

2.1 RULES OF CONSTRUCTION

For the purposes of these regulations, the following rules of construction apply.

- 1. These regulations will be construed to achieve the purposes for which they are adopted. Interpretations shall be guided by statements of intent.
2. The words "shall," "must," and "will" are mandatory in nature, implying an obligation or duty to comply with the particular provision.
3. The word "may" is permissive in nature except when used in the negative.
4. The word "should," whether used in the positive or the negative, is a suggested guideline.
5. References to "days" will always be construed to be business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.
6. For purposes of interpreting this ordinance, certain words, concepts, and ideas are defined below. Except as defined herein, all other words used in this ordinance shall have their dictionary definition as contained in the American Heritage Dictionary of the English Language.

2.2 DEFINITIONS

AAA

Abandon: To cease the regular use or maintenance of a lot, building, or structure.

Abandonment: A property, use, or structure which has been physically, and objectively discontinued, relinquished, or vacated for a consecutive period of at least one-hundred eighty (180) calendar days.

Abutting: Having common property boundaries or lot lines that are not separated by a street, alley, or other vehicular right-of-way such as a railroad.

Accessory Building and Use: A structure subordinate or incidental in square footage and primary use to the principal structure. Accessory structures and uses include detached garages (with or without rental units), storage buildings, pools and pool houses, material storage areas, piers and other water related structures, etc. In no event shall "accessory use" or "accessory structure" be construed to authorize a use or structure not otherwise permitted in the district in which the principal use is located.

Addition:

- (1) A structure added to the original structure after the completion of the original;
(2) An extension or increase in floor area or height of a building or structure.

Adjacent, Adjoining Lot or Land

A lot or parcel of land that shares all or part of a common lot line or boundary with another lot or parcel of land or that is directly across a public street or right-of-way.

Adult Bookstore: Notwithstanding the definitions of "Adult Bookstore" contained in G.S. 14-202.10(1), "Adult Bookstore" means a business establishment that:

- a. has one of its principal business purposes the sale or rental of: or
b. has a substantial or significant portion of its stock or trade for sale or rental of:
(i) "publications" that are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified anatomical areas"; as defined in G.S. 14-202.10 (10), or "specified sexual activities", as defined in G.S. 14-202.10(11); and/or
(ii) "sexually oriented devices", as defined in G.S. 14-202.10(9).

As used in this definition, "publications" include, by way of illustration, books, magazines, compact discs other periodicals, movies, videotapes, and other

products offered in photographic, electronic, magnetic, or other imaging medium.

In addition to all other information available to the Planning Director in making a determination whether a particular use is an "Adult Bookstore", any of the following shall indicate that an establishment has as one of its principal business purposes the sale or rental of (i) "publications" that are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified anatomical areas", as defined in G.S. 14-202.10(10), or "specified sexual activities", as defined in G.S. 14-202.10(11); and/or (ii) "sexually oriented devices" as defined in G.S. 14-202.10(9):

- a. Restricted access to the business establishment or portions of the business establishment by persons under 16 years of age; and/or
- b. Posted signs or notices outside and/or inside the business establishment indicating that the material offered for sale or rental might be offensive; and/or
- c. The building or portion of the building containing the business establishment does not have windows or has windows that are screened or otherwise obstructed or are situated in a manner that restricts visual access from outside the building to materials displayed within for sale or rental.

Adult Care Centers: A place where daytime care is provided to 6 or more handicapped persons or senior citizens unrelated by blood or marriage to, and not legal wards or foster children of the attendant adult within an occupied residence.

Adult Establishment: Any place defined as an "Adult Establishment" or "Sexually Oriented Establishment" as defined by G.S. § 14-202.10 as such statute may be amended from time to time, including Adult Cabarets, except that the definition of "Massage Business" shall not include any establishment or business where massage is practiced that is a health club, exercise studio, hospital, physical therapy business or other similar health-related business. Adult Establishments specifically include any Massage Business where "massages" are rendered by any person exhibiting "Specified Anatomical Areas" and/or where "massages" are performed on any client's

"Specified Anatomical Areas". "Specified Anatomical Areas" are those defined by G.S. § 14-202.10 as such statute may be amended from time to time. Adult establishment may consist of, include, or have the characteristics of any or all of the following:

- 1. Adult or Sexually Oriented Bookstore Sales and Distribution
- 2. Adult or Sexually Oriented Paraphernalia Sales and Distribution
- 3. Adult or Sexually Oriented Cabaret
- 4. Adult or Sexually Oriented Mini Motion Picture Theater
- 5. Adult or Sexually Oriented Motion Picture Theater
- 6. Adult Retail

Adult Mini-Motion Picture Theater:

Notwithstanding the definition of "Adult Mini-Motion Picture Theater" contained in G.S. 14-202.10(6), "Adult Mini-Motion Picture Theater" means an enclosed building with one or more viewing booths or partitioned areas designed to hold patrons for the presentation and viewing of motion pictures (film, videotape, laser disc, CD-ROM or other imaging media), where:

- a. one of the principal business purposes is the presentation and viewing of motion pictures in the viewing booths; or
- b. a substantial or significant portion of the stock of motion pictures available for viewing or that are actually viewed in the viewing booths:

Adult Mini Motion Picture Theaters are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified anatomical areas", as defined in G.S. 14-202.10(10), or "specified sexual activities" as defined in G.S. 14-202.10(11) and/or "sexually oriented devices", as defined in G.S. 14-202.10(9).

In addition to all other information available to the Planning Director in making a determination whether a particular use is an "Adult Mini-Motion Picture Theater", any of the following shall be indicia that an establishment has as one of its principal business purposes the presentation and viewing in viewing booths motion pictures that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified anatomical areas", as defined in G.S. 14-202.10(10), or "specified sexual activities", as defined in G.S. 14-202.10(11) and/or "sexual oriented devices", as defined in G.S. 14-202.10(9):

- a. Restricted access to the business establishment or portions of the business establishment where viewing booths are located by persons under 16 years of age; and/or
- b. Posted signs or notices outside and/or inside the business establishment indicating that the material offered for presentation and viewing in viewing booths might be offensive; and/or
- c. The portion of the building containing the viewing booths is screened or otherwise located or situated in a manner that restricts or limits complete visual access to the booths from the primary or principal clerk or cashier area.

Adult Retail: Any establishment which sells, rents, leases, distributes, purchases or trades in materials defined according to North Carolina General Statute Article 26A, 14-202.10. Said materials include all forms of audio, video, written, and digitized, information.

Agricultural Industry: Commercial poultry or swine production, cattle or swine feed lots, fur bearing animal farms, commercial plant production (not retail nurseries), commercial fish or poultry hatcheries, and other similar activities.

Agricultural Use of Water: The use of waters for stock watering, irrigation, and other farm purposes.

Airport: A facility intended and used as the place where one or more fixed-wing or rotary-wing aircraft is regularly stored, maintained, or repaired while not in flight, including an area that the aircraft may use to take off and land.

Alley: A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration: Any change or expansion in the size, configuration, or location of a structure; or any change or expansion in the use of a structure or lot, from a previously approved or legally existing size, configuration, location, or use.

Amendment: Any change by the City Council to the text of these regulations or the official Zoning maps.

Arborist, Consulting: a registered member of the American Society of Consulting Arborists or a professional in the field of arboriculture, who, on a regular basis, provides expert advice about trees and other woody plants, their care, safety, preservation and value. The consultant does not have a vested economic interest in the delivery of the services recommended, nor does the consultant deliver any paid service in lieu of a consulting fee. The consultant must be able to demonstrate proficiency and credibility through evidence of the following:

- 1. Documentation of substantial experience in arboricultural practice;
- 2. Documentation of degree acquisition and/or other forms of certified training.
- 3. Documentation of a referential record of practice in the field as a consultant through examples of arboricultural consultation problem solving situations.
- 4. Evidence of current membership in professional organizations within the field of arboriculture such as the National Arborist Association, International Society of Arboriculture, American Society of Consulting Arborists, Council of Tree and Landscape Appraisers, Utility Arborists Association, and Society of Municipal Arborists.

Arcade: A walkway adjacent to a building which is covered by a roof yet is not fully enclosed.

Architectural Feature: A prominent or significant part or element of a building, structure, or site.

Architectural Style: The characteristic form and detail of buildings. Common styles in Belmont include Colonial, Neo-Classical, Federal, American Victorian, Craftsman, and Arts & Crafts.

Arena: A structure or facility designed and intended to be used primarily for athletic events and containing seating for spectators of those events, but not including a raceway or drag strip.

At or Above Grade: Grade shall mean the elevation of the land or land level at a specific point.

Auto Dependent Design: The construction of buildings and development to accommodate the car as the predominant and most reasonably available method of transportation i.e.: drive through

windows, plentiful parking located in front of entrances; wide road lanes with the elimination of on-street parking, sidewalks, and street trees; and large intersections.

Automobile/Boat/Heavy

Equipment/Manufactured Home Sales and Service: Any building, premises, and land, in which or upon the primary use of land is a business which involves the maintenance, servicing or sale of new or used automobiles, boats, heavy equipment and/or manufactured homes generally but may include light trucks or vans, trailers, or recreation vehicles and including any vehicle leasing, rental, parking service, preparation or repair work conducted as an accessory use. This definition includes but is not limited to auto dealerships, auto body shops, auto service stations, boat repair or sales, car washes, convenience stores, gas stations, heavy equipment leasing, sales, or service, manufactured home sales or service, and oil/lube servicing. This does not include the sale of parts or related products (i.e. auto parts store).

Automotive repair: A building and its premises used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint and body work. Minor repairs shall be limited to battery and tire changes, light and fuse replacement, wiper blade changes and similar activities. Also referred to as vehicle repair.

Awning: A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not a canopy.

BBB

Base Flood Elevation: The highest height, expressed in feet above sea level, of the level of floodwaters occurring in the regulatory base flood.

Bedroom Unit: A private room for sleeping quarters separated from other rooms, and accessible to a bathroom without crossing through another bedroom

Bed and Breakfast Inn: A use that takes place within a building that, prior to such an establishment, was a single family residence, that consists of renting from one to eight dwelling rooms on a daily basis to tourists, vacationers, and business travelers, where meals are provided only to guests. The homeowner shall reside on site and employment shall not exceed two full time employees in addition to the owner(s).

Berm: A raised earth mound which is planted with ornamental vegetation

Best Management Procedures (BMPs): A structural or non-structural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.

Non-structural BMPs: Non-engineered methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.

Structural BMPs: Engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from the water supply. These may include wet detention ponds, detention basins, grass swales and ditches, and infiltration devices.

Block: A unit of land bounded by streets or by a combination of streets and public land, waterways, or any other barrier to the continuity of development.

