

Reading: December 3, 2007

STATE OF NORTH CAROLINA  
COUNTY OF BRUNSWICK

**AN ORDINANCE TO AMEND ARTICLES 5, 6, 7, 8, 9, 10, 16, 17, 18, AND 19 OF  
THE TOWN OF BELVILLE ZONING ORDINANCE AND DO AMEND AND  
READOPT THE TOWN OF BELVILLE ZONING MAP**

**WHEREAS**, the Town of Belville Board of Commissioners instituted moratoriums based on concerns that the Town does not have a master plan, nor appropriate zoning or subdivision regulations, to promote growth and development that is both consistent and serves to maintain the public health, safety and welfare; and

**WHEREAS**, the stated goals of the moratorium ordinances was to adopt a master plan for the Town and to develop amended ordinances to regulate development in the CBD (Central Business District), BH (Business Highway District), and I (Industrial District) zoning districts, and the use of the Planned Building Group and Planned Unit Development (PUD) processes; and

**WHEREAS**, the Board of Commissioners of the Town of Belville have adopted the Belville Vision Plan 2020, a collection of policies, goals and recommendations for the future development of certain areas of the Town; and

**WHEREAS**, the adoption of the Belville Vision Plan 2020 serves as a master plan with which to promote the requisite consistency of its zoning and subdivision-related decisions; and

**WHEREAS**, the Board of Commissioners of the Town of Belville find that this Ordinance serves to not only correct, clarify, and update certain provisions of the Zoning Ordinance regarding processes, but also amends the CBD, BH, and I zoning districts, eliminates the Planned Building Group regulations, and institutes two (2) overlay districts within the Town (Blackwell Road Overlay District and Downtown Overlay District), all of which serve to implement the policies, goals, and recommendations of the Belville Vision Plan 2020; and

**WHEREAS**, the Board of Commissioners of the Town of Belville find that upon adoption of this Ordinance the concerns surrounding the adoption of a moratorium have been ameliorated; and

**WHEREAS**, pursuant to N.C.G.S. 160A-364, the Town of Belville has the authority to adopt, amend, or repeal ordinances, and the Board of Commissioners of the Town of Belville deem it to be in the best interest of the public to amend the Zoning Ordinance as prescribed herein; and

1  
2 **NOW, THEREFORE**, to accomplish the foregoing, the Board of Commissioners  
3 of the Town of Belville, North Carolina, pursuant to their authority, do hereby adopt the  
4 following Ordinance:

5  
6 **1.**

7  
8 Article 5, *Establishment of Zoning Districts*, of the Town of Belville Zoning  
9 Ordinance, is hereby deleted in its entirety and the following is inserted therefor:

10  
11 **ARTICLE 5**  
12 **ZONING DISTRICTS, PERMITTED USES, AND DIMENSIONAL**  
13 **REQUIREMENTS**

14  
15 Section 5.1 Zoning Districts  
16 Section 5.2 Permitted Uses  
17 Section 5.3 Dimensional Requirements

18  
19 **SECTION 5.1**  
20 **ZONING DISTRICTS**

21  
22 Section 5.1.1 Establishment of Zoning Districts  
23 Section 5.1.2 R-10, Residential District  
24 Section 5.1.3 R-15, Residential District  
25 Section 5.1.4 MF, Multi-Family District  
26 Section 5.1.5 MH, Manufactured Homes District  
27 Section 5.1.6 BR, Business Residential  
28 Section 5.1.7 BH, Business Highway  
29 Section 5.1.8 CBD, Central Business District  
30 Section 5.1.9 I, Industrial District  
31 Section 5.1.10 PI, Public Institutional District

32  
33 **Section 5.1.1 Establishments of Zoning Districts**

34 For the purpose of this ordinance, the Town of Belville and its extraterritorial jurisdiction  
35 is divided into the following classes of zones:

36  
37 R-10, Residential District  
38 R-15, Residential District  
39 MF, Multi-Family District  
40 MH, Manufactured Homes District  
41 BR, Business Residential District  
42 BH, Business Highway District  
43 CBD, Central Business District  
44 I, Industrial District  
45 PI, Public Institutional District

46  
47 **Section 5.1.2 R-10, Residential District**

- 1 A. Purpose and Intent - This district is defined as medium-density residential areas  
2 and additional open areas where similar single-family residential development  
3 will be a viable land use. The uses permitted in this district are designed to  
4 stabilize and protect the essential character of the area and prohibit all activities of  
5 a commercial nature except certain home occupations controlled by specific  
6 limitations.  
7
- 8 B. Permitted and Special Uses - Permitted and Special Uses shall be as provided in  
9 Section 5.2, *District Regulations*, Table 5.1, *Table of Permitted Uses*, of this  
10 Article.  
11
- 12 C. Accessory Uses - A building or lot may be used for uses customarily incidental to  
13 any permitted use and a dwelling may be used for a home occupation.  
14
- 15 D. Dimensional Requirements - Dimensional requirements shall be as provided in  
16 Section 5.3, *Dimensional Requirements*, Table 5.2, *Zoning District Dimensional*  
17 *Requirements*, of this Article.  
18

19 **Section 5.1.3 R-15, Residential District**

- 20
- 21 A. Purpose and Intent - This district is defined as medium-density residential areas  
22 and additional open areas where similar single-family residential development  
23 will be a viable land use. The uses permitted in this district are designed to  
24 stabilize and protect the essential character of the area and prohibit all activities of  
25 a commercial nature except certain home occupations controlled by specific  
26 limitations.  
27
- 28 B. Permitted and Special Uses - Permitted and Special Uses shall be as provided in  
29 Section 5.2, *District Regulations*, Table 5.1, *Table of Permitted Uses*, of this  
30 Article.  
31
- 32 C. Accessory Uses - A building or lot may be used for uses customarily incidental to  
33 any permitted use and a dwelling may be used for a home occupation.  
34
- 35 D. Dimensional Requirements - Dimensional requirements shall be as provided in  
36 Section 5.3, *Dimensional Requirements*, Table 5.2, *Zoning District Dimensional*  
37 *Requirements*, of this Article.  
38

39 **Section 5.1.4 MF, Multi-Family District**

- 40
- 41 A. Purpose and Intent - This district is defined as a high-density residential area  
42 where multi-family dwellings are co-mingled with certain open areas where  
43 similar residential development will be a viable land use. The uses permitted in  
44 this district are designed to stabilize and protect the essential characteristics of the  
45 area and prohibit all activities of a commercial nature except certain home  
46 occupations controlled by specific limitations.  
47

- 1 B. Permitted and Special Uses - Permitted and Special Uses shall be as provided in  
2 Section 5.2, *District Regulations*, Table 5.1, *Table of Permitted Uses*, of this  
3 Article.  
4
- 5 C. Accessory Uses - A building or lot may be used for uses customarily incidental to  
6 any permitted use and a dwelling may be used for a home occupation.  
7
- 8 D. Dimensional Requirements - Dimensional requirements shall be as provided in  
9 Section 5.3, *Dimensional Requirements*, Table 5.2, *Zoning District Dimensional*  
10 *Requirements*, of this Article.  
11

12 **Section 5.1.5 MH, Manufactured Homes District**  
13

- 14 A. Purpose and Intent - This district is defined as a high-density residential area  
15 manufactured home parks are co-mingled with certain open areas where similar  
16 residential development will be a viable land use. The uses permitted in this  
17 district are designed to stabilize and protect the essential characteristics of the area  
18 and prohibit all activities of a commercial nature except certain home occupations  
19 controlled by specific limitations.  
20
- 21 B. Permitted and Special Uses - Permitted and Special Uses shall be as provided in  
22 Section 5.2, *District Regulations*, Table 5.1, *Table of Permitted Uses*, of this  
23 Article.  
24
- 25 C. Accessory Uses - A building or lot may be used for uses customarily incidental to  
26 any permitted use and a dwelling may be used for a home occupation.  
27
- 28 D. Dimensional Requirements - Dimensional requirements shall be as provided in  
29 Section 5.3, *Dimensional Requirements*, Table 5.2, *Zoning District Dimensional*  
30 *Requirements*, of this Article.  
31

32 **Section 5.1.6 BR, Business Residential District**  
33

- 34 A. Purpose and Intent - The purpose of this district shall be to provide convenient  
35 shopping facilities primarily of necessity goods and personal services required to  
36 serve a neighborhood. The district's principal means of ingress and egress shall  
37 be along collector roads, minor arterial, and/or major arterials as designated on the  
38 County's or Town of Belville's Thoroughfare Classification Plan. Typically, a BR  
39 zone will be located within or abutting a residential subdivision or residentially  
40 zoned property. When located within a subdivision, the maximum BR area  
41 should be less than or equal to 5% of the total subdivision. Typical uses to be  
42 found in the BR district include a food market, drugstore, personal service  
43 establishments, small specialty shops, and a limited number of small professional  
44 offices. Areas zoned for the BR District should be located so that their  
45 distributional pattern throughout the Town reflects their neighborhood orientation.  
46 They should be designed to be an integral, homogeneous component of the  
47 neighborhoods they serve, oriented to pedestrian traffic as well as vehicular.  
48

1 B. Permitted and Special Uses - Permitted and Special Uses shall be as provided in  
2 Section 5.2, *District Regulations*, Table 5.1, *Table of Permitted Uses*, of this  
3 Article.

4  
5 C. Accessory Uses - A building or lot may be used for uses customarily incidental to  
6 any permitted use.

7  
8 D. Dimensional Requirements - Dimensional requirements shall be as provided in  
9 Section 5.3, *Dimensional Requirements*, Table 5.2, *Zoning District Dimensional*  
10 *Requirements*, of this Article.

11  
12 **Section 5.1.7 BH, Business Highway District**

13  
14 A. Purpose and Intent - The purpose of this district shall be to provide for the proper  
15 grouping and development of roadside business uses which will best  
16 accommodate the needs of the motoring public and businesses demanding high  
17 volume traffic. The district's principal means of ingress and egress shall be along  
18 collector roads, minor arterial, and/or major arterial as designated on the County's  
19 or Town of Belville's Thoroughfare Classification Plan.

20  
21 B. Permitted and Special Uses - Permitted and Special Uses shall be as provided in  
22 Section 5.2, *District Regulations*, Table 5.1, *Table of Permitted Uses*, of this  
23 Article.

24  
25 C. Accessory Uses - A building or lot may be used for uses customarily incidental to  
26 any permitted use.

27  
28 D. Dimensional Requirements - Dimensional requirements shall be as provided in  
29 Section 5.3, *Dimensional Requirements*, Table 5.2, *Zoning District Dimensional*  
30 *Requirements*, of this Article.

31  
32 **Section 5.1.8 CBD, Central Business District**

33  
34 A. Purpose and Intent - This section is intended to establish standards/requirements  
35 and guidelines/objectives for the Central Business District within the Town of  
36 Belville. It is the intent of these standards and guidelines to promote an attractive  
37 appearance for the enjoyment of Belville residents and visitors. It is recognized  
38 that alternatives to this ordering may achieve the same goal. Innovation and  
39 creativity are strongly encouraged.

40  
41 B. Permitted and Special Uses - Permitted and Special Uses shall be as provided in  
42 Section 5.2, *District Regulations*, Table 5.1, *Table of Permitted Uses*, of this  
43 Article.

44  
45 C. Accessory Uses - A building or lot may be used for uses customarily incidental to  
46 any permitted use and a dwelling may be used for a home occupation.

1 D. Dimensional Requirements - Dimensional requirements shall be as provided in  
2 Section 5.3, *Dimensional Requirements*, Table 5.2, *Zoning District Dimensional*  
3 *Requirements*, of this Article.  
4

5 **Section 5.1.9 I, Industrial District**  
6

7 A. Purpose and Intent - To provide locations for enterprises engaged in a broad range  
8 of manufacturing, processing, creating, repairing, renovating, painting, cleaning,  
9 or assembly of goods, merchandise or equipment. Additionally, the Industrial  
10 District shall be appropriate for those uses which require significant area to  
11 accommodate setbacks and buffers necessary to mitigate any negative effects  
12 which, under normal circumstances, may burden abutting properties.  
13

14 Land in this District should bear close association with Major Thoroughfares as  
15 identified in the Major Thoroughfare Plan, to rail service, and to in-place  
16 infrastructure such as water and natural gas.  
17

18 B. Permitted and Special Uses - Permitted and Special Uses shall be as provided in  
19 Article 7, *District Regulations*, Section 7.1, *Table of Permitted Uses*, of this  
20 ordinance.  
21

22 C. Accessory Uses - A building or lot may be used for uses customarily incidental to  
23 any permitted use.  
24

25 D. Dimensional Requirements - Dimensional requirements shall be as provided in  
26 Section 5.3, *Dimensional Requirements*, Table 5.2, *Zoning District Dimensional*  
27 *Requirements*, of this Article.  
28

29 **Section 5.1.10 PI, Public Institutional District**  
30

31 A. Purpose and Intent - The P-I, Public and Institutional District is intended to  
32 accommodate mid and large-sized public, quasi-public, and institutional uses,  
33 which have a substantial land use impact or traffic generation potential. This  
34 district is also intended to promote the collocation of similar or dependent uses  
35 such as elementary schools with adjacent childcare facilities, or nursing homes  
36 with adjacent healthcare offices. It is not intended for smaller public and  
37 institutional uses that are customarily found within residential areas. Areas  
38 designated as P-I will typically be located along major or minor arterials or major  
39 collector roads as designated in Brunswick County's or the Town of Belville's  
40 Thoroughfare Classification Plan. Uses typically found in this district will be  
41 public and private schools, churches, government facilities and related uses.  
42

43 B. Permitted and Special Uses - Permitted and Special Uses shall be as provided in  
44 Section 5.2, *District Regulations*, Table 5.1, *Table of Permitted Uses*, of this  
45 Article.  
46

47 C. Accessory Uses - A building or lot may be used for uses customarily incidental to  
48 any permitted use.

1  
2 D. Dimensional Requirements - Dimensional requirements shall be as provided in  
3 Section 5.3, *Dimensional Requirements*, Table 5.2, *Zoning District Dimensional*  
4 *Requirements*, of this Article.  
5

6 **SECTION 5.2**  
7 **PERMITTED USES**  
8

9 Section 5.2.1 Applicability  
10 Section 5.2.2 Uses Not Expressly Permitted  
11 Section 5.2.3 Table of Permitted Uses  
12

13 **Section 5.2.1 Applicability**

14 Table 5.1, *Table of Permitted Uses*, indicates those uses, both Special Uses and by-right  
15 uses, allowed in each particular zoning district, as established in Section 5.1, *Zoning*  
16 *Districts*, of this Article.  
17

18 **Section 5.2.2 Uses Not Expressly Permitted**

19 Uses not expressly permitted and/or not listed in this Article as permitted, as a Special  
20 Use or by-right, within a specific zoning district, are prohibited.  
21

22 **Section 5.2.3 Table of Permitted Uses**

23 “P.” indicates districts in which particular uses are permitted as a use-by-right. Districts  
24 in which particular uses are permitted as a use-by-right with certain conditions are  
25 indicated by “P” with a note referencing the section where specific use conditions are  
26 located.  
27

28 Districts in which particular uses are permitted as a Special Use are indicated by “S.” For  
29 additional information on the Special Use approval process and additional restrictions for  
30 specific special uses, please see Article 10, *Special Uses*.  
31

32 Cells for districts in which particular uses are prohibited are intentionally left blank (“”).  
33 Any use that is not listed in Table 5.1, *Table of Permitted Uses*, is prohibited, per Section  
34 5.2.2, *Uses Not Expressly Permitted*, of this Article.  
35

<b>Table 5.1 Table of Permitted Uses</b>									
<b>P = Permitted Use (By-right) S = Special Use “ ”= Not Permitted/Prohibited Use (*) = Specific Use Regulations Apply</b>									
<b>Any use not expressly permitted as a Permitted Use or Special Use is prohibited</b>									
<b>Uses</b>	<b>Zoning Districts</b>								
	<b>R10</b>	<b>R15</b>	<b>MF</b>	<b>MH</b>	<b>BR</b>	<b>BH</b>	<b>CBD</b>	<b>I</b>	<b>P-I</b>
<b>AGRICULTURE, FORESTRY, FISHING</b>									
Agri-Business								P	
Agricultural Industry								P	
Farms, Bona Fide								P	
Nurseries (Retail & Wholesale); Greenhouses						P		P	
<b>COMMUNICATION FACILITIES</b>	<b>R10</b>	<b>R15</b>	<b>MF</b>	<b>MH</b>	<b>BR</b>	<b>BH</b>	<b>CBD</b>	<b>I</b>	<b>P-I</b>
TV/Radio Broadcasting Studio						P	S	P	
TV/Radio Transmitting Towers						S		P	
Telecommunication Towers/Facilities ( <i>See Section 6.3</i> )				S	S	S	S	S	S
<b>CONTRACTORS/CONSTRUCTION</b>	<b>R10</b>	<b>R15</b>	<b>MF</b>	<b>MH</b>	<b>BR</b>	<b>BH</b>	<b>CBD</b>	<b>I</b>	<b>P-I</b>
General Contractors Office & Storage Yard								P	
Heavy Equipment Repair								P	
Other Contractors with Outside Storage								P	
Other Contractors without Outside Storage						P		P	
<b>GENERAL RETAIL USES</b>	<b>R10</b>	<b>R15</b>	<b>MF</b>	<b>MH</b>	<b>BR</b>	<b>BH</b>	<b>CBD</b>	<b>I</b>	<b>P-I</b>
Alcoholic Beverages (ABC Stores), Packaged Retail Sales						P	P		
Appliance – Retail & Maintenance						P	P	P	
Auction Sales – excluding livestock						P			



Automobile/Boat washing facilities						P			
Automobile Dealer & Truck Sales ( <i>See Section 6.3</i> )						S		P	
Automobile Parts						P		P	
Banks and Financial Institutions						P	P	P	
Barber & Beauty Shops					P	P	P		
<b>GENERAL RETAIL USES</b>	<b>R10</b>	<b>R15</b>	<b>MF</b>	<b>MH</b>	<b>BR</b>	<b>BH</b>	<b>CBD</b>	<b>I</b>	<b>P-I</b>
Boat Sales, Service & Repair						S		P	
Books & Printed Matter Sales					P	P	P		
Building Materials & Garden Supplies						P		P	
Car Wash						P			
Department Stores						P	P		
Dry Cleaning/Laundry Storefront					P	P	P		
Dry Cleaning/Laundry Operations						P		P	
Farm Implements, Sales & Service						S		P	
Florists (no outside greenhouse or storage)					P	P	P		
Garage Service/ Automobile Repair								P	
General Merchandise Stores					S	P	P		
Grocery Stores					S	P	P		
Health Spas/Clubs						P	P	P	
Industrial Sales/Repair of Equipment						P		P	
Laundromat ( <i>See Section 6.3</i> )						P			
Marine Equipment Sales, excluding Boat Dealers/Repair						P			
Mobile Home/Modular Home Dealer						S		P	
Mobile Home/Modular Home on site sales				P					
Motorcycle Sales & Repair						P			
Motor Vehicle Repair/Garage						P		P	
Restaurants					S	P	P		
Restaurant – Fast Food						P			
Seafood Market						P	S		

Shopping Centers						P	S		
Small Office/Commercial Center						P	P	P	
Sporting Goods & Repair						P	P		
<b>INSTITUTIONAL, RECREATIONAL, AND SERVICE</b>	<b>R10</b>	<b>R15</b>	<b>MF</b>	<b>MH</b>	<b>BR</b>	<b>BH</b>	<b>CBD</b>	<b>I</b>	<b>P-I</b>
Adult Entertainment								S	
Adult Day Care Facility						P			
Arboretums/Botanical Garden								P	
Assembly Halls						P			
Audio, Video Production and dist.								P	
Banks and Financial Institutions					P	P	P		
Batting Cages, Baseball and Softball						P			
Billiard & Game Rooms						P	P		
Boat Launching Ramp/Dock/Pier (Public)	P	P	P	P					
Bowling Alley						P	P		
Cemetery						S			
Child Care Facility	P	P	P	P			S		
Churches	S	S	S	S	S	P	P	P	S
Circus, Carnival, Festival or Fair (not more than 30 days)						S	S	S	
Colleges and Related Facilities						P	S		S
Commercial Recreation Facilities						P	S	P	
<b>INSTITUTIONAL, RECREATIONAL, AND SERVICE</b>	<b>R10</b>	<b>R15</b>	<b>MF</b>	<b>MH</b>	<b>BR</b>	<b>BH</b>	<b>CBD</b>	<b>I</b>	<b>P-I</b>
Country Clubs and related use	S	S	S	S	S	P			
Day Care Facility			P			P	S	P	
Doctors/Dentists/Opticians					P	P	P		
<b>INSTITUTIONAL, RECREATIONAL, AND SERVICE</b>	<b>R10</b>	<b>R15</b>	<b>MF</b>	<b>MH</b>	<b>BR</b>	<b>BH</b>	<b>CBD</b>	<b>I</b>	<b>P-I</b>
Driving Range – Golf						P			
Exterminating Services						P		P	

Family Care Home ( <i>See Section 6.3</i> )	P	P	P	P	P	P		P	
Fraternal and Social Organizations						P	P		
Funeral Home/Mortuary						P	P		
Golf Course, Miniature						P			
Golf Course	S	S	S	S	P	P			
Government Offices						P	P	P	P
Group Care Home ( <i>See Section 6.3</i> )					S	S		S	
Health Spas and Clubs					P	P	P		
Hotel, Motel, Motor Lodge ( <i>See Section 6.3</i> )						P	S		
Kennels, without the outside keeping of animals						P		P	
Kennels, with the outside keeping of animals						S		S	
Laboratory – Medical, Dental, Optical						P	S	P	
Laboratory – Research						P		P	
Libraries, Museums, & Art Galleries						P	P		
Light Manufacturing								P	
Marina, Commercial							S		
Marina, Residential	P	P	P	P					
Mini Warehouse/Storage ( <i>See Section 6.3</i> )						S		P	
Nursing and Personal Care Facilities						P			
Offices, Professional/General					P	P	P	P	
Public or Private Schools ( <i>See Section 6.3</i> )					S	P	S		P
Public Parks, Playgrounds, Play Fields, & Community Centers	P	P	P	P	P	P	P		P
Public Utility Offices						P	P		
Public Utility Substations						P	S	P	
Repair, remodeling and renovating farm equipment								P	
Septic Tank Services								P	
Skating Rinks, Private						P			

<b>INSTITUTIONAL, RECREATIONAL, AND SERVICE</b>	<b>R10</b>	<b>R15</b>	<b>MF</b>	<b>MH</b>	<b>BR</b>	<b>BH</b>	<b>CBD</b>	<b>I</b>	<b>P-I</b>
Swimming Pools – Public/Commercial						P			
Tanning Salon						P	P		
Tennis Courts – Public/Commercial						P	P		
Theater – Indoor only						P	P		
Tire Recapping								P	
Transportation facilities								P	
Truck Washing								P	
Veterinary Establishments/Animal Hospitals ( <i>See Section 6.3</i> )						P	P	P	
<b>MANUFACTURING</b>	<b>R10</b>	<b>R15</b>	<b>MF</b>	<b>MH</b>	<b>BR</b>	<b>BH</b>	<b>CBD</b>	<b>I</b>	<b>P-I</b>
Aircraft and Aircraft Parts								P	
Alcoholic Beverage Products								P	
Alcoholic Beverage Products, Accessory Manufacturing of ( <i>See Section 6.3</i> )						S	S		
Assembly of Prepared Parts into Finished Products								P	
Batteries								P	
Boat Building								P	
Cabinet and Woodworking Shops								P	
Clothing Manufacturers								P	
<b>MANUFACTURING</b>	<b>R10</b>	<b>R15</b>	<b>MF</b>	<b>MH</b>	<b>BR</b>	<b>BH</b>	<b>CBD</b>	<b>I</b>	<b>P-I</b>
Coating and laminating of paper products								P	
Coating and laminating of plastic products								P	
Commercial Boating facilities								P	
Concrete, Cut Stone, and Clay products								P	
Cottage Industry ( <i>See Section 6.3</i> )					P	P	P		
Electronic Machines, Equipment & Supplies Assembly								P	

Fabricated Metal Products								P	
Fabrication Shops – Wood, Metal, Upholstery								P	
Floor coverings other than carpet								P	
Freight Handling facilities								P	
Foundry Operations								P	
Furniture Manufacturing and Woodworking Facilities								P	
Glass								P	
Heavy Construction Contractors Operations								P	
Leather & Leather Products (excluding tanning)								P	
Machinery – other than electrical								P	
Metal Coating and Engraving								P	
Motor Vehicle Assembly								P	
Petroleum and Related Products								P	
Primary Metal Products and Foundries								P	
Printing and Publishing (Quick Copy)						P	S	P	
Small Arms Ammunition								P	
Signs – Manufacturing and Assembly						P		P	
Surface active agents								P	
Textile Products, Including Dyeing and Finishing								P	
Tobacco products								P	
Transportation Equipment								P	
Warehousing and Storage								P	
Wholesale sales and services								P	
Wood products other than containers								P	
<b>RESIDENTIAL USES</b>	<b>R10</b>	<b>R15</b>	<b>MF</b>	<b>MH</b>	<b>BR</b>	<b>BH</b>	<b>CBD</b>	<b>I</b>	<b>P-I</b>
Apartments				P			P		
Bed and Breakfast	S	S					P		
Condominiums			P				P		
Dwelling, Duplexes, and Triplexes			P				P		

Dwelling, Multi-family (more than 4 units)			P				P		
Dwelling, Single Family	P	P	P	P			P		
Home Occupation (Accessory) (See Section 6.3)	P	P	P	P			P		
Manufactured Home, Class A (See Section 6.3)				P				S	
Manufactured Home, Class B (See Section 6.3)				S				S	
Manufactured Home, Class C (See Section 6.3)				S					
Modular Home	P	P		P					
Town Homes			P				P		
<b>TRANSPORTATION &amp; WHOLESALE USES</b>	<b>R10</b>	<b>R15</b>	<b>MF</b>	<b>MH</b>	<b>BR</b>	<b>BH</b>	<b>CBD</b>	<b>I</b>	<b>P-I</b>
Agricultural chemicals, pesticides or fertilizers								P	
Ambulance Service – Public & Private						P			
Ammunition								P	
Bus & Taxi Stand						P	P		
Chemicals and allied products								P	
Construction and mining materials								P	
Farm and garden machinery								P	
Grain and field beans								P	
Freight Transportation & Warehousing								P	
Minerals								P	
Lumber and other construction materials								P	
Petroleum and petroleum products								P	
Resins								P	
Towing Services – Automobile or Truck						P		P	
Trailer (utility hauling) Sales & Rental						P		P	
<b>TRANSPORTATION &amp; WHOLESALE USES</b>	<b>R10</b>	<b>R15</b>	<b>MF</b>	<b>MH</b>	<b>BR</b>	<b>BH</b>	<b>CBD</b>	<b>I</b>	<b>P-I</b>
Warehousing – General								P	
Wholesaling – General						P		P	
Wholesale Storage & Bulk Terminal								P	

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**SECTION 5.3  
DIMENSIONAL REQUIREMENTS**

The dimensional requirements contained in this Article shall apply to those zoning districts and uses as referenced herein. Should other articles or sections of this Ordinance require setbacks, yards, or other requirements for not referenced herein, such articles and sections shall take precedence, unless otherwise noted.

