



DESCRIPTION: Consider Approval of an Ordinance Adopting Zoning Text Amendment TA2020.02: An amendment of 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 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:

None

SUMMARY OF ACTION:

Having held the required public hearing, the City Council may now consider an ordinance approving the changes to the Land Development Code contained in TA2020.02 An ordinance adopting these amendments is enclosed for your consideration.

The city council may approve the amendment as presented, modify the amendment, send the amendment back to the Planning and Zoning Board for further study, or deny the amendment. The City Council must also consider a consistency statement with the required findings.

EXHIBITS:

[CC Ordinance Exhibit A](#)

STAFF RECOMMENDATION:

The city manager recommends approval of TA2020.02 and a finding of consistency with the Comprehensive Land Use Plan.

An Ordinance to Amend the Belmont Land Development Code

WHEREAS, the City of Belmont has a Land Development Code that provides for various rules for how land can be used and developed within Belmont's planning and zoning jurisdiction; and

WHEREAS, the State reorganized and modified land use and development regulations in 2019 which will require the local governments to amend their regulations; and

WHEREAS, the City initiated the petition (TA2020.02) to amend Chapters 2, 3, 4, 5, 6, 9, 15, and 16 of the Land Development Code to modify the name of a conditional use permit (CUP) to special use permit (SUP) as mandated by state law, and to allow for temporary institutional housing consideration by SUP; and

WHEREAS, the public hearing for this text amendment has been noticed in compliance with the North Carolina General Statutes; and

WHEREAS, the Belmont Planning and Zoning Board reviewed this text amendment petition (TA2020.02) at its April 16, 2020 public meeting and voted 6-0 to find the amendment consistent with goal #8—Intergovernmental Relations—of the Belmont Comprehensive Land Use Plan, and to recommend approval of the amendment to the City Council; and

WHEREAS, the Belmont City Council held the public hearing on May 4, 2020, and, after hearing such, made the following required finding:

The petition is/is not 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.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Belmont, that Chapters 2, 3, 4, 5, 6, 9, 15, and 16 of the Land Development Code be/not be amended by the revision of items described on Exhibit A.

If any provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, independent provision and such holding shall not affect the validity of any other provision thereof, and to that end, the provisions of this Ordinance are hereby declared to be severable.

This Ordinance shall be effective on this 4th day of May 2020.

Attest:

Charles R. Martin, Mayor

City Clerk

Approved as to form:

City Attorney

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.

~~**Conditional Use:** A use subject to specific provisions or which requires the approval of the City Council before the issuance of a zoning permit.~~

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 § ~~460A-418~~. *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:** The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.~~

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

2. Having an outstanding valid building permit as authorized by ~~the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1~~ *NCGS 160D-102*), or
3. Having an approved site specific or phased development plan as authorized by ~~the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1~~ *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.

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 ~~160A-361~~ *160D-301* and ~~160A-362~~ *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.

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.

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 ~~CONDITIONAL~~ SPECIAL USES

Uses designated as "permitted uses" and "uses permitted with ~~conditions~~ *performance standards*" are allowed in a district as a matter of right. Uses ~~classified as~~ *requiring a special use permit* "~~conditional~~" are permitted upon approval ~~of a development plan approved~~ by the City Council.

Unless a use is allowed as a "permitted use", "use permitted with ~~conditions~~ *performance standards*", "~~conditional~~ *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 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 ACCESSORY STRUCTURES

3.9.1 PERMITTED USES:

The following uses are permitted within outbuildings:

- | | |
|---|-----------------------------|
| Parking | Sauna |
| Gazebo | Workshop |
| Poolhouse | Conservatory |
| Equipment Enclosure | Rental Cottage (see 6.2.21) |
| Customary Home Occupation | Pet Shelter/Enclosure |
| Artist Studio Space | |
| Temporary Family Health Care Structure (see 6.2.25) | |

3.9.2 LOCATION

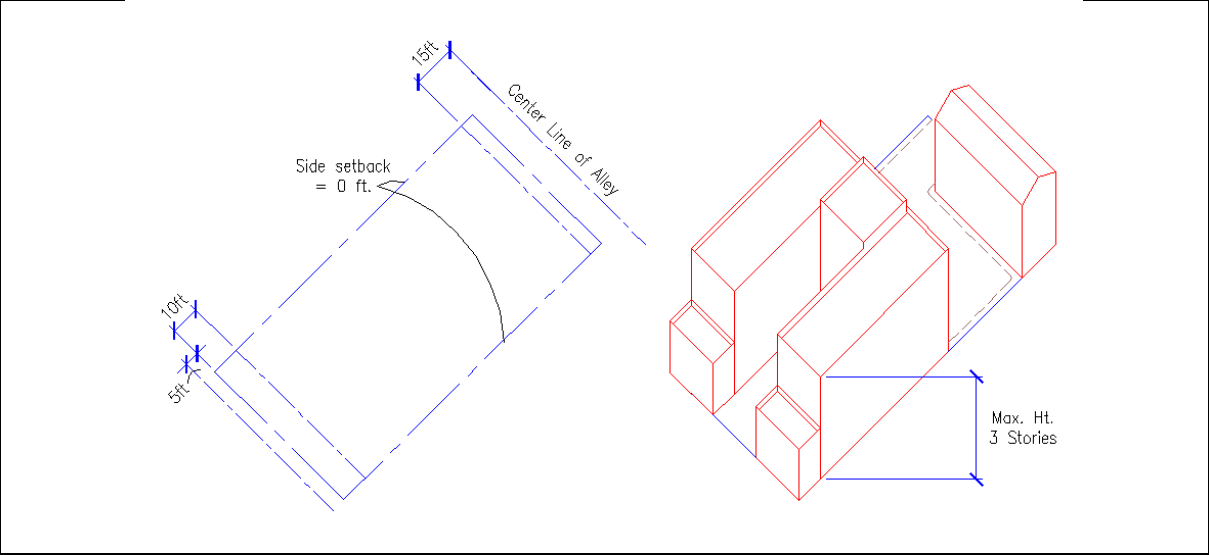
For all residential lots:

- A. Mechanical equipment (other than HVAC units), outdoor storage, pet shelters, and similar accessory structures, shall be located only within the rear yard.
- B. Detached garages and carports may be located in the side yard or rear yard. If placed in the side yard, in front of the rear plane of the house, only one is permissible and the required side yard setback must be observed.
- C. Mailboxes, newspaper boxes, walls, fences, birdhouses, flagpoles, and pump covers may be placed in any front, side or rear yard.
- D. For lots one acre in size or larger or waterfront lots, detached garages may be placed within the front yard observing required setbacks with an approval of a ~~conditional use permit~~ *special use permit*.

4.4 APARTMENT BUILDING

Description: A multiple-unit building with apartments vertically arranged and with parking located below or behind the building. Units may be for rental or for sale in condominium ownership or may be designed as continuing care facilities. The ground floor may be available for commercial uses. The use permitted within the building is determined by the District in which it is located.

1. LOT REQUIREMENTS



Setbacks:
Front (Maximum): 0-25 ft.
Sides: 0 ft. (Corner-4 ft.)
Rear: 15 ft. from centerline of alley or lane

Parking and Vehicular Access: Primary vehicular access is provided using a rear lane or alley only. Off-street parking shall be located in the rear yard only; except on corner lots where parking areas and structures may be allowed in the side yard subject to the issuance of a *special use permit* or Conditional District Zoning. No curb cuts or driveways are permitted along the frontage except for vehicular access to rear parking.

Performance Standards may vary based on zoning classification. See zoning district classification in Chapter 5.

Maximum Height: 3 Stories

Accessory Structures:
Side/Rear Setback: 0 ft.
Maximum Footprint: 1,300 sq. ft.

Accessory structures over 1,300 sq. ft. are subject to the issuance of a *special use permit* or Conditional District Zoning.

Encroachments: Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback. Upper story balconies may encroach into the right-of-way up to 5 feet with permission from the City.



5.1 GENERAL PROVISIONS

This Code establishes the following Districts for use as Zoning categories:

- Rural Residential (RR)
- Suburban Residential (SR)
- General Residential (GR)
- Neighborhood Center Residential (NC-R)
- Neighborhood Center Commercial (NC-C)
- Downtown District (DD)
- Highway Commercial (HC)
- Infill Development (INF-D)
- Traditional Neighborhood Development (TN-D)
- Business Campus Development (BC-D)
- Institutional Campus District (IC-D)
- Reserved
- Watershed Protection Overlay (WP-O)
- Highway Corridor Overlay (HC-O)
- Rural Commercial (RC)
- Manufactured Housing Development (MH-D)
- Conditional Districts (CD)
- South Point Peninsula Overlay (SPP-O)
- South Fork Overlay (SF-O)

In addition, each District has a corresponding Conditional District (CD) as outlined in Section 5.18. The overlay zoning districts are not eligible for a Conditional District, although the underlying zoning district(s) are.

