



Type: CRP
 Recorded: 12/18/2019 at 10:50:31 AM
 Fee Amt: \$0.00 Page 1 of 6
 Revenue Tax: \$0.00
 Gaston, NC
 Susan S. Lockridge Register of Deeds
 BK **5088** PG **2286-2291**

RESOLUTION TITLE: ZONING TEXT AMENDMENT: ZTA19-06 GASTON COUNTY PLANNING BOARD (APPLICANT); TO CONSIDER PROPOSED TEXT AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO): CHAPTER 5 (PERMIT AND MODIFICATION PROCEDURES): SECTION 5.16.5(A), 5.16.6; CHAPTER 7 (USES AND BUILDING LOT STANDARDS): SECTION 7.6.5(A), 7.6.6(A), 7.6.7(B); CHAPTER 9 (GENERAL PROVISIONS): SECTION 9.13(A)(1), 9.13(A)(3)

WHEREAS, the County Ordinance (approved April 24, 2008), sets forth Amendment procedures in Chapter 5, requiring a joint Public Hearing by the Planning Board and Commission, with said hearing being conducted December 10, 2019 to take public comment (comments are on file in the Commission Clerk's Office as a part of the minutes of the meetings); and,

WHEREAS, the Text Amendments are requested by the Gaston County Planning Board as the amendments relate to minor modifications and changes to the UDO; and,

WHEREAS, the Gaston County Planning Board met during its regular meeting in November and reviewed proposed text amendments and approved a recommendation to move the proposed amendments to the public hearing format for the Board of Commissioners consideration; and,

WHEREAS, the Planning Board recommended approval of the text amendment to amend UDO Chapter 5 (Permit and Modification Procedures): Section 5.16.5(A), 5.16.6; Chapter 7 (Uses and Building Lot Standards): Section 7.6.5(A), 7.6.6(A), 7.6.7(B); Chapter 9 (General Provisions): Section 9.13(A)(1), 9.13(A)(3), on December 10, 2019, based on: public hearing comment and staff recommendation, the request is reasonable and in the public interest and is in accordance with the County's Comprehensive Land Use Plan. These text amendments are intended to establish procedures for application submittals of a rezoning for Conditional District as well as clarify what uses are permitted in various overlay districts. These procedures and clarifications are intended to allow the goals of the Future Land Use Plan to be realized, and is therefore consistent with such plan.

Motion: Hurst Second: Sain Vote: Unanimous
 Aye: Hurst, Harris, Hollar, Houchard, Sain, Vinson
 Nay: None
 Absent: Ally, Attaway, Barber, Horne
 Abstain: None

RECORDING N/C
 REVENUE -
 NSF -
 ROTC ☐ PQ ☐ CS ☐
 Mail

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:

NO.	DATE	M1	M2	CBrown	JBrown	AFraley	BHovis	TKelgher	TPhillbeck	RWorley	Vote
2019-343	12/10/2019	TK	CB	A	A	A	A	A	A	A	U

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Return To: Donna S. Buff, Clerk to Board

A=AYE, N=NAY, AB=ABSENT, ABS=ABSTAIN, U=UNANIMOUS

Zoning Text Amendment: ZTA19-06 Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 5 (Permit and Modification Procedures): Section 5.16.5(A), 5.16.6; Chapter 7 (Uses and Building Lot Standards): Section 7.6.5(A), 7.6.6(A), 7.6.7(B); Chapter 9 (General Provisions): Section 9.13(A)(1), 9.13(A)(3)

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NOW, THEREFORE, BE IT RESOLVED that after consideration of the proposed amendments, public hearing comment and Planning Board recommendation, the Commission considers this action to be reasonable and in the public interest and finds the proposed amendment to be consistent with the Comprehensive Land Use Plan. These text amendments are intended to establish procedures for application submittals of a rezoning for Conditional District as well as clarify what uses are permitted in various overlay districts. These procedures and clarifications are intended to allow the goals of the Future Land Use Plan to be realized, and is therefore consistent with such plan.

The Commission hereby approves the amendments to UDO Chapter 5 (Permit and Modification Procedures): Section 5.16.5(A), 5.16.6; Chapter 7 (Uses and Building Lot Standards): Section 7.6.5(A), 7.6.6(A), 7.6.7(B); Chapter 9 (General Provisions): Section 9.13(A)(1), 9.13(A)(3), effective with the passage of this Resolution.

