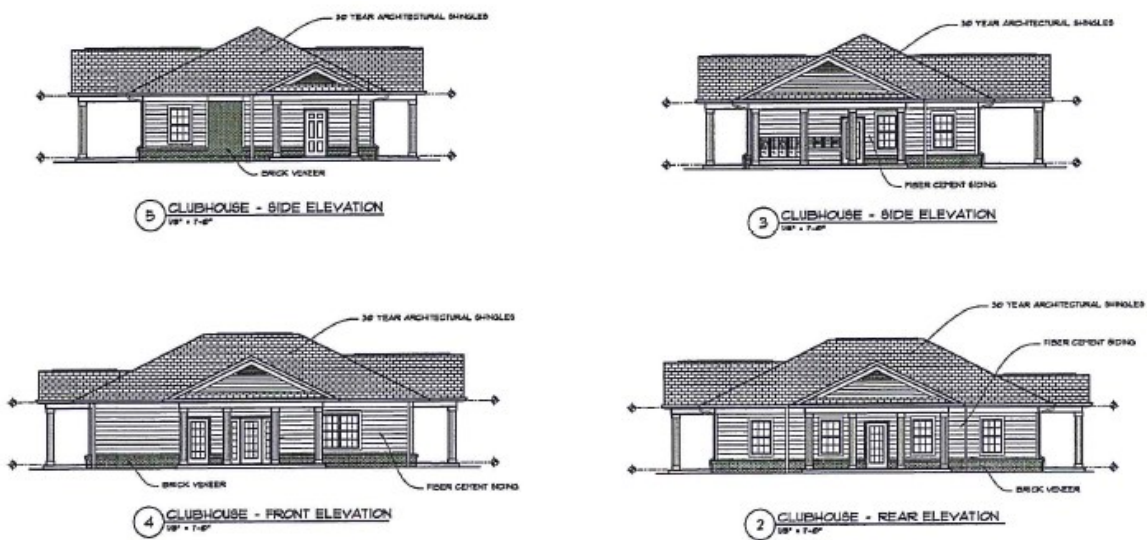
Buildings 300 and 400 Rear Elevation



Buildings 300 and 400 Front Elevation



ELEVATION — CLUB HOUSE



AREA OVERVIEW MAP



EXISTING SITE PHOTO

316 Lower Creek Dr.



Google Street View

509 Wilkesboro Blvd (Community One Bank)



Google Street View

APPENDIX A: DENSITY ANALYSIS



Density Analysis			
	B-2	R-9	Combined Site
Acreage	1.95 AC	3.27 AC	5.22 AC
Total Dwelling Units (du)	36	32	68
Density (du/ac)	18.46 du/ac	9.79 du/ac	13 du/ac

Relationship to Proposed Code Amendments:

The proposed code amendments would set a “by right” density allowance of up to 4.8 dwelling units/acre for multi-family uses on the R-9 portion of the site, with a maximum density cap of 9 du/acre when approved through a Conditional Use Permit (CUP). In the B-2 (General Business) district, the requirement for CUPs for multi-family is removed entirely, but a maximum density cap of 20 du/acre is established. Based on the acreage in each zone, this would allow a “by right” project of approximately 54 units (15 units in R-9 and 39 units in B-2), with up to 14 additional units on the R-9 portion if approved through a CUP. As proposed, the 68 units represents the maximum that could be approved under the proposed code revisions, and would still require a CUP, although the actual development split across the two zoning districts results in densities of ~18.46 du/acre in the B-2 portion and ~9.8 du/acre in the R-9 portion.

APPENDIX B: ITE TRIP GENERATION RATES

Low-Rise Apartment (221)

Average Vehicle Trip Ends vs: Occupied Dwelling Units
On a: Weekday

Number of Studies: 22
Avg. Num. of Occupied Dwelling Units: 264
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Occupied Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
6.59	5.10 - 9.24	2.84

Low-Rise Apartment (221)

Average Vehicle Trip Ends vs: Occupied Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Number of Studies: 27
Avg. Num. of Occupied Dwelling Units: 257
Directional Distribution: 21% entering, 79% exiting

Trip Generation per Occupied Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.46	0.25 - 0.86	0.70

Low-Rise Apartment (221)

Average Vehicle Trip Ends vs: Occupied Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 27
Avg. Num. of Occupied Dwelling Units: 257
Directional Distribution: 65% entering, 35% exiting

Trip Generation per Occupied Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.58	0.38 - 0.93	0.77

APPENDIX C: APPLICANT'S RESPONSE TO FINDINGS

1. The proposed conditional use will comply with all height, yard, lot and area requirements and other regulations of the district in which it is located unless otherwise specified. The project site is currently split zoned (R-9 and B-2). The proposed development complies with all height, yard, lot and area requirements of the R-9 zoning district, which prescribes the most restrictive standards. It will also comply with the design standards of the B-2 zoning district. As such this standard is being met.
2. All driveways will be designed with respect to such matters as proper ingress and egress for automobiles in order to minimize traffic congestion and increase pedestrian safety and conveniences. The proposed driveway for the front entrance will off-set any other existing streets or driveways that front Lower Creek Drive. To reduce traffic on Lower Creek Dr and to have a second access point the proposed plans show the development of a second driveway along an existing 40' easement that travels south of the property through 509 Wilkesboro Blvd (Community One Bank) to provide ingress/egress on Wilkesboro Blvd. ITE trip generation rates for low-rise apartments project low traffic generation rates, especially for peak hour traffic. Sidewalks will be installed along Lower Creek Drive, which ultimately will connect to the City's overall sidewalk system, as Lower Creek Drive is listed as a priority corridor for pedestrian connections in Lenoir's Pedestrian Plan.
3. Off-street parking and loading areas will be provided in compliance with the Zoning Ordinance. Two parking spaces per dwelling unit are required by the zoning ordinance. One hundred and sixteen will be needed to meet ordinance, the plans propose 136 spaces.
4. The establishment of the conditional use will not hinder the normal and orderly development and improvement of surrounding property for uses already permitted in the district. As a higher density residential use, a multi-family development in this location serves to effectively transition from the commercial orientation of Wilkesboro Boulevard to the single-family homes to the north off of Lower Creek Drive. While this development will likely generate new students within the Lower Creek Elementary School district, the generation rates are similar or lower to those of permitted development in the area and the growth appears to be anticipated within the current school planning growth models.
5. Any required screening and landscaping will be designed or planted with full consideration of the effectiveness of individual plant types, dimensions, and characteristics in minimizing the noise, glare, visual impacts and other economic effects on adjoining properties. Where the subject property shares a boundary with single-family homes, a 15 foot vegetative buffer consisting of a combination of evergreen and deciduous trees is required to be installed in accordance with the standards in §712.8 of the zoning ordinance. Street trees and landscaped planting areas within the parking lots must meet the requirements of §1002. All trees and shrubs must be selected from §714.22, List of Approved Trees and Shrubs.
6. Any permitted signs and proposed exterior lighting will be designed to reduce glare and to mitigate any adverse effects of sign size and height; so as to make the signs aesthetically pleasing and compatible with adjoining properties. The applicant proposes single two-sided ground-mounted monument sign at the entrance on Lower Creek Dr. As a condition of approval, all exterior lighting will be designed to reduce glare and light pollution on neighboring properties, and signage will have external illumination only.
7. The exterior architectural appearance and functional plan of any proposed building or structure will not vary greatly from any buildings or structures already construction or in the course of construction in the immediate vicinity or from the character of the applicable district, so as to cause a substantial depreciation in the property values of the immediate vicinity. The applicant is proposing a small split story town home-style apartment building and one single-story community building along Lower Creek. Facade materials include brick veneer, fiber cement board trim, vinyl lap siding, and vinyl shakes. Purposefully designed, the two three-story townhome-style buildings will only be visible as two-story structures from Lower Creek Drive. This design creates a seamless transition to the predominately two-story residential development located to the north of the property. As a condition of approval, the architectural standards for the B-2 zoning district will be met throughout the site to ensure this criterion is satisfied.



February 4, 2019

Mr. Mark Morgan
MC Morgan & Associates, Inc.
PO Box 16038
High Point, NC 27261
336-689-0447
mark@mcmmainc.com

RE: Trip Generation for Kattz Corner Apartments Development, Lenoir, NC
DAVENPORT Project Number 190207

Dear Mr. Morgan:

This is in response to your request to provide information concerning traffic that will be generated by the reference project. The proposed project will consist of 74 dwelling units.

Kattz Corner Apartments Development is proposed to be located on Lower Creek Drive between US 64 and Tremont Park Drive. Lower Creek Drive is not a state maintained road and is approximately 24 feet wide. According to the NCDOT AADT maps, there is between 3,300 to 3,500 average annual daily traffic (AADT) in 2017 along the stretch of the roadway where the proposed development will be constructed. The surrounding area is residential and rural.

DAVENPORT did not contact the North Carolina Department of Transportation (NCDOT) Division 11 District 2 office to coordinate with the staff to determine the appropriate transportation report. However, based on NCDOT Driveway Manual, this development is expected to generate less than 3,000 daily trips which would require a Transportation Impact Analysis (TIA). The letter is to provide the expected number of trips generated by this development.

The Trip Generation Manual, 10th Edition, published by the Institute of Transportation Engineers (ITE), contains tables, rates, and equations that provide projected volumes based on specific land uses. The Trip Generation 10 software, developed by Trafficware, LLC based on the information in the Trip Generation Manual, was used to determine the number of trips generated by the project as shown in the table below.

Land Use	Intensity	Average Daily Traffic (vehicles per day)	AM Peak Hour (vehicles per day)		PM Peak Hour (vehicles per day)	
			Enter	Exit	Enter	Exit
220-Multifamily Housing (Low-Rise)	74 dwelling units	519	8	28	28	17

The proposed apartment development has the potential to generate approximately 519 trips per day onto the surrounding roadway system. Based on NCDOT AADT maps, Lower Creek Drive in 2017 had volumes of approximately 3,500 vehicles per day to the north of US 64 and 3,500 to the south of Tremont Park Drive. US 64 in 2017 had 23,000 vehicles per day to the west and 18,000 vehicles per day to the east. It is assumed 80% of the site traffic will travel to/from the west on Lower Creek Drive and 20% to/from the east on Lower Creek Drive. It is anticipated that Lower Creek Drive will have the capacity to accommodate the additional 519 daily trips from the development.

Lastly, based on the ITE trip generator the development is expected to generate approximately 15% of the AADT on Lower Creek Drive. This development is expected to be a low volume generator and is not expected to adversely affect the roadway network.



Page 2
Mr. Mark Morgan

2/4/2019
DAVENPORT Project No. 190207

I am a Registered Professional Engineer in the State of North Carolina and hereby certify that the results outlined herein were determined using methods prescribed by the standards of Traffic Engineering.

If I can provide additional information, please let me know.

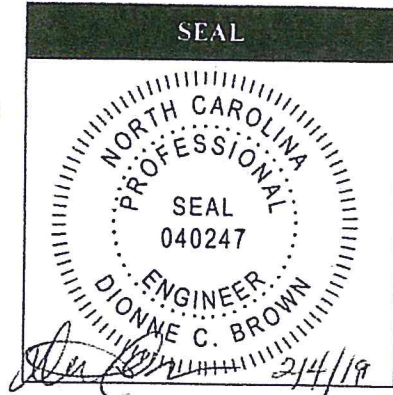
Sincerely,

If you need additional information or have any questions, please feel free to contact me at 919-948-3289.

Sincerely,


Dionne C. Brown, PE

Cc: File 190207



KATTS CORNER

LENOIR, NC

1-17-2019



SITE INFORMATION:

SITE: 5.210 ACRES
 DENSITY: 14.20 UNITS/ACRES
 BUILDINGS:
 (1) 1-STORY CLUBHOUSE
 (1) 1/2-STORY APARTMENT BUILDING
 (1) 2/3-STORY APARTMENT BUILDING
 (2) 3-STORY APARTMENT BUILDING
 SPRINKLERS: 13R
 PARKING SPACES: 130 PROVIDED @ 1.75 PER UNIT

ZONING: (R-9) (B-2)

SETBACKS: FRONT - 25'
 SIDE - 12'
 REAR - 25'

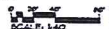
Unit Type	Units Heated Area	Unit Net Area	No. of Units	Heated Total	Net Total
1 BEDROOM "A1"	705	742	11	7,755	8,162
1 BEDROOM "A2"	967	1,015	1	967	1,015
2 BEDROOM "B1"	967	1,015	33	31,911	34,133
3 BEDROOM "C1"	1,124	1,177	29	32,596	34,133
Total			74	73,229	76,805

REQUIRED SITE AMENITIES:

- PLAYGROUND - (W/ MIN. 1 BENCH)
- MULTI-PURPOSE ROOM (MIN. 250 SQ. FT.)
- COVERED PICNIC AREA - (150 SQ. FT. W/ 2 TABLES & GRILL)

ADDITIONAL AMENITIES:

- OUTDOOR SITTING AREAS W/ BENCHES - (MIN. 3 LOCATIONS)
- EXERCISE ROOM - (W/ NEW EQUIPMENT)
- RESIDENT COMPUTER CENTER - (MIN. 2 COMPUTERS)



MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.
 23 CHURCH STREET SUITE 200 DECATUR GEORGIA 30030-3200
 404-777-2800
 KATTS CORNER
 LENOIR, NC



CSP.1

NOT RELEASED FOR CONSTRUCTION

Trip Generation Summary

Alternative: Alternative 1

Phase:

Project: 190207

Open Date: 1/30/2019

Analysis Date: 1/30/2019

ITE	Land Use	Weekday Average Daily Trips				Weekday AM Peak Hour of Adjacent Street Traffic				Weekday PM Peak Hour of Adjacent Street Traffic			
		*	Enter	Exit	Total	*	Enter	Exit	Total	*	Enter	Exit	Total
220	LOW-RISE 1												
	74 Dwelling Units		260	259	519		8	28	36		28	17	45
Unadjusted Volume			260	259	519		8	28	36		28	17	45
Internal Capture Trips			0	0	0		0	0	0		0	0	0
Pass-By Trips			0	0	0		0	0	0		0	0	0
Volume Added to Adjacent Streets			260	259	519		8	28	36		28	17	45

Total Weekday Average Daily Trips Internal Capture = 0 Percent

Total Weekday AM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

Total Weekday PM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

* - Custom rate used for selected time period.

Source: Institute of Transportation Engineers, Trip Generation Manual 10th Edition
TRIP GENERATION 10, TRAFFICWARE, LLC

REPORT
MARKET STUDY

March 11, 2019

**Kattz Corner
316 Lower Creek Drive
Lenoir, NC 28645
APP19-0092**

For

**Tara Hall
NC Housing Finance Agency
3508 Bush Street
Raleigh, NC 27609**

**Prepared By:
Gibson Consulting, LLC
1651 E 70th ST, PMB 403
Shreveport, LA 71105-5115**

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A. EXECUTIVE SUMMARY

1. Summary of Project

The site will have visibility from Lower Creek Drive and Wilkesboro Blvd, a major commuter road around Lenoir. The site is near to ALDI, Food Lion, Pharmacy's, Dollar General, Regional Hospital and local schools. A mix of single and multi-family residential exist along Lower Creek Drive. The proposed community will target families with incomes up to 80% of the area median income limits. The community will include 12 one-bedroom units 33 two-bedroom units and 29 three-bedroom units. There will be a separate clubhouse building with clubhouse amenities including a fitness area, computer workstations, and office facilities. Each apartment will include a kitchen with a range, range hood, dishwasher, refrigerator (frost free), mini blinds, pantry, walk-in closets, central air heat pump, and an outside storage room. Flooring will be a mix of carpet and Duraceramic flooring used when possible.

The site approximately 8.8 acres total, with 8.8 acres buildable.

UNIT INFORMATION

Type	# BRs	# Baths	Heated Sq. Ft.	Total # Units	# Mobility Impaired Units	HOME Units?	Monthly Rent	Utility Allowance	Mandatory Serv. Fees	**Total Housing Exp	Targeted Income
Gdn Apt	1	1 Bath	742	4	1	No	365	72		437	40%
Gdn Apt	1	1 Bath	742	4	1	No	580	72		652	60%
Gdn Apt	1	1 Bath	742	3		No	710	72		782	80%
Gdn Apt	1	1 Bath	1,015	1		No	710	72		782	80%
Gdn Apt	2	2 Baths	1,015	8	1	No	435	88		523	40%
Gdn Apt	2	2 Baths	1,015	17	1	No	695	88		783	60%
Gdn Apt	2	2 Baths	1,015	8	1	No	810	88		898	80%
Gdn Apt	3	2 Baths	1,177	7	1	No	500	104		604	40%
Gdn Apt	3	2 Baths	1,177	15	1	No	795	104		899	60%
Gdn Apt	3	2 Baths	1,177	7	1	No	910	104		1,014	80%

Total No. of Units with Tax Credits:	74
Total No. of Units with Market Rents:	0
Total No. of Units with Rental Assistance:	0
Total No. of Units:	74
Units for Persons with disabilities or homeless populations	8
Utilities included in rental rates	Water/sewer, trash collection

2. Vacancy Rates

There are few comparable market rate rental units in the PMA. Only 33.36% of the households are renters. There are several affordable rental units. We attempted to survey all of the LIHTC and RD financed properties in the PMA. Some of the complexes did not respond to our inquiries. Vacancy rates in the complexes surveyed were less than 1% overall. The LIHTC complexes surveyed had occupancy of 99.4%. In the appendix, we have details about the LIHTC complexes surveyed.

