

Hand orig to Donna S. Buff-PE



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Fee Amt: \$0.00 Page 1 of 8  
Revenue Tax: \$0.00  
Instr# 201600050895  
Gaston, NC  
Susan S. Lockridge Register of Deeds  
BK **4828** PG **2265-2272**

8  
RECORDING FEE 4/c

Drawn by: Samuel J. Shames, Asst. Co. Attorney, Gaston County  
Box 1578 Gastonia, NC 28053

Mail to: Donna S. Buff, Gaston County Clerk, Box 1578, Gastonia, NC 28053

STATE OF NORTH CAROLINA )  
GASTON COUNTY )  
)

**AFFIDAVIT OF CORRECTION**

Title in Part of Original Instrument: Zoning Text Amendment ZTA 16-01

Date of Recording: 01/29/2016

Recording and Book Page: Book 4827 at Page 673-674

Donna S. Buff, being of lawful age, duly sworn and upon oath, states as follows:

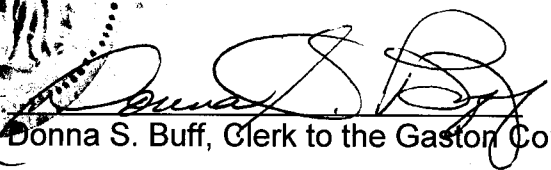
1. My name is Donna S. Buff, Clerk to the Gaston County Board of Commissioners. Part of my duties include taking minutes and maintaining and keeping resolutions and other documents adopted by the Gaston County Board of Commissioners.
2. On a regularly scheduled meeting on January 26, 2016, the Gaston County Board of Commissioners passed Resolution 2016-032 entitled in part "Resolution Title: Zoning Text Amendment: ZTA 16-01".

3. Resolution 2016-032 was submitted and recorded into the Gaston County Registry on 1/29/2016, but due to a clerical error, five pages, which were available for public examination with the rest of the Agenda Items, were omitted upon submission.

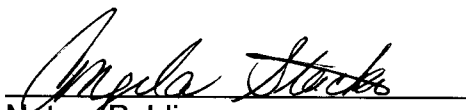
4. A correct and complete original copy of Resolution 2016-032, including the five additional pages is attached and in final form as Exhibit "A".

5. This Affidavit of Correction is not intended to substantively modify the underlying Resolution as described herein.



  
Donna S. Buff, Clerk to the Gaston County Board of County Commissioners

Subscribed and Sworn before me this 5<sup>th</sup> day of February, 2016.

  
Notary Public

My commission expires: August 8, 2019

ANGELA STACKS  
NOTARY PUBLIC  
GASTON COUNTY, NORTH CAROLINA



**RESOLUTION TITLE: ZONING TEXT AMENDMENT: ZTA 16-01 – APPLICANT: GASTON COUNTY PLANNING BOARD- TO CONSIDER PROPOSED TEXT AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO), CHAPTER 9: SECTIONS, 9.18.1A (SIDEWALKS), 9.18.2A (GREENSTRIPS), 9.18.3C (CURB/GUTTER), CHAPTER 11: SECTIONS, 11.4D1A (LOCATION OF TREES), FIGURE 11.4-1, CHAPTER 13: SECTIONS, 13.11F, ADDED, (SUBMITTAL REQUIREMENTS FOR PRELIMINARY AND FINAL PLAT), 13.16.8, 13.19.1 (SUBDIVISIONS INSIDE THE URBAN STANDARDS OVERLAY DISTRICT), 13.19.2 (SUBDIVISIONS OUTSIDE URBAN STANDARDS OVERLAY DISTRICT, UTILITIES AVAILABLE), 13.20.4 (CONSTRUCTION REQUIREMENT), 13.20.6C (NEW DRAINAGE WAYS), 13.22 (CUL-DE-SACS), 13.27 (PUBLIC UTILITIES AND SERVICES)**

- 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 January 26, 2016, 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 on behalf of a citizen for some minor modifications and adjustments to the UDO; and,
- WHEREAS,** The Gaston County Planning Board in a special meeting in December reviewed the proposed text amendments and made a recommendation to move the proposed amendments to the Public Hearing format for the Board of Commission consideration; and,
- WHEREAS,** To amend UDO Chapter 9: Sections, 9.18.1A (Sidewalks), 9.18.2A (Greenstrips), 9.18.3C (Curb/Gutter), Chapter 11: Sections, 11.4D1a (Location of trees), Figure 11.4-1, Chapter 13: Sections, 13.11F, added, (Submittal Requirements for Preliminary and Final Plat), 13.16.8, 13.19.1 (Subdivisions Inside the Urban Standards Overlay District), 13.19.2 (Subdivisions Outside Urban Standards Overlay District, Utilities Available), 13.20.4 (Construction Requirement), 13.20.6C (New Drainage Ways), 13.22 (Cul-de-sacs), 13.27 (Public Utilities and Services); and,