<b>TABLE 5.2 ZONING DISTRICT DIMENSIONAL REQUIREMENTS</b>									
<b>Dimensional Requirement (Measurement)</b>	<b>Zoning Districts</b>								
	<b>R-10</b>	<b>R-15</b>	<b>MF</b>	<b>MH</b>	<b>BR</b>	<b>BH</b>	<b>CBD</b>	<b>I</b>	<b>PI</b>
Minimum Area to Rezone to the District (acres)	NA	NA	NA	NA	2	NA	NA	NA	NA
Minimum Lot Size for Detached Single Family Dwelling (square feet)	10,000	15,000	7,000	7,500	NA	NA	4,500	NA	NA
Minimum Lot Size for Duplexes (square feet)	NA	NA	15,000 (7,500 per unit)	NA	NA	NA	6,000	NA	NA
Minimum Lot Size for Each Principal Use or Structure (acres)	NA	NA	NA	NA	NA	NA	NA	0.6	NA
Maximum Density (residential units per acre)	3.3	2.5	10	NA	NA	NA	10 (unless otherwise allowed per an Overlay District)	NA	NA
Minimum Lot Frontage (feet)	70	70	60	60	35	35	35	35	35
Minimum Lot Width (feet)	70	70	60	60	NA	NA	35	140	NA
Minimum Building Separation (feet)	20	20	20	20	20	20	20	20	20

Minimum Front Yard/Setback (feet)	30	30	25	25	25	25	10	25	25
Minimum Interior Side Yard/Setback (feet)	12	12	10	10	10	10	0	10	10
Minimum Street/Corner Side Yard/Setback (feet)	15	15	12.5	12.5	12.5	12.5	10	12.5	12.5
Minimum Rear Yard/ Setback (feet)	30	30	20	20	10	10	20	10	10
Maximum Structure Height (feet)	35	35	35	35	35	50	50	35	50

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**2.**

Article 6, *Application of General Regulations*, of the Town of Belville Zoning Ordinance, is hereby deleted in its entirety and the following is inserted therefor:

**ARTICLE 6  
GENERAL, DIMENSIONAL, USE AND STRUCTURE REGULATIONS**

- Section 6.1 Application of General Regulations
- Section 6.2 Application of Dimensional Requirements
- Section 6.3 Specific Use and Structure Restrictions

**SECTION 6.1  
APPLICATION OF GENERAL REGULATIONS**

- Section 6.1.1 Use
- Section 6.1.2 Only One Main Building, One Use on Lot, and Orientation of a Building
- Section 6.1.3 Lot Subdivision
- Section 6.1.4 Certificate of Occupancy
- Section 6.1.5 Turn Lanes
- Section 6.1.6 Wetlands, Final Plats
- Section 6.1.7 FEMA Regulations

**Section 6.1.1 Use**

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or structurally altered except in conformity with the uses and dimensional regulations of this ordinance, or amendments thereto, for the district in which it is located.



1  
2 **Section 6.1.2 Only One Main Building, One Use on Lot, and Orientation of a**  
3 **Building**

4 In the R-10 and R-15 zoning districts, lots utilized for single family dwellings shall  
5 contain no more than one single family dwelling, unless otherwise allowed by this  
6 Ordinance. Detached accessory buildings shall be allowed as permitted.  
7

8 In all other districts, there may exist multiple buildings in which multiple permitted uses  
9 may exist, so long as those buildings meet required building separation requirements and  
10 all other requirements of this Ordinance.  
11

12 **Section 6.1.3 Lot Subdivision**

13 No lot shall hereafter be so reduced in area as to cause any open space required by this  
14 ordinance to be less in any dimension than is herein required by the minimum yard  
15 requirements of the zone in which the lot in question is situated.  
16

17 **Section 6.1.4 Certificate of Occupancy**

18 It shall be unlawful to change or commence the use of any building or land, until a  
19 Certificate of Compliance and Certificate of Occupancy shall have been issued by the  
20 Building Inspector or authorized representative stating that the building and/or proposed  
21 use complies with the provisions of this ordinance and all applicable codes of the Town  
22 of Belville and the State of North Carolina.  
23

24 No final Certificate of Occupancy or Certificate of Zoning Compliance for a commercial,  
25 residential or manufactured home park will be issued until all required site improvements  
26 have been completed.  
27

28 **Section 6.1.5 Turn Lanes**

29 Turn lanes will be required for developments of 100 families or more and commercial  
30 users as determined by the Planning Director and/or North Carolina Department of  
31 Transportation.  
32

33 **Section 6.1.6 Wetlands, Final Plats**

34 Final plats shall contain a surveyed delineation of federally regulated wetlands that has  
35 been verified and approved by the Army Corps of Engineers.  
36

37 **Section 6.1.7 FEMA Regulations**

38 All FEMA regulations will be followed.  
39

40 **SECTION 6.2**  
41 **APPLICATION OF DIMENSIONAL REQUIREMENTS**  
42

- 43 Section 6.2.1 Height  
44 Section 6.2.2 Minimum Setbacks  
45

46 **Section 6.2.1 Height**

47 No building or structure shall hereafter be erected or altered so as to exceed the height  
48 limits as established by this Ordinance for different types of buildings and structures, and

1 as provided for the zoning or overlay district in which the property is located. In all  
2 zoning or overlay districts, maximum heights may only be exceeded with the approval of  
3 a variance.

4  
5 The zoning and overlay districts' maximum height limitations for structures shall not  
6 apply to the following:

- 7
- 8 A. Church spires and belfries
- 9 B. Water storage tanks
- 10 C. Cooling towers
- 11 D. Chimneys
- 12 E. Mechanical penthouses located on roofs
- 13 F. Smokestacks
- 14 G. Flag poles
- 15 H. Silos and grain elevators
- 16 I. Fire towers
- 17

### 18 **Section 6.2.2 Minimum Setbacks**

- 19
- 20 A. Generally
- 21 B. Setbacks for Corner Lots
- 22 C. Permitted Encroachments into Yards
- 23 D. Mechanical Equipment
- 24 E. Accessory Structures, Residential
- 25 F. Special Use Requirements Take Precedence
- 26 G. Variance for Prior Lots of Record
- 27 H. Dimensional Requirements for Annexed Areas
- 28

29 **A. Generally** - The minimum yards or other open spaces required by this ordinance,  
30 including those provisions regulating intensity of use, for each and every building  
31 hereafter erected or structurally altered shall not be encroached upon or  
32 considered as meeting the yard or open space requirements or the intensity of use  
33 provisions for any other building.

34  
35 **B. Setbacks for Corner Lots** - On a corner lot, a side yard setback consisting of  
36 one-half (0.5) of the width of the required front yard setback, up to a maximum of  
37 twenty (20) feet, shall be maintained between any building and the side street (the  
38 street on which the lot maintains the greatest frontage). This requirement shall not  
39 be applied so as to reduce the building width of a residentially zoned corner lot of  
40 record to less than thirty (30) feet, nor to prohibit the erection of any access  
41 building where this requirement cannot reasonably be complied with.

#### 42 **C. Permitted Encroachments into Yards**

- 43
- 44
- 45 1. Steps, roof overhangs, fire escapes, stairways, balconies, and chimneys
- 46 may project not more than four (4) feet into a required minimum yard.
- 47

2. Unenclosed porches may project into the required minimum front or rear yard not more than ten (10) feet.
3. Sills, cornices, buttresses, ornamental features and similar items may project into a required minimum yard not more than thirty (30) inches.
4. Carports, open on three (3) sides, may encroach on a side yard to a distance of not less than five (5) feet from a side lot line, except on the street side yard of a corner lot where the setback shall be one-half (0.5) of the distance of the required front yard setback, up to a maximum of twenty feet. Storage areas may be constructed across the rear of a carport, open on three (3) sides, that encroaches on a side yard, provided such storage area shall not contain more than seventy-two (72) square feet nor constitute more than eighteen (18) percent of the area contained in the carport, whichever is less.

**D. Mechanical Equipment** - Mechanical equipment, above ground fuel tanks, satellite dishes, and generators shall not be located in setback areas.

**E. Accessory Structures, Residential** - Detached garages and accessory buildings associated with residential uses may be constructed in the rear yard only, provided they are located no closer than five (5) feet to any adjoining lot line, except on the street side yard of a corner lot the setback shall be one-half (0.5) of the distance of the required front setback up to a maximum of twenty (20) feet.

**F. Special Use Requirements Take Precedence** - Area, yard and height requirements as specified in the issuance of a special use permit shall take precedence over area, yard and height requirements as set forth in the Table 5.2 of Article 5.

**G. Variance for Prior Lots of Record** - Notwithstanding the other setback provisions of this Ordinance, a building or structure may be constructed and occupied by one (1) family on any lot recorded prior to adoption of this Ordinance and meeting all of the requirements of one line of the following table:

<b>Table 6.1 Variance for Prior Lots of Record</b>			
Having a Frontage of:	Having Side Yards of:	Having a Front Yard of:	Having a Rear Yard of:
Less than 50 feet	5 feet each side	15 feet	20 Feet
50 Feet	6 feet	15 feet	20 feet

**H. Dimensional Requirements for Annexed Areas** - Subdivisions annexed by Belville shall have the following requirements unless subdivision restrictions specify greater dimensions:

- Minimum lot size 6,000 sq. ft.
- Front set back 25 ft.

- Side set back 5 ft.
- Rear set back 9 ft.

**SECTION 6.3**  
**SPECIFIC USE AND STRUCTURE RESTRICTIONS**

- Section 6.3.1            Accessory Uses
- Section 6.3.2            Storage of Flammables
- Section 6.3.3            Dry Cleaning and Laundry Establishments
- Section 6.3.4            Nursing Home Unit and Home for the Aged
- Section 6.3.5            Home Occupations
- Section 6.3.6            Industries
- Section 6.3.7            Individual Manufactured Homes for Permanent Occupancy
- Section 6.3.8            Motel, Hotel, or Motor Court Operations
- Section 6.3.9            Salvage Operations
- Section 6.3.10           Travel Trailers
- Section 6.3.11           Automobile Sales, Used
- Section 6.3.12           Garage and Family Apartments
- Section 6.3.13           Family Care Homes
- Section 6.3.14           Group Care Facilities
- Section 6.3.15           Schools, Public and Private
- Section 6.3.16           Fences and Walls, Nonstructural
- Section 6.3.17           Retaining Walls
- Section 6.3.18           Open Storage
- Section 6.3.19           Kennels
- Section 6.3.20           Cottage Industry
- Section 6.3.21           Accessory Manufacturing of Alcoholic Beverage Products
- Section 6.3.22           Telecommunications Towers/Facilities
- Section 6.3.23           Mini Warehouse/Storage

**Section 6.3.1 Accessory Uses**

No permanent residential occupancy shall be allowed as an accessory use in the BH (Business Highway), BR (Business Residential), CBD (Central Business District) or I (Industrial District) zoning districts. An accessory use in the R-10 (Residential District), R-15 (Residential District), MH (Mobile Home District) or MF (Multi-Family District) zoning districts shall not include the residential occupancy of an accessory building except by domestic employees employed on the premises and the immediate family of such employees.

**Section 6.3.2 Storage of Flammables**

The storage of flammables greater than five (5) gallons shall not be permitted or considered a use-by-right except when such authorization for said use is given by the Brunswick County Fire Marshall relative to compliance of proposed storage facilities with state and Brunswick County fire regulations.

Propane gas shall not be stored for sale in the BH, BR, or CBD district in tanks larger than 4.7 gallons (20 pounds). There shall be no more than fifteen (15) tanks stored on any one individual parcel of property or business at any given time. All bottled gas tanks shall

1 be UL (Underwriter Laboratories, Inc.) approved and maintained in good condition with  
2 no visible signs of rust. Tanks shall be stored at least twenty-five (25) feet away from the  
3 edge of any vehicular parking area or open (improved) road right-of-way. The storage site  
4 must be physically separated from parking areas and rights-of-way. If stored outside  
5 bottled gas must be stored inside a secured area. The storage site(s) shall be surrounded  
6 by a barrier(s) of sufficient strength to prohibit vehicular entry.  
7

### 8 **Section 6.3.3 Dry Cleaning and Laundry Establishments**

9 Such establishments shall be permitted when only oil, gas or electricity is used for heat.  
10 Screening and filtering devices shall be used to prevent the emission of smoke, dust,  
11 fumes, odors, or steam into the atmosphere.  
12

### 13 **Section 6.3.4 Nursing Home Unit and Home for the Aged**

14 Nursing home units and homes for the aged shall be situated on at least a 20,000 square  
15 foot lot and be connected to sewer plant.  
16

### 17 **Section 6.3.5 Home Occupations**

18 A home occupation is permitted as an accessory use of a dwelling unit in any zoning  
19 district and its operation and employees are limited to the members of the resident family  
20 only. The following are limitations on home occupations:  
21

- 22 1. The following uses are specifically prohibited as home occupations (list not  
23 inclusive): auto sales, auto repair, or similar operations; restaurants; animal  
24 hospitals, veterinary clinics, kennels, or the keeping of animals; funeral homes;  
25 retail or wholesale shops; machine shops; personal service establishments; special  
26 event facilities; lodging services; taxi services; any occupation found  
27 incompatible with the intent of this Ordinance.  
28
- 29 2. Child care for up to five (5) children.  
30
- 31 3. Instruction in music, dance, art, and similar subjects, limited to a maximum of  
32 two (2) students at any one time.  
33

34 Furthermore, home occupations shall be limited to the following restrictions:  
35

- 36 1. No display of products or signs shall be visible from the street or abutting  
37 properties.  
38
- 39 2. No mechanical equipment shall be installed or used except such that is normally  
40 used for domestic or professional purposes and which does not cause noises or  
41 other interference in radio and television reception.  
42
- 43 3. All activities associated with a home occupation shall be conducted entirely  
44 within the dwelling unit. No accessory buildings or outside storage shall be used  
45 in connection with the home occupation.  
46
- 47 4. Not over twenty-five (25) percent of the gross floor area or five hundred (500)  
48 square feet, whichever is less, shall be used for a home occupation.

- 1
- 2 5. Only residents of the dwelling and one additional person may be engaged in the
- 3 home occupation.
- 4
- 5 6. There shall be no external evidence of the activity such as commercial vehicles,
- 6 window displays, outside storage, smoke, noise, odors or other nuisances emitted
- 7 from the premises.
- 8
- 9 7. No infrastructure demands shall be generated by the Home Occupation in greater
- 10 volumes that would normally be expected with a residential use.
- 11
- 12 8. Prior to the commencement of a Home Occupation, a Business/Privilege License
- 13 shall be obtained from the Town of Belville.
- 14

### 15 **Section 6.3.6 Industries**

16 The following industrial uses, including but not limited to, shall not be allowed:

- 17
- 18 1. The manufacturing, processing, fabrication and/or bulk storage of acetylene gas
- 19 (except for use on premises), ammunition, explosives, fireworks, gunpowder,
- 20 junk, or matches;
- 21
- 22 2. The manufacturing, processing and/or fabrication of acids (except noncorrosive
- 23 acids), ammonia, ammonium nitrate, animal byproducts, bleaching powder,
- 24 cellulose, chlorine, creosote and creosote treatment, detergents, enamels, lacquers,
- 25 "lime," linoleum, oilcloth, paints, paper pulp, pigments, lime plastic, rubber
- 26 (except tire recappers), soaps, tannery products, turpentine, varnishes, whiting
- 27 and/or wood fillers. The fabrication of plastics is exempt from this prohibition.
- 28

### 29 **Section 6.3.7 Individual Manufactured Homes for Permanent Occupancy**

30 Individual manufactured homes for permanent occupancy, which are located in the MH

31 zone, must comply with the following:

- 32
- 33 1. The manufactured home has a length not exceeding four (4) times its width, with
- 34 length measured along the longest axis and width measured at the narrowest part
- 35 of the other axis.
- 36
- 37 2. All roof structures shall provide an eaves projection of no less than six inches,
- 38 which may include a gutter.
- 39
- 40 3. The manufactured home is set up in accordance with the standards set by the
- 41 North Carolina Department of Insurance and a continuous, permanent masonry
- 42 foundation or masonry curtain wall, unpierced except for required ventilation and
- 43 access, is installed under the perimeter of the manufactured home.
- 44
- 45 4. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to
- 46 and from the home shall be installed or constructed in accordance with the
- 47 standards set by the North Carolina Department of Insurance, attached firmly to
- 48 the primary structure and anchored securely to the ground.

- 1
- 2 5. The moving hitch, wheels and axles, and transporting lights have been removed.
- 3
- 4 6. Manufactured homes moved into the Town of Belville must be less than five (5)
- 5 years old.
- 6

7 **Section 6.3.8 Motel, Hotel, or Motor Court Operations**

8 An apartment (one single unit), dwelling single-family, or manufactured home may be  
9 maintained as an accessory use to a motel, hotel, or motor court for use as a dwelling unit  
10 for the full-time manager and their family.

11

12 **Section 6.3.9 Salvage Operations**

13 Salvage operations including automobile wrecking yards and tire-recapping involving  
14 outside storage shall be enclosed by a solid fence or wall not less than six (6) feet and not  
15 more than ten (10) feet in height. No outside storage shall encroach upon the required  
16 setback. This requirement shall apply to any type of salvage operations, inclusive of used  
17 car dealerships.

18

19 **Section 6.3.10 Travel Trailers**

20 Travel trailers occupied for home habitation must be located in an approved manufactured  
21 home park. Travel trailers, which are not occupied, may be stored at any location,  
22 provided that such storage is not relating to mobile home sales, and further provided that  
23 such storage is not upon the right-of-way of any public street or public land.

24

25 **Section 6.3.11 Automobile Sales, Used**

26 Used car lot vehicles require a valid inspection sticker or no stickers more than 90 days  
27 out of date.

28

29 **Section 6.3.12 Garage and Family Apartments**

30 Family and Garage Apartments shall be subject to the following:

- 31
- 32 1. Not more than one (1) family apartment is provided.
- 33 2. The family apartment is attached to an existing residential structure.
- 34 3. The family apartment contains not more that fifty percent (50%) of the square
- 35 footage of the existing residential structure if being proposed as an addition
- 36 thereto.
- 37 4. All set back requirements of the zoning district within which the family apartment
- 38 is being located are complied with.
- 39 5. The property owner resides on the same lot as the family apartment.
- 40 6. The occupancy of the family apartment does not exceed two (2) family member(s)
- 41 residing therein.
- 42 7. The family apartment will not be sublet or subleased by either the owner or family
- 43 member(s) at any time.
- 44 8. Renting to non-family members is prohibited in a single-family residence.
- 45

46 **Section 6.3.13 Family Care Homes**

47 Family care homes must not be located within a one-half mile radius of an existing family  
48 care home.

1  
2 **Section 6.3.14 Group Care Facilities**

3 Group care facilities must be located at least a one mile radius from other group care  
4 facilities and shall only be located in nonresidential areas including commercial and  
5 heavy manufacturing.  
6

7 **Section 6.3.15 Schools, Public and Private**

8 Modular classrooms are permitted as an accessory use on any parcel of land in a P-I  
9 zoning district containing a public or private elementary or secondary school as its  
10 principal use. Modular classrooms may only be located in the rear yard of the property,  
11 as defined in the Town of Belville’s “Word and Term Definitions” document. When  
12 siting modular classrooms all reasonable efforts must be made to place them in locations  
13 that are not visible from nearby roads or adjacent property that is residentially zoned or  
14 contains a residential use. Furthermore, the placement of a modular classroom within one  
15 hundred (100) feet of an adjoining property or right-of-way line shall be prohibited,  
16 irrespective of location or screening.  
17

18 **Section 6.3.16 Fences and Walls, Nonstructural**

19  
20 **A. General Requirements** – Where allowed and applicable, all fences and walls  
21 shall meet the following requirements:  
22

- 23 a. No fence or wall shall be placed or retained in such a manner as to obstruct  
24 vision at any intersection of public or private streets.
- 25
- 26 b. No fence or wall shall be placed or retained in such a manner that the natural  
27 flow of water in any stream, creek, drainage swale or ditch is altered or  
28 impeded.
- 29
- 30 c. No fence or wall shall block the access of doors or windows. Fences and  
31 walls shall be setback a minimum of two (2) feet from any wall of a building  
32 or structure, except where fences project from or to the wall of a building or  
33 structure.
- 34
- 35 d. Fences or walls topped with barbed wire, where allowed, shall allow for the  
36 bottom strand of any such wire to be at least six (6) feet above grade with  
37 vertical supports slanting inward away from the property line.
- 38
- 39 e. Fences and walls shall not be located in a manner which alters or impedes the  
40 visual locating of E-911 emergency street addresses.

41  
42 **B. Permitted Materials** – In all zoning districts, fences and walls shall be limited to  
43 the use of the following materials:  
44

- 45 a. Masonry or stone;
- 46 b. Ornamental iron;
- 47 c. Chain-link or woven wire; and
- 48 d. Wood or similar material



1  
2 **C. Prohibited Materials** – The following materials and/or fence types shall be  
3 prohibited from use in the construction of fences and walls:  
4

- 5 a. Barbed or razor wire, except when used in conjunction with an institutional,  
6 business, or industrial use as a security measure;
- 7 b. Fences carrying electrical current (Electric fences), unless installed below  
8 ground as in for dogs;
- 9 c. Flammable material such as paper, cloth, or canvas; and
- 10 d. Concertina wire

11  
12 **D. Maintenance** – Any fence which through neglect, lack of repair, type or manner  
13 of construction, method of placement, or otherwise, constitutes a hazard or  
14 endangers any person, animal or property is hereby deemed a nuisance. If such  
15 conditions exist, the Planning Director or his/her designee shall require the owner  
16 or occupant of the property upon which the fence is located to repair, replace or  
17 demolish the fence causing a nuisance.  
18

19 **E. Height** – Fences and walls shall not exceed the heights as referenced for the  
20 following uses:  
21

22 a. Residential Uses and Zoning Districts  
23

- 24 1. Fences or walls shall not exceed six (6) feet in height on side and  
25 rear yards within the R-10 and R-15 zoning districts.
- 26 2. Fences or walls shall not exceed four (4) feet in height on front  
27 yards within the R-10 and R-15 zoning districts.
- 28 3. Fences or walls shall not exceed six (6) feet in height within fifteen  
29 (15) feet of any public or private street right-of-way within a group  
30 housing development, unless the sole purpose is to enclose a patio.  
31 A patio enclosure shall not exceed seven (7) feet in height, not to  
32 include the exterior boundaries.  
33  
34  
35

36 b. Recreational Uses  
37

- 38 1. No fence shall exceed eight (8) feet in height.  
39

40 c. Commercial or Industrial Uses and Zoning Districts  
41

- 42 1. No fence shall exceed eight (8) feet in height.  
43

44 **Section 6.3.17 Retaining Walls**  
45

46 Setback and yard requirements of this Ordinance shall not apply to retaining walls not  
47 more than five (5) feet in height, as measured from the lowest ground elevation at the  
48 base of the wall to the top of the wall. The Planning Director may permit a retaining wall

1 greater than five (5) feet in height where he or she finds that such a wall is necessary due  
2 to the topography of the lot and written approval is granted from abutting property owners  
3 immediately affected.