Board of Adjustment: A quasi-judicial Board appointed by the Belmont City Council and Gaston County Commissioners which hears and decides on variances to the Regulating and Subdivision Ordinance of the City of Belmont. The Board can only grant variances according to strict interpretation of the Ordinances as adopted by City Council.

Buffer (Non-Watershed) (*See also screening*)
An area of land, open space, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen adjacent land uses or property, or to separate development from a stream or water body, or an area intended to preserve vegetation along a designated corridor, or to separate one use or property from another so as to visually shield or block noise, lights, or other nuisances.

Buffer (Watershed): An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Build Out: The completed construction of all phases of a development as allowed by all Ordinances which regulate an area. The scale of build out can be from a single lot to the entire City's jurisdiction.

Buildable Area: The area of a lot remaining after the minimum yard and open space requirements of the Ordinance has been met.

Building: Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals or property. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.

Building Envelope: The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations, and minimum yard setbacks or build-to lines, buffers, easements, or other applicable regulations.

Building face: The dominant structural feature of the elevation of any side of a building. For example, the building face of a two-story dwelling with one-story porch is the two-story elevation of the structure.

Building Footprint: The land area on which a building is located or proposed for location.

Building Mass: The height, width, and depth of a structure.

Building lines: Lines that are tangent to the exterior surface of buildings or structures, or the surfaces of cantilevered projections therefrom, parallel to front, side, and rear lot lines, and referred to as front, side, and rear building lines, respectively.

Building Permit: A permit obtained from Gaston County Building Inspector as the City's agent for the construction, repair, alteration, or addition to

structure, which sets the inspection schedule and construction techniques for a particular project and specified use in accordance with adopted building codes and other prevailing standards for construction, and includes the City's necessary zoning approval.

Building, Principal: A building in which the principal use of the lot on which it is located is conducted.

Building site: (See also Development.) An area of land, or property where development is undertaken.

Building Setback Line: A line establishing the minimum allowable distance between the nearest vertical part of any building, excluding eaves, overhangs, porches, bay windows, covered porches, and decks, to the nearest edge of a street right-of-way, property line, or easement line, when measured perpendicular thereto.

Build-To Line: The line at which construction of a building is to occur on a lot. A build-to line runs parallel to the front property line and is established to create an even building facade line on a street.

Built-upon Area (B.U.): Built-upon areas shall include that portion of a development project and/or lots that are covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

CCC

Caliper: The size of tree's trunk diameter as measured six (6) inches above the ground for trees four (4) inches or less in diameter, and as measured twelve (12) inches above the ground for trees larger than four (4) inches in diameter.

Canopy: A permanent structure, not enclosed and not retractable, attached or unattached to a building, for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall.

Canopy, Service Station

A structure constructed of rigid materials which is either free-standing or attached to a building that serves as an overhang intended to shield persons from the elements while using the service station.

Capacity: The maximum demand that can be accommodated by a public facility or service without exceeding the adopted level of service.

- A. For streets, capacity shall be measured by the maximum number of vehicles that can be accommodated by an intersection between 3 pm and 6 pm under prevailing traffic and control conditions at that street’s adopted level of service.
- B. For water and sewer, capacity shall be measured by the maximum volume that can be distributed and treated on a daily basis.
- C. For fire protection facilities, capacity shall be measured by the ISO rating.
- D. For law enforcement, capacity shall be measured by the number of law enforcement service units (LESU's) within the impact area.
- E. For parks, capacity shall be measured by number of community parks within the impact area.

Capital Improvement: A physical asset that 1) provides additional capacity, and 2) is identified as a capital improvement in the CIP. A physical asset shall be considered a capital improvement if: 1) it is constructed or purchased to provide, improve, or replace a public facility, and 2) has a cost of at least \$50,000 or is considered a long-term fixed asset. The cost of a capital improvement is generally non-recurring and may require multi-year financing. Capital improvements shall include physical assets providing additional capacity needed to accommodate the demand for public facilities generated by a proposed development, and shall include, for any public facility subject to this ordinance, assets identified as existing or projected needs in the capital improvements program. For purposes of this ordinance, capital improvements shall include those improvements identified as capital improvements in the CIP.

Capital Improvements Program or “CIP”: A schedule of future increases in the capacity of public facilities and Services adopted by the City Council in accordance with the requirements of Chapter 15 of this ordinance.

Carport: A roofed accessory structure providing space for the parking of motor vehicles and enclosed on not more than two sides. Carports attached to the principal structure are considered an addition to the principal structure and must meet the building setback requirement for the district.

Carrying Capacity: The amount of traffic which can be accommodated on a street without reducing

the service level of the street as defined by the North Carolina Department of Transportation or street design standards of the Belmont Subdivision Ordinance. Carrying capacity is determined by the amount of traffic per lane per hour.

Certificate of Appropriateness: A certificate stating that work to be done on a structure designated as a local landmark meets the criteria which maintain the structure as historic and a contributing structure to the District as determined by the Gaston County Historic Preservation Commission.

Certificate of Occupancy (CO): A document issued by a governmental authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with this Ordinance and all other applicable regulations.

Change of Use: The change in the use of a structure or land, for which a certificate of occupancy is required. Change of use shall include a change from one use to another use in the list(s) of permitted uses, and shall also include a change from one use to another use within any broad category of uses, such as from one use listed in the commercial use category to another use listed in the commercial use category, as herein defined.

Church: see Religious Institution.

Civic Uses: Uses intended to serve as public gathering places. Such uses include governmental offices, churches or other places of worship, schools, colleges and universities, post offices, and non-profit or charitable clubs and organizations.

Clear-Cutting: The large-scale, indiscriminate removal of trees, shrubs, and undergrowth with the intention of preparing real property for nonagricultural development purposes.

Clinic, Veterinary: A use or structure intended or used primarily for the testing and treatment of the physical disorders of animals; not principally used for the overnight boarding or grooming of wild animals; not permitting outdoor cages, pens, or runs for the confinement of animals unless expressly permitted in the district; and not used for the training of animals.

Cluster Development: The grouping of development on a portion of land in order to conserve land resources and minimize stormwater runoff impacts. This term includes both residential and non-residential development.

Commencement of Construction: The first placement of permanent evidence of a structure on a site pursuant to a duly issued building permit, such as the pouring of slabs or footings or any work beyond the stage of excavation, including the relocation of a structure. "Commencement of construction" does not include the installation of streets or walkways; nor the excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of temporary buildings, such as garages, sheds, or trailers, not part of the main structure nor occupied as dwelling units.

Communication Tower: A tower facility, either roof or ground mounted, that includes, but is not limited to, radio and television transmission towers or similar utilities, microwave towers, and cellular telephone communication towers and similar structures for wireless communication. This term shall not include radio transmission facilities for use by ham radio operators or two-way local radio facilities for business or governmental purposes.

Commercial Use: A category of uses that includes retail establishments, offices, professional and personal services, light manufacturing and assembly, financial services, health care services, skilled nursing facilities and congregate housing facilities, indoor motion picture theaters, conference centers, laboratories and associated research facilities whose products or waste products entail no special environmental handling requirements, studios, broadcast facilities (excluding towers), hotels and inns, theaters, restaurants without drive-through windows, bars, and day care facility as a principal use. Each use permitted in the commercial use category shall also meet any applicable conditions set out in Uses Permitted with Conditions. Excluded from the commercial use category are adult uses; vehicle, boat, or manufactured home sales, service, and repair; wholesale sales; heavy manufacturing; outdoor storage; outside commercial kennels, and other uses that, by their nature or service characteristics are auto dependent, have potential for environment degradation, or are otherwise incompatible with nearby residential use.

Community Park: A park that is intended for use by all residents of the City and is designated as a Community Park in the Parks and Greenway inventory maintained by the Planning Director and adopted by the City Council or which meets the following criteria:

1. Is adjacent to public schools to provide multiple or joint use of facilities and/or;
2. Provides recreational opportunities for the entire family and contains areas suited for intense active recreational purposes such a recreation center building, athletic fields, swimming, tennis, and walking/jogging trails. The park may also possess areas of natural quality for outdoor recreation such as viewing, sitting, and picnicking and;
3. Is a minimum of 5 acres per 1,000 people served and;
4. Has an average service radius of two miles.

The City hereby finds and determines that the designation "Community Park" does not depend exclusively upon its size, location, or function.

Congregate Housing: Dependent or independent living facilities for the elderly; dormitories, orphanages, and similar uses, but not including group homes.

Connectivity Ratio: The number of street links divided by the number of nodes.

Consent Agreement: The executed contract between the City and developer that formally sets forth development approval and requirements to achieve adequacy.

Conservancy Lot: A large, privately owned lot constituting part of an area of open land. The purpose of the conservancy lot is to provide surrounding residents with visual access to greenway land while keeping the land under private ownership and maintenance. Only a small portion of such lots may be developed; the remainder must be protected through conservation easements and used in conformance with standards for greenway lands. Public access to conservancy lots is not required.

Construction Activity Area (zone): An area 20 feet around the building foot print.

Construction Commences: Construction has begun in accordance with the terms of a building permit, as set forth in NCGS §160D-403(c).

Contiguous: Abutting directly or immediately adjacent to a boundary or separated only by a street, railroad or public utility right-of-way.

Controlled Access Highway: A roadway, according to State and Federal guidelines, designed for through traffic only with access connections at selected interchanges of public roads, with no direct access from private roads or drives.

Convenience Store: A use where certain retail goods and vehicular fuels are sold at the retail level. Such a use may permit car washes as an accessory use but shall not allow the installation of such automotive items as lubricants, tires, batteries, or minor automobile repair and maintenance work.

Copy: Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface area.

Correctional Institution: A jail or other institutional facility used to confine and provide treatment or rehabilitation to violators of criminal laws, including facilities for persons who are participating in supervised work-release programs, whether such facilities provide confinement for all of each 24 hour period or only a portion thereof; but not including temporary holding facilities that are accessory to a police station.

Country Club: Land area and buildings containing recreational facilities, clubhouses and customary accessory uses which are open to members and their guests, or to the general public on a fee basis.

Critical Root Zone (CRZ): A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is one foot of radial distance for every inch of tree DBH, with a minimum of eight feet.

Cul-de-sac: A street designed with a closed end that does not intersect with another street and terminated by a vehicular turnaround.

Cultural facility: An indoor or outdoor theater, auditorium, or other building or structure designed, intended, or used primarily for musical, dance, dramatic, or other live performances, or a museum or gallery operated primarily for the display, rather than the sale, of works of art.

Cut off Fixture: An outdoor light fixture shielded or constructed in such a manner that no more than

two and one half (2½) percent of the total light emitted by the fixture is projected above the horizontal plane of the fixture.

