



RESOLUTION TITLE: ZONING TEXT AMENDMENT: TEXT-23-04-25-00009 GASTON COUNTY PLANNING BOARD (APPLICANT); TO CONSIDER PROPOSED TEXT AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO): CHAPTER 5 (PERMIT AND MODIFICATION PROCEDURES); TABLE 5.8-1 (ALLOWED TEMPORARY USES), AND SECTION 5.8.4 (SPECIFIC REGULATIONS FOR CERTAIN TEMPORARY USES)

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WHEREAS, the County Ordinance (approved April 24, 2008), sets forth Amendment procedures in Chapter 5, requiring a public hearing by the Commission, with said hearing being conducted July 27, 2023, 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 that would bring Table 5.8-1 and Section 5.8.4 into compliance with NCGS 160D-915; and,

WHEREAS, the Gaston County Planning Board met during its regular meeting on July 10, 2023, and reviewed proposed text amendments and approved as 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 amendments to amend UDO Chapter 5 (Permit and Modification Procedures); Table 5.8-1 (Allowed Temporary Uses), and Section 5.8.4 (Specific Regulations for Certain Temporary Uses) on July 10, 2023, based on: staff recommendation that the amendments will bring Chapter 5 of the UDO in compliance with NCGS 160D-915; the request is reasonable and in the public interest and is consistent with the goals and vision of the Comprehensive Land Use Plan as the Comprehensive Land Use Plan requires conformity with NCGS 160D and the proposed text will be consistent with the structure of NCGS 160D-915.

Motion: Crane Second: Brooks Vote: Unanimous
Aye: Brooks, Crane, Harris, Horne, Houchard, Hurst, Marcantel, Vinson
Nay: None
Absent: Magee, Sadler
Abstain: None

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:

Table with columns: NO., DATE, M1, M2, CBrown, CCloninger, AFrale, BHovis, KJohnson, TKeigher, RWorley, Vote. Row 1: 2023-218, 07/27/2023, RW, BH, A, A, A, A, A, A, A, U

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Zoning Text Amendment: TEXT-23-04-25-00009 Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 5 (Permit and Modification Procedures); Table 5.8-1 (Allowed Temporary Uses), and Section 5.8.4 (Specific Regulations for Certain Temporary Uses)

Page 2

NOW, THEREFORE, BE IT RESOLVED by the County Commission, upon consideration of the proposed amendments, public hearing comment and Planning Board and Planning staff recommendation, the County Commission considers this action to be reasonable and in the public interest and finds the proposed amendments to be consistent with the County's Comprehensive Land Use Plan. The amendments will bring Chapter 5 of the UDO in compliance with NCGS 160D-915; the request is consistent with the goals and vision of the Comprehensive Land Use Plan as the Comprehensive Land Use Plan requires conformity with NCGS 160D and the proposed text will be consistent with the structure of NCGS 160D-915.

The County Commission hereby approves, effective with the passage of the Resolution the amendments to UDO Chapter 5 (Permit and Modification Procedures); Table 5.8-1 (Allowed Temporary Uses), and Section 5.8.4 (Specific Regulations for Certain Temporary Uses).


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



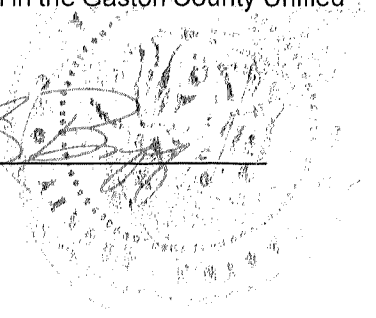
Chad Brown, Chairman
Gaston County Board of Commissioners

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 Amendments: Zoning Text Amendment: TEXT-23-04-25-00009 Gaston County Planning Board (Applicant); to Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 5 (Permit and Modification Procedures); Table 5.8-1 (Allowed Temporary Uses), and Section 5.8.4 (Specific Regulations for Certain Temporary Uses) (*Attached*), as adopted by the Board of Commissioners on July 27, 2023 and is to be set forth in the Gaston County Unified Development Ordinance (UDO) upon adoption.



Donna S. Buff, Clerk



SEAL

Sec. 5.8.2 Table of allowed temporary uses.

- A. All temporary uses will be subject to the requirements contained in Section 5.8.3. Table 5.8-1 shows a list of allowed temporary uses and is shown below. Additional supplemental requirements for individual temporary uses are also indicated and are found in Section 5.8.4.
- B. Otherwise, if a temporary use is not listed in Table 5.8-1 the use may only be granted a zoning permit after:
- (i) a public hearing has been conducted by the Board of Adjustment, and (ii) the Board of Adjustment has made the following determinations:
1. The proposed use will not materially endanger the public health, welfare and safety; and
 2. The proposed use will not have a substantial negative effect on adjoining properties.

