



RESOLUTION TITLE: RESOLUTION TO DISSOLVE THE PLANNING BOARD AND THE BOARD OF ADJUSTMENT AND ESTABLISH A UNIFIED PLANNING AND ZONING BOARD

WHEREAS, the Gaston County Board of Commissioners established the Gaston County Planning Board on December 15, 1977, through an ordinance recorded at book 2, page 115 with the County Register of Deeds; and,

WHEREAS, the Gaston County Board of Adjustment, originally established in 1992, was codified on April 24, 2008 with the adoption of the County's Unified Development Ordinance via Resolution 2008-155 on April 24, 2008; and,

WHEREAS, NCGS 160D-301, 160D-302, and 160D-306 provide for the appointment and compensation of a Planning Board, Board of Adjustment, and other advisory boards as deemed appropriate; and,

WHEREAS, staff and the Board of Commissioners believe that consolidating the functions of the Planning Board and the Board of Adjustment will promote efficiency in processes, fiscal responsibility, and streamline land use processes to better serve the community; and,

WHEREAS, it is in the best interest of the County to dissolve the Planning Board and the Board of Adjustment and create a unified Planning and Zoning Board designated to perform the duties of a planning board and board of adjustment and to handle all land use cases including, but not limited to, rezonings, subdivisions, variances, special use permits, amendments to long range plans and ordinances, and appeals.

NOW, THEREFORE, BE IT RESOLVED the Gaston County Board of Commissioners hereby dissolves the Planning Board and the Board of Adjustment, and pursuant to NCGS 160D-301 and 302, establishes the unified Planning and Zoning Board and designates it to perform any of the duties of a planning board and a board of adjustment, as set forth herein, in addition to its other duties, effective July 1, 2025:

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

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- 1) The County Manager, County Clerk, County Attorney, and Planning and Zoning Director are hereby authorized to make any necessary changes to the County Code of Ordinances and the Unified Development Ordinance to ensure that the intent and provisions of this Resolution are accurately implemented and enforceable.
- 2) Powers and Duties of the Planning and Zoning Board:
 - a. Interpret the official Zoning Map and Unified Development Ordinance
 - b. Propose and review changes to the Comprehensive Land Use Plan and other plans as deemed appropriate
 - c. Facilitate and coordinate citizen engagement and participation in planning processes
 - d. Develop and recommend policies, ordinances, development regulations, and other means for carrying out plans in a coordinated and efficient manner
 - e. Advise the Board of Commissioners in the implementation and amendments of plans, including but not limited to, the Comprehensive Land Use Plan, the Unified Development Ordinance, and amendments to the official Zoning Map
 - f. Hear and decide appeals and other quasi-judicial matters, including, but not limited to, appeals from the decisions of staff and of the Zoning Administrator, special use permits, and variances
 - g. Exercise any powers granted to planning boards and boards of adjustment through state statutes regulating land use in North Carolina
 - h. Exercise any powers granted to the Housing Board and the Watershed Review Board as outlined in the County Code of Ordinances and the Unified Development Ordinance.
- 3) Membership Composition
 - a. Members shall be appointed by the Gaston County Board of Commissioners.
 - b. Appointments shall be for three-year terms. In appointing the original members, or in filling vacancies caused by the expiration or resignation of the terms of existing members, the Board of Commissioners may appoint certain members for less than three years so that the terms of all members shall not expire at the same time.
 - c. No member may serve more than two complete and consecutive terms at a time. At the end of serving two complete terms, a member will be eligible to reapply after three years from the end date of their last term.
 - d. The unified Planning and Zoning Board shall be comprised of eleven members and one alternate member.
 - e. The alternate member shall be appointed in the same manner as regular members and serve in place of any absent regular member and have all the power and duties of a regular member. The alternate member does not have to represent a specific category below, but should still have a strong background in development fields.