3. Capture Rates

Bedrooms		Total Demand	Supply	Net Demand	Units Proposed	Capture Rate
1BR	40%	185	(12)	173	4	2.31%
1BR	60%	302	-	302	4	1.32%
1BR	80%	482	-	482	4	0.83%
2BR	40%	240	(5)	235	8	3.40%
2BR	60%	277	(25)	252	17	6.76%
2BR	80%	466	-	466	8	1.72%
3BR	40%	60	-	60	7	11.59%
3BR	60%	57	(14)	43	15	35.15%
3BR	80%	66	-	66	7	10.57%
Overall		1,804	(56)	1,748	74	4.23%

Crescent Point at Greenhaven was awarded credits in 2016 for 60 elderly age 55+ new construction units. It has not completed construction. It is elderly age 55+ so we did not count it as supply to deduct from demand. LHS Apartments was awarded credits in 2017 for 44 elderly age 55+ rehab units. It is stabilized and we did not deduct it as supply. Woodlane Street Apartments was awarded credits in 2017 for 66 new construction units. It is not targeting elderly age 55+ and we did deduct it as supply.

Since the project contains more than 20% 3-bedroom units, we will adjust the demand figures to reflect the percentage of households with four or more persons. There are 19.55% of the renter households with four or more persons. When we apply this percentage to the total 3-bedroom demand the revised capture rates are as shown in the chart below.

Bedrooms	AMI	Total Demand		Net Demand	Units Proposed	Capture Rate
1BR	40%	185	(12)	173	4	2.31%
1BR	60%	302	-	302	4	1.32%
1BR	80%	482	-	482	4	0.83%
2BR	40%	240	(5)	235	8	3.40%
2BR	60%	277	(25)	252	17	6.76%
2BR	80%	466	-	466	8	1.72%
3BR	40%	60	-	60	7	11.59%
3BR	60%	57	(14)	43	15	35.15%
3BR	80%	66	-	66	7	10.57%
Overall		1,804	(56)	1,748	74	4.23%

The capture rate on the 60% AMI three-bedroom units under this scenario is 35.15%. In the PMA there are 2,613 occupied rental units with 3 or more bedrooms. The proposed project will have 29 three-bedroom units, meaning that it would need to capture less than 2% of the households

currently renting 3 or more-bedroom units. The overall capture rate of 4.23% indicates that the project as proposed will meet a portion of the calculated demand for affordable housing. This is a very conservative methodology for calculating demand.

4. Absorption Rates

The absorption period starts as soon as the new or newly renovated units are released for occupancy. Based upon these factors, we project the following absorption of the newly renovated units:

Date	Total # Leased	%
Construction Completion	10	14%
30 Days Post Completion	18	24%
60 Days Post Completion	26	35%
90 Days Post Completion	34	46%
120 Days Post Completion	42	57%
150 Days Post Completion	50	68%
180 Days Post Completion	58	78%
210 Days Post Completion	66	89%
240 Days Post Completion	74	100%

We estimate that due to pre-leasing there will be 10 units rented as soon as construction is complete on them. For calculation purposes, the absorption rate is estimated to be 8 units per month, based upon the information obtained during this study. We project the units will be absorbed fully (achieve 93% occupancy) within 240 days of completion.

We project that the new units will have no appreciable effect on the existing units in the market area.

5. Conclusions

The market for the units as proposed is good. There are few market rate units in the PMA and this project will have a rent advantage. Market rental rates have been stable in the last year and occupancy has remained stable. The demand from rent-overburdened residents promises to be the strength of this market. The PMA has 38.8% of renters paying more than 35% of their income for household costs. This is a large percentage and is the single most revealing piece of information about the need for affordable housing in the PMA. Since 38.8% of the renters in the PMA are overburdened, any affordable housing that becomes available can lower their housing cost percentage due to lower rent than they currently pay. They can still pay more than 35% of their income but lower their overall dollar cost of housing. Since we conservatively included only those

that were income eligible in our rent over-burden calculation, the actual demand from this segment will be higher than the calculated amounts.

We recommend that the proposed project be awarded an allocation of Low-Income Housing Tax Credits based upon our review and analysis of current market conditions, economics, demographics, current occupancy of existing complexes and supply and demand estimates. The proposed design and amenities will enhance the relative marketability.

The site has no adverse conditions and is marketable. The complex will have an advantage over the market rate for the units. The standard overall calculated capture rate is 4.23%.

We project the units will be absorbed fully (achieve 93% occupancy) within 240 days of completion. The new units will be more attractive to those seeking affordable housing.

6. Recommendations for Altering the proposal

None.

7. Requirements for Altering the Proposal

None.

8. Impact

The proposed project when completed will have no appreciable impact on the tax credit and other existing affordable housing in the area. It will have a positive impact on those that are seeking affordable housing in that they will have an additional choice and availability that prior to the completion they will not have. As with any new addition or newly rehabilitated units to a market, this complex may cause other properties to provide a better product and a higher level of customer service and appreciation.

Long term it will not have an impact on existing or upcoming tax credit projects in the PMA.

B. PROJECT DESCRIPTION**1. Project Location**

The project is a new construction project. The site is 8.8 acres located at 316 Lower Creek Drive, Lenoir, Caldwell County, NC 28645.

2. Construction Type

The project is new construction for families that will utilize LIHTC financing.

3. Occupancy Type

The project will serve families. It will also include 8 mobility impaired units and 8 of the units will serve persons with disabilities or homeless populations.

4. Target Income Group

The target population will be families with incomes ranging from less than 40% to 80% of the AMI.

5. Special Population Target

The project will also include 8 mobility impaired units and 8 of the units will serve persons with disabilities or homeless populations.

6. Proposed Unit Mix

Type	# BRs	# Baths	Heated Sq. Ft.	Total # Units	# Mobility Impaired Units	HOME Units?	Monthly Rent	Utility Allowance	Mandatory Serv. Fees	**Total Housing Exp	Targeted Income
Gdn Apt	1	1 Bath	742	4	1	No	365	72		437	40%
Gdn Apt	1	1 Bath	742	4	1	No	580	72		652	60%
Gdn Apt	1	1 Bath	742	3		No	710	72		782	80%
Gdn Apt	1	1 Bath	1,015	1		No	710	72		782	80%
Gdn Apt	2	2 Baths	1,015	8	1	No	435	88		523	40%
Gdn Apt	2	2 Baths	1,015	17	1	No	695	88		783	60%
Gdn Apt	2	2 Baths	1,015	8	1	No	810	88		898	80%
Gdn Apt	3	2 Baths	1,177	7	1	No	500	104		604	40%
Gdn Apt	3	2 Baths	1,177	15	1	No	795	104		899	60%
Gdn Apt	3	2 Baths	1,177	7	1	No	910	104		1,014	80%

Utilities included in rental rates	Water/sewer, trash collection
------------------------------------	-------------------------------

7. Rental Assistance

The project has no rental assistance proposed.

Total No. of Units with Rental Assistance:	0
--	---

8. Proposed Project Amenities

* Project Amenities

Check all that **apply**, at least 1 **must** be **checked**

- | | | | |
|--|--|--|---|
| ☐ Beauty / Barber Shop | ☐ Bus Shelter | ☒ Community Room | ☒ Computer Center |
| ☐ Covered Drive-Thru or Drop-Off at Entry | ☒ Covered Picnic Area | ☐ Elevator | |
| ☒ Exercise Room | ☐ Game / Craft / TV rooms | ☐ Garage / Carport (Attached or Detached) | |
| ☐ Gazebo | ☐ Indoor or Outdoor Seating Areas | | |
| ☒ Laundry Room | ☐ Library | ☒ Outdoor Sitting Areas with Benches | |
| ☒ Playground / Tot Lot | ☐ Raised Bed Garden Plots | ☐ Screened Porch | |
| ☐ Sunroom with Chairs | ☐ Swimming Pool (bond deals only) | ☒ Tenant Storage Areas | |
| ☐ Transportation Services | ☐ Walking Trails | | |
| ☒ Other | | | |

* Description of other

The playground will have a rubberized flooring system.

The Community Room will be available for games and crafts.

9. Proposed Unit Amenities

According to the project application, there will be the following unit amenities:

* Unit Amenities

Check all that **apply**, at least 1 **must** be **checked**

- | | | | |
|---|--|--|---|
| ☒ Ceiling Fan | ☐ Coat Closet | ☒ Dishwasher | ☐ Emergency Pull Chain |
| ☒ Frost Free Refrigerator | ☐ Garbage Disposal | ☒ Internet Connection (not phone line) | |
| ☐ Exterior Storage | ☐ Microwave | ☒ Mini-blinds | ☐ Patio / Balcony |
| ☒ Self-Clean Oven | ☒ Walk-in Closet | ☒ Washer / Dryer Hookups | |
| ☒ Other | | | |

* Description of other

Emergency pull chains in applicable accessible units

Our ADA units include self cleaning ovens.

10. Rehab Project Information

This is new construction.

C. SITE EVALUATION

1. Site Visit

The site visit including the PMA was made on February 19-22, 2019.

2. Site Description

The approximately 8.8-acre site is vacant land, and all is buildable. The property adjacent to the north is residential; adjacent west is commercial; adjacent south is commercial and adjacent east is commercial.

On the pages that follow, we include an aerial photo of the site and area, a site location map, and representative site photos.

KATTZ CORNER

SITE



Kattz Corner 316 Lower Creek Dr NE Lenoir, NC

PIN 2759488961 & 2759488577



Site and Neighborhood Photos



View across south to north



Lower Creek Drive, north to south



Hickory Blvd. east to west



View Across west to east



Neighborhood view southwest



Neighborhood view south



Neighborhood view North



Neighborhood view west

3. Map of Services

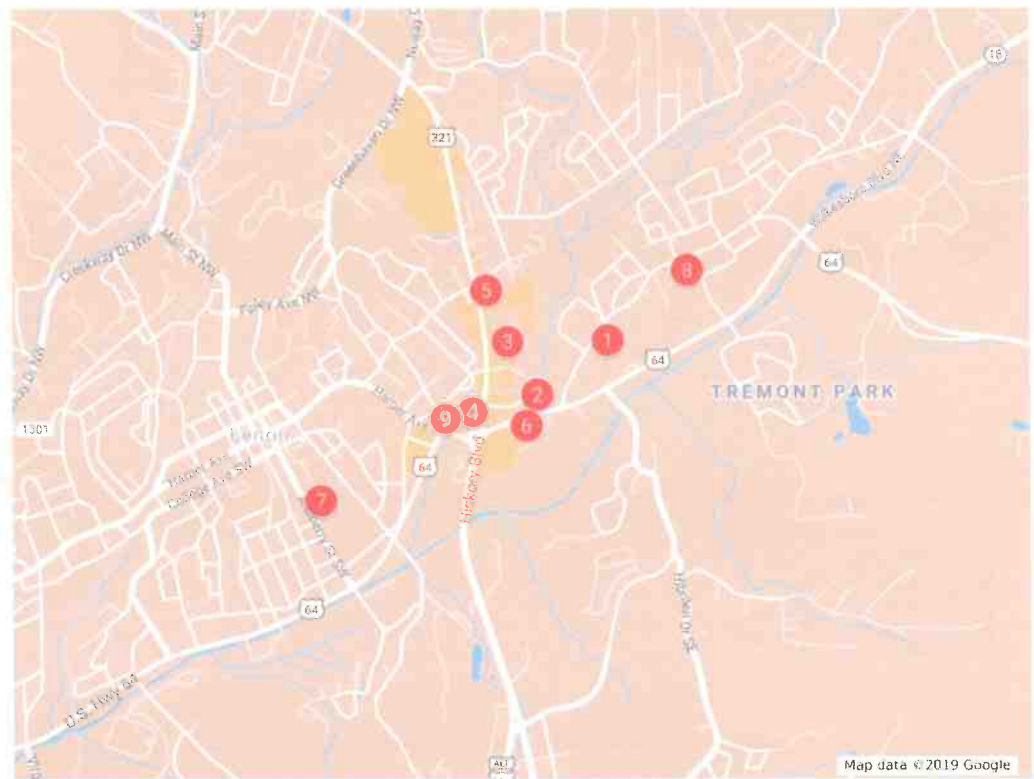
The map that follows shows the location of the subject and proximity to shopping, schools, employment centers, and other amenities that would be important to families seeking affordable housing.

Kattz Corner, Lenoir, NC **2019**

KATTZ CORNER

SITE

- 1 SITE
- 2 ALDI 0.4 mi
- 3 Dollar General 0.9 mi
- 4 RiteAid 0.6 mi
- 5 Walgreens 1.1 mi
- 6 Marathon 0.4 mi
- 7 Caldwell Memorial Hospital 1.7 mi
- 8 Lower Creek Elementary School 0.4 mi
- 9 Cross Road Retail 0.9 mi



4. Subsidized Complexes

The map that follows shows the LIHTC and other subsidized complexes in the PMA, along with distances from the subject.



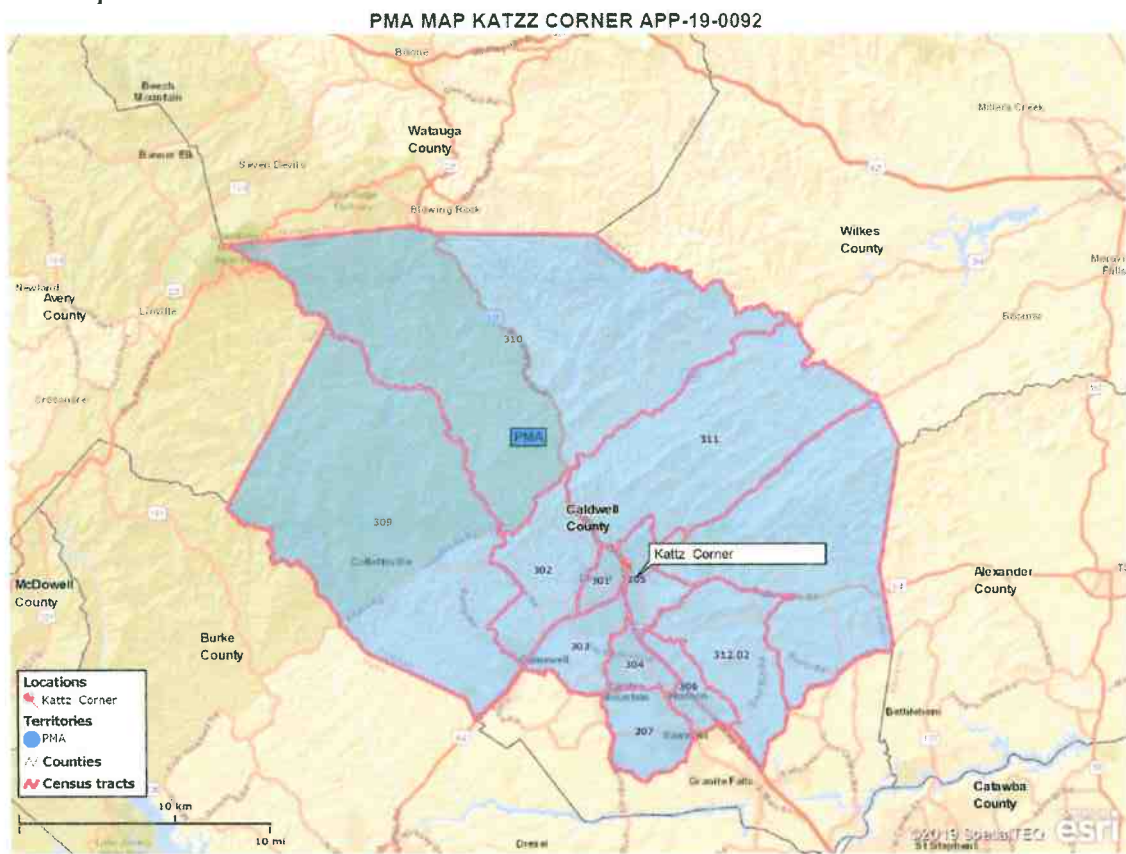
D. PRIMARY MARKET AREA

The Primary Market Area (PMA) is the geographic area from which the property is expected to draw the majority of its residents. The factors that were considered included travel time to the site, geographical size of the area, type of market, preliminary local interviews of property managers and our professional assessment of the area. We determined the PMA for the project to be an area that encompasses the following Census Tracts:

Tract	State	County	FIPS code
301	NC	Caldwell County	37027030100
302	NC	Caldwell County	37027030200
303	NC	Caldwell County	37027030300
304	NC	Caldwell County	37027030400
305	NC	Caldwell County	37027030500
306	NC	Caldwell County	37027030600
307	NC	Caldwell County	37027030700
309	NC	Caldwell County	37027030900
310	NC	Caldwell County	37027031000
311	NC	Caldwell County	37027031100
312.01	NC	Caldwell County	37027031201
312.02	NC	Caldwell County	37027031202

A map of the PMA clearly depicting the Census Tracts follows.

