

# ZTA19-04

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## Zoning Text Amendments to the Unified Development Ordinance (UDO)



*Gaston County Department of Planning & Development Services  
128 West Main Avenue, Gastonia, NC 28053 (704)866-3195*

**TABLE 2.7-1  
DEFINED TERMS**

| Term           | Use Table Subcategory* | Definition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Bona Fide Farm |                        | <p><del>The production and activities relating or incidental to the production of crops, fruits, vegetables, sod, or ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market meeting one (1) of the present use value criteria:</del></p> <ul style="list-style-type: none"> <li><del>i) Agricultural land, consisting of at least ten (10) acres, or horticultural land, consisting of at least five (5) acres, both of which may be in one or more contiguous tracts that are in actual production. These tracts may be owned or leased by the operator and had a minimum sales of one thousand dollars (\$1000.00) for the three (3) years preceding January 1 of the year of application; or</del></li> <li><del>ii) A minimum of twenty (20) acres of forestland for which a woodland management plan has been prepared by the N.C. Forest Service.</del></li> </ul> <p>As defined by the North Carolina General Statutes starting in NC GS 153A-340</p> |



| PROCEDURE                                              | SECTION | ADMINISTRATOR | TECHNICAL REVIEW COMMITTEE | BOARD OF ADJUSTMENT | PLANNING BOARD | COUNTY BOARD OF COMMISSIONER |
|--------------------------------------------------------|---------|---------------|----------------------------|---------------------|----------------|------------------------------|
| Text Amendment                                         | 5.17    | A             |                            |                     | E              | D                            |
| Map Amendment                                          | 5.16    | A             | E                          |                     | E              | D                            |
| Zoning Permit                                          | 5.3     | A; D          |                            | C                   |                |                              |
| Building Permit                                        | 5.4     |               |                            |                     |                |                              |
| Site Plan                                              | 5.2     | A; D          | E                          | C                   |                |                              |
| Major1 Subdivision Sketch Plan                         | 13.9    | A; D          |                            |                     | C              | C                            |
| Major2 Subdivision Sketch Plan                         | 13.9    | A             | E                          |                     | E              | D                            |
| Major Subdivision Preliminary Plat                     | 13.9.2  | A             | E                          |                     | D              | C                            |
| Major Subdivision Final Plat                           | 13.9.3  | A; D          |                            |                     | C              | C                            |
| Minor Subdivision                                      | 13.8    | A; D          | E                          |                     | C              | C                            |
| Temporary Use Permit                                   | 5.8     | A; D          |                            | C                   |                |                              |
| Home Occupation/ Accessory Use Permit                  | 5.9     | A; D          |                            | C                   |                |                              |
| Vested Rights Certificate                              | 5.10    | A             |                            |                     | E              | A                            |
| Conditional Use Permit                                 | 5.11    | A             | E                          | D                   |                |                              |
| Special Exception                                      | 5.12    | A             |                            | D                   |                |                              |
| Admin. Appeal                                          | 5.13    | A             |                            | D                   |                |                              |
| Variance                                               | 5.14    | A             |                            | D                   |                |                              |
| Minor Modifications to Standards                       | 5.15    | A; D          |                            | C                   |                |                              |
| Watershed Permit                                       | 15.5    | A; D          |                            |                     | C              |                              |
| Watershed Variance / Appeal / High Density             | 15      | A             |                            |                     |                |                              |
| Flood Plain Development Permit                         | 16.4    | A; D          |                            |                     | A              |                              |
| Flood Plain Variance /                                 | 16.4.5  | A             |                            | D                   |                |                              |
| Manufactured Home Park (pre-existing) Operating Permit | 14.7    | B             |                            |                     | A; D           |                              |

**KEY:**

A = Receive Application;

B = Review;

C = Appeal Administrator's Decision or Planning Board Decision;

D = Final Decision;

E = Recommendation

E = Site plan review by TRC is only required for items that must go to public hearing.

