

Ordinance # 2021.08.02

**An Ordinance to Amend the City of Belmont Official Zoning Map**

**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**, Imperial Lofts LLC, applicant and property owner of record, submitted an application for a zoning map amendment to rezone the entire 0.45 acre property identified as tax parcel identification number 126708 from Neighborhood Center- Commercial (NC-C) to Neighborhood Center- Commercial Conditional District (NC-C/CD) to accommodate a three-story, +/-14,000 square foot mixed-use building with +/- 3900 SF of office/commercial space on the ground level, and nine dwelling units (7 two-bedroom, 2 one-bedroom) on the upper levels; and

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

**WHEREAS**, the Belmont planning and zoning board has reviewed the map amendment petition and voted 7-0 to find the map amendment to be a reasonable request and in the best interest of the public, consistent with the Belmont comprehensive land use plan, and recommended approval of the amendment as conditioned to the city council during the board’s July 15, 2021 meeting; and,

**WHEREAS**, the Belmont city council held the public hearing on August 2, 2021, and after hearing such, made the following required findings:

1. The conditional zoning petition is a reasonable request and in the public interest because:
  - a. The use provides access to additional commercial and residential uses within Belmont’s center city core; and
  - b. Areas of relief are supported based on location’s proximity to downtown and site constraints.
2. The proposed project is consistent with the following goals of the adopted comprehensive land use plan and other adopted plans:
  - a. Land Use – the project provides a balanced approach to land use to encourage a healthy tax base and a mix of uses that will promote choice in housing, shopping, and services; and
  - b. Economy – the project fosters a vibrant economic base that balances residential growth with employment and commerce; and
  - c. Community Character—the project enhances the character of Belmont by building on our heritage, improving community appearance, and promoting social and economic diversity.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Belmont, that the official zoning map of the city be amended to reflect this adopted change, in accordance with Exhibit A attached herein.

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.

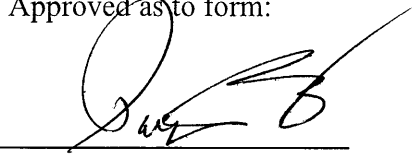
This ordinance shall be effective on this 2nd day of August 2021.

  
Charles R. Martin, Mayor

Attest:

  
City Clerk

Approved as to form:

  
City Attorney



**Exhibit A**  
**Areas of Relief and Conditions of Approval**  
**ZA2021.01 Imperial Lofts**


**Proposed Conditions of Approval**

1. The proposed development shall be in compliance with requirements of the land development code (LDC) and code of ordinances with the added relief of:
  - a. Allowing a reduction in the 10-foot parking perimeter landscaping buffer specifically in the areas noted on the site plan to accommodate the inclusion of 26 parking spaces on the project site.
2. The development shall meet the open space requirements as outlined in the land development code through a combination of on-site open space (2575 SF proposed) and payment in-lieu.
3. The development shall provide a natural buffer that is a minimum of four-foot-tall at the time of planting along the rear property abutting residential uses within the requested area of parking lot perimeter landscape buffer relief.
4. The development shall contain a sidewalk/public access easement dedicated to the city for the area between the existing ROW and back edge of the proposed sidewalk.
5. The applicant shall conduct a drainage study to evaluate the proposed drainage of water from the site and ensure that the flow of water is evenly distributed in a manner acceptable by the city engineer.
6. Locations of water service access/backflow preventer shall be evaluated to ensure that above-ground placement is aesthetically pleasing and adequately screened from view.
7. Developer to follow arborist recommendations to clean the ivy and all debris/underbrush/ sapling trees on-site that are competing with space of the large hardwoods, which are planned to be retained.
8. Exact tree species shall be confirmed during construction plan review to ensure consistency with Belmont's approved tree species list, however, the sizes of plantings proposed shall remain consistent with the proposed landscape plan.
9. The applicant shall coordinate with Duke Energy distribution team on the relocation and/or burial of above-ground electric lines.
10. The passageway underneath the proposed building shall be a minimum height of 13'-6" to provide adequate clearance for emergency vehicles. Applicant shall confirm serviceability of the rear dumpster with waste service provider.

11. Parking shall be restricted along the street frontage for this development.  
Loading/unloading vehicles are acceptable as needed upon confirmation with NCDOT.
12. Applicant shall provide a minimum of 26 spaces on-site, with four compact parking spaces along the rear row of the parking lot within the requested area of perimeter lot landscape buffer relief to maximize landscape buffer area/width.
13. Applicant shall install a new fire hydrant on-site along the S Main Street frontage.
14. Applicant to verify that sufficient sewer capacity exists to service seven commercial suites and nine residential units at the proposed site location as part of the construction plan review.
15. The conditional zoning schematic plan approval includes the proposed three-story, +/- 14,000 SF mixed-use building to include up to seven commercial suites on the ground floor, and nine residential units on the upper levels. Approval is valid for a period of 24 months.

*Applicant agrees to the conditions herein (Exhibit A) as approved by the Belmont City Council on August 2, 2021.*

*Imperial Lofts, LLC*

By:  Owner  
Signature Title

Date: 8/18/21

