

1.1 AUTHORITY

This Ordinance is hereby adopted under the authority and provisions of the General Statutes of North Carolina, Chapters 160A-381 to 160-392.

1.2 PURPOSE

Existing patterns of urban development have seriously compromised sustainable growth, the quality of life, and economic viability of cities. The practices of land use segregation and auto dependent design criteria have resulted in wide-spread loss of open space; increased traffic congestion and air pollution; environmental degradation; increased housing and infrastructure costs; inadequate provision of schools and public services; and growing areas of declining property values, crime, and poverty. The resultant loss of community identity adds to these problems by discouraging citizen awareness of, and participation in, community affairs.

Therefore, the purpose of this Ordinance is not merely to provide the minimum regulations necessary to facilitate safe and orderly growth, but to also ensure that growth forms an integral part of a community of functional neighborhoods and town centers; increases collective security and community identity to promote civic awareness and responsibility; and enhances the quality of life for the entire city to ensure the greatest possible economic and social benefits for all residents. To these ends, the Regulating Ordinance, Districts, and Maps have been prepared with due consideration of future growth; the promotion of a coherent community scaled built environment, which respects local and regional architecture; the promotion of an integrated and balanced transportation system based on pedestrian, transit, and automobile use; the adequate provision of water and sewer infrastructure, schools, parks, and other public necessities; and for the preservation and enhancement of the natural environment through the protection and replenishment of City forests by landscaping of the public realm and supplemental plantings for projects which reduce existing tree cover resources.

The justification for the approach taken by this Ordinance is evidenced from existing urban areas which have grown largely under the prevailing model of development. Low density development increases the cost of living in order to finance, maintain, and replace infrastructure. Auto dependent design standards increase paved surface areas which in turn increase water runoff, soil erosion, and water supply contamination. Low densities and increased paved surfaces also deplete urban forest cover, decrease property values, and increase traffic congestion, solar heating, noise, and pollution.

Under this model a majority of a municipalities time and money is spent replacing and extending infrastructure and mitigating the negative impacts of development. Assessed on a project by project basis the total effects and subsequent costs are hidden by immediate tax base increases and owner profits. However, if assessed at the community level, long term, all additional development of the model described above becomes a

burden on a community, and eventually the increased cost of building and living in such areas prevents growth from continuing. This occurs long before an area reaches full economic potential and physical build out. A development model which addresses these problems must treat a community as a highly complex entity, not merely as a collection of individual market segments or an opportunity for real estate speculation. The intent of this Ordinance is to avoid these problems by careful planning of the physical design of the City.

4.11.1 INTENT

The purpose of this district is to allow for the development of fully integrated, mixed-use pedestrian oriented neighborhoods. The intent is to minimize traffic congestion, suburban sprawl, infrastructure costs, and environmental degradation. Its provisions adapt urban conventions which were normal in the United States from colonial times until the 1940's and historically were based on the following design principles:

All neighborhoods have identifiable centers and edges.

Edge lots are readily accessible to retail and recreation by non-vehicular means (a distance not greater than 1/4 mile).

Uses and housing types are mixed and in close proximity to one another.

Street networks are interconnected and blocks are small.

Civic buildings are given prominent sites throughout the neighborhood.

4.11.2 DEVELOPMENT PROVISIONS

Minimum Development Size: 40 acres

Maximum Size: 200 acres (Tracts larger than 200 acres shall be developed as multiple Traditional Neighborhood Developments, each individually subject to all such provisions.

Maximum permitted densities and total number of dwelling units shall be established during the site-plan review process. All TN development shall follow the preliminary and final plat procedures listed in the Belmont Subdivision Ordinance.

4.11.3 GENERAL DESIGN STANDARDS AND PROVISIONS

A. USE

- The entire land area of the TND shall be divided into blocks, streets, and lots and optional natural or greenbelt areas.