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- f. Compensation shall be provided in the form of \$25.00 per meeting attended. At no point shall there be more than eleven members seated at each meeting. Regular members will be notified first, and if they are unable to attend, the alternate member will be contacted.
- g. Membership on the Board shall have representation from the following:
 - i. Cherryville Township
 - ii. Crowders Mountain Township
 - iii. Dallas Township
 - iv. Gastonia Township – two representatives
 - v. Riverbend Township
 - vi. South Point Township
 - vii. Board of Education/Designee
 - viii. Home Builders Association - President/Designee
 - ix. Soil & Water Conservation Board/Designee
 - x. At Large Member

4) Appointment Process

- a. All sitting members of the Planning Board and Board of Adjustment shall be invited to apply for appointment to the unified Planning and Zoning Board.
- b. The Board of Commissioners shall appoint eleven regular members and one alternate member to the unified Planning and Zoning Board at the same meeting this Resolution is adopted.
- c. Initial appointments shall be made to staggered terms, as outlined herein in Exhibit A. Any staggered or partial term of less than three years shall not count as a full term. Members appointed to a staggered or partial term, including those filling a vacancy, may be reappointed for up to two additional full terms thereafter.
- d. Staggered terms shall not apply to the representatives of the Home Builders Association, the Soil & Water Conservation Board, or the Board of Education. These representatives must be active members of the boards/organizations they represent, and the terms shall be coterminous with the respective boards/organizations. These boards/organizations must recommend potential members to the Board of Commissioners, and the Board of Commissioners shall make the appointments as outlined herein in Exhibit A.

5) Quorum

- a. No meeting of the unified Planning and Zoning Board shall be called to order without a simple majority of members present.

6) Voting

- a. A simple majority vote shall be required to pass or recommend approval on text amendments, rezonings, appeals, and special use permits.

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- b. A four-fifths super majority vote of the unified Planning and Zoning Board shall be required for variances. Vacancies or members who are disqualified from voting on quasi-judicial matters under 160D-109(d) (Conflicts of interest) shall not be considered members of the Board for the calculation of the required majority if there are no qualified alternatives to take the place of regular members.

7) Decisions and Recommendations

- a. The unified Planning and Zoning Board shall provide a formal recommendation on amendments to the Unified Development Ordinance and Zoning Map to the Board of Commissioners, who will make the final determination on the request.
- b. The unified Planning and Zoning Board shall be the deciding board on special use permits, appeals on decisions of the Zoning Administrator, and variances unless otherwise specified for specific uses in the Unified Development Ordinance.
- c. Rehearing for Quasi-Judicial Cases – An application for rehearing shall be made in the same manner as provided for in the original hearing within a period of fifteen (15) days after the unified Planning and Zoning Board has rendered a decision. The unified Planning and Zoning Board shall deny a rehearing if, in its judgment, a major change in facts, evidence, or conditions has not been presented in the rehearing application. If the Planning and Zoning Board finds that a new hearing is warranted, it shall proceed as it did in the original hearing.
- d. Appeals of quasi-judicial decisions – an appeal in the nature of certiorari shall be initiated by filing a petition for writ of certiorari with the Superior Court.
- e. Appeals of Special Use Permit decisions shall be made to the Board of Commissioners.

8) Transition, Pending Cases, Meeting Schedule

- a. All applications, matters, and cases in review and pending hearings before the Planning Board and Board of Adjustment as of July 1, 2025, shall be assumed by the unified Planning and Zoning Board.
- b. The Planning and Zoning Department staff shall act as the staff liaisons to the unified Planning and Zoning board. Staff shall appoint a secretary to maintain all records of meetings, appointments, hearings, and correspondence between appointed board members.
- c. The first official meeting of the unified Planning and Zoning Board shall be August 4, 2025.
- d. The regular meeting schedule will follow the already adopted “2025 Meeting Schedule and Submission Deadline Calendar” of the current Planning Board.
- e. Regular meeting calendars shall be adopted no later than October 1st of the previous calendar year.
- f. The unified Planning and Zoning Board shall hear no more than six cases per regular meeting.
- g. The Chairperson may call special meetings with at least 48 hours’ notice to all members.

