

7 RECORDING \$26.00
REVENUE _____
NSF _____
ROTC PQ CS

Cover Sheet for Recording

Prepared by ADRIAN MILLER, CITY OF BELMONT

Return to PARKS H. WILSON, JR., ATTORNEY

Kind of Instrument: ORDINANCE TO AMEND
ZONING MAP

Date of Instrument: SEPTEMBER 6, 2022.

Parties: CITY OF BELMONT/GASTON COUNTY
BOA and KARE PARTNERS, LLC.

Ordinance # 2022.09.04

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, Gaston County Board of Education and Kare Partners, LLC , submitted an application for a zoning map amendment to rezone a portion of a 5.4-acre property, identified as Gaston County tax parcel identification number 125836, from General Residential (G-R) to Downtown District – Conditional District (D-D/CD) to accommodate a change in use from institutional to professional office; 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 voted 7-0 on a motion to recommend approval of the petition with conditions at the board's August 18, 2022, meeting; and,

WHEREAS, the Belmont city council held the public hearing on September 6, 2022, and after hearing such, made the following required findings:

1. The conditional zoning petition is a reasonable request and in the public interest because it proposes an adaptive reuse of a portion of a historic property that serves as a good transitional use within the community.
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 encourages a balanced approach to land use to encourage a healthy tax base and a mix of uses by offering professional office opportunity within an existing non-residential facility.
 - b. Economy – the project fosters a vibrant economy base that balances residential growth with employment and commerce; and
 - c. Community Character – the project will enhance the character of Belmont by utilizing the existing and historic Belmont Middle School facilities.

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 6th day of September 2022.


Charles R. Martin, Mayor

Attest:


City Clerk

Approved as to form:

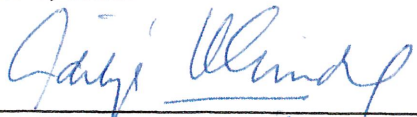

City Attorney



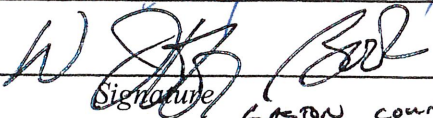
Exhibit A
Areas of Relief and Conditions of Approval
ZA2022.03 CompleteKidZ

1. The use within the facility is limited to professional office and shall be limited to a maximum of 20,000 square feet. Any expansion of use beyond the maximum area shall require approval from the city.
2. The subject property, lot 2, shall be incorporated into the future comprehensive master plan for the redevelopment of the former Belmont Middle School.
3. Any proposed change in use will require an amendment of the conditional zoning approval.
4. The portion of the property that is subject to this zoning petition shall be subdivided to prevent split zoning on one parcel.
5. The following areas of relief shall be provided:
 - a. Needed modifications for buffer and/or setback requirements for the proposed subdivision.
 - b. Existing parking configuration for the Hill Street parking lot.
 - c. Proposed off-site shared parking lot location and on-street parking space location adjacent to N. Central is supported as conditioned herein.
6. The applicant shall obtain approval of a change in use permit from the city and necessary permits from Gaston County Building Department in compliance with building and fire codes.
7. Utilities services and/or modifications shall be coordinated with the city in compliance with adopted regulations and policies.
8. A screening buffer of the parking lot adjacent to Myrtle Street is required and will be verified during the "change in use" zoning permit process. Said buffer shall comply with Chapter 11 of the LDC.
9. The property owner shall enter into an agreement for shared off-site parking and employees of the business shall utilize the said off-site parking. Any change in parking agreement shall be subject to review by the city.
10. All signage shall be reviewed and approved by the city.
11. The conditional zoning petition is valid for a period of 24 months.

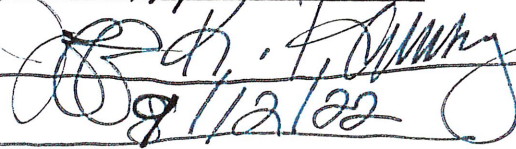
Applicant agrees to the conditions herein (Exhibit A) as approved by the Belmont City Council on September 6, 2022.

By:  CEO
Signature Title

Date: Sept 6th, 2022

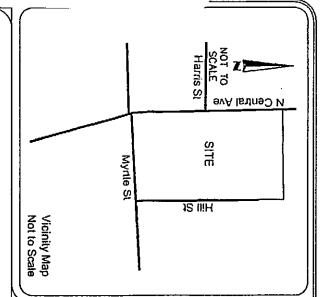
By:  SUPERINTENDENT
Signature Title
GASTON COUNTY SCHOOLS

Date: September 12, 2022

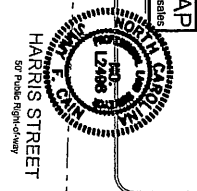
By:  GCS Board Chair
Signature Title

date: 9/12/22

This map may not be a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations and has not been reviewed for compliance with recording requirements for plats.