These Districts are a cross-matrix of both the Building Types listed in Chapter 4 as well as the **Permitted Uses, Uses Permitted with Additional Requirements, and Uses Permitted subject to the issuance of a ~~Conditional Use Permit~~ Special Use Permit (SUP) or Conditional District Zoning.**

All uses permitted in this Code have been divided into seven (7) general categories and are defined as follows:

- Residential:** Premises available for long-term human habitation by means of ownership and rental, but excluding short-term letting of less than a month’s duration
- Lodging:** Premises available for short-term human habitation, including daily and weekly letting
- Office:** Premises available for the transaction of general business, but excluding commercial sales and manufacturing
- Commercial:** Premises available for the commercial sale of merchandise and prepared foods, but excluding manufacturing
- Manufacturing:** Premises available for the creation, assemblage, and repair of items including their retail sale except when such activity creates adverse impacts

- Civic:** Premises available for not-for-profit organizations dedicated to religion, arts and culture, education, government, social service, transit, and other similar functions
- Other:** Uses not otherwise classified but permitted with ~~Additional Conditions~~ *Performance Standards* in Chapter 6 and/or subject to the issuance of a ~~Conditional Use Permit~~ *Special Use Permit* in accordance with Section 15.10.

Within these categories, the uses are defined as Open, Limited, and Restricted indicating the general permissiveness within each use category.

Uses shall only be allowed in those zoning districts in which they are listed in the various general zoning districts contained in Chapter 5. The Land Development Code text does not identify all potential uses. Many allowable uses are contained within identified use categories (i.e., commercial use, light manufacturing, etc.) For instance, a “blueprinting service” is not specifically identified in any particular zoning district but meets the definition of a “commercial use.” Thus, a blueprinting service would be allowed in any district where “commercial uses” are allowed. Conversely, a “day care center”, which meets the definition of a “commercial use”, is specifically listed as being allowed in certain districts only. Accordingly, “day care centers” and similar uses which are specifically identified are only allowed in those identified zoning districts and are prohibited in all other zoning districts.

A Conditional District Zoning process may be used to satisfy a ~~Conditional Use Permit~~ *special use permit* requirement when additional relief is requested in compliance with Section 5.18 Conditional Districts (CD), of this code and as provided in this Chapter.

3. Permitted Uses (Rural Residential RR)	
Residential	<p>Limited Residential: The number of dwellings is limited by the required lot dimensions and the provision of public water and sewer service.</p> <p>Permitted Uses: Single Family Homes, Duplexes, Manufactured Housing, and Bona Fide Farms</p>
Lodging	<p>Limited Lodging: The number of bedrooms available for lodging is limited by the requirement of one assigned parking space for each bedroom, in addition to the parking requirement for each dwelling. Food service may only be provided to guests.</p> <p>Permitted Uses: Rental Cottages (in Ancillary Buildings)¹ and Bed and Breakfast Inns¹</p>
Office	<p>Restricted Office: Customary home occupation uses are permitted provided the office use is restricted to the first floor or ancillary building and by the requirement of one assigned parking space for each 400 sq. ft., in addition to the parking requirement for each dwelling.</p> <p>Permitted Uses: Home Occupations¹</p>
Commercial	<p>Restricted Commercial: Drive-in Theatres shall be permitted with a minimum lot size of 3 acres, and with the establishment of a Type A buffer/screening around the perimeter of the property. (See Section 11.2) Day Care Centers and Day Care Homes¹. All other commercial uses are forbidden.</p>
Manufacturing	<p>Restricted Manufacturing: Manufacturing uses are not permitted.</p>
Civic	<p>Open Civic: Civic uses shall be permitted, except those uses that exceed 25,000 square feet shall be subject to the issuance of a Conditional Use Permit <i>special use permit</i> or Conditional District Zoning.</p>
Other	<p>Cemetery¹, Essential Services-Class 1 & 2¹, Recreational Facilities¹, Water-related Structures¹, Temporary Family Health Care Structure¹</p>

¹See ~~Additional Conditions~~ *Performance Standards* in Chapter 6
²Subject to the issuance of a ~~Conditional Use Permit~~ *special use permit*

5.3 SUBURBAN RESIDENTIAL (SR)

The Suburban Residential District is coded to allow low to moderate density development in areas farther from central Belmont, but to ensure that these areas develop along the same traditional lines as central Belmont. This District is intended to be the predominant residential district for areas identified on the Comprehensive Land Use Map as Suburban Neighborhood and Semi-Rural Neighborhood.

<p>1. Permitted Building Types</p> <p>Except where topographic or pre-existing building conditions prohibit, all new buildings shall front on public streets.</p>	<p style="text-align: center;">Detached House – Alley and Street Lot Townhouse Civic Building</p>
<p>2. Specific District Provisions</p> <p>District provisions may vary if lots are located within the South Point Peninsula Overlay District. See Chapter 5.19</p>	<p>1. Minimum Lot Size The minimum lot size for a duplex home shall be 21,780 square feet, except with approval of a Conditional Use Permit <i>special use permit</i>.</p> <p>2. Maximum Development Density Maximum Density (on a project by project basis): 3 Units/Acre</p> <p>3. Permitted Building Type Ratio The maximum number of Detached House-Alley Lot and Townhouse buildings in an SR development shall not exceed 30% of the total number of units.</p> <p>4. Lot Width</p> <p>On infill lots, the minimum lot width shall be equal to the average lot width of lots within 300 feet or 1 block length (whichever is greater), except with approval of a Conditional Use Permit <i>special use permit</i>.</p>

3. Permitted Uses (Suburban Residential SR)	
Residential	<p>Limited Residential: The number of dwellings is limited by the required lot dimensions and the provision of public water and sewer service.</p> <p>Permitted Uses: Single Family Homes, Duplexes, and Townhouses (in new developments only, no townhouses are permitted on infill lots in the SR District)</p>
Lodging	<p>Limited Lodging: The number of bedrooms available for lodging is limited by the requirement of one assigned parking space for each bedroom, in addition to the parking requirement for each dwelling. Food service may only be provided to guests.</p> <p>Permitted Uses: Rental Cottages (in Ancillary Buildings)¹ and Bed and Breakfast Inns¹</p>
Office	<p>Restricted Office: Customary home occupation uses are permitted provided the office use is restricted to the first floor or ancillary building and by the requirement of one assigned parking space for each 400 sq. ft., in addition to the parking requirement for each dwelling.</p> <p>Permitted Uses: Home Occupations¹</p>
Commercial	<p>Limited Commercial: The area permitted for commercial uses is limited to the first story at corner locations. Parking shall be negotiated on a site-by-site basis.</p> <p>Permitted Uses: Day Care Centers and Day Care Homes¹</p>
Manufacturing	<p>Restricted Manufacturing: Manufacturing uses are not permitted.</p>
Civic	<p>Open Civic: Civic uses shall be permitted, except those uses that exceed 25,000 square feet shall be subject to the issuance of a Conditional Use Permit <i>special use permit</i> or Conditional District Zoning.</p>
Other	<p>Cemetery¹, Essential Services-Class 1 & 2¹, Recreational Facilities¹, Water-related Structures¹, Temporary Family Health Care Structure¹</p>

¹See ~~Additional Conditions~~ *Performance Standards* in Chapter 6
²Subject to the issuance of a ~~Conditional Use Permit~~ *special use permit*

5.4 GENERAL RESIDENTIAL (GR)

The General Residential District is coded to permit the health of the City’s historical neighborhoods as well as providing for the City’s expansion with new development along the same traditional lines under which they were established. This District is intended to be the predominant residential district for the City and represents the largest land area on the Zoning Map.