4  
5 **Section 6.3.18 Open Storage**

6 Any open storage not enclosed within the confines of a building, such as boxes, crates,  
7 trash piles, machinery and merchandise with open display that result from the commercial  
8 operation it is part of, shall be enclosed or hidden from view. No open storage shall  
9 encroach on required setbacks.

10  
11 **Section 6.3.19 Kennels**

12 Where allowed, kennels shall also permit pet day care and grooming facilities as principal  
13 uses. Kennels that prohibit the keeping of animals outside, shall be soundproofed to  
14 prevent any noise generated from the interior of the facility from being heard outside of  
15 the facility.

16  
17 Outdoor runs may be utilized by a facility where the outside keeping of animals is  
18 prohibited; however, the use of such runs shall be prohibited between the hours of 5:00  
19 p.m. and 8:00 a.m.

20  
21 All outdoor runs and facilities used for the outside keeping of animals shall be screened  
22 from abutting properties and street right-of-ways through the use of a fence or wall and  
23 landscaping.

24  
25 **Section 6.3.20 Cottage Industry**

26 An individually-owned craft shop that produces on the premises through hand-made  
27 workmanship craft one or more goods for retail sale, such as candle-making, glass  
28 blowing, pottery making, weaving, woodworking, sculpting, and other similar or  
29 associated activities. A cottage industry has not more than 1,500 square feet of space and  
30 no more than five (5) employees.

31  
32 **Section 6.3.21 Accessory Manufacturing of Alcoholic Beverage Products**

33 The manufacturing of alcoholic beverage products may be allowed as an accessory use to  
34 a restaurant through the Special Use process in those districts specified in Table 5.1,  
35 *Table of Permitted Uses*. This allowance is intended to provide for brewpubs and similar  
36 uses. All such uses shall be required to comply with the regulations of the State of North  
37 Carolina governing such uses.

38  
39 **Section 6.3.22 Telecommunication Towers/Facilities**

40 Telecommunication Towers/Facilities shall refer to and include those towers and facilities  
41 to support and/or provide cellular and/or wireless telecommunication service. It is the  
42 intent of the Town of Belville to prohibit such towers and facilities from being located in  
43 residential zoning districts. This intent is based in the following findings:

- 44  
45 1. The residential areas and zones of the Town are situated in such a manner and of  
46 certain sizes that appropriate setbacks and buffers could not be provided in a manner  
47 that would not allow for the otherwise reasonable use of property.  
48

1 2. Due to the size of the Town, such facilities and towers can be restricted solely to  
2 commercially zoned property without compromising service to all areas of the Town.  
3

4 Telecommunication Towers/Facilities shall meet the following requirements, in districts  
5 where permitted:  
6

7 1. Towers and Facilities shall be limited to a maximum height of 150' feet; facilities  
8 located on building roofs shall include the height of the building when determining  
9 their allowable maximum height. For example, a tower located on a fifty (50) foot  
10 building may be no taller than 100' feet in height.  
11

12 2. Towers shall be monopole or “stealth” in design.  
13

14 3. When free-standing, towers shall be setback from all structures a distance equal to  
15 their height.  
16

17 4. Towers and/or facilities mounted to buildings or structures shall be painted a color  
18 matching the building to which they are attached.  
19

20 5. Facilities housing a free-standing tower and other facilities shall install security  
21 fencing a minimum of six (6) feet in height. Such fencing shall be screened through  
22 the planting of one (1) row of dense evergreens, such as Leyland Cypress, along the  
23 exterior of the fencing.  
24

25 **Section 6.3.23 Mini Warehouse/Storage**

26 Mini Warehouse/Storage facilities, regardless of the zoning district in which they are  
27 located, shall meet the following requirements:  
28

29 1. The outside storage of vehicles or boats shall be screened from right-of-ways and  
30 abutting properties through the use of fences or walls and landscaping. Chain-link  
31 fencing may be used in combination with landscaping, however, such fencing may  
32 not be used immediately parallel to a street right-of-way and shall not be visible from  
33 a street right-of-way.  
34

35 2. Security gates shall be setback at least twenty-five (25) feet from the front of a  
36 building façade closest to the right-of-way.  
37

38 3. Building facades immediately parallel to a street right-of-way shall have no area  
39 greater than fifteen (15) feet in width that is not interrupted by a window, door, or  
40 architectural element.  
41

42 **3.**  
43

44 Article 7, *District Regulations*, of the Town of Belville Zoning Ordinance, is  
45 hereby deleted in its entirety and the following is inserted therefor:  
46

47 **ARTICLE 7**

1 **OVERLAY DISTRICTS**

- 2
- 3 Section 7.1 General Purpose; Relationship to Zoning Districts
- 4 Section 7.2 Downtown Overlay District
- 5 Section 7.3 Blackwell Road Overlay District
- 6

7 **SECTION 7.1**  
 8 **GENERAL PURPOSE; RELATIONSHIP TO ZONING DISTRICTS**

9

10 The overlay districts of this Article are intended to apply in combination with the  
 11 underlying zoning districts to impose regulations and standards in addition to those  
 12 required by the zoning districts. The requirements of an overlay district shall apply  
 13 whenever they are in conflict with those in the general use district. The following overlay  
 14 districts are hereby created:

- 15
- 16 A. Downtown Overlay District
- 17 B. Blackwell Road Overlay District
- 18

19 **SECTION 7.2**  
 20 **DOWNTOWN OVERLAY DISTRICT**

- 21
- 22 Section 7.2.1 Purpose ~~and Intent~~
- 23 Section 7.2.2 District Boundaries
- 24 Section 7.2.3 Applicability
- 25 Section 7.2.4 Definitions
- 26 Section 7.2.5 Master Development Plan
- 27 Section 7.2.6 Transect Zones, Specialized Zones, Preserve Sectors & Reserve
- 28 Sectors
- 29 Section 7.2.7 Density Calculations
- 30 Section 7.2.8 Civic Spaces
- 31 Section 7.2.9 Streetscape Standards
- 32 Section 7.2.10 Architectural Standards
- 33 Section 7.2.11 Parking and Vehicular Access
- 34 Section 7.2.12 Signage
- 35

36 **Section 7.2.1 Purpose and Intent**

37 The purpose of the Downtown Overlay District is to establish regulations consistent with  
 38 the findings and recommendations of the Belville Vision Plan 2020 and to enable,  
 39 encourage and qualify the implementation of the following policies applicable to the  
 40 region, the community, and the block and building:

41

42 **A. The Region**

- 43
- 44 1. That growth strategies should encourage infill and redevelopment in parity
- 45 with new communities.
- 46
- 47 2. That green corridors should be used to define and connect developed areas.
- 48

3. That the region should include a framework of transit, pedestrian, and bicycle systems that provide alternatives to the automobile.

## **B. The Community**

1. That the Town should include a Regional Center (Downtown Overlay District) which should be compact and pedestrian-oriented and mixed use.
2. That ordinary activities of daily living should occur within walking distance to most dwellings allowing independence to those who do not drive.
3. That within neighborhoods, a range of housing types and price levels should be provided to accommodate diverse ages and incomes.
4. That appropriate building densities and land uses should be provided within walking distance of transit stops.
5. That civic, institutional, and commercial activity should be embedded in downtowns, not isolated in remote single-use complexes.
6. That a range of open space including parks, squares, and playgrounds be distributed within neighborhoods and Regional Centers.

## **C. The Block and the Building**

1. That buildings and landscaping should contribute to the physical definition of thoroughfares as civic places.
2. That development should adequately accommodate automobiles while respecting the pedestrian and the spatial form of public space.
3. That the design of streets and buildings should reinforce safe environments, but not at the expense of accessibility.
4. That architecture and landscape design should grow from local climate, topography, history and building practice.
5. That civic buildings and public gathering places should be provided in locations that reinforce community identity and support self-government.

### **Section 7.2.2 District Boundaries**

The boundaries of the Downtown Overlay District are as shown on the Town of Belville Zoning Map.

### **Section 7.2.3 Applicability**

All applications for a Certificate of Zoning Compliance, for properties located in the Downtown Overlay District, involving grading, the construction of a new building, additions to existing buildings, construction of a sign, and similar site improvements,

1 shall demonstrate compliance with the requirements and standards of this Article. Prior to  
2 the issuance of a Certificate of Zoning Compliance, a Master Development Plan must be  
3 approved, consistent with the provisions of Section 7.2.5, *Master Development Plan*, of  
4 this Article.

5  
6 **Section 7.2.4 Definitions**

7 The following terms and definitions relate to the specific regulations contained in this  
8 Article and shall not be applied to any other article in this Ordinance.

9  
10 **Affordable Housing:** dwellings consisting of rental units or for sale units. Both shall be  
11 economically within the means of the equivalent of the starting salary of a local  
12 elementary school teacher.

13  
14 **Allee:** a regularly spaced and aligned row of trees usually planted along a Thoroughfare  
15 or Pedestrian Path.

16  
17 **Apartment:** a dwelling unit sharing a building and a lot with other dwellings and/or uses  
18 Apartments may be for rent or for sale as condominiums.

19  
20 **Avenue (AV):** a thoroughfare of high vehicular capacity and low speed Avenues are  
21 short distance connectors between urban centers Avenues may be equipped with a  
22 landscaped median Avenues become collectors upon exiting urban areas.

23  
24 **Bicycle Trail (BT):** a bicycle way running independently of a high-speed vehicular  
25 thoroughfare.

26  
27 **Block:** the aggregate of private lots passages rear lanes and alleys circumscribed by  
28 thoroughfares.

29  
30 **Block Face:** the aggregate of all the building facades on one side of a block. The Block  
31 Face provides the context for establishing Architectural Harmony.

32  
33 **Boulevard (BV):** a thoroughfare designed for high vehicular capacity and moderate  
34 speed Boulevards are long distance thoroughfares traversing urbanized areas Boulevards  
35 are usually equipped with slip roads buffering sidewalks and buildings. Boulevards  
36 become arterials upon exiting urban areas.

37  
38 **Brownfield:** an area previously used primarily as an industrial site.

39  
40 **Building Disposition:** the placement of a building on its lot.

41  
42 **Building Function:** the uses accommodated by a building and its lot Functions are  
43 categorized as Restricted Limited or Open according to the intensity of the use (see  
44 Tables 10 & 11).

45  
46 **Building Height:** the vertical extent of a building measured in stories not including a  
47 raised basement or a habitable attic Height limits do not apply to masts, belfries, clock  
48 towers, chimney flues, water tanks, elevator bulkheads, and similar structures. Building

1 Height shall be measured from the average grade of the enfronting thoroughfare (see  
2 Table 8).

3  
4 **Building Type:** a structure category determined by function, disposition on the lot, and  
5 configuration including frontage and height.

6  
7 **By Right Permit:** a proposal for a building or community plan that complies with this  
8 code and may thereby be processed administratively without public hearing (see  
9 Variance).

10  
11 **Civic:** the term defining not-for-profit organizations dedicated to arts culture education  
12 recreation government transit and municipal parking.

13  
14 **Civic Building:** a building designed specifically for a civic function Civic Buildings shall  
15 not be subject to the requirements of Section 5. The particulars of their design shall be  
16 determined by Exception.

17  
18 **Civic Parking Reserve:** parking structure or lot within a quarter-mile of the site that it  
19 serves. Space may be leased or bought from this Reserve to satisfy parking requirements.

20  
21 **Civic Space:** an open area dedicated for public use Civic Space types are defined by the  
22 combination of certain physical constants including the relationship between their  
23 intended use their size their landscaping and their enfronting buildings (see Table 13).

24 **Commercial:** the term collectively defining workplace, office and retail functions.

25  
26 **Consolidated Review Committee:** Usually part of the Planning Office, a CRC is  
27 composed of one representative from each of the regulatory agencies that have  
28 jurisdiction over the permitting of a project, as well as a representative of the Urban  
29 Design Center (see UDC).

30  
31 **Context:** surroundings made up of the particular combination of elements that create  
32 specific habitat.

33  
34 **Corridor:** a lineal geographic system incorporating transportation and/or greenway  
35 trajectories. A transportation corridor may be a lineal urban Transect Zone.

36  
37 **Courtyard Building:** a building that occupies the boundaries of its lot while internally  
38 defining one or more private patios.

39  
40 **Curb:** the edge of the vehicular pavement detailed as a raised curb or flush to a swale.  
41 The Curb usually incorporates the drainage system (see Table 4).

42  
43 **Density:** the number of dwelling units within a standard measure of land area usually  
44 given as units per acre (see Section 3.4).

45  
46 **Design Speed:** is the velocity at which a thoroughfare tends to be driven without the  
47 constraints of signage or enforcement. There are three ranges of speed: Very Low (below

1 20 MPH); Low (20-25 MPH); Moderate (25-35 MPH); High (above 35 MPH); Lane  
2 width is determined by desired design speed.

3  
4 **Developable areas:** residual to the Preserved Open Sector

5  
6 **District:** see Specialized District

7  
8 **Driveway:** a vehicular lane within a lot usually leading to a garage. A Driveway in the  
9 First Layer may be used for parking if it is no more than 18 feet wide thereby becoming  
10 subject to the constraints of a parking lot.

11  
12 **Elevation:** an exterior wall of a building not along a Frontage Line, See Façade (Table  
13 16).

14  
15 **Enfront:** to place an element along a frontage line as in porches enfront the Street.

16  
17 **Entrance Principal:** the main point of access of pedestrians into a building.

18  
19 **Exception:** a variance that permits a practice that is not consistent with a provision or  
20 Intent of this Code Exceptions are usually granted only by the Board of Appeals.

21  
22 **Façade:** the exterior wall of a building that is set along a frontage Line (see Elevation  
23 Frontage Line).

24  
25 **Frontage Line:** those lot lines that coincide with a public frontage Facades along  
26 Frontage Lines define the public realm and are therefore more regulated than the  
27 elevations that coincide with other Lot Lines (see Table 16).

28  
29 **GIS:** Geographic Information System a computerized program in wide spread municipal  
30 use that organizes data on maps Various municipal departments can input information  
31 including the location of wetlands, thoroughfares, water/sewer lines, boundaries building  
32 footprints, schools, zoning, land-use, etc GIS makes information available as layered  
33 databases. The protocol for preparing a Sector Plan should be based on GIS information  
34 (Section 2.1).

35  
36 **Inside Turning Radius:** the curved edge of a thoroughfare at an intersection measured at  
37 the inside edge of the vehicular tracking. The smaller the Turning Radius the smaller the  
38 pedestrian crossing distance and the more slowly the vehicle is forced to make the turn  
39 (See Tables 3 and 16).

40  
41 **Layer:** a range of depth of a lot within which certain elements are permitted (see Table  
42 16).

43  
44 **Liner Building:** a building specifically designed to mask a parking lot or a parking  
45 garage from a frontage. A Liner Building if less than 30 feet deep and two stories shall  
46 be exempt from parking requirements.



1 **Live-Work:** a dwelling unit that contains to a limited extent a commercial component. A  
2 Live-Work Unit is a fee simple unit on its own lot with the commercial component  
3 limited to the ground level.  
4

5 **Lodging:** premises available for daily and weekly renting of bedrooms. The area  
6 allocated for food service shall be calculated and provided with parking according to  
7 retail use.  
8

9 **Lot Line:** the boundary that legally and geometrically demarcates a lot see Frontage Line  
10 Such lines appear graphically on Community and Site Plans Codes reference lot lines as  
11 the baseline for measuring setbacks (see Tables 16 and 14G).  
12

13 **Lot Width:** the length of the principal Frontage Line of a lot.  
14

15 **Manufacturing:** premises available for the creation assemblage and/or repair of artifacts  
16 using table-mounted electrical machinery and including their retail sale.  
17

18 **Master Development Plan:** A plan, submitted for approval by the Town of Belville  
19 Board of Commissioners, indicating the manner in which property located in the  
20 Downtown Overlay District will be developed. A Master Development Plan must be  
21 approved by the Board of Commissioners before the development of property in the  
22 Downtown Overlay District may commence.  
23

24 **Meeting Hall:** a building available for gatherings including conferences. It should  
25 accommodate at least one room equivalent to a minimum of 10 square feet per projected  
26 dwelling unit within the pedestrian shed in which the meeting hall is located. A Meeting  
27 Hall shall be completed upon the sale of 75% of the dwelling units The Meeting Hall may  
28 be used for the marketing purposes of the development until the sale of 75% of the  
29 dwelling units at which time control of its use shall be given to the Community Council.  
30

31 **Neighborhood:** a mostly residential area often with a recognizable edge. For the  
32 purposes of this SmartCode, a “complete neighborhood” is further defined as consisting  
33 of one pedestrian shed (1/2 mile diameter) with a mixed-use center.  
34

35 **Net Developable Area Net Site Area:** the developable areas of a site. The Net Site Area  
36 shall be allocated to the various Transect Zones according to the parameters in Table  
37 14A.  
38

39 **Office:** premises available for the transaction of general business but excluding retail,  
40 artisanal and manufacturing uses.  
41

42 **Parking Structure:** a building containing two or more stories of parking. Parking  
43 Structures shall have Liner Buildings at the first story or higher.  
44

45 **Passage (PS):** a pedestrian connector passing between buildings providing short-cuts  
46 through long blocks and connecting rear parking areas to frontages. Passages may be  
47 roofed over.  
48

1 **Path (PT):** a pedestrian way traversing a park or rural area with landscape matching the  
2 contiguous open space Paths should connect directly with the urban sidewalk network.  
3

4 **Pedestrian Shed:** an area defined by the average distance that may be traversed at an  
5 easy walking pace from its edge to its center. This distance is applied to determine the  
6 size of a Neighborhood or extent of a Community. A standard Pedestrian Shed is one  
7 quarter of a mile radius or 1320 feet with transit available or proposed. A long Pedestrian  
8 Shed has an average walking distance of one-half mile or 2640 feet Pedestrian Sheds are  
9 oriented toward a central destination containing one or more important intersections  
10 meeting places civic spaces civic buildings and the capacity to accommodate a T5  
11 Transect Zone in the future sometimes called walkshed or walkable catchments.  
12

13 **Planter** the element of the public streetscape which accommodates street trees Planters  
14 may be continuous or individual.  
15

16 **Primary-Secondary Grid:** thoroughfare designations appearing on the Regulating Plan  
17 Buildings on the P-Grid are subject to all of the provisions of this Code Buildings on the  
18 S-Grid are exempt from certain provisions allowing for Warranted open parking lots,  
19 unlined parking decks, drive-through, and hermetic building fronts.  
20

21 **Principal Building:** the main building on a lot usually located toward the frontage (see  
22 Table 16).  
23

24 **Private Frontage** the privately held layer between the frontage line and the principal  
25 building facade The structures and landscaping within the Private Frontage may be held  
26 to specific standards The variables of Private Frontage are the depth of the setback and  
27 the combination of architectural elements such as fences stoops porches and galleries see  
28 Table 7 Public Frontage the area between the curb of the vehicular lanes and the Front  
29 age Line Elements of the Public Frontage include the type of curb walk planter street tree  
30 and streetlight (see Table 4).  
31

32 **Rear Alley (AL):** a vehicular driveway located to the rear of lots providing access to  
33 service areas and parking and containing utility easements. Alleys should be paved from  
34 building face to building face with drainage by inverted crown at the center or with roll  
35 curbs at the edges.  
36

37 **Rear Lane (LA):** a vehicular driveway located to the rear of lots providing access to  
38 parking and outbuildings and containing utility easements. Rear lanes may be paved  
39 lightly to driveway standards. Its streetscape consists of gravel or landscaped edges, no  
40 raised curb and is drained by percolation.  
41

42 **Rearyard Building:** a building that occupies the full frontage line leaving the rear of the  
43 lot as the sole yard. This is a more urban type as the continuous façade spatially defines  
44 the public thoroughfare. For its residential function this type yields a row house. For its  
45 commercial function the rearyard can accommodate substantial parking.  
46

1 **RCD:** Regional Center Development. A Community Type consisting of one Long  
2 Pedestrian Shed with a strong Town Center This type is permitted by right within the  
3 Intended Growth Sector (G3) (see Section 3.3.3).

4  
5 **Residential:** premises available for long-term human dwelling.

6  
7 **Retail:** premises available for the sale of merchandise and food service.

8  
9 **Retail Frontage Line:** Frontage Lines designated on a Community Plan that require the  
10 provision of a Shopfront causing the ground level to be available for retail use.

11  
12 **Sector:** a neutral term for a geographic area In the SmartCode there are six specific  
13 Sectors that establish the legal boundaries for several kinds of development. Two Sectors  
14 represent un-buildable open space (Preserve and Reserve) and the other four are Urban  
15 Growth Sectors of varying intensity (Restricted Controlled Intended and Infill Growth  
16 Sectors). Sectors address the legal status of place at the regional scale while Transect  
17 Zones address the physical character of communities Sectors contain Community Types  
18 (CLD, TND, RCD, TOD), which contain Transect Zones, which contain design standards  
19 appropriate to those T-Zones.

20  
21 **Setback:** the area of a lot measured from the lot line to a building facade or elevation.  
22 This area must be maintained clear of permanent structures with the exception of  
23 galleries, fences, garden walls, arcades, porches, stoops, balconies, bay windows,  
24 terraces, and decks that align with the first story level which are permitted to encroach  
25 into the Setback (See Section 521 and Table 14G).

26  
27 **Shared Parking Policy:** An accounting for parking spaces that are available to more than  
28 one function. The requirement is reduced by a factor, shown as a calculation. The  
29 Shared Parking ratio varies according to multiple functions in close proximity which are  
30 unlikely to require the spaces at the same time (see Tables 11 and 12).

31  
32 **Sidewalk:** the paved layer of the public frontage dedicated exclusively to pedestrian  
33 activity.

34  
35 **Specialized District (SD):** Specialized District designations shall be assigned to areas  
36 that by their intrinsic function, disposition or configuration cannot conform to one of the  
37 six normative Transect Zones or four Community Types specified by this Code Typical  
38 Districts may include large parks, institutional campuses, refinery sites, airports etc.

39  
40 **Story:** a habitable level within a building of no more than 14 feet in height from finished  
41 floor to finished ceiling. Attics and raised basements are not considered stories for the  
42 purposes of determining building height.

43  
44 **Street (ST):** a local urban thoroughfare of low speed and capacity. Its public front age  
45 consists of raised curbs drained by inlets and sidewalks separated from the vehicular lanes  
46 by a planter and parking on both sides. The landscaping consists of regularly placed  
47 street trees. This type is permitted within the more urban Transect Zones T46.

1 **Streetscape:** the urban element that establishes the major part of the public realm. The  
2 streetscape is composed of thoroughfares (travel lanes for vehicles and bicycles, parking  
3 lanes for cars and sidewalks, or paths for pedestrians) as well as the visible private  
4 frontages (building facades and elevations, porches, yards, fences, awnings, etc) and the  
5 amenities of the public frontages (street trees and plantings benches, streetlights, etc).  
6

7 **Streetscreen:** sometimes called Streetwall. A freestanding wall built along the frontage  
8 line or coplanar with the facade often for the purpose of masking a parking lot from the  
9 thoroughfare. Streetscreens (should) be between 3.5 and 8 feet in height and constructed  
10 of a material matching the adjacent building façade. The streetscreen may be a hedge or  
11 fence by Warrant. Streetscreens shall have openings no larger than is necessary to allow  
12 automobile and pedestrian access. In addition all streetscreens over 4 feet high should be  
13 30% permeable or articulated to avoid blank walls.  
14

15 **Substantial Modification:** alterations to a building that are valued at more than 50% of  
16 the replacement cost of the entire building if new.  
17

18 **TDR Transfer of Development Rights:** a method of relocating existing zoning rights  
19 from areas to be preserved as open space to areas to be more densely urbanized.  
20

21 **Terminated Vista:** A location at the axial conclusion of a thoroughfare. A building  
22 located at a Terminated Vista designated on a Community Plan is required to be designed  
23 in response to the axis.  
24

25 **Third Place:** a private building that includes a space conducive to unstructured social  
26 gathering Third Places are usually bars, cafes, and corner stores.  
27

28 **Thoroughfare** a vehicular way incorporating moving lanes and parking lanes within a  
29 right-of-way (see Tables 3 and 16).  
30

31 **Tier:** synonym for Sector.  
32

33 **Town Center:** the mixed-use center or main commercial corridor of a community. A  
34 town center in a hamlet or small TND may consist of little more than a meeting hall  
35 corner store and main civic space. A town center for RCD or TOD communities may be  
36 a substantial downtown commercial area often connected to other town centers by transit.  
37

38 **Transect:** a system of ordering human habitats in a range from the most natural to the  
39 most urban. The SmartCode is based upon six Transect Zones which describe the physical  
40 character of place at any scale according to the density and intensity of land use and  
41 urbanism.  
42

43 **Transect Zone (T-Zone):** Transect Zones are administratively similar to the land-use  
44 zones in conventional codes, except that in addition to the usual building use, density,  
45 height, and setback requirements, other elements of the intended habitat are integrated,  
46 including those of the private lot and building and the enfronting public streetscape. The  
47 elements are determined by their location on the Transect scale The T-Zones are: T1

1 Natural, T2 Rural, T3 Sub-Urban, T4 General Urban, T5 Urban Center, and T6 Urban  
2 Core (See Table 1).

3  
4 **Transition Line:** a horizontal line spanning the full width of a facade expressed by a  
5 material change or by a continuous horizontal articulation such as a cornice or a balcony.