Primary Market Area Map



E. MARKET AREA EMPLOYMENT TRENDS**1. Employment by Industry****PMA**

INDUSTRY		
Civilian employed population 16 years and over	22,999	
Agriculture, forestry, fishing and hunting, and mining	304	1.32%
Construction	1,698	7.38%
Manufacturing	5,640	24.52%
Wholesale trade	647	2.81%
Retail trade	2,771	12.05%
Transportation and warehousing, and utilities	995	4.33%
Information	334	1.45%
Finance and insurance, and real estate and rental and leasing	1,019	4.43%
Professional, scientific, and management, and administrative and waste management services	1,113	4.84%
Educational services, and health care and social assistance	4,759	20.69%
Arts, entertainment, and recreation, and accommodation and food services	1,739	7.56%
Other services, except public administration	1,173	5.10%
Public administration	807	3.51%

Source: U.S. Census Bureau, 2013-2017 5-Year American Community Survey DP03

Caldwell County

INDUSTRY		
Civilian employed population 16 years and over	35,011	
Agriculture, forestry, fishing and hunting, and mining	350	1.00%
Construction	2,300	6.57%
Manufacturing	8,507	24.30%
Wholesale trade	1,417	4.05%
Retail trade	4,207	12.02%
Transportation and warehousing, and utilities	1,655	4.73%
Information	489	1.40%
Finance and insurance, and real estate and rental and leasing	1,365	3.90%
Professional, scientific, and management, and administrative and waste management services	1,718	4.91%
Educational services, and health care and social assistance	7,053	20.15%
Arts, entertainment, and recreation, and accommodation and food services	2,860	8.17%
Other services, except public administration	1,780	5.08%
Public administration	1,310	3.74%

Source: U.S. Census Bureau, 2013-2017 5-Year American Community Survey DP03

1. Major Employers

Major employer information is for Caldwell County. The charts below summarize the labor market conditions for the greater area in which the PMA is located. Job openings have increased and are expected to continue to increase. This will put pressure on the affordable housing market as job seekers attempt to reside near their place of employment. Greater market rate demand will cause market rents to increase making housing less affordable for the low-income resident.

LABOR MARKET OVERVIEW



Western Piedmont Workforce Development Board

February 20 9

Regional Labor Market Snapshot

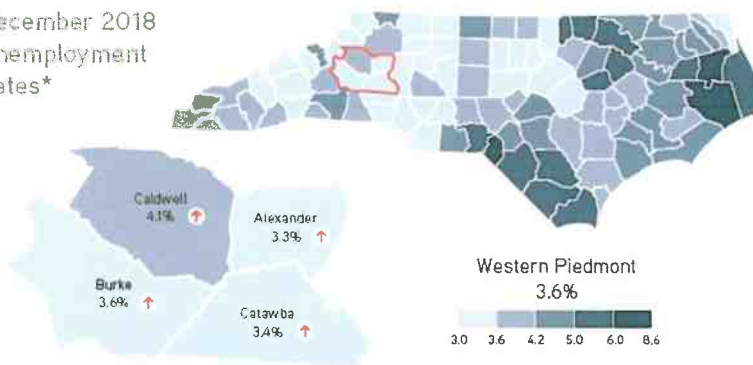
5-Year
Percent Change
in Number
Employed*

Western
Piedmont
Region



Source: LAUS, Labor & Economic Analysis,
NC Dept. of Commerce

December 2018
Unemployment
Rates*



Trending

UNEMPLOYMENT*

December 2018

Western Total = 6,299

	Current	Previous
Region	3.6%	3.2%
NC	3.8%	3.5%
US	3.7%	3.5%

REGIONAL EMPLOYMENT*

Western Total = 168,903

2,162 Fewer People Working
in December than previous month

3,411 More People Working
than same period one year ago

METRO JOB GROWTH*

Hickory-Lenoir-Morganton
Total = 158,100

1,100 Fewer Jobs
in December than previous month

3,200 More Jobs
than same period one year ago

Who's Hiring past 90 days from Jan. 28, 2019

State of North Carolina	121
Frye Regional Medical Center	87
Lowe's	44
Food Lion	43
Compass Group	39
Blue Ridge Healthcare	31
Williams-Sonoma, Inc.	24
Corning Inc.	23

Source: The Conference Board Help Wanted Online

*December 2018 data are preliminary, previous month's data are revised while all other data have undergone annual revision. All data produced in this publication are generated by LEAD unless otherwise stated.

This workforce product was funded by a grant awarded by the U.S. Department of Labor's Employment and Training Administration. For more information, please visit <http://www.nccommerce.com/lead/mo>.

What Jobs past 90 days from Jan. 28, 2019

Heavy & Tractor-Trailer Truck Drivers	195
Registered Nurses	130
First-Line Supervisors, Retail Sales	67
Nursing Assistants	57
Retail Salespersons	52
Stock Clerks	41
First-Line Supervisors, Production	40
Customer Service Representatives	38

Source: The Conference Board Help Wanted Online

TAXABLE RETAIL SALES

Western Total = \$327,594,962

5.8% Higher
than same period one year ago

Source: NC Dept. of Revenue
Note: December 2018 data most current
available at time of release.

ONLINE JOB ADS

2,246 Online Advertised Vacancies
over past 90 days

653 Fewer Vacancies
than same period one year ago

Source: The Conference Board Help Wanted Online

LABOR MARKET OVERVIEW

Western Piedmont Workforce Development Board

Civilian Labor Force Estimates*

		December 2018	November 2018	October 2018	December 2017
Alexander	Labor Force	18,320	18,442	18,423	18,023
	Employed	17,720	17,916	17,909	17,383
	Unemployed	600	526	514	640
	Rate	3.3	2.9	2.8	3.6
Burke	Labor Force	40,913	41,243	41,128	40,275
	Employed	39,439	39,932	39,851	38,641
	Unemployed	1,474	1,311	1,277	1,634
	Rate	3.6	3.2	3.1	4.1
Caldwell	Labor Force	36,924	37,214	37,029	36,295
	Employed	35,425	35,863	35,799	34,700
	Unemployed	1,499	1,331	1,230	1,595
	Rate	4.1	3.6	3.3	4.4
Catawba	Labor Force	79,045	79,815	79,652	77,859
	Employed	76,319	77,334	77,208	74,768
	Unemployed	2,726	2,481	2,444	3,091
	Rate	3.4	3.1	3.1	4.0

December 2018 data are preliminary, previous month's data are revised while all other data have undergone annual revision.

Major Employers

Company Name	Industry	Employment Range
Caldwell County Schools	Education & Health Services	1000+
Merchants Distributors Llc	Trade, Transportation, & Utilities	1000+
Bernhardt Furniture Company	Manufacturing	1000+
Caldwell Memorial Hospital	Education & Health Services	500-999
Heritage Home Group Llc	Manufacturing	500-999
Caldwell County	Public Administration	500-999
Wal-Mart Associates Inc.	Trade, Transportation, & Utilities	500-999
Caldwell Community Coll & Tech Inst	Education & Health Services	500-999
Sealed Air Corporation	Manufacturing	250-499
Sealed Air	Manufacturing	250-499
Fairfield Chair Co	Manufacturing	250-499
Foothills Temporary Employment Inc	Professional & Business Services	250-499
Skill Creations Inc	Education & Health Services	250-499
City Of Lenoir	Public Administration	250-499
Stallergenes Career	Manufacturing	250-499
Rpm Wood Finishes Group Inc	Manufacturing	250-499
Swift Beef Company	Professional & Business Services	250-499
Exela Pharma Sciences Llc (Prior) G	Manufacturing	250-499
Fedex Ground Package System Inc	Trade, Transportation, & Utilities	250-499
Chase Corporation	Manufacturing	100-249
Bemis Manufacturing Co (A Corp)	Manufacturing	100-249
Dept Of Public Safety	Public Administration	100-249
Food Lion	Trade, Transportation, & Utilities	100-249
Premier Homecare Llc	Education & Health Services	100-249
Caldwell Hospice & Palliative Care	Education & Health Services	100-249

Source: Labor & Economic Analysis Division, N.C Department of Commerce

2. Labor Force and Employment Trends

Area Name	Year	Month	Adjustment	Labor Force	Employed	Unemployed	Unemployment Rate(%)
Western Piedmont WDB	2008	12	Unadjusted	174,678	155,570	19,108	10.9
Western Piedmont WDB	2009	12	Unadjusted	170,125	145,319	24,806	14.6
Western Piedmont WDB	2010	12	Unadjusted	173,514	151,961	21,553	12.4
Western Piedmont WDB	2011	12	Unadjusted	171,390	152,251	19,139	11.2
Western Piedmont WDB	2012	12	Unadjusted	170,898	153,811	17,087	10.0
Western Piedmont WDB	2013	12	Unadjusted	167,003	155,475	11,528	6.9
Western Piedmont WDB	2014	12	Unadjusted	165,617	156,549	9,068	5.5
Western Piedmont WDB	2015	12	Unadjusted	167,383	158,978	8,405	5.0
Western Piedmont WDB	2016	12	Unadjusted	170,656	162,883	7,773	4.6
Western Piedmont WDB	2017	12	Unadjusted	172,452	165,492	6,960	4.0
Western Piedmont WDB	2018	12	Unadjusted	175,202	168,903	6,299	3.6

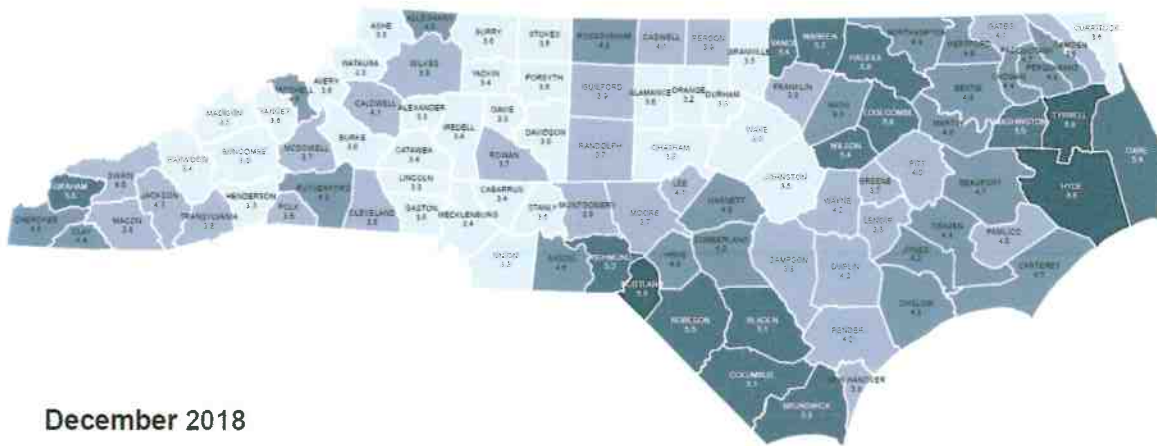
Source: Labor & Economic Analysis Division, N.C Department of Commerce

Area Name	Year	Month	Adjustment	Labor Force	Employed	Unemployed	Unemployment Rate(%)
Caldwell County	2008	12	Unadjusted	38,274	34,130	4,144	10.8
Caldwell County	2009	12	Unadjusted	37,841	31,617	6,224	16.4
Caldwell County	2010	12	Unadjusted	37,553	32,429	5,124	13.6
Caldwell County	2011	12	Unadjusted	36,990	32,313	4,677	12.6
Caldwell County	2012	12	Unadjusted	36,634	32,551	4,083	11.1
Caldwell County	2013	12	Unadjusted	35,660	32,902	2,758	7.7
Caldwell County	2014	12	Unadjusted	35,163	32,964	2,199	6.3
Caldwell County	2015	12	Unadjusted	35,344	33,410	1,934	5.5
Caldwell County	2016	12	Unadjusted	35,898	34,129	1,769	4.9
Caldwell County	2017	12	Unadjusted	36,295	34,700	1,595	4.4
Caldwell County	2018	12	Unadjusted	36,924	35,425	1,499	4.1

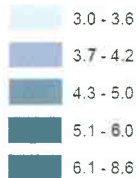
Source: Labor & Economic Analysis Division, N.C Department of Commerce

Caldwell County has one of the lower unemployment rates in the state at 4.1% for December 2018. This rate is higher than the November 2018 rate of 3.6% and lower than the December 2017 rate of 4.4%. The labor force increased from 36,295 in December 2017 to 36,924 in December 2018. An improving labor market that has increases in job openings provides strength to the rental housing market as incomes increase and the amount that workers can afford for rent increases. As market rates increase, the families that seek affordable housing have fewer affordable choices in the market rate segment. This will put pressure on the existing supply of affordable housing. Wait times for affordable housing vacancies will increase and many applicants will be forced to be rent overburdened due to increased market rates. This area has a lower unemployment rate so the demand for affordable units will be strong. The charts that follow show industry employment projections for the Charlotte Sub-Region and PMA employment by occupation.

North Carolina Unemployment Rates by County December 2018



December 2018



- ^ 99 Counties Higher Than Previous Month
- v 0 Counties Lower Than Previous Month
- = 1 Counties Same as Previous Month

North Carolina Rate 3.8%
Not Seasonally Adjusted

Note: December 2018 data are preliminary.
Prepared by the Labor & Economic Analysis, North Carolina Department of Commerce 1_2019

Industry Code	Industry Title	2014	2024	Net Change	Annualized Growth Rate	Total Pct Growth	Average Weekly Wage
000670	Self Employed and Unpaid Family Workers, All Jobs	10,705	11,087	382	0.30%	3.60%	*
110000	Agriculture, Forestry, Fishing and Hunting	635	565	-70	-1.20%	11.00%	\$546.53
210000	Mining	144	187	43	2.60%	29.90%	*
220000	Utilities	549	501	-48	-0.90%	-8.70%	\$1,600.88
230000	Construction	4,013	4,241	228	0.60%	5.70%	\$715.29
310000	Manufacturing	44,310	46,923	2,613	0.60%	5.90%	\$817.19
420000	Wholesale Trade	7,575	8,497	922	1.20%	12.20%	\$1,021.64
440000	Retail Trade	17,572	18,692	1,120	0.60%	6.40%	\$511.44
480000	Transportation and Warehousing	5,321	5,399	78	0.10%	1.50%	\$849.97
510000	Information	997	956	-41	-0.40%	-4.10%	\$856.91
520000	Finance and Insurance	2,375	2,359	-16	-0.10%	-0.70%	\$935.17
530000	Real Estate and Rental and Leasing	1,043	1,285	242	2.10%	23.20%	\$590.11
540000	Professional, Scientific, and Technical Services	3,794	4,298	504	1.30%	13.30%	\$875.58
550000	Management of Companies and Enterprises	2,210	2,420	210	0.90%	9.50%	\$1,591.26
560000	Administrative and Support and Waste Management and Remediation Services	10,013	11,634	1,621	1.50%	16.20%	\$439.28
610000	Educational Services	11,889	11,273	-616	-0.50%	-5.20%	\$684.20
620000	Health Care and Social Assistance	22,476	25,407	2,931	1.20%	13.00%	\$803.75
710000	Arts, Entertainment, and Recreation	1,194	1,286	92	0.80%	7.70%	\$362.85
720000	Accommodation and Food Services	12,416	14,585	2,169	1.60%	17.50%	\$265.98
810000	Other Services (except Government)	6,170	6,341	171	0.30%	2.80%	\$499.13
900000	Government	9,507	9,717	210	0.20%	2.20%	*

Source: Labor & Economic Analysis Division, N.C. Department of Commerce

PMA EMPLOYMENT

2018 Est. Civ. Employed Pop 16+ by Class of Worker		
2018 Est. Civ. Employed Pop 16+ by Class of Worker	22,470	100.00
For-Profit Private Workers	16,416	73.06
Non-Profit Private Workers)	1,257	5.59
Local Government Workers	1,175	5.23
State Government Workers	1,350	6.01
Federal Government Workers	213	0.95
Self-Employed Workers	2,054	9.14
Unpaid Family Workers	5	0.02
2018 Est. Civ. Employed Pop 16+ by Occupation		
Architecture/Engineering	73	0.33
Arts/Design/Entertainment/Sports/Media	136	0.60
Building/Grounds Cleaning/Maintenance	1,076	4.79
Business/Financial Operations	558	2.48
Community/Social Services	323	1.44
Computer/Mathematical	230	1.02
Construction/Extraction	1,643	7.31
Education/Training/Library	963	4.29
Farming/Fishing/Forestry	139	0.62
Food Preparation/Serving Related	1,282	5.71
Healthcare Practitioner/Technician	1,108	4.93
Healthcare Support	751	3.34
Installation/Maintenance/Repair	1,003	4.46
Legal	87	0.39
Life/Physical/Social Science	95	0.42
Management	1,417	6.31
Office/Administrative Support	2,639	11.74
Production	4,177	18.59
Protective Services	681	3.03
Sales/Related	2,034	9.05
Personal Care/Service	467	2.08
Transportation/Material Moving	1,588	7.07
2018 Est. Pop Age 16+ by Employment Status		
In Armed Forces	0	0.00
Civilian - Employed	23,250	50.06
Civilian - Unemployed	2,372	5.11
Not in Labor Force	20,822	44.83

Source: US Census Database; Environics Analytical; Gibson Consulting, LLC

The commute times of the population in the area can be an indicator of mobility of the population. A more mobile population is more likely to move to favorable housing conditions, even if this requires a longer commute time. Due to the lack of affordable housing, workers commute from much farther distances now.