## SECTION 5.2.2 PROCEDURE FOR PREPARATION

- A. Site plans or any portion thereof shall be prepared to scale. Due to the detail of the content required of a site plan drawing it is encouraged but shall not be required to be prepared by an engineer, architect, landscape architect or land surveyor who is authorized by the State of North Carolina to practice as such;
- B. Site plans shall be prepared to a scale of one inch equals fifty feet (1" = 50') or larger; that can be reviewed and the administrator can identify all requirements of this ordinance have been met. The administrator may request additional inset details or deem unreviewable and has the authority to deny the proposal and request revisions based on the following:
  - 1. Drawing is not to scale or stated scale
  - 2. The drawing is drawn in such a way the scale is too small or too large.
- C. A site plan may be prepared in one (1) or more sheets to show clearly the information required by this section and to facilitate the review and approval of the site plan; complete set of civil drawing may be submitted or individual sheet(s) that delineate, note, or label clearly the required standards of this ordinance to facilitate the review and approval of the site plan;
- D. All horizontal dimensions shown on the site plan shall be in feet; Decimal fractions of a foot to the closest one hundredth of a foot (0.00); and all bearings in degrees, minutes and seconds;
- E. Every site plan shall show the name and address of the owner or developer, the north arrow and reference, the date, the scale of the drawing, and the number of sheets. In addition, it shall reserve a blank space three (3) inches wide by five (5) inches long for the use of the approving authority; RESERVED
- F. The number of required copies or format of the site plan for submittal shall may vary depending on the use.

### SECTION 5.2.3 REQUIRED INFORMATION ON SITE PLANS

- A. Location of the tract on an insert map ~~at a scale of not less than one inch equals two thousand feet (1"=2000')~~ scale, the north arrow, and such information as the names and numbers of adjoining roads, streams, subdivisions, or other landmarks, sufficient to clearly identify the location of the property.
- B. **Delineation of the tract boundary with distances. It is encouraged but shall not be required that a** ~~A~~ boundary survey of the tract by bearings and distances certified by a licensed land surveyor or engineer.
- C. ~~The location and dimensions of any~~ sidewalks and curbs and gutters to be installed along public street frontages, **parking lots, or buildings shall be clearly delineated to include the following type of information: width, length, depth, material type {impervious (include square footage) or pervious}, handicap access routes, structure ingress/egress landing or sidewalks, grading details (degree of finished slope).**
- D. ~~All existing property lines; existing streets and easements; their names, numbers and widths; the location and size of exiting sanitary and storm sewers, gas lines, water mains, culverts, and other utilities and their easements; existing buildings; existing watercourses; and any other prominent physical features on or adjoining the tract~~ **property features (labeled), such as: property lines, roads / easements, utilities, watercourses, buildings, sign, lighting, natural vegetation / landscaping, etc.**
- E. Existing zoning **(including any overlays)** and ~~zoning district boundaries~~ on the tract and on adjoining properties.
- F. ~~The present use of all adjoining properties.~~ **RESERVED**
- G. ~~Existing topography with contours drawn at two (2) foot intervals. This requirement for topography information may be waived by the Administrator for developments smaller than one (1) acre in size and where he determines that there are insufficient topography changes to make such information necessary.~~ **RESERVED**
- H. ~~Proposed changes in zoning, if any.~~ **RESERVED**
- I. **All proposed buildings shall show / label: The proposed location, general use, number of floors and height, dimensions, and floor area for each building building number, ingress/egress locations; and where applicable, the number, size and type of dwelling units.**
- J. All off-street loading spaces, parking and walkways indicating the type of surfacing, size **dimensions**, angle of stalls, width of aisles, **pedestrian safety precautions / walkways**, and a specific schedule showing the number of parking spaces provided.
- K. ~~All proposed water and sanitary sewer facilities, indicating all pipe sizes, types and grades and where connection is to be made to City or other utility systems; all proposed gas lines and other utilities and their easements.~~ **Submit an approval letter, paperwork, or permit verifying the approval of services of water / sewer utilities (public or private).**

