



PROPOSED TEXT AMENDMENT – PLANNING BOARD REVIEW – OCTOBER 2020

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TABLE 2.7-1 DEFINED TERMS		
Term	Use Table Subcategory*	Definition
Private Residential Quarters	Residential	An accessory <i>subordinate</i> dwelling <i>that is</i> either attached <i>to</i> or part of the principal residential use or separate from the principal <i>residential structure</i> use in the form of a guest house or garage apartment provided that such dwelling is not rented or occupied for gain and provided that no accessory building containing such use is constructed on a lot until the construction of the principal dwelling has commenced. The principal dwelling on the lot containing the private residential quarters shall be owner occupied. <i>A private residential quarters structure shall not be constructed on a lot until construction of the principal dwelling structure has commenced.</i>

SECTION 5.16 CHANGES TO THE OFFICIAL ZONING MAP

5.16.2 INITIATION OF A ZONING MAP AMENDMENT

- A. Any person, board, department or commission may apply for a change in zoning district boundaries (rezoning), with the following limitations:
1. Applications for ~~parallel conditional use and~~ conditional rezoning as set forth in subsections ~~5.16.4 and 5.16.5~~ of this ordinance may be initiated only by the property owner or his authorized agent (refer to section 5.1);



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5.16.3 ZONING MAP AMENDMENT PROCESS – GENERAL DISTRICT REZONING

When considering a petition for the reclassification of property to a general zoning district (i.e. other than a ~~parallel conditional use district or a conditional district~~), neither the Planning Board nor the Board of Commissioners shall evaluate the petition base on any specific proposal for the use or development of the affected property and the petitioner shall refrain from using any graphic materials or descriptions of the proposed use or development except for those which would apply to any use permitted in the requested district.

C. Submittal and Review Procedures

1. In order for an amendment to the official zoning map to be made by the Board of Commissioners, the Planning Board shall have had an opportunity to review and make a recommendation on the application. Such Planning Board review shall take place after a joint public hearing *meeting* is held by the Planning Board ~~and the Board of Commissioners to discuss the proposal. Before making an amendment to the official zoning map, the Board of Commissioners shall hold a legislative hearing to receive public comment.~~ This public *legislative* hearing, once opened, may be continued to a later date. Any complete application shall be submitted to the Administrator at least thirty (30) working days prior to said public *the legislative* hearing. Notification of the public *legislative* hearing shall be as follows:
 - a. A notice shall be published in a newspaper having general circulation in Gaston County once a week, for two (2) successive weeks, the first notice to be published not less than ten (10) days nor more than twenty-five (25) days prior to the date established for the joint public *legislative* hearing.
 - b. A notice of the proposed zoning map change shall be sent by first class mail by the Administrator to the applicant and owners of all adjacent properties as indicated on the most up-to-date records of the Gaston County Tax Department at least ten (10) but not greater than twenty-five (25) days prior to the joint public *legislative* hearing.
 - c. The Administrator shall post at least one (1) notice on the site proposed for rezoning or an adjacent public street or highway right-of-way at least ten (10) days prior to the joint public *legislative* hearing. Where multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the County shall post sufficient notices to provide reasonable notice to interested persons. Such



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notice shall state the case number, the ~~public~~ **legislative** hearing date, time at which it is to be held, and contact telephone number. The notice shall be removed only after final action has been taken on the matter.

2. Any ~~public~~ **legislative** hearing notice published or mailed shall state the nature of the ~~public~~ **legislative** hearing, the date, time, and place at which the hearing is to occur, and who to call and/or see for more information.
3. The first class mail notice required per subsection 5.16.3(C)(1)(b) maybe waived if the zoning map amendment directly affects more than fifty (50) properties, owned by a total of at least fifty (50) different property owners. Under such circumstances, the county may elect to mail such first class notices or elect to publish notice of the hearing as provided in G.S. § ~~153A-323~~ **160D-601**. The advertisement shall not be less than one-half of a newspaper page in size. The newspaper advertisement shall be effective only for property owners who reside in the area of general circulation of the newspaper that publishes the notice. Property owners who reside outside of the newspaper's circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first class mail pursuant to this section. In addition to the newspaper notice, the county shall post one (1) or more prominent signs on or immediately adjacent to the subject area reasonably calculated to give public notice of the proposed rezoning.