DDD

Day Care Center: A location providing day care, as a principal use or an accessory use, provided on a less than 24-hour basis for any one client, either children or adults, according to the following limiting definitions:

Adult Day Care Center: An individual, agency, or organization providing supervision or care on a regular basis; usually for more than 6 adults in a place other than their usual place of abode; not an accessory to residential use.

Child Care Center: A place where daytime care is provided to 6 or more children who are not the legal wards or foster children of the attendant adult within an occupied residence or building.

Day Care Home (accessory use): Day care provided on a less than 24-hour basis for either children or adults, according to the following limiting definitions.

Child Day Care Home (accessory use): Supervision or care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for up to 5 children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.

Adult Day Care Home (accessory use): Care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for up to 5 adults who do not reside in the dwelling.

Deciduous Plant: Those plants that annually lose their leaves.

Dedication: A fee simple transfer of land ownership to a homeowners association, governmental unit or agency, or non-profit land trust or conservancy for a specified purpose. Because a transfer of property rights is entailed, dedication must be made by written instrument and is completed with an acceptance.

Dependent living facility: Nursing homes, rest homes, and homes for the aged facilities, which are designed for persons who need a wide range of health and support services, such as medical, nursing, and personal services care, central dining facilities, and transportation services.

Density, gross residential: The number of residential dwelling units per acre of land, determined by dividing the number of dwelling units by the total number of acres in the parcel to be developed.

Detention Basin/Pond: Engineered facilities for storing or detaining rainwater runoff from a site. Detention stores water on a site to allow time for pollutants precipitate out of the runoff. This cleans the water before it is allowed to flow to nearby surface waters (see watershed).

Developer A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Development: The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the subdividing of land into two or more parcels.

- A. Except as provided in subsection C hereof, for the purposes of these regulations the following activities or uses shall be considered development:
 - 1. The reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water;
 - 2. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land;
 - 3. Alteration of the shore or bank of a pond, lake, river, or other waterway,
 - 4. Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land;

- 5. Clearing of land, including clearing or removal of vegetation and including any significant disturbance of vegetation or soil manipulation; or
 - 6. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
- B. Development includes all other activity customarily associated with it. When appropriate to the context development refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity when part of other operations or activities is not development. Reference to particular operations is not intended to limit the generality of this definition.
 - C. For the purposes of these regulations the following operations or uses shall not be considered development; some may, however, require a building permit:
 - 1. Work involving the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the color or decoration of the exterior of the structure or interior alterations that do not change the use for which the structure was constructed.
 - 2. Work involving the maintenance or replacement of existing landscaped areas and existing rights-of-way;
 - 3. A change in use of land or structure from a use within a specified category of use to another use in the same category;
 - 4. A change in the ownership or form of ownership of any parcel or structure;
 - 5. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land unless otherwise specifically required by law, or
 - 6. The clearing of survey cuts or other paths of less than four feet in width.

Discharge: The introduction, either directly or indirectly, of any man induced waste effluent into North Carolina surface waters.

District: An area delineated on the Regulating Map which sets forth standards and guidelines for all development within.

District, Overlay: A zoning district that encompasses one or more underlying zoning district and that imposes additional requirements above that required by the underlying zoning district.

Disturbed Ground: Any area of ground on a site which during construction is dug up, filled, graded, built on or used for storage or parking.

Dormitory: A building used as group quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery, or other similar use. A dormitory shall not be considered a dwelling unit for purposes of determining the level of service for affordable housing or community parks.

Drainage Basin: The area of land which drains to a given point on a body of water.

Drainageway: Any natural or artificial watercourse, trench, ditch, swale, or similar depression into which surface water flows.

Drip Line: An imaginary vertical line extending from the outer most portion of the tree canopy to the ground that defines the exterior limits of the tree canopy.

Drive-Through Facility: A facility designed to enable a person to transact business while remaining in a motor vehicle.

Driveway: A private roadway providing ingress and egress from a street or thoroughfare to a property. Parking areas are separate from driveways, though the two may be combined.

Duplex: A detached house containing 2 dwelling units located on single deeded lot.

Dwelling: Any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that for purposes of Article 12 it does not include any manufactured home, mobile home, or recreational vehicle if used solely for a seasonal vacation purpose.

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. (Source:

North Carolina State Building Code, Vol. 1, § 202 and Vol. VII, § 202).

EEE

Easement: A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation, or persons, such as for utilities.

Eave: The projecting lower edges of a roof overhanging the wall of a building.

Electronic gaming operation: Any business enterprise where persons utilize electronic machines, including but not limited to computers, gaming terminals, and electronic tables, to conduct games of chance, skill, or dexterity, including sweepstakes, and where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or predetermined odds. Electronic gaming operations may include, but are not limited to, internet cafes, internet sweepstakes, adult gaming facilities, electronic gaming machines or operations, fish games, pot o'gold, or cybercafes. This does not include any lottery approved by the State of North Carolina or any nonprofit operation that is otherwise lawful under State law.

Electronic gaming operation: Any business enterprise where persons utilize electronic machines, including but not limited to computers, gaming terminals, and electronic tables, to conduct games of chance, skill, or dexterity, including sweepstakes, and where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or predetermined odds. Electronic gaming operations may include, but are not limited to, internet cafes, internet sweepstakes, adult gaming facilities, electronic gaming machines or operations, fish games, pot o'gold, or cybercafes. This does not include any lottery approved by the State of North Carolina or any nonprofit operation that is otherwise lawful under State law.

Elementary and secondary schools: Publicly owned or privately-owned preschools, elementary schools, middle schools, junior high schools, and high schools; but not including institutions the primary function of which is child day care.

Encroachments: Any portion of a structure or appurtenance extending beyond a designated zoning setback, easement, property line, or public right-of-way.

Entertainment Use: Any establishment which provides active recreational opportunities such as miniature golf, batting cages, arcades, carnival games, go-cart or other motorized vehicle tracks, waterslides, or passive recreation such as movie theaters.

Entrance, Primary: The principal, functional doorway for public or direct-entry access into a building.

Events Facility: A venue used for dining, social gatherings, or meetings accommodating groups of people.

Environmentally Sensitive Area: An area with one or more of the following environmental characteristics: steep slopes (15% or greater), flood plain, soils classified as having high water tables, soils classified as highly erodible, subject to erosion, or highly acidic, land incapable of meeting percolation requirements, stream corridors, mature stands of native vegetation, springs or aquifer recharge and discharge areas, wetlands and wetland transition areas, or habitats of endangered species.

Esplanade: A wide pedestrian walkway formal in design which runs parallel to a waterfront. An esplanade may be made of pavers, asphalt, crushed gravel, grass, or concrete.

Essential Services: Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam or water, the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services, provided no transmitter or antenna tower exceeds 180 feet in height. Essential Services are divided into three classes:

Class 1 Transmission lines (above and below ground) including electrical, natural gas, and water/wastewater distribution lines; pumping stations, lift stations, and telephone switching facilities (up to 200 square feet).

Class 2 Elevated water storage tanks; package treatment plants; telephone switching facilities (over 200 square feet), substations, or other similar facilities used in connection with telephone, electric, steam, and water facilities; raw water treatment facilities.

Class 3 Generation, production, or treatment facilities such as power plants, sewage treatment plants, and landfills.

Evergreen: Those plants that retain foliage throughout the year.

Evergreen Screen: Plants growing to a minimum 8 feet in height at maturity that retains foliage year-round and are planted to provide a dense vegetative screen for purposes of visual mitigation.

Existing Development: Existing development, as defined for the purpose of this section, means projects that are built or projects that at a minimum have established a vested right under North Carolina zoning law based on at least one of the following criteria:

1. Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the development, or
2. Having an outstanding valid building permit as authorized by NCGS 160D-102 or
3. Having an approved site specific or phased development plan as authorized by NCGS 160D-102.

Existing Lot (of Record): A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

Expansion: An increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements or structures.

Exterior features: The architectural style, general design, and general arrangement of the exterior of a structure, including the kind, texture, and color of building materials, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures, and including the landscaping and natural features of the parcel containing the structure.

Extraterritorial Jurisdiction (ETJ): The area outside municipal limits where the City of Belmont exercises planning, zoning, and subdivision powers.

FFF

Façade: The principal vertical surface of a building which is set along a frontage line. The elevation of a facade is the vertical surface area. Facades are subject to visual definition by building height, setback or build to lines, (a line prescribed for the full width of the facade above which the facade sets back; the location of a recess line is determined by the desired height to width ratio of the fronting space or by a desired compatibility with existing buildings), and transition lines (a line prescribed for the full width of the facade expressed by a variation of material or by a limited projection such as a cornice or balcony).

Family: An individual, or two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit; or a group of not more than five persons not related by blood, marriage, or adoption living together as a single housekeeping unit, as in a group home.

Farm, bonafide: Any tract of land containing at least three acres which is used for dairying or for the raising of agricultural products, forest products, livestock or poultry, and which may include facilities for the sale of such products from the premises where produced. The definition of "farm" and "bona fide farm" shall ~~not~~ include agricultural industries as set forth in G.S. 160D-9-3.

Farm Product Sales: Seasonal sale of farm products raised on the premises where products are sold only as an accessory to an agricultural use.

Fence: A structure used to delineate, enclose, screen, separate or define a boundary, particularly for privacy or to delineate the public or private realm of a property.

FEMA (Federal Emergency Management Authority): The agency responsible for the promulgation and maintenance of official Flood

Hazard Boundary Map and/or Flood Insurance Rate Maps.

Five (5) Minute Walk: The five-minute walk is the basic increment of good traditional neighborhood design. An average adult can walk ¼ mile (1320 feet) in five minutes. For the purposes of this code, higher densities of residential development are encouraged within a five-minute walk of a designated neighborhood, village, and City centers. Properties just outside (within 130 feet) of the ¼ mile radius may qualify for privileges associated with this measurement provided there is a qualified pedestrian connection (sidewalk required) to the designated center.

Floodway: The channel of a stream, river, or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than the allowable surcharge (currently two feet).

Flood Fringe: The land area located between the limits of the floodway and the maximum elevation subject to inundation by the base (1% chance) flood.

Flood Plain, Flood Hazard Area: The low, periodically flooded lands adjacent to streams, rivers and lakes as designated by the Federal Emergency Management Authority (FEMA) as susceptible to flooding, and shown on the official Flood Hazard Boundary Map and/or Flood Insurance Rate Maps for the Belmont area.

Floor: The top surface of an enclosed area in a building (including the basement) such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

Floor area: The sum of the gross horizontal areas of each floor of the principal building' and any accessory buildings or structures, measured from the exterior walls or from the center line of party walls. The term does not include any area used exclusively for the surface parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space.

Floor area ratio (FAR): The total floor area of the building or buildings on a lot or parcel divided by the gross area of the lot or parcel.

Frontage: The lot boundary which coincides with a public thoroughfare or space. Also, the facade of a structure facing the street.