COMMUTE TIMES

PMA

2018 Est. Workers Age 16+ by Travel Time to Work		
Less than 15 Minutes	6,086	28.84
15 - 29 Minutes	7,677	36.38
30 - 44 Minutes	4,455	21.11
45 - 59 Minutes	1,431	6.78
60 or more Minutes	1,456	6.90
2018 Est. Avg Travel Time to Work in Minutes	--	27.38
2018 Est. Workers Age 16+ by Transp. to Work		
2018 Est. Workers Age 16+ by Transp. to Work	21,818	100.00
Drove Alone	18,711	85.76
Carpooled	1,839	8.43
Public Transport	27	0.12
Walked	155	0.71
Bicycle	30	0.14
Other Means	325	1.49
Worked at Home	731	3.35

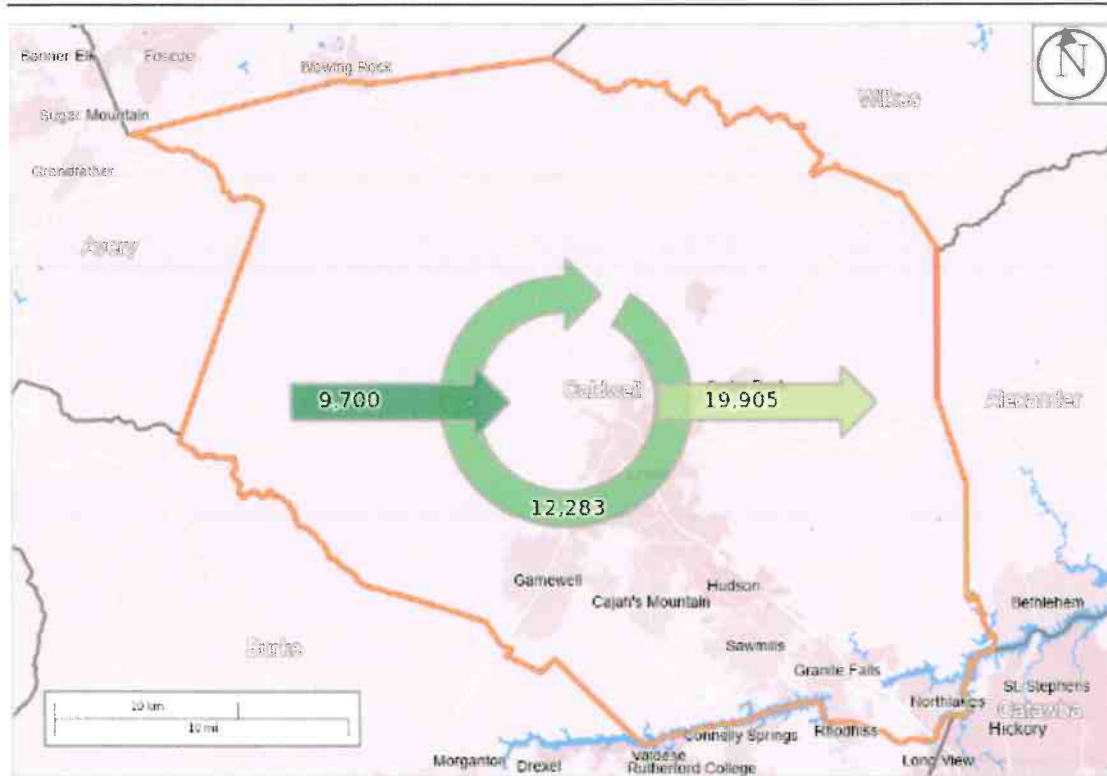
Source: US Census Database; Environics Analytics; Gibson Consulting, LLC

Inflow/Outflow Report		
Selection Area Labor Market Size (Primary Jobs)		
	2015	
	Count	Share
Employed in the Selection Area	21,983	100.0%
Living in the Selection Area	32,188	146.4%
Net Job Inflow (+) or Outflow (-)	-10,205	-
In-Area Labor Force Efficiency (Primary Jobs)		
	2015	
	Count	Share
Living in the Selection Area	32,188	100.0%
Living and Employed in the Selection Area	12,283	38.2%
Living in the Selection Area but Employed Outside	19,905	61.8%
In-Area Employment Efficiency (Primary Jobs)		
	2015	
	Count	Share
Employed in the Selection Area	21,983	100.0%
Employed and Living in the Selection Area	12,283	55.9%
Employed in the Selection Area but Living Outside	9,700	44.1%
Inflow Job Characteristics (Primary Jobs)		
	2015	
	Count	Share
Internal Jobs Filled by Outside Workers	12,283	100.0%
Workers Aged 29 or younger	2,160	17.6%
Workers Aged 30 to 54	6,865	55.9%
Workers Aged 55 or older	3,258	26.5%
Workers Earning \$1,250 per month or less	2,718	22.1%
Workers Earning \$1,251 to \$3,333 per month	6,403	52.1%
Workers Earning More than \$3,333 per month	3,162	25.7%
Workers in the "Goods Producing" Industry Class	3,955	32.2%
Workers in the "Trade, Transportation, and Utilities" Industry Class	1,943	15.8%
Workers in the "All Other Services" Industry Class	6,385	52.0%

Source: <http://onthemap.ces.census.gov>

According to the chart above, there are 2,718 workers earning \$1,250 per month or less and 3,162 workers earning \$1,251 to \$3,333 per month that commute from outside the county. These would be income eligible and may be a secondary source of demand for affordable housing in the PMA.

Inflow/Outflow Counts of Primary Jobs for Selection Area in 2015
All Workers



Map Legend

Selection Areas
 ■ Analysis Selection

Inflow/Outflow
 ● Employed and Live in Selection Area
 ● Employed in Selection Area, Live Outside
 ● Live in Selection Area, Employed Outside
 ● Outside
 Note: Overlay arrows do not indicate directionality of worker flow between home and employment locations.



F. COMMUNITY DEMOGRAPHIC DATA

Gibson Consulting, LLC, Phone Number (318) 524-0177 was retained by the client to provide a market analysis that could be used to ascertain whether the project as proposed would have a likelihood of success.

In performing a market analysis, the analyst must perform a field study, the market must be defined, suitable data must be obtained from Census and other sources, interviews must be conducted, competing properties must be surveyed, and any special requirements of lenders or allocating agencies must be addressed. The report should be taken as a whole, which forms the basis of the opinion expressed by the analyst.

As an appendix we have attached a market study terminology section for the reader's use.

METHOD OF ANALYSIS

The purpose of a market analysis is to objectively and professionally analyze the potential success of a remodeled and refreshed or newly constructed housing development. Typically, an affordable housing development must maintain approximately 85-90% occupancy in order to be successful. Income and rent restrictions placed upon the project by utilization of the LIHTC program make necessary a specific analysis of the affordable housing market, not simply a study of the general housing market. The general rental housing market in a market area may reveal that the existing rental units have low occupancy or high occupancy. Vacancy rates alone are not sufficient for analyzing the need for affordable housing. For example, vacancies may be high in a market area, but there may be an overwhelming need for additional affordable units. If the units with vacancies are not affordable to LIHTC qualified applicants, those units are not serving the target market. Therefore, introduction of additional affordable housing units may be advisable without affecting the vacancies at the existing units. Conversely, low vacancy rates themselves are not necessarily indicative of the need for additional affordable housing. The nature of the rental rates, occupancy demographics and other factors such as services and amenities are also contributing factors to the overall need for affordable housing. The mere existence of a property does not make it comparable or a factor in the analysis of the market. The characteristics of the property are the determinant of whether the review of it is relevant to the report.

The source of residents and the need for additional housing units may come from:

1. New Households

By definition, households need housing to be a household. Household creation in a market area will create a need for housing units. The trend in North Carolina (as well as most other states) since 1970 has been that the household contains fewer persons. In other words, household size is decreasing. Because of this fact, even if a market area experiences negative population growth the number of households may increase due to the shrinking number of persons per household. The projected household growth, rather than simple population change is the factor that affects demand for housing.

2. Inadequate Supply of Existing Affordable Housing

A shortage of housing that is in the affordable range for LIHTC eligible renters may mean that these persons are living in households with other family members. The simple fact of unavailability of sufficient affordable housing means that an increase in supply of affordable housing will be utilized by those that are not currently able to acquire housing in the existing overpriced market. Lower income families generally pay a higher percentage of income for shelter when there is a shortage of affordable housing. They may be forced to accept rent overburden because of this factor. A comparison of the income characteristics of the market area universe with the rental rates of the market can signal pent-up demand for affordable housing.

3. Substandard and Overcrowded Housing Units

Persons living in overcrowded units or substandard housing are an excellent source of demand for new affordable housing. A unit may be substandard because of lack of adequate plumbing facilities, or other factors. An overcrowded unit is generally considered to be a unit that contains more than 1 person per room. Besides the traditional definitions of substandard, demand for affordable housing can come from those who simply wish to upgrade their housing conditions. For example, a family receiving housing assistance from a Section 8 voucher may be living in a unit that is less desirable and convenient than the new or remodeled units. They might choose to move to the more desirable unit.

4. Special Needs

Large families, single parent households, elderly, disabled, homeless or handicapped persons are examples of special needs populations which may be a source of demand for new units. The units that address the special need may be more desirable than the housing they use now.

5. Population Growth

General population growth will cause a need for additional housing through creation of household growth (see 1 above).

6. Favorable Comparability of New or Renovated Units

In the first several years of a new or renovated project, there will be a source of demand that comes from households which would prefer the newer, more modern housing to the older, less modern place they live now. In every market there is a demand from this group. The market analyst uses the above sources to calculate a demand for new units in the market area for the proposed first year of operation. The demand calculated is only demand from income eligible persons. The units in the pipeline as determined from building permit information reduce the total demand. The penetration of this calculated demand that is necessary for the new and remodeled units to be successful is determined and used in the final recommendation.

7. Primary Market Area and Secondary Market Area

The market is further analyzed by the analysis of the Primary Market Area (PMA) (Submarket or Neighborhood) and the Secondary Market Area (SMA) (City, MSA or County). The major reasons for moving into the subject project are for affordability of the units, safer community environment and to be closer to new jobs. Demographic information and demand calculations from the PMA form the basis of the recommendations in the report. The comparable project data are mainly from the PMA since the majority of the renters in the proposed project should come from the PMA.

This section of the market study considers housing statistics with the subject's market area. The market area is defined as the area in which similar properties compete with the subject property for tenants or homeowners. The geographic boundaries are determined by physical factors such as highways, water bodies as well as socioeconomic factors such as traditional neighborhood composition recognized by local residents, average home prices, and established employment center.

The demographic data was obtained and compiled by Environics and the United States 2010 Census.

1. Population Trends**a. Total Population****PMA**

Population	
2000 Census	56180
2010 Census	57568
2018 Estimate	55953
2021 Projection	56,130
2023 Projection	56248
Percent Change: 2000 to 2010	2.47%
Percent Change: 2010 to 2018	-2.81%
Percent Change: 2018 to 2023	0.53%

Source: US Census Database; Environics Analytics; Gibson Consulting, LLC

b. Population by age group**PMA**

2018 Est. Population by Age	55,953	
Age 0 - 4	2736	4.89%
Age 5 - 9	2895	5.17%
Age 10 - 14	3192	5.71%
Age 15 - 17	2091	3.74%
Age 18 - 20	1936	3.46%
Age 21 - 24	2707	4.84%
Age 25 - 34	6237	11.15%
Age 35 - 44	6236	11.14%
Age 45 - 54	8053	14.39%
Age 55 - 64	8376	14.97%
Age 65 - 74	7008	12.53%
Age 75 - 84	3305	5.91%
Age 85 and over	1181	2.11%
Age 16 and over	46444	83.00%
Age 18 and over	45039	80.49%
Age 21 and over	43103	77.03%
Age 65 and over	11494	20.54%
Median Age	--	44.92
Average Age	--	42.91

Source: US Census Database; Environics Analytics; Gibson Consulting, LLC

The population in the PMA is projected to increase 0.53% by 2023. This will increase household formation and will increase demand for housing.

2. Household Trends

- a. Total number of households, average household size and group quarters

PMA

Households	
2000 Census	22,519
2010 Census	23,507
2018 Estimate	23,081
2021 Projection	23,213
2023 Projection	23,301
Percent Change: 2000 to 2010	4.39%
Percent Change: 2010 to 2018	-1.81%
Percent Change: 2018 to 2023	0.95%

2018 Est. Average Household Size	2.39
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Source: US Census Database; Environics Analytics; Gibson Consulting, LLC

PMA

2018 Est. Households by Household Type		
Family Households	15,789	68.41
NonFamily Households	7,292	31.59
2018 Est. Group Quarters Population	861	1.54

Source: US Census Database; Environics Analytics; Gibson Consulting, LLC

- b. Household by Tenure

PMA

2018 Occupied Housing Units by Tenure		
Owner-Occupied	16,207	70.22
Renter-Occupied	6,874	29.78

Source: US Census Database; Environics Analytics; Gibson Consulting, LLC

c. Households by Income and by Tenure

PMA

	2013-2017	%	2018
Total:	22,154		23,081
Owner occupied:	15,362		16,207
Less than \$5,000	504	3.28%	532
\$5,000 to \$9,999	509	3.31%	537
\$10,000 to \$14,999	960	6.25%	1013
\$15,000 to \$19,999	833	5.42%	879
\$20,000 to \$24,999	934	6.08%	985
\$25,000 to \$34,999	2,097	13.65%	2212
\$35,000 to \$49,999	2,447	15.93%	2582
\$50,000 to \$74,999	3,341	21.75%	3525
\$75,000 to \$99,999	1,842	11.99%	1943
\$100,000 to \$149,999	1,147	7.47%	1210
\$150,000 or more	748	4.87%	789
Renter occupied:	6,792		6,874
Less than \$5,000	527	7.76%	533
\$5,000 to \$9,999	539	7.94%	546
\$10,000 to \$14,999	921	13.56%	932
\$15,000 to \$19,999	708	10.42%	717
\$20,000 to \$24,999	834	12.28%	844
\$25,000 to \$34,999	1,138	16.76%	1152
\$35,000 to \$49,999	901	13.27%	912
\$50,000 to \$74,999	681	10.03%	689
\$75,000 to \$99,999	337	4.96%	341
\$100,000 to \$149,999	169	2.49%	171
\$150,000 or more	37	0.54%	37

Source: U.S. Census Bureau, 2013-2017 5-Year American Community Survey B25118, Environics Analytics, Gibson Consulting, LLC

d. Renter Households by number of person in household

	2013-2017	%	2018
Total:	22,154		23081
Owner occupied:	15,362		16207
1-person household	3,875	25.22%	4088
2-person household	6,481	42.19%	6837
3-person household	2,261	14.72%	2385
4-person household	1,828	11.90%	1929
5-person household	633	4.12%	668
6-person household	204	1.33%	215
7-or-more person household	80	0.52%	84
Renter occupied:	6,792		6874
1-person household	2,510	36.96%	2540
2-person household	1,738	25.59%	1759
3-person household	1,216	17.90%	1231
4-person household	711	10.47%	720
5-person household	382	5.62%	387
6-person household	192	2.83%	194
7-or-more person household	43	0.63%	44

Source: U.S. Census Bureau, 2013-2017 5-Year American Community Survey B25009, Environics Analytics, Gibson Consulting, LLC

Tenure by Age
PMA

Total:	22154	
Owner occupied:	15362	
Householder 15 to 24 years	72	0.47%
Householder 25 to 34 years	1114	7.25%
Householder 35 to 44 years	1902	12.38%
Householder 45 to 54 years	2931	19.08%
Householder 55 to 59 years	1622	10.56%
Householder 60 to 64 years	1927	12.54%
Householder 65 to 74 years	3174	20.66%
Householder 75 to 84 years	1921	12.50%
Householder 85 years and over	699	4.55%
Renter occupied:	6792	
Householder 15 to 24 years	350	5.15%
Householder 25 to 34 years	1355	19.95%
Householder 35 to 44 years	1284	18.90%
Householder 45 to 54 years	1733	25.52%
Householder 55 to 59 years	589	8.67%
Householder 60 to 64 years	450	6.63%
Householder 65 to 74 years	694	10.22%
Householder 75 to 84 years	268	3.95%
Householder 85 years and over	69	1.02%

Owner Age 55+	9343	60.82%
Renter Age 55+	2070	30.48%
Total Age 55+	11413	51.52%

Source: U.S. Census Bureau, 2013-2017 5-Year American Community Survey B25007, Environics Analytics, Gibson Consulting, LLC

The chart below shows the age of existing housing in the areas referenced.