D. Planning Board Action

1. Once the ~~joint Planning Board / Board of Commissioners~~ public hearing **meeting** has been concluded, the Planning Board shall have thirty (30) days to submit a recommendation to the Board of Commissioners regarding the proposed change. Said recommendation shall address whether the proposed amendment is consistent with any comprehensive plan that has been adopted by the Board of Commissioners and any other officially adopted plan that is applicable along with other matters that the Planning Board deems appropriate and a statement as to why **the** Planning Board considers its recommendation to be reasonable and in the public interest. If a recommendation is not made during said time period, the application shall be forwarded to the Board of Commissioners without a recommendation from the Planning Board.
2. The Planning Board recommendation shall be as follows:
 - a. Grant the rezoning as requested; ~~or~~



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- b. Grant the rezoning with a reduction of the area requested; ~~or~~
 - c. Grant the rezoning to a more restrictive general zoning district or districts; ~~or~~
 - d. Grant the rezoning with a combination of subsections (b) and (c); above; or,
 - e. Deny the rezoning.
3. The list of general zoning districts in descending order of restrictiveness is as follows, with RLD being the most restrictive and I-3 being the least restrictive:
- a. RLD (~~M~~most restrictive)
 - b. R-1
 - c. R-2
 - d. R-3
 - e. RS-20
 - f. RS-12
 - g. RS-8
 - h. RMF
 - i. OM
 - j. TMU
 - k. OLC
 - l. O-1
 - m. NBS
 - n. C-1
 - o. CBD



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- p. UMU
- q. C-2
- r. C-3
- s. GPX
- t. I-U
- u. I-1
- v. I-2
- w. I-3 (~~L~~east restrictive)

E. Governing Board Action

Once the joint ~~joint~~ **legislative** hearing has been conducted and: (i) the Planning Board has submitted its recommendation, or (ii) the thirty (30) day review period has expired, whichever comes first, the Board of Commissioners shall render a decision on the petition. The decision of the Board of Commissioners shall be in the form of any of the various options listed in subsection 5.16.3(D)(2) and (3). Alternately, the Board of Commissioners may send the application back to the Planning Board for further study and consideration. (Note: such resubmittal by the Board of Commissioners to the Planning Board may ~~occur~~ not **occur** more than one (1) time for any rezoning request.) If a resubmittal to the Planning Board occurs, the Planning Board shall hear the case and have an additional thirty (30) day period (from the date it re-reviewed the application) to resubmit a recommendation to the Board of County Commissioners. Any final decision made by the Board of Commissioners shall be accompanied by a statement that **addresses**: (i) whether the proposed amendment is consistent with any comprehensive plan that has been adopted by the governing board and any other officially adopted plan that is applicable, and (ii) other matters that the board of commissioners deems appropriate, and (iii) why it considers the action taken to be reasonable and in the public interest.

F. Petition Withdrawal



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An applicant who has submitted a complete application for a zoning map amendment may withdraw that application prior to a final decision being rendered by the Board of Commissioners. Such withdrawal may be made under the following guidelines:

1. If said petition is withdrawn at least two (2) working days prior to the ~~Planning Board~~ Board of Commissioners, ~~public~~ *legislative* hearing, a similar application shall not be accepted by the Administrator within one hundred-eighty (180) days of the date of withdrawal.
2. Otherwise, if said petition is withdrawn less than two (2) working days prior to a final decision being rendered, a similar application shall not be accepted by the Administrator within one (1) year of the date of withdrawal.
3. Notwithstanding the above, the Administrator may allow a similar application to be submitted prior to the expiration of said time periods having first determined:
 - a. There has been a significant change in the zoning district classification of an adjacent piece of property; ~~or,~~
 - b. The board of commissioners has adopted a plan that changes public policy regarding how the property affected by the proposed change would be developed; ~~or,~~
 - c. Construction or expansion of a road, water line, sewer line, or other such facility has occurred to serve the property and can comfortably accommodate the proposed zoning classification; ~~or,~~
 - d. There has been some other extraordinary change in conditions or circumstances, outside the control of the petitioner, which justifies the waiver of said time restrictions. This, however, shall not include a change in property ownership; ~~or,~~
 - e. The proposed zoning map amendment is substantially different from that which was previously proposed and, if such amendment were approved, would effect a change substantially different than that contained in the previous application.
4. Notwithstanding the above, any amendment petition initiated by the Planning Board of Board of Commissioners shall be exempt from any time restraints on resubmittal.