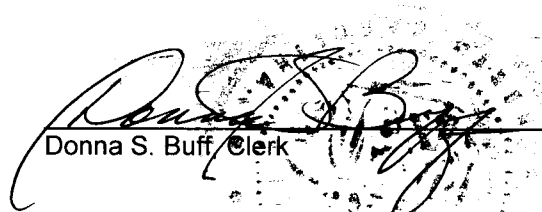
The County Manager is authorized to make necessary notifications in this matter to appropriate parties.




Tracy L. Philbeck, Chairman
Gaston County Board of Commissioners

Certification

I, Donna S. Buff, Clerk to the Gaston County Board of Commissioners, do hereby certify that the above is a true and accurate copy of the Zoning Text Amendment: ZTA19-06, Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 5 (Permit and Modification Procedures): Section 5.16.5(A), 5.16.6; Chapter 7 (Uses and Building Lot Standards): Section 7.6.5(A), 7.6.6(A), 7.6.7(B); Chapter 9 (General Provisions): Section 9.13(A)(1), 9.13(A)(3) (*Attached*), as adopted by the Board of Commissioners on December 10, 2019 and is to be set forth in the Gaston County Unified Development Ordinance (UDO) upon adoption.



Donna S. Buff, Clerk



(Chapter 5 – Permit and Modification Procedures)

5.16.5 ZONING MAP AMENDMENTS – CONDITIONAL USE DISTRICTS (CD)

A. APPLICATION

1. Petitioning for a CD zoning district is a voluntary procedure and can be initiated only by the owner(s) of the property(ies) in question or by his/her authorized agent. Every application for the rezoning of property to a CD district shall be accompanied by a site plan, drawn to scale containing all of the information outlined in Section 5.16.6 of this Ordinance. The Administrator shall schedule a meeting with the applicant, prior to any public information meeting (PIM) being advertised and/or held to review the rezoning application and site plan to make sure that it meets, at a minimum, all minimum requirements of this Ordinance.
4. The deadline for submittal shall be forty five (45) working days prior to the public hearing meeting with the Planning Board and Board of Commissioners. Applications with proposed projects comprised of fifty (50) acres or more shall have a deadline submittal of ninety (90) working days prior to the public hearing meeting with the Planning Board and Board of Commissioners.

5.16.6 PROCEDURES

A pre-application meeting between the applicant and the Administrator shall be required in order to familiarize the applicant of the procedure for securing approval of a CD zoning district. The Administrator shall accept no CD zoning district application for review without such meeting having first occurred unless the Administrator determines that such meeting would not serve any meaningful purpose and waives the meeting requirement.

Procedures for application submittal are as follows:

- A. A complete CD zoning district application that is signed by the applicant and which is accompanied by a submittal fee (in accordance with a fee scheduled approved by the Governing Board) shall be filed with the Administrator.
- B. The application shall be accompanied by a plan, 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 CD zoning district application).
 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.
 3. The name and addresses of all owners, tax parcel numbers and existing land uses(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 CD zoning district being requested. Notwithstanding, if the Planning Board determines that additional information as set forth in paragraphs 5 through 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.

(Chapter 7 – Uses and Building Lot Standards)

7.6.5 SH SPECIAL HIGHWAY OVERLAY DISTRICT

A. Permitted Uses

Uses in the SH district shall be limited to those permitted and conditional uses listed in the underlying general zoning district. In no case, however, shall any of the following principal uses be allowed to take place in any area located in the SH District:

1. Manufactured Goods, Class 2
2. Automobile Body Shop
3. Automobile Repair Shop
4. Automobile Towing and Wrecker Service
5. Camping and Recreational Vehicle Park
6. Building Materials and Lumber Sales
7. Amusement and Sporting Facility (Outdoor)
8. Junkyards/Salvage Yard
9. Flea Market, Outdoors

10. Commercial Vehicle and Truck Storage
11. Outdoor Storage Yard
12. Animal Kennel
13. Auction Facility, Livestock
- ~~14. Farmers Market~~ **DELETED**
- ~~15. Manufactured Homes (All Classes)~~ **DELETED**

7.6.6 CH CORRIDOR HIGHWAY OVERLAY DISTRICT

A. PERMITTED AND CONDITIONAL USES

Any permitted or conditional use shall be permitted in the CH District. Any conditional use in the underlying zoning district shall be permitted in accordance with the regulations outlined in Section 5.11. All such permitted and conditional uses shall also meet all requirements of the CH District. In no instance shall the regulations of this overlay district apply to single and two-family dwellings.