<p>2. Permitted Building Types</p> <p>Except where topographic or pre-existing building conditions prohibit, all new buildings shall front on public streets.</p>	<p style="text-align: center;">Detached House – Alley and Street Lot Townhouse Civic Building</p>
<p>2. Specific District Provisions</p> <p>District provisions may vary if lots are located within the South Point Peninsula Overlay District. See Chapter 5.19</p>	<p>1. Minimum Lot Size For Lots platted prior to June 6, 2002, the minimum lot size is 4,000 square feet. The minimum lot size for a duplex home shall be 10,000 square feet, except with approval of a Conditional Use Permit <i>special use permit</i>.</p> <p>2. Maximum Development Density Maximum Density (on a project by project basis): 6 Units/Acre</p> <p>3. Permitted Building Type Ratio The maximum number of Detached House-Alley Lot and Townhouse buildings in a GR development shall not exceed 30% of the total number of units.</p> <p>4. Lot Width On infill lots, the minimum lot width shall be equal to the average lot width of lots within 300 feet or 1 block length (whichever is greater), except with approval of a Conditional Use Permit <i>special use permit</i>.</p>

3. Permitted Uses (General Residential GR)	
Residential	<p>Limited Residential: The number of dwellings is limited by the required lot dimensions and the provision of public water and sewer service.</p> <p>Permitted Uses: Single Family Homes, Duplexes, and Townhouses (in new developments only, no townhouses are permitted on infill lots in the GR District)</p>
Lodging	<p>Limited Lodging: The number of bedrooms available for lodging is limited by the requirement of one assigned parking space for each bedroom, in addition to the parking requirement for each dwelling. Food service may only be provided to guests.</p> <p>Permitted Uses: Rental Cottages (in Ancillary Buildings)¹ and Bed and Breakfast Inns¹</p>
Office	<p>Restricted Office: Customary home occupation uses are permitted provided the office use is restricted to the first floor or ancillary building and by the requirement of one assigned parking space for each 400 sq. ft., in addition to the parking requirement for each dwelling.</p> <p>Permitted Uses: Home Occupations¹</p>
Commercial	<p>Limited Commercial: The area permitted for retail is limited to the first story at corner locations. Parking shall be negotiated on a site-by-site basis.</p> <p>Permitted Uses: Day Care Centers and Day Care Homes¹; Events Facility^{1,2}, Temporary Amusements^{1,2}</p>
Manufacturing	<p>Restricted Manufacturing: Manufacturing uses are not permitted.</p>
Civic	<p>Open Civic: Civic uses shall be permitted, except those uses that exceed 25,000 square feet shall be subject to the issuance of a Conditional Use Permit <i>special use permit</i> or Conditional District Zoning.</p>
Other	<p>Cemetery¹, Essential Services-Class 1 & 2¹, Recreational Facilities¹, Water-related Structures¹, Temporary Family Health Care Structure¹</p>

¹See ~~Additional Conditions~~ *Performance Standards* in Chapter 6

²Subject to the issuance of a ~~Conditional Use Permit~~ *special use permit*

3. Permitted Uses (Neighborhood Center Residential NC-R)	
Residential	Open Residential: The number of dwellings is limited by the required lot dimensions and the provision of public water and sewer service. Permitted Uses: Single Family Homes, Duplexes, and Multi-Family
Lodging	Limited Lodging: The number of bedrooms available for lodging is limited by the requirement of one assigned parking space for each bedroom, in addition to the parking requirement for each dwelling. Food service may only be provided to guests. Permitted Uses: Rental Cottages (in Ancillary Buildings) ¹ and Bed and Breakfast Inns ¹
Office	Open Office: The area available for office use is limited by the requirement of one assigned parking space for each 400 sq. ft. Permitted Uses: Home Occupations ¹ , Live-Work Units, Professional Offices Uses
Commercial	Limited Retail: The area permitted for commercial uses is limited to the first story at corner locations. Parking shall be negotiated on a site-by-site basis. Permitted Uses: Day Care Centers and Day Care Homes ¹ , Events Facility ^{1,2} , Funeral Home ^{1,2}
Manufacturing	Restricted Manufacturing: Manufacturing uses are not permitted.
Civic	Open Civic: Civic uses shall be permitted, except those uses that exceed 25,000 square feet shall be subject to the issuance of a Conditional Use Permit <i>special use permit</i> or Conditional District Zoning.
Other	Cemetery ¹ , Essential Services-Class 1 & 2 ¹ , Recreational Facilities ¹ , Water-related Structures ¹ , Temporary Family Health Care Structure ¹

¹See ~~Additional Conditions~~ *Performance Standards* in Chapter 6

²Subject to the issuance of a ~~Conditional Use Permit~~ *special use permit*

5.6 NEIGHBORHOOD CENTER COMMERCIAL (NC-C)

This District is coded to provide pedestrian-scaled higher density residential homes and opportunities for limited scale commercial activities along existing mixed use corridors and at the functional center of new neighborhoods. Developments in the NC-C Districts are to emulate the Main Street characteristics of Downtown and East Belmont, and encourage pedestrian use through connections to adjacent neighborhoods and the construction of mixed use buildings. NC-C may be used to apply initial zoning to existing commercial buildings outside of Downtown and East Belmont, and to allow for neighborhood-scaled commercial development outside the downtown commercial/civic area and village centers as shown on the Comprehensive Land Use Plan map.

<p>1. Permitted Building Types Except where topographic or pre-existing building conditions prohibit, all new buildings shall front on public streets.</p>	<p style="text-align: center;"> Detached House Townhouse Apartment Building Shopfront Civic Building Workplace Building (by CUP <i>Special Use Permit</i> or Conditional District Zoning) Flex commercial building (only in areas located outside Downtown and East Belmont) </p>
<p>2. Specific District Provisions</p>	<ol style="list-style-type: none"> 1. Maximum Building Footprint: 6,000 square feet for buildings located in the Downtown Commercial and Civic area and the Catawba Street Corridor area as shown on the Belmont Comprehensive Land Use Plan. No maximum outside of these areas. 2. To maintain pedestrian scale, accessibility, and integration with the surrounding neighborhoods, Neighborhood Center Commercial Districts should not exceed 30 acres or extend 1/8 of a mile from the central focus of the area. 3. New Neighborhood Center Commercial Districts shall be located a minimum of 1/4 mile from each other. 4. A Conditional Use Permit <i>special use permit</i> or Conditional District Zoning, shall be required for any building with a gross floor area of greater than 50,000 square feet.

3. Permitted Uses (Neighborhood Center Commercial NC-C)	
Residential	Open Residential: The number of dwellings is limited by the required lot dimensions and the provision of public water and sewer service. Permitted Uses: Single Family Homes, Duplexes, and Multi-Family
Lodging	Open Lodging: The number of bedrooms available for lodging is limited by the requirement of one assigned parking space for each bedroom, in addition to the parking requirement for each dwelling. Food service may be provided at all times. Permitted Uses: Rental Cottages (in Ancillary Buildings) ¹ , Bed and Breakfast Inns, and Hotels ¹
Office	Open Office: The area available for office use is limited by the requirement of one assigned parking space for each 400 sq. ft. Permitted Uses: Home Occupations, Live-Work Units, and Office Uses
Commercial	Open Commercial: The area available for commercial use is limited to the requirement of one assigned parking space for each 400 square feet of gross space. Permitted Uses: Commercial Uses, Drive-through Commercial ^{1&2} , Restaurants ¹ , Private Night Clubs ² , Funeral Homes ¹ , Convenience Stores (in flex commercial buildings only) ¹ , Neighborhood Stores ¹ , and Day Care Centers and Day Care Homes ¹
Manufacturing	Restricted Manufacturing: Neighborhood Manufacturing. ¹
Civic	Open Civic: Civic uses shall be permitted.
Other	Cemetery ¹ , Essential Services-Class 1 & 2 ¹ , Parking Structures ¹ , Recreational Facilities ¹ Outdoor Storage of Landscaping/Garden Supplies/Live Plants ¹ , Water-related Structures ¹ , Temporary Family Health Care Structure ¹

¹See ~~Additional Conditions~~ *Performance Standards* in Chapter 6

²Subject to the issuance of a ~~Conditional Use Permit~~ *special use permit*

3. Permitted Uses (Downtown District DD)	
Residential	Open Residential: The number of dwellings is limited by the required lot dimensions and the provision of public water and sewer service. Permitted Uses: Single Family Homes, Duplexes, and Multi-Family
Lodging	Open Lodging: Food service may be provided at all times. Permitted Uses: Rental Cottages (in Ancillary Buildings), Bed and Breakfast Inns, and Hotels
Office	Open Office: Permitted Uses: Home Occupations, Live-Work Units, and Office Uses
Commercial	Open Commercial: Permitted Uses: Commercial Uses, Restaurants, Night Clubs and Bars with Live Music ¹ , Entertainment Uses Excluded Uses: Drive-through Commercial, Automotive, Boat & Heavy Equipment Sales and Service, Adult Establishments, Adult Video Stores, Pool Halls, Billiard Parlors, Game Rooms, and Arcades.
Manufacturing	Restricted Manufacturing: Neighborhood Manufacturing. ¹
Civic	Open Civic: Civic uses shall be permitted.
Other	Cemetery ¹ , Essential Services-Class 1 & 2 ¹ , Parking Structures ¹ , Recreational Facilities ¹ , Temporary Uses ¹ , Temporary Family Health Care Structure ¹ Outdoor Storage of Landscaping/Garden Supplies ¹ , Water-related Structures ¹

¹See ~~Additional Conditions~~ *Performance Standards* in Chapter 6

²Subject to the issuance of a ~~Conditional Use Permit~~ *special use permit*

5.8 HIGHWAY COMMERCIAL (HC)

The intensity of commercial development in the Highway Commercial district is established by the traffic of the fronting thoroughfare. Though coded primarily for auto dependent development along the frontage, buildings that do not front along Wilkinson Boulevard shall be scaled to the pedestrian.

