

2.1 RULES OF CONSTRUCTION

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

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

2.2 DEFINITIONS

AAA

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

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

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

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

Accessory Dwelling Unit (ADU): An accessory structure or living unit subordinate to a single-family detached dwelling. An ADU may be attached to or separate from the principal dwelling unit and excludes motorized and non-motorized vehicles, cargo containers, and similar units.

Addition:

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

Adjacent, Adjoining Lot or Land

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

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

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

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

3.9 RESIDENTIAL ACCESSORY STRUCTURES

3.9.1 GENERAL REQUIREMENTS:

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

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

3.9.2 LOCATION REQUIREMENTS:

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

**3.9.3 HEIGHT AND SETBACK REQUIREMENTS:
(See Figures 1 and 2)**

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

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

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

ACCESSORY STRUCTURES LOCATED INSIDE PRINCIPAL STRUCTURE BUILDABLE AREA

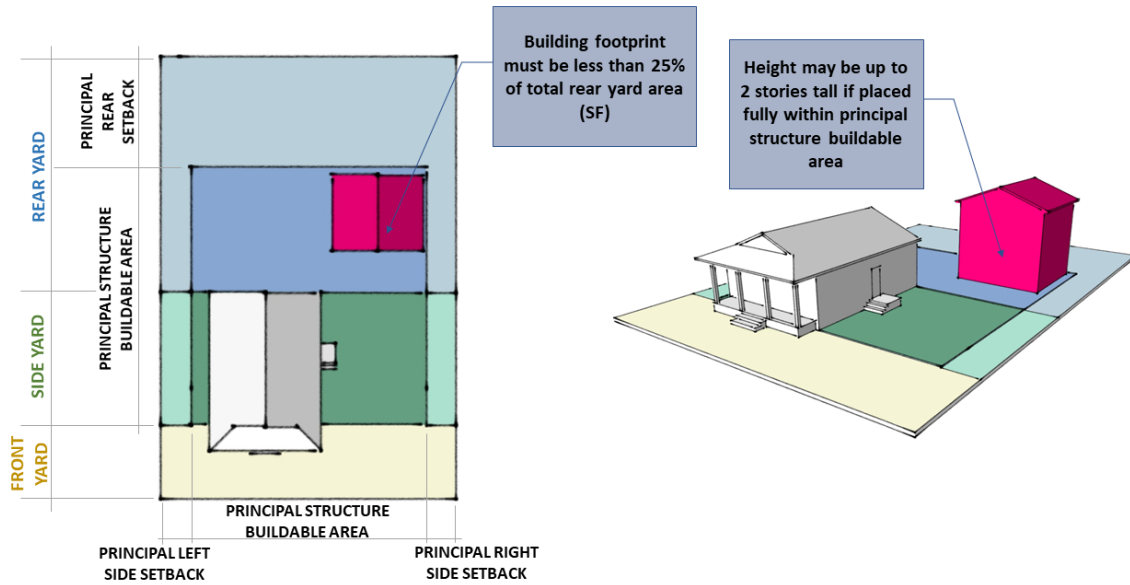


FIGURE 1

ACCESSORY STRUCTURES LOCATED OUTSIDE PRINCIPAL STRUCTURE BUILDABLE AREA

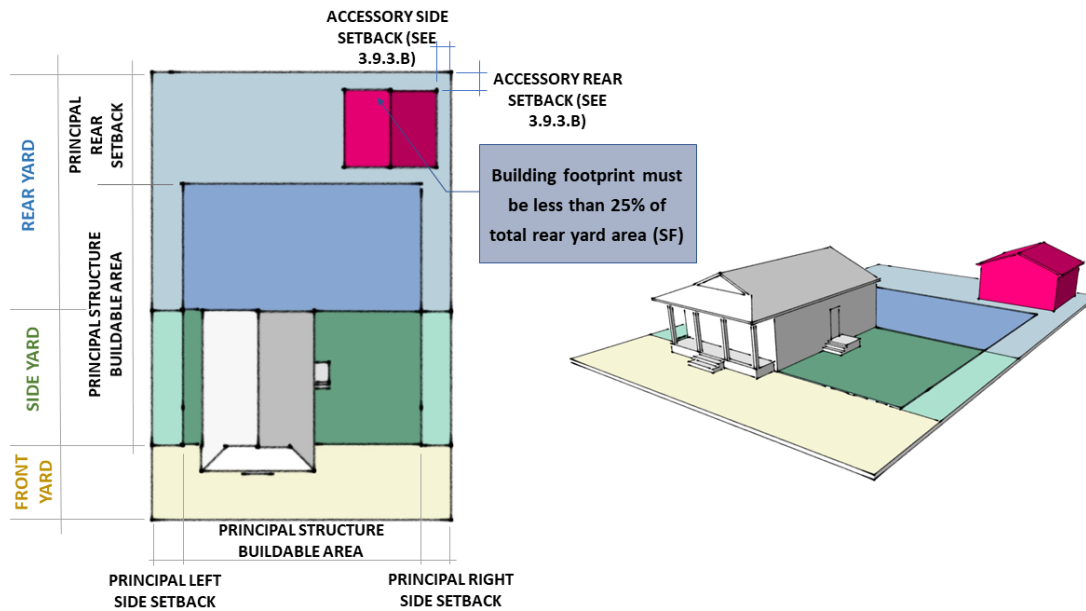


FIGURE 2

3.9.4 SIZE AND NUMBER ALLOWED BY LOT ACREAGE:

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

3.10 ADDITIONAL REGULATIONS FOR SPECIFIC ACCESSORY STRUCTURES AND USES

3.10.1. ACCESSORY DWELLING UNITS (ADU)

- A. An accessory dwelling unit may only be located on a lot containing one single-family detached structure (excludes duplexes).
- B. Only one accessory dwelling unit shall be permitted per single-family detached dwelling; and it may be attached or detached.
- C. An accessory dwelling unit may be up to 900 sq. ft. in total square footage.
- D. Accessory dwelling units must comply with all applicable local, state, and federal housing codes.
- E. Parking for the principal dwelling unit must be maintained or replaced on site. One additional parking space for the accessory dwelling unit shall be provided on site. The planning director may consider an on-street parking space as satisfying this requirement when:
 - 1. The street width can accommodate on-street parking and it is not otherwise prohibited by the city or the neighborhood; and
 - 2. There exists no other practical alternative for the on-site parking space.

- F. **Attached ADU** (See Figure 3)
1. Setbacks for attached accessory dwelling units shall be the same as the principal structure.
 2. The front entrance of an attached accessory dwelling unit may not share the same façade frontage as the principal dwelling.