7.6.7 GP GARDEN PARKWAY OVERLAY DISTRICT

B. Permitted Uses

Uses in the GP district shall be limited to those permitted and conditional uses listed in the underlying general zoning district. In no case, however, shall any of the following principal uses be allowed to take place in any area located in the GP District:

1. Manufactured Goods, Class 2
2. Automobile Body Shop
3. Automobile Repair Shop
4. Automobile Towing and Wrecker Service
5. Camping and Recreational Vehicle Park
6. Building Materials and Lumber Sales
7. Amusement and Sporting Facility (Outdoor)
8. Junkyards/Salvage Yard
9. Flea Market, Outdoors
10. Commercial Vehicle and Truck Storage
11. Outdoor Storage Yard
12. Animal Kennel
13. Auction Facility, Livestock
- ~~14. Farmers Market~~ **DELETED**
15. 14. Automobile, Truck, Boat, Manufactured Home and Recreational Vehicle Sales and Rental

(Chapter 9 – General Provisions)

9.13 OUTDOOR LIGHTING

This Section provides direction in controlling light spillage and glare so as not to adversely affect motorists, pedestrians, and adjacent pieces of property. This shall not apply to single

family dwelling lots, but does apply to single family subdivisions. The following general provisions apply:

A. GENERAL PROVISIONS

1. Light fixtures (not attached to buildings) must be affixed to a decorate pole, which may be of metal, fiberglass, or concrete.
3. ~~The maximum height of the light source (light bulb), detached from a building, shall be twenty (20) feet.~~ **DELETED**



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Planning Board Action

File #: 19-477

Commissioner Philbeck - Planning & Development Services - Zoning Text Amendment: ZTA19-06 Gaston County Planning Board (Applicant); To Consider Proposed Text Amendment to the Unified Development Ordinance (UDO): Chapter 5 (Permit and Modification Procedures): Section 5.16.5(A), 5.16.6; Chapter 7 (Uses and Building Lot Standards): Section 7.6.5(A), 7.6.6(A), 7.6.7(B); Chapter 9 (General Provisions): Section 9.13(A)(1), 9.13(A)(3)

STAFF CONTACT

David L. Williams - Planning Director - 704-866-3473

BACKGROUND

The Unified Development Ordinance (approved April 24, 2008), sets forth procedures for amendment procedures in Chapter 5, requiring a joint public hearing by the Planning Board and Commission. A recommendation on the amendment is provided by the Planning Board, with final action on said amendment by the Commission, to consider text amendment to Application Number ZTA19-06 Gaston County Planning Board (Applicant), to request the Board of Commission to consider approval of the proposed text amendment to the UDO: Chapter 5 (Permit and Modification Procedures): Section 5.16.5(A), 5.16.6; Chapter 7 (Uses and Building Lot Standards): Section 7.6.5(A), 7.6.6(A), 7.6.7(B); Chapter 9 (General Provisions): Section 9.13(A)(1), 9.13(A)(3). A joint public hearing was advertised and held on December 10, 2019 with the Public Hearing comments being on file in the Board of Commission Clerk's Office. Planning Board recommendation was provided on the same date, and the Commission is requested to consider the public hearing comment, Planning Board recommendation and other pertinent information, then (approve), (disapprove) or (modify) the zoning text amendment. The proposed amendment reflects the inclusion of application submittal procedures for CD zoning districts; minor modification of uses within overlay districts; and, minor modification of outdoor lighting provisions. The Planning Board reviewed the amendment at its last regular Planning Board meeting (11/12/2019) and unanimously recommended to move them to the public hearing process.

ATTACHMENTS

Resolution - ZTA19-06; Zoning Text Amendment - ZTA19-06

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:

NO.	DATE	M1	M2	CBrown	JBrown	AFriley	BHovis	TKelgher	TPhilbeck	RWorley	Vote
2019-343	12/10/2019	TK	CB	A	A	A	A	A	A	A	U

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