The intent of these regulations is to facilitate convenient access, minimize traffic congestion, and reduce the visual impact of excessive signage and parking lots. In addition to Wilkinson Boulevard, North Main Street, McAdenville Road, and Park Street in the proximity of Wilkinson Boulevard and the south side of I-85 may be designated for Highway Commercial development.

<p>1. Permitted Building Types Except where topographic or pre-existing building conditions prohibit, all new buildings shall front on public streets.</p>	<p style="text-align: center;"> Townhouse Apartment Building Shopfront Building Workplace Building Flex Commercial Building Civic Building </p>
<p>2. Specific District Provisions</p>	<ol style="list-style-type: none"> 1. Parking shall be in the side or rear yard only. Parking may be permitted in the front yard subject to the issuance of a Conditional Use Permit <i>special use permit</i> or Conditional District Zoning provided: <ol style="list-style-type: none"> a. There exists no practical alternative for the location of such parking because of the unique needs generated by a specific use b. The parking in the front yard, if provided, shall be set back a minimum of 10 feet from the right-of-way and shall be screened using a Type B-Semi Opaque Screen found in Section (11.2.B) 2. Loading areas in the rear yard only. 3. Uses greater than 50,000 square feet shall be subject to the issuance of a Conditional Use Permit <i>special use permit</i> or Conditional District Zoning.

3. Permitted Uses (Highway Commercial HC)	
Residential	<p>Open Residential: The number of dwellings is limited by the required lot dimensions and the minimum parking requirements of 1 ½ assigned spaces per unit.</p> <p>Permitted Uses: Multi-Family</p>
Lodging	<p>Open Lodging: The number of bedrooms available for lodging is limited by the parking requirements of Chapter 9. Food service may be provided at all times.</p> <p>Permitted Uses: Rental Cottages (in Ancillary Buildings), Bed and Breakfast Inns, Motels, and Hotels</p>
Office	<p>Open Office: The area available for office use is limited by the parking requirements of Chapter 9.</p> <p>Permitted Uses: Home Occupations, Live-Work Units, and Office Uses</p>
Commercial	<p>Open Commercial: The area available for commercial use is limited to the parking requirements of Chapter 9.</p> <p>Permitted Uses: Retail Commercial Uses, Restaurants, Private Nightclubs^{1,2}, Entertainment Uses, Adult Establishments^{1&2}, and Adult Video Stores ^{1&2}, Automotive/Boat/Heavy Equipment/Manufactured Home Sales and/or Service^{1&2}, Day Care Centers and Day Care Homes¹, Convenience Stores¹, Drive-through Commercial¹, Events Facility¹, Temporary Amusements¹, ABC package store/beer and wine (exclusive) discount store, Body/skin piercing establishment, Cash-advance/vehicle title loan service, Electronic gaming operation¹, Palm reading/fortune telling/psychic reading/tarot reading establishment, Pawn shop, Tattoo parlor and/or permanent cosmetic salon.</p>
Manufacturing	<p>Restricted Manufacturing: No manufacturing activity is permitted.</p>
Civic	<p>Open Civic: Civic uses shall be permitted.</p>
Other	<p>Essential Services-Class 1 & 2¹, Parking Structures, Recreational Facilities¹, Outdoor Storage¹, Water-related Structures¹</p>

¹See ~~Additional Conditions~~ *Performance Standards* in Chapter 6

²Subject to the issuance of a ~~Conditional Use Permit~~ *special use permit*

5.9 INFILL DEVELOPMENT (INF-D)

The intent of this District is to design infill developments in built-up environments that adhere to the following neighborhood design principles:

- Integration of existing street systems
- Flexibility of housing types
- Small-scale commercial uses that serve the immediate neighborhood
- Creation of a useable and coherent public realm
- Reservation of prominent sites for civic uses, where practical

Though it is similar to the Traditional Neighborhood Development, Infill Development has a more limited range of permitted building types and uses.

<p>1. Permitted Building Types Except where topographic or pre-existing building conditions prohibit, all new buildings shall front on public streets.</p>	<p style="text-align: center;">Detached House – Alley and Street Lot Townhouse Apartment Building Shopfront Building Civic Building</p>												
<p>2. Specific District Provisions</p>	<ol style="list-style-type: none"> 1. Minimum project size: 3 acres 2. Maximum project size: 40 acres (Projects in excess of 40 acres shall be developed as a TN-D) 3. Shopfront Buildings shall not exceed a maximum footprint area of 6,000 square feet. 4. The total number of multi-family units shall not exceed 35% of the total residential units or 25 acres, whichever is less, except with a Conditional Use Permit <i>special use permit</i> or Conditional District Zoning. 												
<p>3. Gross Land Allocation by Use The percentages are allocated on a gross area basis inclusive of the street rights-of-way.</p>	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Use</u></th> <th style="text-align: left;"><u>Minimum - Maximum</u></th> </tr> </thead> <tbody> <tr> <td>Single-Family Uses</td> <td>15% - 75%</td> </tr> <tr> <td>Duplex and Multi-Family Uses</td> <td>10% - 40%</td> </tr> <tr> <td>Lodging/Office/Retail Uses</td> <td>2% - 10%</td> </tr> <tr> <td>Civic Uses</td> <td>2% - no maximum</td> </tr> <tr> <td>Open Space</td> <td>Per Chapter 7</td> </tr> </tbody> </table>	<u>Use</u>	<u>Minimum - Maximum</u>	Single-Family Uses	15% - 75%	Duplex and Multi-Family Uses	10% - 40%	Lodging/Office/Retail Uses	2% - 10%	Civic Uses	2% - no maximum	Open Space	Per Chapter 7
<u>Use</u>	<u>Minimum - Maximum</u>												
Single-Family Uses	15% - 75%												
Duplex and Multi-Family Uses	10% - 40%												
Lodging/Office/Retail Uses	2% - 10%												
Civic Uses	2% - no maximum												
Open Space	Per Chapter 7												

2.8 Permitted Uses (Infill Development INF-D)	
Residential	<p>Open Residential: The number of dwellings is limited by the required lot dimensions and the provision of public water and sewer service. Permitted Uses: Single Family Homes, Duplexes, and Multi-Family</p>
Lodging	<p>Limited Lodging: The number of bedrooms available for lodging is limited by the parking requirements of Chapter 9. Food service may only be provided in the morning. Permitted Uses: Rental Cottages (in Ancillary Buildings)¹ and Bed and Breakfast Inns¹</p>
Office	<p>Limited Office: Customary home occupation uses are permitted provided the office use is restricted to the first floor or ancillary building and by the requirement of one assigned parking space for each 400 sq. ft., in addition to the parking requirement for each dwelling. Permitted Uses: Home Occupations¹ and Live-Work Units Exceptions: Offices (in existing Workplace buildings only)</p>
Commercial	<p>Limited Commercial: Commercial uses are forbidden with the following exceptions: One Neighborhood Store shall be permitted for each 300 units in a neighborhood. Permitted Uses: Day Care Centers and Day Care Homes¹ and Neighborhood Store¹</p>
Manufacturing	<p>Restricted Manufacturing: Manufacturing uses are forbidden.</p>
Civic	<p>Open Civic: Civic uses shall be permitted, except those uses that exceed 25,000 square feet shall be subject to the issuance of a Conditional Use Permit <i>special use permit</i> or Conditional District Zoning.</p>
Other	<p>Essential Services, Class 1 & 2¹, Recreational Facilities¹, Water-related Structures¹, Temporary Family Health Care Structure¹</p>