- L. ~~Proposed streets, alleys, driveways shall have delineated / stated: The location, dimensions and character of construction of proposed streets, alleys, driveways; and the location, type and size of vehicular entrances to the site. Name (if applicable and per Appendix A), right-of-way widths, surface material, NCDOT approval (or submitted for approval), engineered stamped letter that design meets NCDOT standards (if private roadway), sight triangles, etc.~~
- M. ~~Proposed finished grading at two (2) foot intervals and / or by spot elevations. This requirement may be waived in the same manner as in Section 5.2.3G. NCDEHNR (local or higher level) approval letter for compliance with Storm Water and / or Erosion Control.~~
- N. ~~Provisions for the adequate disposition of natural and storm water indicating location, sized, types and grades of ditches, catch basins, pipes, and connections to existing drainage systems or suitable outlet. RESERVED~~
- O. ~~Provisions for adequate control of erosion and sedimentation indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading and construction. Screening / Buffering / Landscaping shall be shown / labeled per Chapter 11.~~
- P. Delineation of any flood hazard areas as shown on the FEMA map.
- Q. Location, type, size, **material** and height of fencing, **and** retaining walls ~~and screen planting~~ where required under the provision of this or any other County, State or Federal ordinance.
- R. ~~The location of wooded areas on the property and the location of trees and wooded areas that will be retained. Outdoor lighting system location, orientation, height, and elevation detail.~~
- S. The location and dimensions of proposed recreation areas, open space and required amenities and improvements.
- T. The location, character, size, height and orientation of proposed signs ~~and outdoor lighting systems.~~
- U. Verify Thoroughfare dedication per section 9.19 if density credits are to be applied.



#### SECTION 5.2.4 COMPLIANCE WITH OTHER REGULATIONS

All features and elements of the site plan shall ~~in all respects conform to all other applicable provisions of this Ordinance and the standards of the Ordinances of Gaston County, and the standards and requirements of the NCDOT and the NC Department of Health and Environment, as regulated by those agencies.~~ **be in accordance with federal, state, and local ordinances / regulations including but not limited to:**

- A. **Gaston County Environmental Health Department**
- B. **Gaston County Natural Resources / NCDEHNR**
- C. **North Carolina Department of Transportation**
- D. **North Carolina Residential Code / Building Code**

#### SECTION 5.2.5 PROCEDURE FOR PROCESSING

The Administrator shall review all site plans submitted to his office. The Administrator shall verify the completeness and compliance ~~of the site plan and circulate the site plan to the relevant County, City and State agencies for comments as to the proposed development's conformance to all applicable standards and requirements and whether approval of the site plan is recommended. The reviewing agencies and officials may include, but not limited to those on the TRC.~~ **with this zoning ordinance.**

Except under abnormal circumstances, within ~~twenty one (21)~~ **fourteen (14)** working days of the receipt of the site plan, the Administrator shall approve, subject to conditions, or disapprove the site plan and notify the applicant in writing of the action taken. In cases when the site plan approval is subject to conditions or when the site plan is denied approval, the Administrator shall set forth in writing any conditions or changes which might make the site plan acceptable.

#### SECTION 5.3 ZONING PERMIT

No building, sign or other structure (except as otherwise noted in this Ordinance) shall be erected, moved, extended or enlarged or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be commenced until the Administrator has issued a zoning permit for such work ~~in accordance with the fee schedule established by the Board of Commissioners.~~

- A. Expiration of Zoning Permit: Any zoning permit issued in accordance with this Ordinance will lapse and become invalid unless the work for which it was issued is started within six (6) months of the date of issue, or if the work authorized by it is suspended or abandoned for a period of at least one (1) year.

