

# IMPLEMENTATION

## 5<sup>Section</sup>

The Plan's ultimate adoption by the Belmont City Council does not mean an end to the Comprehensive Plan process. Instead, it starts the next phase in the process, implementation. For The Belmont Comprehensive Plan to have a positive impact on the City, the document must be put into action and used on a daily basis. Through implementation of the plan, the Vision Statement goals and objectives may be realized. Implementation occurs through work plans, supporting Capital Improvement Program (CIP) documents, monitoring the plan, making amendments and finally updating the plan. The implementation section is broken down into five subsections (1) monitoring the plan, (2) amendments to the plan, (3) updating the plan, (4) small area implementation plans, (5) zoning, (6) levels of service, and (7) funding.

### 5.1 MONITORING THE PLAN

The comprehensive plan must be monitored to evaluate how well it is providing direction regarding Belmont's growth and development, as well as how much progress is being made to achieve the overall goals and objectives of the plan. An annual progress review should be under-taken to examine its effectiveness, and a report on the effectiveness of the plan provided to the Planning Board and the City Council. Monitoring should include both quantitative and qualitative assessments and measurements.

The Planning Staff should track quantitative measurements as development is approved and as construction occurs, using the City's GIS database. The measurements should include items such as the percentage of tax base from residential and commercial land, land use mix for each of the Villages, parkland per capita, etc. Where established, level of service measurements should also be presented.

Qualitative measurements will evaluate the effectiveness of the plan in achieving the overall Vision Statement, as well as the specifics of the plan.



It should also include an assessment of the plan in achieving the quality of development desired in each Planning District, and its effectiveness in reviewing and deciding on future development applications.

An Oversight Committee could be very helpful in preparing the annual report. This Committee could be a continuation of the Comprehensive Plan Steering Committee, or could be appointed separately by the City Council.

## 5.2 AMENDING THE PLAN

Amendments to the plan will be necessary over the life of the plan in order to adapt to unanticipated changes in the community and to recalibrate the plan in order to better achieve the goals and objectives. These recalibrations of the plan are necessary as implementation of the plan is occurring. A typical time frame for plan amendments to develop would be a minimum of one year from date of adoption.

Amendments to the plan should occur only after a thorough review of that element, an evaluation of the goals and objectives related to that element, a clearly defined desired outcome, careful consideration of the implications of the potential changes, and the development of a mechanism for monitoring the change.

An amendment should not occur in order to justify approval of a specific development proposal or to appease a vocal group of citizens whose wishes do not conform to the broader goals and objectives of the community. Caution should be exercised if the primary purpose or benefit of the plan is to reach a short-term gain, as this may come at the price of achieving a long-term goal. Amendments will most often occur as the result of monitoring of the plan for effectiveness or in order to achieve a more clearly defined goal or objective which is the result of a work plan item. In order to avoid reducing the effectiveness as a result of too numerous changes, the plan should be updated at the appropriate time as defined in the following section.

## 5.3 UPDATING THE PLAN

This is the first comprehensive plan adopted by the City of Belmont. It was undertaken in response to the increasing growth that eastern Gaston County is experiencing, and a desire by the City to be prepared to manage anticipated growth effectively.

This anticipated ongoing growth will continue to add both new opportunities and challenges for Belmont. It will also necessitate updating the plan at



regular intervals to ensure that it is an active and valuable tool for the City in managing its growth.

There are three benchmarks that should indicate an appropriate time for the City to undertake an update to the Plan:

1. When the final alignment for the Gaston Parkway is determined and a construction schedule is set, since this will have an impact on the Planning Districts immediately on both sides of the corridor, as well as on the roadway network; or
2. When the population of the Planning Area reaches 25,000; or
3. At five years after the Plan's initial adoption, whichever occurs first.

Following these two initial benchmarks, the City should anticipate ongoing updates to the Plan every five to seven years.