PMA

2018 Est. Housing Units by Year Structure Built		
Built 2014 or Later	225	0.84
Built 2010 to 2013	165	0.61
Built 2000 to 2009	2,504	9.34
Built 1990 to 1999	4,106	15.32
Built 1980 to 1989	4,393	16.39
Built 1970 to 1979	5,692	21.23
Built 1960 to 1969	3,372	12.58
Built 1950 to 1959	3,075	11.47
Built 1940 to 1949	1,450	5.41
Built 1939 or Earlier	1,826	6.81
2018 Housing Units by Year Structure Built		
2018 Est. Median Year Structure Built	--	1976

Source: US Census Database; Environics Analytics, Gibson Consulting, LLC

The chart below shows existing housing characteristics of the market area.

PMA

2018 Est. Housing Units by Units in Structure		
1 Unit Attached	114	0.42
1 Unit Detached	18,419	68.71
2 Units	736	2.75
3 to 4 Units	834	3.11
5 to 19 Units	1,242	4.63
20 to 49 Units	98	0.37
50 or More Units	180	0.67
Mobile Home or Trailer	5,185	19.34
Boat, RV, Van, etc.	0	0.00

Source: US Census Database; Environics Analytics, Gibson Consulting, LLC

G. PROJECT-SPECIFIC DEMAND ANALYSIS

1. Income Restrictions

The demand analysis must begin with a discussion of the requirements of the Low Income Housing Tax Credit program.

LIHTC Requirements

Section 42 of the Internal Revenue Code allows a credit against income tax for development of low-income housing. As such, the project developed, to be eligible for the credit, must meet certain requirements. Two of the requirements are:

1. Rent restriction
2. Income restrictions

These two restrictions impact upon the market needs when calculating demand for affordable housing. The universe of potential residents is limited by the above restrictions. Generally, the rent (including an allowance for utilities) is limited to 30% of the maximum income limit, adjusted for family size. This project is using the Income Averaging Minimum Set-Aside under IRC 42. The income limits selected for this proposed development are 40%, 60% or 80% of the area median income, as determined by the Department of Housing and Urban Development, adjusted for family size. Multifamily Tax Subsidy Projects (MTSP) Income Limits were developed to meet the requirements established by the Housing and Economic Recovery Act of 2008 (Public Law 110-289) that allows 2007 and 2008 projects to increase over time. The MTSP income Limits are used to determine qualification levels as well as set maximum rental rates for projects funded with tax credits authorized under section 42 of the Internal Revenue Code (the Code) and projects financed with tax exempt housing bonds issued to provide qualified residential rental development under section 142 of the Code.

The project is located in a rural area (as defined in section 520 of the Housing Act of 1949) and therefore eligible to use the greater of area median gross income or national non-metropolitan median income as allowed under the Housing Act of 2008. The charts below summarize these limits for the market area.

Maximum Rents

Bedrooms (People)	60%	40%	80%	FMR
Efficiency (1.0)	613	409	818	553
1 Bedroom (1.5)	657	438	876	556
2 Bedrooms (3.0)	789	526	1,052	683
3 Bedrooms (4.5)	911	607	1,215	877
4 Bedrooms (6.0)	1,015	677	1,354	1,009

Source: HUD 2018 Income Limits, HUD 2018 HUD Fair Market Rents, Gibson Consulting, LLC

LIHTC Income Limits
% of Area Median

	60% AMI	40% AMI	80% AMI
1 Person	24,540	16,360	32,720
2 Person	28,020	18,680	37,360
AVG 1 & 2	26,280	17,520	35,040
3 Person	31,560	21,040	42,080
4 Person	35,040	23,360	46,720
5 Person	37,860	25,240	50,480
AVG 4 & 5	36,450	24,300	48,600
6 Person	40,620	27,080	54,160

Source: U. S. Department of HUD, 2018, Gibson Consulting, LLC

Since 100% of the units will be subject to the above rules, the universe for market calculations will include only those with incomes lower than the above amounts in our LIHTC demand calculation.

2. Affordability

This market study is concerned with only the demand from income eligible households and therefore total demand is adjusted for the income eligible component, i.e. those that can afford the rent. For the maximum household income for one-bedroom units we use the average of the one and two-person limit, for two-bedroom units we use the three-person limit and for the three-bedroom units we use the average of the four and five-person limit. Occupancy standards generally allow two persons per bedroom maximum, so this is a very conservative method. Since this a family project, the minimum income is calculated based upon a maximum of 35% of income for rent and utilities.

We calculate the eligible income band in the chart below.

	1BR	1BR	1BR	2BR	2BR	2BR	3BR	3BR	3BR
	40%	60%	80%	40%	60%	80%	40%	60%	80%
Proposed Rent	365	580	710	435	695	810	500	795	910
Utility Allowance	72	72	72	88	88	88	104	104	104
Total Housing Cost	437	652	782	523	783	898	604	899	1014
Divided by 35%	1249	1863	2234	1494	2237	2566	1726	2569	2897
Multiply by 12	12	12	12	12	12	12	12	12	13
Minimum Income to Afford rent	14983	22354	26811	17931	26846	30789	20709	30823	37663
Maximum Income Limit	17520	26280	35040	21040	31560	42080	24300	36450	48600

3. Demand

a. Demand from New Renter Households

The first component of demand is demand from new income qualified renter households in the PMA. First, we must calculate the percentage of income eligible households and apply that percentage to the new renter households. In the table below we calculate this eligible income percentage.

		1BR	1BR	1BR	2BR	2BR	2BR	3BR	3BR	3BR	Total	Total	Total	Total
	%	40%	60%	80%	40%	60%	80%	40%	60%	80%	40% AMI	60%AMI	80%AMI	LIHTC
MINIMUM INCOME		14983	22354	26811	17931	26846	30789	20709	30823	37663	14983	22354	26811	14983
MAXIMUM INCOME		17,520	26,280	35,040	21,040	31,560	42,080	24,300	36,450	48,600	24,300	36,450	48,600	48,600
Less than \$5,000	7.76%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
\$5,000 to \$9,999	7.94%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
\$10,000 to \$14,999	13.56%	0.04%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.04%	0.00%	0.00%	0.04%
\$15,000 to \$19,999	10.42%	5.25%	0.00%	0.00%	4.31%	0.00%	0.00%	0.00%	0.00%	0.00%	10.42%	0.00%	0.00%	10.42%
\$20,000 to \$24,999	12.28%	0.00%	6.49%	0.00%	2.55%	0.00%	0.00%	8.82%	0.00%	0.00%	10.56%	6.49%	0.00%	12.28%
\$25,000 to \$34,999	16.76%	0.00%	2.14%	13.72%	0.00%	7.90%	7.05%	0.00%	7.00%	0.00%	0.00%	16.76%	13.72%	16.76%
\$35,000 to \$49,999	13.27%	0.00%	0.00%	0.04%	0.00%	0.00%	6.26%	0.00%	1.28%	9.67%	0.00%	1.28%	12.03%	12.03%
\$50,000 to \$74,999	10.03%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Income Eligible %		5.30%	8.64%	13.75%	6.86%	7.90%	13.32%	8.82%	8.28%	9.67%	21.03%	24.53%	25.75%	51.53%

	1BR	1BR	1BR	2BR	2BR	2BR	3BR	3BR	3BR	Total	Total	Total	Total
	40%	60%	80%	40%	60%	80%	40%	60%	80%	40% AMI	60%AMI	80%AMI	LIHTC
Households-2021	23,213	23,213	23,213	23,213	23,213	23,213	23,213	23,213	23,213	23,213	23,213	23,213	23,213
Households-2018	23,081	23,081	23,081	23,081	23,081	23,081	23,081	23,081	23,081	23,081	23,081	23,081	23,081
New Households	132	132	132	132	132	132	132	132	132	132	132	132	132
% Income Eligible	5.30%	8.64%	13.75%	6.86%	7.90%	13.32%	8.82%	8.28%	9.67%	21.03%	24.53%	25.75%	51.53%
% age eligible	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Income and age Eligible Households	7	11	18	9	10	18	12	11	13	28	32	34	68
Renter %	29.78%	29.78%	29.78%	29.78%	29.78%	29.78%	29.78%	29.78%	29.78%	29.78%	29.78%	29.78%	29.78%
Demand from new Households	2	3	5	3	3	5	3	3	4	8	10	10	20

Demand from new renter households is 20.

b. Demand from Existing Households

The demand from existing households includes demand from those that occupy substandard or overcrowded housing.

Rent Overburden Information:

GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME (GRAPI)	Estimate	Percent
Occupied units paying rent (excluding units where GRAPI cannot be computed)	5,836	
Less than 15.0 percent	883	15.13%
15.0 to 19.9 percent	730	12.51%
20.0 to 24.9 percent	709	12.15%
25.0 to 29.9 percent	656	11.24%
30.0 to 34.9 percent	593	10.16%
35.0 percent or more	2,265	38.81%

Source: U.S. Census Bureau, 2013-2017 American Community Survey DP04

The chart above indicates that 38.81% of the renters pay 35.0% or more of their income for rent.

Kattz Corner, Lenoir, NC | 2019

	1BR	1BR	1BR	2BR	2BR	2BR	3BR	3BR	3BR	Total	Total	Total	Total
	40%	60%	80%	40%	60%	80%	40%	60%	80%	40% AMI	60%AMI	80%AMI	LIHTC
Households-2021	23,213	23,213	23,213	23,213	23,213	23,213	23,213	23,213	23,213	23,213	23,213	23,213	23,213
% Income Eligible	5.30%	8.64%	13.75%	6.86%	7.90%	13.32%	8.82%	8.28%	9.67%	21.03%	24.53%	25.75%	51.53%
% age eligible	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Income and age Eligible Households	1,230	2,006	3,193	1,593	1,834	3,091	2,047	1,922	2,245	4,881	5,695	5,976	11,962
Renter %	29.78%	29.78%	29.78%	29.78%	29.78%	29.78%	29.78%	29.78%	29.78%	29.78%	29.78%	29.78%	29.78%
Income and age Eligible renters	366	597	951	475	546	921	610	572	669	1454	1696	1780	3562
% of Rent Overburdened	38.8%	38.8%	38.8%	38.8%	38.8%	38.8%	38.8%	38.8%	38.8%	38.8%	38.8%	38.8%	38.8%
Demand from Rent Overburdened	142	232	369	184	212	357	237	222	260	564	658	691	1,382

The Demand from rent overburdened is 1,382.

Substandard Housing Data:

SELECTED CHARACTERISTICS	
Occupied housing units	22154
Lacking complete plumbing facilities	88
Lacking complete kitchen facilities	217
No telephone service available	500
OCCUPANTS PER ROOM	
Occupied housing units	22154
1.00 or less	21680
1.01 to 1.50	365
1.51 or more	109

Source: U.S. Census Bureau, 2013-2017 American Community Survey DP04

As shown on the chart above 88 units lack complete plumbing facilities, 217 units lack complete kitchen facilities and 474 units are overcrowded; therefore, substandard units total 779.

Kattz Corner, Lenoir, NC 2019

	1BR	1BR	1BR	2BR	2BR	2BR	3BR	3BR	3BR	Total	Total	Total	Total
	40%	60%	80%	40%	60%	80%	40%	60%	80%	40% AMI	60%AMI	80%AMI	LIHTC
Total Substandard units	779	779	779	779	779	779	779	779	779	779	779	779	779
% Income Eligible	5.30%	8.64%	13.75%	6.86%	7.90%	13.32%	8.82%	8.28%	9.67%	21.03%	24.53%	25.75%	51.53%
% age eligible	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Demand From Substandard Units	41	67	107	53	62	104	69	64	75	164	191	201	401

The demand from substandard units is 401.

In the charts that follow we calculate total income eligible demand for the purposes of calculating the needed capture rate.

4. Demand Calculations

In the charts that follow we add the above calculated demand components and subtract supply as defined in the Section II(G)(4)(b) of Appendix A of the 2019 QAP.

5. Application of Prescribed Method

a. Demand and Net Demand

	40% AMI	60%AMI	80%AMI	LIHTC
MINIMUM INCOME	14,983	22,354	26,811	14,983
MAXIMUM INCOME	24,300	36,450	48,600	48,600
DEMAND FROM NEW HOUSEHOLDS	8	10	10	20
+		-		
DEMAND FROM RENT OVER-BURDENED	564	658	691	1,382
+		-		
DEMAND FROM SUBSTANDARD HOUSING	164	191	201	401
+				
DEMAND FROM AGE 65+ Homeowners	0	0	0	0
=				
TOTAL DEMAND	736	859	901	1,804
-				
SUPPLY	-17	-39	0	-56
=				
NET DEMAND	719	820	901	1,748

b. Net Demand and Capture Rates

Bedrooms		Total Demand	Supply	Net Demand	Units Proposed	Capture Rate
1BR	40%	185	(12)	173	4	2.31%
1BR	60%	302	-	302	4	1.32%
1BR	80%	482	-	482	4	0.83%
2BR	40%	240	(5)	235	8	3.40%
2BR	60%	277	(25)	252	17	6.76%
2BR	80%	466	-	466	8	1.72%
3BR	40%	60	-	60	7	11.59%
3BR	60%	57	(14)	43	15	35.15%
3BR	80%	66	-	66	7	10.57%
Overall		1,804	(56)	1,748	74	4.23%

Crescent Point at Greenhaven was awarded credits in 2016 for 60 elderly age 55+ new construction units. It has not completed construction. It is elderly age 55+ so we did not count it as supply to deduct from demand. LHS Apartments was awarded credits in 2017 for 44 elderly age 55+ rehab units. It is stabilized and we did not deduct it as supply. Woodlane Street Apartments was awarded credits in 2017 for 66 new construction units. It is not targeting elderly age 55+ and we did deduct it as supply.

Since the project contains more than 20% 3-bedroom units, we will adjust the demand figures to reflect the percentage of households with four or more persons. There are 19.55% of the renter households with four or more persons. When we apply this percentage to the total 3-bedroom demand the revised capture rates are as shown in the chart below.

Bedrooms	AMI	Total Demand		Net Demand	Units Proposed	Capture Rate
1BR	40%	185	(12)	173	4	2.31%
1BR	60%	302	-	302	4	1.32%
1BR	80%	482	-	482	4	0.83%
2BR	40%	240	(5)	235	8	3.40%
2BR	60%	277	(25)	252	17	6.76%
2BR	80%	466	-	466	8	1.72%
3BR	40%	60	-	60	7	11.59%
3BR	60%	57	(14)	43	15	35.15%
3BR	80%	66	-	66	7	10.57%
Overall		1,804	(56)	1,748	74	4.23%

The capture rate on the 60% AMI three-bedroom units under this scenario is 35.15%. In the PMA there are 2,613 occupied rental units with 3 or more bedrooms. The proposed project will have 29 three-bedroom units, meaning that it would need to capture less than 2% of the households currently renting 3 or more-bedroom units. The overall capture rate of 4.23% indicates that the project as proposed will meet a portion of the calculated demand for affordable housing. This is a very conservative methodology for calculating demand.

The chart below shows the tenure by bedrooms for renters in the PMA.

	Total	%
Renter occupied:	6,792	
No bedroom	48	0.7%
1 bedroom	1,048	15.4%
2 bedrooms	3,083	45.4%
3 bedrooms	2,057	30.3%
4 bedrooms	423	6.2%
5 or more bedrooms	133	2.0%

Source: U.S. Census Bureau, 2013-2017 American Community Survey B25042

6. Absorption Rate

The timeframe within which the new or newly renovated units are leased is the main component of the absorption analysis. The analyst must consider the existing rental occupancy and turnover rate of comparable units. Relative desirability of services, rates, facilities and amenities are also factors. It is common for any new or newly renovated units to receive an immediate surge of demand simply because they are new and the selection is greatest. Likewise, the final 5% of the units to be rented are typically the hardest to rent because they are, in effect, the least desirable units in the new complex.

The appearance of new or newly renovated units on the market will also cause competing properties to make changes in rates and amenities to attract and keep tenants. Due to the tight nature of the budgets of multifamily developments, there is not a huge permanent price reduction that is available to the competing properties. The new units will cause the competing existing units to provide better service. In a loose market, this is truer than in a tight market. In a tight market, the new units will be absorbed quickly and there may be a slightly increased turnover rate as a result of tenants attempting to upgrade their housing situation. For the purposes of this report, the absorption rate is the estimated time needed to reach 93% occupancy. We considered the overall estimate of new household growth, the available supply of competitive units, observed trends in absorption of comparable units and the availability of subsidies and rent specials.

