

### ***3.1 APPLICABILITY***

The following provisions shall apply throughout the jurisdiction of this Ordinance, regardless of the underlying regulating district.

### ***3.2 LOT STANDARDS***

No building, land or portion thereof shall be erected, used, moved, or altered except in conformity with the regulations specified for the district in which it is located.

- A. No yard or lot existing upon adoption of this Ordinance shall be reduced in size or area below the minimum requirements of the regulating district. Yards or lots created after the effective date of this Ordinance shall meet the minimum requirements established by this Ordinance.
- B. Every building erected, moved, or structurally altered shall be located on a lot conforming to the requirements of the regulating district.
- C. Front yard and side yard setbacks for infill structures shall be equal to the average setbacks for all principal structures within 300 ft or one block length (whichever is greater). For the purpose of saving mature trees, or in the case of steep topography, increased setbacks may be administratively approved by the Planning Director.
- D. Mixed-use or non-residential buildings on corner lots shall be considered to have 2 front yards and shall utilize the minimum front setback for each façade. Residential structures may reduce the required side yard setback for corner lots upon approval of the Planning Director.
- E. Only one principal building and its customary accessory building(s) shall be located on any lot, except in appropriate districts that permit a lot to contain both residential and non-residential uses in one or more principal structures or within the same structure.
- F. Nothing in this Ordinance shall require any change in the plans, construction, or designed use of any building or structure for which a building permit was secured prior to the adoption of this Ordinance, providing the building permit remains valid.
- G. All non-residential structures on a lot shall have access available from a public street for use by service or emergency vehicles.
- H. All lots shall front upon a street built in accordance with Chapter 8. Generally, all buildings shall front directly upon a street in a manner that creates a public space that is conducive to pedestrian use and shall provide adequate facilities for all types of traffic, including motorists, pedestrians, bicyclists, and transit users, and including of all levels of ability, such as those in wheelchairs, the elderly and the young. With the provision of lane or alley access, lots may front upon a close or a square, but shall be of sufficient design to allow for the provision of emergency services.
- I. Up to 4 residential lots platted prior to August 7, 1995 may be accessed from a public street via a privately maintained easement with a minimum width of 35 ft for use by service or emergency vehicles.

***3.3 IRREGULAR LOT SETBACKS***

Front, side and/or rear yards on any irregularly shaped lots shall be determined by the Zoning Administrator with respect to adjacent homes, and the maintenance of street vistas. The determination will be based on the spirit and intent of this Ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots.

***3.4 BLOCKS***

The lengths, widths, and shapes of blocks shall be determined with due regard to:

- A. The provision of adequate building sites suitable to the special needs of the type of use contemplated, and adequate public open spaces accessible and visible to residents.
- B. District requirements and design criteria.
- C. Needs of non-vehicular (pedestrians and bicyclists) and vehicular traffic circulation and the control and safety of such traffic.
- D. Opportunities and constraints of topography, with convenient access to important physical and topographical features such as lakes and rivers, significant areas of trees and other natural features, and areas of high ground offering scenic views.

Blocks shall not be less than 200 feet nor more than 660 feet (1/8 mile), unless site and topography or other special circumstances are present as determined by the Planning Board and approved by City Council or if the street network serves only Suburban Residential and Rural Residential zones. Suburban Residential and Rural Residential blocks may not exceed 1056 feet (1/5 mile).

Blocks shall have sufficient width to allow 2 tiers of lots of minimum depth except where single tier lots are required to separate residential development from another type of use, or when abutting a perennial stream or lake.

***SECTION 3.5 TEMPORARY STRUCTURES/USES***

Temporary structures and uses shall be permitted in compliance with the provisions of this Ordinance and all other ordinances of the City of Belmont.

The Planning Department may issue a temporary use permit for up to one (1) year only. At the end of one (1) year, the petitioner must file for another extension of up to one (1) year with the Planning Department. At that time, the petitioner must show that construction or plans for construction are proceeding in a diligent manner. The petitioner is allowed a maximum of two (2) extensions. The following temporary structures and uses shall be permitted:

***3.5.1 CONSTRUCTION TRAILERS AND MOBILE SALES OFFICES***

Construction trailers may be permitted on all non-residential construction developments and residential developments with ten (10) or more dwelling units. Construction trailers and mobile residential neighborhood sales offices shall adhere to all district setbacks and shall not be permitted on the lot more than thirty (30) days after the completion of the development or upon issuance of the final Certificate of Occupancy.