Frontage Buildout Line: The portion of lot frontage which has a building or wall running parallel to it.

Funeral Home: An establishment where the deceased are prepared for burial or cremation, where the body may be viewed, and where funeral services may be held.

GGG

Garage: An attached or detached structure to a residential building which may serve as an equipment storage building, parking enclosure, artist studio, or workshop.

Gas Station: A use where vehicular fuels are sold at the retail level and where the installation of such automotive items as lubricants, tires, batteries, and similar accessories takes place and where minor automobile repair and maintenance work is conducted.

Gazebo: A free standing, roofed, open sided structure providing a shady resting place.

Government Building: A building, use, or facility serving as a governmental agency, but not including a vehicle storage yard, correctional facility, sanitary landfill, solid waste transfer or disposal facility, wastewater treatment facility, educational or health institution, university, group home, or housing for persons who are participating in work release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

Grade: The elevation of the land or land level at a specific point.

Grade, Street: The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel.

Ground Cover: A prostrate plant growing less than 2 feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides.

Group Home: A dwelling housing up to six (6) handicapped persons, including resident staff who live together as a housekeeping unit. As used herein “handicapped” shall mean a record of or being regarded as having physical or mental impairment that substantially limits one or more of a persons’ major life activities. This does not include alcohol or drug treatment centers, or work release facilities for convicts or ex-convicts. For purposes of this ordinance, a “group home” shall be deemed a “single-family home.”

HHH

Hazardous Material: Any substance listed as such in: SARA section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

Hazardous materials treatment facility: A building, structure or use of land devoted, or intended to be devoted, primarily to changing by any method, technique or process, including incineration or neutralization, the physical, chemical, or biological character of any hazardous material regulated by the Federal Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Sec. 6901 et seq.), and the "North Carolina Solid Waste Management Act", as amended (Article 13B. G.S. 130-166.16), so as to neutralize such material or render it nonhazardous, safer for transport, amenable for recovery, amenable for storage or reduced in bulk. Such a use may also contain temporary storage facilities normally associated with these operations and of sufficient size to conduct a commercially feasible operation. However, under no circumstances is a hazardous materials treatment facility to be construed to be any of the following:

1. A facility which manufactures hazardous materials from component nonhazardous materials.
2. A facility or location for the long term or perpetual storage of hazardous materials; or
3. A facility for the treatment of hazardous materials which is clearly subordinate, incidental and related to the principal structure, building or use of land and is located on the same lot as the principal structure, building or use.

Height: The vertical distance from the mean grade elevation taken at the fronting street side of a structure to the parapet or roof line of a flat roof,

the eave of a pitched roof, or the deck line of a mansard roof. Towers, spires, steeples, and enclosed roof top mechanical equipment are not counted in height measurements.

Heliport: A facility or structure that is intended or used for the landing and take-off of rotary-wing aircraft, including the regular repair, fueling, or maintenance of such aircraft, or the sale of goods or materials to users of such aircraft.

Highway Capacity Manual: The document entitled Highway Capacity Manual published by the Transportation Research Board of the National Research Council (Special Report 209, 3d ed. 1998), as said document may be amended, revised, replaced, or supplemented from time to time.

Historic District: A district or zone designated by a local authority or state or federal government within which the buildings, structures, appurtenances, and places are of basic and vital importance because of their association with history; or because of their unique architectural style and scale, including color, proportion, form and architectural detail; or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical, or architectural motives or purposes.

Historic Structure: Any structure designated or eligible for designation on the National Register for Historic Places or by a local authority based on cultural, historical, or architectural motives or purposes.

Home Occupation: An occupation or profession conducted within a dwelling unit by a residing family member which is incidental to the primary use of the dwelling as a residence. Home Occupations are small and quiet non-retail businesses generally invisible from the frontage, seldom visited by clients and having only up to two employees. Home Occupations include day care centers where daytime care is provided to less than 6 children who are not the legal wards or foster children of the attendant adult within an owner-occupied residence.

Hospital: A health care facility the purpose of which is to provide for care, treatment, testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not-for-profit basis; but not including group homes.

Hotel/Motel/Inn: A building facility containing sleeping rooms offering transient lodging accommodations to the general public for rental or occupancy and providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

III

Impervious Surface or Cover: All areas covered by buildings, pavement (not including ungrouted pavers for sidewalks), gravel, and rooftops of stored merchandise i.e.: cars and manufactured housing displays, even if located on grass surfaces that prevents the absorption of surface water into the soil. Wooden slatted decks and pool surfaces are considered pervious surfaces.

Independent Living Facility: Congregate living facilities, such as rest homes and homes for the aged, which are designed for older persons or disabled persons who do not require health and support services, such as medical and nursing care, central dining, and transportation service, located on the site. Each living unit may be self-contained and is physically accessible to older or disabled persons. Distinguished from apartment building(s) by the provision of some communal services.

Individual Private Facility: Water-related structures constructed on an occupied single family residential lot for use by the owner or occupants which accommodate a maximum of two boats.

Indoor Recreation: Public or private health or exercise clubs, tennis or other racquet courts, swimming pools, YMCA's, YWCA's or similar uses which are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. Indoor recreation structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

Industrial Discharge: The discharge of industrial process treated wastewater or wastewater other than sewage and includes:

1. wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;

2. wastewater resulting from processes of trade or business, including wastewater from Laundromats and car washes, but not wastewater from restaurants;
3. stormwater will not be considered to be an industrial wastewater, unless it is contaminated with industrial wastewater; or
4. wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

Industrial Uses and Development: Any non-residential use that requires an NPDES permit for an industrial or stormwater discharge or involves the use or storage of any hazardous materials or substances or that is used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

Infill Lot Development: The development of new housing or other buildings on scattered vacant sites in a built-up area.

Institutional Uses: Large scale civic and semi-civic uses such as elementary and secondary schools, colleges, hospitals, assisted living residences, convents, monasteries, hospices, and other long-term medical care facilities.

Interconnected: Refers to streets which provide through access to other streets; interconnected street systems may be either rectilinear or curvilinear.

Internal Refractive Lens: A glass or plastic lens installed between the lamp and the sections of the outer fixture globe or enclosure. Refractive refers to the redirection (bending) of the light as it goes through the lens, softening and spreading the light being distributed from the light source thereby reducing direct glare.

Intersection Tier: The designation of intersections for the application of adopted level of service standards.

Interstate Highway: A controlled access highway which is part of the Federal Interstate Highway System.

Island, Landscape: In parking lot design, built-up structures, usually curbed, placed at the end or middle of parking rows as a guide to traffic and for landscaping, signing, or lighting.

JJJ

Jail: A building, and all accessory uses and structures, used to confine, house, and supervise persons who are serving terms of imprisonment for violations of criminal laws or who are awaiting trial for alleged violations of criminal laws, but not including temporary holding facilities that are accessory to a police station and not including any housing or other facilities for persons who are participating in work-release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

Junk yard: An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills. An establishment or place of business which stores or keeps for a period of 15 days or more materials within the meaning of "junk" as defined by NCGS 136-143(3) which had been derived or created as a result of industrial activity shall be deemed to be a junkyard within the meaning herein.

KKK

kennel, commercial: A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.

kennel, private: A structure used for the outdoor accommodation of small domestic animals and not operated on a commercial basis.

LLL

Land Clearing and Inert Debris (LCID) landfill: A landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other solid wastes meeting the standards of the State of North Carolina. A clean fill operation which is conducted to improve or recontour land, using only soil, is not construed to be such a landfill.

On-site LCID landfill. A LCID landfill which is located within the confines of property being developed or in use, and used only for the disposal of acceptable materials which are generated on the property being developed or used; a disposal site that is clearly an accessory use to the development activity.

Off-site LCID landfill. A LCID landfill which is itself the principal use of a property and is used for the disposal of acceptable materials, some or all of which are generated off the site of the property being used for the landfill.

Land Development Standards Manual: The most recent edition of the manual developed and published by the City of Belmont and setting forth standard details for the design and construction of various aspects of development.

Land Disturbing Activity: Any use of the land by any person that results in a change in the natural cover or topography and that may cause or contribute to sedimentation or soil compaction that affects the critical root zone.

Land Use Segregation: The practice of prohibiting mixed use development or close proximity of residential and non-residential uses. This is accomplished through zoning standards which emphasize the separation of all uses and the buffering and screening of dissimilar uses from one another.

Landfill: A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A, Article 9 of the N.C. General Statutes or other applicable solid waste disposal statutes or rules. For the purpose of this ordinance this term does not include composting facilities.

Landscaped Areas: Any portion of a site or property containing vegetation following construction activity completion.

Landscaping Plan: The Site Plan Application prescribed by this Code which details pre-construction protection of existing vegetation and post-construction supplemental plantings.

Landscaping: The installation and maintenance, usually of a combination of trees, shrubs, plant materials, or other ground cover, including grass, mulch, decorative stone and similar materials, but excluding bare soil, uncultivated vegetation, impervious pavement materials, and gravel. Any live

plant materials such as trees, shrubs, ground cover, and grass areas left in their natural state.

Lighting Definitions: *The following are lighting related definitions that may be included in this ordinance.*

Candela: A unit of luminous intensity, noted as cd.

Color rendering index (CRI): A quantitative measure of the ability of a light source to reveal the colors of various objects faithfully in comparison with an ideal or natural light source.

Cutoff fixture: A fixture that provides a shielding of the emitted light. A full cutoff fixture allows no emission of light above a horizontal plane through the fixture.

Display lighting: Lighting for uses such as auto dealership parking lots, outdoor storage areas, and outdoor display.

Emergency lighting: Lighting used by or for the purpose of Police Departments, Fire Departments, or other government entities for the purpose of public safety.

Existing light fixture: Light fixture installed, or approved by the City to be installed, pursuant to the effective date of this ordinance.

Flood light (or spotlight): Light fixture or lamp that incorporates a reflector or a refractor to disperse or concentrate the light output into a directed beam in a particular direction.

Foot-candle (FC): A unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot and originally defined with reference to a standardized candle burning at one foot from a given surface.

Full cut-off fixture: An outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.

Fully shielded fixture: An outdoor light fixture is constructed so that, in its installed position all of the light emitted by the fixture is projected below the horizontal plane

passing through the lowest light-emitting part of the fixture.

Glare: The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

Illuminating Engineering Society of North America (or IESNA): The professional society of lighting engineers, including those from manufacturing companies and others professionally involved in lighting.

Light pollution: Any artificial light that is emitted either directly or indirectly by reflection that alters the appearance of the night sky, interferes with astronomical observation, or interferes with the natural functioning of nocturnal native wildlife.

Light trespass: Any form of artificial illumination emanating from a fixture that penetrates other property other than that for which it is intended and permitted.

