

CITY OF CLAREMONT
NORTH CAROLINA
ORDINANCE 29-21
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 D, USE REQUIREMENTS by DISTRICT
Sec. 9-3-55 HIGHWAY BUSINESS DISTRICT (B-3)
ARTICLE A, AUTHORITY AND ENACTMENT
Sec. 9-3-9 DEFINITIONS

WHEREAS, the City of Claremont proposes to amend the Zoning Ordinance to encourage desired development in Sec. 9-3-55 Highway Business District (B-3);

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 in Goal 1, High-quality, progressive, and efficient development and Goal 3 Promote quality design and stewardship of new and existing 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 D, Sec. 9-3-55 Highway Business District and Article A, Authority and Enactment Sec. 9-3-9 Definitions are hereby amended by changing the following (new language appears as highlighted; deleted language and/or deleted sections appear as “strike-throughs”):

Sec. 9-3-55 Highway Business District (B-3).

Intent: ~~The Highway Business District (B-3) is established to provide primarily for auto-dependent uses in areas not easily developed for easy pedestrian access and comfortable pedestrian environment. The Highway Business District (B-3) will serve not only the local community, but interstate and highway travelers as well. Because of the scale and access requirements of uses for this category, they often cannot be compatibly integrated with the Central Business and Community Business Districts. Development at district boundaries must provide a compatible transition to uses outside the district; property boundaries adjacent Interstate 40 will require a fifty (50) foot foliated buffer yard and frontages on major or minor arterials will require formal street tree planting.~~

Intent: The Highway Business District (B-3) is appropriate and reserved primarily for high intensity/density auto-dependent commercial development and contemplates commercial development that utilizes the limited prime property with I-40 access and thoroughfares of N. Oxford & Centennial as well as the necessary utility infrastructure including water and sewer. While not easily developed for a comfortable pedestrian environment, connectivity via sidewalks is necessary. The Highway Business District (B-3) will serve not only the local community, but interstate and highway travelers as well. Because of the scale and access requirements of uses for this category, they often cannot be compatibly integrated with the Central Business and Community Business Districts. Development at district boundaries must provide a compatible transition to uses outside the district and frontages on major or minor arterials will require formal street tree planting.

1. Permitted uses:

a. Uses permitted by right:

- ~~(1) Amusement facilities: all indoor uses.~~
- (1) Business, convenience. See Definition Sec 9-3-9.
- ~~(2) Bed and breakfast inns.~~
- (2) Business, general. See Definition Sec 9-3-9.
- ~~(3) Boarding or rooming houses for up to six (6) boarders.~~
- ~~(4) Civic, fraternal, cultural, community, or club facilities.~~
- ~~(5) Commercial uses.~~
- ~~(6) Government buildings.~~
- ~~(7) Indoor and outdoor recreation.~~
- (3) Indoor recreation, commercial.
- (4) Motels and Hotels
- (4) Wholesale sales with related offices, storage and warehousing entirely within an enclosed building; truck terminals not permitted.
- (5) Automotive service station (gas, filling station). See Definition Sec 9-3-9.

b. Uses permitted with conditions (See Article F):

- (1) Adult business.
- ~~(2) Car wash.~~
- ~~(3) Cemeteries.~~
- ~~(4) Churches.~~
- ~~(5) Commercial kennel.~~
- ~~(6) Day care center.~~
- (2) Electronic gaming operations.
- (3) Essential Services Class 1.
- ~~(9) Gasoline service stations, including service and repair of motor vehicles. (This use is best addressed as a permitted use in 1.a.6 above.)~~
- ~~(10) Parks.~~
- ~~(11) Temporary sales of seasonal agricultural products and customary accessory products (example: farmers' markets, Christmas tree/pumpkin sales)~~
- (12) Vehicle and boat sales, service, rental, cleaning, mechanical repair and body repair

c. Uses permitted with a conditional use permit:

- ~~(1) Vocational and technical schools.~~
- (1) Planned Unit Development - Business.
- (2) Essential Services 3.
- (3) Existing Mini-warehouse as of March 1, 2021.
- (4) Wireless telecommunications facilities.