#### 5.4 SMALL AREA IMPLEMENTATION PLANS

Small Area Plans address portions of the community which need more specific detail than is provided in the city-wide comprehensive plan. They can deal with property ownership, current zoning, prescriptive land use, circulation, phasing and urban design issues. They are particularly useful for areas in which a targeted type of predominant land use is desired. In Belmont, there are two areas identified in the Comprehensive Plan which should be considered for Small Area Plans, following adoption of the overall comprehensive plan:

- Montcross North Small Area Plan, for which planning is being done by Belmont LLC, and
- Montcross South Small Area Plan.

Additionally, a Downtown Belmont small area plan could be considered, to assure the ongoing vitality and quality of this unique feature of Belmont.

#### 5.5 ZONING

The North Carolina Legislature enacted two amendments to G.S. 160A-383 and G.S. 153A-341, the enabling legislation for municipal zoning, in 2005. Among other things, it strengthens the role of the comprehensive plan in land use regulation. It does not mandate that zoning be entirely consistent with the plan (recognizing that the plan may be out-dated or that exceptions to its policies may be appropriate), but it does require that inconsistencies be



identified, considered, and explained. The statement on plan consistency that must be adopted is not subject to judicial review. Second, the amendment modernizes the statement of zoning purposes in the second paragraph. It explicitly includes protecting neighborhood and community quality.<sup>14</sup>

For consistency with the comprehensive plan, Belmont is, at the time of preparation of this Comprehensive Plan, in the beginning stages of updating its Land Development Code.

## 5.6 ANNEXATION AND EXTRA-TERRITORIAL JURISDICTION (ETJ)

Annexation and ETJ requirements are very specifically controlled under North Carolina State Law and the procedures for expanding a City's ETJ or annexing new land are defined in State Law. The expectation is that all of the Planning Area defined in the land use plan will eventually be added to Belmont's ETJ and/or annexed in order to implement this Comprehensive Plan. State Law will determine the procedures and timing to be followed in those processes. The following summaries of annexation and ETJ requirements are included here for general information purposes only.

### 5.6.1 Annexation

Annexation areas in order to qualify must not be part of another local municipality,

Annexation areas must have at least 12 ½ percent (1/8) of its boundary in common with the municipality to which annexation is proposed,

Candidate annexation must meet at least one of the following standards:

- Population must be at least 2.3 persons per acre (gross acreage including streets), or
- Population must be at least 1 person per acre (gross acreage including streets) and at least 60% of total net acreage (not including streets) must be in lots 3 acres or less and at least 65% of the number of lots must be one acre or less, or
- Of the total number of non-commercial, non-industrial, non-institutional, and non-governmental (i.e. vacant and residential parcels 3 acres or less), at least 60% of the acreage must be in lots 3 acres or less in size and of the total number of parcels, at least 60% must be developed with residential parcels 5 acres or less, commercial, industrial, institutional, or governmental land uses, or
- All the parcels in the annexation area are under commercial, industrial, institutional, or governmental uses.



Property that is either vacant or not developed to the extent that it qualifies for annexation (under the above standards) can be exempted from these standards under the following circumstances:

- When such property physically separates an area that is developed to the development standards for annexation from the annexing municipality and when such property's acreage is 25% or less of the total annexation area, or
- When at least 60% of the boundary of such property shares a boundary with the annexing municipality and the developed portion of the annexation area, and when such property's acreage is 25% or less of the total annexation area.

Source: Charlotte-Mecklenburg Planning Commission

### 5.6.2 Extra-territorial Jurisdiction (ETJ)

Cities and counties in North Carolina undertake land use planning and may apply land development regulations only in the geographic areas over which the legislature has delegated them authority to do so. There is no overlapping of city and county land development regulatory jurisdiction in North Carolina—jurisdiction over an area is assigned to either a city or a county.

The general rule is that municipalities have exclusive jurisdiction within their city limits, and counties have exclusive jurisdiction within unincorporated areas outside city limits. The exception to this rule is that municipalities may under certain circumstances extend regulations to a limited area immediately outside their city limits.