Lumen: The lumen is a unit of measurement for the brightness of light at the source. One foot-candle is one lumen per square foot.

Luminaire: The complete lighting system, which includes the lamp(s) and fixture.

Luminaire pole height: The measurement from a paved or landscaped surface at ground level under the fixture to the top of the luminaire.

Maintained foot candles: Illuminance of lighting fixtures adjusted for a maintenance factor accounting for dirt build-up and lamp output depreciation. The maintenance factor used in the design process to account for this depreciation cannot be lower than 0.72 for high pressure sodium and 0.64 for metal halide and mercury vapor.

Motion sensors: A mechanism for controlling illumination by turning lights on when activated by motion, remaining on during activity for a set amount

of time (typically thirty [30] minutes) following the last detection of motion.

Outdoor lighting: Any outdoor artificial lighting device, fixture, lamp, or other similar device, whether permanently installed or portable, which is intended to provide illumination for either visibility or decorative effect. Such devices shall include, but not be limited to, area, search, spot, and flood lighting used for: buildings and structures, recreational facilities, parking lots, landscape lighting, business and advertising signs, roadways, walkways.

Partially shielded fixture: The outdoor lighting fixture is constructed so that, at least ninety percent (90%) of the light emitted by the fixture is projected below the horizontal plane of the lowest point of the fixture.

Photocells: A mechanism that is activated by the absence of sunlight and has the effect of illuminating a property all night. Photocells are permitted only at primary entrances and where the light source is fully shielded by opaque material.

Security lighting: A light used either commercially or residentially for protection of goods or property and is designed and used to discourage crime and undesirable activity.

Linear Frontage: The length of a property abutting a public right-of-way from one side lot line to another.

Live/Work: An attached building type with small commercial enterprises on the ground floor and a residential unit above. Commercial space may be a home-based business or may be leased independently; however, different NC State Building Code regulations apply in each case.

Loading Space

An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

Logo: Business trademark or symbol.

Lot: A parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such access ways, parking area, yards, and open spaces required in these regulations.

Lot of Record: A lot described by plat or by metes and bounds which has been recorded in the office of the Register of Deeds.

Lot Types:

Corner Lot: A lot located at the intersection of two or more streets, or abutting a curved street or streets in such a way that the front building line meets either side lot line at an interior angle of less than 135 .

Interior Lot: A lot other than a corner lot with frontage on only one street.

Through Lot: A lot other than a corner lot with frontage on more than one street.

Reverse Frontage Lot: Any lot oriented to an abutting street in such a way that the intersection of the front building line, extended, and the street right of way line form an interior angle of less than 45 degrees is defined as having reverse frontage relative to said street.

Single-Tier Lot: A lot which backs upon a limited access highway, a railroad, a water body, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.

Lot, Flag: A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

Lot Width:

1. The distance between the side lot lines measured along a setback line or build-to line; or
2. If no setback is required for a lot according to this ordinance, and no setback has been established on a previously recorded plat, lot width is the distance measured between the side lot lines along the street right of way.

MMM

M.A.I. Appraiser: A member of the American Institute of Real Estate Appraisers.

Maintained Easement: A recorded right of way made of crushed gravel, pavement, or graded and cleared of brush, so as to permit access by vehicles.

Major Development Plan: A Plan depicting the subdivision of land and proposed improvements and/or buildings. Such a Plan combines the subdivision and site plan process to show the proposed build-out of a property on one, combined plan.

Manufactured Home: A dwelling unit, other than a modular home, fabricated in an off-site manufacturing facility for installation or assembly on the building site, which is at least eight feet in width and at least 32 feet in length, which bears a seal certifying that it was built to the standard adopted pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. Sec 5401 et seq., which is placed upon a permanent foundation which meets the installation and foundation requirements adopted by the N.C. Commissioner of Insurance, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.

Manufactured Home Park or Rental Community: Any parcel of land under single ownership where land is rented, and utilities are provided for the installation or placement of manufactured homes.

Manufactured Home Subdivision: Any parcel of land which is subdivided, with utilities extended for the installation or placement of manufactured homes.

Manufacturing, Heavy: The assembly, fabrication, production or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards, or that otherwise do not constitute "light manufacturing," or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, production or processing exceeds 25 percent of the floor area of all buildings

on the lot. “Heavy manufacturing” shall include, but not be limited to, the following: enameling, lacquering, or the plating or galvanizing of metals; foundries or mills producing iron and steel products; industrial chemical manufacture; meat packing plants; mixing plants for concrete or paving materials, and manufacture of concrete products; oxygen manufacture and/or storage; pottery, porcelain, and vitreous china manufacture; poultry dressing for wholesale; pressure treating of wood; stonecutting; tire recapping and retreading; tobacco products manufacture; tobacco stemming and redrying plants. This shall include resource extraction and recycling and salvage operations.

Manufacturing, Light: The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, production or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, production or processing does not exceed 25 percent of the floor area of all buildings on the lot. This shall not include uses that constitute “heavy manufacturing”, resource extraction, or recycling and salvage operations.

Manufacturing, Neighborhood: The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building and are visually undifferentiated from an office building. This includes businesses utilizing the type of shipping and receiving normally associated with retail stores, but shall not include uses that require frequent deliveries by trucks with more than two axles.

Marina: A facility for the storing, servicing, fueling, berthing, and securing of boats and that may include eating, sleeping, and retail facilities for owners, crews, and guests. See Water Related Structure, Pier.

Marina, Public Use: A facility for the wet or dry storage, launching and mooring of boats, together with all accessory structures and uses as well as the sale of boats.

Marina store: A specialty retail store in which the merchandise is comprised of products that are associated with boating and water-related recreational uses, as well as typical convenience store items.

Marine Railway: A line of track running from the shoreline into a body of water to provide a runway for a wheeled or other apparatus to lower a boat into the water.

Massing: The shape and form a building or assemblage of buildings assumes through architectural design.

Mass Transit: A public common carrier transportation system for people having established routes and fixed schedules.

Mechanical Equipment: All HVAC (heating, ventilation, and air conditioning) equipment located on the roof of a building or outside a home or building.

Mean Sea Level: The National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on the Flood Insurance Rate Maps for Gaston County are referenced.

Mini-Storage Facilities: A building containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis.

Mitigation: Actions taken on-site and/or off-site to offset the effects of temporary or permanent loss of a buffer.

Mixed Use: The presence of residential and nonresidential complementary and integrated uses within the same complex or same building. Mixed use can also refer to different categories of nonresidential uses such as institutional, retail, and office within the same building or complex of building.

Mixed-Use Building: A building containing two or more distinct uses, at least one of which is residential.

Modular Home: A dwelling unit which is constructed in compliance with the State Building Code and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Mooring or Float: An object or structure secures in the water, such as by cables, lines, chains, or anchors, and intended or used for securing one or more boats in the water.

Multi Family: Three or more attached single family dwelling units located on lot of record.

NNN

Native Ornamental Species: Native woody plants, distinctively noted for their ornamental characteristics including flowering dogwood, (cornus florida), American Holly (Ilex Opaca), Eastern Redbud (Cercis Canadensis), American Hornbeam (Carpinus Caroliniana)

Neighborhood Store: A general retail operation that typically sells groceries and other perishable and non-perishable household goods. The average size of such stores is 2,500 and may include additional uses including a café, a contract post office, an automatic bank teller, and a newsstand.

Nightclub, *Private*: Any commercial establishment serving alcoholic beverages and/or providing entertainment for patrons, including bars, lounges, taverns, cabarets, and similar establishments.

Node: The terminus or intersection of two (2) or more streets, including the head or bulb of a cul-de-sac.

Nonconforming Lot: A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nonconforming Sign: Any sign lawfully existing on the effective date of an ordinance, or amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

Nonconforming Structure or Building: A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nonconforming Use: Any actual and active use lawfully being made of any land, building, sign or structure not otherwise abandoned, which exists on the effective date of this Code or on the effective date of any amendment thereto, and renders such existing use illegal within a district, or which does not comply in any fashion with any of the regulations of this ordinance or any amendments thereto. If the property or structure is vacant or unused on the effective date of this Code or any amendment thereto, it shall be conclusively presumed that the property or structure is subject to the provisions of this Code or any amendments thereto. A use or activity that was lawful prior to the adoption, revision or amendment of this Code but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nonconforming Vacant Lot: Any lot of record which does not meet the minimum area or width requirements established in these regulations or any amendment thereto, whichever may be applicable.

Non-Funded Capital Improvement: A capital improvement that appears in the capital improvements program but is beyond the CIP's planning horizon, so no funds have been budgeted for it by the City.

Nonresidential Development: All development other than residential development, agriculture and silviculture.

Nuisance: An interference with the enjoyment and use of property.

Nursing Facility: A nursing home as defined in NCGS § 131E-101. A nursing facility shall not be considered a dwelling unit for the purposes of determining the level of service for affordable housing or community parks.

OOO

Off-Street parking: Parking which occurs on a lot and not on a street or other public right of way.

Office Use: Professional, service, and governmental occupations within a building or buildings which do not generally involve the on-site sale of goods to customers.

On Site, Off Site: Located on the lot relative to a use, or structure; or located off the lot relative to a use, or structure.

Open Decks and Patios: Permanent uncovered accessory structures that project from an existing principal use.

Open Space: Any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements. Urban open space assumes one or more of the forms detailed in Chapter 8 and may contain recreation equipment and amenities as indicated. Rural open space is site specific in its designation.

Ordinance: A document of regulations enforceable as municipal law.

Ornamental Tree, Shrub: A deciduous or evergreen tree or shrub planted primarily for its ornamental value or for screening purposes.

Outdoor Sales: The sale of products outside of a permanently constructed building. The display and sale of products and services primarily outside of a building or structure, including vehicles, garden supplies, gas, tires and motor oil, food and beverages, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber yards. This does not include occasional "sidewalk" sales or promotions.

Outdoor Storage: The storage of goods, products, or vehicles by their owner or on a commercial basis for others outside of a permanently constructed building, including but not limited to auto and boat sales and storage areas. The keeping of any goods, material, merchandise, or vehicles in an unenclosed area or in the same place for more than twenty-four hours. The outdoor storage of trees, plants, shrubs, and other types of live or natural vegetation shall be allowed in the front yard of a retail establishment whose primary business is the sale of such items.

Outdoor Recreation: Swimming pools, tennis courts, ball fields and ball courts which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Outdoor recreation" shall include any accessory uses, such as snack bars, pro shops, and club houses which are designed and intended primarily for the use of patrons of the principal recreational use.

Out parcel: A parcel of land associated with a shopping center or multi-tenant development, which is designated on an approved site plan as a location for a free standing structure with an intended use such as, but not limited to, banks, savings and loans, dry cleaners, service stations, offices, restaurants, retail establishments, or combination of uses thereof, and adjoins the shopping center or multi-tenant development, or the parking and service drives associated with it, on any side adjacent to a public right-of-way.