¹See ~~Additional Conditions~~ *Performance Standards* in Chapter 6

²Subject to the issuance of a ~~Conditional Use Permit~~ *special use permit*

5.10 TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TN-D)

The intent of this District is to allow for the development of fully integrated, mixed-use pedestrian-oriented neighborhoods that minimize traffic congestions, suburban sprawl, infrastructure costs, and environmental degradation. Traditional Neighborhoods adhere to the following design principles:

- All neighborhoods have identifiable centers and edges
- Edge lots are readily accessible to commercial and/or recreation by non-vehicular means (a distance not greater than ¼ mile)
- Uses and housing types are mixed and in close proximity to one another
- Street networks are interconnected and blocks are small
- Civic buildings are given prominent sites throughout the neighborhood

<p>1. Permitted Building Types</p> <p>Except where topographic or pre-existing building conditions prohibit, all new buildings shall front on public streets.</p>	<p style="text-align: center;">Detached House – Alley and Street Lot Townhouse Apartment Building Shopfront Building Workplace Building Civic Building</p>
<p>2. Specific District Provisions</p>	<ol style="list-style-type: none"> 1. Minimum project size: 40 acres 2. Maximum project size: 200 acres (Projects in excess of 200 acres should be developed as multiple Traditional Neighborhoods, each individually subject to all such provisions) 3. The entire land area of the TND shall be divided into blocks, streets, and lots and optional natural or greenbelt areas. 4. Similar land categories shall generally front across streets. Dissimilar categories shall abut at rear lot lines. Corner lots which front on streets of dissimilar use shall be set back the same as the adjacent use with the lesser setback. 5. Large-scale, single use (conference spaces, theaters, athletic facilities, etc.) shall occur behind or above occupiable street front space. 6. The long axis of streets exceeding 500 feet in length shall have appropriate termination with either a public monument, specifically designed building facade, or a gateway to the ensuing space. 7. No portion of the TND is further than 660 feet (1/8 mile) from an open space as defined in Chapter 7. 8. See Section 5.19 for residential district Additional Conditions <i>performance standards</i> if located within the South Point Peninsula Overlay District

<p>3. Gross Land Allocation by Use</p> <p>The percentages are allocated on the gross land area including street rights-of-way.</p>	<table border="0"> <thead> <tr> <th style="text-align: left;"><u>Use</u></th> <th style="text-align: left;"><u>Minimum - Maximum</u></th> </tr> </thead> <tbody> <tr> <td>Single-Family Uses</td> <td>15% - 75%</td> </tr> <tr> <td>Duplex and Multi-Family Uses</td> <td>10% - 40%</td> </tr> <tr> <td>Lodging/Office/Commercial/Manuf. Uses*</td> <td>2% - 40%</td> </tr> <tr> <td>Civic Uses</td> <td>2% - no maximum</td> </tr> <tr> <td>Open Space</td> <td>Per Chapter 7</td> </tr> </tbody> </table> <p>*The developer may request that the City Council waive the lodging/office/commercial/manufacturing uses after five years of the plat being recorded or after 50% build out of residential units in the development, whichever is sooner, if the development is located within one (1) street-mile of a Village Center or Downtown Commercial and Civic Center as shown on the Belmont Comprehensive Land Use Plan map.</p>	<u>Use</u>	<u>Minimum - Maximum</u>	Single-Family Uses	15% - 75%	Duplex and Multi-Family Uses	10% - 40%	Lodging/Office/Commercial/Manuf. Uses*	2% - 40%	Civic Uses	2% - no maximum	Open Space	Per Chapter 7
<u>Use</u>	<u>Minimum - Maximum</u>												
Single-Family Uses	15% - 75%												
Duplex and Multi-Family Uses	10% - 40%												
Lodging/Office/Commercial/Manuf. Uses*	2% - 40%												
Civic Uses	2% - no maximum												
Open Space	Per Chapter 7												
<p>4. Permitted Uses (Traditional Neighborhood Development TN-D)</p>													
<p>Residential</p>	<p>Open Residential: The number of dwellings is limited by the required lot dimensions and the provision of public water and sewer service. Permitted Uses: Single Family Homes, Duplexes, and Multi-Family</p>												
<p>Lodging</p>	<p>Open Lodging: The number of bedrooms available for lodging is limited by the requirement of one assigned parking space for each bedroom, in addition to the parking requirement for each dwelling. Food service may be provided at all times. Permitted Uses: Rental Cottages (in Ancillary Buildings), Bed and Breakfast Inns¹, and Hotels</p>												
<p>Office</p>	<p>Open Office: The area available for office use is limited by the requirement of one assigned parking space for each 400 sq. ft. Permitted Uses: Home Occupations, Live-Work Units, and Office Uses</p>												
<p>Commercial</p>	<p>Open Commercial: The area available for commercial use is limited to the requirement of one assigned parking space for each 400 square feet of gross-commercial space. Permitted Uses: Commercial Uses, Restaurants, Drive-through Commercial^{1,2}, and Neighborhood Stores¹</p>												
<p>Manufacturing</p>	<p>Limited Manufacturing: The area available for manufacturing use is limited to the building. Permitted Uses: Light Manufacturing Uses (no outdoor storage permitted)</p>												
<p>Civic</p>	<p>Open Civic: Civic uses shall be permitted.</p>												
<p>Other</p>	<p>Cemetery¹, Essential Services-Class 1 & 2¹, Parking Structures¹, Recreational Facilities¹, and Water-related Structures¹</p>												

¹ See ~~Additional Conditions~~ *Performance Standards* in Chapter 6

² Subject to the issuance of a ~~Conditional Use Permit~~ *special use permit*

5.11 BUSINESS CAMPUS DEVELOPMENT (BC-D)

In order to maintain an attractive and viable environment in which to locate workplaces, the City of Belmont has created this District to promote the existing academic campus setting in the City and the Southern Piedmont Region.

Business Campus Developments are coded to permit the development of corporate office campus, light industrial uses and heavy industrial uses. Such developments are typically too large in scale to fit within a neighborhood environment and must be designed in a manner that is more appropriate to their technology, production methods, and/or operations.

Business Campus Developments are coded to achieve the high quality site design and use flexibility inherent in campus design. This is accomplished through attention to a building’s architectural compatibility with other buildings and the relationship of buildings to the public realm.

This District may not be used to circumvent other Sections in this Code.

<p>1. Permitted Building Types Except where topographic or pre-existing building conditions prohibit, all new buildings shall front on public streets.</p>	<p style="text-align: center;">Detached House – Alley and Street Lot Townhouse Apartment Building Shopfront Building Workplace Building Civic Building</p>
<p>2. Specific District Provisions</p>	<p>1. Minimum District Size: 40 Acres</p> <p>2. Minimum District Setbacks (as measured from exterior District boundary) Parking: 80 ft. Light Manufacturing Uses: 200 ft. Heavy Manufacturing Uses: 400 ft.</p> <p>3. Maximum Building Height (within District only): 5 Stories or 60 ft.</p> <p>4. For infill lots, parking shall be allowed only in the side and rear yards, except as approved by a Conditional Use Permit <i>special use permit</i> or Conditional District Zoning</p> <p>5. Individual parcel(s) may be zoned BC-D contingent upon:</p> <ul style="list-style-type: none"> • The parcel(s) is (are) adjacent to an existing BC-D district; and, • Workplace and civic/institutional building types shall be the only building types permitted, except upon approval of a Conditional District Zoning; and • Only office and professional uses shall be allowed.