6  
7 **Type:** a form category determined by function disposition and configuration including  
8 size or extent. There are community types, street types, civic space types, etc. See also  
9 Building Type.

10  
11 **Work-Live:** a dwelling unit that contains a commercial component A Work-Live Unit is  
12 a fee-simple unit on a lot with the commercial component anywhere within the unit.

13  
14 **Section 7.2.5 Master Development Plan**

15  
16 **A. Master Development Plan Required** – Prior to the approval of a Certificate of  
17 Zoning Compliance and/or commencing development involving grading,  
18 construction of a new building, additions to existing buildings, construction of  
19 signs, and/or similar site improvements, a Master Development Plan shall be  
20 approved. A Master Development Plan approved as part of a Development  
21 Agreement, including Development Agreements entered into prior to the adoption  
22 of this Ordinance, shall be valid for the purposes of receiving approval of a  
23 Certificate of Zoning Compliance without any additional approvals (barring  
24 amended and expired plans), so long as such a Plan complies with the  
25 requirements of this Ordinance.

26  
27 **B. Master Development Plan Submittal** – An applicant for a Master Development  
28 Plan shall submit an application (as furnished by the Planning Director or his/her  
29 designee), fees as specified in the Town of Belville Fee Schedule, and required  
30 plans to the Town of Belville on or before the submittal deadline for such plans  
31 established by the Town of Belville Board of Commissioners. The Planning  
32 Director or his/her designee shall determine, within five (5) business days  
33 beginning the day following the receipt of the application, whether the submitted  
34 application is complete, per the requirements of this Section, and compliant, per  
35 the requirements of this Article and the Zoning Ordinance.

36  
37 If a submittal is determined to be incomplete and/or noncompliant, the Planning  
38 Director or his/her designee shall notify the applicant of the reasons for such  
39 incompleteness or noncompliance in writing on or before the fifth (5<sup>th</sup>) business  
40 day following the receipt of the application. The applicant shall have a maximum  
41 of ten (10) business days following the applicable submittal deadline to resubmit a  
42 revised application, at which time the Planning Director or his/her designee shall  
43 determine whether the resubmitted application is complete and compliant, within  
44 five (5) business days beginning the day following the receipt of the revised  
45 application. Should the Planning Director determine that the resubmitted plans are  
46 incomplete and noncompliant the applicant shall be required to file a new  
47 application, consistent with the process established herein, under the next  
48 available submittal deadline.

1  
2 **C. Master Development Plan Content** – Master Development Plan applications  
3 shall include the following material and information:  
4

- 5 1. Application – An application as furnished by the Planning Director; 3 sets.  
6
- 7 2. Fee – As established in the Town of Belville Fee Schedule.  
8
- 9 3. Letter of Intent – A letter explaining the application and content of the Master  
10 Development Plan; 3 sets.  
11
- 12 4. Survey – A survey, executed by a professional surveyor registered in the State  
13 of North Carolina, indicating the property to be developed; 3 full-size sets, to  
14 scale; 20, 11” x 17” sets.  
15
- 16 5. Legal Description – A legal description of the subject property, matching the  
17 submitted survey; 3 sets.  
18
- 19 6. Master Development Plan – A plan(s) indicating the location of all Transect  
20 Zones, Specialized Zones, Preserve Sectors, Reserve Sectors, and streets,  
21 proposed or existing; 3 full-size sets, to scale; 20, 11” x 17” sets.  
22

23 **D. Master Development Plan Consideration and Action** - Upon the determination  
24 by the Planning Director or his/her designee that an application is complete and  
25 compliant, the application shall be placed on the first (1<sup>st</sup>) regular meeting of the  
26 Planning Board scheduled no less than two (2) weeks from the date at which the  
27 determination of completeness and compliance is made. The Planning Board shall  
28 review the application, with consideration to whether the application meets the  
29 policies of the Belville 2020 Vision Plan, the purpose of Section 7.2.1, and the  
30 intent of the transect and Specialized Zones, with respect to the location and area  
31 of the Transect Zones, Specialized Zones, Preserve Sectors, Reserve Sectors, and  
32 streets. The Planning Board shall recommend that the Board of Commissioners  
33 either approve or deny the application, with reasons stated for such a  
34 recommendation.  
35

36 Upon a review and recommendation by the Planning Board, a Master  
37 Development Plan application shall be considered by the Board of Commissioners  
38 at their next regular meeting, scheduled no less than two (2) weeks from the date  
39 of the Planning Board meeting at which the Planning Board made a  
40 recommendation on the application. The Board of Commissioners shall review the  
41 application, with consideration to whether the application meets the policies of the  
42 Belville 2020 Vision Plan, the purpose of Section 7.2.1, and the intent of the  
43 transect and Specialized Zones, with respect to the location and area of the  
44 Transect Zones, Specialized Zones, Preserve Sectors, Reserve Sectors, and streets.  
45 The Board of Commissioners shall either approve or deny the application, with  
46 the reasons stated for such action.  
47

1 **E. Compliance With Master Development Plan** – All applications for a Certificate  
2 of Zoning Compliance and/or development activities, for property located in an  
3 area included in a previously approved Master Development Plan, shall  
4 demonstrate compliance with such Master Development Plan.  
5

6 **F. Amendment of Master Development Plan** – The following changes to a  
7 previously approved Master Development Plan shall require such a plan to be  
8 reappraised by the Planning Board and Board of Commissioners consistent with  
9 the process established in this Section:  
10

- 11 1. Elimination of Transect Zones, Specialized Zones, Preserve Sectors, Reserve  
12 Sectors, and/or streets.
- 13 2. Alteration of the area of Transect Zones, Specialized Zones, Preserve Sectors,  
14 and/or Reserve Sectors.
- 15 3. Moving or relocating Transect Zones, Specialized Zones, Preserve Sectors,  
16 Reserve Sectors, and/or streets.  
17

18 **G. Expiration of Master Development Plan** – An approved Master Development  
19 Plan shall be vested per the provisions of Article 14, *Vested Right Provisions*, of  
20 this Ordinance and G.S. 160A-385.1, or per the provisions of an approved  
21 Development Agreement,  
22

### 23 **Section 7.2.6 Transect Zones, Specialized Zones, Preserve Sectors & Reserve Sectors**

24 All Master Development Plan applications shall indicate the location and area of all  
25 Transect Zones, Specialized Zones, Preserve Sectors and Reserve Sectors as required by  
26 this Section. All developments shall meet the regulations for density, dimensional  
27 requirements, uses, and open spaces established in this Section.  
28

#### 29 **A. Transect Zones**

- 30  
31 1. There are three (3) transect zones that can be utilized in the Downtown  
32 Overlay District. These zones and their general elements are as follows:  
33  
34 a. Transect Zone A – Also known as the General Urban Zone, this zone is a  
35 less dense and intense, primarily commercial and retail zone with a wide  
36 range of building types, all less than two-stories in height. Setbacks and  
37 landscaping are variable. Buildings are generally connected by  
38 hardscaping or pedestrian ways.  
39  
40 b. Transect Zone B – Also known as the Urban Zone, this zone is generally a  
41 transition zone with medium density and intensity with building types  
42 accommodating retail, commercial, residential, row houses and mixed-use  
43 uses. Generally bordering a secondary street grid and public spaces with  
44 civic buildings and spaces connected by cross block passages.  
45  
46 c. Transect Zone C – Also known as the Urban Core, this zone is generally a  
47 higher density and intensity zone primarily mixed use with building types  
48 accommodating retail, commercial, and residential uses. Generally

bordering a primary street grid and major thoroughfares with pedestrian corridors.

2. Master Development Plans for property consisting of five (5) or more acres shall include a minimum of two (2) transect zones (A, B, or C). Master Development Plans for property consisting of less than five (5) acres may utilize one (1) transect zone (A, B, or C).
3. Within any single Master Development Plan, development within Transect Zones A, B, and C shall not exceed those limits specified in Table 7.2.1, *Development Standards for Transect Zones and Specialized Zones*.

**B. Specialized Zones**

1. The Specialized Zone, or SD Zone, is a zone established for uses such as stand alone hotels and mid-rise residential development that do not conform to one of the three normative Transect Zones (A, B, and C).
2. Master Development Plans for properties consisting of five (5) or more acres may include a Specialized Zone. Master Development Plans for property consisting of less than five (5) acres shall not incorporate a Specialized Zone.
3. Within and single Master Development Plan, development within a Specialized District (SD Zone) shall not exceed those limits specified in Table 7.2.1, *Development Standards for Transect Zones and Specialized Zones*.

<b>Table 7.2.1 Development Standards for Transect Zones and Specialized Zones</b>				
<b>STANDARD TYPE</b>	<b>ZONE TYPE</b>			
<b>MAXIMUM DENSITY</b>	<b>ZONE A</b>	<b>ZONE B</b>	<b>ZONE C</b>	<b>SD ZONE</b>
By Right	16 units/acre	24 units/acre	36 units/acre	96 units/acre
By TDR	24 units/acre	36 units/acre	48 units/acre	NA
Allocation	20-30 % min.	30-40 % min.	40-50% min.	NA
<b>DIMENSIONAL REQUIREMENTS</b>				
Lot Width	100 foot min. 200 foot max.	150' min. 250' max.	200' min. 300' max.	300' min. 400' max.
Lot Coverage	50% max.	60% max.	70% max.	70% max.
Front Setback <sup>A</sup>	6' min. 18' max.	0' min. 12' max.	0' min. 12' max.	0' min. 12' max.
Side Setback <sup>A</sup>	0' min.	0' min 24' max.	0' min. 24' max.	0' min. 24' max.
Rear Setback	3' min.	3' min.	0' min.	0' min.
Setback From River Road/NC-133	10' min.	10' min.	10' min.	10' min.



R.O.W.				
<b>BUILDING HEIGHT</b>				
Principal Building	2 stories max. 1 story min.	3 stories max. 2 stories min. 2 stories max. if 75' or closer to the right-of- way of River Road/NC-133	5 stories max. 4 stories min. 2 stories max. if 75' or closer to the right-of- way of River Road/NC-133	9 stories max. 6 stories min. 2 stories max. if 75' or closer to the right-of- way of River Road/NC-133
Accessory Building	2 stories max.	2 stories max.	NA	NA
<b>BUILDING FUNCTION</b>				
Residential	Prohibited	65%	90%	Specific Use
Office	70%	*	Prohibited	
Retail, Restaurant, or Entertainment	30%	35%**	10%**	
<sup>A</sup> <i>Maximum building setbacks shall not apply when the area between the property line/right-of-way is used for outdoor seating associated with a café or restaurant, open space, plazas, squares, or similar features permitting public access. Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback.</i>				
* <i>Office uses will be allowed in Zone B, density will be multiplied by a factor of two (2) and will count towards percentage allowed for retail, restaurant or entertainment uses.</i>				
** <i>Restaurant uses will be allowed in Zones B &amp; C, density will be multiplied by a factor or two (2)</i>				

1  
2 **C. Preserved Sector**  
3

- 4 1. The Preserved Sector shall consist of preserved open space that is protected  
5 from development in perpetuity. The Preserve Sector includes areas under  
6 environmental by law or standard, as well as land acquired for conservation  
7 through purchase, by easement, or by transfer of development rights.  
8  
9 2. The Preserved Sector shall consist of the aggregate of the following  
10 categories:  
11  
12 a. Protected Wetlands  
13 b. Protected Habitat  
14 c. Riparian Corridors  
15 d. Transportation Corridors  
16  
17 3. The Preserved Sector shall not be allowed to qualify for density in this Article,  
18 except that the Preserved Sector area may be used to determine the overall  
19 density for the area of the Master Development Plan and for such density  
20 calculations as determined by State Stormwater Regulations.  
21

1 **D. Reserved Sector**

- 2
- 3 1. The Reserve Sector consists of the aggregate of the following categories:
- 4
- 5 a. Upland areas adjacent to wetlands
- 6 b. Steep slopes or transitional areas between building sites
- 7 c. Usable area within buffers
- 8 d. Reserved Civic Space
- 9
- 10 2. The open space of the Reserved Sector may be considered Transferable
- 11 Development Rights (TDR) transfer area, available for the transfer of
- 12 development rights from the Reserved Sector to adjacent or contiguous
- 13 Transect Zones. The TDR's shall be available to be used to meet, but not
- 14 exceed, the allocated densities of the Transect Zones (Table 7.2.1,
- 15 *Development Standards for Transect Zones and Specialized Zones*). Areas
- 16 where development rights have been transferred from the Reserved Sector
- 17 become integrated into the Preserved Sector.
- 18

19 **Section 7.2.7 Density Calculations**

- 20
- 21 **A. Net Site Area** – The area of a Master Development Plan shall be considered the
- 22 Net Site Area. The Net Site Area shall be allocated to the various Transect Zones
- 23 and Specialized Zones.
- 24
- 25 **B. Overall Density** – The overall density for each Transect Zone, as established in
- 26 Table 7.2.1, shall be calculated in terms of units per acre. For purposes of density
- 27 calculation, the area of a Transect Zone shall include the thoroughfares and land
- 28 allocated to Civic Use or Open Space by Transfer of Development Rights;
- 29 however, Civic Buildings will be calculated in the overall density at the same rate
- 30 as the private use buildings.
- 31
- 32 **C. Establishment of Density Units** – A single unit of density shall equal the
- 33 following number of units or square footage per the respective use:
- 34
- 35 1. Residential – 1 Residential Unit equals 1 Density Unit
- 36
- 37 2. Lodging (Hotel, etc.) – Two (2) lodging bedrooms equals one (1) Density Unit
- 38
- 39 3. Office, Retail, Restaurant, or Entertainment – 1,500 gross square feet equals
- 40 one (1) Density Unit.
- 41

42 **Section 7.2.8 Civic Spaces**

43

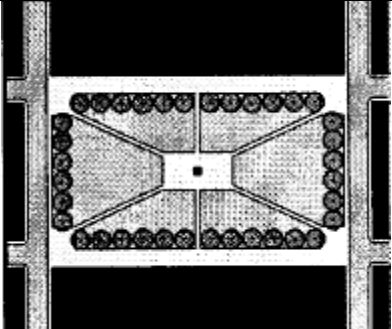
44 **A. General**

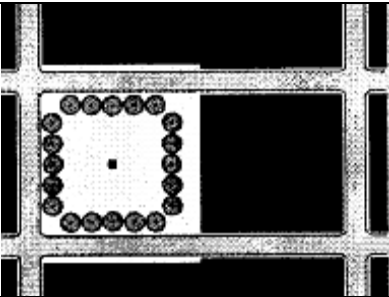
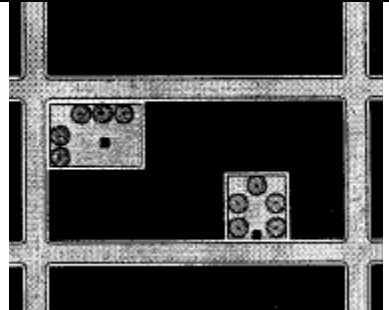
- 45
- 46 1. Civic Spaces are public sites permanently dedicated to open space.
- 47

2. Civic Buildings are sites dedicated for buildings generally operated by the Municipal, State or Federal government.

**B. Civic Space Specific to Transect Zones**

1. Each Transect Zone (A, B, and C) shall assign at least 5% of its Net Site Area to Civic Space except that Zone A may transfer any Civic Space area in excess of 5% to Zone B to qualify Zone B for the 5% minimum.
2. A Civic Space shall be located within ¼ mile (1,320 feet) of the geographic center of each Transect Zone.
3. A Civic Space shall be located within eight-hundred (800) feet of every lot in residential use.
4. At least one (1) Civic Space within every Master Development Plan consisting of an area in excess of five (5) acres shall be designed and equipped as a playground.
5. Each Civic Space shall have a minimum of 50% of its perimeter enfronting a Thoroughfare.
6. Civic Spaces shall be designed as generally described in Table 7.2.2, *Civic Space Design Standards*. Table 7.2.2 diagrams the intended types of Civic Space. These diagrams are illustrative only; specific designs should be prepared in accordance with these verbal descriptions rather than closely based on these diagrams.

<b>Table 7.2.2 Civic Space Design Standards</b>		
<b>TRANSECT ZONE(S)</b>	<b>CIVIC SPACE TYPE</b>	<b>CIVIC SPACE DIAGRAM</b>
<b>A, B &amp; C</b>	<p><b>Square:</b> An open space available for unstructured recreation and civic purposes. A square is spatially defined by building frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important thoroughfares.</p>	 <p>The diagram shows a square civic space located at the intersection of two perpendicular thoroughfares. The square is defined by building frontages on all four sides. Inside the square, there are paths, lawns, and trees arranged in a formal, symmetrical pattern. The thoroughfares are shown as wider roads with sidewalks, and the square is a smaller, open area in the center of the intersection.</p>

<p><b>B &amp; C</b></p>	<p><b>Plaza:</b> An open space, available for civic purposes and commercial activities. A plaza shall be spatially defined by building frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas shall be located at the intersection of important streets.</p>	
<p><b>A, B &amp; C</b></p>	<p><b>Playground:</b> An open space designed and equipped for the recreation of children. A playground shall be fenced and may include an open shelter. Playgrounds shall be interspersed within residential areas and may be placed within a block. Playgrounds may be included within parks and greens</p>	

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**Section 7.2.9 Streetscape Standards**

**A. Streets** – All projects which are required to meet the requirements of this Article per Section 7.2.3, *Applicability*, shall install streets along their respective frontages consistent with the following; however, such requirements may be varied as required by the North Carolina Department of Transportation or Planning Director or his/her designee if it is determined that the standards provided herein do not meet future transportation needs, inhibit public safety, and/or do not comply with adopted standards of either the NCDOT or Town of Belville.

**1. River Road/NC133**

- a. Number of Travel Lanes – A maximum of four (4) travel lanes shall be provided, not including turn lanes as required.
- b. Maximum Travel Lane Width – Thirteen (13) feet (not including width of curb and gutter).
- c. Median – A median shall be required of no less than sixteen (16) feet in width.
- d. Curbs and Drainage – Standard curbing and drainage is required.

**2. All Other Streets**

- a. Number of Travel Lanes – A maximum of two (2) travel lanes shall be provided, not including turn lanes as required.

- b. Maximum Travel Lane Width – Thirteen (13) feet (not including width of curb and gutter).
- c. On-Street Parking – On-street parking shall be required where it does not inhibit site distance or traffic, as determined by the Planning Director. All on-street parking shall be parallel. On-street parking shall be either parallel or diagonal.
- d. Curbs and Drainage – Standard curbing is required along all streets with on-street parking. Mountable curbing is permitted around center medians, roundabouts, and other features. All drainage grates, if provided, must be perpendicular or diagonal to the street centerline.

**B. Sidewalks and Other Paths** – All projects that are required to meet the requirements of this Article per Section 7.2.3, *Applicability*, shall install sidewalks along their respective frontages consistent with the following. All sidewalks shall be located within a public or private right-of-way.

**1. River Road/NC133**

- a. Sidewalk Location – Sixteen (16) feet from back of curb (behind Street Tree Strip), unless natural physical barriers such as wetlands, flood plain, specimen tree, or other similar features necessitate locating the sidewalk closer to the curb, as approved by the Planning Director or his/her designee.
- b. Minimum Sidewalk Width – Ten (10) foot multimodal (bicycle and pedestrian) sidewalk.

**2. All Other Streets**

- a. Sidewalk Location – Zero (0) feet from back of curb.
- b. Minimum Sidewalk Width – Ten (10) feet in width for the entire length of one (1) side of a block on which more than one (1) commercial use (retail, office, or service) is platted for, planned for, and/or maintains frontage (front, side, or rear yards); eight (8) feet in width in all other circumstances.

**C. Street Trees** – All projects which are required to meet the requirements of this Article per Section 7.2.3, *Applicability*, shall install street trees along their respective frontages and in medians consistent with the following:

**1. River Road/NC133**

- a. Street Tree Strip – A sixteen (16) foot Street Tree Strip shall be provided, located zero (0) feet from back of curb. Street Tree Strips shall be planted with single-stem Crape Myrtles, planted forty (40) feet on-center. Other

1 tree species may be planted, as approved by the Planning Director with  
2 preference given to flowering and shade trees. At the time of planting,  
3 trees shall be no less than three (3) inches in caliper. Sidewalks may be  
4 located within the required Street Tree Strip per Section 7.2.4.B.1.a.  
5

- 6 b. Medians – Medians, where required and allowed, shall be planted with  
7 single-stem Crape Myrtles, planted forty (40) feet on-center. At the time of  
8 planting, trees shall be no less than three (3) inches in caliper.  
9

## 10 **2. All Other Streets**

- 11  
12 a. Street Trees – Street trees shall be planted in tree wells with tree grates, at  
13 the back of curb, within the required sidewalk. Such trees, wells, and  
14 grates shall not compromise compliance with ADA (Americans with  
15 Disabilities Act) requirements.  
16

## 17 **Section 7.2.10 Architectural Standards**

### 18 **A. General Building Design Standards**

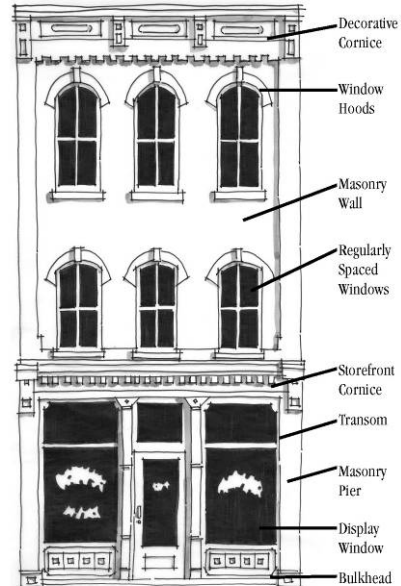
- 19  
20  
21 1. Building Entrance: A primary entrance facade shall be oriented toward the  
22 street, be designed for the pedestrian, and be distinguishable from the rest  
23 of the building. Such entrances shall be designed to convey their  
24 prominence on the fronting façade. Use building massing, special  
25 architectural features, and changes in the roof line to emphasize building  
26 entrances. Additional entrances may be oriented toward side or rear  
27 parking lots. Service entrances for shipping and receiving shall be oriented  
28 away from the public street.  
29
- 30 2. Architectural Style: The building design standards of this Chapter  
31 intentionally do not mandate a particular style and permit a wide variety of  
32 architectural expressions. However, when a design exhibits a known  
33 architectural style (i.e. Italianate) the details shall be consistent with that  
34 style unless the local architectural vernacular of the Wilmington region  
35 provides an alternate precedent for a detail or element.  
36
- 37 3. Termination of Vistas: Important street vistas (such as along gateways and  
38 primary pedestrian streets) should terminate in a focal point, such as a  
39 building or other architectural or landscape feature.  
40
- 41 4. Compatibility: Adjacent buildings should relate in similarity of scale, bulk,  
42 height, architectural style, and/or configuration.  
43
- 44 5. Proportions: Windows, doors, columns, eaves, parapets, and other building  
45 components shall be proportional to the overall scale of the building.  
46 Windows shall be vertically proportioned wherever possible.  
47

6. Wall Materials: When two or more materials are used on a façade, the heavier material (i.e. brick) should be placed below the lighter material (i.e. siding) to give the sense of support and grounding.

7. Roof Pitch: Roof pitches less than 3/12 and flat roofs will require a parapet wall. A pitched roof shall be profiled by eaves a minimum of 6 inches from the building face or with a gutter.

8. Façade Treatment: Architectural elements like windows and doors, bulkheads, masonry piers, transoms, cornice lines, window hoods, awnings, canopies, and other similar details shall be used on all facades facing public rights-of-way.

9. Building Wall Offsets: Building wall offsets, including projections, recesses, and changes in floor level shall be used in order to: add architectural interest and variety; relieve the visual effect of a single, long wall; and subdivide the wall into human size proportions. Similarly, roofline offsets should be provided to lend architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.



**E. Building Types**

The building types outlined in this Section will provide the predominant form for new development in the Downtown Overlay District. While it is expected that some new building types will be introduced in this district, these variations should be based upon the types listed in this section. Innovative planning or design ideas for development where the proposed building types are different than those allowed in the CBD district may be approved subject to review by the Planning Board.