- B. Records: The Administrator shall maintain a record of all zoning permits on file at his office, and copies shall be made available upon request to interested parties.
- C. Conditions for Approval: Zoning permits issued on the basis of dimensional plans approved by the Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction which differs from that authorized shall be deemed a violation of this Ordinance and shall be punishable as indicated under Chapter 18 of this Ordinance.
- D. Zoning Permit Not Required: Notwithstanding any other provisions of this Ordinance, no zoning permit is necessary for the following uses:
1. Street construction or repair.
  2. Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way.
  3. Sign, as indicated in Chapter 12 of this Ordinance.
  4. Mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump houses, doghouses, remodel, and accessory structures that do not require a Building Permit.
- E. In cases where a preexisting zoning violation has been cited in accordance with Section 18.1, a new zoning permit, for work not related to the violation, shall not be issued until the preexisting violation is brought into compliance.
- F. ~~All features and elements of the site plan shall in all respects conform to all other applicable provisions of this Ordinance and the standards of the Ordinances of Gaston County; and the standards and requirements of the NCDOT and the NC Department of Health and Environment, as regulated by those agencies.~~ **RESERVED**

## **SECTION 5.5 ZONING CERTIFICATE OF COMPLIANCE** **RESERVED**

### **5.5.1 PURPOSE**

- A. ~~No building or structure hereafter erected or structurally altered or changed in use shall be used or occupied until the Administrator has issued a zoning certificate of compliance. The zoning certificate of compliance shall state that the building or portion of a building or lot is in compliance with the provisions of this Ordinance.~~
- B. ~~Application for a zoning certificate of compliance can be made simultaneously with a certificate of occupancy.~~



## **5.5.2 APPLICATION FOR A ZONING CERTIFICATE OF COMPLIANCE**

~~A zoning certificate of compliance may only be issued after written application for same has been made in which the applicant must state that the building or structure erected or altered or use of the lot in question complies in all respects with this Ordinance and the zoning permit previously issued. An application for a zoning certificate of compliance shall include a scaled, dimensional drawing prepared and certified as accurate by a surveyor or engineer registered with the State of North Carolina which affirmatively shows that the building or structure was erected or altered, or that the lot in question is being used in compliance with this Ordinance and the zoning permit previously issued. Such scaled and certified drawing shall not be required under the following conditions:~~

- ~~1. The certificate of compliance is for a change of use only with no new building expansions or construction.~~
- ~~2. The certificate of compliance is for an accessory residential structure.~~
- ~~3. The certificate of compliance is for a principal building construction or expansion and such expansion or construction is less than five hundred (500) square feet in area.~~
- ~~4. The certificate of compliance is for a new or expanded single or two family dwelling (including manufactured homes) and the tract that the new or expanded dwelling is on is five (5) acres or greater in area, and the principal structure is located one hundred (100) feet or greater from any of the boundaries of the tract.~~
- ~~5. Other situations where the Administrator deems that such drawing would serve no meaningful purpose and that there are other means for demonstrating compliance with the regulations contained in this Ordinance.~~

## **SECTION 5.7 SIGN PERMIT RESERVED**

### **5.7.1 PERMIT REQUIREMENTS**

~~A. For any sign for which a permit is required (refer to Section 12.4), the following information shall be submitted to the Administrator in order for a sign permit to be issued:~~

- ~~1. An accurate and scaled depiction of the lot upon which the sign is to be located.~~
- ~~2. Location of all buildings, driveways, and required landscaped / buffered areas on such lot.~~
- ~~3. Location, type, size and height of all proposed signs.~~

~~4. Location, type, size and height of all existing external signs. Wall signs shall be accompanied by a drawing showing the proposed location of the wall sign on the building.~~

~~5. Other information deemed necessary by the Administrator to ensure that the sign(s) for which a permit is being requested, will be in compliance with all applicable sections of this Ordinance.~~

~~B. Notwithstanding the above, the Administrator shall have the ability to waive or modify any one of the above requirements when strict compliance would serve no practical or useful purpose.~~

#### **~~5.7.2 PERMIT REVIEW PROCEDURES~~**

~~A. The Administrator shall endeavor to review the sign permit in an expeditious manner and will notify the applicant in writing if a decision on the sign permit cannot be rendered within twenty one (21) working days of submittal.~~

~~B. The Administrator may issue a sign permit concurrently with site plan approval (refer to Section 5.2) and / or zoning permit approval (refer to Section 5.3) for the same development.~~