5. Permitted Uses (Business Campus Development BC-D)	
Residential	<p>Open Residential: The number of dwellings is limited by the requirement of 1.5 assigned parking spaces for each dwelling, a ratio that may be reduced according to the shared parking standard.</p> <p>Permitted Uses: Single Family Homes, Duplexes, and Multi-Family</p>
Lodging	<p>Open Lodging: The number of bedrooms available for lodging is limited by the requirement of one assigned parking space for each bedroom, in addition to the parking requirement for each dwelling. Food service may be provided at all times.</p> <p>Permitted Uses: Rental Cottages (in Ancillary Buildings)¹, Bed and Breakfast Inns¹, and Hotels</p>
Office	<p>Open Office: The area available for office use is limited by the requirement of one assigned parking space for each 250 sq. ft., a ratio that may be reduced according to the shared parking standards.</p> <p>Permitted Uses: Office Uses, Live-Work Units</p>
Commercial	<p>Restricted Commercial: Free-standing commercial uses are forbidden. Commercial uses are permitted as an auxiliary use within buildings containing primarily office uses such as cafeterias and restaurants, and specialty stores.</p> <p>Permitted Uses: Commercial Uses, Restaurants¹, and Day Care Centers and Day Care Homes¹. Drive-through Commercial¹; Events Facility¹; Temporary Amusements¹</p>
Manufacturing	<p>Open Manufacturing: The area available for manufacturing use is limited to the building and a contiguous yard to its rear screened from view. The parking requirement shall be negotiated according to the specific manufacturing activity.</p> <p>Permitted Uses: Light Manufacturing Uses, Heavy Manufacturing Uses²</p>
Civic	<p>Open Civic: Civic Uses, Hospitals²</p>
Other	<p>Cemetery¹, Essential Services-Class 1 and 2¹, Essential Services-Class 3², Parking Structures¹, Recreational Facilities¹, Water-related Structures¹</p>

¹See ~~Additional Conditions~~ *Performance Standards* in Chapter 6

²Subject to the issuance of a ~~Conditional Use Permit~~ *special use permit*

5. Permitted Uses	
Residential	<p>Open Residential: The number of dwellings is limited by the requirement of 1.5 assigned parking spaces for each dwelling, a ratio that may be reduced according to the shared parking standard.</p> <p>Permitted Uses: Single Family Homes, Duplexes, and Multi-Family</p>
Lodging	<p>Open Lodging: The number of bedrooms available for lodging is limited by the requirement of one assigned parking space for each bedroom, in addition to the parking requirement for each dwelling. Food service may be provided at all times.</p> <p>Permitted Uses: Rental Cottages (in Ancillary Buildings)¹, Bed and Breakfast Inns¹, Hospice and Assisted Living Facilities, Hotels¹</p>
Office	<p>Open Office: The area available for office use is limited by the requirement of one assigned parking space for each 250 sq. ft., a ratio that may be reduced according to the shared parking standards.</p> <p>Permitted Uses: Home Occupations¹, Office Uses, Live-Work Units</p>
Commercial	<p>Restricted Retail: Free-standing commercial uses are not permitted. Events facility¹, Day Care Centers and Day Care Homes¹, Restaurants¹</p>
Manufacturing	<p>Restricted Manufacturing: Manufacturing uses are not permitted. Uses</p>
Civic	<p>Open Civic: Civic Uses, Hospitals².</p>
Other	<p>Cemetery¹, Essential Services-Class 1 and 2¹, Essential Services-Class 3², Parking Structures¹, and Recreational Facilities¹, Water-related Structures¹</p>

¹See ~~Additional Conditions~~ *Performance Standards* in Chapter 6
²Subject to the issuance of a ~~Conditional Use Permit~~ *special use permit*

5.16 RURAL COMMERCIAL (RC)**1. INTENT**

Rural Commercial is coded for commercial clusters along primary rural corridors within the extraterritorial jurisdiction of the city and for existing commercial clusters within the City which are less pedestrian oriented in design than NC-C development.

Carrying capacity of the road or intersection is the factor which limits the size of R-C development.

Uses located in R-C districts shall draw from a local area as opposed to a regional area characteristic of H-C development.

South Point Road, Perfection Avenue and South New Hope Rd. are the designated primary rural corridors along which R-C development can occur.

2. USES PERMITTED

Commercial Uses (Including Commercial, Business, Service, Office, and Wholesaling) up to 20,000 square feet

Exclusions: Uses listed above which involve on-site manufacturing, outdoor storage of hazardous materials, warehousing and/or storage necessitating daily truck travel (not including servicing of establishments located within the district or mini-storage facilities), machine shops, auto parts and supply stores, mining, adult retail, pool halls and gaming rooms, and gambling facilities.

3. USES PERMITTED WITH CONDITIONS

Essential Services, Class 1, 2, & 3 (Class 3 is allowed ~~as a conditional~~ *by special use permit* only)

Commercial uses exceeding 20,000 square feet in area

Indoor storage of hazardous material (*Fireworks sales shall not be permitted except as a minor stock item)

Service Stations and Garages

Drive In Theaters

Water-related Structures¹

shall apply. In addition to the modification of specific district provisions (except use), the following General Provisions as detailed in Chapters 4-11 may be varied if specifically requested by the petitioner as part of a Conditional District application:

CH	Title	Exception to modifications:
4	Building Type Requirements	
5	District Provisions	Uses permitted may not be varied unless the use proposed is not currently defined or contemplated by the Code
6	Additional Requirements for Certain Uses	
7	Open Space	May substitute required open space for payment in lieu in accordance with Section 7.2. Amount required may not be reduced.
8	Streets and Greenways	Variations already permitted by Section 8.1. No further modifications permitted.
9	Parking	
10	Signs	Only standards in Section 10.1, 10.2, and 10.3 may be varied. Signage may exceed the permitted amount by no more than 50%.
11	Tree Protection and Landscaping	No further modifications permitted. Alternate Methods of Compliance provided in Section 11.5.

C. Establishment of a Conditional District (CD)

For the development plan review process for the establishment of a Conditional District (CD), please see Section 15.6.

5.19 SOUTH POINT PENINSULA OVERLAY DISTRICT (SPP-O)

The South Point Peninsula Overlay is coded to allow low to moderate density development in areas farther from central Belmont in keeping with the adopted Comprehensive Land Use Map. This overlay provides the opportunity to fulfill the vision of the Suburban Neighborhood, Semi-Rural Neighborhood, and the Village Center Neighborhoods while providing flexibility through the Conditional District Zoning process.

<p>1. Permitted Building Types Except where topographic or pre-existing building conditions prohibit, all new buildings shall front on public streets.</p>	<p style="text-align: center;">Detached House – Alley and Street Lot Townhouse Civic Building TND Building Types*</p> <p>* Underlying zone must be TND and requires Conditional District Zoning</p>
<p>2. Specific District Provisions Any exceptions to these requirements may be considered through a Conditional Zoning District.</p>	<p>1. Minimum Lot Size The minimum lot size for a duplex home shall be 21,780 square feet, except with approval of a Conditional Use Permit. <i>special use permit.</i></p> <p>2. Maximum Development Density Maximum Density (on a project by project basis): 3 DUA Exceptions may be considered or developments within a planned village center as represented in the Comprehensive Land Use Map by Conditional District Zoning.</p> <p>3. Permitted Building Type Ratio The maximum number of Detached House-Alley Lot and Townhouse buildings in a GR or SR development shall not exceed 30% of the total number of units. See TND ratios if applicable. Conditional Zoning District Required.</p> <p>4. Lot Width On infill lots, the minimum lot width shall be equal to the average lot width of lots within 300 feet or 1 block length (whichever is greater), except with approval of a Conditional Use Permit <i>special use permit.</i></p> <p>5. Setbacks – See Building Types</p>

5.20 SOUTH FORK OVERLAY DISTRICT (SF-O)

The South Fork Overlay is a zoning tool designed to implement the vision of the newly adopted South Fork Small Area Plan. This overlay district is for mixed use development consisting of a mix of residential types and densities, future office and retail uses in the village centers, supported by recreational open space and a multi-modal roadway network. The small area plan is found on pages 194-200 of the Comprehensive Land Use Plan.

<p>1. Permitted Building Types</p> <p>Except where topographic or pre-existing building conditions prohibit, all new buildings shall front on public streets.</p>	<p>See South Fork Small Area Plan and Underlying Zoning District</p>
<p>2. Specific District Provisions</p> <p>Development shall follow the community form principles of the small area plan.</p>	<p>1. Minimum Lot Size</p> <p>The minimum lot size for a duplex home shall be 10,000 square feet, except with approval of a Conditional Use Permit <i>special use permit</i>.</p> <p>2. Maximum Development Density</p> <p>Maximum Density (on a project by project basis): 3 DUA gross acre in residential areas of the small area plan (outside of the planned village centers).</p> <p>Planned village centers, as represented in the small area plan map, shall be processed by Conditional District Zoning.</p> <p>3. Permitted Building Type Ratio</p> <p>The maximum number of Detached House-Alley Lot and Townhouse buildings in a GR zone shall not exceed 30% of the total number of units.</p> <p>4. Lot Width – See Building Type</p> <p>5. Setbacks – See Building Types</p>

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 ~~conditions~~ *performance standards* specific to their design and/or operation. Such ~~conditions~~ *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 ~~Conditions~~ *Performance Standards* section for each District in Chapter 5.