	<b>1. Civic Buildings</b>
<b>A. Building Type Defined</b>	The Civic Building type includes public buildings such as libraries, semi-public buildings such as museums, and private buildings such as churches.
<b>B. General Standards</b>	<p><b>1.</b> Because of the unique characteristics of the Civic Building, it is generally exempt from the standards imposed on other buildings in this Section with the following exceptions:</p> <ul style="list-style-type: none"> <li>▪ They should be sited to terminate a street vista whenever possible.</li> </ul>

	<ul style="list-style-type: none"> <li>They should be of sufficient design to create visual anchors for the district.</li> </ul>
C. Façade	Not applicable
D. Roof	Not applicable

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2

	2. Detached House	3. Townhouse	4. Flat/Loft Building
A. Building Type Defined	<p>The House has four yards (Front/Sides/Rear) though variations include setting the building on one of the side property lines to create a larger side yard on the opposite side (i.e. Charleston Single). The House is flexible in use, accommodating single family uses, multi-family uses up to four units, home occupations, professional offices, and limited retail uses. There are two House types – with Alley or with Driveway – based on how the lot is accessed with an automobile. In general, within a block, building types should be uniform in their use of driveways or alleys.</p>	<p>The Townhouse typically has 1 yard (Rear) though variations include a small front setback to provide some landscaping. The townhouse is a building with two or more residential units that are located side-by-side. When an entrance is provided at-grade, the townhouse may be used as a live-work unit. The use permitted within the building is determined by the approved site plan.</p>	<p>The Apartment Building typically has 1 yard (Rear) though variations include a small front setback to provide landscaping. A multiple-unit building with units vertically arranged (generally) and with parking located below or behind the building. Units may be for rental or for sale in condominium ownership or may be designed as continuing care facilities. The ground floor may be available for commercial uses. The uses permitted within the building are determined by the approved site plan.</p>
B. Ground Level Treatment	<p><b>1. Raised Entries:</b> To provide privacy, all residential entrances within 15 of the sidewalk shall be raised from the finished grade (at the building line) a minimum of 1½ feet.</p>		



	<p><b>2. Porches:</b> Useable porches and stoops should form a predominate motif of the building design and be located on the front and/or side of the building. Useable front porches are at least 8 feet deep and twelve (12) feet in width.</p> <p><b>3. Crawlspace:</b> The crawlspace of buildings shall be enclosed.</p>	
C. Façade	Not applicable	<p><b>1. Detailed Design:</b> All building elevations visible from the street shall provide doors, porches, balconies, and/or windows. A minimum of 50% of front elevations, and a minimum of 30% of side and rear building elevations, as applicable, shall meet this standard. “Percent of elevation” is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. This standard applies to each full and partial building story.</p>
D. Roof and Eaves	<p><b>1.</b> Main roofs on residential buildings shall have a pitch between 8:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch roof shall have a pitch less than 4:12.</p> <p><b>2.</b> Overhanging eaves may expose rafters. Flush eaves shall be finished by profiled molding or gutters.</p> <p><b>3.</b> All rooftop equipment shall be screened from view.</p>	

1

	2. Detached House	3. Townhouse	4. Flat/Loft Building
E. Garage	<p><b>1.</b> Garage doors are not permitted on the front elevation of any detached house on a lot less than 60 feet wide.</p> <p><b>2.</b> Garages with front loading bays shall be recessed from the front facade of the house by a minimum of five (5) feet and visually designed to form a secondary building</p>		<p><b>1.</b> Garage doors are not permitted on the front elevation.</p>

	<p>volume. Garage doors shall be a minimum of twenty (20) feet from the back of sidewalk.</p> <p>3. At no time shall the width of an attached garage exceed 40% of the total building facade.</p>	
F. Materials	<p>1. <b>Building Walls:</b> Residential building walls shall be primarily clad in wood clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone, stucco, vinyl, or synthetic materials similar and/or superior in appearance and durability.</p> <p>2. <b>Roof Materials:</b> Residential roofs shall be clad in wood shingles, standing seam metal, terne, slate, dimensional asphalt shingles or synthetic materials similar and/or superior in appearance and durability.</p>	

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5. Mixed-Use Building	
A. Building Type Defined	<p>A multi-story small scale structure which can accommodate a variety of uses. A group of mixed-use buildings can be combined to form a mixed-use neighborhood center. Individual mixed-use buildings can be used to provide some commercial service, such as a neighborhood store, in close proximity to homes. The Mixed-Use Building typically has 1 yard (Rear) though variations include a small front plaza or courtyard to provide public space for outdoor seating as well as a building with complete lot coverage where an alternative to on-site surface parking is provided.</p>
B. Ground Level Treatment	<p>1. <b>Street Walls:</b> The first floors of all commercial buildings shall be designed to encourage and complement pedestrian-style interest and activity by incorporating the following elements:</p> <p>2. <b>Canopies/Awnings:</b> A building canopy, awning, or similar weather protection may be provided and should project a minimum of 3-5 feet from the façade.</p> <p>3. <b>Blank Walls:</b> Expanses of blank walls may not exceed 20 feet in length. (A "blank wall" is a facade that does not contain transparent windows or doors.)</p> <p>4. Ventilation grates or emergency exit doors located at the</p>

	first floor level in the building facade, which are oriented to any public street, shall be decorative.
C. Fenestration	<p><b>1. Windows and Doors:</b> The first floor of all buildings fronting directly on a street shall include transparent windows and doors arranged so that the uses inside are visible from and/or accessible to the street on at least 60% of the length of the first floor building elevation along the first floor street frontage.</p> <p><b>2. Building Entrances:</b> A primary entrance facade shall be oriented toward the street, be designed for the pedestrian, and be distinguishable from the rest of the building. Such entrances shall provide a sense of entry and add variety to the streetscape. Additional entrances may be oriented toward side or rear parking lots. Service entrances for shipping and receiving shall be oriented away from the public street.</p> <p><b>3. Window dimensions:</b>  Maximum Sill Height (1st Floor): 42 inches (as measured from the finished floor elevation)  Minimum Area: 16 sq ft  Minimum Width: 3 feet  Minimum Height: 4 feet</p>
D. Materials	<p><b>1. Building Walls:</b> Mixed-use building walls shall be brick, stone, cementitious fiber board, or wood clapboard. Regular or decorative concrete block and EIFS-type stucco may be used on building walls not visible from a public street or as an accent material only. All accessory buildings shall be clad in materials similar in appearance to the principal structure.</p>

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**Section 7.2.11 Parking and Vehicular Access**

**A. Parking Required** – All properties and uses shall provide the following minimum number of off-street parking spaces, on-site:

1. Retail/Office: Three (3) spaces per 1,000 square feet.
2. Restaurant: One (1) space per four (4) seats.
3. Residential: One and one-half (1.5) spaces per unit.

**B. On-Street Parking** – On-street parking spaces may be counted towards the minimum number of spaces required per a use, if located within two-hundred (200) feet of a public entrance to such use. On-street parking spaces may only be used to meet the minimum required parking for one (1) use.

1 **C. Location of Off-Street Parking Areas** – Off-street parking facilities shall meet  
2 the following requirements:

- 3
- 4 1. No parking space shall be located between a building and a street right-of-  
5 way, with the exception of those spaces serving single family detached  
6 dwellings.
- 7
- 8 2. Parking spaces, when located on the side of a building, shall be set back a  
9 minimum of ten (10) feet from the front line of the building along any street  
10 (front and side streets included).
- 11
- 12 3. All off-street parking spaces serving multi-family buildings shall be located in  
13 the rear of a building only.
- 14
- 15 4. Parking lots as principal uses and parking garages shall not 1) abut any street  
16 intersection, 2) be located adjacent to any plaza, square or park, or 3) occupy  
17 lots which at the termination of a street.
- 18

19 **D. Interparcel Access** – All properties shall provide interparcel vehicular and  
20 pedestrian access to abutting properties. In the event that abutting property owners  
21 are unable to reach an agreement to provide interparcel access, written  
22 documentation of such a denial of access shall be provided and an easement  
23 allowing such access in the future shall be provided prior to the issuance of a  
24 Certificate of Zoning Compliance and/or Certificate of Occupancy.

25

26 **E. Bicycle Parking** – Bicycle parking is required for each building based on the use  
27 of the building and the percentage of motor vehicle parking provided for each use,  
28 as indicated in the table below. Bicycle parking is not required for single family  
29 dwellings, townhouses, and apartments of less than four (4) units per building.  
30 Where fewer than two (2) spaces are required, at least two (2) bicycle parking  
31 spaces or one rack must be provided.

32

Table 7.1 Bicycle Parking Required	
Use Type	Required Bicycle Parking Spaces per 100 Auto Spaces
<ul style="list-style-type: none"><li>Multi-Family Residential (4 or more units per building only)</li><li>Office/Business Services</li><li>Retail Trade (except Lodging)</li><li>Institutional/Civic (Non-Assembly Uses)</li></ul>	5
<ul style="list-style-type: none"><li>Lodging</li><li>Wholesale/Manufacturing/Industrial</li><li>Institutional/Civic (Assembly Uses Only)</li></ul>	2
Institutional/Civic (Schools)	10

33

- 1 1. An “Inverted U” or other bicycle parking rack that supports the bicycle at two  
2 (2) points on the bicycle frame is the minimum standard for fulfillment of the  
3 bicycle parking standards. A single inverted U rack will count as two (2)  
4 bicycle parking spaces. Long term bicycle parking, such as bike lockers and  
5 locked rooms, may be provided for use by employees and students and may  
6 count toward fulfillment of the one-half (0.5) of the bicycle parking  
7 requirements.  
8
- 9 2. Bicycle racks shall be located no closer than three (3) feet from any wall.  
10
- 11 3. Bicycle parking shall be placed along a major building approach line and  
12 clearly visible from the approach and no more than fifty (50) feet from  
13 building entrances or no further than the closest motor vehicle parking space,  
14 whichever is less.  
15
- 16 4. Uses with several public entrances shall locate a portion of the required  
17 bicycle parking at each entrance.  
18

19 **F. Off-Street Parking Area Landscaping** – Notwithstanding the requirements of  
20 Article 10, *Landscaping and Tree Protection*, parking areas with twenty (20) or  
21 more parking spaces shall be landscaped in the following manner:  
22

- 23 1. A landscape island comprising an area equaling that of one (1) parking space  
24 shall be located at the end of each row of parking and be planted with one (1)  
25 shade tree, a minimum of three (3) inches in caliper, and eight (8) shrubs,  
26 three (3) feet in height or less when mature.  
27
- 28 2. The interior of a row of parking shall be landscaped in one (1) of the  
29 following manners:  
30
  - 31 i. One (1) landscape island shall be located after every tenth (10<sup>th</sup>) parking  
32 space within a row; rows with fifteen (15) parking spaces or less shall locate  
33 the landscape island in the middle or approximate middle of the row. Such  
34 landscape islands shall be planted with one (1) shade tree, a minimum of  
35 three (3) inches in caliper.  
36
  - 37 ii. A landscape island/strip, five (5) feet in width, shall be located along the  
38 entire length of a row of parking with eleven (11) or more spaces. Such  
39 landscape islands/strips shall be planted with one (1) shade tree, a minimum  
40 of three (3) inches in caliper, every sixty (60) feet.  
41

42 **B. Off-Street Parking Area Screening** – All parking areas visible from a public or  
43 private right-of-way shall be screened from view. Parking areas located in a side  
44 yard shall have the portion of the lot that fronts the street screened up to a height  
45 of three (3) feet using shrubs, masonry walls (using material that matches the  
46 adjacent building), wrought iron fencing, or any combination thereof. If  
47 landscaping is used, the minimum planting area width shall not be less than four  
48 (4) feet.

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**C. Parking Structures**

1. Ground Level Screening: The ground level of a parking structure located along a public or private street right-of-way shall be wrapped by retail, office, or some other active use.
2. Materials: Along all street facing facades, parking structures shall be treated with high-quality materials, to include brick, stone, or similar masonry material. Architectural treatments shall be provided consistent with abutting structures. The façade shall be designed to screen vehicles. In no instance will rails or cabling alone be sufficient to meet this screening requirement.
3. Clear Entries: Pedestrian entries shall be clearly visible. Vertical circulation shall not be located in the center of the structure so as to be difficult or circuitous to locate.
4. Vents and Utility Openings: In the event that any openings for ventilation, service, or emergency access are located at the first floor level in the building façade, then they shall be an integral part of the overall building design. These openings as well as pedestrian and vehicular entrances shall be designed to minimize visibility of parked cars. The remainder of the street level frontage shall be either commercial space or an architecturally articulated façade designed to minimize the visibility of parked cars.

**Section 7.2.12 Signage**

**A. Freestanding Signs (Ground Signs)**

1. Civic buildings and buildings setback thirty (30) feet or greater from a public or private street right-of-way may have a maximum of one (1) sign, no larger than sixteen (16) square feet in area (one side) and no taller than five (5) feet in height. Signs for buildings set back thirty (30) feet or greater from a street right-of-way shall be located along the street from which the building is set back such a distance.
2. All freestanding signs shall be monument in design, having no open area from the base along the ground to the top of the sign.
3. Freestanding signs shall be set back a minimum of ten (10) feet from the back of curb/pavement or outside the right-of-way, whichever is greater.
4. Freestanding signs may be located within required landscaping or planting strips.
5. Freestanding signs shall not exceed ten (10) feet in height.

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**B. Wall Signs**

1. For front facades, each individual commercial or office tenant shall be allowed one (1) square foot of signage for each linear foot of store frontage or five percent (5%) of the area of the front façade, whichever is greater. The total of all signage on any single wall shall not exceed one-hundred (100) square feet.
2. For all other facades, each individual commercial and office tenant shall be allowed wall signage on non-front facades equal to or less than five percent (5%) of the area of the wall. The total of all signage on any single wall shall not exceed one-hundred square feet.
3. Wall signs may project a maximum of twelve (12) inches from the wall to which it is mounted.

**C. Projecting Signs**

1. In addition to wall signs, each individual commercial or office tenant may have one (1) projecting sign not to exceed nine (9) square feet in area (one side).
2. Projecting signs shall not protrude above the soffit, parapet, or eave line of the building to which it is attached.
3. Projecting signs shall be mounted no less than eight (8) feet above grade and no higher than twelve (12) feet above grade.
4. No projecting sign may extend within three (3) feet of street pavement.
5. Projecting signs shall not be internally illuminated.

**D. Awning Signs**

1. In addition to wall signs and projecting signs, each individual commercial or office tenant may have awning signs no larger than nine (9) square feet. Signage shall be limited to being located only on the drip flap of the awning.

**E. Prohibited Signs**

1. Roof signs are prohibited.

**SECTION 7.3  
BLACKWELL ROAD OVERLAY DISTRICT**

Section 7.3.1 Purpose and Intent

1 Section 7.3.2 District Boundaries  
2 Section 7.3.3 Applicability  
3 Section 7.3.5 Building Setbacks  
4 Section 7.3.6 Architectural Standards  
5 Section 7.3.7 Parking and Vehicular Access  
6

7 **Section 7.3.1 Purpose and Intent**

8 The purpose of the Blackwell Road Overlay District is to establish regulations consistent  
9 with the findings and recommendations Vision Plan, specifically with regard to those  
10 recommendations concerning the Blackwell Road streetscape.  
11

12 The intent of the Blackwell Road Overlay District is to establish aesthetic design  
13 standards for the corridor and to improve upon the existing vehicular, pedestrian, and  
14 bicycle transportation network in the corridor.  
15

16 **Section 7.3.2 District Boundaries**

17 The boundaries of the Blackwell Road Overlay District are as shown on the Town of  
18 Belville Zoning Map.  
19

20 **Section 7.3.3 Applicability**

21 All applications for a Certificate of Zoning Compliance, for properties located in the  
22 Downtown Overlay District, involving grading, the construction of a new building,  
23 additions to existing buildings, construction of a sign, and similar site improvements,  
24 shall demonstrate compliance with the requirements and standards of this Article.  
25

26 **Section 7.3.4 Streetscape Standards**

27  
28 **A. Streets** – All projects which are required to meet the requirements of this Article  
29 per Section 7.2.3, *Applicability*, shall install streets along their respective  
30 frontages consistent with the following; however, such requirements may be  
31 varied as required by the North Carolina Department of Transportation or  
32 Planning Director if it is determined that the standards provided herein do not  
33 meet future transportation needs, inhibit public safety, and/or do not comply with  
34 adopted standards of either the NCDOT or Town of Belville.  
35

36 **1. River Road/NC133**

- 37  
38 a. Number of Travel Lanes – A maximum of four (4) travels lanes shall be  
39 provided, not including turn lanes as required.  
40  
41 b. Maximum Travel Lane Width – Thirteen (13) feet (not including width of  
42 curb and gutter).  
43  
44 c. Median – A median shall be required of no less than sixteen (16) feet in  
45 width.  
46  
47 d. Curbs and Drainage – Standard curbing and drainage shall be required.  
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**2. Blackwell Road**

- a. Relocation of Blackwell Road – Prior to the issuance of a Certificate of Zoning Compliance, owners and developers of property located within the district and identified in the Belville Vision Plan 2020 as subject to the relocation of Blackwell Road, shall participate in the relocation of the road as identified in the Belville Vision Plan 2020. This shall include, but shall not be limited to, the dedication of right-of-way or installation of improvements as required by the North Carolina Department of Transportation and/or the Town of Belville Planning Director.
- b. Number of Travel Lanes – A maximum of two (2) travel lanes shall be provided, not including turn lanes as required.
- c. Maximum Travel Lane Width – Twelve (12) feet (not including width of curb and gutter).
- d. Curbs and Drainage – Six (6) foot wide engineered bio-swales shall be provided along both sides of the street, behind the edge of pavement.

**3. All Other Streets**

- a. Number of Travel Lanes – A maximum of two (2) travel lanes, not including turn lanes as required, is preferred.
- b. Maximum Travel Lane Width – Twelve (12) feet (not including width of curb and gutter).
- c. Curbs and Drainage – Standard curbing and drainage shall be required, unless it is determined by the Planning Director that the use of swales is more environmentally appropriate in the specific case.

**B. Sidewalks and Other Paths** – All projects that are required to the meet the requirements of this Article per Section 7.2.3, *Applicability*, shall install sidewalks and other pathways as required along their respective frontages consistent with the following. All sidewalks shall be located within a public or private right-of-way.

**1. River Road/NC133**

- a. Sidewalk Location – Sixteen (16) feet from back of curb (behind Street Tree Strip), unless natural physical barriers such as wetlands, flood plain, specimen tree, or other similar features necessitate locating the sidewalk closer to the curb, as approved by the Planning Director or his/her designee.
- b. Minimum Sidewalk Width – Ten (10) foot multimodal (bicycle and pedestrian) sidewalk.

1           **2. Blackwell Road**

- 2
- 3           a. Sidewalk Location – Along the north side of the road, six (6) feet from the
- 4           edge of pavement (behind drainage swale); along the south side of the
- 5           road, fourteen (14) feet from the edge of pavement (behind planting strip).
- 6
- 7           b. Minimum Sidewalk/Path Width – Along the north side of the road, a ten
- 8           (10) foot sidewalk/multi-use path shall be provided; along the south side of
- 9           the road, a minimum five (5) foot wide sidewalk shall be provided.

10

11           **3. All Other Streets**

- 12
- 13           a. Sidewalk Location – Two (2) feet from back of curb or swale; a two (2)
- 14           foot grass strip shall be provided between the back of curb or swale and
- 15           sidewalk.
- 16
- 17           b. Minimum Sidewalk Width – Five (5) feet.

18

19           **C. Street Trees** – All projects which are required to meet the requirements of this

20           Article per Section 7.2.3, *Applicability*, shall install street trees along their

21           respective frontages and in medians consistent with the following:

22

23           **1. River Road/NC133**

- 24
- 25           a. Street Tree Strip – A sixteen (16) foot Street Tree Strip shall be provided,
- 26           located zero (0) feet from back of curb. Street Tree Strips shall be planted
- 27           with single-stem Crape Myrtles, planted forty (40) feet on-center. Other
- 28           tree species may be planted, as approved by the Planning Director, with
- 29           preference given to deciduous flowering and shade trees, native to North
- 30           Carolina. At the time of planting, trees shall be no less than three (3)
- 31           inches in caliper. Sidewalks may be located within the required Street Tree
- 32           Strip per Section 7.2.4.B.1.a.
- 33
- 34           b. Medians – Medians, where required and allowed, shall be planted with
- 35           single-stem Crape Myrtles, planted forty (40) feet on-center. At the time of
- 36           planting, trees shall be no less than three (3) inches in caliper.

37

38           **1. Blackwell Road**

- 39
- 40           a. Street Tree Strip – Along the south side of the road, an eight (8) foot wide
- 41           Street Tree Strip/Planting Strip shall be provided, six (6) feet from the
- 42           edge of pavement (behind drainage swale). The Street Tree Strip/Planting
- 43           Strip shall be planted with deciduous tree species, native to North
- 44           Carolina, planted forty (40) feet on-center. At the time of planting, trees
- 45           shall be no less than three (3) inches in caliper.

46

47           **Section 7.3.5 Building Setbacks**

1 Unless specified herein, all other building setbacks shall be as required by the underlying  
2 zoning district in which the property is located.

- 3  
4 **A. Setback and Landscape Strip from River Road/NC133** – There shall be a ten  
5 (10) foot setback and landscape strip from the right-of-way of River Road/NC133  
6 within which no structures, buildings, or parking shall be located. Freestanding  
7 signs may be located within such setback and landscape strip.  
8

9 **Section 7.3.6 Architectural Standards**

10  
11 **A. Facades and Walls**

- 12  
13 1. No street facing façade or wall shall exceed twenty (20) vertical feet  
14 without interruption by an architectural feature, such as color, texture,  
15 material, or design element.  
16  
17 2. Garages  
18  
19 i. For townhomes and multi-family residential buildings, garage  
20 doors are not permitted on any front or side-corner elevation.  
21  
22 ii. For single family detached dwellings, at no time shall the width of  
23 an attached garage exceed forty percent (40%) of the total building  
24 façade.  
25

26 **B. Materials**

- 27  
28 1. Concrete block, metal, aluminum siding, or vinyl siding shall not be used a  
29 finished façade.  
30  
31 2. Mirrored window tinting shall not be permitted.  
32  
33 3. Residential building walls shall be clad in wood clapboard, cementitious  
34 fiber board, wood shingle, wood drop siding, primed board, wood board  
35 and batten, brick, stone, stucco, vinyl, or synthetic materials similar and/or  
36 superior in appearance and durability.  
37  
38 4. Commercial and mixed-use buildings shall be clad in brick, stone,  
39 cementitious fiber board, or wood clapboard. Regular or decorative concrete  
40 block and EIFS-type stucco may be used on building walls not visible  
41 from a public street or as an accent material only (No more than 15% of  
42 the area of any wall).  
43

44 **C. Building Entrances**

- 45  
46 1. Entrances used for shipping and receiving shall not be located along front  
47 elevations and shall be screened by use of a fence and/or landscaping  
48 when visible from a public or private street.

1  
2 **D. Roofs**  
3

- 4 1. Main roofs on residential building shall have a pitch between 8:12 and  
5 12:12. Monopitch (shed) roofs are allowed only if they are attached to the  
6 wall of the main building. No monopitch roof shall have a pitch less than  
7 4:12.  
8  
9 2. Roofs shall be clad in wood shingles, standing seam metal, terne, slate,  
10 dimensional asphalt shingles or synthetic materials similar and/or superior  
11 in appearance and durability.  
12  
13 3. Roof lines shall have a vertical deviation of twenty-four (24) inches for  
14 every forty (40) linear feet.  
15

16 **E. Building Height**  
17

- 18 1. No portion of a building closer than 75 (seventy five) feet to the right-of-  
19 way of River Road/NC-133 shall exceed a height of two (2) stories or  
20 thirty-five (35) feet, whichever is less.  
21

22 **Section 7.3.7 Parking and Vehicular Access**  
23

24 **A. Parking Required** – All properties and uses shall provide the following minimum  
25 number of off-street parking spaces, on-site:  
26

- 27 1. Retail/Office: Three (3) spaces per 1,000 square feet.  
28 2. Restaurant: One (1) space per four (4) seats.  
29 3. Residential: One and one-half (1.5) spaces per unit.  
30

31 **B. Location of Off-Street Parking Areas** – Off-street parking facilities shall  
32 meet the following requirements:  
33

- 34 1. No parking space shall be located between a building and a street right-of-  
35 way, with the exception of those spaces serving single family detached  
36 dwellings.  
37

38 **C. Interparcel Access** – All properties shall provide interparcel vehicular and  
39 pedestrian access to abutting properties. In the event that abutting property  
40 owners are unable to reach an agreement to provide interparcel access, written  
41 documentation of such a denial of access shall be provided and an easement  
42 allowing such access in the future shall be provided prior to the issuance of a  
43 Certificate of Zoning Compliance and/or Certificate of Occupancy.  
44

45 **D. Bicycle Parking** – Bicycle parking is required for each building based on the  
46 use of the building and the percentage of motor vehicle parking provided for  
47 each use, as indicated in the table below. Bicycle parking is not required for  
48 single family dwellings, townhouses, and apartments of less than four (4) units

per building. Where fewer than two (2) spaces are required, at least two (2) bicycle parking spaces or one rack must be provided.