**5.8.2 TABLE OF ALLOWED TEMPORARY USES**

| <b>TABLE 5.8-1<br/>ALLOWED TEMPORARY USES</b>              |                           |                              |
|------------------------------------------------------------|---------------------------|------------------------------|
| <b>TEMPORARY USE</b>                                       | <b>PERMIT<br/>NEEDED?</b> | <b>OTHER<br/>REGULATIONS</b> |
| Real Estate Sales<br>Office/Model Sales<br>Home            | Yes                       | 5.8.4 (A)                    |
| Sale of Goods Other<br>Than Agricultural<br>Products       | Yes                       | 5.8.4 (B)                    |
| <del>Sale of Agricultural<br/>Products Grown Onsite</del>  | <del>No</del>             | <del>5.8.4 (D)</del>         |
| Sale of Agricultural<br>Products <del>Grown Off site</del> | <b>No</b> / Yes           | 5.8.4 (C)                    |
| Garage/Yard Sales                                          | No                        | 5.8.4(E)                     |
| Special Outdoor Event                                      | Yes                       | 5.8.4 (F)                    |
| Construction Trailers                                      | Yes                       | 5.8.4 (G)                    |
| Temporary RV's and<br>Manufactured Homes                   | Yes                       | 5.8.4 (H)                    |
| Temporary RVs for<br>Workers for<br>Construction Projects  | Yes                       | 5.8.4 (I)                    |

#### 5.8.4 SPECIFIC REGULATIONS FOR CERTAIN TEMPORARY USES

##### C. Sales of Agricultural Products ~~Grown Off Site~~

1. ~~Sales may occur on a vacant or developed lot in a Commercial or Office zoning district.~~ **Is exempt from permits if meeting the North Carolina General Statutes for exclusions. GS143-138 (b4)1b: Any structure used for the display and sale of produce, no more than 1,000 square feet in size, open to the public for no more than 180 days per year, and certified by the Department of Agriculture and Consumer Services as a Certified Roadside Farm Market.**
2. ~~Receipt of a municipal "peddler's or business license" shall not exempt a merchant from needing to obtain a temporary use permit for such sales.~~ **If exemption is not met, the zoning and building permits will be required.**
3. ~~Sales at any one (1) site are allowed a maximum of sixty (60) days during any calendar year. Sales of food products for greater than sixty (60) days per calendar year shall require the issuance of a conditional use permit per Section 5.11 of this Ordinance. All procedures contained in Section 5.11 shall be followed except that the following findings shall substitute for those found in Section 5.11.5(B):~~
  - a. ~~The proposed use will not endanger the public health, welfare or safety.~~
  - b. ~~The proposed use will not have a substantial negative effect on adjoining or nearby properties.~~
4. ~~Such sales shall be allowed from 8:00 AM to 10:00 PM, EST, only or, if there is a principal use on the lot, the same hours of operation as the principal use, whichever is more restrictive. The Administrator may allow exceptions to these regulations for lots that contain principal uses with limited hours of operations.~~

##### D. Sales of Agricultural Products ~~Grown On Site~~ RESERVED

1. ~~For purposes of this section the term "on site" shall mean the lot upon which the sales take place and any other lots in Gaston County owned by the party(ies) or leased (with a one (1) year minimum lease) upon which the sales occur.~~
2. ~~Sales may occur on any lot upon which agricultural products are grown, regardless of the underlying zoning district.~~
3. ~~Such sales shall be allowed during daylight hours only.~~
4. ~~Sales at any one (1) site are allowed a maximum of one hundred eighty (180) days during any calendar year. Sales of food products for greater than one hundred eighty (180) days per calendar year shall require the issuance of a conditional use permit per Section 5.11 of this Ordinance. All procedures contained in Section 5.11 shall be followed except that the following findings shall substitute for those found in Section 5.11.5(B):~~

- a. ~~The proposed use will not endanger the public health, welfare or safety.~~
- b. ~~The proposed use will not have a substantial negative effect on adjoining or nearby properties.~~