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

6.2.1 ADULT ESTABLISHMENTS (Permitted in HC Only)* ~~Conditional~~ *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)* ~~Conditional~~ *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)* ~~Conditional~~ *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 with 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) The bed and breakfast inn shall be owner-occupied. (This requirement may be waived with the issuance of Conditional Use Permit).~~
- d) 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 **Conditional 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 “**Conditional 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 **Conditional 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 ~~Conditional Use Permit~~ 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 ~~Conditional Use permit~~ *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 shall be located outside of all front and side yards and shall provide Type A Opaque Screening around all ground facilities.

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 ~~conditional use permit~~ *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.

Department of Housing and Urban Development that were in effect at the time of construction.

6.2.16 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.

6.2.17 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 a ~~conditional use permit~~ *special use permit*.

6.2.18 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).

6.2.19 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.

6.2.20 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.

6.2.21 RENTAL COTTAGE (In Outbuildings) (RR, SR, GR, NC-R, NC-C, H-C, INF-D, TN-D, BC-D, IC-D)

- a) Minimum floor area shall be 480 sq ft.

- b) The principal building shall be owner-occupied.
- c) Rental cottages may only be constructed on the second story of a garage, studio, workshop or similar outbuilding use that is accessory to the principal structure.

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 ~~conditional use permit~~ *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 ~~160A-383.5~~ *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.

Use Type	Required Parking Spaces
Residential (All types)	1 per bedroom up to 2 per unit*
Retail Uses	1 per 250 square feet
Office Uses	1 per 300 square feet
Theaters	1 per 3 seats
Restaurants	1 per 4 seats
Manufacturing/Warehousing/Light Assembly	.25 per 1000 square feet of non-office space
Bed & Breakfast Inns/ Hotels/ Motels	1 per room or suite
Marinas	1 per boat slip
Civic Uses (Assembly Uses Only)	1 per 4 seats

*Driveways shall be designed to accommodate the required parking spaces. The driveway parking area is measured from the property line (back of the sidewalk) to the front of the house.

In an effort to establish a limit on the amount of impervious surfaces and to reduce the urban heat island effect, the maximum number of parking spaces allowed shall be 125% of the number of required parking spaces in the above table. Structured parking facilities are exempt from this maximum.

Exceeding Maximum Parking Ratios: The Planning Director may approve parking spaces in excess of the maximum parking ratio, but only if he or she finds that the applicant has proven that the additional spaces are necessary for the normal operation of the business or organization. If the applicant requests parking in excess of 200% of the minimum ratio, then he or she must receive a ~~conditional use permit~~ *special use permit*.

Any additional parking spaces over the maximum (125% of the minimum) must be no more than 30 feet from the base of a large shade tree and must be constructed from an approved pervious material. The pervious material must be properly maintained, using a technique found in the NCDENR stormwater BMP manual.

2. PARKING SPACE DIMENSIONS

- A. Parking space dimensions (other than those designed for the disabled) shall be eighteen (18) feet long and nine (9) feet wide. Parking spaces shall be dimensioned in relation to curbs or aisles, so long as their configuration, area, and dimensions satisfy the requirements of this Section.
- B. Parallel parking space dimensions shall be a minimum of twenty (20) feet by eight (8) feet. This dimension is measured from the face of the curb and may include the gutter.

15.9 PENALTIES FOR TRANSFERRING LOTS IN UNAPPROVED SUBDIVISIONS:

Any person who, being the owner or agent of the owner of any land located within the jurisdiction of City of Belmont, thereafter subdivides his land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this ordinance and recorded in the office of the register of deeds, shall be guilty of a misdemeanor.

The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The City of Belmont may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this ordinance.

15.10 PROCEDURES FOR APPROVAL OF ~~CONDITIONAL USE PERMITS~~ SPECIAL USE PERMITS (SUP)**1. General Procedures:**

The consideration of a ~~Conditional Use Permits~~ *special use permit* shall be processed by city planning staff and conducted as an ~~quasi-judicial~~ *evidentiary* hearing by the City Council. During the public hearing, all parties presenting testimony and evidence shall be duly sworn. Testimony both in favor and against the ~~Conditional Use Permit~~ *special use permit* application shall be presented and will be considered towards formulating the Findings-of-Fact prescribed in this section.

2. Approval Requirements:

The evaluation and approval of the ~~Conditional Use Permit~~ *special use permit* shall be based upon the sworn testimony and evidence presented at the hearing relevant to the following Findings of Fact, each of which must be found in the affirmative by the City Council in order to approve a ~~Conditional Use Permit~~ *special use permit*:

- A. The use meets all required principles and specifications of the Code and any adopted land use plans; and,
- B. The proposed use, if developed according to the plan submitted and approved, will be visually and functionally compatible to the surrounding area; and,
- C. The use will not materially endanger the public health or safety and will not substantially injure the value of adjoining property if located where proposed.

In approving an application for a ~~Conditional Use Permit~~ *special use permit*, the City Council may attach fair and reasonable ad hoc conditions which tend to support the required Findings of Fact as listed herein. The applicant shall have up to 60 calendar days to consider and respond to any additional requirements prior to approval or denial by the City Council. *The applicant shall provide written consent to conditions on approval.* The City Council may not require the landowner to waive a vested right as a condition of ~~Conditional~~ *the special use permit* approval.

The burden of proof of producing evidence to support these findings (and to overcome any challenges that approval of the plan would be contrary to one or more of these findings) shall rest entirely with the applicant or landowner.

3. Public Notification

The City of Belmont shall give notice of all ~~Conditional Use Permit~~ *special use permit* public hearings. Said notice shall become a part of the record of the proceedings of the City Council. Notice shall be given in the following manner:

- A. Notice shall be sent by the City by first class mail to the applicant and to the owners of all parcels of land abutting the parcel of land that is subject to the hearing. Said notice shall be deposited in the mail at least ten (10) but not more than twenty-five (25) days prior to the date of the public hearing;
- B. A notice of the public hearing shall be prominently displayed by the City on the site that is subject to the hearing or on an adjacent street right-of-way. Said notice shall be posted at least ten (10) but not more than twenty-five (25) days prior to the date of the public hearing; and,
- C. Notice shall also be posted by the City in a conspicuous location in the City Hall at least ten (10) days prior to the date of the public hearing.

15.11 VESTED RIGHTS REQUIREMENTS

1. General Procedures

Pursuant to G.S. ~~160A-385.1~~ *160D-102* and notwithstanding any other provision or amendment thereto, a landowner may apply for approval of a site-specific development plan as defined in the statute that shall entitle said landowner to develop property in accordance with said plan.

All requests for Vested Rights shall be accompanied by a Schematic Plan in accordance with the provisions of this Chapter. A request to extend Vested Rights to a previously approved Development Plan shall be reviewed and approved by the City Council after notice and public hearing.

2. City Council Action

The City Council shall determine whether or not to accord a vested right after the review and consideration of the Planning Board. The City Council may not require the landowner to waive his vested right as a condition of development approval. The City Council may approve the vested rights for a period greater than two (2) years where it is found that due to (i) the sizing and phasing of the development; or (ii) the level of investment; or (iii) the need for the development; or (iv) economic cycles; or (v) market conditions, building permits for all phases of the development cannot be secured within two years, provided the total period does not exceed five (5) years from the date of plan approval of the site

3. Effect of Approval Of Vesting

The effect of the City Council approving a vested plan shall be to vest such site plan for a period of two (2) years to five (5) years as approved by the City Council from the date of approval.

A vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the approved site-specific development plan as provided for in this Section. Failure to abide by the terms and conditions placed upon such approval will result in the forfeiture of the vested right previously accorded.

A vested right, once established as herein provided, shall preclude any zoning action by the City which would change, alter, impair, prevent, diminish or otherwise delay the development or use of the property as set forth in the approved site specific development plan except under the following conditions where such rights are terminated and revoked:

- A. The affected landowner provides written consent to the City of his desire to terminate the vested right; or,
- B. The City determines after having advertised and held a public hearing, that natural or man-made hazards exist on or in the immediate vicinity of the property which pose a serious threat to the public health, safety and welfare if the project were to proceed as indicated in the plan; or,
- C. Compensation is made by the City to the landowner for all costs, expenses, and other losses incurred including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and any other consultant's fees incurred after approval together with interest thereon at the legal rate until paid; or,

- D. The City determines, after having advertised and held a public hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the City Council of the plan; or,
- E. Upon the enactment or promulgation of a State or Federal law or regulations which precludes development as contemplated in plan. In such case the City may (after having advertised and conducted a public hearing) modify the affected provisions upon a finding that this change in State or Federal law has a fundamental effect on the plan.

Once a vested right is granted to a particular plan, nothing in this section shall preclude the City from conducting subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided such reviews and approvals are consistent with the original approval.

