



AN ORDINANCE AMENDING CHAPTER 3.2.B Accessory Structures, 3.7 Lighting, 4.7.D Street Lighting, 7.1.D Development Approvals chart, 7.1.E.6 Review Process, 7.3.C Special Use Permit, Major Site Plans, and Major Subdivisions OF THE CITY OF BESSEMER CITY LAND DEVELOPMENT CODE

WHEREAS, after proper notification a Public Hearing was held before the Bessemer City Council on May 8, 2023 to consider a proposed amendment to the City of Bessemer City Code of Ordinances and Land Development Code.

WHEREAS, after a unanimous vote, the City Council of Bessemer City approved a text change to the City of Bessemer Land Development Code reflected 3.2.B Accessory Structures, 3.7 Lighting, 4.7.D Street Lighting, 7.1.D Development Approvals chart, 7.1.E.6 Review Process, 7.3.C Special Use Permit, Major Site Plans, and Major Subdivision of the City of Bessemer City Land Development Code.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Bessemer City, that the City of Bessemer City Code of Ordinances is amended to reflect the adopted changes as written below.

Chapter 3.2.B. Accessory Structures

1. Unless otherwise specified, accessory structures shall be set back at least five feet from the rear, side lot lines, and at least ten feet from the principle structure on the lot.
2. The accessory structure shall be clearly incidental to the primary use. Accessory structures shall not exceed the height, length, or width of the principal structure on the lot.
3. With the exception of mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump houses, and bus shelters, accessory structures must be located in the rear yard and in no case may an accessory structure be placed in a general drainage or utility easement unless, upon the determination of the Zoning Administrator, no practical location exists.
4. Each lot shall be permitted up to three accessory structures.
5. Lots that are one acre or less shall only be permitted one accessory structure that may be used for storage purposes.
6. A detached garage shall not be counted towards the one permitted accessory structure used for storage purposes.
7. Lots greater than one acre shall be permitted up to four accessory structures.
8. The square footage of accessory structures must not exceed 50 percent of the square footage of the primary structure on a lot, unless within the Rural (R) zoning district.
9. Garage buildings, both attached and detached, shall be regulated as an accessory structure.
10. All outdoor in-ground swimming pools shall be enclosed entirely by a fence. All fence openings or points of entry into the pool area enclosures shall be equipped with gates. The minimum height for fences and gates shall be four (4) feet above the grade level. All gates shall be equipped with

self-latching devices placed at the top of the gate. All materials shall be decay-or corrosion-resistant. The fence shall not have openings greater than sixteen (16) inches.

11. All above-ground pools that are equipped with stairs to access the pool shall have a gate with a height of a minimum of four (4) feet. All gates shall be equipped with self-latching devices placed at the top of the gate.
12. Except as herein provided, accessory structures shall be placed on the same lot as the principal structure to which it is an accessory. In cases where a property owner owns two or more adjacent lots (on the same block and accessing the same street), up to one accessory structure may be placed on the lot abutting the lot containing the principal structure.
13. Roof-mounted solar panels shall be regulated as an accessory structure but shall not be counted toward the permitted accessory structure square footage lot requirements.
14. Structures that cannot be used as an accessory structure for a residential use include:
 - i. school buses
 - ii. Manufactured Trailers
 - iii. Tractor Trailers (with or without wheels)
 - iv. Buses
 - v. Recreation Vehicles
 - vi. Cargo Containers (Connex Containers)

Chapter 3.7 – General Provisions

3. The maximum height of the light source (light bulb) detached from a building shall be 20 feet for residential developments and 30 feet for developments within the Business Campus Production (BCP) and Industrial (I) zoning districts.

Chapter 4.7.D. – Street Lighting

1. Spacing of lighting should be approximately 200 feet (no less than 150 feet and no greater than 250 feet)
2. Every intersection within the development shall be illuminated by street lighting.
3. Uniformity in the type of lighting (if there is existing lighting in the area, any new lighting should match the existing lighting). If new lighting cannot match existing lighting, then new lighting should follow design standards according to section 3.7 *Lighting* of this code.
4. Avoidance of stormwater infrastructure conflicts.
5. Light sources should be installed in the right-of-way on property lines.
6. Minimum of 50W 3000K LED fixtures.