Overlay District: A set of regulations which add an additional layer of design provisions to an underlying regulating district.

Overnight camping trailer park: Any lot upon which two or more overnight camp sites and/or overnight camping trailers occupied for temporary shelter, dwelling, recreation, or vacation uses may be located on a non-profit or for-profit basis.

Owner: Any full or part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal title to the whole or to part of a structure or parcel of land.

PPP

Parallel District: A set of provisions that apply to a property as an optional set of standards to the underlying base district provisions. Once chosen only the provisions of the chosen district apply. Parallel Districts may apply to all or portions of a property.

Parapet: A low wall encircling the perimeter of a flat building roof, generally used to screen roof-mounted mechanical equipment.

Parcel: Any quantity of land and/or water capable of being described in definitive terms with respect to its location and boundaries. It may be established as distinct from other parcels which are designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

Park: Any land open for use by the general public for active or passive recreational purposes or as a refuge for wildlife. *See also Community Park.*

Park and Ride Facility: A parking lot designed for drivers to leave their cars and use mass transit facilities beginning, terminating, or stopping within immediate walking distance the park and ride

facility

Parking Area or Parking Lot: All the area in square footage of land designated for the storage of cars. The parking area also includes all areas for storage and trash facilities. Any public or private area, under or outside of a building or structure, designed and used for parking or storing motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.

Parking Space: A space which is designed for the parking or temporary storage of an automobile as prescribed by the Ordinance.

Party Wall: A common shared wall between two separate structures, buildings or dwelling units and lacking cross access between structures without exiting each structure.

Paved: Any surface area covered by crushed compacted gravel, concrete, asphalt, brick or stone pavers, or similar material in durability, appearance, and permeability.

Pedestrian Oriented Development: Any development type which accommodates the needs of the pedestrian. Such development will have parking to the side or rear of a building, will mix uses and provide them in proximity to one another, will allow the pedestrian the option of accomplishing certain trips without automobile use, and will provide a variety of interesting and detailed streetscapes which balance the need of the pedestrian and car equally.

Pennant: See Banner

Perennial Stream or River: Steams or rivers which flow year-round and found on the United States Geological Survey Quad map(s) for the City of Belmont.

Performance Guarantee: Any security that may be accepted by the City or another government unit to assure that improvements required as part of an application for development will be satisfactorily completed.

Permitted Uses: Uses allowed to occur by right within a designated zoning or other planning district.

Person: An individual, corporation, governmental agency, business trust, estate trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

Pervious Surface: Any material that permits full or partial absorption of stormwater into previously unimproved land.

Pier and Pier Facility: A water-related structure extending into the water from the shore, whether floating or fixed to the river bottom, for use as a boat landing place or promenade, constructed of pylons and decking for mooring and access to a boat or watercraft.

Pier Zone, Projection Envelope: The area beyond which no structure may extend out into navigable waters.

Planned Capital Improvement: A capital improvement that is proposed to be funded through the capital improvements program.

Planning Board: The City of Belmont Planning Board, established by ordinance in accordance with NCGS 160D-301 and 160D-307.

Planting Area: The landscape area prepared for the purpose of accommodating the planting of trees, shrubs, and groundcovers.

Planned Development: A tract of land under single, corporation, partnership, or association ownership, planned and developed as an integral unit in a single development operation or a definitely programmed series of development operations and according to an approved development plan.

Planning Director: The Planning Director of the City of Belmont or his or her designee.

Planting Strip: The area of land along the front property line parallel to a right-of-way reserved for tree planting and landscaping. Also called street tree planting easement.

Plat, Final: A map of all or a portion of a subdivision of land that is the legal instrument for recordation.

Plat, Preliminary: A map indicating the proposed layout of the subdivision that is submitted to the approving authority for preliminary approval.

Platted Lot: A lot surveyed and recorded at the county Register of Deeds office.

Playground: An active recreational area with a variety of facilities, including equipment for younger children as well as court and field games.

Plaza: An urban open space, constructed entirely or largely of hard-surfaced paving blocks, stone, brick, or similar materials, framed on at least two sides by the vertical rise of building walls; occasionally framed by closely planted large maturing trees in lieu of buildings. May be used for occasional parking in front of a civic or public building.

PM Peak Hour: The one-hour period in the afternoon or evening representing the highest hourly volume of traffic flow on the adjacent public street system.

Pool Hall, Billiard Parlor, Game Room, Arcade: An establishment which operates six (6) or more amusement/recreation/skill tables or machines, whether or not a coin, token, or other payment is required for operation or play. Also, any establishment whose principal activity is the operation of such amusement/recreation/skill tables or machines, without regard to number. College student unions, ping-pong tables, and board games shall not fall under this category.

Porch: A projection from the outside wall of a dwelling covered by a roof which can project beyond a setback. Roofed open areas may be screened, attached to or part of and with direct access to or from a building.

Portico: An open porch or walkway covered by a roof and typically leading to the building entrance

Premises: A parcel of real property with a separate and distinct identifying number shown on a recorded plat, record of survey, parcel map, subdivision map, or a parcel legally created or established pursuant to applicable zoning. Out parcels of shopping centers shall be considered on the premises of shopping center for the purpose of this ordinance.

Principal building or structure: A building or structure containing the principal use of the lot.

Principal Use: The primary purpose or function that a lot serves or is proposed to serve.

Private Driveway: A privately maintained roadway serving 2 or fewer lots, building sites or other division of land and not intended to be public ingress or egress

Promenade: See *esplanade*

Project area: Any area of land and/or water, regardless of the number of individual parcels contained therein, on which development is proposed under these regulations.

Property: Real property and fixtures subject to the provisions of this Ordinance.

Proposed right-of-way line: The margin of a thoroughfare's right-of-way at its ultimate intended width determined by (1) the thoroughfare's classification and (2) dimensional requirements or locational criteria as established in the planning ordinance.

Public Hearing: A meeting open to the public advertised in advance in the local printed media, or as otherwise required by statute, concerning proposed ordinances, ~~or~~ amendments or other official City business which require public participation and input.

Public utility structure: An electricity or gas substation, water or wastewater pumping station, telephone repeater station or similar structure used as an intermediary switching, boosting, distribution, or transfer station for electricity, water, wastewater, cable television, or telephone services between the point of generation and the end user, or a public or private wastewater treatment plant or water treatment plant, but not including satellite dish antennae, facilities for the handling of solid waste, or radio, television, or microwave transmission or relay towers.

Public Swimming Pool: Any structure, chamber, or tank containing an artificial body of water used by the public for swimming, diving, wading, recreation, or therapy, together with buildings appurtenances, and equipment used in conjunction with the body of water, regardless of whether of fee is charged for its use. This term includes municipal, school, hotel, motel, apartment, boarding house, athletic, or other membership pools facility pools and spas. This definition does not include a private pool serving a single-family dwelling and used only by the residents of the dwelling and their guests.

Public Utilities: Above ground or underground publicly licensed utilities including water, sanitary

sewer collection and distribution line, natural gas, cable television, stormwater drainage, transit or transportation, or electrical services and any associated structures such as pumping stations, treatment plants, transformer stations for providing to the public a utility service deemed necessary for the public health, safety, and welfare. Utility service to the public has been defined broadly to mean all consumers-industrial, commercial, or residential.

QQQ

Quadrangle: A rectangular area, such as a courtyard, enclosed by buildings.

Quarry: An operation for the dredging, digging, extraction, mining, or quarrying of stone, sand, gravel, or minerals for commercial purposes.

RRR

Recreation, Active: Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or field.

Recreation, Passive: Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, chess, checkers, and similar table games.

Recreational Facilities: An area of land or combination of land and water resources for public use that is developed for active and/or passive recreational pursuits with various manmade features that accommodates such activities. Such areas shall be designed in the form of playgrounds, parks, squares, greenbelts, and parkways. They shall be designed to serve the immediate neighborhood in which they are located, or can be regional in scope, serving several neighborhoods.

Recreational Vehicle: A vehicular-type portable structure without permanent foundation that can be towed, hauled or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Redevelopment: The demolition and reconstruction of a building or a portion of a building

Regulatory Flood: A flood representative of large floods reasonably characteristic of what can be expected to occur on a particular stream, with an average recurrence interval of 100 years, determined from an analysis of floods on a particular stream and other streams in the same general region.

Religious institution: A church, synagogue, temple, mosque, or other place of religious worship, including any customary accessory use or structures, church offices, religious bookstores serving the immediate congregation, parking lots, family life centers, outdoor recreational facilities, religious schools, cemeteries, dwelling units housing for persons employed by the religious institution and day care centers on the same site or sites contiguous to the principal use.

Reservation: The setting aside of parcels of land for a specific purpose. Reservations of land are encouraged for future development of streets, parks, and civic buildings.

Residential Development and Use: Any detached, duplex, triplex, quadriplex, attached, or multifamily dwelling, manufactured home, mobile home, group home for up to six clients, limited residence boarding house, or dormitory.

Residuals: Any solid or semi-solid waste generated from a wastewater treatment plant, water treatment plant or air pollution control facility permitted under the authority of the Environmental Management Commission or other permitting authority.

Restaurant: A building or operation, the purpose of which is to accommodate the consumption of food and beverages.

Restaurant, Fast Food: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready to consume state for consumption either within the restaurant building, in cars on the premises, or off the premises.

Retail establishment: A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise directly to the consumer.

Retail Sales: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Retention Basin/Pond: Engineered facilities for storing or detaining rainwater runoff from a site. Retention delays the flow off a site to prevent flooding.

Roof, Flat: Refers to the silhouette formed by a roof line or a particular roof system. This is separate from the roof line which can be stepped or flat in appearance through architectural elements such as cornices, mansards, and parapets; or pitched as with residential homes.

Roof Line: The highest point of a flat roof or mansard roof, and the lowest point of a pitched roof, excluding any minor projections or ornamentation.

R-O-W (Right of Way): An area of land dedicated for public or private infrastructure such as streets, sidewalks, railroads, sewer lines, water lines, electric lines, and gas lines.

SSS

Sanitary Landfill: A solid waste disposal facility designed to meet the minimum standards of the State of North Carolina wherein refuse and other waste defined by State standards is disposed of by utilizing acceptable landfill engineering technology.

Satellite Dish Antenna: Any antenna including any supporting structure designed to receive or transmit visual and/or verbal signals via orbiting satellites or similar sources, excluding microwave antennae.

School: Publicly owned or privately owned preschools, elementary schools, middle schools, junior high schools, vocational schools and high schools; but not including institutions the primary function of which is child day care.