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5.16.5 ZONING MAP AMENDMENTS – CONDITIONAL DISTRICTS (CD)

A. Application

2. No application shall be considered complete unless it is accompanied by a fee, in accordance with a fee schedule approved by the governing board for the submittal of an application for rezoning to ta CD district. Said fee shall be waived for any application submitted by any official or agency acting on behalf of ~~the~~ Gaston County of the State of North Carolina.
3. The Administrator may require the petitioner to submit more than one (1) copy of the rezoning application in order to have enough copies available to circulate to other government agencies for review and comment. When dealing with the conditional zoning district process, it may be desirable to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the Planning Board or Board of Commission~~ers~~ may request additional information as they deem necessary.
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~~.

B. Public Information Meeting

1. Once the complete application has been submitted to the Administrator and fees paid prior to the public ~~hearing~~ ~~meeting~~ on the rezoning request, two (2) Public Information Meetings (PIMs) shall be scheduled and held. Such meetings shall occur prior to any recommendation by the Planning Board and approval by the Board of Commission~~ers~~. The PIM is designed to provide a framework for creating a shared vision with community involvement directed by the applicant in accordance with the following requirements:
 - c. Notice of the PIM shall, at a minimum, be given as follows:
 - iv. A PIM notification sign shall be posted by ~~the~~ county in a conspicuous place at the property not less



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than ten (10) days prior to the PIM. The sign shall indicate date, time, and location(s) of the PIM. In lieu of any or all of this information to be contained on this posted notice, the notice may give a phone number where interested parties may call during normal business hours to get further information on the PIM.

D. Plans and Other Information to Accompany Petition

2. Other information as *may be* required by the Administrator relative to the rezoning request.

E. ~~Public~~ *Legislative* Hearing Notification Requirements

1. Before any property is rezoned to a CD district, the Planning Board shall have had an opportunity to review and make a recommendation on the application. Such Planning Board review shall take place after the PIMs are completed and a ~~joint Public Hearing~~ *public meeting* has been held by the Planning Board ~~and the Board of Commissioners.~~ *The Board of Commissioners shall hold a legislative hearing and receive public comment prior to rezoning a CD district.* Notification of the ~~Public Hearing~~ *legislative hearing* shall be as follows:
 - a. A notice shall be published in a newspaper having general circulation in Gaston County once a week, for two (2) successive weeks, the first notice to be published not less than ten (10) days nor more than twenty-five (25) days prior to the date established for the ~~joint public~~ *legislative* hearing.
 - b. A notice of the proposed zoning map change shall be sent by first class mail by the Administrator at least ten (10) days prior to the ~~public~~ *legislative* hearing to the applicant and owners of all adjacent properties as indicated on the most up-to-date records of the Gaston County Tax Department.
 - c. The Administrator shall post at least one (1) notice on the site proposed for rezoning or an adjacent public street or highway right-of-way at least ten (10) days prior to the ~~Planning Board / Board of Commissioners~~ *public legislative* hearing. Where multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the county shall post sufficient notices to provide ~~public~~ *legislative* hearing and its date, time, and location at which it is to be held. The notice shall be removed only after final action has been taken on the matter. In lieu of any or all of this information to be contained on this



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posted notice, the notice may give a phone number where interested parties may call during normal business hours to get further information on the conditional use permit **district zoning** requested.

2. Any ~~public~~ **legislative** hearing notice published or mailed shall state the nature of the public legislative hearing, the date, time, and place at which the hearing is to occur, and who to call and/or visit for more information.

F. Planning Board Review

The Planning Board shall have at least thirty (30) days to make a recommendation on the proposed change, said thirty (30) days being measured from the date of the closing of the ~~joint Planning Board / Board of Commissioners~~ public hearing **meeting**. Any such Planning Board recommendation shall be accompanied by statement that address: (i) whether the proposed amendment is consistent with any comprehensive plan that has been adopted by the governing board and any other officially adopted plan that is applicable; ~~and~~ (ii) other matters that the Planning Board deems appropriate; and, (iii) why it considers the action taken to be reasonable and in the public interest. If a recommendation is not made during said time period, the application shall be forwarded to the Board of Commissioners without a recommendation.