Table 7.1 Bicycle Parking Required	
Use Type	Required Bicycle Parking Spaces per 100 Auto Spaces
<ul style="list-style-type: none"> <li>• Multi-Family Residential (4 or more units per building only)</li> <li>• Office/Business Services</li> <li>• Retail Trade (except Lodging)</li> <li>• Institutional/Civic (Non-Assembly Uses)</li> </ul>	5
<ul style="list-style-type: none"> <li>• Lodging</li> <li>• Wholesale/Manufacturing/Industrial</li> <li>• Institutional/Civic (Assembly Uses Only)</li> </ul>	2
Institutional/Civic (Schools)	10

1. An “Inverted U” or other bicycle parking rack that supports the bicycle at two (2) points on the bicycle frame is the minimum standard for fulfillment of the bicycle parking standards. A single inverted U rack will count as two (2) bicycle parking spaces. Long term bicycle parking, such as bike lockers and locked rooms, may be provided for use by employees and students and may count toward fulfillment of the one-half (0.5) of the bicycle parking requirements.
2. Bicycle racks shall be located no closer than three (3) feet from any wall.
3. Bicycle parking shall be placed along a major building approach line and clearly visible from the approach and no more than fifty (50) feet from building entrances or no further than the closest motor vehicle parking space, whichever is less.
4. Uses with several public entrances shall locate a portion of the required bicycle parking at each entrance.

**E. Off-Street Parking Area Landscaping** – Notwithstanding the requirements of Article 21, *Vegetation Management Ordinance*, parking areas with twenty (20) or more parking spaces shall be landscaped in the following manner:

1. A landscape island comprising an area equaling that of one (1) parking space shall be located at the end of each row of parking and be planted with one (1) shade tree, a minimum of three (3) inches in caliper, and eight (8) shrubs, three (3) feet in height or less when mature.
2. The interior of a row of parking shall be landscaped in one (1) of the following manners:

- i. One (1) landscape island shall be located after every tenth (10<sup>th</sup>) parking space within a row; rows with fifteen (15) parking spaces or less shall locate the landscape island in the middle or approximate middle of the row. Such landscape islands shall be planted with one (1) shade tree, a minimum of three (3) inches in caliper.
- ii. A landscape island/strip, five (5) feet in width, shall be located along the entire length of a row of parking with eleven (11) or more spaces. Such landscape islands/strips shall be planted with one (1) shade tree, a minimum of three (3) inches in caliper, every sixty (60) feet.

**4.**

Article 8, *Table of Area, Yard and Height Requirements*, of the Town of Belville Zoning Ordinance, is hereby deleted in its entirety and the following is inserted therefor:

**ARTICLE 8  
BOARDS AND COMMISSIONS**

- Section 8.1 Board of Commissioners
- Section 8.2 Planning Board

**SECTION 8.1  
BOARD OF COMMISSIONERS**

- Section 8.1.1 Existence Continued
- Section 8.1.2 Composition
- Section 8.1.3 Rules for Proceedings of the Board of Commissioners
- Section 8.1.4 Function and Duties

**Section 8.1.1 Existence Continued**

The Board of Commissioners shall continue in its present form and function, as established under the Charter of the Town of Belville.

**Section 8.1.2 Composition**

There is hereby established the composition of the Town of Belville Board of Commissioners. The Board of Commissioners shall consist of four (4) members (Commissioners) and a Mayor.

**Section 8.1.3 Rules for Proceedings of the Board of Commissioners**

The Board shall adopt rules governing its organization and for all proceedings before the Board.

**Section 8.1.4 Function and Duties**

In addition to those functions and duties delegated to the Board of Commissioners under the Charter of the Town of Belville and the General Statutes of the State of North

1 Carolina, the Board of Commissioners is hereby vested with the following functions and  
2 duties:

- 3
- 4 1. Adopt a zoning ordinance, zoning map, and regulations for the subdivision of  
5 land, and any amendments to such documents (text amendments), and any other  
6 land use regulations appropriate to manage development in the Town.  
7
- 8 2. Review and take action on applications for zoning map amendments (rezonings)  
9 and applications for special uses.

10  
11 **SECTION 8.2**  
12 **PLANNING BOARD**

13

14 Section 8.2.1	Existence Continued
15 Section 8.2.2	Composition
16 Section 8.2.3	Rules for Proceedings of the Planning Board
17 Section 8.2.4	Function and Duties

18

19 **Section 8.2.1 Existence Continued**

20 The Planning Board shall continue in its present form and function.

21

22 **Section 8.2.2 Composition**

23 The Planning Board shall consist of a minimum of seven (7) members appointed by the  
24 Board of Commissioners of the Town of Belville for a term specified by the Board of  
25 Commissioners or until a successor is appointed. Pursuant to N.C.G.S. 160A-388.

26

27 **Section 8.2.3 Rules for Proceedings of the Planning Board**

28 The Planning Board shall adopt rules and bylaws governing its organization and for all  
29 proceedings before the Board. The Board shall elect a Chair and Vice- Chair on an annual  
30 basis. The Planning Board shall set a regular monthly meeting date and time; provided,  
31 however, that the Board shall not be required to meet if the Chair determines that there is  
32 no business to transact. Special meetings of the Board shall be held at the call of the  
33 Chair, and at such other times as the Board may determine. No application shall be heard  
34 unless a quorum is present. A quorum shall consist of a majority of all members. All  
35 meetings of the Board shall be open to the public. The Board, through the staff of the  
36 Town, shall keep minutes of its proceedings, showing the vote of each member upon each  
37 question and shall keep records of its examinations and other official actions, all of which  
38 shall be filed in the office of the Planning Director and shall be public record.

39

40 **Section 8.2.4 Function and Duties**

41

42 The Planning Board is hereby vested with the following functions and duties:

- 43
- 44 1. Recommend for adoption by the Board of Commissioners a zoning ordinance,  
45 zoning map, regulations for the subdivision of land, and any amendments to  
46 such documents (text amendments), and any other land use regulations  
47 appropriate to manage development in the Town.  
48

2. Administer zoning and other land use regulations in whatever role is delegated to it by the Board of Commissioners. To this end, the Planning Board shall have authority to review applications for zoning map amendments (rezonings) and applications for special uses, and provide a recommendation to the Board of Commissioners on such applications; provided, however, that the Planning Board shall not be delegated any legislative authority.
3. Review and approve subdivision plats pursuant to the Town of Belville Subdivision Regulations.
4. Sit as the Board of Adjustment and function in a quasi-judicial manner to review and render final decisions on variances to the regulations of this Ordinance, per Article 9, *Review and Approval Procedures*, Section 9.5, *Variances*.
5. Sit as the Board of Adjustment and review and render final decisions on appeals of administrative determinations, per Article 9, *Review and Approval Procedures*, Section 9.6, *Appeals of Administrative Decisions*.

**5.**

Article 9, *Planned Building Group Relations*, of the Town of Belville Zoning Ordinance, is hereby deleted in its entirety and the following is inserted therefor:

**ARTICLE 9  
REVIEW AND APPROVAL PROCEDURES**

- |             |                                       |
|-------------|---------------------------------------|
| Section 9.1 | Common Review and Approval Procedures |
| Section 9.2 | Text Amendments                       |
| Section 9.3 | Rezonings                             |
| Section 9.4 | Special Uses                          |
| Section 9.5 | Variances                             |
| Section 9.6 | Administrative Variances              |
| Section 9.7 | Appeals of Administrative Decisions   |

**SECTION 9.1  
COMMON REVIEW AND APPROVAL PROCEDURES**

- |                |   |
|----------------|---|
| Section 9.1.1  | Purpose and Intent                            |
| Section 9.1.2  | Authority to File Applications                |
| Section 9.1.3  | Form of Applications                          |
| Section 9.1.4  | Processing Fees                               |
| Section 9.1.5  | Application Completeness                      |
| Section 9.1.6  | Pre-Application Conferences                   |
| Section 9.1.7  | Notice Requirements                           |
| Section 9.1.8  | Public Hearing Procedures                     |
| Section 9.1.9  | Conditions of Approval                        |
| Section 9.1.10 | Processing Cycles                             |
| Section 9.1.11 | Inaction by Review and Decision Making Bodies |



1  
2 **Section 9.1.1 Purpose and Intent**

3 The procedures established in Section 9.1, Common Review and Approval Procedures,  
4 are intended to be general guidelines, establishing the review and approval guidelines for  
5 the various processes contained in this Article. More specific directions and procedures  
6 have been established in subsequent sections for each procedure managed by the Town.  
7

8 **Section 9.1.2 Authority to File Applications**

- 9  
10 A. Unless otherwise specified in this Article, application for review and approval shall  
11 only be initiated by:  
12  
13 1. The owner of the property that is the subject of the application;  
14 2. The owner’s authorized agents; or  
15 3. The Town of Belville Board of Commissioners  
16  
17 B. When an authorized agent files an application under this Article on behalf of a  
18 property owner, the agent shall provide the Town with notarized documentation that  
19 the owner of the property has authorized the filing of the application and the  
20 representation of the agent on their behalf.  
21  
22 C. When a review or decision-making body initiates action under this Ordinance, it does  
23 so without prejudice toward the outcome.  
24

25 **Section 9.1.3 Form of Applications**

26 Applications required under this Article shall be submitted in a form and in such number  
27 as required by the responsible staff person and/or department.  
28

29 **Section 9.1.4 Processing Fees**

30 Applications shall be accompanied by the fee amount that has been established by the  
31 Board of Commissioners in the “Fee Schedule.”  
32

33 **Section 9.1.5 Application Completeness**

34 An application will be considered complete if it is submitted in the required form,  
35 includes all mandatory information, including all supporting materials, specified by the  
36 subsequent sections of this Article detailing the specific processes. The Planning Director  
37 shall make a determination of application completeness within five (5) business days of  
38 the receipt of the application. If an application is determined to be incomplete, the  
39 Director shall provide notice to the applicant along with an explanation of the  
40 application’s deficiencies. No further processing of the application shall occur until the  
41 deficiencies are corrected in a future re-submittal. An application that is determined to be  
42 incomplete may or may not retain its same processing cycle, to be determined by the  
43 Planning Director.  
44

45 **Section 9.1.6 Pre-Application Conferences**

46 The purpose of a pre-application conference is to familiarize the applicant and the Town  
47 staff with the applicable provisions of this Ordinance that are required to permit the  
48 proposed development. This conference should be held prior to the initial creation of a

1 site plan or subdivision plan, if applicable, to ensure that the plan will address all  
2 applicable requirements of this Ordinance

3  
4 **Section 9.1.7 Notice Requirements**

5  
6 **A. Content of Notices** – All notices required under this Ordinance shall comply with  
7 North Carolina General Statutes. In addition, all notices may, unless otherwise  
8 specified by this Ordinance:

- 9  
10 1. Identify the date, time, and place of the public hearing;  
11 2. If applicable, describe the property involved in the application by street address or  
12 by Property Identification Number (PIN) and nearest cross street;  
13 3. Describe the nature, scope, and purpose of the proposed action;  
14 4. Indicate that interested parties may appear at the hearing and speak on the matter;  
15 and  
16 5. Indicate where additional information on the matter may be obtained.

17  
18 **B. Published Notice** – When the provisions of this Ordinance require that notice be  
19 published, the Planning Director shall cause a notice to be published in a newspaper  
20 having general circulation in the area. The notice shall be published once a week for  
21 two successive calendar weeks, and shall be published for the first time at least ten  
22 days and not more than 25 days before the scheduled hearing date. In computing such  
23 period, the day of publication shall not be counted, but the day of the hearing shall be  
24 counted.

25  
26 **C. Written (Mailed) Notice** – When the provisions of this Ordinance require that  
27 written or mailed notice be provided, the Planning Director shall prepare a list of all  
28 owners of all properties located within 100 feet of the subject property and their  
29 current addresses, compiled from the current tax records of the Town of Belville. The  
30 Director shall deliver a notice of the hearing to those property owners by first class  
31 mail, with such notices being deposited in the mail at least ten (10) but not more than  
32 twenty-five (25) days prior to the scheduled date of the hearing. In computing such  
33 period, the day of mailing shall not be counted, but the day of the hearing shall be  
34 counted. The Town staff person who mails such notices shall certify the fact that the  
35 notices were duly mailed, and the date of mailing.

36  
37 **D. Posted Notice** – When the provisions of this Ordinance require that notice be posted,  
38 the Planning Director shall cause a notice to be posted on the property for at least  
39 seven days before the scheduled hearing date. In computing such period, the day of  
40 posting shall not be counted, but the day of the hearing shall be counted. If no part of  
41 the subject property is visible from the public right-of-way, the notice shall be posted  
42 along the nearest street in the public right-of-way. Posted notices shall list contact  
43 information for interested parties to utilize in order to obtain information regarding  
44 the proposed application.

45  
46 **E. Constructive Notice** – Minor defects in any notice shall not impair the notice or  
47 invalidate proceedings pursuant to the notice if a bona fide attempt has been made to  
48 comply with applicable notice requirements. Minor defects in notice may include, but

1 are not limited to, errors in a legal description or typographical or grammatical errors  
2 that do not impede communication of the notice to affected parties. Failure of a party  
3 to receive written notice shall not invalidate subsequent action. In all cases, however,  
4 the requirements for the timing of the notice and for specifying the time, date, and  
5 place of a hearing and the location of the subject property shall be strictly construed.  
6 If questions arise at the hearing regarding the adequacy of notice, the decision-making  
7 body shall direct Town staff to make a formal finding as to whether there was  
8 substantial compliance with the notice requirements of this Ordinance, and such  
9 finding shall be made available to the decision-making body prior to final action on  
10 the request.

11  
12 **Section 9.1.8 Public Hearing Procedures**

13 The procedures and requirements set forth in this section shall apply to all public hearings  
14 required by this Ordinance.

- 15  
16 A. When the Town has determined that an application is complete and that a public  
17 hearing is required by this Ordinance, the Director shall schedule a date, time, and  
18 place for the required hearing, and shall ensure that all notices are provided pursuant  
19 to Section 9.1.7 above.  
20  
21 B. Any person may appear at the public hearing and submit evidence in explanation or  
22 rebuttal, either individually or as a representative of an organization, upon receiving  
23 proper recognition from the chairperson of the body conducting the hearing.  
24  
25 C. Each person who appears at a public hearing shall identify himself or herself and his  
26 or her address and, if appearing on behalf of an organization, shall state the name and  
27 mailing address of the organization.  
28  
29 D. In a quasi-judicial public hearing, all testimony and evidence given in a public  
30 hearing in front of the Planning Board or the Board of Commissioners shall be given  
31 under oath or by affirmation to the body conducting the hearing.  
32  
33 E. In a quasi-judicial public hearing, any parties participating in the hearing may, upon  
34 receiving proper recognition from the chairperson of the body conducting the hearing,  
35 question or cross-examine other persons appearing as witnesses who present adverse  
36 evidence or testimony.  
37  
38 F. In a public hearing, the body conducting the hearing may exclude any testimony,  
39 evidence, or questioning that it finds to be incompetent, irrelevant, immaterial, or  
40 unduly repetitious.  
41  
42 G. At any time upon reasonable request, any person may examine the application and  
43 materials submitted in support of or in opposition to an application for development  
44 approval. The Town shall make copies of such materials available.  
45

46 **Section 9.1.9 Conditions of Approval**

47 Some procedures set forth in this chapter authorize the decision-making body to impose  
48 such conditions upon the premises benefited by the approval as may be necessary to

1 reduce or minimize any potential adverse impact upon other property in the area, or to  
2 carry out the general purpose and intent of the Comprehensive Plan and this Ordinance.  
3 In such cases, any conditions attached to approvals shall be directly related to the impacts  
4 of the proposed use or development and shall be roughly proportional in both extent and  
5 amount to the anticipated impacts of the proposed use or development. In no case shall a  
6 condition of approval be less restrictive than the requirements of this Ordinance.

7  
8 **Section 9.1.10 Processing Cycles**

9 The Planning Director or his/her designee shall issue timetables for reviewing each type  
10 of development application or procedure under this chapter. Processing timetables will be  
11 advisory, and failure to meet processing goals will not result in deemed approvals. Failure  
12 by an applicant to meet processing goals may result in a delayed review process.  
13 Timetables may be revised from time to time and may include:

- 14  
15 A. Dates of regular meetings of review bodies and decision-makers;  
16 B. Deadlines for receipt of a complete application for consideration of such application  
17 at a particular meeting; and  
18 C. Schedule and routing of staff and agency reviews.

19  
20 **Section 9.1.11 Inaction by Review and Decision-Making Bodies**

21 When a review or decision-making body fails to take action on an application within the  
22 time required (which varies by type of application), such inaction shall be deemed a  
23 denial of the application, unless the decision-making body agrees to an extension of the  
24 time frame.

25  
26 **SECTION 9.2**  
27 **TEXT AMENDMENTS**

- 28  
29 Section 9.2.1 Purpose and Scope  
30 Section 9.2.2 Procedure  
31 Section 9.2.3 Approval Criteria  
32 Section 9.2.4 Effect of Decision on Successive Applications

33  
34 **Section 9.2.1 Purpose and Scope**

35 The Board of Commissioners may amend the text of this Ordinance in accordance with  
36 the procedures set forth in this Section. The purpose is not to relieve particular hardships,  
37 nor to confer special privileges or rights on any person, but only to make adjustments to  
38 Ordinance text that are necessary in light of changed conditions or changes in public  
39 policy, or that are necessary correct errors or further clarify regulations, or to advance the  
40 general welfare of the Town.

41  
42 **Section 9.2.2 Procedure**

- 43  
44 **A. Initiation of Amendments and Filing of Applications** – An amendment to the text  
45 of this Ordinance may be initiated by any review or decision-making body. Any  
46 owner of a legal or equitable interest in land located in the Town or its extraterritorial  
47 jurisdiction, or any resident of the Town or its extraterritorial jurisdiction may submit  
48 a request for a Zoning Ordinance Text Amendment to the Planning Director.

1  
2 **B. Planning Director Review, Report, and Recommendation** – The Planning Director  
3 shall review each text amendment application based on the approval criteria of  
4 Section 9.2.3, and shall distribute the application to other reviewers as deemed  
5 necessary. Based on the results of those reviews, the Director shall provide a report to  
6 the Planning Board and subsequently the Board of Commissioners at the public  
7 hearings at which the proposed amendment is considered. This report shall include,  
8 but not be limited to, a discussion of all plans and policies that have been adopted by  
9 the Town and are relevant to the proposed amendment, and a recommendation  
10 regarding whether to approve or deny the proposed amendment.

11  
12 **C. Public Hearing; Public Notice** – The Planning Board and the Board of  
13 Commissioners shall each hold at least one public hearing on each text amendment  
14 application. Notice of the public hearing shall be provided and the public hearing  
15 shall be conducted in accordance with Sections 9.1.7 and 9.1.8.

16  
17 **D. Review and Recommendation by Planning Board** – After holding a public hearing  
18 on the proposed text amendment, the Planning Board shall review the proposed  
19 amendment based on the approval criteria of Section 9.2.3 and any oral and written  
20 comments received at or before the public hearing. Based on this information, the  
21 Planning Board shall submit, within 90 days of the public hearing, a report and  
22 recommendation to the Board of Commissioners regarding whether or not the  
23 proposed amendment should be adopted as submitted, adopted with modifications,  
24 rejected, or returned for additional public hearing. The Planning and Zoning Board  
25 may request an extension of time from the Board of Commissioners. If no  
26 recommendation is made and no extension is granted within 90 days of the public  
27 hearing, the Board of Commissioners may act on the proposed amendment without a  
28 recommendation from the Planning Board.

29  
30 **E. Board of Commissioners Action** – After holding a public hearing on the proposed  
31 text amendment, the Board of Commissioners shall review the reports and  
32 recommendations of the Planning Director and the Planning Board. Following such  
33 review, the Board of Commissioners may, based on the approval criteria of Section  
34 9.2.3:

- 35  
36 1. Adopt the proposed amendment by ordinance;  
37 2. Adopt the proposed amendment with modifications by ordinance;  
38 3. Deny/Reject the proposed amendment;  
39 4. Defer the proposed amendment; or  
40 5. Defer the proposed amendment and refer back to the Planning Board.

41  
42 **Section 9.2.3 Approval Criteria**

43 In reviewing applications to amend the text of this Ordinance, the Planning Director,  
44 Planning Board, and Board of Commissioners should consider the following criteria:

- 45  
46 A. Whether the proposed amendment corrects an ambiguity or error or meets the  
47 challenge of some changing condition, trend, or fact;

- 1 B. Whether the proposed amendment is consistent with the Comprehensive Plan and the
- 2 stated purposes of Section 1.3 of this Ordinance;
- 3
- 4 C. Whether the proposed amendment will protect the health, safety, morals, or general
- 5 welfare of the public, and
- 6
- 7 D. Whether the proposed amendment will result in significant adverse impacts on the
- 8 natural environment, including air, water, noise, stormwater management, wildlife,
- 9 and vegetation.

10

11 **Section 9.2.4 Effect of Decision on Successive Applications**

12

- 13 **A. Effect of Denial** – No new application for the same or substantially the same
- 14 amendment shall be accepted within one year of the date of denial of a text
- 15 amendment application. The waiting period required by this section may be waived in
- 16 an individual case, for good cause shown, by the affirmative vote of three-fourths of
- 17 the members of the Board of Commissioners.
- 18
- 19 **B. Effect of Approval** – No request to modify an approved text amendment shall be
- 20 considered by the Board of Commissioners within one (1) year of the date of
- 21 approval, except by the initiation of the Board.

22

23 **SECTION 9.3**

24 **REZONINGS**

25

- 26 Section 9.3.1 Rezoning Generally
- 27 Section 9.3.2 Procedure
- 28 Section 9.3.3 Approval Criteria
- 29 Section 9.3.4 Protest Petitions
- 30 Section 9.3.5 Waiting Period for Subsequent Applications

31

32 **Section 9.3.1 Rezoning Generally**

33 The Board of Commissioners may rezone property (i.e. amend the classifications of

34 property appearing on the Zoning Map). The purpose is not to relieve particular hardships,

35 nor to confer special privileges or rights on any person, but only to make adjustments to

36 the Zoning Map that are necessary in light of changed conditions or changes in public

37 policy, or that are necessary to advance the general welfare of the Town.

38

39 **Section 9.3.2 Procedure**

40

- 41 **A. Initiation of Amendments and Filing of Applications** – A rezoning may be initiated
- 42 by any review or decision-making body or by application from any owner or owner's
- 43 agent of land for which the rezoning is requested. When the owner of land is not an
- 44 individual, then the rezoning application shall include a disclosure statement that
- 45 indicates the type of entity involved, and the name and address of each person who
- 46 holds 10% or more of the business entity. When the owner of land is publicly-owned
- 47 business entity, then the rezoning application shall include a disclosure statement that
- 48 indicates the name and address of each person who holds 25% or more of the business

1 entity. An application requesting the rezoning shall be filed with the Planning  
2 Director.

3  
4 **B. Pre-Application Conference** – Before filing an application, a private party applicant  
5 shall participate in a pre-application conference with the Planning Director (*See*  
6 *Section 9.1.6*).

7  
8 **C. Planning Director Review, Report, and Recommendation** – The Planning Director  
9 shall review each rezoning application based on the approval criteria of Section 9.3.3,  
10 and shall distribute the application to other reviewers as deemed necessary. Based on  
11 the results of those reviews, the Director shall provide a report to the Planning Board  
12 and subsequently the Board of Commissioners at the public hearings at which the  
13 proposed rezoning is considered. This report shall include, but not be limited to, a  
14 discussion of all plans and policies that have been adopted by the Town and are  
15 relevant to the proposed rezoning, and a recommendation regarding whether to  
16 approve or deny the rezoning.

17  
18 **D. Public Notice** – Published, written, and posted notice of public hearings shall be  
19 provided in accordance with Section 9.1.7.

20  
21 **E. Public Hearings** – The Planning Board and the Board of Commissioners shall each  
22 hold at least one public hearing on each rezoning application, in accordance with  
23 Section 9.1.8.

24  
25 **F. Review and Recommendation by Planning Board** – After holding a public hearing  
26 on the proposed rezoning application, the Planning Board shall consider the proposed  
27 rezoning based on the approval criteria of Section 9.3.3 and any oral and written  
28 comments received at or before the public hearing. Based on this information, the  
29 Planning Board shall submit, within 90 days of the public hearing, a written  
30 recommendation to the Board of Commissioners that addresses consistency with the  
31 Comprehensive Plan and whether or not the proposed amendment should be approved  
32 or denied. The Planning Board may request an extension of time from the Board of  
33 Commissioners. If no recommendation is made and no extension is granted within 90  
34 days of the public hearing, then the Board of Commissioners may act on the proposed  
35 rezoning without a recommendation from the Planning Board.

36  
37 **G. Board of Commissioners Action** - After holding a public hearing on the proposed  
38 rezoning, the Board of Commissioners shall review the reports and recommendations  
39 of the Planning Director and the Planning Board. Following such review, the Board of  
40 Commissioners shall take one of the following actions within ninety (90) days of the  
41 delivery of the Planning Board’s recommendation, or within ninety (90) days from  
42 the final public hearing if no Planning Board recommendation is made, based on the  
43 approval criteria of Section 9.3.3:

- 44  
45 1. Approve the rezoning by ordinance;  
46 2. Deny/reject the proposed rezoning;  
47 3. Defer the proposed rezoning; or

1 4. Defer and refer the proposed rezoning back to the Planning Board for further  
2 consideration.