**3.5.2 TEMPORARY MANUFACTURED HOME USE**

Manufactured homes may be allowed as a temporary use in a zoning district in which such use is not permitted if a disaster occurs which results in the destruction or damage of an occupied single-family dwelling unit greater than sixty (60) percent of its current tax value. In this instance, a manufactured home may be placed on the lot containing the dwelling unit that was destroyed or damaged to give the occupants a place to live while a new dwelling unit is being constructed or damage to the original dwelling unit is being repaired. Such use is subject to the following conditions:

- A. The manufactured home shall not be placed in the front yard and shall be located no closer than fifteen (15) feet to another principal residential structure on another lot and no closer than ten (10) feet to any lot line.
- B. The Planning Department shall have the authority to issue a zoning permit for such temporary use on a one-time basis only for a period of nine (9) months. Such permit may be renewed on a one-time only basis [for a period not to exceed nine (9) months] by the Planning Board if it is determined upon information submitted by the applicant that:
  1. Construction of a new dwelling unit is proceeding with diligence; and,
  2. The granting of this permit will not materially endanger the public, health, welfare or safety; and,
  3. The location of the manufactured home on the site does not have a significant negative or adverse impact on the value of adjacent properties.

**3.5.3 TEMPORARY INSTITUTIONAL CLASSROOMS, HOUSING, AND OFFICES**

Temporary structures may be used for temporary classroom space or office as a temporary institutional use granted by the Planning Department. All such temporary structures shall be provided with underpinning, from the bottom of the walls to the ground, made of vinyl, pre-painted aluminum material, or other similar solid materials.

Temporary structures may be authorized by special use permit for housing associated with an institutional use for a maximum of a one-year period. Request for a time extension requires approval by the city council.

**3.5.4 TEMPORARY YARD AND GARAGE SALES**

Yard, garage, tag, patio and apartment sales are permitted without a permit, as an accessory use on any residential or institutional property in any district. Such sales on the same lot shall be limited to no more than two (2) days per calendar month. Additional regulations can be found in *Chapter 10 Signs*.

### ***3.5.5 SALES OF CHRISTMAS TREES AND OTHER AGRICULTURAL PRODUCTS***

These shall be allowed in all zoning districts. However, in a lot that contains a principal residential use, all such agricultural products sold shall be limited to those which are grown on premises.

### ***3.6 USES NOT EXPRESSLY PERMITTED OR SPECIAL USES***

Uses designated as "permitted uses" and "uses permitted with "performance standards" are allowed in a district as a matter of right. Uses requiring a special use permit are permitted upon approval by the City Council.

Unless a use is allowed as a "permitted use", "use permitted with performance standards", "special use", "nonconforming use", or "temporary use", then such use is prohibited.

### ***3.7 PARKING OF BOATS, COMMERCIAL AND RECREATIONAL VEHICLES***

#### ***3.7.1 PARKING AREA RESTRICTED***

No boats, recreational vehicles, non-operational trucks or automobiles, or covered trucks or automobiles (whether operational or not) may be stored in any front yard, including a driveway. All such storage shall be in the side or rear yards only.

#### ***3.7.2 RECREATIONAL VEHICLES***

A recreational vehicle shall not be considered a dwelling unit. The use of a recreation vehicle for living, sleeping or housekeeping and its connection to utility services (other than for periodic maintenance and/or repair purposes) shall be prohibited unless the vehicle is located in a camping and recreational vehicle park designed to accommodate recreation vehicles.

#### ***3.7.3 COMMERCIAL VEHICLES***

Commercial vehicles limited to vans, mobile food vendors, and trucks having a gross vehicle weight rating (GVWR) of up 18,000 pounds may be parked on an overnight basis on any lot of less than one (1) acre. This requirement does not prohibit vehicles from loading and unloading household goods in any Residential area for a period of up to twenty-four (24) hours.

No residentially developed lot may be used as the base of operation for any freight hauling truck.