The establishment of a vested right on a piece of property for a site-specific development plan shall not preclude the City from establishing and enforcing on the property any additional regulations (adopted during the time the vested right was in effect) which are general in nature and applicable to all property subject to the regulations of this Ordinance.

4. Construction Document Process for Vested Site-Specific Plans

Preliminary Plats for Minor Subdivisions with previously vested site-specific plans shall be reviewed for compliance and consistency and subsequently approved by the Planning Director or designee in accordance with the provisions of Section 15.3 of this Ordinance, providing the proposed Preliminary Plat for the Minor Subdivision does not deviate from, and is subdivided in accordance with the previously approved site specific plan.

Preliminary Plats for Major Development Plans with previously vested site-specific plans shall be reviewed for compliance and consistency and approved by the Planning Director or designee, providing the proposed Preliminary Plat for Major Subdivision does not deviate from, and is subdivided in accordance with the previously approved site specific plan.

5. Revocation or Expiration of A Vested Right

The vested right, resulting from the approval of a site-specific development plan, may be revoked by the City Council if the City Council determines that the landowner has failed to comply with the terms and conditions of the approval or with any other applicable portion of this Code. The vested right shall otherwise expire at the end of the approval period established by the Planning Board.

A building permit issued by the Gaston County Building Inspector pursuant to G.S. 460A-417 *160D-403* may not expire or be revoked because of the running of time on a piece of property while a plan has been approved and the vested right period has not otherwise expired.

15.12 IMPROVEMENT GUARANTEES

In lieu of meeting the requirement for the completion, installation and dedication of any and all public infrastructure improvements (e.g., water, sewer, streets, sidewalks, storm drainage, trees, supplemental buffer plantings, street lights, etc.) prior to final plat approval for subdivisions or Certificate of Occupancy for Site Plans, the City of Belmont or its authorized agent may enter into a written agreement with the developer whereby the developer shall agree to complete all required improvements. Once said agreement is signed by both parties and the financial security required herein is provided, the final plat or Certificate of Occupancy may be approved by the Planning Director or designee or authorized agent, if all other requirements of this ordinance are met. To secure this agreement, the developer shall provide either one, or a combination of the following guarantees equal to ~~4.50~~ **1.25** times the entire cost of the improvements secured:

1. Surety Performance Bond(s):

The developer shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina, and approved by the City Council or its designee. The bond shall be payable to the City of Belmont (or its authorized agent) and shall be in an amount equal to ~~4.50~~ **1.25** times the entire cost, as estimated by the developer and verified by the City Engineer, of installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are accepted by the City. Any expenses associated with the cost verification by the City shall be paid entirely by the developer.

2. Cash or Equivalent Security:

The developer shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the City (or its authorized agent) or in escrow with a financial institution designated as an official depository of the City. The amount of deposit shall be equal to ~~4.50~~ **1.25** times the entire cost, as estimated by the developer, and verified by the County, of installing all required improvements.

If cash or other instrument is deposited in escrow with a financial institution as provided above, then the developer shall file with the City of Belmont (or its authorized agent) an agreement between the financial institution and himself guaranteeing the following:

- a) That said escrow amount will be held in trust until released by the City of Belmont and may not be used or pledged by the developer in any other transaction during the term of the escrow; and
- b) That in case of a failure on the part of the developer to complete said improvements, the financial institution shall, upon notification of the City to the financial institution of an estimate of the amount needed to complete the improvements, immediately pay to the City the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the City any other instruments fully endorsed or otherwise made payable in full to the City.

16.4 CONFORMANCE WITH ADOPTED PLANS

A. OPEN SPACE DESIGNATION

Where the designation of certain significant topographical features is shown on the City of Belmont Parks and Recreation Master Plan or similarly adopted plan, all new development involving the subdivision of land under this Chapter shall make every effort to reserve those features as dedicated open space. The reservation of designated open space areas shall count towards the open space dedication requirements set forth in this Ordinance.

B. CITY STREET AND THOROUGHFARE PLANS

Where a proposed Development Plan includes any part of a City street or thoroughfare which has been designated as such on the official Thoroughfare Plan adopted by the City, North Carolina Department of Transportation, or Gaston-Cleveland-Lincoln-Metropolitan Planning Organization (GCLMPO), or as part of any Transportation Plan adopted by the City of Belmont, a right-of-way shall be platted in the location shown on the Plan at the width specified in this Ordinance.

As a condition of approval, the Developer shall be required to construct the proposed street or thoroughfare within the borders of their Development in accordance with the adopted standards or plans for such construction. In instances where such a street is scheduled for construction by the City or the North Carolina Department of Transportation, the Developer may make a payment in lieu of construction equal to his pro-rata share of the costs of construction. Major thoroughfares and Interstate highway construction are exempted from this requirement.

C. RESERVATION OF SCHOOL SITES AND OTHER PUBLIC BUILDINGS

If the Gaston County Board of Education has determined the specific location and size of any school site or other public building to be reserved and if this information appears in any comprehensive plan over which other local governments have jurisdiction, the Planning Department shall immediately notify the appropriate authority if all or part of the reserved location is included in the proposed subdivision. The responsible authority shall promptly decide whether it still wishes the site to be reserved. The responsible authority shall then have eighteen (18) months beginning upon the date of final plat approval within which to acquire the site as provided in G.S. ~~160A-372~~ **160D-804**. If the Belmont City Council, the Board of Education, or any other local government having jurisdiction has not purchased or begun proceedings to condemn the site within eighteen (18) months, the developer may treat the land as freed from reservation.

If the total development size exceeds two hundred (200) acres or five hundred (500) housing units, the developer shall reserve adequate (minimum of 16 usable acres) prominent sites for the location of schools. Sites reserved for civic uses may include up to one-half (1/2) of their total area towards the open space dedication requirement.

16.9 CONSTRUCTION DOCUMENT REQUIREMENTS

The Construction Documents for Minor Site Plans, Major Site Plans, ~~Conditional~~ *Special* Use Plans, Major Subdivisions, Vested Rights, and Master Plans shall be submitted in accordance with the specifications of this Section except where specifically noted. Construction Documents shall constitute the complete submittal requirements for Site Plans and Preliminary Plats required prior to construction.

The size and number of completed applications shall be set by the Technical Review Committee. No certifications other than the Certificate of Survey and Accuracy as in Section 16.12 (K) (1) must be provided in connection with the submission.

Construction Drawings must be drawn to the following specifications and must contain or be accompanied by the applicable information listed below. No processing or review of Construction Documents will proceed without all of the following information:

- A. The boundary, as determined by survey, of the area to be subdivided with all bearings and distances shown and the location within the area, or contiguous to it, of any existing streets, railroad lines, water courses, easements or other significant features of the tract.
- B. Scale in feet denoted both graphically and numerically with north arrow and declination.
- C. A vicinity map at a scale no smaller than 1 inch equals 1,200 feet showing the location of the subdivision with respect to adjacent streets and properties.
- D. Existing topography and finish grading with contours drawn at two (2) foot intervals. The Planning Director, at his or her discretion, may permit the use of County topographic data in five (5) foot intervals on a site-specific basis. This requirement may be waived for developments smaller than one (1) acre or where he determines that there is insufficient topographic change to warrant such information.
- E. The proposed name of the Development, street names, the owner's name and address, signature of the owner or owner's duly authorized agent, the name of the surveyor, the names of adjoining subdivisions or property owners, the name of the township, county, and state in which the development is located, the date of preparation, and the zoning classification of the tract to be developed and of adjoining properties.
- F. A statement from the City regarding the availability of adequate water and sewer capacity for the proposed development.
- G. **Environmental Survey** in accordance with **Section 15.5**
- H. **Landscape Plan** in accordance with **Chapter 11** and **Lighting Plan** showing compliance with **Chapter 12**.
- I. The plans for utility layouts, including sanitary sewers, storm sewers, and water lines, illustrating connections to existing systems. All water supply systems and sewage collection systems noted on the Construction Documents shall conform to current City standards. All storm drainage systems shall conform to the Belmont Land Development Code Standard Manual.
- J. The location and size of all utility lines, easements, and rights-of-way including water, sewer, storm sewer, natural gas, electric, and telecommunications.
- K. The location of proposed buildings, parking and loading areas, streets, alleys, easements, lots, parks or other open spaces, reservations (i.e. school sites), property lines, building setback lines with street dimensions, tentative lot dimensions, and the location of any building restriction areas (i.e. flood hazard areas, watershed