3  
4 Failure of the Board of Commissioners to act within ninety (90) days of the delivery  
5 of the Planning Board's recommendation, or within ninety (90) days from the final  
6 public hearing if not Planning Board recommendation is made, shall be deemed a  
7 denial of the rezoning request.

8  
9 The Board of Commissioners, with or without a recommendation of the Planning  
10 Board, may rezone the subject property to any zoning district that is classified as less  
11 intense than the district requested by the applicant, but more intense than the existing  
12 zoning district.

13  
14 **Section 9.3.3 Approval Criteria**

15 In reviewing proposed rezoning, the Planning Director, Planning Board, and Board of  
16 Commissioners should consider the following criteria set forth as follows:

- 17  
18 1. The proposed rezoning corrects an error or meets the challenge of some changing  
19 condition, trend, or fact;  
20  
21 2. The proposed rezoning is consistent with the Comprehensive Plan and the purposes  
22 set forth in Section/Article 1 of this Ordinance;  
23  
24 3. The Town and other service providers will be able to provide sufficient public safety,  
25 educational, recreational, transportation, and utility facilities and services to the  
26 subject property, while maintaining sufficient levels of service to existing  
27 development;  
28  
29 4. The proposed rezoning is unlikely to have significant adverse impacts on the natural  
30 environment, including air, water, noise, stormwater management, wildlife, and  
31 vegetation;  
32  
33 5. The proposed rezoning will not have significant adverse impacts on other property in  
34 the vicinity of the subject tract; and  
35  
36 6. The proposed zoning classification is suitable for the subject property.

37  
38 **Section 9.3.4 Protest Petitions**

39  
40 **A. Effect of Valid Protest Petition** - In the event that the Board of Commissioners  
41 receives a valid petition protesting any proposed zoning map amendment at least two  
42 days prior to the public hearing held by the Board of Commissioners, the rezoning  
43 shall become effective only upon the affirmative vote of three-fourths ( 3/4) of the  
44 members of the Board of Commissioners. For the purposes of this subsection, vacant  
45 positions on the Board of Commissioners and members who are excused from voting  
46 shall not be considered 'members' of the Board for calculation of the requisite  
47 supermajority.  
48



1 **B. Definition of Valid Protest Petition –**

- 2
- 3 1. Required Signatures – A valid protest petition must be signed by the following:
- 4
- 5 a. If a property whose owner is signing the petition has more than one owner
- 6 (including joint ownership by husband and wife), all owners shall be required
- 7 to sign the petition in order for that property to be counted as meeting the
- 8 requirements of this paragraph (1).
- 9
- 10 b. For properties owned by homeowners' associations, the signature of an officer
- 11 of the association shall be required to meet the requirements of this paragraph
- 12 (1).
- 13
- 14 c. For properties owned by corporations, the signature of an officer of the
- 15 corporation shall be required to meet the requirements of this paragraph (1).
- 16
- 17 2. Validity Determination – For a protest petition to be considered valid, it must be
- 18 signed by any one of the owners of either:
- 19
- 20 a. Twenty percent (20%) or more of the area included in the proposed map
- 21 amendment; or
- 22
- 23 b. Five percent (5%) or more of a 100-foot-wide buffer extending along the
- 24 entire boundary of each discrete or separate area proposed to be rezoned. A
- 25 street right-of-way shall not be considered in computing the 100-foot buffer
- 26 area as long as that street right-of-way is one hundred (100) feet wide or less.
- 27 When less than an entire parcel of land is subject to the proposed zoning map
- 28 amendment, the 100-foot buffer shall be measured from the property line of
- 29 that parcel. In the absence of evidence to the contrary, the Town may rely on
- 30 the county tax listing to determine the 'owners' of potentially qualifying areas.
- 31
- 32 3. Withdrawal of Signatures – A protest petition shall be rendered invalid and
- 33 ineffective where one or more of the original signatories have withdrawn their
- 34 signatures, by writing submitted to the Town Clerk prior to the Board of
- 35 Commissioner's vote on the proposed amendment, such that the remaining
- 36 signatures on the protest petition do not meet the requirements of paragraph (2),
- 37 above.
- 38
- 39 4. Form and Content – A protest petition shall be valid, effective, and accepted for
- 40 purpose of this section only if it identifies the proposed amendment or rezoning;
- 41 the name, address, and signature of each protesting property owner; and the
- 42 reasons for the protest. Forms shall be submitted on a form provided by the Town
- 43 of Belville.
- 44
- 45 5. Timing of Submission – A protest petition shall be valid, effective, and accepted
- 46 for purpose of this section only if it is submitted to the Town Clerk at least two
- 47 full working days before the scheduled date of the public hearing on the proposed
- 48 rezoning before the Board of Commissioners, not counting the day of the hearing,

1 in order to allow the Town sufficient time to determine sufficiency and accuracy  
2 of the petition. The petition shall be submitted to the Town Clerk no later than  
3 4:00 p.m. on the day it is due.  
4

5 **Section 9.3.5 Waiting Period for Subsequent Applications**  
6

- 7 A. When a rezoning application has been approved or denied by the Board of  
8 Commissioners, or has been withdrawn by the applicant after notice has been given of  
9 the public hearing on the application, no rezoning application covering the same  
10 property shall be accepted or considered within twelve (12) months after the date of  
11 the approval, denial, or withdrawal. This restriction shall apply regardless of whether  
12 the new application is for a different zoning classification than the original  
13 application.  
14  
15 B. The inclusion of an additional lot or lots in the new application shall not be permitted  
16 when it is evident that the inclusion of the new lot or lots is for the express purpose of  
17 avoiding these restrictions.  
18  
19 C. The waiting period required by this section may be waived in an individual case, for  
20 good cause shown, by the affirmative vote of three-fourths of the members of the  
21 Board of Commissioners.  
22

23 **SECTION 9.4**  
24 **SPECIAL USES**  
25

- 26 Section 9.4.1 Purpose and Applicability  
27 Section 9.4.2 Procedures  
28 Section 9.4.3 Approval Criteria  
29 Section 9.4.4 Effect of Approval or Denial  
30

31 **Section 9.4.1 Purpose and Applicability**

32 Special uses are generally compatible with the other land uses permitted in a zoning  
33 district, yet, because of their unique characteristics or potential impacts on the  
34 surrounding neighborhood and the town as a whole, require individual consideration of  
35 their location, design, configuration, and/or operation at the particular location proposed.  
36 Such individual consideration may require the imposition of individualized conditions in  
37 order to ensure that the use is appropriate as a particular location. Any use designated in  
38 Article 5 or Article 6 of this Ordinance as a “special use” within a specific zoning district  
39 shall not be established without the approval of the Board of Commissioners in  
40 accordance with the procedures and requirements set forth in this Article.  
41

42 **Section 9.4.2 Procedures**  
43

44 **A. Pre-Application Conference** – Before filing an application, a private party applicant  
45 shall participate in a pre-application conference with the Planning Director (*See*  
46 *Section 9.1.6*).  
47

48 **B. Filing of Application and Content Requirements**

- 1
- 2 1. An application for approval of a special use may be filed only by the owner of the
- 3 lot on which the use is to be located, an agent, lessee, or contract purchaser
- 4 specifically authorized by the owner to file such application, or any unit of
- 5 government that is not the owner of the lot but propose to acquire the lot by
- 6 purchase, gift, or condemnation.
- 7
- 8 2. An application for approval of a special use shall be filed with the Planning
- 9 Director.
- 10
- 11 3. After determining that the application is complete, the Planning Director shall
- 12 transit all applications, plans, and other records pertaining to the proposed special
- 13 use to the Board of Commissioners.
- 14

15 **C. Planning Director Review, Report, and Recommendation** – The Planning Director  
16 shall review each special use application based on the approval criteria of Section  
17 9.3.3, and shall distribute the application to other reviewers as deemed necessary.  
18 Based on the results of those reviews, the Director shall provide a report to the  
19 Planning Board and subsequently the Board of Commissioners at the public hearings  
20 at which the proposed rezoning is considered. This report shall include, but not be  
21 limited to, a discussion of all plans and policies that have been adopted by the Town  
22 and are relevant to the proposed rezoning, and a recommendation regarding whether  
23 to approve or deny the rezoning.

24

25 **D. Public Notice** – Published, written, and posted notice of public hearings shall be  
26 provided in accordance with Section 9.1.7.

27

28 **E. Public Hearings** – The Planning Board and the Board of Commissioners shall each  
29 hold at least one public hearing on each special use application, in accordance with  
30 Section 9.1.8.

31

32 **F. Review and Recommendation by Planning Board** – After holding a public hearing  
33 on the proposed rezoning application, the Planning Board shall consider the proposed  
34 rezoning based on the approval criteria of Section 9.4.3 and any oral and written  
35 comments received at or before the public hearing. Based on this information, the  
36 Planning Board shall submit, within 90 days of the public hearing, a written  
37 recommendation to the Board of Commissioners that addresses consistency with the  
38 Comprehensive Plan and whether or not the proposed amendment should be approved  
39 or denied. The Planning Board may request an extension of time from the Board of  
40 Commissioners. If no recommendation is made and no extension is granted within 90  
41 days of the public hearing, then the Board of Commissioners may act on the proposed  
42 rezoning without a recommendation from the Planning Board.

43

44 **G. Board of Commissioners Action** - After holding a public hearing on the proposed  
45 rezoning, the Board of Commissioners shall review the reports and recommendations  
46 of the Planning Director and the Planning Board. Following such review, the Board of  
47 Commissioners shall take one of the following actions within ninety (90) days of the  
48 delivery of the Planning Board’s recommendation, or within ninety (90) days from

1 the final public hearing if no Planning Board recommendation is made, based on the  
2 approval criteria of Section 9.4.3:

- 3
- 4 1. Approve the special use;
- 5 2. Approve the special use with conditions;
- 6 3. Deny/reject the special use;
- 7 4. Defer the special use; or
- 8 5. Defer and refer the special use back to the Planning Board for further consideration.
- 9

10 Failure of the Board of Commissioners to act within ninety (90) days of the delivery  
11 of the Planning Board's recommendation, or within ninety (90) days from the final  
12 public hearing if no Planning Board recommendation is made, shall be deemed a  
13 denial of the rezoning request.

### 14

#### 15 **Section 9.4.3 Approval Criteria**

16 The Board of Commissioners shall not approve a proposed special use and any  
17 accompanying site plan unless and until it determines that the proposed use meets all the  
18 criteria set forth below, based on the evidence and testimony received at the public  
19 hearing or otherwise appearing in the record of the case:

- 20
- 21 1. The proposed use or development of the land will generally conform with the  
22 Comprehensive Plan, other official plans and manuals or documents adopted by the  
23 Town;
- 24 2. The proposed use or development of the land will not materially endanger the public  
25 health or safety;
- 26 3. The proposed use is reasonable necessary for the public health or general welfare,  
27 such as by enhancing the successful operation of the surrounding area in its basic  
28 community functions or by providing an essential service to the community or region;
- 29 4. The proposed use or development of the land will not substantially injure the value of  
30 adjoining or abutting property;
- 31 5. The proposed use or development of the land will be in harmony with the scale, bulk,  
32 coverage, density, and character of the area or neighborhood in which it is located;
- 33 6. The proposed use is appropriately located with respect to transportation facilities,  
34 water supply, fire and police protection, waste disposal, and similar facilities; and
- 35 7. The proposed use will not cause undue traffic congestion or create a traffic hazard or  
36 unsafe pedestrian pathway.
- 37

#### 38 **Section 9.4.4 Effect of Approval or Denial**

39

40 **A. Conditions** – In approving a special use, the Board of Commissioners may attach  
41 such conditions as it deems necessary to have the proposed use meet the standards set  
42 forth in this Ordinance and to protect the public health, safety, and general welfare.  
43 All such conditions shall be stated in the resolution approving the application.

44

45 **B. Subsequent Permits and Approvals** – Approval of an application to establish a  
46 special use authorizes the applicant to obtain a Certificate of Zoning Compliance and  
47 subsequent permits, approvals and certificates that may be required for the proposed  
48 development.

1  
2 **C. Transferability of Approval** – A special use approval is not transferable from one  
3 property to another, but may be transferred to a successor-in-interest to the property.  
4

5 **D. Resubmission of Denied Applications** – No application for approval of a special use  
6 shall be filed with or accepted by the Planning Director that is identical of  
7 substantially similar to an application that has been denied by the Board of  
8 Commissioners within the previous year. The waiting period requirement may be  
9 waived in an individual case, for good cause shown, by the affirmative vote of three-  
10 fourths of the members of the Board of Commissioners.  
11

12 **SECTION 9.5**  
13 **VARIANCES**  
14

15	Section 9.5.1	Purpose and Scope
16	Section 9.5.2	Provisions From Which Variances Are Allowed
17	Section 9.5.3	Procedure
18	Section 9.5.4	Effect of Approval or Denial
19	Section 9.5.5	Lapse
20	Section 9.5.6	Appeal

21

22 **Section 9.5.1 Purpose and Scope**

23 The variance process is intended to provide limited relief from the requirements of this  
24 Ordinance in those cases where strict application of a particular requirement will create a  
25 practical difficulty or unnecessary hardship prohibiting the use of land in a manner  
26 otherwise allowed under this Ordinance. It is not intended that variances be granted  
27 merely to remove inconveniences or financial burdens that the requirements of this  
28 Ordinance may impose on property owners in general. Rather, it is intended to provide  
29 relief where the requirements of this Ordinance render the land difficult or impossible to  
30 use because of some unique physical attribute of the property itself or some other factor  
31 unique to the property for which the variance is requested. State and/or federal laws or  
32 requirements may not be varied by the Town. To accomplish this purpose, the Town of  
33 Belville Planning Board shall sit as the Board of Adjustment as prescribed by the General  
34 Statutes of the State of North Carolina.  
35

36 **Section 9.5.2 Provisions From Which Variances are Allowed**

37 Variances shall be allowed from the provisions, regulations, and standards of the Zoning  
38 Ordinance and Subdivision Regulations, unless otherwise restricted therein.  
39

40 **Section 9.5.3 Procedure**

41  
42 **A. Pre-Application Conference** – Before filing an application, a private party applicant  
43 shall participate in a pre-application conference with the Planning Director (*See*  
44 *Section 9.1.6*).  
45

46 **B. Persons Authorized to File Applications** – An application for a variance may be  
47 filed only by the owner of the land affected by the variance; an agent, lessee, or  
48 contract purchaser specifically authorized by the owner to file such application; or

1 any unit of government that is not the owner of the lot but propose to acquire the lot  
2 by purchase, gift, or condemnation. When the owner of land is not an individual, then  
3 the variance application shall include a disclosure statement that indicates the type of  
4 entity involved, and the name and address of each person who holds 10% or more of  
5 the business entity. When the owner of land is publicly-owned business entity, then  
6 the rezoning application shall include a disclosure statement that indicates the name  
7 and address of each person who holds 25% or more of the business entity.  
8

9 **C. Application Filing** – An application for a variance shall be filed with the Planning  
10 Director. Once the application is complete, the Planning Director shall schedule the  
11 application for consideration at a public hearing before the Planning Board, and shall  
12 transmit to the Planning Board all applications and other records pertaining to such  
13 variance prior to the hearing on the application.  
14

15 **D. Public Notice** – Published, written, and posted notice of public hearings shall be  
16 provided in accordance with Section 9.1.7.  
17

18 **E. Public Hearings** – The Planning Board shall hold at least one quasi-judicial public  
19 hearing on each variance application, in accordance with Section 9.1.8.  
20

21 **F. Planning Director Review, Report, and Recommendation** – The Planning Director  
22 shall review each variance application based on the approval criteria of Section  
23 9.5.3.H, and shall distribute the application to other reviewers as deemed necessary.  
24 Based on the results of those reviews, the Director shall provide a report to the  
25 Planning Board at the public hearings at which the proposed variance is considered.  
26

27 **G. Action by the Planning Board** –  
28

- 29 1. Upon receiving the application materials from the Planning Department, the  
30 Planning Board shall hold a quasi-judicial public hearing on the proposed  
31 variance. Notice of the public hearing shall be provided and the quasi-judicial  
32 public hearing shall be conducted in accordance with Sections 9.1.7 and 9.1.8.  
33
- 34 2. In considering the application, the Planning Board shall review the application  
35 materials, the approval criteria of Section 9.5.3.H, and all testimony and evidence  
36 received at the public hearing.  
37
- 38 3. After conducting the public hearing, the Planning Board may: deny the  
39 application; conduct an additional public hearing on the application; or grant the  
40 requested variance. Any approval or denial of the request shall be by resolution,  
41 accompanied by written findings of fact that the variance meets or does not meet  
42 each of the criteria set forth in Section 9.5.3.H, stating the reasons for such  
43 findings. The Planning Board shall not grant any variance unless there is a  
44 concurring vote of at least four-fifths (4/5) of the members.  
45
- 46 4. In granting any variance, the Planning Board may attach such conditions to the  
47 approval as it deems necessary and appropriate to satisfy the criteria set forth in  
48 Section 9.5.3.H, to reduce or minimize any injurious effect of such variance upon

1 other property in the neighborhood, and to ensure compliance with other terms of  
2 this Ordinance provided such conditions are reasonably related to the condition or  
3 circumstance that gives rise to the need for a variance.  
4

5 5. Under no circumstances shall the Planning Board grant a variance to allow a use  
6 not permitted, or a use expressly or by implication prohibited under the terms of  
7 this Ordinance for the zone district containing the property for which the variance  
8 is sought.  
9

10 6. Under no circumstances shall the Planning Board grant a variance from any  
11 written conditions attached by the Board of Commissioners.  
12

13 **H. Approval Criteria** – The Planning Board may approve a variance only if it finds that  
14 all of the criteria below have been met:  
15

16 1. Special circumstances or conditions exist (e.g., narrowness, exceptional  
17 topographic conditions, or the shape of the property) that are not common to other  
18 areas or buildings that are similarly situated and practical difficulty may result  
19 from strict compliance with this Ordinance's standards, provided that the  
20 requested variance will not have the effect of nullifying or impairing the intent  
21 and purposes of either the specific standards, this Ordinance, or the  
22 Comprehensive Plan. In determining "practical difficulty," the Planning Board  
23 shall consider the following factors:  
24

- 25 a. Whether there can be any beneficial use of the property without the variance;
- 26 b. Whether the essential character of the neighborhood would be substantially  
27 altered or whether adjoining properties would suffer a substantial detriment as  
28 a result of the variance;
- 29 c. Whether the variance would adversely affect the delivery of public services  
30 such as water and sewer;
- 31 d. Whether the applicant purchased the property with knowledge of the  
32 requirement; and
- 33 e. Whether the applicant's predicament can be mitigated through some method  
34 other than a variance.  
35

36 2. No variance shall be granted if the conditions or circumstances affecting the  
37 applicant's property are of so general or recurrent a nature as to make reasonably  
38 practicable the formulation of a general regulation for such conditions or  
39 situations.  
40

41 3. If authorized, the variance shall represent the least deviation from the regulations  
42 that will afford relief.  
43

44 **Section 9.5.4 Effect of Approval or Denial**  
45

46 **A. Subsequent Permits and Approvals** – Approval of a variance application ~~to~~  
47 authorizes the applicant to obtain a Certificate of Zoning Compliance and subsequent  
48 permits, approvals and certificates that may be required for the proposed

1 development. All orders, decisions, determinations, and interpretations made by the  
2 administrative officers under those procedures shall be consistent with the variance  
3 granted by the Planning Board.  
4

5 **B. Transferability of Approval** – A variance approval is not transferable from one (1)  
6 property to another, but may be transferred to a successor-in-interest to the property.  
7

8 **C. Resubmission of Denied Applications** – No application for approval of a variance  
9 shall be filed with or accepted by the Planning Director that is identical or  
10 substantially similar to an application that has been denied by the Planning Board  
11 within the previous year. The waiting period requirement may be waived in an  
12 individual case, for good cause shown, by the affirmative vote of three-fourths of the  
13 members of the Planning Board.  
14

#### 15 **Section 9.5.5 Lapse**

16 In situations where a variance was a prerequisite to the issuance of a Certificate of Zoning  
17 Approval and subsequent permits, failure of an applicant to apply for a Certificate of  
18 Zoning Compliance and subsequent permits, with regard to the variance approval, within  
19 one (1) year of receiving approval of the variance shall automatically render the decision  
20 of the Planning Board null and void.  
21

#### 22 **Section 9.5.6 Appeal**

23 Any appeal from the decision of the Planning Board shall be to the Superior Court for  
24 Brunswick County by petition for a writ of certiorari. Any such petition to the Superior  
25 Court shall be filed with the court clerk no later than thirty (30) days after the date the  
26 decision of the Planning Board is filed in filed with the Planning Director, or after the  
27 date a written copy of the decision is delivered to every aggrieved party who has filed a  
28 written request for such copy with the Planning Board at the public hearing, whichever is  
29 later. The copy of the decision shall be delivered to the aggrieved party either by personal  
30 delivery or by registered or certified mail, return receipt requested.  
31

### 32 **SECTION 9.6** 33 **ADMINISTRATIVE VARIANCES**

34	
35	Section 9.6.1 Purpose and Scope
36	Section 9.6.2 Provisions From Which Administrative Variances are Allowed
37	Section 9.6.3 Procedure
38	Section 9.6.4 Approval Criteria
39	Section 9.6.5 Effect of Approval or Denial
40	

#### 41 **Section 9.6.1 Purpose and Scope**

42 The administrative variance process is intended to provide limited relief from the  
43 requirements of this Ordinance in those cases where a minor reduction of specific  
44 dimensional requirements is determined to have no impact on the health, safety, or  
45 welfare of abutting and nearby property owners.  
46

#### 47 **Section 9.6.2 Provisions From Which Administrative Variances are Allowed**



1 A property owner or representative of a property owner may seek an administrative  
2 variance to reduce the front, side, side/corner, or rear setbacks of any lot in the Town by  
3 no more than 10% of the required setback. For example, if the required setback is twenty  
4 (20) feet, an administrative variance may be sought to reduce the setback by no more than  
5 two (2) feet.

6  
7 **Section 9.6.3 Procedure**

8 An applicant for an administrative variance shall submit the fee (as prescribed in the  
9 Town of Belville Fee Schedule), an application, as furnished by the Planning Director or  
10 his/her designee, and all supporting information and documents required therein to the  
11 Town of Belville.

12  
13 **Section 9.6.4 Approval Criteria**

14 An application for administrative variance, consistent with sections 9.6.2 and 9.6.3, shall  
15 not be approved by the Planning Director unless approvals for such variance have been  
16 received in writing from all owners of property abutting the property subject to the  
17 application. In this circumstance “abutting” shall include those properties which would  
18 otherwise touch the subject property if it were not for street right-of-ways.

19  
20 **Section 9.6.5 Effect of Approval or Denial**

21  
22 **A. Subsequent Permits and Approvals** – Approval of an administrative variance  
23 application authorizes the applicant to obtain a Certificate of Zoning Compliance  
24 and subsequent permits, approvals and certificates that may be required for the  
25 proposed development. All orders, decisions, determinations, and interpretations  
26 made by the administrative officers under those procedures shall be consistent with  
27 the administrative variance.

28  
29 **B. Transferability of Approval** – A variance approval is not transferable from one (1)  
30 property to another, but may be transferred to a successor-in-interest to the property.

31  
32 **C. Resubmission of Denied Applications** – No application for approval of an  
33 administrative variance shall be filed with or accepted by the Planning Director that is  
34 identical or substantially similar to an application that has been denied by the  
35 Planning Director within the previous year; however, there shall be no waiting period  
36 for identical or substantially similar applications filed as variances per Section 9.5,  
37 *Variances*, of this Article.

38  
39 **SECTION 9.7**  
40 **APPEALS OF ADMINISTRATIVE DECISIONS**

- 41  
42 Section 9.7.1 Purpose and Scope  
43 Section 9.7.2 Decisions that May Be Appealed  
44 Section 9.7.3 Filing of Appeal; Effect of Filing  
45 Section 9.7.4 Action by the Planning Board  
46 Section 9.7.5 Effect of Reversal of Modification  
47 Section 9.7.6 Appeal from the Planning Board  
48

1 **Section 9.7.1 Purpose and Scope**

2 Appeals to the Planning Board from the decisions of the Town's administrative staff are  
3 allowed under this Ordinance. It is the intention of this Section that all questions arising  
4 in connection with the interpretation and enforcement of this Ordinance shall be presented  
5 first to the Planning Director, that such questions shall be presented to the Planning Board  
6 only on appeal from the decisions of the Planning Director, and that recourse from the  
7 decision of the Planning Board shall be to the courts. It is further the intention of this  
8 Section that the duties of the Board of Commissioners in connection with this Ordinance  
9 shall not include the hearing or passing upon disputed questions that may arise in  
10 connection with the enforcement thereof.