The basic statute setting territorial jurisdiction for municipal land development regulations, Section 160A-360 of the North Carolina General Statutes (hereinafter G.S.), provides that all land use regulatory powers may be exercised by any city within its corporate limits. Most of the specific enabling statutes for land development regulations simply repeat the authority to enact regulations within a city's "territorial jurisdiction."

The current statutory scheme of tiered extraterritorial jurisdiction of from one to three miles based on city population was adopted in 1971. G.S. 160A-360(a) provides that the extraterritorial area may extend up to one mile from the primary city limits for cities with populations of less than 10,000. [Note: Belmont obtained special legislation which allows it to extend its ETJ up to 2 miles, even though the City's population is less than 10,000]. If county approval is secured, cities with populations of between 10,000 and 25,000 may extend their jurisdiction for up to two miles; cities with populations of more than



25,000, up to three miles. G.S. 160A-360(e) also requires that county agreement be secured for the extension of city extraterritorial jurisdiction into any area wherein the county is enforcing zoning, subdivision regulations, and the state building code. These distances set the maximum potential extraterritorial area, and cities may choose to exercise only part of their potential jurisdiction.

G.S. 160A-360(b) requires that the extraterritorial area be set by an ordinance adopted by the city governing board. This boundary ordinance is subject to newspaper notice, mailed notice, and public hearing requirements. The notice of the hearing must adequately describe both the geographic area affected and the nature and effect of adopting extraterritorial jurisdiction.

The extraterritorial area must be based on “existing or projected urban development and areas of critical concern to the city, as evidenced by officially adopted plans for its development.”

Source: David W. Owens, The North Carolina Experience with Municipal Extraterritorial Planning Jurisdiction; University of North Carolina at Chapel Hill, Institute of Government, Special Series No. 20; Chapel Hill, NC, January 20006.

## 5.7 LEVELS OF SERVICE

As Belmont continues to grow and develop, the ultimate projected build-out population of approximately 50,000 people will need the roads, sidewalks, parks, boulevards and greenways anticipated by the plan. Additionally, it will need other services typically provided by communities of similar size.

Achieving and maintaining an established level of service ensures that the Plan’s goals and objectives are being implemented to the satisfaction of the residents of Belmont, its City leaders, and City staff.

Possible levels of service for three key services are listed below:

- Parks
- Police
- Fire
- Schools
- Water and Wastewater

As part of the implementation of the plan, levels of service could be established for other aspects of city services. The information listed below is not intended to be comprehensive in nature; rather it is intended to provide a basic



understanding of the standards by which services for fire, police and schools are measured. Specific plans for each of these areas should be consulted where they exist.

### 5.7.1 Parks

Parks levels of service are addressed in Section 4.3 Parks and Greenways, and in Belmont's previously adopted "Belmont Parks and Recreation Facilities Comprehensive Master Plan 2003/2013".

### 5.7.2 Police

In 2007, Belmont's Police Department had a total personnel size of 43, serving the area within the Belmont City Limits. Police services in the remainder of the Planning Area are provided by Gaston County.

According to guidelines published by the International City/County Management Association, the desirable number of police personnel for a community of 50,000 to 99,999 population would be 1.75 police personnel per 1,000 population.<sup>15</sup> A build-out population of approximately 50,000 would suggest that Belmont should ultimately have a total size of approximately 85 to 90 police personnel.

The City will need to monitor the size of its police personnel as population grows and areas are added to its police jurisdiction by annexation, to maintain the police force at an appropriate size for the population of the City.

### 5.7.3 Fire

Fire protection and emergency medical service (EMS) in Belmont is currently provided by the Belmont Fire Department and in the ETJ by the Community and New Hope Volunteer Fire Departments. This may continue to be a viable way to provide fire protection and EMS services, or the size of the City may outstrip a volunteer fire department's ability to continue to provide the service.