The absorption period starts as soon as the new or newly renovated units are released for occupancy. Based upon all of these factors, we project the following absorption of the newly renovated units:

Date	Total # Leased	%
Construction Completion	10	14%
30 Days Post Completion	18	24%
60 Days Post Completion	26	35%
90 Days Post Completion	34	46%
120 Days Post Completion	42	57%
150 Days Post Completion	50	68%
180 Days Post Completion	58	78%
210 Days Post Completion	66	89%
240 Days Post Completion	74	100%

We estimate that due to pre-leasing there will be 10 units rented as soon as construction is complete on them. For calculation purposes, the absorption rate is estimated to be 8 units per month, based upon the information obtained during this study. We project the units will be absorbed fully (achieve 93% occupancy) within 240 days of completion.

We project that the new units will have no appreciable effect on the existing units in the market area.

H. SUPPLY ANALYSIS (COMPARABLE RENTAL DEVELOPMENTS)

In the demographics section of the report, we include detailed information on the existing housing stock for the PMA. The renter percentage is 29.78%. One-unit detached homes make up 68.71% of the housing units, while units while structures with 5 or more units make up 5.67% of the housing units. Mobile Homes or Trailers make up 19.34% of the units.

The chart below shows the age of the rental housing units.

Built 2014 or later	225	0.84
Built 2010 to 2013	165	0.61
Built 2000 to 2009	2,504	9.34
Built 1990 to 1999	4,106	15.32
Built 1980 to 1989	4,393	16.39
Built 1970 to 1979	5,692	21.23
Built 1960 to 1969	3,372	12.58
Built 1950 to 1959	3,075	11.47
Built 1940 to 1949	1,450	5.41
Built 1939 or earlier	1,826	6.81

Source: U.S. Census Bureau, 2013-2017 5-Year American Community Survey B25036

Only 1.45% of the rental units in the PMA have been built 2010 or later and 24.66% were built from 1990 to 2009. The rental housing stock is beginning to age in the PMA. The proposed new units will be viewed by many affordable rental housing seekers as favorable in a market where the rental housing stock is aging.

We surveyed 18 complexes with a total of 902 units. This included 10 reported LIHTC projects with a total of 487 units and 8 other development with a total of 415 units. The LIHTC complexes had occupancy of 99.38%, while the other units had occupancy of 99.76%. The overall occupancy rate is 99.56%. Crescent Point at Greenhaven was awarded credits in 2016 for 60 elderly age 55+ new construction units. It has not completed construction. It is elderly age 55+ so we did not count it as supply to deduct from demand. LHS Apartments was awarded credits in 2017 for 44 elderly age 55+ rehab units. It is stabilized and we did not deduct it as supply. Woodlane Street Apartments was awarded credits in 2017 for 66 new construction units. It is not targeting elderly age 55+ and we did deduct it as supply

The amenities in the units surveyed are varied. Some of the rental units were built in the 1970s and 1980s. The chart below compares the subject rents to the LIHTC maximums and the net market rent. The market rent for one-bedroom units is \$750 and for two-bedroom units is \$850. The details from the complexes surveyed are in an appendix. All contacts with surveyed complexes were made February 8-February 28, 2019. If a contact

could not or would not provide certain information (such as number of vouchers or lease-up) we left that part of the interview sheet blank. Contacts were made by phone.

BR	AMI	Rent	Market Rent	Advantage over Market
1	40%	365	750	105%
1	60%	580	750	29%
1	80%	710	750	6%
2	40%	435	850	95%
2	6%	695	850	22%
2	80%	810	850	5%
3	40%	500	950	90%
3	60%	795	950	19%
3	80%	910	950	4%

Derivation of Market Rent

There is a wide disparity in the age, amenities and curb appeal of the complexes in the market. We derived the market rents by averaging the rents of the surveyed complexes and adjusting for comparability to the subject. The proposed units will be superior to the available housing stock. We also researched single family rental rates and used them as well in forming our opinion of market rents.

I. INTERVIEWS

During the course of our field work we interviewed the complex representatives of the apartments surveyed. We questioned some residents at some of the complexes surveyed. All indicated there was a need for more decent and affordable housing. Also, we contacted some single-family landlords to determine the market rates for the units in the area.

J. SIGNED STATEMENT REQUIREMENTS

This market study has been prepared by Gibson Consulting, LLC, a member in good standing of the National Council of Housing Market Analysts (NCHMA). This study has been prepared in conformance with the standards adopted by NCHMA for the market analysts' industry. These standards include the Standard Definitions of Key Terms Used in Market Studies, and Model Content Standards for the Content of Market Studies. These Standards are designed to enhance the quality of market studies and to make them easier to prepare, understand, and use by market analysts and by the end users. These Standards are voluntary only, and no legal responsibility regarding their use is assumed by the National Council of Housing Market Analysts.

I affirm the following:

- I have made a physical inspection of the site and market area and that information has been used in the study.
- I have followed the Agency's market study requirements.
- The information included is accurate and the study can be relied upon by the Agency to present a true assessment of the market.
- I understand any misrepresentation of this statement may result in the denial of further participation in the Agency's rental housing programs.
- I have no interest in the project or relationship with the Applicant, developer, ownership entity or application preparer.

Gibson Consulting, LLC
1651 E. 70th Street
PMB 403
Shreveport, LA 71105-5115

By: Jim Howell
Jim Howell
Senior Market Analyst

By: Debbie J. Amox
Debbie J. Amox
Market Analyst



DATA SOURCES

Environics Analytics
Census Bureau
Census American Fact Finder
<http://www.novoco.com>
<http://lihtc.huduser.org>
SOCDS Building Permit Database
Apartment management contacts
U.S. Bureau of Economic Analysis
North Carolina Dept. of Labor
City of Hudson
City of Lenoir
Real Estate Center at Texas A&M University
BLS
HUD
NCHMA
USDA-RD

APPENDICES

Data Summary Page

Data Summary

Project Name Kattz Corner

Project Type Family

	Income Targeting	Total Demand	Supply	Net Demand	Units Proposed	Capture Rate
Efficiency	Up To 20%					
	Up To 30%					
	Up To 40%					
	Up To 50%					
	Up To 60%					
	Up To 70%					
	Up To 80%					
	Market Rate					
	Overall					
1 Bedroom	Up To 20%					
	Up To 30%					
	Up To 40%	185	12	173	4	2.3%
	Up To 50%					
	Up To 60%	302	0	302	4	1.3%
	Up To 70%					
	Up To 80%	482	0	482	4	0.8%
	Market Rate					
	Overall	970	12	958	12	1.3%
2 Bedroom	Up To 20%					
	Up To 30%					
	Up To 40%	240	5	235	8	3.4%
	Up To 50%					
	Up To 60%	277	25	252	17	6.8%
	Up To 70%					
	Up To 80%	466	0	466	8	1.7%
	Market Rate					
	Overall	983	30	953	33	3.5%
3 Bedroom	Up To 20%					
	Up To 30%					
	Up To 40%	309	0	309	7	2.3%
	Up To 50%					
	Up To 60%	290	14	276	15	5.4%
	Up To 70%					
	Up To 80%	339	0	339	7	2.1%
	Market Rate					
	Overall	937	14	923	29	3.1%
4 Bedroom	Up To 20%					
	Up To 30%					
	Up To 40%					
	Up To 50%					
	Up To 60%					
	Up To 70%					
	Up To 80%					
	Market Rate					
	Overall					
Total					74	

Overall Capture Rate - 20% LIHTC Units	
Overall Capture Rate - 30% LIHTC Units	
Overall Capture Rate - 40% LIHTC Units	2.6%
Overall Capture Rate - 50% LIHTC Units	
Overall Capture Rate - 60% LIHTC Units	4.4%
Overall Capture Rate - 70% LIHTC Units	
Overall Capture Rate - 80% LIHTC Units	2.1%
Entire Project Capture Rate Including Market Units	4.2%
Absorption Period in Months to 93%	eight
Comparables Only Vacancy Rate in PMA	1.0%
LIHTC Vacancy Rate in PMA	1.0%
Long term effect on other LIHTC projects in PMA?	No

Surveyed Complexes-LIHTC

East Harper Street Apartments

506 Harper Avenue, NW
Lenoir, NC

828-759-2234

Contact:

Cori



Unit Size	# Baths	Last Rent	Vacant Units for Unit Type	Number Units per size	Square Footage per size	Date of Last Lease	Rent Concessions
Studio							
1 BR	1	\$315-520	0	8	600est		
2BR	1	\$406-620	0	24	750est		
2BR							
3 BR	2	\$461-605	0	14	950est		
4 BR							

Design/Location/Condition			
Structure/Stories	Brick - 2 story		
Year Built/Year Renovated	1927		
Condition/Street Appeal	Good		
Neighborhood Condition	Good		
Unit Equipment/Amenities	Yes	No	Type
Balcony/Patio	✓		
AC: Central/Wall	✓		
Range/Refrigerator	✓		
Microwave/Dishwasher	✓		
Washer/Dryer	✓		hook ups
Floor Coverings	✓		carpet, wood
Window Coverings	✓		
Cable/Satellite/Internet READY	✓		
Special Features			
Site Equipment/Amenities	Yes	No	Type
Parking (\$ _____ (Fee)	✓		
Extra Storage	✓		some
Security		✓	
Clubhouse/Meeting Room	✓		
Pool/Recreation Areas	✓		fitness only
Playground	✓		
Laundry Facility(ies)	✓		
Bus. Center/Nghbrhd Network	✓		
Service Coordinations			
Utilities	Yes	No	Type
Heat		✓	Electric
Cooling		✓	Electric
Cooking		✓	Electric
Hot Water		✓	Electric
Other Electric		✓	Electric
Cold Water/Sewer	✓		Included
Trash/Recycle	✓		Included

Site Info:		
Total Units	46	Total Vacant 0
Section 8		
Accepts:	✓	
# of Vouchers:		
Type of Financing:		
LIHTC		✓
RD		
RD R/A		
Market		
HOME		✓
Bonds		
Section 8		
Other:		
Type of Structure:		
Low Rise		
High Rise		
Garden		
Walk-up		✓
SF		
Duplex		
Triplex		
Quadplex		
Townhome		
Other:		
Notes:		

Caldwell Garden

1302 Piedmont Dr, NW #25
Lenoir, NC 28645

828-757-2628

Contact:

Beverly



Unit Size	# Baths	Last Rent	Vacant Units for Unit Type	Number Units per size	Square Footage per size	Date of Last Lease	Rent Concessions
Studio							
1 BR	1	\$512	1	18	562		
2BR	1	\$597	0	49	690		
2BR							
3 BR	2	\$728	0	22	1038		
4 BR	2	\$814	0	8	1240		

Design/Location/Condition			
Structure/Stories	Brick/Vinyl - 1 story		
Year Built/Year Renovated	1978/2010		
Condition/Street Appeal	Good		
Neighborhood Condition	Good		

Unit Equipment/Amenities	Yes	No	Type
Balcony/Patio	✓		
AC: Central/Wall	✓		
Range/Refrigerator	✓		
Microwave/Dishwasher	✓		
Washer/Dryer	✓		hook ups
Floor Coverings	✓		carpet, vinyl
Window Coverings	✓		
Cable/Satellite/Internet READY	✓		
Special Features			

Site Equipment/Amenities	Yes	No	Type
Parking (\$ _____ (Fee)	✓		
Extra Storage	✓		
Security		✓	
Clubhouse/Meeting Room	✓		
Pool/Recreation Areas		✓	
Playground	✓		
Laundry Facility(ies)	✓		
Bus. Center/Nghbrhd Network	✓		
Service Coordinations			

Utilities	Yes	No	Type
Heat		✓	Electric
Cooling		✓	Electric
Cooking		✓	Electric
Hot Water		✓	Electric
Other Electric		✓	Electric
Cold Water/Sewer	✓		Included
Trash/Recycle	✓		Included

Site Info:	Total Units	Total Vacant
Total Units	97	1

Section 8	Yes	No
Accepts:	✓	
# of Vouchers:		

Type of Financing:	
LIHTC	✓
RD	
RD R/A	
Market	
HOME	
Bonds	
Section 8	
Other:	

Type of Structure:	
Low Rise	
High Rise	
Garden	
Walk-up	✓
SF	
Duplex	
Triplex	
Quadplex	
Townhome	
Other:	

Notes:

Pine Mountain Trace

100 Kirkland Avenue
Hudson, NC 28638

828-728-2224

Contact:

Rita



Unit Size	# Baths	Last Rent	Vacant Units for Unit Type	Number Units per size	Square Footage per size	Date of Last Lease	Rent Concessions
Studio							
1 BR	1	\$394	0	2	687		
2BR	1	\$465-562	0	30	905		
2BR							
3 BR							
4 BR							

Design/Location/Condition			
Structure/Stories	Brick/Vinyl - 2 story		
Year Built/Year Renovated	2010		
Condition/Street Appeal	Good		
Neighborhood Condition	Good		

Unit Equipment/Amenities	Yes	No	Type
Balcony/Patio	✓		
AC: Central/Wall	✓		
Range/Refrigerator	✓		
Microwave/Dishwasher	✓		
Washer/Dryer	✓		hook ups
Floor Coverings	✓		carpet, vinyl
Window Coverings	✓		
Cable/Satellite/Internet READY	✓		
Special Features			

Site Equipment/Amenities	Yes	No	Type
Parking (\$ _____ (Fee)	✓		
Extra Storage	✓		
Security		✓	
Clubhouse/Meeting Room	✓		
Pool/Recreation Areas		✓	
Playground	✓		
Laundry Facility(ies)	✓		
Bus. Center/Nghbrhd Network		✓	
Service Coordinations			

Utilities	Yes	No	Type
Heat		✓	Electric
Cooling		✓	Electric
Cooking		✓	Electric
Hot Water		✓	Electric
Other Electric		✓	Electric
Cold Water/Sewer	✓		Included
Trash/Recycle	✓		Included

Site Info:	Total Units	Total Vacant
Total Units	32	0
Section 8	Yes	No
Accepts:	✓	
# of Vouchers:		

Type of Financing:	
LIHTC	✓
RD	
RD R/A	
Market	
HOME	
Bonds	
Section 8	
Other:	

Type of Structure:	
Low Rise	
High Rise	
Garden	
Walk-up	✓
SF	
Duplex	
Triplex	
Quadplex	
Townhome	
Other:	

Notes:
Partnership Property Management

Woodland Village

600 Kirkland Avenue
Hudson, NC 28638

828-572-4038

Contact:

Lisa



Unit Size	# Baths	Last Rent	Vacant Units for Unit Type	Number Units per size	Square Footage per size	Date of Last Lease	Rent Concessions
Studio							
1 BR	1	\$416-484	0	18	695		
2BR							
2BR	1	\$499-524	0	22	944		
3 BR							
4 BR							

Design/Location/Condition		Site Info:		Total Units	Total Vacant
Structure/Stories	Brick/Vinyl - 1 story				
Year Built/Year Renovated	2012				
Condition/Street Appeal	Good				
Neighborhood Condition	Good				
Unit Equipment/Amenities	Yes	No	Type		
Balcony/Patio	✓				
AC: Central/Wall	✓				
Range/Refrigerator	✓				
Microwave/Dishwasher	✓				
Washer/Dryer	✓				
Floor Coverings	✓		carpet, tile, vinyl		
Window Coverings	✓				
Cable/Satellite/Internet READY	✓				
Special Features					
Site Equipment/Amenities	Yes	No	Type		
Parking (\$ (Fee)	✓				
Extra Storage	✓				
Security	✓		cameras		
Clubhouse/Meeting Room	✓				
Pool/Recreation Areas		✓			
Playground	✓				
Laundry Facility(ies)	✓				
Bus. Center/Nghbrhd Network	✓				
Service Coordinations					
Utilities	Yes	No	Type		
Heat		✓	Electric		
Cooling		✓	Electric		
Cooking		✓	Electric		
Hot Water		✓	Electric		
Other Electric		✓	Electric		
Cold Water/Sewer	✓		Included		
Trash/Recycle	✓		Included		

Type of Financing:	
LIHTC	✓
RD	
RD R/A	
Market	
HOME	✓ (8)
Bonds	
Section 8	
Other:	
Type of Structure:	
Low Rise	
High Rise	
Garden	
Walk-up	✓
SF	
Duplex	✓
Triplex	
Quadplex	
Townhome	
Other:	
Notes:	
ELDERLY 55+; Utility Allowance available; Partnership Property Management	

Woodcrest Apartments

(Formerly Summit Apartments)

226 Wilson St., NW
Lenoir, NC 28645

828-754-6186

Contact:

Joy



Unit Size	# Baths	Last Rent	Vacant Units for Unit Type	Number Units per size	Square Footage per size	Date of Last Lease	Rent Concessions	
Studio								
1 BR	1	\$745	0	10	663			
2BR	1	\$850	0	22	776			
2BR								
3 BR TH	1.5	\$1,065	0	28	976			
4 BR TH	2.5	\$1,140	0	10	1172			
Design/Location/Condition					Site Info:			
Structure/Stories					Total Units			
Brick - 2 story					70			
Year Built/Year Renovated					Total Vacant			
2013 / As Needed					0			
Condition/Street Appeal					Section 8			
Good					Yes			
Neighborhood Condition					No			
Good					Accepts:			
					✓			
					# of Vouchers:			
Unit Equipment/Amenities					Type of Financing:			
Yes	No	Type	LIHTC					
Balcony/Patio	✓		✓					
AC: Central/Wall	✓		RD					
Range/Refrigerator	✓		RD R/A					
Microwave/Dishwasher	✓		Market					
Washer/Dryer		✓	HOME					
Floor Coverings	✓		Bonds					
carpet, vinyl, tile			Section 8					
Window Coverings	✓		Other:					
Cable/Satellite/Internet READY	✓							
Special Features			Type of Structure:					
Site Equipment/Amenities	Yes	No	Type	Low Rise				
Parking (\$ (Fee)	✓			High Rise				
Extra Storage		✓		Garden				
Security				✓				
Clubhouse/Meeting Room	✓			Walk-up				
Pool/Recreation Areas		✓		SF				
Playground	✓			Duplex				
Laundry Facility(ies)	✓			Triplex				
Bus. Center/Nghbrhd Network	✓			Quadplex				
Service Coordinations				Townhome				
Utilities	Yes	No	Type	Other:				
Heat		✓	Electric	Notes:				
Cooling		✓	Electric	Wait List				
Cooking		✓	Electric					
Hot Water		✓	Electric					
Other Electric		✓	Electric					
Cold Water/Sewer	✓		Included					
Trash/Recycle	✓		Included					

Viridian Apartments

185 Linkside Court
Lenoir, NC 28645

828-726-3796

Contact:

Kimberly (mgmt co)



Unit Size	# Baths	Last Rent	Vacant Units for Unit Type	Number Units per size	Square Footage per size	Date of Last Lease	Rent Concessions
Studio							
1 BR							
2BR	2	\$480-500	1	36	1044		
2BR							
3 BR	2	\$510-550	1	28	1230		
4 BR							

Design/Location/Condition			
Structure/Stories	Brick/Vinyl - 2 story		
Year Built/Year Renovated	2014		
Condition/Street Appeal	Good		
Neighborhood Condition	Good		

Unit Equipment/Amenities	Yes	No	Type
Balcony/Patio	✓		
AC: Central/Wall	✓		
Range/Refrigerator	✓		
Microwave/Dishwasher	✓		
Washer/Dryer	✓		hook ups
Floor Coverings	✓		carpet, vinyl, wood
Window Coverings	✓		
Cable/Satellite/Internet READY	✓		
Special Features			

Site Equipment/Amenities	Yes	No	Type
Parking (\$ (Fee)	✓		
Extra Storage	✓		
Security		✓	
Clubhouse/Meeting Room	✓		
Pool/Recreation Areas	✓		fitness, no pool
Playground	✓		
Laundry Facility(ies)	✓		
Bus. Center/Nghbrhd Network	✓		
Service Coordinations	✓		

Utilities	Yes	No	Type
Heat		✓	Electric
Cooling		✓	Electric
Cooking		✓	Electric
Hot Water		✓	Electric
Other Electric		✓	Electric
Cold Water/Sewer	✓		Included
Trash/Recycle	✓		Included

Site Info:		
Total Units	64	Total Vacant 2
Section 8		
Accepts:	✓	No
# of Vouchers:		
Type of Financing:		
LIHTC		✓
RD		
RD R/A		
Market		
HOME		
Bonds		
Section 8		
Other:		
Type of Structure:		
Low Rise		
High Rise		
Garden		
Walk-up		✓
SF		
Duplex		
Triplex		
Quadplex		
Townhome		
Other:		
Notes:		
Excel Property Mgt		

Arbor Glen Apartments

(Formerly Arbor Glen Senior)

100 Abington Rd

Lenoir, NC 28645

828-572-5553

Contact:

Jennifer



Unit Size	# Baths	Last Rent	Vacant Units for Unit Type	Number Units per size	Square Footage per size	Date of Last Lease	Rent Concessions
Studio							
1 BR	1	\$427	0	25	710		
2BR	1	\$573	0	25	900+		
2BR							
3 BR							
4 BR							
Design/Location/Condition							
Structure/Stories	Brick/Vinyl - 3 story						
Year Built/Year Renovated	2016						
Condition/Street Appeal	Good						
Neighborhood Condition	Good						
Unit Equipment/Amenities	Yes	No	Type				
Balcony/Patio	✓						
AC: Central/Wall	✓						
Range/Refrigerator	✓						
Microwave/Dishwasher	✓		DW				
Washer/Dryer	✓		hook up				
Floor Coverings	✓		carpet, vinyl				
Window Coverings	✓						
Cable/Satellite/Internet READY	✓						
Special Features	✓		elevator				
Site Equipment/Amenities	Yes	No	Type				
Parking (\$_____ (Fee)	✓						
Extra Storage	✓						
Security	✓						
Clubhouse/Meeting Room	✓						
Pool/Recreation Areas		✓					
Playground		✓					
Laundry Facility(ies)	✓						
Bus. Center/Nghbrhd Network	✓						
Service Coordinations							
Utilities	Yes	No	Type				
Heat		✓	Electric				
Cooling		✓	Electric				
Cooking		✓	Electric				
Hot Water		✓	Electric				
Other Electric		✓	Electric				
Cold Water/Sewer	✓		Included				
Trash/Recycle	✓		Included				
				Site Info:	Total Units	Total Vacant	
				Total Units	50	0	
				Section 8	Yes	No	
				Accepts:	✓		
				# of Vouchers:			
				Type of Financing:			
				LIHTC		✓	
				RD			
				RD R/A			
				Market			
				HOME			
				Bonds			
				Section 8			
				Other:			
				Type of Structure:			
				Low Rise		✓	
				High Rise			
				Garden			
				Walk-up			
				SF			
				Duplex			
				Triplex			
				Quadplex			
				Townhome			
				Other:			
				Notes:			
				ELDERLY 55+; Partnership Property Management			

Crescent Pointe at Greenhaven

205 Greenhaven Drive, NW
Lenoir, NC 28645

Telephone:

Contact:

not constructed

Picture

Unit Size	# Baths	Last Rent	Vacant Units for Unit Type	Number Units per size	Square Footage per size	Date of Last Lease	Rent Concessions
Studio							
1 BR							
2BR							
2BR							
3 BR							
4 BR							
Design/Location/Condition					Site Info:		
Structure/Stories					Total Units	0	0
Year Built/Year Renovated					Section 8		
Condition/Street Appeal					Yes	No	
Neighborhood Condition					Accepts:		
Unit Equipment/Amenities					# of Vouchers:		
	Yes	No	Type		Type of Financing:		
Balcony/Patio					LIHTC		
AC: Central/Wall					RD		
Range/Refrigerator					RD R/A		
Microwave/Dishwasher					Market		
Washer/Dryer					HOME		
Floor Coverings					Bonds		
Window Coverings					Section 8		
Cable/Satellite/Internet READY					Other:		
Special Features					Type of Structure:		
Site Equipment/Amenities	Yes	No	Type		Low Rise		
Parking (\$ (Fee)					High Rise		
Extra Storage					Garden		
Security					Walk-up		
Clubhouse/Meeting Room					SF		
Pool/Recreation Areas					Duplex		
Playground					Triplex		
Laundry Facility(ies)					Quadplex		
Bus. Center/Nghbrhd Network					Townhome		
Service Coordinations					Other:		
Utilities	Yes	No	Type		Notes:		
Heat		✓	Electric				
Cooling		✓	Electric				
Cooking		✓	Electric				
Hot Water		✓	Electric				
Other Electric		✓	Electric				
Cold Water/Sewer	✓		Included				
Trash/Recycle	✓		Included				

LHS Apartments

102 Willow St. SW
Lenoir, NC 28645

828-754-0680

Contact:

Kayla (site); Blair Maas (mgmt co)

Picture

Unit Size	# Baths	Last Rent	Vacant Units for Unit Type	Number Units per size	Square Footage per size	Date of Last Lease	Rent Concessions
Studio							
1 BR	1	\$541	0	41	750		
2BR	1	\$541	0	3	950		
2BR							
3 BR							
4 BR							

Design/Location/Condition	Yes	No	Type
Structure/Stories			Brick - 3 story
Year Built/Year Renovated			1920/2019
Condition/Street Appeal			Good
Neighborhood Condition			Good
Unit Equipment/Amenities			
Balcony/Patio	✓		
AC: Central/Wall	✓		
Range/Refrigerator	✓		
Microwave/Dishwasher		✓	
Washer/Dryer		✓	
Floor Coverings	✓		carpet, tile
Window Coverings	✓		
Cable/Satellite/Internet READY	✓		
Special Features	✓		Elevator
Site Equipment/Amenities			
Parking (\$ _____ (Fee)	✓		
Extra Storage			
Security			
Clubhouse/Meeting Room	✓		
Pool/Recreation Areas	✓		fitness no pool
Playground			
Laundry Facility(ies)	✓		
Bus. Center/Nghbrhd Network	✓		
Service Coordinations			
Utilities			
Heat		✓	Electric
Cooling		✓	Electric
Cooking		✓	Electric
Hot Water		✓	Electric
Other Electric		✓	Electric
Cold Water/Sewer	✓		Included
Trash/Recycle	✓		Included

Site Info:	Total Units	Total Vacant
Total Units	44	0
Section 8	Yes	No
Accepts:		✓
# of Vouchers:		
Type of Financing:		
LIHTC		
RD		
RD R/A	✓ (40)	
Market		
HOME		
Bonds		
Section 8		
Other:		
Type of Structure:		
Low Rise	✓	
High Rise		
Garden		
Walk-up		
SF		
Duplex		
Triplex		
Quadplex		
Townhome		
Other:		
Notes:		
ELDERLY - currently going through rehab and residents are in relocation		

Woodlane Street Apartments

205 Greenhaven Drive, NW
Granite Falls, NC

Telephone:

Contact:

Pending Development - No info found

Picture

Unit Size	# Baths	Last Rent	Vacant Units for Unit Type	Number Units per size	Square Footage per size	Date of Last Lease	Rent Concessions
Studio							
1 BR							
2BR							
2BR							
3 BR							
4 BR							

Design/Location/Condition			
Structure/Stories			
Year Built/Year Renovated			
Condition/Street Appeal			
Neighborhood Condition			
Unit Equipment/Amenities	Yes	No	Type
Balcony/Patio			
AC: Central/Wall			
Range/Refrigerator			
Microwave/Dishwasher			
Washer/Dryer			
Floor Coverings			
Window Coverings			
Cable/Satellite/Internet READY			
Special Features			
Site Equipment/Amenities	Yes	No	Type
Parking (\$ _____ (Fee)			
Extra Storage			
Security			
Clubhouse/Meeting Room			
Pool/Recreation Areas			
Playground			
Laundry Facility(ies)			
Bus. Center/Nghbrhd Network			
Service Coordinations			
Utilities	Yes	No	Type
Heat		✓	Electric
Cooling		✓	Electric
Cooking		✓	Electric
Hot Water		✓	Electric
Other Electric		✓	Electric
Cold Water/Sewer	✓		Included
Trash/Recycle	✓		Included

Site Info:	Total Units	Total Vacant
Total Units	0	0
Section 8	Yes	No
Accepts:		
# of Vouchers:		
Type of Financing:		
LIHTC		
RD		
RD R/A		
Market		
HOME		
Bonds		
Section 8		
Other:		
Type of Structure:		
Low Rise		
High Rise		
Garden		
Walk-up		
SF		
Duplex		
Triplex		
Quadplex		
Townhome		
Other:		
Notes:		

Powder Creek Apartments

200 Powder Creek Court
Hudson, NC 28638

828-728-7873; 336-544-2300

Contact:

Julie C.



Unit Size	# Baths	Last Rent	Vacant Units for Unit Type	Number Units per size	Square Footage per size	Date of Last Lease	Rent Concessions
Studio							
1 BR	1	\$649-890	0	14	598		
2BR	1	\$738-958	0	15	775		
2BR	1.5	\$749-963	0	5	836		
3 BR							
4 BR							

Design/Location/Condition			
Structure/Stories	Brick/Vinyl - 2 story		
Year Built/Year Renovated	1984/ As Needed		
Condition/Street Appeal	Good		
Neighborhood Condition	Good		

Unit Equipment/Amenities	Yes	No	Type
Balcony/Patio	✓		
AC: Central/Wall	✓		
Range/Refrigerator	✓		
Microwave/Dishwasher		✓	
Washer/Dryer	✓		hook ups
Floor Coverings	✓		carpet, vinyl, tile
Window Coverings	✓		
Cable/Satellite/Internet READY	✓		
Special Features			

Site Equipment/Amenities	Yes	No	Type
Parking (\$ _____ (Fee)	✓		
Extra Storage		✓	
Security		✓	
Clubhouse/Meeting Room		✓	
Pool/Recreation Areas		✓	
Playground		✓	
Laundry Facility(ies)		✓	
Bus. Center/Nghbrhd Network		✓	
Service Coordinations			

Utilities	Yes	No	Type
Heat		✓	Gas
Cooling		✓	Electric
Cooking		✓	Electric
Hot Water		✓	Gas
Other Electric		✓	Electric
Cold Water/Sewer	✓		Included
Trash/Recycle	✓		Included

Site Info:		
Total Units	34	Total Vacant 0
Section 8	Yes	No
Accepts:		✓
# of Vouchers:		

Type of Financing:	
LIHTC	
RD	
RD R/A	✓ (33)
Market	
HOME	
Bonds	
Section 8	
Other:	

Type of Structure:	
Low Rise	
High Rise	
Garden	
Walk-up	✓
SF	
Duplex	
Triplex	
Quadplex	
Townhome	✓
Other:	

Notes:
Utility allowance available; Partnership Property Management

Cedar Run Apartments

124 Cedar Run NE
Lenoir, NC 28645

828-757-3272; 336-544-2300

Contact:

Julie C.



Unit Size	# Baths	Last Rent	Vacant Units for Unit Type	Number Units per size	Square Footage per size	Date of Last Lease	Rent Concessions
Studio							
1 BR	1	\$546-583	0	20	770		
2BR	1	\$567-613	0	38	1103		
2BR							
3 BR							
4 BR							

Design/Location/Condition			
Structure/Stories	Brick/Vinyl - 1 story		
Year Built/Year Renovated	1982		
Condition/Street Appeal	Good		
Neighborhood Condition	Good		
Unit Equipment/Amenities	Yes	No	Type
Balcony/Patio	✓		
AC: Central/Wall	✓		
Range/Refrigerator	✓		
Microwave/Dishwasher			
Washer/Dryer	✓		hook ups
Floor Coverings	✓		carpet, vinyl, tile
Window Coverings	✓		
Cable/Satellite/Internet READY	✓		
Special Features			
Site Equipment/Amenities	Yes	No	Type
Parking (\$ _____ (Fee)	✓		
Extra Storage		✓	
Security		✓	
Clubhouse/Meeting Room		✓	
Pool/Recreation Areas		✓	
Playground		✓	
Laundry Facility(ies)		✓	
Bus. Center/Nghbrhd Network		✓	
Service Coordinations			
Utilities	Yes	No	Type
Heat		✓	Electric
Cooling		✓	Electric
Cooking		✓	Electric
Hot Water		✓	Electric
Other Electric		✓	Electric
Cold Water/Sewer	✓		Included
Trash/Recycle	✓		Included

Site Info:	Total Units	Total Vacant
Total Units	58	0
Section 8	Yes	No
Accepts:		✓
# of Vouchers:		
Type of Financing:		
LIHTC		
RD		
RD R/A	✓ (56)	
Market		
HOME		
Bonds		
Section 8		
Other:		
Type of Structure:		
Low Rise		
High Rise		
Garden	✓	
Walk-up		
SF		
Duplex		
Triplex		
Quadplex		
Townhome		
Other:		
Notes:		
Utility Allowance available; waiting list; Partnership Property Management		

Cross Creek Apartments

1902 Hickory Blvd., SW
Lenoir, NC 28645

828-728-0485

Contact:

Anissa



Unit Size	# Baths	Last Rent	Vacant Units for Unit Type	Number Units per size	Square Footage per size	Date of Last Lease	Rent Concessions
Studio							
1 BR	1	BOI	0	26	650-785		
2BR	1	BOI	0	39	977		
2BR							
3 BR							
4 BR							

Design/Location/Condition			
Structure/Stories	Brick/Vinyl -2 story		
Year Built/Year Renovated	1979/ As Needed		
Condition/Street Appeal	Good		
Neighborhood Condition	Good		

Unit Equipment/Amenities	Yes	No	Type
Balcony/Patio	✓		
AC: Central/Wall	✓		
Range/Refrigerator	✓		
Microwave/Dishwasher		✓	
Washer/Dryer	✓		hook ups
Floor Coverings	✓		carpet, tile
Window Coverings	✓		
Cable/Satellite/Internet READY	✓		
Special Features			

Site Equipment/Amenities	Yes	No	Type
Parking (\$ (Fee)	✓		
Extra Storage		✓	
Security		✓	
Clubhouse/Meeting Room		✓	
Pool/Recreation Areas		✓	
Playground	✓		
Laundry Facility(ies)		✓	
Bus. Center/Nghbrhd Network		✓	
Service Coordinations			

Utilities	Yes	No	Type
Heat		✓	Gas
Cooling		✓	Electric
Cooking		✓	Electric
Hot Water		✓	Gas
Other Electric		✓	Electric
Cold Water/Sewer	✓		Included
Trash/Recycle	✓		Included

Site Info:	Total Units	Total Vacant
Total Units	65	0
Section 8	Yes	No
Accepts:		✓
# of Vouchers:		

Type of Financing:	
LIHTC	
RD	
RD R/A	✓ (64)
Market	
HOME	
Bonds	
Section 8	
Other:	

Type of Structure:	
Low Rise	
High Rise	
Garden	
Walk-up	✓
SF	
Duplex	
Triplex	
Quadplex	
Townhome	
Other:	

Notes:
Utility Allowance available; waiting list

Skyland Apartments

506 Lower Creek Drive, NE
Lenoir, NC 28645

828-758-9416; 336-544-2300

Contact:

Julie C.