- Similar land categories shall generally enfront across streets. Dissimilar categories shall abut at rear lot lines. Corner lots which front on streets of dissimilar use shall be set back the same as the adjacent use with the lesser setback.
- Large-scale, single use (conference spaces, theaters, athletic facilities, etc.) shall occur behind or above habitable street front space.
- Uses permitted with conditions are uses which generate Significant Impacts on City and/or State services and infrastructure; Essential Services class 1, 2, and 3; and Service Stations, Garages, and Fast Food Franchises. See Chapter 5 for provisions.
- Prohibited uses: Any commercial use which encourages patrons to remain in their automobiles while receiving goods or services, except service stations; chemical manufacturing, storage or distribution as a primary use; enameling, painting or plating, except artist's studios; outdoor advertising or billboard as a principle use; carting, moving, or hauling terminal or yard; prisons, detention centers, or half-way houses; manufacturing, storage, or disposal of hazardous waste materials; scrap yards; mobile homes; kennels; sand, gravel, or other mineral extraction; and any use which produces the following adverse impacts: noise at a level greater than typical street or traffic noise, offensive vibration, emission of noxious solids, liquids, or gases.
- Accessory structures may be used for rental housing on attached and detached home lots.
- All uses shall be conducted within complete enclosed buildings unless otherwise specified.
- Fences and Walls shall adhere to the provisions of Chapter 3 Section 3.4, unless otherwise specified in this Section.

B. LOTS and BUILDINGS

- All lots shall share a frontage line with a street or square.
- All buildings, except accessory structures, shall have their main entrance opening onto a street or square.
- Stoops, open colonnades, and open porches may encroach up to 12 feet into front setbacks.

C. STREETS and ALLEYS

- Streets shall provide access to all tracts and lots.
- All streets and alleys shall terminate at other streets within the neighborhood and connect to existing and projected through streets outside the development.
- There shall generally be a continuous network of alleys to the rear of lots within the TND.
- The average perimeter of all blocks within the TND shall not exceed 1,350 feet. No block face shall have a length greater than 500 feet without a dedicated alley or pathway providing through access.
- Utilities shall run along alleys wherever possible.

- If provided, street lamps shall be installed on both sides of the street no less than 100 feet apart.
- Rights-of-way and streets are encouraged to differ in dimension and each street shall be separately detailed (See Section 4.6 in the Belmont Subdivision Ordinance).
- Steady and even build-to lines shall be established along all streets and public space frontages, determining the width desired for each street or public space. A minimum percentage build-out at the build-to line shall be established along all streets and public square frontages.
- The long axis of the street shall have appropriate termination with either a public monument, specifically designed building facade, or a gateway to the ensuing space.

D. PARKING

- Parking lots shall generally be located at the rear or at the side of buildings and shall be screened from the sidewalk by low walls, fences or hedges.
- Parking lots and parking garages shall not abut street intersections or civic buildings, be adjacent to squares or parks, or occupy lots which terminate a vista.
- Primary street frontages shall have no vehicular entries, for properties with another street frontage. Properties with a single-frontage on a primary street shall be limited to a maximum of two single lane-width vehicular entries separated by a minimum of twenty feet.
- Adjacent parking lots shall have vehicular connections via an alley or internally.
- On-street parking directly enfronting shall count toward fulfilling the parking requirement of that lot. One parking space credit shall be given for every space in front of the lot that is over 50% of the length of the parking space.

E. LANDSCAPING

- Trees shall be planted within right-of-ways parallel to the street along all streets. (Exception: alleys)
- Tree spacing shall be determined by species type. Large maturing trees shall be planted a minimum of 40 feet and a maximum of 50 feet on center. Small and medium maturing trees shall be planted a minimum of 10 feet and a maximum of 30 feet on center.
- Large maturing trees, such as willow oaks, tulip poplars, and american beech shall generally be planted along residential streets and along the street frontages and perimeter areas of parks, squares, greenbelts, and civic structures.
- Small maturing trees such as flowering dogwoods, crepe myrtles and aristocrat pears shall generally be planted along non-residential streets, interior portions of parks, squares, greenbelts, and civic lots.
- Plantings in immediate proximity to buildings in front and side yards shall respect architectural lines (should be seen as extension of architectural walls).