Chapter 7.1.D Development Approval Chart

Development Approval	LDC Section	Process Type	Reviewer	Public Notice	Approving Body	Appeal	Valid*	Extension
Major Subdivision	7.1.E.6	Administrative	Admin	N	Admin	Superior Court	1 Year	1 Year

Chapter 7.1.E.6. Major subdivision. All subdivisions not considered a minor subdivision, an exempted subdivision, or an expedited review. Major subdivisions shall be subject to a sketch plan and pre-submission meeting.

STEP 1: Application

Fees

Existing conditions

Project description

Site constructions plans/preliminary plat

Drainage calculations

Landscape plans

Trip generation report/traffic impact analysis

STEP 2: Completeness review

STEP 3: Administrative review

STEP 4: TRC review

STEP 5: Environmental permits

STEP 6: Construction of required improvements

STEP 7: Performance guarantees

STEP 8: Final plat/signatures

STEP 9: Recorded at Gaston County Register of Deeds

7.3.C Special Use Permit, Major Site Plans

Special uses permits, major site plans, are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design, and configuration so as to evaluate the potential for adverse impacts on adjacent property and uses. This process ensures the appropriateness of the use at a particular location within a given zoning district.

1. Application procedure. An application for a major site plan, or a special use permit may be filed by the owner of the property or by an agent specifically authorized by the owner to file such application. Each application for a special use permit shall contain legal descriptions, a site plan (section 7.2.B.3) and other information required by section 7.1.E. or necessary to show that the use or structure complies with the standards set forth in this Code shall also be provided. The administrator shall review the application to ensure that it is complete and if complete, prepare a report and recommendation on the application, and schedule the matter for review before the planning board and for a public hearing before the city council.
2. Review process:
 - a. Planning board review. The planning board shall review the application, conduct only an informal, preliminary discussion, and make a recommendation to the city council within 45 days of its first consideration on the matter. If no recommendation is received from the planning board within 45 days, the city council shall proceed without a recommendation from the planning board. The recommendation must not be used as a basis for the decision of the city council. The decision of the council must be based solely on the evidence presented at the evidentiary hearing.
 - b. Board hearing and decision. The city council shall hold an evidentiary hearing. The applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard. Upon reviewing all of the pertinent information, the city council may approve, deny or approve with conditions the special use permit, major subdivision, or major site plan, by a majority vote.

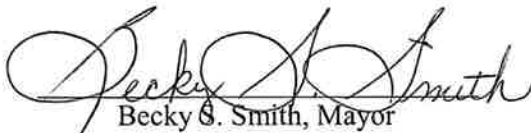
- c. Conditions. The city council may place conditions on the approval to assure that mitigation measures are associated with the use. The conditions shall become part of the special use permit, major subdivision, or site plan approval and shall be included in the final site plan application. However, the board must not impose conditions on special use permits or approvals that the city does not otherwise have the statutory authority to impose. Further, there must be written consent by the applicant to the related conditions.
- d. Findings of fact. In addition to determining that the application meets all other requirements of this Code, the city council must find the following in order to grant approval of a special use permit, or major site plan:
 - (1) The proposed use, as designed, conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site.
 - (2) The proposed use will not cause undue traffic congestion or create a traffic hazard.
 - (3) Adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use.
 - (4) The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.
 - (5) The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property.
 - (6) The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.
 - (7) The proposed use will not substantially injure the value of adjoining or abutting property.
 - (8) The proposed use and its layout and design is consistent with the officially adopted plans and policies of the city.
- e. Permit validity. Special uses, and major site plans that have been granted approval must begin development within one year following approval or the approval becomes invalid.

Permit extension. The city council may grant one extension of this time period of up to one year, upon submittal by the applicant of sufficient justification for the extension, prior to the actual expiration of the permit. Sufficient justification may include, but is not limited to, delays in other outside agency permits, financing institution delays, or other similar reasons beyond the control of the applicant.

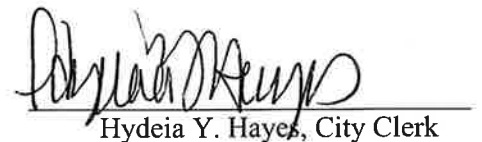
Effective Date

This Ordinance shall become effective upon its adoption by the City Council of the City of Bessemer City, North Carolina.

Adopted by City Council this 8th Day of May, 2023


Becky S. Smith, Mayor




Hydeia Y. Hayes, City Clerk