Unit Size	# Baths	Last Rent	Vacant Units for Unit Type	Number Units per size	Square Footage per size	Date of Last Lease	Rent Concessions
Studio							
1 BR	1	\$545	0	8	621		
2BR	1	\$565-600	0	22	806		
2BR							
3 BR	1	\$580-618	0	4	989		
4 BR							

Design/Location/Condition			
Structure/Stories	Brick - 1 story		
Year Built/Year Renovated	1977 / As Needed		
Condition/Street Appeal	Good		
Neighborhood Condition	Good		

Unit Equipment/Amenities	Yes	No	Type
Balcony/Patio	✓		
AC: Central/Wall	✓		
Range/Refrigerator	✓		
Microwave/Dishwasher		✓	
Washer/Dryer	✓		hook ups
Floor Coverings	✓		carpet, tile, vinyl
Window Coverings	✓		
Cable/Satellite/Internet READY	✓		
Special Features			

Site Equipment/Amenities	Yes	No	Type
Parking (\$ _____ (Fee)	✓		
Extra Storage		✓	
Security		✓	
Clubhouse/Meeting Room	✓		
Pool/Recreation Areas		✓	
Playground	✓		
Laundry Facility(ies)		✓	
Bus. Center/Nghbrhd Network		✓	
Service Coordinations			

Utilities	Yes	No	Type
Heat		✓	Electric
Cooling		✓	Electric
Cooking		✓	Electric
Hot Water		✓	Electric
Other Electric		✓	Electric
Cold Water/Sewer	✓		Included
Trash/Recycle	✓		Included

Site Info:		
Total Units	34	Total Vacant 0
Section 8 Yes No		
Accepts:	✓	
# of Vouchers:		
Type of Financing:		
LIHTC		
RD		
RD R/A	✓ (28)	
Market		
HOME		
Bonds		
Section 8		
Other:		
Type of Structure:		
Low Rise		
High Rise		
Garden	✓	
Walk-up		
SF		
Duplex		
Triplex		
Quadplex		
Townhome		
Other:		
Notes:		
Utility Allowance available; Partnership Property Management		

Stonewall Square Apts

415 Stonewall St. NW
Lenoir, NC 28645

828-758-1135

Contact:

Rose

Picture

Unit Size	# Baths	Last Rent	Vacant Units for Unit Type	Number Units per size	Square Footage per size	Date of Last Lease	Rent Concessions
Studio							
1 BR	1	\$723	0	2	700est		
2BR	1.5	\$809	0	28	850est		
2BR							
3 BR							
4 BR							

Design/Location/Condition			
Structure/Stories	Vinyl - 2 story		
Year Built/Year Renovated	1981-1982		
Condition/Street Appeal	Good		
Neighborhood Condition	Good		
Unit Equipment/Amenities	Yes	No	Type
Balcony/Patio	✓		
AC: Central/Wall	✓		
Range/Refrigerator	✓		
Microwave/Dishwasher		✓	
Washer/Dryer	✓		hook ups
Floor Coverings	✓		carpet, tile
Window Coverings	✓		
Cable/Satellite/Internet READY	✓		
Special Features			
Site Equipment/Amenities	Yes	No	Type
Parking (\$ _____ (Fee)	✓		
Extra Storage		✓	
Security		✓	
Clubhouse/Meeting Room	✓		
Pool/Recreation Areas		✓	
Playground	✓		
Laundry Facility(ies)		✓	
Bus. Center/Nghbrhd Network		✓	
Service Coordinations		✓	
Utilities	Yes	No	Type
Heat		✓	Electric
Cooling		✓	Electric
Cooking		✓	Electric
Hot Water		✓	Electric
Other Electric		✓	Electric
Cold Water/Sewer	✓		Included
Trash/Recycle	✓		Included

Site Info:	Total Units	Total Vacant
Total Units	30	0
Section 8	Yes	No
Accepts:		✓
# of Vouchers:		
Type of Financing:		
LIHTC		
RD		
RD R/A		
Market		
HOME		
Bonds		
Section 8	✓	
Other:		
Type of Structure:		
Low Rise		
High Rise		
Garden	✓	
Walk-up		
SF		
Duplex		
Triplex		
Quadplex		
Townhome	✓	
Other:		
Notes:		
Office hrs: M,W 7:30-3:30; Community Management Corp		

Willow Brook Apartments

1206 Weaver Court, NE
Lenoir, NC 28645

828-758-8683; 336-544-2300

Contact:

Denise; Julie C.



Unit Size	# Baths	Last Rent	Vacant Units for Unit Type	Number Units per size	Square Footage per size	Date of Last Lease	Rent Concessions
Studio							
1 BR	1	\$579-832	0	14	625		
2BR	1-1.5	\$696-946	0	32	825		
2BR							
3 BR							
4 BR							

Design/Location/Condition			
Structure/Stories	Brick/Vinyl/ 1-2 story		
Year Built/Year Renovated	1985		
Condition/Street Appeal	Good		
Neighborhood Condition	Good		

Unit Equipment/Amenities	Yes	No	Type
Balcony/Patio	✓		
AC: Central/Wall	✓		
Range/Refrigerator	✓		
Microwave/Dishwasher		✓	
Washer/Dryer	✓		hook ups
Floor Coverings	✓		
Window Coverings	✓		
Cable/Satellite/Internet READY	✓		
Special Features			

Site Equipment/Amenities	Yes	No	Type
Parking (\$ _____ (Fee)	✓		
Extra Storage	✓		TH only
Security		✓	
Clubhouse/Meeting Room		✓	
Pool/Recreation Areas		✓	
Playground	✓		
Laundry Facility(ies)		✓	
Bus. Center/Nghbrhd Network		✓	
Service Coordinations			

Utilities	Yes	No	Type
Heat		✓	Electric
Cooling		✓	Electric
Cooking		✓	Electric
Hot Water		✓	Electric
Other Electric		✓	Electric
Cold Water/Sewer	✓		Included
Trash/Recycle	✓		Included

Site Info:	Total Units	Total Vacant
Total Units	46	0
Section 8	Yes	No
Accepts:		✓
# of Vouchers:		

Type of Financing:	
LIHTC	
RD	
RD R/A	✓ (46)
Market	
HOME	
Bonds	
Section 8	
Other:	

Type of Structure:	
Low Rise	
High Rise	
Garden	
Walk-up	✓
SF	
Duplex	
Triplex	
Quadplex	
Townhome	✓
Other:	

Notes:
Utility allowance available; working from waiting list; Partnership Property Management

Koinonia I & II Apartments

318 Main St. NW
Lenoir, NC 28645

828-758-2617

Contact:

Diane



Unit Size	# Baths	Last Rent	Vacant Units for Unit Type	Number Units per size	Square Footage per size	Date of Last Lease	Rent Concessions
Studio							
1 BR	1	BOI	0	84	653		
2BR	1	BOI	0	4	827		
2BR							
3 BR							
4 BR							

Design/Location/Condition		Site Info:		Total Units	Total Vacant	
Structure/Stories	Brick/Stone - 4 story	Total Units	88	0		
Year Built/Year Renovated	1979	Section 8		Yes	No	
Condition/Street Appeal	Good	Accepts:				
Neighborhood Condition	Good	# of Vouchers:				
Unit Equipment/Amenities		Type of Financing:				
Balcony/Patio	Yes	No	Type	LIHTC		
AC: Central/Wall	✓			RD		
Range/Refrigerator	✓			RD R/A		
Microwave/Dishwasher		✓		Market		
Washer/Dryer		✓		HOME		
Floor Coverings	✓		carpet, tile, vinyl	Bonds		
Window Coverings	✓			Section 8	✓	
Cable/Satellite/Internet READY	✓			Other:		
Special Features	✓		elevator	Type of Structure:		
Site Equipment/Amenities		Yes	No	Type	Low Rise	✓
Parking (\$ (Fee)	✓			High Rise		
Extra Storage		✓		Garden		
Security		✓		Walk-up		
Clubhouse/Meeting Room	✓			SF		
Pool/Recreation Areas		✓		Duplex		
Playground		✓		Triplex		
Laundry Facility(ies)	✓			Quadplex		
Bus. Center/Nghbrhd Network		✓		Townhome		
Service Coordinations	✓			Other:		
Utilities		Yes	No	Type	Notes:	
Heat	✓		Electric	ELDERLY 62+		
Cooling	✓		Electric			
Cooking	✓		Electric			
Hot Water	✓		Electric			
Other Electric	✓		Electric			
Cold Water/Sewer	✓		Included			
Trash/Recycle	✓		Included			

Eagleview Apartments

(formerly RWL Apartments)

405 Connelly Springs Rd # 205

Lenoir, NC 28645

828-759-1449

Contact:

Rochelle



Unit Size	# Baths	Last Rent	Vacant Units for Unit Type	Number Units per size	Square Footage per size	Date of Last Lease	Rent Concessions
Studio							
1 BR	1	\$475	1	60	426-500		
2BR							
2BR							
3 BR							
4 BR							

Design/Location/Condition			
Structure/Stories	Wood - 2&3 story		
Year Built/Year Renovated	1980/2005/As Needed		
Condition/Street Appeal	Good		
Neighborhood Condition	Good		
Unit Equipment/Amenities	Yes	No	Type
Balcony/Patio	✓		
AC: Central/Wall	✓		
Range/Refrigerator	✓		
Microwave/Dishwasher		✓	
Washer/Dryer		✓	
Floor Coverings	✓		
Window Coverings	✓		
Cable/Satellite/Internet READY	✓		
Special Features			
Site Equipment/Amenities	Yes	No	Type
Parking (\$ (Fee)	✓		
Extra Storage		✓	
Security		✓	
Clubhouse/Meeting Room		✓	
Pool/Recreation Areas		✓	
Playground		✓	
Laundry Facility(ies)		✓	
Bus. Center/Nghbrhd Network		✓	
Service Coordinations		✓	
Utilities	Yes	No	Type
Heat		✓	Electric
Cooling		✓	Electric
Cooking		✓	Electric
Hot Water		✓	Electric
Other Electric		✓	Electric
Cold Water/Sewer	✓		Included
Trash/Recycle	✓		Included

Site Info:		
Total Units	60	Total Vacant
Total Units	60	1
Section 8		
Accepts:	Yes	No
Accepts:		✓
# of Vouchers:		
Type of Financing:		
LIHTC		
RD		
RD R/A		
Market		✓
HOME		
Bonds		
Section 8		
Other:		
Type of Structure:		
Low Rise		
High Rise		
Garden		✓
Walk-up		✓
SF		
Duplex		
Triplex		
Quadplex		
Townhome		
Other:		
Notes:		

Chart of Surveyed Complexes

CITY OF LENOIR

AFTER ACTION MEMO

To: Department Heads/Division Superintendents

From: Scott Hildebran, City Manager

Date: Wednesday, April 11, 2019

Subject: Action taken by City Council on Tuesday, April 2, 2019.
Review all information to ensure that your department maintains
action taken by City Council.

- ✓ On behalf of City Council, Mayor Gibbons presented a proclamation to Ms. Lauren Hart, proclaiming the month of April as “Fair Housing Month” throughout the City of Lenoir and Caldwell County. Ms. Hart accepted the proclamation on behalf of the Catawba Valley Realtors Association.
- ✓ Brent Phelps, Chief of Police, presented the Police Department’s Annual Report for FY2018. The full report is online at www.cityoflenoir.com/police. Chief Phelps shared the Department goes a great job with keeping up with mandated and specialized training for all personnel. He further shared the Department has changed the way it reports data to the state by changing from the Uniform Crime Reporting System (UCR) to the National Incident-Based Report System or NIBRS, which was implemented to improve the overall quality of crime data collected by law enforcement agencies.
- ✓ City Council approved the minutes of the City Council Meeting of Tuesday, March 19, 2019 as submitted.
- ✓ City Council approved Change Order No. 3 as recommended by McGill Associates for the Water Treatment Plant Improvements Project to reflect a net deduction in the contract amount of \$82,280.15.
- ✓ City Council approved a resolution adopting the updates to the General Records Retention and Disposition Schedule as requested by the North Carolina Department of Cultural Resources.
- ✓ City Council approved a Conditional Use Permit for property located at 316 Lower Creek Drive and submitted by MC Morgan & Associates, Inc. The developer plans to build a 68-unit apartment complex. City Council also adopted the following conditions and added condition No. 11.
 1. The development shall substantially comply with the site plan on page 8 of the staff report, inclusive of staff’s additional notes and clarifications. The maximum number of units shall be 68.
 2. The sidewalk along Lower Creek Drive will be 8’ wide and straightened for accessibility. A pedestrian connection must be provided from the sidewalks along Lower Creek Drive to the internal pedestrian network.

3. The smaller parcel (NCPIN#2759488577) will be recombined with the larger tract (NCPIN# 2759488961), in compliance with City of Lenoir zoning and subdivision regulations, prior to permitting.
 4. The vegetative buffer will be a minimum of 20' wide along the northwestern side property lines where adjacent to single-family residential properties.
 5. The architectural standards for articulation through the provision of architectural features as well as the standards for materials and parking lot landscaping found in Section 714 of the Zoning Ordinance shall apply to the entire site, not just the B-2 zoned portions. Primary facades shall be any façade that is visible from Lower Creek Drive or adjacent residential properties.
 6. Dumpsters shall be screened on all sides with dumpster enclosures finished to match the principal buildings.
 7. All lighting shall be fully cut-off and shielded so as to eliminate/minimize light spill-over onto adjacent residential properties.
 8. Signage on Lower Creek Drive shall use exterior illumination only (no internal illumination). Exterior lighting shall be directed at the sign face and be fully shielded to prevent light spill-over onto neighboring residential property.
 9. Valid permits must be obtained for this project and all construction must meet the requirements of the City of Lenoir Code of Ordinances, the North Carolina State Building Code, the North Carolina State Fire Code, and any other federal, state, or local regulation that applies.
 10. If a building permit has not been issued within 24 months of the adoption of the Conditional Use Permit, the approval shall be considered null and void.
 11. A traffic calming device (e.g. speed hump, rumble strip, or similar treatment) shall be installed near the Lower Creek entrance, to encourage traffic leaving the site to utilize the southern driveway.
- ✓ Mayor Gibbons stated he will be announcing a list of individuals for appointment/re-appointment to the City's Authorities/Boards/Commissions in the near future for consideration of approval by City Council.
 - ✓ The following events for the month of April were highlighted:
 - A Cruise-In event is scheduled for Saturday, April 6 at 4:00 p.m. in downtown Lenoir.
 - The City/County Services Committee will meet on Monday, April 8 at 11:45 a.m.
 - The Caldwell County Economic Development Commission will meet on Tuesday, April 9 at 8:00 a.m.
 - The Lenoir Tourism Development Authority will meet on Thursday, April 11 at 4:00 p.m. at City Hall, Third Floor.
 - The Lenoir Business Advisory Board will meet on Thursday, April 11 at 6:00 p.m. at City Hall, Third Floor.
 - The NC Gravity Games sponsored by Google will be held on Saturday, April 13 from 9:30 a.m. – 3:00 p.m. in downtown Lenoir.
 - The ABC Board will meet on Tuesday, April 16 at 2:00 p.m. at Lenoir Store #1 located at 115 ABC Court.

- The Mayor's Prayer Breakfast in conjunction with the National Day of Prayer will be held on Thursday, May 2 at Lenoir Presbyterian Church located at 1002 Kirkwood Street. Tickets are \$10.00 each and are available at City Hall. The speaker is Mr. Doug Gillin, Director of Athletics, and Appalachian State University.
- City offices will be closed on Friday, April 19 in observance of Good Friday.