

## **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 City recognizes the importance of preserving its unique community character and housing choice in the community; and

**WHEREAS**, the City initiated the petition (TA2020.05) to amend Chapter 4 of the Land Development Code to modify side-yard setbacks for single-family residential lots; and

**WHEREAS**, this amendment was prepared after conducting neighborhood tours with a subcommittee and council members to evaluate the diversity of the various neighborhoods; 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 (TA2020.05) at its November 19, 2020 public meeting and voted 5-0 to find the amendment consistent with goal #4—Community Character—of the Belmont Comprehensive Land Use Plan, and to recommend approval of the amendment to the City Council; and

**WHEREAS**, the Belmont City Council having held the public hearing on December 7, 2020, considered and found the amendment petition to be consistent with goal #4—Community Character—of the adopted Comprehensive Land Use Plan by embracing different types of residential neighborhoods and housing types while maintaining elements of our community.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Belmont, that Chapter 4 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 7th day of December 2020.

Attest:

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Charles R. Martin, Mayor

\_\_\_\_\_  
City Clerk

Approved as to form:

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City Attorney

***SECTION 4.1 BUILDING TYPES ESTABLISHED***

Because of the established architectural vernacular of the City of Belmont in a wide-variety of common building types, this Code has established regulations specific to these typologies. These building types do not favor one specific architectural style over another, though certain styles are not appropriate for the types presented in this Code. Design regulations are not intended to promote the replication of the existing built form of Belmont, but to allow imaginative design that is respectful of its neighborhood.

The rich, architectural vocabulary of the City presents a wide variety of development opportunities using traditional forms while avoiding any perception of monotony. Buildings that are stylized in an attempt to use the building itself as advertising shall be discouraged, particularly where the proposed architecture is the result of a “corporate” or franchise style. The guidelines in this Chapter are intended to attach the same or greater level of importance to the overall building design as is placed on the use contained within. Buildings are expected to be added to the City of Belmont as long-term additions to the architectural vibrancy of the community. Unless otherwise noted, all buildings shall meet the following:

1. All buildings shall share a frontage line with a street or civic open space (Exception: Buildings in the H-C, BC-D, and IC-D districts that are interior to a site which have buildings that otherwise meet the frontage requirements such as significant outparcel buildings are not subject to this requirement).
2. Principal building entrances shall be from the fronting street.
3. All buildings, except accessory structures, shall have a main, useable entrance opening onto a street or square from the front facade. On a corner lot, the principal entrance in both design and function should be from the primary pedestrian street. Pedestrian connections from the principal entrance of the building to sidewalks on adjoining streets and parking lots shall be built. (Exception: Flex Commercial buildings may be accessed from entries located in the front half of the building)
4. Important street vistas (such as along City gateways and primary pedestrian streets) should terminate in a focal point, such as a building or other architectural or natural feature.
5. Adjacent buildings housing similar type uses that are located within the same or similar zoning districts should relate in similarity of scale, height, architectural style, and configuration.
6. Windows, doors, columns, eaves, parapets, and other building components shall be proportional to the overall scale of the building. Windows shall be vertically proportioned wherever possible.
7. All visibly exposed facades (exception: Single Family Homes and Duplexes) should have:
  - a) a recognizable base course consisting of, but not limited to thicker walls, ledges or sills; integrally textured materials such as stone or other masonry; integrally colored and patterned materials such as smooth finished stone or tile; lighter or darker colored materials, mullions, or panels; and/or planters; and
  - b) a recognizable top consisting of, but not limited to cornice treatments, other than just colored stripes or bands, with integrally textured materials such as stone or other masonry or differently colored materials; sloping roof with overhangs and brackets; stepped parapets; and/or a cornice capping the top of a building wall.

Innovative planning or design ideas for development in any district where the proposed building types are different than those allowed by the base district requirements may be reviewed as a Conditional-District Zoning.

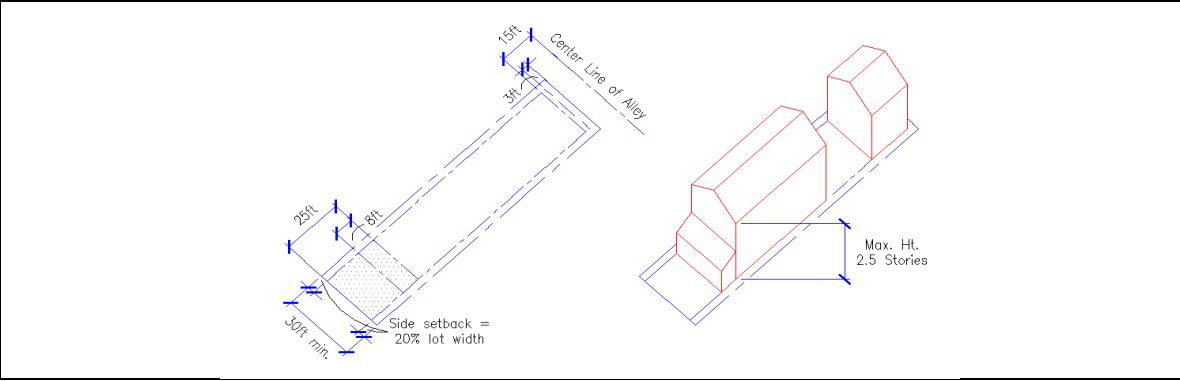
Required building materials may be substituted with materials that are similar in appearance and durability. Effective December 3, 2007, the requirements of this chapter shall apply to any new zoning permit application unless building elevations were approved as part of a conditional district rezoning.