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9) Application Procedure

- a. All applications for cases to be heard by the unified Planning and Zoning Board shall be submitted online along with any applicable fees in accordance with the adopted fee schedule.
- b. Cases will be reviewed and presented in the order they were received. Completeness and readiness of an application and case overall will be taken into consideration when assigning hearing dates.
- c. The filing of any application stays all proceedings unless the Zoning Administrator certifies that a stay in his/her opinion will cause imminent peril to life or property, or that because the violation charged would seriously interfere with the enforcement of the ordinance. In that event, proceedings shall not be stayed except by an order granted by the Board of Commissioners.

10) Public Hearing Notification – this shall be in accordance with NCGS 160D and supersede any processes currently outlined in the current Unified Development Ordinance

- a. Rezoning – the owners of the subject property and the owners of all parcels of land abutting the subject parcel that is the subject of the hearing shall receive a mailed notice of the hearing date with the Board of Commissioners. The notice must be deposited in the mail at least ten (10) days, but no more than 25 days, before the date of the hearing with the Board of Commissioners. Within the same period, the County shall also prominently post a notice of hearing sign on the site or on an adjacent street right-of-way. A notice of the hearing with the Board of Commissioners shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time, not less than ten days and no more than 25 days before the date scheduled for the hearing with the decision-making body, the Board of Commissioners.
 - i. If the zoning map amendment is in conjunction with the acceptance of extraterritorial jurisdiction, a single hearing on the map amendment may be held. The initial notice of the amendment may be combined with the boundary hearing notice, and the combined hearing notice shall be mailed at least 30 days prior to the hearing.
 - ii. Public information meetings as outlined in the Unified Development Ordinance shall no longer be required for Conditional Rezoning cases. They will be highly encouraged; however, applicants will be solely responsible for coordinating public information meetings and sharing all information with Planning and Zoning staff. Should the applicant request staff to coordinate public information meetings, the fees in the adopted fee schedule shall be implemented.
- b. Quasi-judicial hearings – the owners of the subject property and the owners of all parcels of land abutting the subject parcel that is the subject of the hearing shall receive a mailed notice of the hearing. The notice must be deposited in the mail at least ten (10) days, but no more than 25 days, prior to the date of the hearing. Within the same time

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period, the local government shall also prominently post a notice of hearing sign on the site or on an adjacent street right-of-way. A legal notice shall not be required as it is not required by general statutes.

- c. Adopting, amending, or repealing development regulations – A notice of the hearing with the Board of Commissioners shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten days and no more than 25 days before the date scheduled for the hearing with the decision-making body, the Board of Commissioners.
- d. All cases shall be noticed online in a manner that allows the public to comment and provide feedback on proposed changes. Planning and Zoning Staff shall be responsible for making this available once a complete application and all applicable fees have been submitted and received.

11) Effective Date

- a. The Resolution shall take effect upon adoption, except that the unified Planning and Zoning Board shall not begin hearing cases until July 1, 2025.

EXHIBIT A

STAGGERED TERMS FOR INITIAL APPOINTMENTS

Staggered terms are assigned based on numerical and alphabetical order of the townships represented.

Position	Initial Term	Appointment
Cherryville Township	2026	CH Twp.
Crowders Mountain Township	2026	CM Twp.
Dallas Township	2026	Dallas Twp.
Gastonia Township	2027	G Twp./ #1
Gastonia Township	2027	G Twp./ #2
Riverbend Township	2027	RB Twp.
South Point Township	2028	SP Twp.
Board of Education Designee	Coterminous with respective Board's Term	Full Board
Home Builders Association President / Designee		
Soil & Water Conservation Board Designee		
At Large Member		
Alternate	2028	