According to guidelines published by the International City/County Management Association, the desirable number of fire/EMS personnel for a community of 50,000 to 99,999 population would be 1.35 fire/EMS personnel per 1,000 population.<sup>16</sup> A build-out population of approximately 50,000 would suggest that Belmont should ultimately have approximately 65 to 70 fire/EMS personnel.

The City will need to monitor the size of its fire and EMS personnel as population grows and areas are added to its jurisdiction by annexation, to maintain fire protection services at an appropriate size for the population of the City.



#### 5.7.4 Schools

Public schools in Gaston County, including public schools to serve Belmont students, are provided by Gaston County Schools. As described in Section 2.3.4 Gaston County Schools, the county standards estimates that the population required to support schools are:

- One elementary school per 4,500 people,
- One middle school per 13,000 people, and
- One high school per 22,000 people.

For the projected Planning Area build-out population of approximately 50,000 people, these factors would indicate a need for a total of 11 Elementary schools, 4 Middle Schools, and 2.25 High Schools to accommodate students from Belmont.

The City should coordinate closely with Gaston county Public schools to keep school capacity abreast of Belmont population growth, and for the location of the schools. The Belmont Comprehensive Plan encourages the location of schools in the Village Commercial and Civic Centers, to enable more students to walk to school, and to reduce the length of driving trips for parents who do drive their children to school.

#### 5.7.5 Water and Wastewater

Water and wastewater services for most of Belmont are provided by the City of Belmont Public Works Department, as described in Section 2.8 Public Utilities. Most of the areas in the Planning Area that are outside of the City Limits are served by septic systems for wastewater, and many by wells for water services. It is anticipated that all areas within the areas proposed for eventual annexation will be served by Belmont's water and wastewater services. Some areas in the western part of Central Belmont near Peach Orchard Road might be served by the Town of Cramerton, whose wastewater treatment plant can be reached by gravity sewer.

The City of Belmont had a Peninsula Water & Wastewater System Master Plan prepared by ARCADIS G&M of North Carolina, Inc. in 2003, covering all of the area on the Peninsula south of the City Limits at that time.

The current permitted capacity of the existing Belmont water treatment plant is permitted at 10 million gallons per day. The permitted capacity of the existing wastewater treatment plant is 5 million gallons per day.

Average flows are estimated based on North Carolina Department of Environment and Natural Resources production rates of 400 gallons per day



per dwelling unit for water systems and 360 gallons per day per dwelling unit for wastewater systems. An approximate buildout population of 50,000 people, at 2.6 persons per household, would be an ultimate buildout of approximately 19,000 households in the Planning Area. This would suggest an ultimate water treatment capacity requirement of 7 – 8 million gallons per day, and an ultimate wastewater treatment capacity requirement of 6 – 7 million gallons per day.

The City's current water treatment capacity is adequate to support the ultimate buildout population capacity of the Comprehensive Plan. It appears that the capacity of the existing wastewater treatment plant might be exceeded when the population served by the wastewater treatment plant reaches approximately 35 – 40,000 people, or 14 – 15,000 dwelling units.

As the City proceeds with implementation of the Comprehensive Plan, it would be desirable to prepare a Water and Wastewater System Master Service Plan for the entire Planning Area, anticipating an ultimate build-out population of approximately 50,000 people or 19,000 households.

## 5.8 FUNDING

As Belmont grows over the next several decades to the full buildout envisioned by The Belmont Comprehensive Plan, providing the infrastructure, facilities and support services required by the plan will generate numerous expenses for the City. No one source of funding will be available to pay for all of those improvements. Rather, the City will need to draw on numerous potential sources. Some of these could include:

### 5.8.1 Public-Private Partnerships

Some institutions, developments and businesses may include facilities or services that benefit the broad community, and help the City develop as envisioned by the Plan.