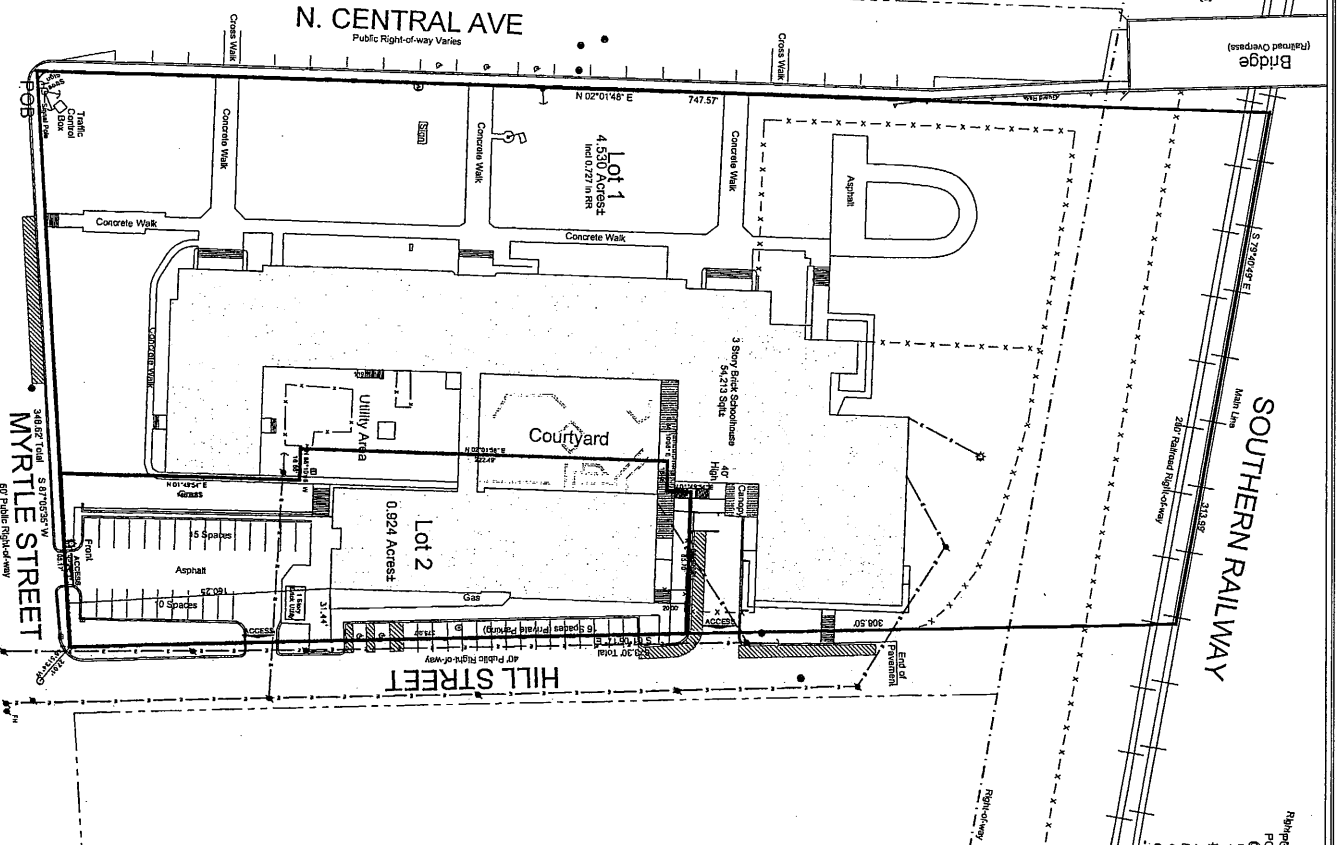
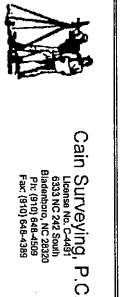


NORTH CAROLINA
I, **Jimmy F. Cain, PLS**, Professional Land Surveyor, certify that this map was drawn under my supervision from an actual survey made under my supervision, deed and description recorded in Deed Book 354 Page 94 of the Gaston County Registry, and that the ratio of precision as calculated by latitude and departures is 1 / 10,000+ and that the boundaries not surveyed are shown as broken lines plotted from information found in books referenced, that this map was prepared in accordance with G.S. 41-50 as amended, Witness my hand and seal this 19th day of April, A.D. 2022.