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	Brown	Carpenter	Fraley	Kelgher	Philbeck	Price	Williams	Vote
2016-032	01/26/2016	TP	JC	A	A	A	A	A	A	A	U

**DISTRIBUTION:**

Susan Lockridge, Register of Deeds; Municipal Code Corporation; Laserfiche Users

SEAL

## **Amendment: January 26, 2016**

Section 9.18.1A

Section 9.18.2A

Section 9.18.3C

Section 11.4D1a

Figure 11.4-1

Section 13.11F, added

Section 13.16.8

Section 13.19.1

Section 13.19.2

Section 13.20.4

Section 13.20.6C

Section 13.22

Section 13.27



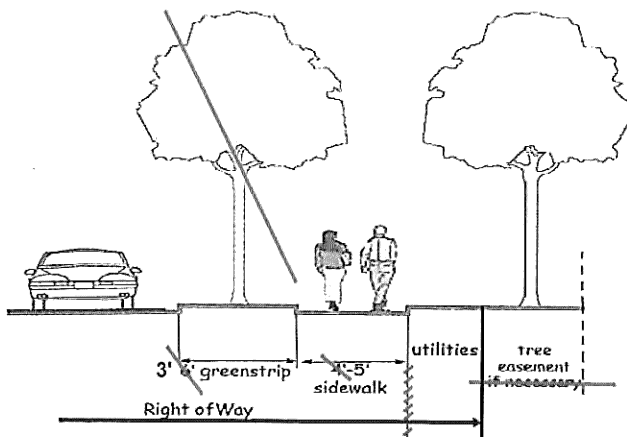
PROPOSED TEXT AMENDMENTS --- PUBLIC HEARING – January 2016

Chapter 9 ----

## 9.18.1 Sidewalks

### A. Sidewalk Requirements

Sidewalks shall be a minimum of five (5) feet in width along principal and minor arterials and four (4) feet in width along other all streets. Notwithstanding, in no case shall a sidewalk be required along a publicly maintained alley. Sidewalks shall otherwise be placed and constructed in accordance with specifications on file with the Administrator.



## 9.18.2 Greenstrips

- A. A minimum ~~three (3)~~ six (6) foot greenstrip shall be required to be placed inward between the edge of the curb and the sidewalk. A greenstrip shall not be required if the abutting street does not contain either a curb or sidewalk. In no case shall a greenstrip be required to be placed along and parallel to a publicly maintained alley. (See Section 9.18.1A for an illustration for this requirement.)

### 9.18.3 Curb/Gutter

- C. Residential developments shall at a minimum provide *NCDOT approved valley* curb and gutter along all interior streets.

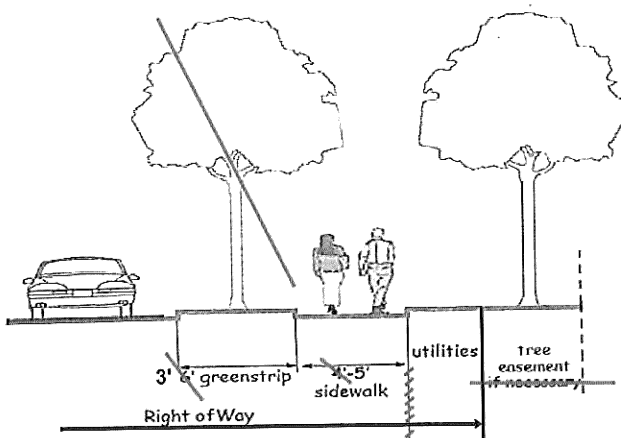


Chapter 11 ----

11.4D1 Location of Trees

- a. ~~In the greenstrip area provided per Section 9.18.2 reserved~~

Figure 11.4-1



Chapter 13 ----

Section 13.11 Submittal Requirements for Preliminary and Final Plat

F. Major Subdivisions

*The following sections shall only apply to residential developments which will be developed within five hundred (500) feet of existing public / municipal water and sewer utilities.*

1. Section 13.16.8 Curb and Gutter
2. Section 13.17 Sidewalks/ Green Strips / Crosswalks
3. Section 13.18 Street Trees
4. Section 13.19.1 Water Supply and Sanitary Sewer Connections, within the Urban Standards Overlay District
5. Section 11.4B Street Yard Trees
6. Section 9.18 Sidewalks / Green Strips / Curb and Gutter



## **SECTION 13.16.8**

*NCDOT approved Valley* curb and gutter shall be required on all streets within a the subdivision, *unless exempted per section 13.11F which then ditches are required. NCDOT approved Standard* curb and gutter shall be required on principal and minor arterials, except any Industrial and Commercial subdivision which is located in any Water Supply Watershed which may use ditches in lieu of curb and gutter. See Chapter 2 Definitions: Ditch.