G. **Detached ADU:** (See Figure 4)

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

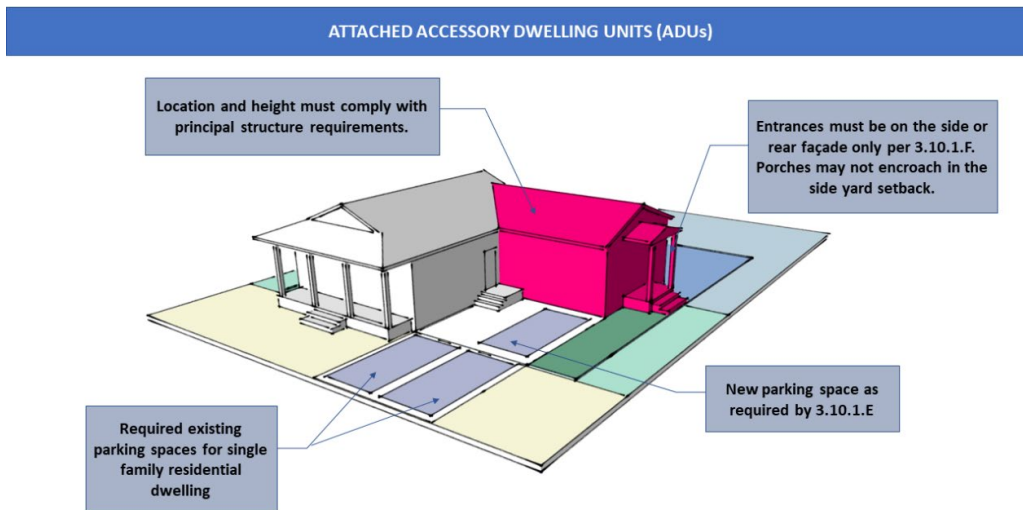


FIGURE 3

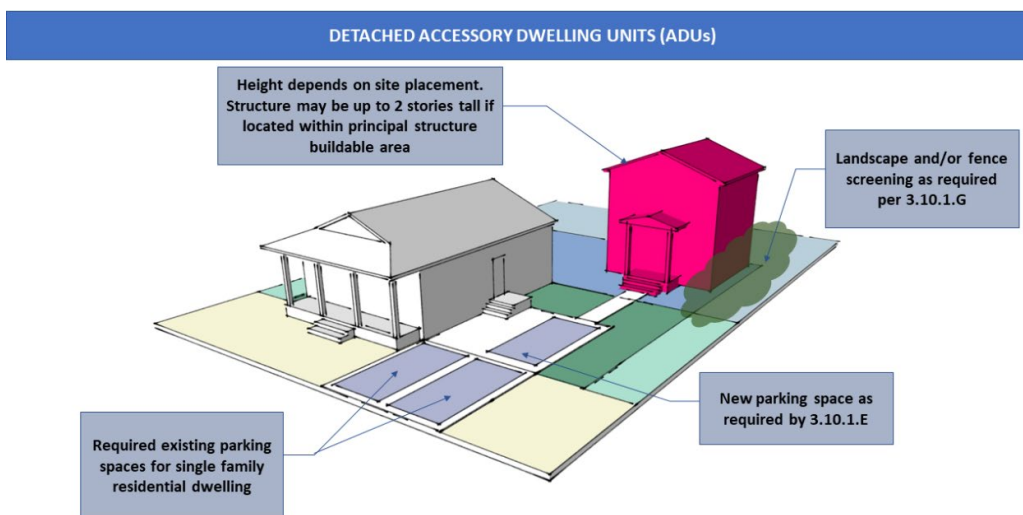


FIGURE 4

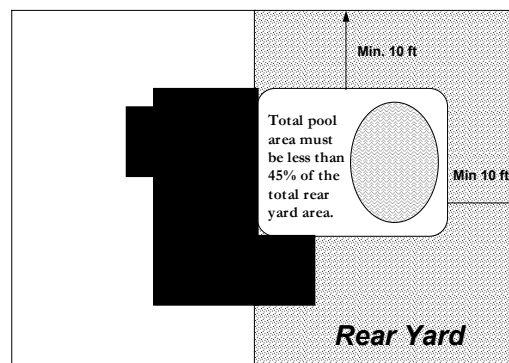
3.10.2 POOLS (for Single Family Homes)

All pools for single family homes, whether above-ground or in-ground, shall be built only in rear yards. The definition of a pool shall include all structures, and walks or patio areas of cement, stone, or wood, at or above grade, built for, and used in conjunction with the pool.

A pool as defined above shall not exceed 45% of a required rear yard.

