



CITY OF BELMONT

PLANNING & ZONING

Application number: TA-2019.04 Blood Plasma Facilities

Request: a request to amend various chapters of the Belmont Land Development Code (LDC), establishing regulations for blood plasma facilities within the city. The amendment establishes a definition, identifies the zoning district in which the use is permitted, and establishes new supplemental regulations for the use type.

Background: City staff initiated the proposed text amendment at the end of 2019, after learning of unwanted impacts and concerns associated with a blood plasma facility in the City of Gastonia. Staff evaluated regulations from other municipalities and found a broad range of approaches associated with this land use type. Many jurisdictions classify this use as a medical office or service type of use. A few jurisdictions reported having established regulations to address concerns from residents and business owners in the areas of:

- Loitering by patrons.
- Suspect activity.
- Potential decrease in property value.
- Inadequate parking.

Analysis: Staff is proposing the following chapters be amended:

1. Chapter 2- Definitions—page 2-4
 - Blood Plasma Facility: A facility in which human blood plasma is collected from donors who may receive monetary compensation for the donation of plasma.
2. Chapter 5-District Provisions—page 5-16
 - Add “Blood Plasma Facility¹ to the permitted use table under “Commercial” for the Highway Commercial (HC) zoning district only. The superscript one refers to performance standards in Chapter 6.
3. Chapter 6-Additional Requirements for Certain Uses—page 6-8
 - Added 6.2.25 Blood Plasma Facility (HC) Special Use
 - A use-by-right blood plasma facility shall be located at least five hundred (500) linear feet away from any residential or civic use. The separation distance shall be measured from property line to property line.
 - A blood plasma facility located within five hundred (500) linear feet of any residential or civic use may be permitted upon approval of a Special Use Permit (SUP).
 - Hours of operation may be between 8:00 a.m. and 8:00 p.m. only.

Comprehensive land use plan: All requests for zoning text amendments are required to evaluate consistency with the goals of the adopted comprehensive land use plan and other adopted plans.

Staff is of the opinion the text amendment is consistent with the goals of the comprehensive land use plan and other adopted plans because it promotes public health and safety.

Planning Board Action: Receive report, public comment, and provide a recommendation to city council.

Attachment A – Draft amendment

Attachment B – Statement of consistency

Arena: A structure or facility designed and intended to be used primarily for athletic events and containing seating for spectators of those events, but not including a raceway or drag strip.

At or Above Grade: Grade shall mean the elevation of the land or land level at a specific point.

Auto Dependent Design: The construction of buildings and development to accommodate the car as the predominant and most reasonably available method of transportation i.e.: drive through windows, plentiful parking located in front of entrances; wide road lanes with the elimination of on-street parking, sidewalks, and street trees; and large intersections.

Automobile/Boat/Heavy

Equipment/Manufactured Home Sales and Service: Any building, premises, and land, in which or upon the primary use of land is a business which involves the maintenance, servicing or sale of new or used automobiles, boats, heavy equipment and/or manufactured homes generally but may include light trucks or vans, trailers, or recreation vehicles and including any vehicle leasing, rental, parking service, preparation or repair work conducted as an accessory use. This definition includes but is not limited to auto dealerships, auto body shops, auto service stations, boat repair or sales, car washes, convenience stores, gas stations, heavy equipment leasing, sales, or service, manufactured home sales or service, and oil/lube servicing. This does not include the sale of parts or related products (i.e. auto parts store).

Automotive repair: A building and its premises used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint and body work. Minor repairs shall be limited to battery and tire changes, light and fuse replacement, wiper blade changes and similar activities. Also referred to as vehicle repair.

Awning: A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not a canopy.

BBB

Base Flood Elevation: The highest height, expressed in feet above sea level, of the level of floodwaters occurring in the regulatory base flood.

Bedroom Unit: A private room for sleeping quarters separated from other rooms, and accessible to a bathroom without crossing through another bedroom.

Bed and Breakfast Inn: A use that takes place within a building that, prior to such an establishment, was a single family residence, that consists of renting from one to eight dwelling rooms on a daily basis to tourists, vacationers, and business travelers, where meals are provided only to guests. The homeowner shall reside on site and employment shall not exceed two full time employees in addition to the owner(s).

Berm: A raised earth mound which is planted with ornamental vegetation.

Best Management Procedures (BMPs): A structural or non-structural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.

Non-structural BMPs: Non-engineered methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.

Structural BMPs: Engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from the water supply. These may include wet detention ponds, detention basins, grass swales and ditches, and infiltration devices.

Block: A unit of land bounded by streets or by a combination of streets and public land, waterways, or any other barrier to the continuity of development.

Blood Plasma Facility: A facility in which human blood plasma is collected from donors who may receive monetary compensation for the donation of plasma.

Board of Adjustment: A quasi-judicial Board appointed by the Belmont City Council and Gaston County Commissioners which hears and decides on variances to the Regulating and Subdivision Ordinance of the City of Belmont. The Board can only grant variances according to strict interpretation of the Ordinances as adopted by City Council.

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 special use permit 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 special use permit 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. <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> 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}, Blood Plasma Facility¹, 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

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.

6.2.25 BLOOD PLASMA FACILITY (H-C) Special Use

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



Statement of consistency

In considering the text amendment of the Land Development Code request associated with petition TA 2019.04 Blood Plasma Facility amendment of chapters 2, 5, and 6, the Planning and Zoning Board finds:

The proposed text amendment is consistent with various goals of the comprehensive land use plan and other adopted plans because it promotes health and safety within the city.

*This finding is supported by a
April 15, 2021 meeting.*

vote by the Belmont planning and zoning during its

Walter Dixon, Chairman

Date