

1.1 AUTHORITY AND APPLICABILITY

Zoning provisions enacted herein are under the authority of **G.S. 160A-381**, which extends to cities the authority to enact regulations which promote the health, safety, morals, or the general welfare of the community. It is further authorized under **G.S. 160A-382** which authorizes cities to regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. This section further authorizes the establishment of overlay districts in which additional regulations may be imposed upon properties that lie within the boundary of the district. The statutes also require that all such regulations shall be uniform for each class or type of building throughout each district, but that the regulations in one district may differ from those in other districts.

Subdivision provisions enacted herein are under the authority of **G.S. 160A-372** which provide for the coordination of streets within proposed subdivisions with existing or planned street and with other public facilities, the dedication or reservation or recreation areas serving residents of the immediate neighborhood within the subdivision, or alternatively, for the provision of funds to be used to acquire recreation

areas serving residents of more than one neighborhood in the immediate area, and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding.

These regulations apply to the development and use of all land and structures within the corporate limits of the City of Belmont, North Carolina and within the extraterritorial jurisdiction exercised by Ordinance and as now or hereafter fixed, said territory being indicated on the Zoning Map as is on file at the Belmont Planning Department. This map and its boundaries shall be incorporated and made part of this Ordinance.

The enumeration of sections of the General Statutes is not intended to exclude any other section of the General Statutes which grants or confirms authority to municipalities to promulgate ordinances, rules or regulations similar or identical to those set forth in this Planning Ordinance.

1.2 PURPOSE

The purpose of this Ordinance is not merely to provide the minimum regulations necessary to facilitate safe and orderly growth, but to also ensure that growth forms an integral part of a community of functional neighborhoods and town centers; increases collective security and community identity to promote civic awareness and responsibility; and enhances the quality of life for the entire city to ensure the greatest possible economic and social benefits for all residents. As such, the purpose of this Ordinance is to ensure that the City grow and develop according to the guidelines and principles outlined in the City of Belmont Comprehensive Land Use Plan.

To these ends, the Land Development Code, Districts, and Maps have been prepared with due consideration of future growth; the promotion of a coherent

community scaled built environment, which respects local and regional architecture; the promotion of an integrated and balanced transportation system based on pedestrian, transit, and automobile use; the adequate provision of water and sewer infrastructure, schools, parks, and other public necessities; and for the preservation and enhancement of the natural environment through the protection and replenishment of City forests by landscaping of the public realm and supplemental plantings for projects which reduce existing tree cover resources.

The justification for the approach taken by this Ordinance is evidenced from existing urban areas which have grown largely under the prevailing model of development. Low density development increases the cost of

living in order to finance, maintain, and replace infrastructure. Auto dependent design standards increase paved surface areas which in turn increase water runoff, soil erosion, and water supply contamination. Low densities and increased paved surfaces also deplete urban forest cover, decrease property values, and increase traffic congestion, solar heating, noise, and pollution.

Under this model a majority of a municipality's time and money is spent replacing and extending infrastructure and mitigating the negative impacts of development. Assessed on a project by project basis the total effects and subsequent costs are hidden by immediate tax base increases and owner profits. However, if assessed at the community level, long

term, all additional development of the model described above becomes a burden on a community, and eventually the increased cost of building and living in such areas prevents growth from continuing. This occurs long before an area reaches full economic potential and physical build out. A development model that addresses these problems must treat a community as a highly complex entity, not merely as a collection of individual market segments or an opportunity for real estate speculation. The intent of this Ordinance is to avoid these problems by careful planning of the physical design of the City.

1.3 TITLE

This Ordinance is officially titled as "The Land Development Code of the City of Belmont, North Carolina", and shall be known as the "Land Development Code". The official map designating the various regulating districts shall be titled, "City of Belmont, Zoning Map", and shall be known as the "Zoning Map."

1.4 SEPARABILITY

If any Section or specific provision or standard of this Ordinance or any regulating district boundary arising from it is found by a court to be invalid or unenforceable for any reason, the decision of the court shall not affect the validity or enforceability of any other section, provision, standard, or district boundary of these regulations except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

Should any section or provision of this ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

1.5 ORDINANCE AND MAP INTERPRETATION

The following rules shall apply in the interpretation of district boundaries and the location of centers shown on the zoning map:

- A. Boundaries delineating the centerline of streets, highways, or alleys shall follow such centerlines.
- B. Boundaries delineating lot lines shall follow such lot lines.
- C. Boundaries delineating the Corporate Limits shall follow such Corporate Limits.
- D. Boundaries shown approximately following the Extraterritorial Jurisdiction boundaries of the City of Belmont shall follow such boundaries.
- E. Boundaries indicated as following railroad lines shall be midway between the main tracks.
- F. Boundaries shown parallel to or extensions of features indicated in this Section shall be construed as such. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
- G. Where the actual location of existing physical or natural features vary with those shown on the Zoning Map, or in other circumstances not covered by this Section, the Planning Board shall have the authority to interpret the District boundaries.
- H. Centers shown at the intersection of streets shall be at the intersection of the street centerlines.
- I. Centers shown at parks or other civic spaces shall be at the center of such areas.

1.6 EFFECTIVE DATE

These regulations shall become effective on August 7, 1995. Upon such date, these regulations shall replace the Belmont Regulating Ordinance adopted June 6, 1994, and any amendments to said Ordinance made after said date.

These regulations shall become effective on _____, 2001. Upon such date, these regulations shall supersede, repeal, and replace the Belmont Regulating Ordinance, as amended, adopted on August 6, 1995, the Belmont Subdivision Ordinance, adopted on August 7, 1995, the Belmont Sign Ordinance, as amended, adopted on December 7, 1992 and the Belmont Watershed Protection Ordinance, as amended, adopted on XXXX X, 1995.

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