



# CITY OF BELMONT

## PLANNING & ZONING

### **Application number: TA-2022.02 Short-Term Rentals**

**Request:** a request to amend various chapters of the Land Development Code (LDC) to incorporate regulations for short-term rentals.

**Background:** The city council requested that planning staff work with the planning and zoning board to evaluate short-term rentals and draft an ordinance.

The planning and zoning board has had two discussions regarding short-term rentals and hosted a special meeting to hear public comment on the matter. During the special meeting, 22 property owners spoke regarding short-term rentals in Belmont and their personal experiences.

After a discussion at the October planning and zoning board meeting, the board directed staff to write two ordinances due to the board member's divided opinions. Draft One (Attachment A) includes a short-term rental definition and allows operations in all zoning districts. Draft Two (Attachment B) includes the same information as Draft One but has additional performance standards. These standards originated from previous discussion, staff research, and board member research.

**Draft One (Attachment A):** Staff has prepared the draft amendment for short-term rentals. The following sections are proposed to be amended.

- Section 2.2 – Definitions.
  - This would define short-term rentals, as a current definition is nonexistent in the code.
  - This would also alter the bed and breakfast definition to identify this as a lodging use.
- Section 5.1 General Provisions.
  - This would include short-term rentals under the **Residential Use** category and allow for short-term rentals where residential uses are permitted.

**Draft Two (Attachment B):** Staff has prepared the draft amendment for short-term rentals. The following sections are proposed to be amended.

- Section 2.2 – Definitions.
  - This would define short-term rentals, as a current definition is nonexistent in the code.
  - This would also alter the bed and breakfast definition to identify this as a lodging use.
- Section 5.1 General Provisions.

- This would include short-term rentals under the **Residential Use** category and allow for short-term rentals where residential uses are permitted.
- Section 6.2.26 Short-Term Rentals.
  - This would include performance standards for short-term rental operations and allow the use in all zoning districts.
  - This would require a permit through the planning and zoning department.
  - This would prohibit exterior advertising, such as signage.
  - This would prohibit special events or gatherings in residential zoning districts.
  - A short-term rental must have one parking space per bedroom, with a minimum of two parking spaces per unit. One additional parking space for an accessory dwelling unit shall be provided on site. This proposal aligns with the residential parking requirements found in Chapter 3 and Chapter 9 of the LDC.
  - This would require operators to comply with all applicable state and local laws, including fire and building code.
    - In addition, this would ensure the payment of occupancy taxes to the city.

**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 amendments could be consistent with the goals of the comprehensive land use plan and other adopted plans.

**Planning and Zoning Board Meeting:** The board received and considered the proposed drafts and its regular November meeting. After deliberations, it recommended to modify proposed Chapter 6.2.26 by:

- Renewing required permits annual and changing language in 6.2.26.B to state “... shall first apply for and procure an annual zoning permit from the Planning and Zoning Department.”
- Changing language in 6.2.26.G to state “... shall comply with all applicable state and local laws, according to the local authority having jurisdiction related to fire and safety, including but not limited to smoke and carbon monoxide detecting equipment, and payment of taxes to appropriate government entities, including occupancy taxes.”

A motion was made to approve as modified and was approved 5 to 1. The consistency findings were also approved:

- The proposed text amendment is reasonable, and in the best interest of the public, because it includes regulations for a specific land use; and
- The proposed text amendment is consistent with comprehensive land use plan goal #1 land use and #2 economy.

**City Council Action:** Hold the public hearing, receive the planning and zoning board’s recommendation to approve the amendment, hear public comment, and render a decision.

Attachment A – Draft One with draft sections of the LDC

Attachment B – Draft Two with draft sections of the LDC

Attachment C – PZB 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:** See definition of “sleeping room.”

**Bed and Breakfast Inn:** A **lodging** 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 where human blood plasma is collected from donors who may receive monetary compensation for the donations of their blood 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.

**Buffer (Non-Watershed) (See also screening)**  
An area of land, open space, landscaped areas, fences, walls, berms, or any combination thereof

more than twenty (20) percent of its light ten (10) degrees below the horizontal plane of the fixture.

**Septic Tank System:** A ground absorption sewage disposal system consisting of a holding or settling tank and a ground absorption field.