- Plantings toward the street shall respect the integrity of the street by not obscuring important buildings and respecting views to and from streets, porches, walks, and public open spaces.
- Existing trees 18" in caliper or greater may count towards all tree requirements. All such trees not within a drive or building footprint after grading may not be cut without permission from the Zoning Officer.
- All plantings shall installed free from disease in a manner that ensures the availability of sufficient soil and water for healthy growth, and which is not intrusive to underground utilities.

4.11.4 PUBLIC DESIGN STANDARDS AND PROVISIONS

A. USE

- Land designated for public use shall consist of the following: parks, squares, greenbelts, streets and alleys.
- Public use tracts may contain civic use lots.
- Large scale recreational uses such as golf courses and multiple game fields shall be located on the perimeter of neighborhoods (i.e. within a greenbelt)
- A minimum of 5% of the gross area of the neighborhood, or two acres, whichever is greater, shall be permanently allocated to squares or parks.
- Each neighborhood shall contain as its central focus, at least one square or park no smaller than 1 acre, and no greater than 3 acres. This square shall be within 600 ft of the geographic center of the neighborhood.
- Neighborhoods along waterfronts shall provide park and square requirements along the waterfront.
- Squares, parks, and other natural amenities shall have at least 75% of their perimeter abutting street rights-of-way. Golf courses shall have at least 30% of their perimeter abutting street rights-of-way.
- The remaining public use area shall be divided at least into thirds and distributed such that no portion of the TN-D is further than 600 ft from a park or square.

B. LOTS and BUILDINGS

- Balconies shall be permitted to encroach up to 8 ft into a public use tract.
- All lots share a frontage line with a street or square. All buildings shall have their main entrance opening to a street or square (except accessory structures).
- Similar building massing and uses at ground level shall front a street, park, or square.

C. STREETS and ALLEYS

- Alleys shall not form the boundary of a park, square, or greenbelt unless a wall a minimum of 6 feet in height is used for separation.

D. PARKING

- The developer shall demonstrate the provision of adequate parking for public use tracts containing squares and parks. Shared parking shall be encouraged.
- Parking lots on public use tracts shall be graded, compacted, and landscaped, but may be left unpaved.

E. LANDSCAPING

- Streets fronting parkways shall at a minimum have trees planted on the developed side of the street.
- Streets in developed areas shall not have a planted area forming a continuous band between the curb and the sidewalk.
- Streets in less developed areas (with frontage setbacks) shall have a continuous band of plantings between the curb and the sidewalk. Streets abutting open spaces shall conform to the surrounding sidewalk treatment.
- Greenbelts shall be left natural. Fronting ROW's shall require no plantings or landscaping.

4.11.5 CIVIC DESIGN STANDARDS AND PROVISIONS

A. USE

- Land designated for civic use shall contain but not be limited to the following: community buildings including meeting halls, libraries, post offices, schools, child care centers, clubhouses, religious buildings, recreational facilities, museums, performing art buildings, and municipal buildings.
- A minimum of 2% of the gross area of the neighborhood shall be designated for civic use lots.
- Civic lots shall be within or adjacent to a square or park or on a lot terminating a street vista.

B. LOTS and BUILDINGS

- Civic use buildings shall be not be subject to setback limitations.

C. STREETS and ALLEYS

- The long axis of the street shall have appropriate termination with either a public monument, specifically designed building facade, or a gateway to the ensuing space.

D. PARKING

- The developer shall demonstrate the provision of adequate parking for the various types of civic uses. Shared parking shall be encouraged.
- Civic use lots within public use tract may count on-street parking fronting the public use tract toward its parking requirements.
- Off-street parking for civic uses shall occur at the rear or side of the building.

E. LANDSCAPING

- Parking lots shall conform to Section 3.7.8 (B).
- Utility, storage, and loading areas shall conform to Section 3.7.8 (C)
- Interior plantings shall respect vistas and building lines.

4.11.6 SHOPFRONT DESIGN STANDARDS AND PROVISIONS

A. USE

- Land designated as shopfront use shall contain residential and commercial uses.
- At least 50% of the building area shall be designated for residential use.
- Residential uses are not permitted on the ground floors of shopfront buildings.
- A minimum of 2% and a maximum of 30% of the gross area of a neighborhood shall be designated for shopfronts.