### ***3.8 CONTAINMENT AREAS FOR TRASH AND RECYCLABLES***

All containment devices for trash and recyclables, including compactors, dumpsters, commercial roll-out bins, and areas for storing cardboard shall be located and designed so as not to be visible from the view of adjacent streets and properties and shall be placed in the side or rear yards only. All containment areas shall meet the following standards:

- A. All containment areas shall be enclosed to contain windblown litter.
- B. The enclosure shall be at least as high as the highest point of the compactor or dumpster.
- C. The enclosure shall be made of a material that is opaque at the time of installation and compatible with and/or similar to the design and materials of the principal building.
- D. All compactors and dumpsters shall be placed on a concrete pad that is large enough to provide adequate support, allows for positive drainage, and conforms to the Gaston County Health Department regulations governing compactor pads.
- E. The enclosure shall contain gates to allow for access and security.
- F. Dumpsters and compactors shall be located within the side or rear yard behind buildings and away from sidewalks or pedestrian circulation. Such locations should be accessible to service vehicles.

**3.9 RESIDENTIAL ACCESSORY STRUCTURES**

**3.9.1 GENERAL REQUIREMENTS:**

- A. Accessory structures shall require the issuance of a zoning permit if the structure is more than one story and/or has one or more sides that are greater than twelve (12) linear feet in length. Floor space in each permitted and non-permitted accessory structure shall be combined to tabulate the maximum allowed total floor area of all accessory structures, as stated in Section 3.9.4.
- B. No accessory structure shall be located over water/sewer lines, storm drains, or other public health/safety facilities, easements or prescriptive easements; nor shall it obstruct those facilities or city meters. Accessory structures which are in violation may be moved/destroyed at owner’s expense.
- C. The following uses are permitted within outbuildings:
 

Accessory dwelling unit (see 3.10.1)	Pet shelter/enclosure
Artist studio space	Parking
Customary home occupation	Poolhouse
Equipment enclosure	Sauna
Temporary Family Health Care Structure (see Section 6.2.25)	
Workshop	
- D. Accessory structures should be clad in materials of a similar nature to that of the principal structure and/or its trim.
- E. The building footprint of all accessory structures on a lot shall never encompass more than 25% of a rear yard as defined in Chapter 2.
- F. Approval of a special use permit is required for any proposed:
  - a. Garage, carport, accessory dwelling unit, or combination thereof, in the front yard of a waterfront lot or a lot over one acre in size when the accessory structure meets the required front setback for the primary structure.

- b. Any accessory structure outside of the principal structure setback area that exceeds one story in height. Approval shall require installation of a Type A opaque buffer or other impact mitigation based on site specific conditions.

### ***3.9.2 LOCATION REQUIREMENTS:***

- A. Garages, carports, and accessory dwelling units (ADU) may be located in the side yard within the principal structure buildable area or in the rear yard when meeting the setback requirements in Section 3.9.3. Placement in a front yard is only allowable upon issuance of a special use permit as authorized in Section 3.9.1.F.a.
- B. Mailboxes, newspaper boxes, walls, fences, birdhouses, flagpoles, and pump covers may be placed in any front, side, or rear yard.
- C. Mechanical equipment (other than HVAC units), outdoor storage, pet shelters, pools, sheds, workshops, and other similar accessory structures shall be located only within the rear yard.

### ***3.9.3 HEIGHT AND SETBACK REQUIREMENTS:***

*(See Figures 1 and 2)*

- A. Accessory structures may be two (2) stories in height, not to exceed 26 feet, when observing the setback requirements for the principal structure (within the buildable area). (See Section 4.2 for principal structure setback requirements)

Otherwise, accessory structures must be one (1) story in height.

- B. Accessory structures outside the primary structure building area must meet the following rear and side setback requirements unless otherwise specified in Chapter 4:
  - 3 ft. – lots 7,000 sq. ft. or less
  - 5 ft. – lots over 7,000 sq. ft.
  - 10 ft. – pools (see 3.10.1)
  - 15 ft. – from the street-side or rear property line of corner lots