Screening: A fence, wall, hedge, landscaping, buffer area or any combination of these provided to create a visual separation between certain land uses. A screen may be located on the property line or elsewhere on the site, as determined by the use to be screened.

Sediment: Solid particulate mineral or organic matter transported by water, air, or ice.

Self-Storage Facility: A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individually for varying periods of time. This use or structure may

also be called a mini-storage or mini-warehouse facility.

Semi-Cutoff Fixture: An outdoor light fixture shielded or constructed in such a manner that it emits no more than five (5) percent of its light above the horizontal plane of the fixture, and no more than twenty (20) percent of its light ten (10) degrees below the horizontal plane of the fixture.

Septic Tank System: A ground absorption sewage disposal system consisting of a holding or settling tank and a ground absorption field.

Setback: The shortest horizontal distance from the property line or right-of-way to the nearest point (leading edge) of the structure or its supporting member whichever is nearest to the property line or right-of-way.

Shade Tree: Any large maturing tree which provides a crown width sufficient to shade a minimum of 1,200 square feet.

Shrub: A woody, branching plant of relatively low height.

Shrub, Small: A shrub growing to less than 5 feet in height at maturity that is planted for ornamental purposes.

Shrub, Medium: A shrub growing 5 feet to 10 feet in height at maturity that is planted for ornamental or screening purposes.

Shrub, Large: An upright plant growing 10 feet to 20 feet in height at maturity that is planted for ornamental or screening purposes.

Sight Triangle: In Belmont, the triangular area formed by a diagonal line connecting two points located on intersecting property lines (or a property line and the curb or a driveway), each point being 35 feet from the point of intersection. The North Carolina Department of Transportation sight triangle is different, with each point being 10 feet and 70 feet from the point of intersection. Generally, nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Sign: Any object, device, structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or of any fraternal, religious or civic organization; works of art which in no way identify a product; or scoreboards located on athletic fields.

Sign Structure or Support: Any structure that supports or is capable of supporting a sign.

Sign Types: The following are types of signs included in this ordinance.

Advertising: A sign, other than a directional sign, which directs attention to or communicates information about a business, commodity, service, or event that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located. Any advertising sign allowed under this Code may display either a commercial or noncommercial copy.

Arm: A sign whose face is suspended from a support arm at a right angle from a ground mounted pier, pillar, column, or pole. The face of such sign shall not be more than three (3) feet from the ground.

Banner: A sign intended to be hung, with message or symbol applied to plastic or fabric of any kind, but excluding flags or emblems of any nation, organization of nations, state, city, or any fraternal, religious, or civic organization.

Bulletin Board: A sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center, or similar noncommercial place of public assembly.

Campaign or Election Sign: A sign that advertises a candidate or issue to be voted upon on a definite election day.

Canopy and Awning Signs: A sign attached to or painted or printed onto a canopy or awning. The permitted size of a canopy or awning sign will be calculated on the basis of the size of the building wall to which the canopy is attached. It will, for measuring purposes, be considered a wall sign.

Construction Sign: A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

Directional or Instructional Sign: An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "Parking", "One-Way", or similar direction or instruction, but not including any advertising message. The name 'or logo of the business or use to which the sign is giving direction may also be included on the sign.

Directory Sign: A sign which identifies multiple uses in a planned development on a single sign; may be used for shopping centers, shopping streets or arcades, office complexes, schools, churches, institutional or business campuses, and similar large complexes which have a variety of tenants and/or uses.

Government Sign: A sign which is erected by a governmental authority for the purposes of indicating location, traffic control, or general advertisement of a governmental function or event.

Ground Mounted Sign: A sign which extends from the ground or which has a support which places the bottom thereof less than 3 feet from the ground.

Flag: A piece of durable fabric of distinctive design attached to a permanent pole, that is used as a symbol or decorative feature.

Flashing Sign: A sign that uses an intermittent or flashing light source to attract attention.

Identification Sign: A sign which displays only the name, address, and/or crest, insignia, trademark, occupation or profession of an occupant, or the name of any building on the premises.

Incidental Sign: A sign used in conjunction with equipment or other functional elements of a use or operation. These shall include, but not be limited to signs on automatic teller machines, gas pumps, or vending machines, or newspaper delivery boxes.

Memorial Sign or Plaque: A sign designating the name of a building and/or date of erection and other items such as architect, contractor, or others involved in the building's creation, cut into or attached to a building surface

Off-Premises Sign: A sign that directs attention to a business, commodity, or service, conducted, sold, or offered at a location other than the premises on which the sign is erected.

On-Premises Sign: A sign that directs attention to a business, commodity, or service, that is conducted, sold, or offered on the premises on which the sign is erected.

Portable or Movable Sign: A sign that is not permanently attached to the ground, a structure, or a building, and which can easily be moved from one location or another. For example, a sign on wheels.

Projecting Sign: A sign which is affixed to a building and supported only by the wall on which it is mounted; considered a wall sign for purposes of this ordinance.

Real Estate Sign: A sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

Reverse Channel Letter Sign: Reverse channel letters signs do not illuminate on the face because the face is constructed from aluminum or similar material, and the lighting is facing backwards toward the wall. This light "floods" the wall behind the letter allowing the illumination to come out from behind and around the edges of the letters. This is also referred to as a "halo" or "back-lit" effect. The illumination is still inside the letter and can be either neon or LED.

Roof Sign: A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

Sandwich Board Sign: A portable a-frame sign constructed with two faces which rest at an angle less than 45 degrees to each other.

Temporary Sign: A sign which is not permanently installed in the ground or affixed to any structure or building, and which is erected for a period of time as permitted in this ordinance.

Vehicular sign: Signs on parked vehicles visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property. For the purposes of this ordinance, vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other business purposes.

Wall Sign: Any sign directly attached to an exterior wall of a building or dependent upon a building for its support. Signs directly painted on walls shall be considered wall signs.

Wayfinding Sign: a sign erected by the city to promote, connect, and enhance a pedestrian's or motorist's ability to locate landmarks, public facilities, and community attractions, in a unified sign system.

Window Sign: Any sign attached to or directly applied onto a window or glass door of a building intended for viewing from the exterior of the building.

Significant Tree: Any tree other than a pine tree with a caliper of 18 inches or more.

Significant Vegetation: A large canopy tree over 18 inches in diameter at breast height which displays a root zone, canopy, and structure characteristic of the particular species and is in good health and vigor.

Single Family Home(s): Any development where: 1) no building contains more than one dwelling unit, 2) every dwelling unit is on a separate lot, and 3) where no lot contains more than one dwelling unit (exception: rental studios and apartments). Such uses include family care homes and group homes as defined in this chapter.

Site Plan, Site Specific Plan: A diagram to scale showing the development plans for a project and containing all information required of Site Plans and/or Subdivision Plats.

Site Survey: A map done by a surveyor accurately depicting the scale distances and measurements of all planned structures on a lot which may include topographical information and existing naturally occurring and constructed elements or structures, such as streams, wetlands, rock outcroppings, etc.

Small Maturing Tree: A tree whose height is less than 35 feet at maturity and meets the specifications of "American Standards for Nursery Stock" published by the American Association of Nurserymen.

Solid Waste: Any hazardous or nonhazardous garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, agricultural, and land clearing operations. This term does not include the following

1. Fowl and animal fecal waste;
2. Solid or dissolved material in any of the following:
 - a. Domestic sewage, and sludge generated by the treatment thereof, in sanitary sewage disposal systems which have a design capacity of more than 3,000 gallons or which discharge effluents to the surface waters,
 - b. Irrigation return flows; or
 - c. Wastewater discharges, and the sludge incidental thereto and generated by the treatment thereof, which are point sources subject to permits granted under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Sec. 1251 et seq.) and permits granted under G.S. 143-215.1 by the Environmental Management Commission;
3. Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the North Carolina General Statutes;
4. Any radioactive material as defined by the North Carolina Radiation Protection Act (G.S. 104E- 1 through 104E- 23); or

5. Mining refuse covered by the North Carolina Mining Act (G.S. 74-46 through 74-68) and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290).

Special Use: A use subject to specific provisions or which requires the approval of a special use permit by the City Council before the issuance of a zoning permit.

Special Use Permit (SUP): A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. This definition includes permits previously referred to as "conditional use permits".

Specimen Tree: Any healthy, existing tree over 18 inches in caliper, excluding Sweet Gum, Catalpa, Wild Cherry, Wild Elm, Princess, Hackberry, and Tree-of-Heaven trees found in a field or open grown condition, or along the edge of a forest stand or tree stand and displaying the root zone, canopy, and structure characteristic of the particular species.

Square: A centrally located public open space that is urban in nature.

Stadium: A structure or facility designed, intended, or used primarily for athletic events or other performances and containing seating for spectators of those events, but not including a raceway or drag strip.

Storm Water Runoff: Rain which falls onto impervious surfaces and is not absorbed into the ground immediately. Storm water runoff carries pollutants off of paved surfaces into streams and rivers, and causes flooding by speeding up the rate of water flow into streams and rivers.

Stormwater Drainage Facilities: The system of inlets, pipes, channels, ditches and catch basin used to collect and transport stormwater.

Story: That part of a building or structure above ground level between a floor and the floor or roof next above. A mezzanine shall be considered a story if it exceeds one-third of the area of the floor immediately below. A penthouse shall be considered a story if it exceeds one-third of the area

of the roof. The under-roof area with dormers does not count as a story.

Street Link: A section of the street network, or a local street, defined by a node at each end or at one end.

Street Network: The street system within the incorporated areas and extra territorial jurisdictions of the town.

Street Orientation: The direction of the architectural front facade of a building in relation to the street.

Street, Private: An undedicated private right-of-way or easement which affords access to abutting properties.

Street, Public: A right-of-way or fee simple tract of land which has been set aside for public travel, dedicated to the public, and eligible for maintenance by either the City of Belmont or the State of North Carolina.

Street Right-Of-Way: Street right-of-way shall mean any public right-of-way set aside for public travel which is accepted or eligible to be accepted for maintenance by the State of North Carolina or the City of Belmont or Gaston County, if so authorized; or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by the City of Belmont; or has otherwise been established as a public street prior to the adoption of this ordinance.

Street Vista: A view framed by buildings at the termination of the axis of a thoroughfare.

Street Yard: The area of land along the front property line parallel to a R-O-W reserved for tree planting and landscaping.

Structure: Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and similar accessory construction.