B. LOTS and BUILDINGS

- Buildings on shopfront lots shall have the facade built directly on the build-to line along at least 70% of its length. The unbuilt portion of the build-to line shall have a street wall directly upon it.
- Buildings on shopfront lots shall have no setback from at least one side lot line.
- Buildings on shopfront lots shall cover no more than 60% of the lot area.
- The maximum height shall be 35 feet.
- The minimum height shall be 26 feet.

C. STREETS and ALLEYS

- Shopfronts shall have their rear lot lines coinciding with an alley at least 24 feet containing a vehicular pavement width of at least 10 feet.
- Shopfront lots shall enfront on streets with a maximum right-of-way of 65 feet consisting of at least two 12 foot travel lanes, 8 foot parallel parking on both sides, and 12 foot sidewalks. Curb radius shall not exceed 10 feet.

D. PARKING

- No less than 75% of the parking places shall be to the rear of the building. Access may be through the frontage only if the alley entrance providing access is not within 200 feet of the lot.
- For shopfronts and workplaces, on-street parking directly enfronting a lot shall count toward fulfilling the parking requirement.
- All shopfront and workplace streets shall have parallel or diagonal parking on street.
- The required number of parking spaces may be reduced by demonstrating the possibility of shared parking.
- The parking requirements may be suspended for select retail uses of 2,000 square feet or less, that portion of restaurant setting which is outdoors and adjacent to the street, for daycare, or for other uses which require encouragement.
- There shall one parking space per 300 square feet of building space for non-residential uses, and one per room of lodging, and per 2 bedrooms of residential use.

E. LANDSCAPING

- Parking shall conform to Section 3.7.8 (B)
- Loading, storage, and utility areas shall conform to Section 3.7.8 (C)
- Sidewalks for shopfront lots shall not have a continuous band of plantings separating the curb from the sidewalk.

4.11.7 ATTACHED (Multi Family) HOME DESIGN STANDARDS AND PROVISIONS

A. USE

- Land designated for attached home use shall contain buildings for residential use and limited commercial use, such as a coffee house, home occupation, or bed and breakfast.
- An accessory building is permitted on each lot.
- 100% of the building area above the ground floor shall be residential.
- A minimum of 15% and a maximum of 30% of the gross area of the neighborhood shall be designated for attached houses (multi-family) and small lot (50 ft or less in width) detached houses.

B. LOTS and BUILDINGS

- Buildings on attached home lots shall be setback between 0 and 15 feet from the frontage line, and frontage lines (except for corner lots) shall be constant for a street. Buildings at street intersections set be setback 0 feet from both frontage lines.

- Buildings on attached home lots shall have no required setbacks from side lot lines.
- Buildings on attached home lots shall cover no more than 50% of the lot area.
- Building height shall not exceed 35 feet.
- Buildings on attached home lots shall have a masonry wall, wood fence, or hedge between 3 and 5 feet tall built along the unbuilt portion of the frontage line.

C. STREETS and ALLEYS

- Attached homes and small-lot detached homes shall have their rear lot lines coinciding with an alley 24 feet wide containing a vehicular pavement width of at least 10 feet.
- Attached house lots shall enfront on streets with a maximum right-of-way of 50 feet consisting of at least two 10 foot travel lanes, 8 foot parallel parking on both sides, and 6 foot sidewalks. Curb radius shall not exceed 10 feet.

D. PARKING

- All off-street parking places shall be to the rear of the building. Access shall be by an alley only.
- There shall one parking space per 300 square feet of building space for non-residential uses, and one per room of lodging, and per 2 bedrooms of residential use.

E. LANDSCAPING

- No tree 18" in caliper or greater may be removed unless it is located in a grading area, building footprint, or drive.