In approving such permit, the Board of Adjustment may authorize conditions regarding the duration of the use, hours of operation, signage, lighting, and any other factors deemed necessary by the Administrator. Such conditions shall be made part of the permit issued. Violations of such conditions shall be considered a violation of this Ordinance.

TABLE 5.8-1 ALLOWED TEMPORARY USES		
TEMPORARY USE	PERMIT NEEDED?	OTHER REGULATIONS
Real Estate Sales Office/Model Sales Home	Yes	5.8.4 (A)
Sale of Goods Other Than Agricultural Products	Yes	5.8.4 (B)
Sale of Agricultural Products	No/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 Manufactured Homes	Yes	5.8.4 (H)
Temporary RVs for Workers for Construction Projects	Yes	5.8.4 (I)
Temporary Health Care Structure	Yes	5.8.4 (J)

Sec. 5.8.4 Specific regulations for certain temporary uses.

H. *Temporary RV's and manufactured homes.*

1. Disasters.

- a. In the event of a disaster, which results in the destruction of an owner-occupied single-family dwelling (i.e., receives damage greater than 50 percent of its assessed tax value as indicated on the most current tax listings) a RV/Class C manufactured home may be placed on the lot containing the dwelling unit that was destroyed/damaged. However, an RV may be placed on an adjacent lot with property owner's written approval, when it is not feasible or practical to be on the lot of the damaged/destroyed dwelling, as determined by the Administrator. The purpose of allowing such RV/manufactured home on said lot is to give the occupants of the destroyed dwelling unit a place to live while a new dwelling unit is being constructed or damage to the original dwelling unit is repaired. The RV must be of adequate size and designed in such a manner that it will function as a dwelling unit for a temporary period of time, to be determined by the Administrator.
- b. Such RV/manufactured home may be placed only in the side or rear yard (in relation to the structure to be replaced or repaired) and shall be located no closer than 20 feet to another principal residential structure on another lot and no closer than ten feet to any side or rear lot line on the lot in question. An RV allowed on an adjacent lot shall meet these same requirements. When an RV is permitted on an adjacent lot which does not have a principal structure, then the RV shall meet the principal structure setbacks.
- c. The Administrator shall be given the authority to issue a temporary use permit for up to six months for the temporary RV/manufactured home. Such permit may be renewed on a one-time only basis [for a period of no greater than nine months] by the Administrator if he determines that construction of a new dwelling unit is proceeding in a diligent manner.
- d. Notwithstanding the above if, at any time a temporary or permanent certificate of occupancy is issued for the repaired or reconstructed dwelling, the RV/manufactured home shall be removed from the site within 30 days of such issuance.

2. During construction of a single family residence.

- a. A manufactured home or RV is allowed under this subsection.
- b. The manufactured home must meet the requirements of either a Class A, Class B or Class C Manufactured Home.
- c. The RV must be of adequate size and designed in such a manner that it will function as a dwelling unit for a temporary period of time, to be determined by the Administrator.
- d. The manufactured home/RV must be used as the principal residence of the owner of the lot on which it is being placed.
- e. The temporary permit for the manufactured home/RV shall not be issued until the owner of the lot has first secured a building permit for a single family dwelling. The applicant for the temporary use permit must state to the County that the intended use of the dwelling to be constructed on the lot is for his principal place of residence. If the permit for construction of the dwelling becomes invalid, then the temporary permit for the manufactured home/RV shall, at the same time, become invalid and the manufactured home/RV shall be removed.
- f. The temporary permit for the manufactured home/RV shall initially be granted by the Administrator for a period of six months. The temporary manufactured home/RV permit shall be

extended for a nine-month period provided the dwelling being constructed has passed the footing inspection by the end of the first six-month period. The temporary manufactured home/RV permit shall be extended for another nine-month period provided the dwelling being constructed has passed all framing and "rough-in" inspections with 15 months of the initial granting of said permit. The temporary manufactured home/RV permit shall be extended for a final four-month period provided a Certificate of Occupancy has been issued for the dwelling being constructed within two years of the initial granting of the said permit. No further extensions of the temporary permit shall be granted and the manufactured home/RV must be removed before the expiration of the final extension.