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

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



3.10.3 SATELLITE DISHES

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

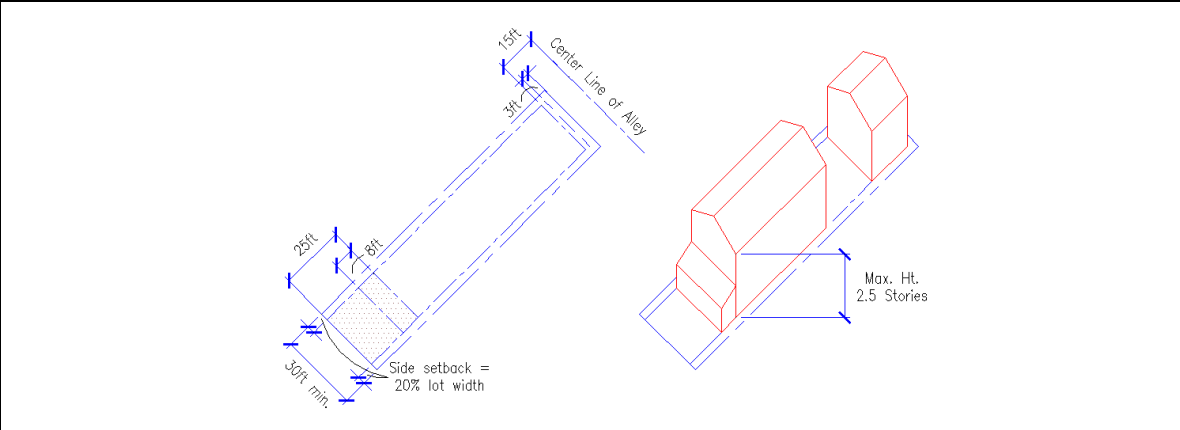
- A. Satellite dishes shall be no larger than four (4) feet in diameter
- B. The maximum height shall be fifteen (15) feet unless the applicant can prove:
 1. a less intrusive location is not possible and,
 2. a higher location will improve reception
- C. The dish must be installed and grounded properly.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