11  
12 **Section 9.7.2 Decisions That May Be Appealed**

13 Any order, requirement, permit, decision, determination, refusal, or interpretation made  
14 by any administrative officer in interpreting and/or enforcing the provisions of this  
15 Ordinance may be appealed to the Planning Board, unless otherwise provided in this  
16 Ordinance.

17  
18 **Section 9.7.3 Filing of Appeal; Effect of Filing**

- 19  
20 A. An appeal to the Planning Board may be brought by any person, firm, corporation,  
21 office, department, board, bureau or commission aggrieved by the order, requirement,  
22 permit, decision, or determination that is the subject of the appeal.  
23  
24 B. An application for an appeal shall be filed with the Planning Director. Once the  
25 application is complete, the Planning Director shall schedule the appeal for  
26 consideration at a public hearing before the Planning Board. The Planning Director  
27 shall transmit to the Planning Board all applications and other records pertaining to  
28 such appeal. The application shall be filed no later than 30 days after the date of the  
29 contested action.  
30  
31 C. The filing of an appeal shall stay all proceedings in furtherance of the contested action,  
32 unless the Planning Director certifies to the Planning Board that, in his or her opinion  
33 by reason of facts stated in the certification, such a stay would cause imminent peril to  
34 life and property. In such case, proceedings shall not be stayed except by a restraining  
35 order granted by the Planning Board or by the Brunswick County Superior Court on  
36 notice to the Planning Director from whom the appeal is taken, with due cause shown.  
37

38 **Section 9.7.4 Action by the Planning Board**

- 39  
40 A. Upon receiving the application materials from the Planning Director, the Planning  
41 Board shall hold a public hearing on the appeal. Notice of the public hearing shall be  
42 provided and the quasi-judicial public hearing shall be conducted in accordance with  
43 Sections 9.1.7 and 9.1.8.  
44  
45 B. Either at the public hearing or a subsequent meeting, the Planning Board shall adopt a  
46 resolution reversing, affirming, or modifying the contested action. In reversing,  
47 affirming, or modifying the contested action, the Planning Board shall have all  
48 relevant powers of the administrative officer from whom the appeal is taken.

- 1  
2 C. The Planning Board shall not reverse or modify the contested action unless it finds  
3 that the administrative officer erred in the application or interpretation of the terms or  
4 regulations of this Ordinance or related policies adopted by the Town.  
5  
6 D. The Planning Board shall not reverse or modify the contested action unless there is a  
7 concurring vote of at least four-fifths (4/5) of the members.  
8

9 **Section 9.7.5 Effect of Reversal or Modification**

10 In the event that the Planning Board reverses or modifies the contested action, all  
11 subsequent actions taken by administrative officers with regard to the subject matter shall  
12 be in accordance with the reversal or modification granted by the Planning Board.  
13

14 **Section 9.7.6 Appeal from the Planning Board**

15 Any appeal from a decision of the Planning Board shall be to the Superior Court for  
16 Brunswick County by petition for a writ of certiorari. Any such petition to the Superior  
17 Court shall be filed with the Court Clerk no later than 30 days after the date the decision  
18 of the Planning Board is filed with the Planning Director, or after the date a written copy  
19 of the decision is delivered to every aggrieved party who has filed a written request for  
20 such copy with the Planning Board at the public hearing, whichever is later. The copy of  
21 the decision shall be delivered to the aggrieved party either by personal delivery or by  
22 registered or certified mail, return receipt requested.  
23

24 **6.**

25  
26 Article 10, *Special Uses*, of the Town of Belville Zoning Ordinance, is hereby  
27 deleted in its entirety and the following is inserted therefor:  
28

29 **ARTICLE 10**  
30 **LANDSCAPING AND TREE PROTECTION**

- 31  
32 Section 10.1 General Provisions  
33 Section 10.2 Buffers  
34 Section 10.3 Screening  
35 Section 10.4 Landscaping  
36 Section 10.5 Tree Protection  
37

38 **SECTION 10.1**  
39 **GENERAL PROVISIONS**

- 40  
41 Section 10.1.1 Purpose and Intent  
42 Section 10.1.2 Definitions  
43 Section 10.1.3 Applicability  
44 Section 10.1.4 Exemptions  
45 Section 10.1.5 Plans Required  
46 Section 10.1.6 Plan Review  
47

48 **Section 10.1.1 Purpose and Intent**

1 The landscaping requirements of this Article are intended to protect adjoining land uses,  
2 particularly residential, from the noise, heat, dust, lights, and aesthetic impact from more  
3 intense land uses. The tree protection requirements of this Article are intended to provide  
4 a means to preserve and manage significant wooded areas and specimen trees in the Town  
5 of Belville. When in conflict, the regulations of this Article shall supersede those  
6 requirements of Article 21, Vegetation Management Ordinance, of the Zoning Ordinance  
7 until such time as Article 21 is amended or deleted.

8  
9 The purposes of this Article are to:

- 10
- 11 2. Maintain and enhance property values;
- 12 3. To preserve and enhance the visual appearance of the Town;
- 13 4. To reduce the impact of development on the Town's stormwater;
- 14 5. To aid in noise, glare, and heat abatement;
- 15 6. To provide visual buffering; and
- 16 7. To prevent the indiscriminate removal of trees and facilitate replacement in new  
17 and existing developments.

18  
19 **Section 10.1.2 Definitions**

20 For the purposes of this Article, the following definitions shall apply. All other words or  
21 phrases as appropriate to the context of their uses shall be interpreted as defined in Article  
22 3, Definitions, of this Zoning Ordinance.

23  
24 Caliper – Measurement of the diameter of a tree; measurement is taken four (4) feet  
25 above ground level.

26  
27 Ground Cover – Any plant less than three (3) feet in height.

28  
29 Shrub – Any plant between three (3) feet and fifteen (15) feet in height.

30  
31 Sketch Plan – An informal landscape plan submitted to the Town of Belville Planning  
32 Director or his/her designee in conjunction with plans to subdivide land, alter an existing  
33 drainage system, construct or alter a building (Building Permit) or begin site  
34 development. The sketch plan is a rough drawing that shows the site information  
35 specified in Section 10.1.5, *Plans Required*, of this Article.

36  
37 Specimen Tree – Any perennial woody plant, such as a large shade or pine tree, which  
38 usually has one main stem or trunk and the following caliper measurements:

39  
40       Hardwood Tree – eight (8) inches

41       Pine Tree – Twelve (12) inches

42       Small Flowering Tree (i.e. Dogwood) – two (2) inches

43  
44 Street Yard – The area of a parcel immediately adjacent to a street right-of-way and  
45 reserved for planting. The minimum dimension is ten (10) feet.

46  
47 Tree – Any plant fifteen (15) feet in height or over.

1 Wooded Area – Any vegetated area of seventy-five (75) square feet or more consisting of  
2 trees, shrubs, and/or ground cover where trees are the predominant form of vegetation.  
3

4 **Section 10.1.3 Applicability**

- 5 1. Except as specifically exempted in Section \*\*\* of this Article, compliance with  
6 the terms and provisions of this Article shall be verified prior to receiving a  
7 Certificate of Zoning Compliance to commence one or more of the following  
8 activities:  
9
- 10 a. Minor or major subdivision of property;
  - 11 b. Alteration of an existing drainage system;
  - 12 c. Receipt of a building permit; and/or
  - 13 d. Site development.
- 14
- 15 2. No Certificate of Zoning Compliance shall be issued until it is determined that the  
16 proposed project is in conformance with the provisions of this Article.  
17
- 18 3. Substantial compliance with this Article and an approved Landscape Plan, where  
19 applicable, is required prior to issuance of a Certificate of Occupancy or recording  
20 of a final plat.  
21

22 **Section 10.1.4 Exemptions**

- 23
- 24 1. Agricultural activities that do not involve artificial drainage of land.
- 25
- 26 2. The maintenance, alteration, or improvement of an existing structure that does not  
27 involve a material increase in impervious surface.  
28

29 **Section 10.1.5 Plans Required**

- 30
- 31 1. A Landscape Plan must be submitted to the Planning Director or his/her designee  
32 in order to:  
33
- 34 a. Receive approval for a subdivision plan;
  - 35 b. Alter an existing drainage system;
  - 36 c. Receive a building permit;
  - 37 d. Start site development
- 38
- 39 2. Plan submittal, review, and approval is mandatory for a single family and two  
40 family residences; however, compliance with the plan for these uses is voluntary.  
41
- 42 3. Plan submittal, review, and approval is mandatory for major residential uses  
43 (multi-family dwellings, townhouses, and condominiums), institutional uses,  
44 commercial uses, and subdivisions.  
45
- 46 3. Compliance with the requirements of this Article shall be verified through the  
47 submittal of a sketch plan. The sketch plan may be prepared in conjunction with  
48 the stormwater plan required by the Stormwater Ordinance and must include the

1 following information (applicants may use photographs in conjunction with the  
2 sketch plan to indicate the location of existing vegetation):  
3

- 4 a. Location of wooded areas and specimen trees;
- 5 b. Location of any wooded areas and specimen trees that will be removed or  
6 destroyed during development or construction;
- 7 c. Location of wooded areas and specimen trees that will be retained after  
8 development or construction;
- 9 d. Location and type of vegetation that will be replaced after development or  
10 construction;
- 11 e. Location of any required buffer strips, existing and proposed;
- 12 f. Location of any screening, existing and proposed; and
- 13 g. Location and composition of any landscape islands, existing and proposed.  
14

15 **Section 10.1.6 Plan Review**

16 Landscape plans will be reviewed by the Planning Director or his/her designee according  
17 to the requirements and guidelines provided in this Article.  
18

19 **SECTION 10.2**  
20 **BUFFERS**  
21

22 Section 10.2.1 Landscape Buffers Required

23 Section 10.2.2 Specific Requirements  
24

25 **Section 10.2.1 Landscape Buffers Required**

26 Buffer strips shall be required and provided along all property lines of a lot zoned MF,  
27 MH, BR, BH, or I when abutting property located in the R-10 or R-15 zoning district. The  
28 more intense use and/or district shall be required to provide the buffer as part of its yard  
29 requirements. Landscape buffer strips shall be required along property lines adjacent to a  
30 residential use and/or zoning district  
31

32 Buffer strips shall also be required along all side or rear property lines, regardless of the  
33 zoning district, immediately adjacent to a parking facility with ten (10) or more spaces or  
34 those areas with twenty-five hundred (2,500) square feet or more devoted for vehicular  
35 use. This shall only apply when there is no intervening building or structure between the  
36 parking area and the property line.  
37

38 **Section 10.2.2 Specific Requirements**

39 The following requirements shall be met for buffer strips and the yards in which buffers  
40 are required:  
41

- 42 A. Location of Buffer Strips: Buffer strips shall be required to provide a screen  
43 between attached housing developments, mobile home parks, high-density  
44 developments, planned developments or commercial and industrial zones, and any  
45 detached residential development.  
46
- 47 B. Width of Buffer Strips: Buffer strips shall be provided along all property lines of a  
48 lot, as identified above, at a width of thirty-five (35) feet.

- 1  
2 C. Allowance for Setback Decrease: The setback for structures may be decreased if  
3 the base width of the buffer strip is increased by the same amount.  
4  
5 D. Uses in the Buffer: No activities or uses shall occur or be located in a buffer strip,  
6 with the exception of maintenance of the buffer or the installation or maintenance  
7 of water, sewer, electrical and other utility systems where the installation causes  
8 minimal disturbance of existing vegetation.  
9  
10 E. Composition of Buffer Strips: Buffer strips shall provide approximately seventy-  
11 five (75) percent opacity. Buffer strips may be occupied only by natural and/or  
12 planted vegetation, berms, or fencing, as specified below.  
13  
14 1. Natural vegetation shall be retained. One or more of the following means  
15 shall be used to supplement the natural vegetation as necessary or to  
16 provide an adequate buffer where no vegetation exists:  
17  
18 a. Planted Buffer Strips – Three rows of planted materials shall be  
19 provided. Within one (1) year of planting, planted buffer strips  
20 shall be at least six (6) feet in height and provide approximately  
21 seventy-five (75) percent visual opacity.  
22  
23 b. Planted Buffer Strips with Fencing – Fences shall have a minimum  
24 height of six (6) feet and a maximum height of ten (10) feet. Fences  
25 shall be located interior to the buffer strip (i.e. fences shall be  
26 located on the building side of the buffer strip). Two rows of  
27 planted materials shall be provided, at a minimum height of three  
28 (3) feet and providing at least fifty (50) percent opacity of the fence  
29 at initial planting. Within one (1) year of planting, planted buffer  
30 strips shall provide approximately seventy-five (75) percent visual  
31 opacity of fencing.  
32  
33 c. Planted Buffer Strip with Berm: An earthen berm may be used in  
34 situations where no specimen trees currently exist in the area of the  
35 proposed berm; however, berms shall only be used in conjunction  
36 with Planted Buffer Strips or Planted Buffer Strips with Fencing, as  
37 specified above. The slope of a berm shall be stabilized with  
38 vegetation and no steeper than 3:1. The height of a berm shall be  
39 six feet (6') or less, with a level or rounded area on top of the berm.  
40 The berm shall be constructed of compacted earth. Within one (1)  
41 year of planting, the combined height of a berm with plantings  
42 shall be at least six (6) feet in height and provide approximately  
43 seventy-five (75) percent visual opacity.  
44  
45  
46  
47

**SECTION 10.3**  
**SCREENING**

1 The following features located on commercially zoned or used property shall be screened  
2 from the view of property lines abutting a residential use/district or right-of-way, through  
3 the use of plantings and/or fencing that provide seventy-five (75) percent opacity within  
4 one year of planting:  
5

- 6 A. Dumpsters or other trash holding areas.
- 7 B. Outside storage areas.
- 8 C. Loading/unloading areas.
- 9 D. Heating/air conditioning units, including roof mounted units.
- 10 E. Lights shall be shielded in such a manner that light from the fixture will not  
11 directly radiate into the buffer strip or beyond.

12  
13 **SECTION 10.4**  
14 **LANDSCAPING**  
15

16 Section 10.4.1 Street Yard Landscaping

17 Section 10.4.2 Parking Lot Landscaping  
18

19 **Section 10.4.1 Street Yard Landscaping**

- 20 1. A street yard landscape strip of at least ten (10) feet in width shall be provided on  
21 all lots which are undergoing development, including the new construction of  
22 principal structures or the expansion of such structures. No street yard landscape  
23 strip shall be required for those portions of a lot's frontage used for driveways.  
24
- 25 2. Street yard landscape strips shall be planted in accordance with one (1) of the  
26 following standards:  
27
  - 28 a. Minimum Standards – For every fifty (50) feet of linear street frontage, or  
29 fraction thereof, the street yard landscape strip shall contain one (1) tree,  
30 eight (8) feet in height, or three (3) flowering trees, five (5) feet in height.  
31 In addition to the required tree plantings, every fifty (50) feet of the  
32 landscape strip shall be planted with at least six (6) shrubs, twelve (12)  
33 inches in height.  
34
  - 35 b. Creative Standards – To promote creative designs, street yard landscape  
36 strips shall consist of trees and shrubbery which covers at least fifty (50)  
37 percent of the area of the landscape strip.  
38
- 39 3. Existing trees located in the area of the proposed street yard landscape strip may  
40 be counted as credits towards meeting Section \*\*\*, Tree Preservation and  
41 Replacement.  
42
- 43 4. All street yard landscape strips shall be planted with a combination of live  
44 vegetation, groundcover, grass trees, and/or shrubs. No portion of the street yard  
45 landscape street shall remain or be maintained without vegetation.  
46
- 47 5. Plantings and vegetation in the street yard landscape strip shall be maintained in  
48 compliance with this Article and the approved Landscape Plan. The owner of the



1 subject property shall ensure that the material in the landscape strip continues to  
2 live and prosper.

3  
4 **Section 13.4.2 Parking Lot Landscaping**

5 Landscaping is required for parking lots for the purposes of reducing aesthetic impacts of  
6 paving or removing the natural vegetation from large areas, and to reduce the noise, heat,  
7 and dust associated with parking lots. Parking areas with twenty (20) or more parking  
8 spaces shall be landscaped in the following manner:  
9

- 10 A. Buffer strips shall be required as per Section 10.2, *Buffers*, of this Article.
- 11
- 12 B. A landscape island comprising an area equaling that of one (1) parking space shall  
13 be located at the end of each row of parking and be planted with one (1) shade  
14 tree, a minimum of three (3) inches in caliper and sod.
- 15
- 16 C. The interior of a row of parking shall be landscaped in one (1) of the following  
17 manners:  
18
- 19 iii. One (1) landscape island shall be located after every tenth (10<sup>th</sup>) parking  
20 space within a row; rows with fifteen (15) parking spaces or less shall locate  
21 the landscape island in the middle or approximate middle of the row. Such  
22 landscape islands shall be planted with one (1) shade tree, a minimum of  
23 three (3) inches in caliper.  
24
- 25 iv. A landscape island/strip, five (5) feet in width, shall be located along the  
26 entire length of a row of parking with eleven (11) or more spaces. Such  
27 landscape islands/strips shall be planted with one (1) shade tree, a minimum  
28 of three (3) inches in caliper, every sixty (60) feet.  
29
- 30 D. All parking areas visible from a public or private right-of-way shall be screened  
31 from view. Parking areas located in a side yard shall have the portion of the lot  
32 that fronts the street screened up to a height of three (3) feet using shrubs,  
33 masonry walls (using material that matches the adjacent building), wrought iron  
34 fencing, or any combination thereof. If landscaping is used, the minimum planting  
35 area width shall not be less than four (4) feet.  
36

37 **SECTION 10.5**  
38 **TREE PROTECTION**

- 39
- 40 Section 10.5.1 Permit Required  
41 Section 10.5.2 Exemptions  
42 Section 10.5.3 Plans Required  
43 Section 10.5.4 Tree Preservation and Replacement  
44 Section 10.5.5 Flexible Setbacks  
45 Section 10.5.6 Use of Vegetated Areas for On-Site Stormwater Containment  
46 Section 10.5.7 Enforcement and Penalties for Violations  
47

48 **Section 10.5.1 Permit Required**

1 The clearing or removal of trees (4) inch caliper or greater in size shall be prohibited  
2 without a Certificate of Zoning Compliance and a valid building permit, utility  
3 construction permit, septic tank permit, site development permit, or an approved  
4 preliminary subdivision plan.

5  
6 **Section 10.5.2 Exemptions**

7 The following activities are exempt from the requirements of Section 10.5.1, *Permit*  
8 *Required*, of this Article:

- 9  
10 a. Bona fide forestry and agricultural practices;  
11 b. Hobby farms (such as vegetable or flower gardens and nurseries);  
12 c. Gardening or landscaping maintenance;  
13 d. Minor clearing of vegetation for line-of-site surveying and foot paths; and  
14 e. Minor clearing and/or cutting of grasses, weeds, vines, and similar vegetation, as  
15 required for responsible property maintenance.

16  
17 **Section 10.5.3 Plans Required**

18 The Landscape Plan required as per Section 10.1.5 of this Article shall also indicate  
19 compliance with Section 10.5, *Tree Protection*. Plans shall comply with the following  
20 guidelines:

- 21  
22 1. Provide for the retention and protection of existing specimen trees, except as  
23 follows:  
24  
25 a. For new construction, essential site improvements cannot be installed without  
26 removal of specimen tree(s). Examples of essential site improvements are the  
27 principal/accessory building(s), required off-street parking, driveway, storm  
28 water management facilities, and septic system.  
29  
30 b. The specimen tree is dead, severely diseased, injured, or in danger of falling  
31 close to existing or proposed structures.  
32  
33 c. The specimen tree poses an identifiable threat to individuals or public safety.  
34  
35 d. Removal of the specimen tree is necessary to enhance or protect the health or  
36 condition of adjacent trees.  
37  
38 e. Moving specimen trees is encouraged if adequate care is taken to ensure  
39 survival of the tree.  
40  
41 2. Preserve and protect as much wooded area on the site as is practical. Where  
42 existing trees and shrubs are being preserved or replaced, applicants are  
43 encouraged to provide continuous planted areas of at least fifty (50) square feet.  
44  
45 3. Incorporate existing vegetation, wooded areas, and specimen trees into required  
46 shoreline, wetland, and visual buffers where possible.  
47

- 1 4. Applicants are encouraged not to completely clear shrubs and grasses in preserved  
2 wooded areas.  
3

4 **Section 10.5.4 Tree Preservation and Replacement**  
5

- 6 1. For tree preservation and replacement, a project must meet one of the minimum  
7 standards listed below:  
8  
9 a. If a specimen tree exists in the front, rear or side yard of any development  
10 affected by this Article, it shall be retained, except as provided in Section  
11 10.5.3. The total number of trees to be retained shall be at least fifteen (15)  
12 specimen trees per acre. For sites proposed for partial development, only  
13 the acreage of that portion of the site to be developed shall be utilized in  
14 calculating the number of trees to be preserved. The undeveloped portion  
15 shall not be utilized in calculating the number of trees to be preserved or in  
16 determining the number of retained specimen trees.  
17  
18 a. If there are less than fifteen (15) specimen trees per acre on the site, then  
19 the difference shall be replaced with new or existing trees, to a total of  
20 fifteen (15) trees per acre equaling at least two (2) caliper inches per tree  
21 planted or retained.  
22  
23 b. If there are no regulated trees on the site, then at least fifteen (15) new or  
24 existing trees per acre equaling at least thirty (30) inches shall be planted  
25 or retained.  
26  
27 2. If any new or retained specimen tree, shown on the approved site plan, dies within  
28 twelve (12) months after the issuance of a Certificate of Occupancy, it shall be  
29 replaced by planting a new tree, having a minimum of two (2) inches in caliper.  
30 For unauthorized removal of a new or retained specimen tree during construction  
31 or after the issuance of a Certificate of Occupancy, its replacement shall be the  
32 planting of a new tree with a minimum caliper of five (5) inches, in addition to  
33 any other enforcement provisions available within this Ordinance.  
34

35 **Section 10.5.5 Flexible Setbacks**

36 The allowable building area on each lot or parcel may be moved toward one side lot line  
37 and either the rear lot line or the front street line a distance of up to twenty-five percent of  
38 the required setback for the zoning district for the purpose of preserving wooded areas  
39 and/or specimen trees. This Article does not Increase the maximum permitted length and  
40 width of (the allowable building area. If the applicant selects the flexible setback option,  
41 compliance with the approved Landscape Plan is mandatory.  
42

43 **Section 10.5.6 Use of Vegetated Areas for On-Site Stormwater Containment**

44 Where site conditions, such as soil conditions and slope, permit, applicants are  
45 encouraged to use areas of preserved woods and other on-site vegetation for on-site storm  
46 water containment areas in lieu of construction of devices.  
47

48 **Section 10.5.7 Enforcement and Penalties for Violations**

1 Any person removing vegetation from a lot or tract in violation of the requirements of this  
2 ordinance shall be subject to a civil penalty of \$500. The Board of Commissioners may  
3 stay enforcement of the civil penalty if the offender replants the disturbed area in  
4 accordance with this Article.

5  
6 **7.**

7  
8 Article 16, *Planning Board*, of the Town of Belville Zoning Ordinance, is hereby  
9 deleted in its entirety and the following is inserted therefor:

10  
11 **ARTICLE 16**  
12 **RESERVED**

13  
14 **8.**

15  
16 Article 17, *Board of Commissioners*, of the Town of Belville Zoning Ordinance, is  
17 hereby deleted in its entirety and the following is inserted therefor:

18  
19 **ARTICLE 17**  
20 **RESERVED**

21  
22 **9.**

23  
24 Article 18, *Amendment Procedure*, of the Town of Belville Zoning Ordinance, is  
25 hereby deleted in its entirety and the following is inserted therefor:

26  
27 **ARTICLE 18**  
28 **RESERVED**

29  
30 **10.**

31  
32 Article 19, *Planned Unit Developments*, of the Town of Belville Zoning  
33 Ordinance, is hereby deleted in its entirety and the following is inserted therefor:

34  
35 **ARTICLE 19**  
36 **RESERVED**

37  
38 **11.**

39  
40 The attached map entitled “Town of Belville Zoning Map” is hereby adopted as  
41 the Official Zoning Map of the Town of Belville and shall supersede and replace any  
42 previous official zoning map adopted by the Town of Belville.

43  
44 **12.**

45  
46 All ordinances, parts of ordinances, or regulations in conflict herewith are  
47 repealed.

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**13.**

*Severability.* Should any court of competent jurisdiction declare any section of this Ordinance invalid or unconstitutional, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.

**14.**

*Repeal of Conflicting Provisions.* It is the intention of the Board of Commissioners, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Zoning Ordinance of the Town of Belville, North Carolina and the sections of the Zoning Ordinance may be renumbered to accomplish such intention.

**15.**

This Ordinance is effective December 3, 2007; and

**ORDAINED** this the 3<sup>rd</sup> day of December, 2007.

Approved:

\_\_\_\_\_  
David Long, Mayor

Attest:  
\_\_\_\_\_  
Athina Williams, Town Clerk

(Seal)