I. *Temporary RVs for workers for construction projects lasting greater than Six months.*

1. The RV owner must also be the occupant.
2. The RV must be of adequate size and designed in such a manner that it will function as a dwelling unit for a temporary period of time, to be determined by the Administrator.
3. The project must maintain a valid Building Permit.
4. The Zoning Permit must be renewed every six months.
5. The RV must be removed within 30 days after the completion of the project or the Building Permit is no longer valid.
6. Only allowed in an approved space within an existing Manufactured Home Park or in a Camping/RV Park.

J. Temporary Health Care Structures

1. Temporary health care structures shall be permitted in accordance with N.C.G.S. 160D-915 (Temporary health care structures). The definitions in G.S. 160D-914 (a) shall apply to this section.
2. Only one temporary family health care structure shall be allowed on a lot or parcel of land.
 - a. Structure shall be limited to one occupant who shall be the mentally or physically impaired person.
 - b. Structure shall be less than 300 square feet and comply with applicable provisions of the State Building Code and G.S. 143-139.1 (b)
 - c. Structure shall not be placed on a permanent foundation.
3. Temporary health care structures shall meet all setback requirements that apply to the primary residential structure on the lot.
4. Permits for temporary health care structures shall be renewed annually and subject to an annual inspection to confirm compliance with this ordinance.
5. Temporary health care structures shall be required to connect to water, sewer, and electric utilities and shall comply with all applicable state, local, and other requirements.
6. No signage advertising or otherwise promoting the existence of the structure shall be permitted on the lot.
7. Any temporary health care structure shall be removed from the lot within 60 days from which the impaired person is no longer receiving or in need of the assistance provided for in this section. If the temporary family health care structure is needed for another mentally or physically impaired person, the temporary health care structure may continue to be used or may be reinstated on the property within 60 days of its removal, as applicable.

GASTON COUNTY TEXT AMENDMENT APPLICATION

TEXT-23-04-25-00009

STAFF REPORT

APPLICATION SUMMARY
Request:
To amend Chapter 5 (Permit and Modification Procedures); Table 5.8-1 (Allowed Temporary Uses), and Section 5.8.4 (Specific regulations for certain temporary uses)
Applicant(s):
Gaston County Planning Board

COMPREHENSIVE LAND USE PLAN
Comprehensive Land Use Plan
The Comprehensive Land Use Plan requires conformity with the NCGS 160D, which is the state regulating chapter for development regulation in North Carolina.
Staff Recommendation:
The application, as presented, is consistent with the Comprehensive Land Use Plan.

STAFF SUMMARY
Prepared By: Jamie Mendoza Kanburoglu, Director of Planning and Zoning
In processing code enforcement cases and permit requests for temporary family health care structures, staff realized that the UDO's regulations for temporary family health care structures did not align with what the general statute allows for this use. Changes were adopted in NCGS 160D that are more restrictive than currently outlined in our UDO.
If approved, this text amendment would allow staff to better regulate and enforce the temporary health care structure use as allowed by state statute.
PLANNING BOARD DECISION
The Planning Board unanimously recommended approval of the text amendment on July 10, 2023.

Attachments: UDO Text with Edits



GASTON COUNTY PLANNING BOARD

Statement of Consistency

In considering text amendment TEXT-23-04-25-00009, the planning board finds:

1. This is a reasonable request and in the public interest; and
2. It is consistent with the goals and vision of the comprehensive land use plan as the comprehensive land use plan requires conformity with NCGS 160D and the proposed text will be consistent with the structure of NCGS 160D-915.

These findings are supported by a 8 - 0 vote by the Gaston County Planning Board during its July 10, 2023, meeting.



GASTON COUNTY

Building and Development Services

Street Address: 128 W. Main Ave. Gastonia, NC 28052

Phone: (704) 866-3155

Mailing Address: P.O. Box 1578 Gastonia, NC 28053

Fax: (704) 966-3966

TEXT AMENDMENT APPLICATION

(Complete by either typing or printing legibly in black or blue ink)

GASTON COUNTY

Application Number: TEXT - 23-04-25-00009

Applicant Planning Board (Administrative) Board of Commissioners (Administrative)

A. APPLICANT INFORMATION

Name of Applicant: Gaston County Planning Board
(Print Full Name)

Mailing Address: 128 W. Main Ave. Gastonia, NC 28052
(Include City, State, and Zip Code)

Telephone Numbers: 704-866-3155
(Area Code) Business (Area Code) Home/Mobile

B. PROPOSED TEXT CHANGE (specify section of Ordinance)

Amend Chapter 5 (Permit and Modification Procedures); Table 5.8-1 (Allowed Temporary Uses) and Section 5.8.4 (Specific Regulations for Certain Temporary Uses) of the UDO to bring regulations for temporary family health care structures into compliance with what is allowed in NCGS 160D-915.

