

6.1 PURPOSE

The City of Belmont finds that there are certain uses that exist which may be constructed, continued, and/or expanded provided they meet certain mitigating performance standards specific to their design and/or operation. Such performance standards ensure compatibility among building types so that different uses may be located in proximity to one another without adverse effects to either. This Chapter specifies those requirements that must be met by all the uses listed in the Uses Permitted with Performance Standards section for each District in Chapter 5.

Each use shall be permitted in compliance with all performance standards listed for the use in this chapter. Certain uses are classified as **Special Uses** and require City Council approval in accordance with Section 15.10.

6.2.1 ADULT ESTABLISHMENTS (Permitted in HC Only)* Special Use

- a) No such Adult Establishment shall be located less than 1,000 ft from a school, church, day care center, civic building, park, lot in residential use, lot with residential districting or other Adult Establishment.
- b) All openings shall have an opaque glazing to discourage visibility of the interior.
- c) The maximum floor area of each use shall be 3000 square feet.
- d) No exterior signage or building element shall be pornographic in nature or convey any such idea or element.
- e) An Adult Establishment lawfully operated as a conforming use is not rendered a nonconforming use by the subsequent location of a house, church, school, public park, child care center, or residential district with respect to the spacing requirements above.

6.2.2 AUTOMOTIVE/BOAT/HEAVY EQUIPMENT/MANUFACTURED HOME SALES AND/OR SERVICE (HC)* Special Use

- a) Large surface parking lots should be visually and functionally segmented into several smaller lots. The size of any single surface parking lot shall be limited to three acres, unless divided by a street, principal building, or Type A Opaque Screen/Buffer.
- b) No outdoor public address system shall be permitted which can be heard beyond the boundaries of the property.

6.2.3 PRIVATE NIGHTCLUBS (NC-C, D-D, H-C)* Special Use

- a) Live music shall not be audible off the premises at decibel levels louder than normal background noise after 11:00 pm, if such establishments are located within 350 feet of a residence. (Not applicable in D-D)
- b) The City Council may impose specific hours of operation and other appropriate conditions to minimize intrusiveness dependent upon prevailing neighborhood conditions and/or adjacency to residential development.

6.2.4 BED AND BREAKFAST INNS (RR, SR, GR, NC-R, NC-C, H-C, INF-D, BC-D, IC-D)

- a) Single family homes used as bed and breakfast inns shall have a minimum heated floor area of 1,500 square feet.
- b) Single family homes used as bed and breakfast inns may not subdivide existing rooms into less than 200 sq ft.
- c) All guest parking shall be to the rear of the home. Where on-street parking is permitted, the length of the street in front of the lot may be counted as parking. There shall be one space per room of lodging.

6.2.5 CEMETERY (RR, SR, GR, NC-R, NC-C, TN-D, BC-D, IC-D)

- a) Embalming or cremation facilities are not permitted except where permitted by right.
- b) Brick walls between 1.5' and 4' are permitted along the perimeter.
- c) Wood or wrought iron fences between 2.5' and 8' are permitted along the perimeter.
- d) Setbacks from all street right-of-ways and adjacent properties to a wall or grave shall be a minimum of 8 ft.

6.2.6 DAY CARE CENTERS AND DAY CARE HOMES (RR, SR, GR, NC-R, NC-C, H-C, INF-D, TN-D, BC-D, IC-D)

All day care centers (but not all day care homes) shall be located on a lot that has direct access onto an arterial or collector street as identified on the most recently adopted version of the Gaston-Cleveland-Lincoln MPO's Functional Classification System Map.

A. Child day care center

A child day care center must be contained within a permitted building type for the District in which it is to be located.

Play space must be provided in accordance with the regulations of North Carolina Department of Human Resources. Outdoor play space must be enclosed on all sides by building, and/or permitted types of walls or fences; it may not include driveways, parking areas, or land otherwise unsuited for children's play space; play space may not be in the established front yard.

B. Adult day care center

An adult day care center must be contained within a permitted building type for the District in which it is to be located.