ACCESSORY STRUCTURES LOCATED INSIDE PRINCIPAL STRUCTURE BUILDABLE AREA

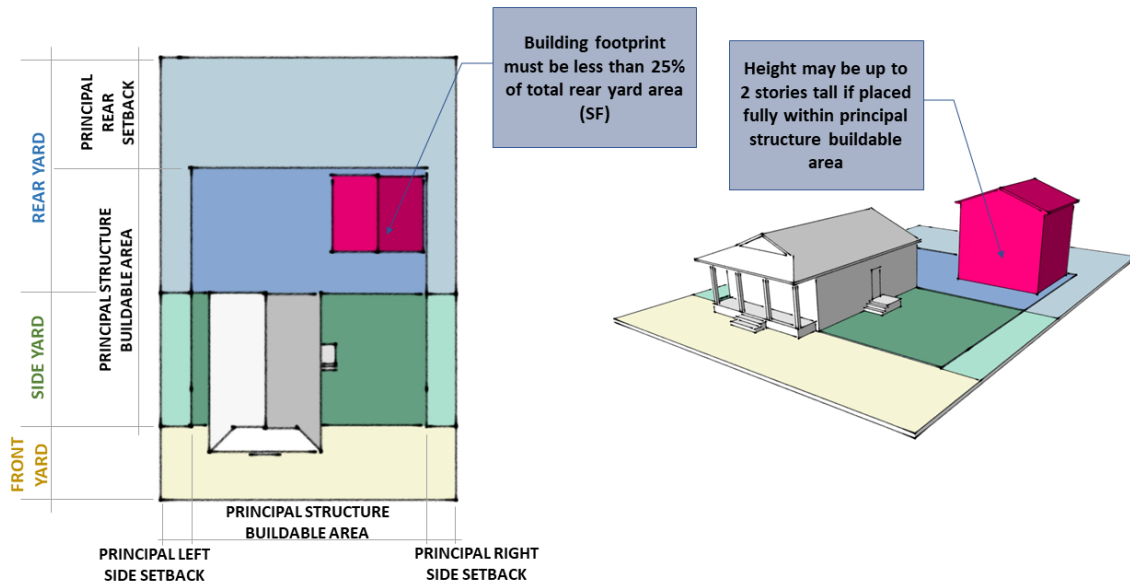


FIGURE 1

ACCESSORY STRUCTURES LOCATED OUTSIDE PRINCIPAL STRUCTURE BUILDABLE AREA

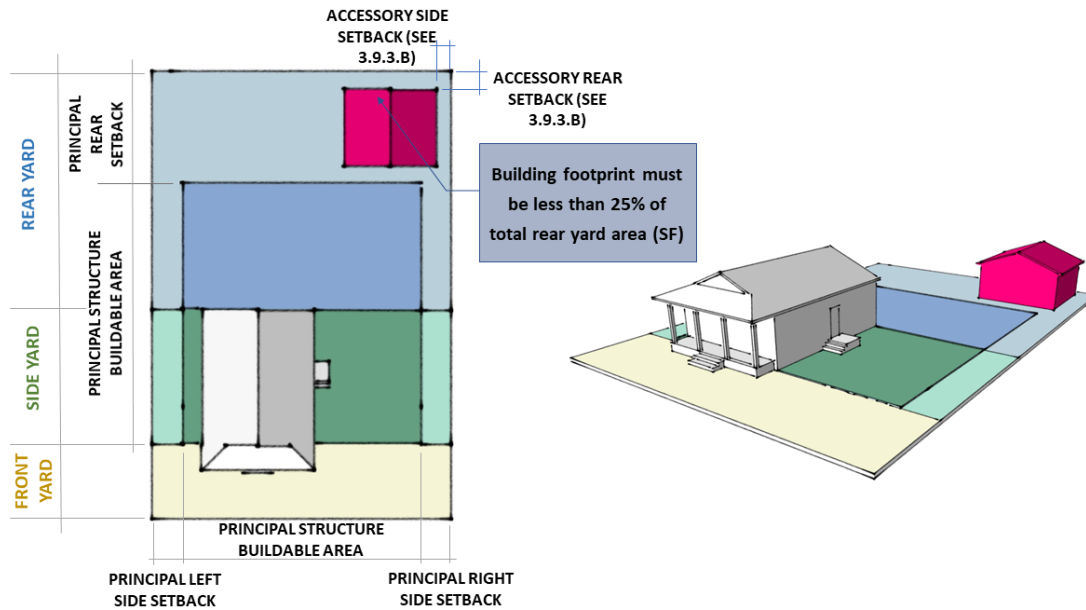


FIGURE 2

**3.9.4 SIZE AND NUMBER ALLOWED BY LOT ACREAGE:**

<b>Lot Size</b>	<b># allowed</b>	<b>Total SF (whichever is greater)</b>
Under 7000 SF	2	500 SF or 50% heated SF of primary structure  (+200 SF if detached ADU on property)
7000 SF- ½ acre	2	700 SF or 50% heated SF of primary structure  (+300 SF if detached ADU on property)
½+ acre-1 acre	2	900 SF or 50% heated SF of primary structure  (+400 SF if detached ADU on property)
1+ acre- 3 acres	3	1800 SF or 50% heated SF of primary structure  (+500 SF if detached ADU on property)
3+ acres	3	2400 SF or 50% heated SF of primary structure  (+600 SF if detached ADU on property)