H. Temporary RV's and Manufactured Homes

2. Family Medical Needs

- a. On any lot containing an existing single-family dwelling or Class A, B or C Manufactured Home, a temporary use permit may be issued for not more than one (1) manufactured home **or RV** to be placed on a residential lot as an accessory use. ~~If located in the R-2 or R-3 district, The Administrator may grant the permit; in all other districts, a conditional use permit, per Section 5.11, shall be required.~~
- b. Such permit shall only be granted where conditions exist requiring care for an immediate family member due to medical reasons. The temporary use permit may only be granted after the Administrator ~~or, the permitting agency,~~ with respect to a conditional use permit, has determined each of the following [**NOTE:** These findings shall substitute for those found in Section 5.11.5(B)]:
  - i. That the manufactured home **or RV** is an accessory use to a principal residential use;
  - v. That the manufactured home **or RV** will have adequate access to public water and sewer or a well and septic tank as verified by permits from the Gaston County Health Department;
  - vi. That the manufactured home **or RV** will be placed in the rear or side yard and will be no closer than twenty (20) feet from any property line.
  - vii. That the **temporary residence is an RV or a** manufactured home ~~used is a Class B or C manufactured home.~~

I. Temporary RVs for Workers for Construction Projects lasting Greater than Six (6) Months

- 6. Only allowed in an approved space within an existing Manufactured Home Park **or in a Camping/RV Park.**

**SECTION 5.9 HOME OCCUPATION PERMIT**

**5.9.1 PURPOSE**



A home occupation permit shall be required to ensure that a proposed home occupation is developed in accordance with all applicable provisions of this Ordinance. Lists of permissible customary and home occupations are found in Section 8.1.14 and 8.1.15.

## **5.9.2 APPLICATION PROCEDURES**

- ~~A. An application for an home occupation shall be filed with the Administrator on a form so prescribed by the County. The form shall be complete and accompanied by a fee, in accordance with the most recently adopted fee schedule approved by the governing board, in order to be reviewed by the Administrator.~~
- ~~B. The Administrator shall endeavor to review the permit in an expeditious manner and will notify the applicant in writing if a decision on the permit cannot be rendered within fifteen (15) working days.~~
- ~~C. Failure to adhere to an approved permit shall be deemed a violation of this Ordinance.~~

## **5.11 CONDITIONAL USE PERMIT**

### **5.11.2 PROCEDURES**

- ~~B. The application shall be accompanied by a drawing or plan as outlined in Section 5.2, drawn to scale, that includes or is accompanied by the following:~~
  - ~~1. Name, address and phone number of the property owner (or his agent) and the property identification number of the property. (Note: The property owner or his authorized agents are the only two parties who may initiate a request for a conditional use permit).~~
  - ~~2. A boundary survey and vicinity map, showing the property's total acreage, general location in relation to adjoining streets, railroads and/or waterways, date and north arrow. The zoning classification of the property in question and contiguous properties shall also be shown. (In lieu of the boundary and survey maps, one (1) or more up to date tax maps depicting the area in question may be submitted. Any required drawing or depiction of the proposed development or use shall not appear on the tax maps but rather shall appear on the drawing or plan.)~~
  - ~~3. The name and addresses of all owners, tax parcel numbers and existing land use(s) of all contiguous properties.~~
  - ~~4. Proposed use of all land and structures including the number of residential units proposed, if any, and total square footage of nonresidential development.~~
  - ~~5. Location of all proposed structures, their approximate area and exterior dimensions, height, and proposed number of~~

structures.

- ~~6. A description of all screening and landscaping required by the UDO and/or proposed by the applicant; the delineation of any wooded, landscaped or grassed areas existing prior to development and proposed to remain on the property once the development is completed.~~
- ~~7. All existing easements, reservations and rights of way.~~
- ~~8. Proposed phasing, if any, and approximate completion time for the project.~~
- ~~9. Delineation of areas within the regulatory floodplain as shown on the official Federal Emergency Management Agency (FEMA) flood hazard boundary maps for Gaston County.~~
- ~~10. Traffic, parking and circulation plans, showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets.~~
- ~~11. A list, if any, of all additional development conditions or standards that differs from those that would normally apply to that use. Only conditions that exceed the UDO minimum standards can be considered and listed by the applicant, except those minor modifications listed in Table 5.15-1(B).~~
- ~~12. The Administrator reserves the right to waive the depiction of some or all of the information contained in paragraphs 5 through 10 above, when, in his opinion, such information would serve no meaningful purpose for the particular conditional use being requested. Notwithstanding, if either the Board of Adjustment determines that additional information as set forth in paragraphs 5 and 10 above of this subsection is needed to render a recommendation or decision on the application, they may require the applicant to submit such additional information.~~