There is no limit on the hours of operation of an adult day care center, but it shall not serve any client on a continuous 24-hour basis.

C. Child day care home

The day care operation must be located within the residential dwelling unit occupied by the operator of the service. Preschool instruction and daytime care is limited to 5 children not related to the operator.

Play space must be provided in accordance with the regulations of the North Carolina Department of Human Resources. Outdoor play space must be fenced or otherwise enclosed on all sides and may not include driveways, parking areas, or land otherwise unsuited for children's play space; it is prohibited in any front yard.

A day care home must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained. A zoning permit shall be issued annually by the City of Belmont to any child day care home to ensure compliance with all applications.

D. Adult Day Care Home

An adult day care home must be located within the residential dwelling unit occupied by the operator of the service. Care is limited to no more than five (5) adults who do not reside in the dwelling.

An adult day care home must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained. A zoning permit shall be issued annually by the City of Belmont to any adult day care home to ensure compliance with all applications.

6.2.7 DRIVE-THROUGH COMMERCIAL (NC-C, H-C, BC-D, TN-D/CD)

- a) Drive-through windows and services shall be located and accessed on the side or rear of a building.
- b) Drive-through windows and services located and accessed on the side of a building in the Neighborhood Center-Commercial district shall be approved as a *Special Use*, limited to one lane, and shall be screened from off-site view from a public street.
- c) Vehicle queuing for drive-through uses shall be located outside of and physically separated from the right-of-way of any street. This area shall not interfere with the efficient internal circulation of the site, adjacent property, or adjacent street right-of-way.
- d) In the NC-C District drive-through facilities shall be screened from off-site view from a street right of way by of a Type A buffer with a minimum width of 10 ft.
- e) Drive-through windows and services for drug stores are allowed in TN-D/CD and shall be approved as a “Special Use” limited to one lane with an additional by-pass lane, and shall be screened with at least a Type B buffer (min. height 4 feet) if facing an existing residential property.
- f) Drive-through windows and services located and accessed on the side/rear of a building in the Business Campus Development district shall be approved as a Special Use and limited to four lanes. If an existing residential property is located adjacent to the drive-through facility or is across a public street, a Type A buffer (min. width 10 ft.) shall be required.

6.2.8 ELECTRONIC GAMING OPERATIONS (H-C)

- a) Location. No electronic gaming operation, as defined by this ordinance, shall be located within 500 feet of an adult establishment, bar, private club, place of worship, public or private school or college, park or playground, licensed child day care facility, residential zoning district, residential use, or any other existing electronic gaming operation. Measurements of separation shall be made as a straight line measurement from the nearest point of property line to nearest point of property line of the uses listed in this section.
- b) Hours of Operation. No person or entity engaged in electronic gaming operations shall engage in the business before 9:00 a.m. or after 12:00 midnight.
- c) Age Restrictions. Persons under the age of eighteen (18) are prohibited within the premises.

6.2.9 ESSENTIAL SERVICES, CLASS 1 & 2 (All Districts) (Free-Standing Wireless Communications Towers exceeding 35 ft in Height, and Electric Substations Require Special Use Permit)