4.11.8 DETACHED HOME DESIGN STANDARDS AND PROVISIONS

A. USE

- Land designated for detached home use shall contain buildings for residential uses, customary home occupational uses, and bed and breakfast inns.
- An accessory building is permitted on each lot.
- 100% of the building area above the ground floor shall be residential.
- A maximum of 30% of the gross area of the neighborhood shall be designated for large-lot (50 feet or more in width) detached homes.

B. LOTS and BUILDINGS

- Buildings on detached home lots shall be setback between 0 and 25 feet from the frontage line.

- Buildings on detached home lots shall be setback from the side lot lines equivalent to no less than 20% of the width of the lot. The entire setback may be allocated to one side.
- Buildings on detached home lots shall be setback no less than 30 feet from the rear lot line.
- Buildings on detached home lots shall cover no more than 50% of the lot area.
- Building height shall not exceed 35 feet.
- Buildings on detached home lots shall have a masonry wall, wood fence, or hedge between 3 and 5 feet tall built along the unbuilt portion of the frontage line.

C. STREETS and ALLEYS

- Detached home lots may have their rear lot lines coinciding with an alley 24 feet wide containing a vehicular pavement width of at least 10 feet.
- Attached house lots shall enfront on streets with a maximum right-of-way of 40 feet consisting of at least two 10 foot travel lanes and 5 foot wide sidewalks. Curb radius shall not exceed 25 feet.

D. PARKING

- All off-street parking places shall be to the side of the rear of the building. Where access is through the frontage, garages or carports shall be located a minimum of 20 feet behind the front facade
- There shall one parking space per 300 square feet of building space for non-residential uses, and one per room of lodging, and per 2 bedrooms of residential use.

E. LANDSCAPING

- See the provisions of 3.11.7 (E) (1)

4.11.9 BUSINESS DESIGN STANDARDS AND PROVISIONS

A. USE

- Land designated for business use shall contain office, retail, light industry, warehousing, and gas stations.
- A minimum of 5% and a maximum of 15% of the gross area of the neighborhood shall be designated for business.
- Business uses shall be grouped together as follows: Office and retail may be grouped with shopfront buildings to form town centers. All other business uses shall be grouped together outside town and neighborhood centers.

B. LOTS and BUILDINGS

- Business buildings shall not require setbacks from front or side lot lines.
- Business buildings shall not cover more than 50% of the lot area.
- Business lots shall be separated from other use types at the side and rear lot lines by a continuous masonry wall no less than 8 feet in height.
- The maximum height shall be 35 feet.

C. STREETS and ALLEYS

- Business lots may have their rear lot lines coinciding with an alley at least 24 feet wide containing a vehicular pavement width of at least 10 feet.
- Shopfront lots shall enfront on streets with a maximum right-of-way of 65 feet consisting of at least two 11 foot travel lanes, one 10 foot central turning lane, 8 foot parallel parking on both sides, and 9 foot sidewalks. Curb radius shall not exceed 15 feet.

D. PARKING

- There shall be one parking space per 500 square feet of building space, except for office use which shall have one per 300 square feet
- Off-street parking places may to one side or to the rear of the building.

E. LANDSCAPING

- Parking shall conform to Section 3.7.8 (B)
- Loading, storage, and utility areas shall conform to Section 3.7.8 (C)

4.11.10 ARCHITECTURAL STANDARDS

Due to the mixed use nature of the development, architectural compatibility is necessary in order to visually integrate development and allow for proximity of varied uses. All residential uses shall conform to the standards detailed in section 3.3 (Neighborhood Center Residential)

Materials

- All walls visible from public streets shall be clad in brick, cast concrete, stone, stucco, approved metal paneling (no more than 20% of a building wall), or material similar in appearance or texture.
- Screening walls shall be made of materials which match the principle structure (if a structure consists of more than one material, the heavier material shall be used).

Configurations

- Two wall materials may be combined (horizontally) on one facade. The heavier material must be below.
- Maximum screening wall height shall be eight (8) feet. Barbed wire shall be allowed only in areas that are not visible from streets and public parking areas.
- Roofs shall be flat.

Techniques

- Stucco shall be float finish.
- All rooftop equipment shall be enclosed in the building material that matches the structure or is visually compatible with the structure.