AN ORDINANCE OF THE CITY COUNCIL OF LENOIR, NORTH CAROLINA, AMENDING CHAPTER 2, ARTICLE V AND APPENDIX A OF THE LENOIR CITY CODE TO RE-ESTABLISH THE HISTORIC PRESERVATION COMMISSION SEPARATE FROM THE LENOIR PLANNING BOARD, PROVIDING FOR CONDIFICATION, AND AN EFFECTIVE DATE.

Whereas, the historical heritage of the City of Lenoir is a valued and important part of the general welfare; and

Whereas, the conservation and preservation of that heritage, through the documentation and regulation of historic districts or landmarks, or through the acquisition of historic properties, stabilizes and increases property values; and

Whereas, NCGS 160D-303 describes the composition and process of designating a historic preservation commission; and

Whereas, the Lenoir Planning Board finds and declares that this ordinance and these amendments consistent with the City's adopted Comprehensive Plan, which calls for the preservation of cultural and historic properties and the establishment of local standards for the renovation and re-use of historic properties; and

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

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

SECTION 1. ARTICLE V. - BOARDS, COMMISSIONS AND DEPARTMENTS

Division 7. – Historic Preservation Commission

Sec. 2-291. – Establishment of a Historic Preservation Commission

There is hereby established a Commission which shall be known as the Lenoir Historic Preservation Commission. Its jurisdiction shall include the City of Lenoir. The commission shall consist of five regular

members, who shall be citizens of the City of Lenoir or its Extra-Territorial Jurisdiction, appointed by the Mayor and approved by the City Council. All members must have demonstrated education, experience, special interest, or a combination thereof in historic preservation, history architecture, architectural history, archaeology, cultural anthropology, planning, or related field. The Historic Preservation Commission is assigned all of the powers and duties outlined in NC GS 160D-942.

Sec. 2-292. – Officers.

The Commission shall elect a chairperson and create and fill such offices as it may determine to be necessary. The term of the chairman and other officers shall be determined by the rules of procedure as adopted by the Commission.

Sec. 2-293. – Meetings generally.

The Commission shall hold at least one meeting quarterly, and all of its meetings shall be open to the public. The Commission shall keep a record of its members' attendance and of its resolutions, discussions, findings, and recommendations, which record shall be a public record.

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SECTION 2. Appendix A. Article XVII. – Historic Preservation

~~1701.1 Creation and Appointment - The Lenoir Planning Board is hereby created as the Lenoir Historic Preservation Commission, pursuant to general statute 160D-303(b), hereinafter referred to as the "Commission."~~

~~1701.2 Qualification of Members - At least three members of the Planning Board must have demonstrated education, experience, special interest, or a combination thereof, in historic preservation, history, architecture, architectural history, archaeology, cultural anthropology, planning, or related field.~~

~~1701.3 Rules of Procedure~~

~~A. The Commission shall adopt rules of procedure necessary to the conduct of its affairs and in keeping with the provisions of this ordinance.~~

~~B. The Commission shall meet at least quarterly. All meetings shall conducted in accordance with the North Carolina Open Meetings Law, G.S. Chapter 143, Article 33C (NCGS 143-318.9 to 318.18).~~

~~C. The Commission shall annually present to the local legislative body a report of its activities, budget, findings, recommendations, and actions, which shall be made available to the public.~~

1701.5 Powers and Duties - The Commission is hereby empowered to undertake such actions as may be reasonably necessary to the discharge and conduct of its duties and responsibilities as set forth in this ordinance and in the North Carolina General Statute (160d-942), including, but not limited to:

A. Organizing itself and conducting its business;
B. Receiving and spending funds appropriated by the Lenoir City Council for operating and performing its duties;

C. Conducting an inventory of properties of historical, archaeological, architectural, and/or cultural interest;

D. Recommending to the Lenoir City Council that*:*

1. individual buildings, structures, sites, areas, or objects within its zoning jurisdiction be designated as "historic landmarks" and that ~~areas within its zoning jurisdiction be designated as a "historic district."~~

2. areas within its zoning jurisdiction be designated as a "historic district."

3. designation of any area as a historic district, or part thereof, or of any building, structure, site, area, or object as a historic landmark, be revoked or removed for cause;

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L. Publish information about, or otherwise inform the owners of property within the historic district or of designated historic landmarks, of any matters pertinent to its duties, organization, procedures, responsibilities, functions or requirements.

M. Cooperate with the state, federal and local governments in pursuance of the purposes of this section. The City Council, or the Commission when authorized by the City Council, may contract with the State of North Carolina or the United States of America, or any agency of either, or with any other organization, provided the terms are not inconsistent with state or federal law, for services or funds.

N. Act as, establish or designate a group, body or committee to give advice to property owners concerning the treatment of the historical and visual characteristics of their properties, such as fenestration, architectural and landscape features. The group shall act in a strictly advisory capacity to property owners, and shall abstain from offering recommendations outside of advertised meetings of the Commission prior to the Commission's decision on any application(s) for a certificate of appropriateness for proposed work on the property.

O. Take steps during the period of postponement of demolition of any historic property to ascertain what the City Council can or may do to preserve such properties, including consultation with private civic groups, interested private citizens and other public boards or agencies, including investigation of potential acquisition by the city when the preservation of a given historic property is clearly in the interest of the general welfare of the community, and such property is of certain historic, architectural and archaeological significance.

P. Assist city staff in obtaining the services of private consultants to aid in carrying out programs of research or analysis.

Q. Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof, provided that no member, employee or agent of the Commission may enter any private building or structure without the express consent of the owner or occupant thereof.

R. Exercise such other powers and perform such other duties as are required elsewhere by this section, the General Statutes of North Carolina or by the City of Lenoir.

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1705.6 Applications and Required Procedures

All decisions of the commission in granting or denying a certificate of appropriateness may be appealed to the ~~Lenoir City Council~~ Superior Court in the nature of certiorari. Appeals must be filed with the Lenoir City Clerk within 30 days of the receipt of written notice of the decision. To the extent applicable, the provisions of G.S. 160D-1402 apply to appeals in the nature of certiorari to the city council.

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SECTION 3. CODIFICATION. The City Clerk shall cause the Code of Ordinances of Lenoir, North Carolina to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

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

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Lenoir, North Carolina by the City Clerk of the City of Lenoir, this _____ day of _____ and this _____ day of _____, 2026.

DONE, THE PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of the majority of a quorum present of the City Counil of the City of Lenoir, North Carolina, at a regular meeting, this _____ day of _____, 2026.

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

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MAYOR/MAYOR PRO TEMPORE

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

_____

City Clerk

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