**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 where 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 setbacks shall be as follows:

**Front (Maximum):** 0-25 ft.  
**Side:** 20% of the lot width *or 5 feet on each side whichever is greater.* (In new developments subdivisions, the entire setback may be allocated to one side with a minimum of 10 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%

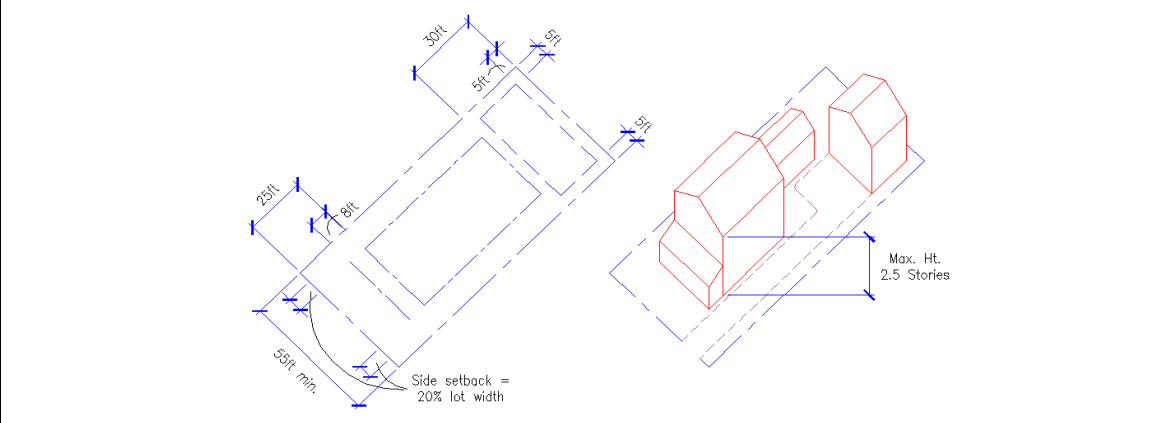
**Vehicular Access to Lot:** For lots less than 55 feet wide, alley access is required. For all others the use of an alley is permitted.  
 \*Excludes Temporary Family Health Care Structures

**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 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 *or 6 feet on each side whichever is greater.* (In new subdivisions, the entire setback may be allocated to one side, unless prohibited by building code requirements *with a minimum of 12 feet of total building separation*).

**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 ft<sup>2</sup>

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



**4.2 DETACHED HOUSE**

**2. ARCHITECTURAL REQUIREMENTS**

**A. General Requirements**

- 1. Useable porches and stoops should form a predominate motif of the building design and be located on the front and/or side of the home. Useable front porches are at least 6 feet deep and extend more than 50% of the facade.
- 2. Garages with front loading bays (if permitted) shall be recessed a minimum of one (1) foot from the front facade of the house and visually designed to form a secondary building volume. All garages with more than two bays shall be turned such that the bays are not visible from the street. At no time shall the width of an attached garage door exceed 45% of the total building facade.
- 3. Fences or walls shall be no greater than 8 feet in height behind the front building line. Fences shall be no greater than 4 feet in height and walls no greater than 3 feet in height in the front yard setback.
- 4. Garage doors are not permitted on the front elevation of any detached on a lot less than 55 feet wide.
- 5. Except for Single Family Homes on Type B-Street Lots and Single Family Homes located in neighborhoods developed specifically for seniors, to provide privacy, all front entrances shall be raised from the finished grade (at the frontage line) a minimum of 1½ feet.

**B. Materials**

- 1. Residential building walls shall be wood clapboard, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone, stucco, approved vinyl, or similar material.

- 2. Garden walls may be of brick, stone or stucco matching the principal building. Front yard fences shall be wood picket, wrought iron or materials similar in appearance and durability. Side and rear yard fences may be chain link, wood, wrought iron, or similar material. All side and rear yard fences over 4 ft. in height shall be wood or similar material.
- 3. Residential roofs shall be clad in wood shingles, standing seam metal, terne, slate, asphalt shingles or similar material.

**C. Configurations**

- 1. Main roofs on residential buildings shall be symmetrical gables or hips with a pitch between 4:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch roof shall be less than 4:12.
- 2. Two wall materials may be combined on one façade with the material that is more substantial in appearance (e.g., brick, stone or faux stone are deemed more substantial in appearance than materials such as vinyl, stucco or cementitious fiber siding) being below.
- 3. The undercroft of buildings shall be enclosed.

**D. Techniques**

- 1. Overhanging eaves may expose rafters.
- 2. Flush eaves shall be finished by profiled molding or gutters.

