

DESCRIPTION: Public hearing to consider TA 2020.02 Amendment of Various Chapters of the LDC: a request to amend various chapters of the LDC to change the name of the Conditional Use Permit (CUP) to Special Use Permit (SUP) consistent with state law. This amendment also includes the ability to request for temporary institutional housing through the special use permit process.

MEETING: 2020_05_04 Regular City Council

DEPARTMENT: Planning and Zoning

STAFF CONTACT: Shelley DeHart

FISCAL IMPACT SUMMARY:

N/A

SUMMARY OF ACTION:

Request to amend chapters 2, 3, 4, 5, 6, 9, 15, and 16 to allow flexibility to request temporary institutional housing through a special use permit, and updating the LDC to change terminology consistent with state law, replacing the term "conditional use permit" with "special use permit." Other minor changes were made while editing which include updating references to provisions in G.S. Chapter 160A to indicate relevant provisions in Chapter 160D and modifying some of the definitions. This is the first of many updates to the LDC that will come before the board for consideration in compliance with G.S. Chapter 160D.

EXHIBITS:

[TA2020.02_CReport](#)

STAFF RECOMMENDATION:

Receive the Planning & Zoning Board recommendation to approve as presented.



CITY OF BELMONT

PLANNING & ZONING

Amendment of Chapters 2, 3, 4, 5, 6, 9, 15, and 16 of the Land Development Code

Application number: TA-2020.02 Amendment of Various Chapters

Request: The Planning and Zoning Board requests the city council receive its recommendation to approve the amendment of Chapters 2, 3, 4, 5, 6, 9, 15, and 16 of the Belmont Land Development Code (LDC) renaming conditional use permit (CUP) to special use permit (SUP) in compliance with state law, and also to allow temporary housing for institutional uses by SUP.

Background: The impetus for the proposed amendment stems from a request for temporary housing for institutional uses, the amendment of the city’s development regulations to allow for considerations of such request by SUP, and recent changes in state law governing land use and development.

Analysis: The proposed amendment of the various chapters addresses the following:

- Changes the name of the conditional use permit to special use permit as mandated by state law; and
- Allows for temporary housing for institutional uses by SUP; and
- Changes general statute references and some definitions, bringing the LDC into compliance with newly adopted state law.

The proposed changes are attached to the draft ordinance, however, the specific pages of the LDC are outlined in the table below:

Chapters	Pages	Changes
2	2-7 to 2-10, 2-12, 2-23, 2-29	Definitions: Developer, Dwelling, Special Use Permit & References from 160A to 160D
3	3-3 to 3-5	Allow Institutional Temporary Housing, change CUP to SUP
4	4-8	Change CUP to SUP
5	5-1, 5-2, 5-4 to 5-8, 5-10 to 5-12, 5-14 to 5-21, 5-23, 5-26, 5-31, 5-40 to 5-42	Change CUP to SUP
6	6-1 to 6-4, 6-6 to 6-8	Conditional to Special Use, removed requirement that bed and breakfast be owner occupied, and references from 160A to 160D, and change mitigating conditions to mitigating performance standards.
9	9-3	Change CUP to SUP
15	15-9 to 15-13	CUP to SUP, applicant provide written consent for conditions, 160A to 160D, adjust the improvement guarantee consistent with state law
16	16-3,16-8	160A reference to 160D and special use

Planning & Zoning Board: The board heard this item at its April public meeting. Minor edits were recommended and have been included in this draft amendment. After deliberation, the board unanimously approved a motion to recommend that council approve the amendment and made the required consistency finding as presented below.

The board finds this request to be consistent with goal #8—Intergovernmental Relations—of the Belmont Comprehensive Land Use Plan because it brings the city’s development codes into compliance with state law.

Recommendation: Receive the planning and zoning board recommendation to approve and make the required consistency finding.

Attachment A- Draft Amendment—see Exhibit A of Ordinance