4.2 DETACHED HOUSE

Description: The detached house is the predominant building type in the City of Belmont. It is flexible in use (where permitted), accommodating single family uses, multi-family uses up to four units, home occupations, professional offices, and limited retail uses. When other building types are integrated with Detached Houses, the scale of the Detached House shall control (exception: Civic Buildings). The use permitted within the building is determined by the District in which it is located.

1. LOT REQUIREMENTS

Type A: Alley Lot The alley lot is a lot with primary vehicular access is provided using a rear lane or alley only. This condition is required for lots less than 55 feet wide and permitted for all others. No curb cuts or driveways are permitted along the frontage except on previously platted lots.



Setbacks: Front yard and side yard setbacks for structures on infill lots shall generally be equal to the average setbacks for all principal structures within 300 ft. or one block length (whichever is greater). Where no frontage condition currently exists, the **minimum** setbacks shall be as follows:

Front (Maximum): 0-25 ft.

Side: 20% of the lot width (In new developments, the entire setback may be allocated to one side with a minimum of 6 feet of total building separation)

Rear: Three (3) ft. on lots with an area of less than or equal to 7,000 square feet; otherwise, 15 ft. from centerline of alley or lane

Accessory Structure Setback: See Chapter 3

Minimum Lot Width: 30 Ft

Maximum Height: 2 ½ Stories

Encroachments: Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the required front or rear setback a maximum of 8 ft.

Lot Coverage (Maximum Impervious): 75%

Vehicular Access to Lot: For lots less than 55 feet wide, alley access is required. For all others the use of an alley is permitted.

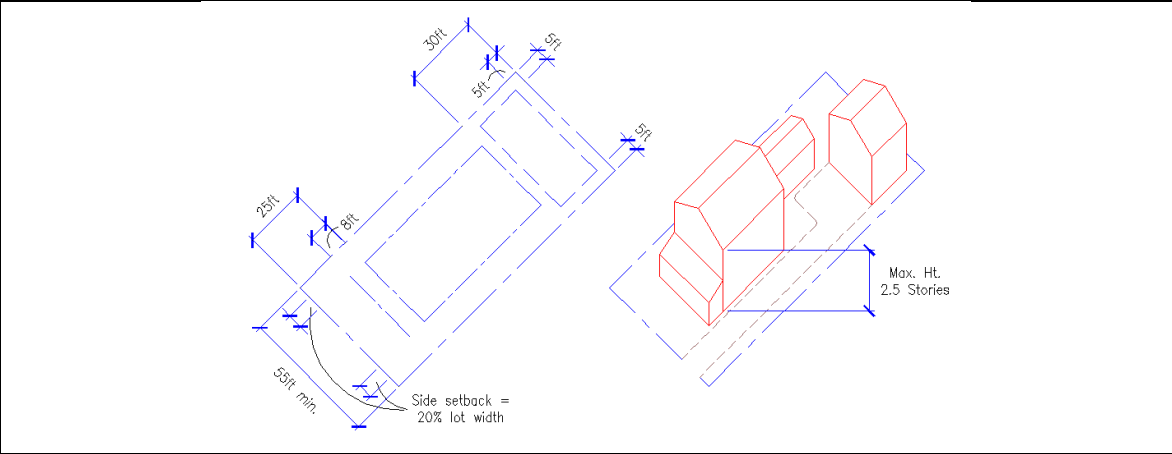
*Excludes Temporary Family Health Care Structures

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



4.2 DETACHED HOUSE

Type B: Street Lot The street lot is a medium or large sized lot (55 feet or greater in width) that provides primary vehicular access from the street.