**Setback:** The shortest horizontal distance from the property line or right-of-way to the nearest point (leading edge) of the structure or its supporting member whichever is nearest to the property line or right-of-way.

**Shade Tree:** Any large maturing tree which provides a crown width sufficient to shade a minimum of 1,200 square feet.

**Short-Term Rental:** a dwelling unit that can be used for overnight lodging accommodations which is provided to renters for compensation for no longer than 30 days. A portion of or the entire dwelling unit can be used for lodging, including part of or all of an accessory structure.

**Shrub:** A woody, branching plant of relatively low height.

Shrub, Small: A shrub growing to less than 5 feet in height at maturity that is planted for ornamental purposes.

Shrub, Medium: A shrub growing 5 feet to 10 feet in height at maturity that is planted for ornamental or screening purposes.

Shrub, Large: An upright plant growing 10 feet to 20 feet in height at maturity that is planted for ornamental or screening purposes.

**Sight Triangle:** In Belmont, the triangular area formed by a diagonal line connecting two points located on intersecting property lines (or a property line and the curb or a driveway), each point being 35 feet from the point of intersection. The North Carolina Department of Transportation sight triangle is different, with each point being 10 feet and 70 feet from the point of intersection. Generally, nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

**Sign:** Any object, device, structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or of any fraternal, religious or civic organization; works of art which in no way identify a product; or scoreboards located on athletic fields.

**Sign Structure or Support:** Any structure that supports or is capable of supporting a sign.

**Sign Types:** The following are types of signs included in this ordinance.

**Advertising:** A sign, other than a directional sign, which directs attention to or communicates information about a business, commodity, service, or event that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located. Any advertising sign allowed under this Code may display either a commercial or noncommercial copy.

**Arm:** A sign whose face is suspended from a support arm at a right angle from a ground mounted pier, pillar, column, or pole. The face of such sign shall not be more than three (3) feet from the ground.

**Banner:** A sign intended to be hung, with message or symbol applied to plastic or fabric of any kind, but excluding flags or emblems of any nation, organization of nations, state, city, or any fraternal, religious, or civic organization.

**Bulletin Board:** A sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center, or similar noncommercial place of public assembly.

**Campaign or Election Sign:** A sign that advertises a candidate or issue to be voted upon on a definite election day.

**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 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, **including** 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

**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.

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 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 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, **including** 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

- 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 or district. 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 or district 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.

**6.2.26 SHORT-TERM RENTALS (All Districts)**

- a) Short-term rentals (STRs) are allowed in any existing zoning districts where residential and/or lodging uses are permitted.
- b) Every short-term rental operator shall first apply for and procure an annual zoning permit from the Planning and Zoning Department.
- c) The zoning permit number authorizing the STR shall be conspicuously posted:
  - i. On all advertisements for short-term rentals, and
  - ii. Within the STR.
- d) No exterior advertising shall be allowed.
- e) In residential zoning districts, short-term renters shall not utilize the premise for holding pre-planned special events or gatherings.
- f) One parking space per bedroom, with a minimum of two parking spaces per unit. One additional parking space for an accessory dwelling unit shall be provided on site.
  - i. On-street parking may be allowed when the street width can accommodate on-street parking and there exists no other practical alternatives.
- g) Short-term rental operators shall comply with all applicable state and local laws, according to the local authority having jurisdiction related to fire and safety, including but not limited to smoke and carbon monoxide detecting equipment, ~~including those relating to fire and building codes, smoke and carbon monoxide detecting equipment, housing codes,~~ and payment of taxes to appropriate governmental entities, including occupancy taxes.



# CITY OF BELMONT

## PLANNING & ZONING

### Statement of consistency

In considering the text amendment of the Land Development Code request associated with petition TA 2022.02 Short Term Rentals — amendments of chapters 2, 5, and 6, the Planning and Zoning Board finds:

- The proposed text amendment is reasonable, and in the best interest of the public, because it aligns city land use regulations in compliance with state law as required; and
- The proposed text amendment is consistent with comprehensive land use plan goal #1 land use and #2 economy

These findings are supported by a 5 - 1 vote by the Belmont planning and zoning during its November 17, 2022, meeting.

  
Matt Hart, Chairman

11/17/22  
Date