- a) Wireless communications towers in all districts (except HC and BC-D districts) may not exceed the maximum permitted height for a given district except as a component of an existing or proposed structure not intended for human occupancy (i.e. Church bell towers and steeples) or attached to existing or proposed public infrastructure such as street lights, water towers and electrical transmission towers. All such towers shall be designed using stealth design elements. Wireless communications facilities attached to existing or proposed structures such as water towers, transmission towers, church steeples, streetlights, bell towers, or similar structures do not require a special use permit.
- b) The maximum height of all wireless communications towers in the HC district and any BC-D district shall be 180 feet; provided, however, that the maximum height of a tower may be greater than 180 feet, but less than 200 feet when such tower is designed and constructed to accommodate the present or potential co-location of an additional wireless communications service provider or public safety communication use.
- c) Free standing wireless communications towers in HC and BC-D districts shall be setback a distance equal to the total height measured from grade elevation from all adjoining properties of differing designation.
- d) No wireless communications tower shall be sited within 1 mile of another wireless communications tower except as a component of existing public utility infrastructure.
- e) All ancillary structures shall be screened with an opaque screen of landscaping, wood fence, or wall, or any combination thereof.
- f) All wireless communications towers in the HC and BC-D districts shall be constructed using a monopole design.
- g) All Essential Service facilities (except Small Wireless Facilities) shall be located outside of all front and side yards and shall provide Type A Opaque Screening around all ground facilities.
- h) Micro wireless facilities shall be allowed and permitted as stated in the most recent applicable North Carolina General Statutes.
- i) Small Wireless Facilities in all zoning districts and city rights-of-way shall adhere to the following requirements:
 - i. Small Wireless Facilities shall be collocated on existing infrastructure unless the applicant submits clear and convincing evidence that a new pole is necessary to close a significant gap in the applicant's service coverage which cannot be accomplished through collocation.
 - ii. Each modified or replacement utility pole or city utility pole shall not exceed 40 feet above ground level on property zoned as single-family residential, or in the right of way adjacent to such property, or 50 feet above ground level on all other property.
 - iii. Each new Small Wireless Facility shall not extend more than 10 feet above the associated utility pole, city utility pole, or wireless support structure on which it is collocated.

- iv. All Small Wireless Facilities shall be stealth facilities. Antenna and accessory equipment must be shrouded or otherwise concealed.
- v. Small Wireless Facilities, associated poles, and equipment shall be blended with the natural surroundings to the extent possible. Colors and materials shall be used that are compatible with the surrounding area, except when otherwise required by applicable federal or state regulations. Small Wireless Facilities shall be located, designed, and/or screened to blend in with the existing natural or built surroundings to reduce the visual impacts as much as possible, and to be compatible with neighboring land uses and the character of the community.
- vi. Ground equipment shall be screened, to the extent possible, with evergreen plantings or other acceptable alternatives approved by the Planning Director.
- vii. Small Wireless Facilities shall be removed by the service provider within 180 days of abandonment.

6.2.10 EVENTS FACILITY (G-R, NC-R, NC-C, H-C, D-D, BC-D, IC-D)

- a) Must be located on or have direct access to an arterial or collector street as identified on the most recently adopted version of the Gaston-Cleveland-Lincoln MPO's Functional Classification System Map..
- b) In a G-R district, an events facility must be on a lot that is at least 2 acres in area and may only be allowed with a special use permit.

6.2.11 FUNERAL HOME (NC-R, NC-C, H-C)

- a) Minimum lot size is 1 acre.
- b) A funeral home shall be located on a lot that has direct access onto an arterial or collector street as identified on the most recently adopted version of the Gaston-Cleveland-Lincoln MPO's Functional Classification System Map.

6.2.12 CONVENIENCE STORES (NC-C, HC)

- a) Gasoline pumps, canopies, and associated service areas are prohibited in any established front yard abutting a street.
- b) All areas where vehicles are stored temporarily shall be considered as parking lots and must comply with the provisions of Chapter 10.
- c) All such vehicle storage areas shall be located at the rear of the building.
- d) The outdoor service area of a car wash shall be placed in the rear yard only and screened from view.
- e) Lighting provided by canopies shall be per the specifications of Chapter 10.

6.2.13 HOME OCCUPATIONS (RR, SR, GR, NC-R, NC-C, H-C, INF-D, TN-D, BC-D, IC-D)

A home occupation is permitted accessory to any dwelling unit (except manufactured housing) in accordance with the following requirements:

- a) The home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling.
- b) A home occupation conducted in an accessory structure shall be housed only in a garage or other accessory structure that meets the requirements of this Code.
- c) The use shall employ no more than one person who is not a resident of the dwelling.
- d) A home occupation housed within the dwelling shall occupy no more than 25 percent of the total floor area of the dwelling.
- e) There shall be no visible outside display of stock in trade which is sold on the premises.

