

CITY OF CLAREMONT
NORTH CAROLINA
ORDINANCE #04-20
AN ORDINANCE TO AMEND TO THE CODE OF ORDINANCES
OF THE CITY OF CLAREMONT
TITLE 9, PLANNING AND COMMUNITY DEVELOPMENT
CHAPTER 3, ZONING REGULATIONS
ARTICLE F, CONDITIONS FOR CERTAIN USES

WHEREAS, the City of Claremont proposes to amend the Zoning Ordinance to because it is important to update regulations as situations change;

WHEREAS, the Planning Board of the City of Claremont has considered the proposed amendment and recommend said amendment for approval by the City Council; and

WHEREAS, the Claremont Land Development Plan encourages high-quality development; and

WHEREAS, City Council has conducted a public hearing to consider comments relative to the proposed amendment; and

WHEREAS, notification of the public hearing was duly published,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLAREMONT,

That Title Nine (9), Chapter 3 Zoning, Article F Conditions for Certain Uses, Sections 9-3-81 Accessory dwelling, 9-3-83 Agricultural industry in the M-1 District, Sec. 9-3-108 Electronic gaming operations are hereby amended by changing the following:

ARTICLE F
Conditions for Certain Uses

Sec. 9-3-81 Accessory dwelling.

1. An accessory dwelling may be attached, within, or separate from the principal dwelling.
2. The principal use of the lot shall be a detached or attached dwelling, built to the standards of the North Carolina Housing Code. Manufactured homes shall not be used as accessory dwellings.
3. No more than one (1) accessory dwelling shall be permitted on a single deeded lot, a minimum of 3 acres in size, in conjunction with the principal dwelling unit.
4. The accessory dwelling shall be owned by the same person as the principal dwelling.
5. The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling unless the accessory dwelling is accessed from a rear alley and the principal dwelling is accessed from a street.
6. A detached accessory dwelling without a conditional use permit shall be housed in a building not exceeding six hundred fifty (650) square feet of first floor area (maximum footprint); any detached accessory dwelling that exceeds six hundred fifty (650) square feet of first floor area requires a conditional use permit. To qualify for the conditional use permit, the structure shall not exceed fifty percent (50%) of the

first floor area of the principal dwelling or **exceed the maximum** thirty percent (30%) of the required rear yard **for all accessory buildings**, whichever is less. The structure may be dwelling only or may combine dwelling with garage, workshop, studio, or similar use.

7. A detached accessory dwelling shall be located in the established rear yard and meet the standards for the applicable building and lot type, Article E.

8. An accessory dwelling must be registered with the City Planner at the time a certificate of occupancy is obtained. (Ord. of 12-7-04; No. 37-02; Ord. of 12-4-06; No. 22-06)

Sec. 9-3-83 Agricultural industry in the M-1 District. — Reserved.

~~—Agricultural industry is limited to the production of commercial poultry or small livestock in enclosed buildings, according to the procedures of Section 9-3-267.2.~~

~~—The Board of Adjustment shall issue a conditional use permit for the production of commercial poultry or small livestock in enclosed buildings in the M-1 District if, but not unless, the evidence presented at the conditional use permit hearing establishes:~~

~~—1. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and~~

~~—2. That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and~~

~~—3. That no part of the proposed use will be located or operated so as to emit dust, noise, fumes, or odors in concentrations or amounts that would constitute a nuisance to persons of ordinary sensitivities on nearby properties; and~~

~~—4. That there will be a separation of no less than one thousand (1,000) feet between structures housing the agricultural industry and any property located in a residential district or developed for residential or mixed-use purposes; and~~

~~—5. That the proposed use shall be located on a lot of no less than ten (10) acres. (Ord. of 12-7-04, No. 37-02)~~

Sec. 9-3-108 Electronic gaming operations.

Electronic gaming operations are permitted in the B-3 Highway Business district provided:

1. No more than ten machines/terminals/ computers for gaming operations may be permitted per licensed location.

2. ~~Each gaming operation shall have a business license from the city and shall pay all applicable fees set forth in the city's fee schedule.~~ **Each game proposed and operated shall have a letter from either the local District Attorney's office or the NC Attorney General's office that the games are legal games in North Carolina.**

3. No portion of a zoning lot on which a gaming operation is located may be within 500 feet of another electronic gaming operation or a residential zoning district, or 1,500 feet of any religious institution, elementary school, middle school, high school, recreation center or park.

4. Gaming operation may only operate between the hours of 8:00 a.m. and 10:00 p.m.

5. No electronic gaming operation at any time shall be operated or supervised by a person less than 18 years of age.

6. No person under the age of 18 years shall be permitted to play, use, or otherwise operate electronic machine, terminal, computer or other electronic device permitted under this section.

7. Any violation of any of the city's code of ordinances shall be grounds for revocation of the license. (Ord. of 6-4-12, No. 15-11; Ord. of 9-4-12, No. 03-12)

Adopted this the 3rd day of February 2020.

A handwritten signature in cursive script that reads "Shawn R Brown". The signature is written in dark ink and is positioned above a horizontal line.

Shawn Brown, Mayor

Approved as to form:

A handwritten signature in cursive script that reads "Robert M Grant Jr". The signature is written in dark ink and is positioned above a horizontal line.

Robert M. Grant, Jr.

ATTEST:

A handwritten signature in cursive script that reads "Wendy Helms". The signature is written in dark ink and is positioned above a horizontal line.

Wendy Helms, City Clerk