APPLICATION CERTIFICATION

(Circle)

(I/We), the undersigned being the authorized representative, hereby certify that the information submitted on the application and any applicable documents is true and accurate.

[Signature]
Signature of authorized representative

07.10.2023
Date

OFFICE USE ONLY

Date Received: April 25, 2023

Fee: \$ NA

Received by Member of Staff: Jamie Kanburoglu

Date of Payment: NA Receipt #: NA

Planning Board Hearing Date: July 10, 2023

Planning Board Recommendation: _____

Board of Commissioner's Hearing Date: July 27, 2023

Commissioner's Decision: _____

Sec. 5.8.2 Table of allowed temporary uses.

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- B. Otherwise, if a temporary use is not listed in Table 5.8-1 the use may only be granted a zoning permit after:
 - (i) a public hearing has been conducted by the Board of Adjustment, and (ii) the Board of Adjustment has made the following determinations:
 1. The proposed use will not materially endanger the public health, welfare and safety; and
 2. The proposed use will not have a substantial negative effect on adjoining properties.

In approving such permit, the Board of Adjustment may authorize conditions regarding the duration of the use, hours of operation, signage, lighting, and any other factors deemed necessary by the Administrator. Such conditions shall be made part of the permit issued. Violations of such conditions shall be considered a violation of this Ordinance.

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- b. Such RV/manufactured home may be placed only in the side or rear yard (in relation to the structure to be replaced or repaired) and shall be located no closer than 20 feet to another principal residential structure on another lot and no closer than ten feet to any side or rear lot line on the lot in question. An RV allowed on an adjacent lot shall meet these same requirements. When an RV is permitted on an adjacent lot which does not have a principal structure, then the RV shall meet the principal structure setbacks.
- c. The Administrator shall be given the authority to issue a temporary use permit for up to six months for the temporary RV/manufactured home. Such permit may be renewed on a one-time only basis [for a period of no greater than nine months] by the Administrator if he determines that construction of a new dwelling unit is proceeding in a diligent manner.
- d. Notwithstanding the above if, at any time a temporary or permanent certificate of occupancy is issued for the repaired or reconstructed dwelling, the RV/manufactured home shall be removed from the site within 30 days of such issuance.

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 manufactured home or RV to be placed on a residential lot as an accessory use. The Administrator may grant the permit.~~
- 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 has determined each of the following:~~
 - i. ~~That the manufactured home or RV is an accessory use to a principal residential use;~~
 - ii. ~~That there exists a medically related need for the proximate care of an immediate family member (this finding must be substantiated by a certificate of need from a medical doctor or similar evidence.) As used herein, proximate care shall mean the same level of care that would normally necessitate living in the same dwelling as the care provider or in a domiciliary care facility that provides basic day-to-day living needs, (e.g., feeding, bathing, and other such functions).~~

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- iii. ~~That the person(s) responsible for providing the care will live in either the principal dwelling or the manufactured home and that the person(s) needing the care shall live in the structure not occupied by the person(s) providing the care;~~
 - iv. ~~That the person(s) in need of care is an immediate family member of the person(s) to be responsible for providing the care;~~
 - 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 20 feet from any property line.~~
 - vii. ~~That the manufactured home or RV used is a Class B or C manufactured home.~~
 - d. ~~Any temporary use permit initially issued by the Administrator shall be valid for one year but may be renewed by the Administrator on a year-to-year basis if all of the findings indicated above continue to exist. Irrespective of the above, any permit issued shall automatically terminate within 30 days after any of the reason(s) justifying the permit cease to exist. Such permit is granted to a particular owner on the basis of circumstances peculiar to that owner and it shall automatically terminate should the person needing care (or immediate family members) no longer reside on the premises.~~

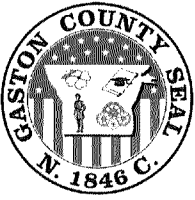
32. During construction of a single family residence.