C. In the course of evaluating the proposed conditional use, the Board of Adjustment may request additional information from the applicant in order to assist in the review process. A request for such additional information shall stay any further consideration of the application by such agency. Such additional requested information may include (but shall not be limited to) the following:

1. Stormwater drainage plan.
- ~~2. Existing and proposed topography at five (5) foot contour intervals or less.~~
- ~~3. The existing and proposed location of all water and sewer lines and fire hydrants intended to serve the proposed development.~~
- ~~4. Proposed number, type, and location of signs.~~

5. **1.** A traffic impact study of the proposed development prepared by a qualified transportation or traffic engineer or planner. Information requested to be a part of the impact study may include:
- a. Existing traffic conditions within the study area boundary.
  - b. Traffic volumes generated by the existing and proposed development on the parcel, including the morning peak, afternoon or evening peak, and average annual daily traffic levels.
  - c. The distribution of existing and proposed trips through the street network.
  - d. Analyses of the capacities of intersections located within the study area boundary.
  - e. Recommendations for improvements designed to mitigate traffic impacts and to enhance pedestrian access to the development from the public right-of-way; and
  - f. Other pertinent information, including but not limited to accidents, noise, and impacts of air quality and other natural resources.

6. ~~Drawings of proposed building elevations.~~

7. **2.** An environmental impact statement that includes some or all of the following:
- a. A cover sheet that provides, in summary form, a description of the proposed project;
  - b. A statement of purpose and need of the project;
  - c. For projects proposed by public entities, a list of alternatives of the proposed project;
  - d. A succinct description of the environment affected by the project;
  - e. A discussion of short and long term consequences of the project on the environment including any adverse environmental impacts which cannot be avoided; and,
  - f. A list of means that could be employed to mitigate any negative effects on the environment caused by this project.

D. ~~Except as herein provided, no application shall be deemed complete unless it contains or is accompanied by all items listed in Section 5.11.2(B) and as may otherwise be required per Section 5.11.2(C) and a fee, in accordance with a fee schedule approved by the governing board for the submittal of conditional use permit applications. Said fee shall be waived for any application submitted by any official or agency acting on behalf of the Gaston County or the State of North Carolina.~~ **RESERVE**

#### 5.16.5 ZONING MAP AMENDMENTS – CONDITIONAL USE DISTRICTS (CD)

Conditional zoning districts are zoning districts in which the development and use of the property is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. A conditional zoning district allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual development project. Some land uses are of such a nature or scale that they have significant impacts on both the immediately surrounding area and on the entire community which cannot be predetermined and controlled by general district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of these regulations, the adopted land use plan and other long range plans. Furthermore, it should be interpreted as such that a conditional district zoning application be applicable in all underlying zoning districts and regulated uses where permitted by right or conditional use permit (CUP). When applying for a CD where a Conditional Use is listed in the Use Table, a Conditional Use Permit (CUP) is not required in addition to the CD.

##### 5.16.5 H. Conditions for Approval of Petition

In approving a petition for the reclassification of a property to a CD district, the Planning Board may recommend, and the Board of Commission may require that reasonable and appropriate conditions be attached to approval of the petition. Such conditions shall be limited to those that address the conformance of the development and use of the site to County ordinances and officially adopted Comprehensive Land Use Plan or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Board of commission. In no instance shall any of these conditions be less restrictive than any requirements that would otherwise pertain to that particular development if it were located in a general or parallel conditional use zoning district **unless otherwise approved by the Board of Commission in a CD rezoning application request**. Such conditions may exceed any performance criteria or minimum requirements listed elsewhere in this Ordinance that pertain to that development: (i) analyze whether the rezoning is consistent with an adopted comprehensive plan and any other officially adopted plan, and (ii) other matters that the Board of Commission deems appropriate and (iii) why it considers the action taken to be reasonable and in the public interest shall be prepared and accompany each final decision relative to the CD rezoning request.