**3.10 ADDITIONAL REGULATIONS FOR SPECIFIC ACCESSORY STRUCTURES AND USES**

**3.10.1. ACCESSORY DWELLING UNITS (ADU)**

- A. An accessory dwelling unit may only be located on a lot containing one single-family detached structure (excludes duplexes).
- B. Only one accessory dwelling unit shall be permitted per single-family detached dwelling; and it may be attached or detached.
- C. An accessory dwelling unit may be up to 900 sq. ft. in total square footage.
- D. Accessory dwelling units must comply with all applicable local, state, and federal housing codes.
- E. Parking for the principal dwelling unit must be maintained or replaced on site. One additional parking space for the accessory dwelling unit shall be provided on site. The planning director may consider an on-street parking space as satisfying this requirement when:



1. The street width can accommodate on-street parking and it is not otherwise prohibited by the city or the neighborhood; and
  2. There exists no other practical alternative for the on-site parking space.
- F. **Attached ADU** (See Figure 3)
1. Setbacks for attached accessory dwelling units shall be the same as the principal structure.
  2. The front entrance of an attached accessory dwelling unit may not share the same façade frontage as the principal dwelling.
- G. **Detached ADU**: (See Figure 4)

If a detached ADU is located closer to the property line than its primary dwelling, additional landscape and/or fence screening in the form of a Type A opaque buffer may be required by the Planning Director or designee in order to protect the privacy of its occupants and those of the adjacent property. Appropriate screening will be determined during site plan review based on the number/size of window openings planned, proximity to the neighboring dwelling, and any existing landscaping and/or fencing already present on the site.