- a. A manufactured home or RV is allowed under this subsection.
 - b. The manufactured home must meet the requirements of either a Class A, Class B or Class C Manufactured Home.
 - c. The RV must be of adequate size and designed in such a manner that it will function as a dwelling unit for a temporary period of time, to be determined by the Administrator.
 - d. The manufactured home/RV must be used as the principal residence of the owner of the lot on which it is being placed.
 - e. The temporary permit for the manufactured home/RV shall not be issued until the owner of the lot has first secured a building permit for a single family dwelling. The applicant for the temporary use permit must state to the County that the intended use of the dwelling to be constructed on the lot is for his principal place of residence. If the permit for construction of the dwelling becomes invalid, then the temporary permit for the manufactured home/RV shall, at the same time, become invalid and the manufactured home/RV shall be removed.
 - f. The temporary permit for the manufactured home/RV shall initially be granted by the Administrator for a period of six months. The temporary manufactured home/RV permit shall be extended for a nine-month period provided the dwelling being constructed has passed the footing inspection by the end of the first six-month period. The temporary manufactured home/RV permit shall be extended for another nine-month period provided the dwelling being constructed has passed all framing and "rough-in" inspections with 15 months of the initial granting of said permit. The temporary manufactured home/RV permit shall be extended for a final four-month period provided a Certificate of Occupancy has been issued for the dwelling being constructed within two years of the initial granting of the said permit. No further extensions of the temporary permit shall be granted and the manufactured home/RV must be removed before the expiration of the final extension.
- i. *Temporary RVs for workers for construction projects lasting greater than Six months.*
- 1. The RV owner must also be the occupant.

-
2. The RV must be of adequate size and designed in such a manner that it will function as a dwelling unit for a temporary period of time, to be determined by the Administrator.
 3. The project must maintain a valid Building Permit.
 4. The Zoning Permit must be renewed every six months.
 5. The RV must be removed within 30 days after the completion of the project or the Building Permit is no longer valid.
 6. Only allowed in an approved space within an existing Manufactured Home Park or in a Camping/RV Park.

J. Temporary Health Care Structures

1. Temporary health care structures shall be permitted in accordance with N.C.G.S. 160D-915 (Temporary health care structures). The definitions in G.S. 160D-914 (a) shall apply to this section.
2. Only one temporary family health care structure shall be allowed on a lot or parcel of land.
 - a. Structure shall be limited to one occupant who shall be the mentally or physically impaired person.
 - b. Structure shall be less than 300 square feet and comply with applicable provisions of the State Building Code and G.S. 143-139.1 (b)
 - c. Structure shall not be placed on a permanent foundation.
3. Temporary health care structures shall meet all setback requirements that apply to the primary residential structure on the lot.
4. Permits for temporary health care structures shall be renewed annually and subject to an annual inspection to confirm compliance with this ordinance.
5. Temporary health care structures shall be required to connect to water, sewer, and electric utilities and shall comply with all applicable state, local, and other requirements.
6. No signage advertising or otherwise promoting the existence of the structure shall be permitted on the lot.
7. Any temporary health care structure shall be removed from the lot within 60 days from which the impaired person is no longer receiving or in need of the assistance provided for in this section. If the temporary family health care structure is needed for another mentally or physically impaired person, the temporary health care structure may continue to be used or may be reinstated on the property within 60 days of its removal, as applicable.



Building and Development Services Board Action

File #: 23-303

Commissioner Brown - Building & Development Services - Zoning Text Amendment: TEXT-23-04-25 -00009 - Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 5 (Permit and Modification Procedures); Table 5.8-1 (Allowed Temporary Uses), and Section 5.8.4 (Specific Regulations for Certain Temporary Uses)

STAFF CONTACT

Jamie Kanburoglu - Director of Planning and Zoning - 704-862-5510

BACKGROUND

The Unified Development Ordinance (approved April 24, 2008), sets forth procedures for amendment procedures in Chapter 5, requiring a public hearing by the Planning Board and Commission. A recommendation on the amendments is provided by the Planning Board, with final action on said amendments by the Commission, to consider text amendments to Application Number TEXT-23-04-25-00009; Gaston County Planning Board (Applicant), to request the Board of Commission to consider approval of the proposed text amendments to the UDO: Chapter 5 (Permit and Modification Procedures); Table 5.8-1 (Allowed Temporary Uses), and Section 5.8.4 (Specific Regulations for Certain Temporary Uses). A public hearing was advertised and held on July 27, 2023, with the Public Hearing comments being on file in the Board of Commission Clerk's Office. Planning Board recommendation was provided on July 10, 2023, 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 amendments. The proposed amendments would bring Table 5.8-1 and Section 5.8.4 into compliance with NC G.S. 160D-915. The Planning Board reviewed the amendments at its last regular Planning Board meeting (July 10, 2023) and unanimously recommended approval to move them to the public hearing process.

ATTACHMENTS

Resolution, Staff Report & Application Packet

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:

Handwritten signature of Donna S. Buff

Table with columns: NO., DATE, M1, M2, CBrown, CCloninger, AFrale, BHovis, KJohnson, TKeigher, RWorley, Vote. Row 1: 2023-218, 07/27/2023, RW, BH, A, A, A, A, A, A, A, U

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