Subdivider: Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision: A subdivision will include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development of any type and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided, however, that the following will not be included within this definition:

1. The combination or recombination of portions of parcels platted and recorded prior to the effective date of this ordinance, or portions of lots platted in compliance with this ordinance after its effective date, where the total number of lots is not increased and the resultant lots are equal to the standards of this ordinance and the appropriate planning area classification.
2. The division of land into parcels greater than 10 acres where street right-of-way dedication or reservation is not involved.
3. The creation of strips of land for the widening or opening of streets, sidewalks, or greenways, or the location of public utility rights-of-way.
4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where street right-of-way dedication or reservation is not involved and where the resultant lots are equal to or exceed the standards of the appropriate planning area classification.
5. The division of land into plots or lots for use as a cemetery.
6. The creation of a separate lot or property interest by a less than fee simple instrument, such as a lease, when the property interest created is divided from the original parcel for less than 10 years including option to renew.

7. The division of a tract or parcel into separate tracts or parcels, or the creation of interest in lots or parcels, by means of (a) a deed of trust, mortgage, or similar security interest solely for the purpose of securing any bona fide obligation (including transfers of such parcels or tracts pursuant to foreclosure or deeds in lieu of foreclosure) and (b) releases from the liens and operation of such deeds of trust, mortgages, or similar security interests.
8. Proceedings to partition interests in lots or parcels pursuant to Chapter 46 of the North Carolina General Statutes (or any successor statute) resulting in the division of a lot or parcel into two or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this Ordinance.
9. The division of a tract or parcel of land resulting from condemnation or deed in lieu of condemnation by either a public or private condemnor.

Suburban Sprawl: The name given to development designed according to segregated use zoning standards, and auto dependent criteria concerning access and parking. The resultant development provides for a low-density landscape of independently designed uses connected by a system of hierarchical streets which do not provide through access. A majority of the land in this model is relegated to street and parking surfaces, and although the building density and population may be low, the amount of usable open space is minimal to none, and traffic congestion is common.

Substantial Improvement: Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds 50 percent of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage occurred giving rise to the repair or reconstruction. Substantial improvement shall not include, however any repair or improvement required to bring the structure into compliance with existing state or City health, sanitary, safety, or building code specifications necessary to ensure safe habitation of the structure.

Sustainable: Having the ability to accommodate and maintain population growth and economic expansion through intelligent design.

TTT

Temporary Amusements: Any structure or parcel of land used for the gathering together of persons for such purposes as entertainment or amusement, whether or not an admission fee is charged including, but not limited to a haunted house, trail or castle, a wrestling/boxing exhibition, or any seasonal attraction.

Temporary Family Health Care Structure: A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and G.S. 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted. See Section 6.2.25.

Temporary Structures: Buildings placed on a lot for a specific purpose which are to be removed within a specified time period. Examples of temporary structures are monitoring stations, mobile classroom or office space, construction trailers and guard houses, manufactured housing placed on a lot for temporary housing while principle home renovations are done, and produce stands. The duration permitted for a temporary structure is established by this ordinance.

Temporary Use Permit: A permit issued by the Board of Adjustment allowing a use which is not permitted within a district to continue as long as certain criteria are being met by the applicant.

Thoroughfare: Any street on the adopted thoroughfare plan or any street which is an extension of any street on the thoroughfare plan and which extends into the area not covered by the thoroughfare plan.

Thoroughfare Plan: The Official Thoroughfare Plan of the City of Belmont or the Official Gaston Cleveland Lincoln Metropolitan Planning Organization Thoroughfare Plan.

Tinting: The coloring of a window such that all translucence of that window is more than 50% opaque.

Top of Bank: The landward edge of the stream channel during high water, bankfull conditions at the point where water begins to overflow onto the floodplain.

Toxic Substance: Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression of reproduction or growth) or physical deformities in such organisms or their offspring or other adverse health effects.

Tract: All contiguous land and water bodies under single or diverse ownership being developed as a unit consisting of one or more parcels or lots.

Traditional Neighborhood: A Traditional Neighborhood incorporates design principles to produce compact, mixed use, pedestrian scaled, sustainable communities. Traditional Neighborhoods pursue certain objectives through their design:

1. By bringing within walking distance most of the activities of daily living, the elderly and the young gain independence of movement.
2. By reducing the number and length of car trips, traffic congestion is minimized and road construction costs are reduced.
3. By organizing appropriate building densities, alternative forms of transportation can be easily provided when appropriate.
4. By providing public open spaces such as parks, squares, and streets, people can come to know each other and to watch over their collective security.
5. By providing a full range of housing types and workplaces, age and economic class are integrated and the bonds of community are strengthened.
6. By providing suitable sites for civic buildings, community awareness and civic responsibility are encouraged.

Trails, Greenway: Pedestrian paths for walking or jogging within parkways or greenbelts. Trails are informal in design and run through natural settings. They differ from the formal design of promenades and esplanades in parks and squares.

Transit Shelter: A covered structure at a transit stop.

Transitional Setback or Yard: That area, if any, along a thoroughfare, which lies between (a) the minimum setback or yard line for the planning area measured from the existing street right-of-way line and (b) the minimum setback or yard line measured from the Proposed Right-of-Way Line. There will be no transitional setback or yard when the existing street right-of-way and the proposed right-of-way line are the same.

Transitional use: A permitted use or structure that, by nature, level of activity, or physical scale, acts as a transition or intermediate use between two or more incompatible uses.

Transit Station: Any premises for the storage or parking of transit equipment and the loading and unloading of passengers.

Tree and Root Protection Area: The tree and root protection zone is that area of a lot which is not needed for building and driveway construction excluding the construction activity area, (an area 20 feet around the building foot print), any street right-of-way, utility easements, drainage ways, and soil absorption waste disposal areas. No construction activity, movement and placement of equipment, or material storage shall be permitted on the tree and root protection area. The root protection area includes an area, generally, 18-24 inches deep and a distance from the trunk of a tree equal to 1/2 its height or its drip line, whichever is greater.

Tree Survey: A description of the existing trees, understory vegetation, and topographical features on a site prior to development for the purpose of identification.

Tree, Canopy: Any large maturing tree which at maturity provides a crown width sufficient to shade a minimum of 1,200 square feet.

Tree, Large Maturing: A tree, usually deciduous, whose height is greater than 40 feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen, that is planted to provide canopy shade. In the case of tree removal permits, the minimum size is 12" in caliper. *See also Canopy Tree.*

Tree, Medium Maturing: A tree, usually deciduous, whose height is 20-39 feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen.

Tree, Small Maturing: A small to medium tree, growing 10-19 feet in height at maturity, that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage. In the case of tree removal permits, the minimum size is 8" in caliper.

Tree, Specimen: A tree that is unusually large or well shaped or provides a focal point or point of interest.

Tree, Street: A tree planted along the street within the right-of-way except along the park side of the parkway, a rural road or alley.

Tree Topping: An unacceptable method of pruning which involves the cutting of limbs back to a stub, bud, or a lateral branch not large enough to assume the terminal role and cause decay and spout production from the cut ends, resulting in a potentially hazardous situation.

Trip Distribution: The geographic distribution of trip ends attracted to the proposed development, usually expressed as a percentage of the total site trips generated by (and assignable to) streets located on the street network that lie within the impact area. [Reference: R. Keller & J. Mehra, Site Impact Traffic Evaluation Handbook (Federal Highway Administration, 1985)]

Trip Ends: The total of all trips entering plus all trips leaving a specific land use within a specific time period. [Reference: R. Keller & J. Mehra, Site Impact Traffic Evaluation Handbook (Federal Highway Administration, 1985)]

UUU

Underpinning: The skirting around the base of a manufactured home or temporary structure which forms a continuous wall around the structure from the foundation or grade level, to the base, or bottom floor level, of the structure. Underpinning material is prescribed by this ordinance.

Uses Permitted with Conditions: This Ordinance lists all allowable uses by District. The allowable uses are split into 2 categories; uses permitted by right and uses permitted with conditions. The latter are provided with criteria that must be met in order for the use to be allowed within the district.

VVV

Variance: Permission granted on the basis of proof of physical hardship by the Board of Adjustment following quasi-judicial proceedings to depart from or relax the literal requirements of this Ordinance relating to setbacks, side yards, frontage requirements, and lot size that, if applied to a specific lot, would significantly interfere with the use of the property.

Vested Right: The right to undertake and complete a development or use of property under the terms and conditions of an approved Site Specific Plan currently in effect or as otherwise allowed by law.

Volume (Traffic): The number of vehicles to pass a predetermined location during a specified period of time.

WWW

Warehouse or Distribution: The operation of a facility for the principal use of storing of goods, materials, trailers, cars not currently for sale, or boats or for the distribution of goods and materials to another location. This shall include structures or buildings associated with the operation of such principal use but does not include manufacturing, or industrial incidental storage of raw materials used by the business on-site or finished product of the business made on-site.

Wastewater Treatment Facility: A facility operated by a licensed utility, in compliance with all applicable state, county, and City regulations, and intended or used for the treatment and surface or subsurface disposal of wastewater and which serves more than one use or more than four dwelling units; or a facility intended or used for the treatment and subsurface disposal of wastewater which serves only one use or up to four dwelling units.

Waterfront Lot: A lot which is deeded to the water line of a river and which may provide water access with permitted water-related structures. Waterfront lots may extend into the surface waters, but shall have all water rights designated to Duke Energy and/or its assigns.

Water-Related Structure: Any structure for which the use requires access to or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, marine railways, piers, floats and bulkheads. Ancillary facilities such as restaurants, outlets for boat

supplies, parking lots and commercial boat storage areas are not water related structures.

Wetlands: Areas defined as wetlands under the jurisdiction of the US Army Corps of Engineers and subject to State and Federal regulation and protection. Wetlands generally include, swamps, marshes, bogs, and similar areas characterized by alluvial soils, plants, or hydrology.

Wholesale Establishment: A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise stored on the premises to persons who are intermediaries between the producer and the consumer.

Wide-body Refractive Globe: A translucent lamp enclosure used with some outdoor fixtures to provide a decorative look (including but not limited to acorn- and carriage light style fixtures). “Wide-body” refers to a wider than average size globe (greater than 15.75” in diameter). “Refractive” refers to the redirection (bending) of the light as it goes through the lens, rendering the light fixture more effective. Wide-body refractive globes are intended to soften and spread the light being distributed from the light source thereby reducing direct glare.

YYY

Yard: A yard is land area immediately adjacent to a building. Yards are broken into front, rear, and side. Front yards extend from the architectural front of a building to the fronting street or R-0W. Side yards extend from the sides of a building to a street R-O-W or property line. Rear yards extend from the back of a building to a property line or R-O-W. Yard configuration establishes building typologies.

ZZZ

Zero lot line: The location of a building on a lot in such a manner that one of the building's sides rests directly on a lot line; also referred to as a side yard house.

Zoning Administrator: The employee(s) designated by the City Manager to oversee the administration and enforcement of these regulations

Zoning District: See *District*

Zoning Permit: Written permission issued by the City of Belmont Planning Department for the

construction, or enlargement of a structure, including signs, or the grading or excavation of a site in preparation of construction or for the installation of underground utilities.

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