- f) There shall be no outdoor storage or visible evidence of equipment or materials used in the home occupation, excepting equipment or materials of a type and quantity that could reasonably be associated with the principal residential use.
- g) Operation of the home occupation shall not be visible from any dwelling on an adjacent lot, nor from a street.
- h) Only non-commercial vehicles will be permitted in connection with the conduct of the home occupation.
- i) The home occupation shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisances outside the dwelling or accessory structure housing the home occupation.
- j) Home occupations shall be limited to those uses which do not draw clients to the dwelling on a regular basis.
- k) No business identification or advertising signs are permitted.

6.2.14 Hotels (IC-D)

- a) Hotels shall be allowed in IC-D if they promote the many varied uses associated with the institutions while maintaining the overall design integrity of the traditional campus setting.
- b) Incidental commercial uses shall be allowed in association with the hotel. Examples include, but are not limited to: catering establishments, restaurants, and gift shops.

6.2.15 MAJOR SUBDIVISIONS (All Districts)

- a) Major subdivisions with fifty (50) residential lots or more must have at minimum two entrances into the development.
- b) Major subdivisions meeting or exceeding the following thresholds require approval through conditional zoning:
 - i) the proposed use requires a TIA or TTM according to Chapter 16.14, or
 - ii) the subdivision of land into fifty (50) residential lots or more, or
 - iii) the subdivision of land into four (4) non-residential lots or more.
- c) Major subdivisions that do not meet any of the thresholds as defined in section (b) above require review by the city's technical review committee (TRC) to allow for comment and coordination with all applicable city departments prior to approval.
- d) Regarding infrastructure and utilities, a property owner or developer may elect to:
 - i) Improve or install all infrastructure as needed to adequately serve the subdivision;
 - ii) Wait to construct the subdivision until capacity exists to accommodate the proposed use, subject to continued vesting per NC G.S. 160D-108.1; or
 - iii) Enter into a development agreement to address necessary public facilities per N.C. G.S. 160D-1006.
- e) Issuance of a driveway permit is subject to required transportation improvements as outlined in NC G.S. 160A-307.

6.2.16 MANUFACTURED HOUSING (RR, MH-D, and Existing Manufactured Home Parks)

- a) A continuous, permanent brick foundation or curtain wall, unpierced except for required ventilation and access, shall be installed upon a poured concrete footer after placement on the lot, and before occupancy.
- b) The minimum width (the width being the narrower of the two overall dimensions) of the main body of the manufactured home as assembled on the site shall be at least twenty-two (22) feet for a distance extending along the length (the length being the longer of the two overall dimensions) of at least twenty (20) feet. In general terms, this only permits double-wide manufactured housing.

- c) The manufactured home shall front on a street such that the primary entrance is aligned to the street.
- d) The manufactured home is set up on the site in accordance with the standards set by the NC Department of Insurance.
- e) The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.
- f) In no instance may a manufactured home be used for a nonresidential purpose.
- g) A manufactured home must bear a seal certifying that it was built to the standards adopted on July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction.

6.2.17 NEIGHBORHOOD STORES (NC-C, TN-D, INF-D)

- a) The building may contain additional uses including a café, a contract post office, an automatic bank teller, and a newsstand.
- b) No uses associated with the operation of a gas station are permitted.

6.2.18 NEIGHBORHOOD MANUFACTURING (NC-C, D-D)

- a) To avoid blank walls and dead space that inhibit pedestrian activity, neighborhood manufacturing uses with storefronts along pedestrian oriented streets (Ex: Main Street and East Catawba Street) shall provide active storefronts. Active storefronts shall include large display windows, commercial sales areas, merchandise, show rooms, or similar areas that enliven the street. Such uses shall not exceed 2,500 ft² in total manufacturing area. Neighborhood manufacturing uses shall be limited to existing non-residential development fronting on East Catawba Street and Main Street. Neighborhood manufacturing uses outside these designated corridors may be approved upon the issuance of special use permit.

6.2.19 OUTDOOR STORAGE EXCEPT FOR LANDSCAPING/GARDEN SUPPLIES/LIVE PLANTS (HC, BC-D)

- a) All outdoor storage shall be located in the side or rear yard only and shall be screened from view with Type B Landscaping (Semi-Opaque Screen).