### 5.8.2 Developer Contributions

Often developers find it in their interest to provide improvements that cannot immediately be publicly funded, such as road improvements, donations of rights-of-way, trails, parks, etc. In some instances, the City may find it appropriate to require developers to provide facilities that are necessary to support their developments, such as dedication of parkland. Impact fees are difficult to implement in North Carolina, since they require approval of the State Legislature. Belmont already has a parkland dedication requirement.



#### 5.8.3 Self Financing Bonds

These bonds are also known as “Tax Increment Financing” or “Project Development Financing.” The State Legislature approved this financing technique in 2005. It permits a county or municipality to borrow money, without need for voter approval, to construct public improvements intended to attract private investment and thereby increase the tax value of property in the vicinity of the public improvements. That increase in tax value provides the principal security for repayment of the borrowed moneys.<sup>18</sup>

#### 5.8.4 General Obligation Bonds

These types of bonds are secured by the government’s taxing power. These are available for any sort of capital project, but they require voter approval.<sup>19</sup>

#### 5.8.5 Installment Financing Contracts (and Certificates of Participation)

This type of financing is secured by the property being financed. These are available for any sort of capital project, but they are constricted by the concept of “essentiality” (their necessity for continued operation of the government) and the nature of the security.<sup>20</sup>

#### 5.8.6 Revenue bonds

These bonds are secured by revenues arising from the financed project or facility. These are available only for capital projects, facilities, and systems that generate revenues significantly in excess of the amount needed for debt service.<sup>21</sup> They likely have very limited applicability for implementing The Belmont Comprehensive Plan.

#### 5.7.7 Special Obligation Bonds

These types of bonds are secured by any revenues other than locally levied taxes. These are available for solid waste projects, water or sewer projects, and projects within municipal service districts. They can be used for downtown redevelopment if there is a downtown service district.<sup>22</sup>

#### 5.8.8 Powell Bill Funds

These funds can be allocated to municipalities for construction and maintenance of locally owned roads.

#### 5.8.9 NCDOT Transportation Improvement Program (TIP)

This is the primary funding mechanism for construction of state roads. Most of the major roads in Belmont are NCDOT roads. Obtaining state funding involves a road project competing for funds with other regional roads to be added to the Gaston Urban Area Metropolitan Planning Organization (GUAMPO) Local Transportation Program list, then competing with other roads statewide to be added to the NCDOT TIP.



### 5.8.10 NC Turnpike Authority Toll Roads

The General Assembly authorized the formation of the North Carolina Turnpike Authority in 2004. The Turnpike Authority is currently evaluating the feasibility of constructing the Garden Parkway as a toll road.

### 5.8.11 Grants

Many grants are potentially available to Belmont to help with implementation of its comprehensive plan. An aggressive grant application program could essentially be self-funding, and could provide a broad source of funds. Some, but not nearly all, grant programs that might be available to Belmont include:

- Congestion Mitigation for Air Quality (CMAQ)
- NCDOT Bicycle and Pedestrian Planning Grants
- HUD Community Development Block Grants
- EPA Brownfields Program
- SAFTEA-LU: Transportation Enhancements
- Safe Routes to Schools Initiative
- Recreational Trails Program
- National Park Service Land and Water Conservation Fund
- NC State Parks Recreational Trail Program
- Trust for Public Land Parks and Recreation Trust Grants
- Etc.

#### Footnotes:

<sup>14</sup> Institute of Government, The University of North Carolina at Chapel Hill.

<sup>15</sup> International City/County Management Association. The Municipal Year Book 2003. Washington, DC: International City/County Management Association, 2003.

<sup>16</sup> Ibid.

<sup>17</sup> Operations Research and Education Laboratory, Institute for Transportation Research and Education, North Carolina State University: Gaston County Public Schools: Integrated Planning for School and Community – Land Use Study Final Report. Institute for Transportation Research and Education, Raleigh, NC. November 5, 2004.

<sup>18</sup> David Lawrence, Institute of Government: "Project Development Financing," North Carolina American Planning Association Conference, Fayetteville, NC, 2005.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