Setbacks: Front yard and side yard setbacks for structures on infill lots shall generally be equal to the average setbacks for all principal structures within 300 ft. or one block length (whichever is less). Where no frontage condition currently exists, the minimum setbacks shall be as follows:

Front: 20 ft. (Exception R-R – 40 ft.) If a house has a **front-loaded street-facing garage**, a minimum 30-foot parking pad in front of garage shall be required, and shall be measured from the property line/right-of-way to the garage door. This requirement shall apply to any new development which has not received schematic approval by the City of Belmont as of the adoption date of this amendment (June 4, 2012).

Sides: 20% of the lot width (The entire setback may be allocated to one side, unless prohibited by building code requirements).

Sides (Infill Lots): Lots $\geq 10,000 \text{ ft}^2 = 12 \text{ ft.}$
 Lots $< 10,000 \text{ ft}^2 = 8 \text{ ft.}$

Rear: 30 ft.

Accessory Structure Side/Rear Setback: For lots less than or equal to 7,000 square feet in area there shall be a minimum three (3) ft. setback on side and rear lot lines; otherwise there shall be a minimum side or rear yard setback of five (5) ft. Excludes Temporary Family Health Care Structures. **See Chapter 3 for additional requirements.*

Minimum Lot Width: 55 ft.

Maximum Height: 2 ½ Stories

Encroachments: Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into any required front or rear setback a maximum of 8 ft.

Lot Coverage (Maximum Impervious): 50%

Minimum Lot Size (Duplex Only): 10,000 ft²

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



Single Family House



Single Family House



Limited Retail

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, Accessory structures¹, 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 Inns²</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 Occupations²</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 Homes². 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 special use permit or Conditional District Zoning.</p>
Other	<p>Cemetery², Essential Services-Class 1 & 2², Recreational Facilities², Water-related Structures², Temporary Family Health Care Structure²</p>

¹See Performance Standards in Chapter 3

²See Performance Standards in Chapter 6

³Subject to the issuance of a special use permit

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, Accessory structures¹, 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 Inns²</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 Occupations²</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 Homes²</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 special use permit or Conditional District Zoning.</p>
Other	<p>Cemetery², Essential Services-Class 1 & 2², Recreational Facilities², Water-related Structures², Temporary Family Health Care Structure²</p>

¹See Performance Standards in Chapter 3

²See Performance Standards in Chapter 6

³Subject to the issuance of a special use permit

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, Accessory structures¹, 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 Inns²</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 Occupations²</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 Homes²; Events Facility^{2,3}, Temporary Amusements^{2,3}</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 special use permit or Conditional District Zoning.</p>
Other	<p>Cemetery², Essential Services-Class 1 & 2², Recreational Facilities², Water-related Structures², Temporary Family Health Care Structure²</p>

¹See Performance Standards in Chapter 3

²See Performance Standards in Chapter 6

³Subject to the issuance of a special use permit

3. Permitted Uses (Neighborhood Center Residential NC-R)	
Residential	<p>Open 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, Accessory structures¹, Duplexes, and Multi-Family</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 Inns²</p>
Office	<p>Open Office: The area available for office use is limited by the requirement of one assigned parking space for each 400 sq. ft.</p> <p>Permitted Uses: Home Occupations², Live-Work Units, Professional Offices Uses</p>
Commercial	<p>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.</p> <p>Permitted Uses: Day Care Centers and Day Care Homes², Events Facility^{2,3}, Funeral Home^{2,3}</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 special use permit or Conditional District Zoning.</p>
Other	<p>Cemetery², Essential Services-Class 1 & 2², Recreational Facilities², Water-related Structures², Temporary Family Health Care Structure²</p>

¹See Performance Standards in Chapter 3

²See Performance Standards in Chapter 6

³Subject to the issuance of a special use permit

3. Permitted Uses (Neighborhood Center Commercial NC-C)	
Residential	<p>Open 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, Accessory structures¹, 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)⁴; Bed and Breakfast Inns; and Hotels²</p>
Office	<p>Open Office: The area available for office use is limited by the requirement of one assigned parking space for each 400 sq. ft.</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 requirement of one assigned parking space for each 400 square feet of gross space.</p> <p>Permitted Uses: Commercial Uses, Drive-through Commercial^{2&3}, Restaurants², Private Night Clubs³, Funeral Homes², Convenience Stores (in flex commercial buildings only)², Neighborhood Stores², and Day Care Centers and Day Care Homes²</p>
Manufacturing	<p>Restricted Manufacturing: Neighborhood Manufacturing.²</p>
Civic	<p>Open Civic: Civic uses shall be permitted.</p>
Other	<p>Cemetery², Essential Services-Class 1 & 2², Parking Structures², Recreational Facilities², Outdoor Storage of Landscaping/Garden Supplies/Live Plants², Water-related Structures², Temporary Family Health Care Structure²</p>