6.2.20 OUTDOOR STORAGE OF LANDSCAPING/GARDEN SUPPLIES/LIVE PLANTS (NC-C, D-D)

- a) Outdoor storage of landscaping/garden supplies/live plants shall only be permitted as an auxiliary and seasonal use of an established business that conducts its primary operations in a permanent building.
- b) The total area of outdoor storage for a business shall not exceed 40% of the gross building area in which the business is located and operates.
- c) All outdoor storage shall be located in the side and/or rear yard only.
- d) No detached/attached trailers, sheds, metal shelters, or other accessory structures may be used in connection with the outdoor storage.

6.2.21 RECREATIONAL FACILITIES (RR, SR, GR, NC-R, NC-C, H-C, INF-D, TN-D, BC-D, IC-D)

- a) All recreational facilities shall be treated as parks in design and landscaping. All structures associated with a recreational facility shall be located toward the perimeter of the lot.
- b) Recreational facilities are encouraged to be built adjoining school campuses, parks, greenbelts, parkways, greenways, or waterfronts.
- c) Parking shall be to the rear and/or side of the building(s).
- d) The principal building shall face the fronting street and shall not be setback a distance that inhibits pedestrian access. All public swimming pools shall comply with 15A NCAC 18A

.2500 Rules Governing Public Swimming Pools available from the Gaston County Health Department. Pools and other active uses should be screened and/or buffered with a Type A Opaque Screen/Buffer from any existing or proposed residential property to minimize noise and visual trespass.

6.2.22 RESTAURANTS (NC-C, DD, H-C, TN-D, BC-D, IC-D)

- a) Outdoor seating shall not obstruct sidewalks or streets, but may encroach upon sidewalks.

6.2.23 TEMPORARY AMUSEMENTS (GR, HC, BC-D)

- a) The applicant must comply with city fire department and county building inspection department safety recommendations. A certificate of occupancy must be obtained before the attraction may be opened to the public.
- b) The audience of any temporary attraction must be orderly at all times, and it shall be unlawful for any person attending such event to create a disturbance in the audience.
- c) Amplified sound equipment shall not be permitted outside of the structure used as a temporary attraction.
- d) Parking shall be provided in a ratio equivalent to one space per 25 sq. ft. of the total space used for the attraction, including auxiliary and administrative areas.
- e) Flashing, rotating, or intermittently illuminated lighting may not be visible from the area surrounding the building.
- f) If any part of the site abuts a residential neighborhood or parcel, the temporary attraction may not issue tickets or queue additional patrons after 10:00 p. m. local time.
- g) A temporary amusement facility may only be allowed in the GR zoning district by special use permit and shall be located within a civic building or a publicly-owned park.
- h) A temporary amusement attraction is limited to a maximum of 45-operational days.
- i) The applicant shall obtain a zoning permit from the Planning and Zoning Department prior to set-up and/or operation of proposed temporary amusement use.

6.2.24 WATER-RELATED STRUCTURES (All Districts)

- a) All water-related structures shall be approved by Duke Power Shoreline Management prior to any construction. Prior to the issuance of zoning compliance for a building permit, the applicant must obtain and submit the required authorization from the Duke Energy Shoreline Management or any other pertinent outside agency. All water-related structures shall be in conformance with all applicable Federal Energy Regulatory Commission (FERC) and Duke Energy Shoreline Management regulations.
- b) A marina is permitted by right subject to other provisions of this article. A public-use marina is allowed when accessed by means of any property zoned other than G-R, S-R, and R-R. A private-use marina is allowed when it is part of a residential subdivision or multi-family development provided it is managed by an organized homeowners' association or property management firm. A public-use marina may include boat sales, boat repair, and related merchandise sales. Free-standing restaurants and a marina store (new development with parking) are allowed on any property zoned BC-D or IC-D as an adaptive re-use of under-utilized properties. An existing structure in these zones may be used for the sales and service of boats. Boat repair services shall be conducted inside the building and the occupancy must be approved by building inspections and a fire inspector. Outdoor storage of watercraft not located in marina slips shall be screened using a Type A opaque buffer (see Ch. 11). This requirement may be waived only if the boat storage area is interior to a site and the boats are not visible from a residence, a right-of-way, or a waterway. Fuel pumps are allowed only at the marina dock.