I hereby certify to one or more of the following:
 A. That this plat is of a survey that creates a subdivision of land within an area of the County or Municipality that has an Ordinance that regulates said parcels of land.
 B. That the survey is located in a portion of the County or Municipality that is unregulated as to an ordinance that regulates parcels of land.
 C. Any one of the following:
 1. That the survey is of an existing parcel or parcels of land and does not create a new street or change an existing street.
 2. That the survey is of an existing building or other structure, or natural feature, such as a watercourse, or
 3. That the survey is a control survey.
 D. That this plat is of a survey of another category, such as the recombination of existing parcels, a court-ordered survey, or other such exception to the definition of subdivision.
 E. That the information available to the surveyor is such that I am able to certify to the accuracy of the survey to the best of my professional ability as to provisions contained in A through D above.

Jimmy F. Cain, PLS _____ Date _____



- LEGEND**
- ✕ Meter Valve
 - RVV Right-of-way
 - ⊕ Point of Commencement
 - ⊕ Challenge Inlet
 - ⊕ Fire Hydrant
 - ⊕ Security Light
 - ⊕ Power Pole
 - ⊕ Concrete Monument
 - ⊕ Found Iron Stake
 - ⊕ Overhead Power
 - ⊕ Water Valve
 - ⊕ Right-of-way
 - ⊕ Centerline
 - ⊕ Power Box
 - ⊕ Handicap Space
 - ⊕ Telephone Pedestal
 - ⊕ Right-of-way Monument (0.01')
 - ⊕ Detail Note
 - ⊕ Chain Out

NOTES

- (1) S.M.U. 3596094195 / PARCEL #125286
- (2) Deed Reference: Deed Book 354 Page 94
- (3) Being Basis: NCGS GHD North NMD 83 (2011)
- (4) Map Reference: NA
- (5) No NCGS monuments within 200'
- (6) The location of utilities shown herein are from observed evidence of above ground appearances only. The surveyor was not provided with underground plans or surface ground maps to determine the location of any subsurface utilities.
- (7) FIRM #3710399400M
Effective date 08/02/15
All distances are horizontal.
- (8) Subject to all assessments of record.
- (9) Surveyed from existing corners.
- (10) Surveyed from the corner from the Gaston County GIS.
- (11) This office does not guarantee or certify that the property shown is adequate for independent sewer systems.
- (12) Plat may be subject to review.

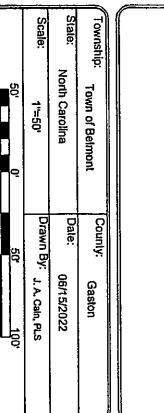
GASTON COUNTY
NORTH CAROLINA

Review Officer of
County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

DATE _____ Review Officer _____

Exhibit Map for:
OLD BELMONT MIDDLE SCHOOL

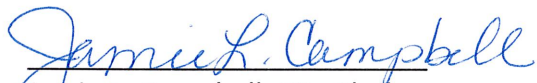
Resizing Station for
Township: Town of Belmont
County: Gaston
State: North Carolina
Date: 06/15/2022
Scale: 1"=50'
Drawn By: J. A. Cain, PLS



CERTIFICATE OF RECORDING OFFICER

The undersigned and duly qualified City Clerk of the City of Belmont, N.C. does hereby certify that the attached Ordinance is a true and correct copy of the Ordinance, as regularly adopted at a legally convened meeting of the Belmont City Council of the City of Belmont, North Carolina, duly held September 6, 2022 and further that such has been duly recorded in the journal of proceedings and records in my office.

In Witness Whereof, I have hereunto set my hand this 5th day of October, 2022


Jamie L. Campbell, City Clerk



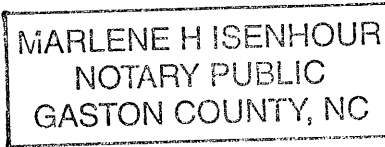
STATE OF NORTH CAROLINA

COUNTY OF GASTON

This the 5th day of October, 2022 personally appeared before me, a Notary Public for said County and State, Jamie L. Campbell, who being duly sworn by me, says she knows the common seal of the City of Belmont, and is acquainted with Charles R. Martin who is said Mayor and presiding member of said Municipal Corporation; that she saw the Mayor sign the foregoing instrument and saw the said common seal of said Municipal Corporation affixed to said instrument by said Mayor; and that she, the said City Clerk signed her name in attestation of said instrument in the presence of said Mayor of said Municipal Corporation.

Witness my hand and seal, the 5th day of October, 2022.

Marlene H. Isenhour
Notary Public



11-9-2023
My Commission Expiration Date