d. Permitted building and lot types (See Article E):

- ~~(1) Civic building.~~
- (1) Highway business up to sixty-five thousand (65,000) square feet of first floor area on major thoroughfare; up to fifteen thousand (15,000) square feet of first floor area on minor thoroughfare.
- (2) The maximum first floor area for highway business buildings may be exceeded only where massing of building is varied to reduce perceived scale and volume.
- (3) Shopfront, up to sixty-five thousand (65,000) square feet of first floor area on major thoroughfare; up to fifteen thousand (15,000) square feet of first floor area on minor thoroughfare; second floor apartments or offices encouraged for most uses.
- (4) Workplace up to sixty-five thousand (65,000) square feet of first floor area on major thoroughfare; up to fifteen thousand (15,000) square feet of first floor area on minor thoroughfare; second floor apartments or offices encouraged for most uses.

e. Permitted accessory structures and uses:

- ~~(1) Day care home (small).~~
- (1) Temporary Accessory Structures with conditions in Article F – Sec. 9-3-105. 2 Temporary accessory structures (does not include temporary sales lots allowed in Sec. 9-3-105.1) . .
- (2) Drive through windows associated with any use with conditions in Article F - Sec. 9-3-91 Drive-through windows as an accessory use.
- ~~(3) Outdoor storage.~~
- (3) Single bay car wash with conditions in Article F – Sec.9-3-86.
- (4) Stalls or merchandise stands for outdoor sale of goods at street front (encroachment onto sidewalk may be permitted by agreement with city); outdoor storage is expressly prohibited.
- ~~(5) Items for outdoor sales are returned to inside the building at the end of each business day; goods not brought in at the close of business each day are considered outdoor storage.~~
- (5) Bars as accessory to a restaurant as allowed by NC ABC permitting laws.
- (6) Warehousing accessory to merchandise showroom, within an enclosed building.
- (7) Accessory uses permitted in all districts.

f. General requirements:

- (1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
- (2) New buildings, which exceed the scale and volume of existing buildings, may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. Building massing illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
- (3) On new streets, allowable building and lot types will establish the development pattern.

(4) Where screening is required by Article F for activities involving any sale, use, repair, storage, or cleaning operation, the specified standard of Article K shall apply.

(5) Any Highway Business District shall be bordered on at least one (1) side by a major or minor thoroughfare.

(6) The arrangement of multiple buildings on a single lot shall establish facades generally parallel to the frontage property lines along existing streets and proposed interior streets.

(7) Every building lot shall have frontage upon a public street or square.

2. Off-street parking and loading requirements. Off-street parking and loading requirements shall be provided for all uses as required by Article H of this chapter.

3. Sign requirements. See Article I of this chapter.

4. Dimensional requirements. See Article E (Lot and Building Types) and M (Watershed) of this chapter. (Ord. of 12-7-04, No. 37-02; Ord. of 6-4-12, No. 15-11)

Sec. 9-3-9 Definitions.

Indoor recreation, commercial. Public or private health or exercise clubs, tennis or other racquet courts, swimming pools, YMCA's, YWCA's or similar uses **taxable** which are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. *Indoor recreation* structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

Section 2. Consistency Statement.

City Council finds that the amendments as set forth in this Ordinance to Title 9, Chapter 3 Zoning, Article D, Sec. 9-3-55 Highway Business District are reasonable and in the public interest because they promote quality design leading to highest and best use of land to support the community tax base and therefore the general welfare; and are consistent with the Land Development Plan's Future Land Use goals of Goal 1 – Encourage high-quality, progressive, and efficient development and Goal 3 - Promote quality design and stewardship of new and existing development.

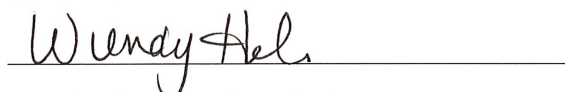
Section 3. This ordinance shall be effective upon passage.

Adopted this the 1st day of March 2021.



Shawn Brown, Mayor

ATTEST:



Wendy Helms, City Clerk