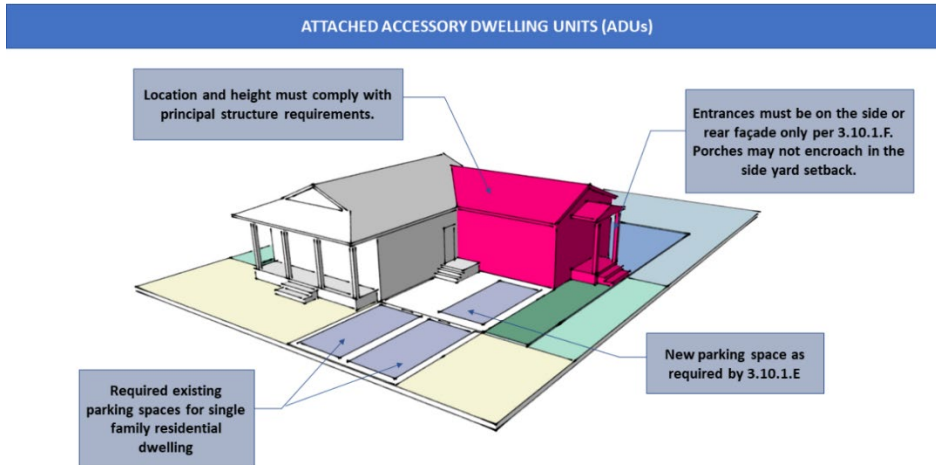


FIGURE 3

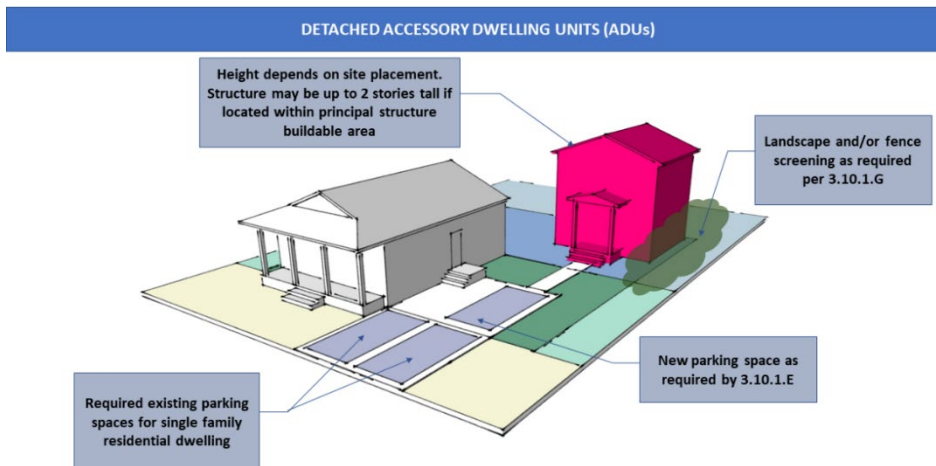


FIGURE 4

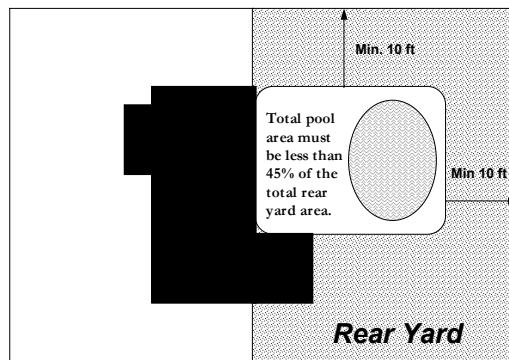
**3.10.2 POOLS (for Single Family Homes)**

Pools for single family homes, whether above-ground or in-ground, shall be built only in a rear or side yard. The surface area of a pool within a side yard shall be limited to 200 square feet.

The total pool area shall include all structures, and walks or patio areas of cement, stone, or wood, at or above grade, built for, and used in conjunction with the pool. The total pool area shall not exceed 45% of the combined required side and rear yard.

Pools shall be setback a minimum of 10 ft from all side and rear property lines. Patio areas at grade have no setback requirements from rear and side lot lines

Pools shall have the pool area, including any pool-related structure(s) and areas as defined above, enclosed by a fence with a minimum height of four (4) feet and a maximum height of eight (8) feet.



**3.10.3 SATELLITE DISHES**

Satellite dishes less than 12 inches in diameter may be located anywhere on a lot. All other satellite dishes shall adhere to the following standards:

- A. Satellite dishes shall be no larger than four (4) feet in diameter
- B. The maximum height shall be fifteen (15) feet unless the applicant can prove:
  - 1. a less intrusive location is not possible and,
  - 2. a higher location will improve reception
- C. The dish must be installed and grounded properly.
- D. Satellite dishes may not be located in front or side yards, unless otherwise dictated by the existing natural or built environment, or mounted on any front façade of a principal structure and shall meet all setbacks applicable to accessory structures.
- E. Satellite dishes shall not be located on a roof.

**3.11 SEDIMENTATION AND EROSION CONTROL**

In order to prevent soil erosion and sedimentation pollution of streams, springs, flat water bodies, or other drainage networks, the developer shall comply with all requirements of the North Carolina Sedimentation Pollution Control Act of 1973, as amended, and any other federal or state law or locally adopted ordinance.

The developer shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded, or otherwise protected. Temporary erosion and sedimentation control measures shall be placed in accordance with the approved Erosion Control Plan prior to any construction.

Erosion and sedimentation from land disturbance activities shall be controlled with silt fencing or any other method approved by the Code Enforcement Officer and the City Engineer to prevent siltation of adjoining parcels, lots, and streets.

**3.12 RESERVED****3.13 WATER AND SEWER PROVISIONS**

A. Municipal water and sewer service is required for all new development in all districts except:

1. Rural Residential (R-R); or
2. Suburban Residential (S-R) when:
  - a. A developing subdivision opts out of City sewer service on individual lots one acre or greater in size prior to schematic plan approval, and agrees to the utilization of septic service as approved by Gaston County; or
3. General Residential (G-R) when:
  - a. Property is located within the city's extraterritorial jurisdiction (ETJ); and
    1. Is an existing individual lot as of July 2018 located within a developed or developing subdivision currently serviced by well and/or septic service or
    2. Is an existing individual lot as of July 2018 and has no feasible access to city water and/or sewer service as determined by the city's utility director.