¹See Performance Standards in Chapter 3

²See Performance Standards in Chapter 6

³Subject to the issuance of a special use permit

3. Permitted Uses (Downtown District DD)	
Residential	<p>Open 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, Accessory structures¹, Duplexes, and Multi-Family</p>
Lodging	<p>Open Lodging: Food service may be provided at all times.</p> <p>Permitted Uses: Rental Cottages (in Ancillary Buildings), Bed and Breakfast Inns, and Hotels</p>
Office	<p>Open Office:</p> <p>Permitted Uses: Home Occupations, Live-Work Units, and Office Uses</p>
Commercial	<p>Open Commercial: Permitted Uses: Commercial Uses, Restaurants, Night Clubs and Bars with Live Music², Entertainment Uses</p> <p>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.</p>
Manufacturing	<p>Restricted Manufacturing: Neighborhood Manufacturing.²</p>
Civic	<p>Open Civic: Civic uses shall be permitted.</p>
Other	<p>Cemetery², Essential Services-Class 1 & 2², Parking Structures², Recreational Facilities², Temporary Uses², Temporary Family Health Care Structure² Outdoor Storage of Landscaping/Garden Supplies², Water-related Structures²</p>

¹See Performance Standards in Chapter 3

²See Performance Standards in Chapter 6

³Subject to the issuance of a special use permit

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. <i>Permitted Uses:</i> 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. <i>Permitted Uses:</i> 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. <i>Permitted Uses:</i> 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 Performance Standards in Chapter 6

²Subject to the issuance of a special use permit

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.</p> <p>Permitted Uses: Single Family Homes, Accessory structures¹, 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.</p> <p>Permitted Uses: Rental Cottages (in Ancillary Buildings)¹ and Bed and Breakfast Inns²</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.</p> <p>Permitted Uses: Home Occupations² and Live-Work Units</p> <p>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.</p> <p>Permitted Uses: Day Care Centers and Day Care Homes² and Neighborhood Store²</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 special use permit or Conditional District Zoning.</p>
Other	<p>Essential Services, Class 1 & 2², Recreational Facilities², Water-related Structures², Temporary Family Health Care Structure²</p>

¹See Performance Standards in Chapter 3

²See Performance Standards in Chapter 6

³Subject to the issuance of a special use permit

<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
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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, Accessory structures¹, 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 Inns², 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^{2,3}, and Neighborhood Stores²</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>Cemetery², Essential Services-Class 1 & 2², Parking Structures², Recreational Facilities², and Water-related Structures²</p>												

¹See Performance Standards in Chapter 3
²See Performance Standards in Chapter 6
³Subject to the issuance of a special use permit

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, Accessory structures¹, 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 Inns²; 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, Restaurants², and Day Care Centers and Day Care Homes². Drive-through Commercial²; Events Facility²; Temporary Amusements²</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 Uses³</p>
Civic	<p>Open Civic: Civic Uses, Hospitals²</p>
Other	<p>Cemetery², Essential Services-Class 1 and 2², Essential Services-Class 3³, Parking Structures², Recreational Facilities², Water-related Structures²</p>

¹See Performance Standards in Chapter 3

²See Performance Standards in Chapter 6

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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, Accessory structures¹, 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 Inns², 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 Occupations², Office Uses, Live-Work Units</p>
Commercial	<p>Restricted Retail: Free-standing commercial uses are not permitted. Events facility², Day Care Centers and Day Care Homes², Restaurants²</p>
Manufacturing	<p>Restricted Manufacturing: Manufacturing uses are not permitted. Uses</p>
Civic	<p>Open Civic: Civic Uses, Hospitals³.</p>
Other	<p>Cemetery², Essential Services-Class 1 and 2², Essential Services-Class 3³, Parking Structures², and Recreational Facilities², Water-related Structures²</p>

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~~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.~~

6.2.21 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.

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

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

6.2.23 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.

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

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