**Table 7.1-1 : Table of Uses**

| X = Permitted use by right; C = Conditional Use Permit required; CD = Conditional Zoning required; E = Existing use subject to limitations; SP = Special Exception required; s = Supplemental regulations listed in addition to X, C, CD, E, SP |                              |     |     |     |       |       |      |     |                  |     |     |    |                      |     |     |     |     |     |     |                      |           |     |    |                    |                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----|-----|-----|-------|-------|------|-----|------------------|-----|-----|----|----------------------|-----|-----|-----|-----|-----|-----|----------------------|-----------|-----|----|--------------------|----------------------|
| USE CATEGORY                                                                                                                                                                                                                                    | RESIDENTIAL ZONING DISTRICTS |     |     |     |       |       |      |     | OFFICE DISTRICTS |     |     |    | COMMERCIAL DISTRICTS |     |     |     |     |     |     | INDUSTRIAL DISTRICTS |           |     |    | Suppl. Regs. Ch. 8 | Parking Regs. Ch. 10 |
|                                                                                                                                                                                                                                                 | R-1                          | R-2 | R-3 | RLD | RS-20 | RS-12 | RS-8 | RMF | TMU              | OLC | O-1 | OM | CBD                  | UMU | GPX | NBS | C-1 | C-2 | C-3 | I-1                  | I-2       | I-3 | IU |                    |                      |
| <b>Industrial / General Manufacturing</b>                                                                                                                                                                                                       |                              |     |     |     |       |       |      |     |                  |     |     |    |                      |     |     |     |     |     |     |                      |           |     |    |                    |                      |
| Manufactured Goods, Class 2                                                                                                                                                                                                                     |                              |     |     |     |       |       |      |     |                  |     |     |    |                      |     |     |     |     |     |     | Cs<br>CDs            | Cs<br>CDs |     |    | 8.3.9              | 1.32                 |

## SECTION 7.1 TABLE OF USES / USES NOT EXPRESSLY LISTED OR ADDRESSED

- B. Table 7.1-1 lists the allowed uses and in the zoning district in which they are permitted in accordance with the following letter designations:

X = Permitted use by right

C = Conditional Use Permit required

CD = Conditional Zoning required

E = Existing use subject to limitations

SP = Special Exception required

s = Supplemental regulations listed in addition to X, C, CD, E, SP

Note: The supplemental regulations list more in depth how a use is allowed if a supplemental number is noted in the Table of Uses.

The Conditional District (CD) zoning designation is applicable in all underlying zoning districts and regulated uses, and therefore, may not be indicated throughout the entire Table of Uses but should be presumed allowable when permitted by right or conditional use permit (CUP).



## SECTION 9.9 ACCESSORY STRUCTURES

- B. On any lot containing a principal residential use, no accessory structure shall be permitted that involves or requires any external construction features which are not primarily residential in nature or character except for an accessory structure used in conjunction with a mixed-use dwelling, temporary produce stand, agricultural use, or similar nonresidential use that otherwise would be allowed on the property. Accessory structures on lots containing a principal residential use shall not be made of highly reflective metal materials. Some examples of structures that cannot be used as an accessory structure to a residential use include: school buses, manufactured homes, tractor-trailers (with or without wheels), buses, recreation vehicles, cargo containers (with exceptions as listed below), etc.

1. Residential cladding, when applicable, shall be brick, block, concrete siding, vinyl siding, exterior wood siding or any other material not listed that is approved by the administrator.
2. Cargo containers permitted on residential lots less than one (1) acre, must be cladded, placed in the rear yard, and no larger than eight feet by twenty (8'x20') in size.
3. Cargo containers permitted on residential lots one (1) acre or larger, must be one or more of the following and approved by the administrator: cladded, materially screened, or naturally screened, so that the structure is not visible to any adjoining property owner.