6.2.25 TEMPORARY FAMILY HEALTH CARE STRUCTURE (RR, SR, GR, NC-R, NC-C, INF-D, TN-D, BC-D, IC-D)

- a) A temporary family health care structure is permissible in compliance with N.C.G.S 160D-915. Associated definitions:
 - i. Activities of daily living: Bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating.
 - ii. Caregiver: An individual 18 years of age or older who (i) provides care for a mentally or physically impaired person and (ii) is a first or second degree relative of the mentally or physically impaired person for whom the individual is caring.
 - iii. First or second degree relative: A spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew or niece and includes half, step and in-law relationships.
 - iv. Mentally or physically impaired person: A person who is a resident of this State and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in this state.
- b) Only one temporary family health care structure shall be allowed on a lot or parcel.
- c) Structure shall comply with all setback requirements that apply to the primary structure, shall not be placed on a permanent foundation, and shall connect to municipal water, sewer, and electric utilities serving the property.
- d) Structure shall be removed within 60 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section. If the temporary family health care structure is needed for another mentally or physically impaired person, the structure may continue to be used, or may be reinstated on the property within 60 days of its removal.
- e) The caregiver shall obtain a zoning permit from the city prior to installation of such structure and shall provide all necessary documentation of compliance with this section.

6.2.26 BLOOD PLASMA FACILITY (H-C) Special Use

- a) A use-by-right blood plasma facility shall be located at least five hundred (500) linear feet away from any residential or civic use or district. The separation distance shall be measured from property line to property line.
- b) A blood plasma facility located within five hundred (500) linear feet of any residential or civic use or district may be permitted upon approval of a Special Use Permit (SUP).
- c) Hours of operation may be between 8:00 a.m. and 8:00 p.m. only.

6.2.27 SHORT-TERM RENTALS (All Districts)

- a) Short-term rentals (STRs) are allowed in any existing zoning districts where residential and/or lodging uses are permitted.
- b) The city of Belmont will require a permit for individual properties that have more than four verified code violations in a rolling 12-month period or two or more verified code violations in a rolling 30-day period.
- c) No exterior advertising shall be allowed
- d) In residential zoning districts, short-term renters shall not utilize the premise for holding pre-planned special events or gatherings (such as weddings, corporate retreats, or other large gatherings).
- e) Must provide one parking space per bedroom, up to two parking spaces per unit. One additional parking space for an accessory dwelling unit shall be provided on site.
 - i. On-street parking may be allowed when the street width can accommodate on-street parking and there exists no other practical alternatives.

- f) Short-term rental operators shall comply with all applicable local, state, and federal laws, according to the local authority having jurisdiction related to fire and safety, including but not limited to smoke and carbon monoxide detecting equipment; and payment of taxes to appropriate governmental entities, including occupancy taxes.

6.2.28 MOBILE FOOD VENDOR (ALL ZONING DISTRICTS)

Intent: Mobile food vendors are allowed and encouraged to operate in specific locations around Belmont in a way that fosters entrepreneurial spirit while being compatible with existing businesses.

While the municipal code regulates uses within public rights-of-way and sidewalks, the land development code outlines standards for operation on privately-owned properties.

On property owned by the City of Belmont, mobile food vendors are required to obtain prior approval by the Parks and Recreation department, Events Coordinator, or other City designee.

- a) All mobile food vendors must adhere to the following standards:
 - i. Provide their own source of power.
 - ii. Provide their own trash disposal.
 - iii. Location of mobile food vendors shall not restrict the pedestrian and vehicular circulation on-site and shall ensure all zoning requirements are able to be maintained for existing uses.
 - iv. Operations cannot impact or encroach on public sidewalks or streets.
- b) Mobile food vendors must obtain all applicable permits from county health departments and others as applicable.
- c) Any violation of these or other requirements shall require the vendor to cease operations and immediately remedy the violation.