G. Action by County Board of Commissioners

A decision pertaining to conditional zoning districts is a legislative process subject to judicial review using the same procedures and standard of review as applied to general use district zoning decisions. Once the ~~public~~ **legislative** hearing has been held, the Board of Commissioners shall take action on the petition. The ~~public~~ **legislative** hearing, once opened, can be continued to a later date and action taken **n** at that time. The Board of Commissioners shall have the authority to:

3. Approve the application with modifications that are mutually agreed to by the applicant and the Board of Commissioners. Such conditions shall be in compliance with subsection F herein.
4. Submit the application to the Planning Board for further study. The Planning Board shall have up to thirty (30) days from the date of such submission to make a report to the Board of Commissioners. If no report is issued, the governing board can take final action on the petition. The governing board reserves the right to schedule and



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advertise a new ~~public~~ **legislative** hearing based on the Planning Board's report.

- H. In approving a petition for the reclassification of a property to a CD district, the Planning Board may recommend, and the Board of Commissioners 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 Commissioners. ~~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 zoning district unless otherwise approved by the Board of Commissioners 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; (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.

5.16.6 PROCEDURES

- B. The application shall be accompanied by a plan, drawn to scale, that includes or is accompanied by the following:
11. A list, if any, of all additional development conditions or standards that differs from those that would normally apply to that use.
 12. The Administrator reserves the right to waive the depiction of some or all of the information contained in subsections 5 through 10 above, when, in his opinion, such information would serve no meaningful purpose for the particular CD zoning district requested. Notwithstanding, if the ~~Planning Board~~ **Administrator** determines that additional information as set forth in subsections 5 through 10 above ~~of this subsection~~ is needed to render a recommendation or decision on the application, ~~they~~ **s/he** may require the applicant to submit such additional information.



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8.1.17 PRIVATE RESIDENTIAL QUARTERS

Private residential quarters shall be permitted as an accessory use to any single-family detached dwelling unit (excluding manufactured homes) in accordance with the following requirements:

- ~~A. The same person shall own the private residential quarters and principal dwelling units. The owner of the principal dwelling unit shall live on site.~~
- ~~B. A disabled person, family member, an occasional guest or live-in servant shall occupy the private residential quarters.~~
- ~~C. The private residential quarters shall not serve as a rental unit for gain (except in a Traditional Neighborhood Development).~~
- D.A.** The private residential quarters may be attached to or separate from the principal dwelling unit. Except in a TND, the private residential quarters may be located in a separate accessory structure if the area of the lot is at least one-hundred fifty (150) percent that of the smallest approved lot size for the TND.

Example: The smallest lot is five thousand (5,000) square feet. The minimum lot size for the lot containing the PRQ to be in an accessory structure shall be a minimum of seven thousand five hundred (7,500) square feet.

- ~~E.B.~~ **B.** If the private residential quarter is in a detached structure, it **Detached private residential quarters** shall be served by the same driveway accessing the principal structure.
- ~~E.C.~~ **C.** The ground floor area of the private residential quarters shall be no greater than fifty (50) percent of the ground floor area of the principal dwelling unit. ~~or seven-hundred fifty (750) square feet, whichever is less.~~ **or 1000 sq ft whichever is less.**



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G.D. If them **Detached** private residential quarters **s** is located in an accessory structure, said structure shall be located in the rear or side yard. **The structure must meet a fifteen (15) feet rear and side setback requirement (except in a TND) and shall not exceed the height of the principal dwelling unit.** ~~No such structure shall be located closer than fifteen (15) feet from any side or rear lot line (except in a TND). The accessory structure housing the private residential quarters shall not exceed the height of the principal dwelling.~~ **Attached units shall observe the setback requirements of the principal structure.**



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- H.E. No more than one (1) private residential quarter ~~per lot~~ shall be allowed **per lot**.
- I. F. A private residential quarter shall have at least ~~two (2)~~ **one (1)** off-street parking spaces.
- J. G. A manufactured home ~~is~~ shall not ~~allowed to be~~ used as a private residential quarters.



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SECTION 9.26 TRAFFIC IMPACT ANALYSIS (TIA) REQUIREMENTS

B. Traffic Impact Analysis (TIA) Process

The first step in the TIA process is the preparation of a scoping report. The report will include a site plan, quantitative description of the proposed development and land use along with a vicinity map. The scoping report will be used to determine if a TIA is needed and if there are any safety issues associated with the development. The County, a Transportation Consultant for the County, the Applicant, the Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCLMPO), and NCDOT staff may participate in this initial step.

Traffic Impact Analysis (TIA) is required when a proposed development or redevelopment will generate one hundred (100) or more new peak hour trips or the total added volume is equal to one thousand (1,000) vehicles per day, based on the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, and that generally would have a significant impact on existing Level of Service (LOS) *or anytime, regardless of estimated trip count, at the request of the Subdivision Administrator.*