### **13.19.1 SUBDIVISIONS INSIDE THE URBAN STANDARDS OVERLAY DISTRICT.**

Subject to availability of public ~~/community~~ water and/or sanitary sewer service, if county or municipal water and/or sanitary sewer lines are located within *five hundred (500) feet one-half (1/2) mile* of a subdivision of ~~ten to thirty nine (10 to 39) lots, or within one (1) mile of a subdivision of forty (40) lots~~ or more, where the distances are measured along the shortest available route to the nearest edge of the property, then the developer must connect to these lines to provide water service, fire protection, and sewer service for the subdivision.

### **13.19.2 SUBDIVISIONS OUTSIDE URBAN STANDARDS OVERLAY DISTRICT, UTILITIES AVAILABLE**

When a subdivision is located outside the Urban Standards Overlay District and the water and sanitary sewer facilities (public ~~or community~~) are available (as defined in the previous section), the subdivision shall comply with all rules and regulations prescribed for the Urban Standards Overlay District.

### **13.20.4 CONSTRUCTION REQUIREMENT**

The size, location, design of structures, mode of installation and type of materials for all construction of storm sewers shall be as approved by the County or NCDOT. ~~All storm drainage system pipes bearing vehicular loading shall be reinforced concrete pipe (ASTM C-76, latest amendment) or equivalent.~~ All storm drainage construction shall be in accordance with the North Carolina Department of Transportation standards and ~~may be inspected during construction by the County or NCDOT.~~

### **13.20.6 NEW DRAINAGE WAYS**



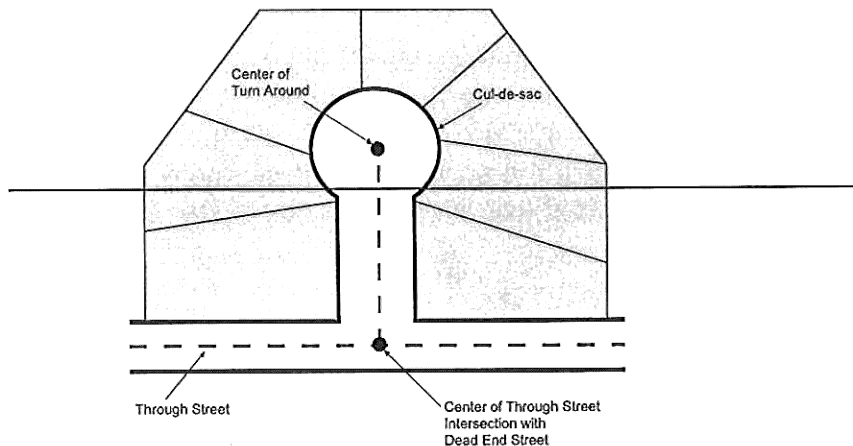


- C. ~~In circumstances where there is to be a drainage way between two (2) lot lines or crossing a lot(s), the drainage way will be piped to the rear lot line or to a point as approved by the County. Reserved.~~

## Section 13.22 ~~Cul-de-Sacs~~ *Reserved*

~~Permanent dead end streets in the Urban Standards Overlay District shall not exceed six hundred (600) feet in length, except that cul-de-sacs shall not be greater than two hundred fifty (250) in length in a TND. Permanent dead end streets outside the Urban Standards Overlay District shall not exceed~~

Figure 13.22-1



~~one thousand (1000) feet in length. The length of the cul-de-sac shall be computed from the point where the centerline of the dead end street intersects with the center of a through street to the center of the turnaround of the cul-de-sac.~~

## Section 13.27 ~~Public Utilities and Services~~

- B. ~~Easements shall be provided for storm and sanitary sewers, water lines and other utilities in such widths, and at such locations as may be required by the County in order to properly serve the lot and adjoining realty; but in no event shall the County require less than easements of ten (10) feet in width along all rear lines and exterior side lot lines, and five (5) feet in width along each side of all interior side lot lines. Notwithstanding, in no case may the width of an easement upon a lot be less than the minimum required side or rear yard setback for that lot per the requirements of the underlying zoning district.~~



# GASTON COUNTY BOARD OF COMMISSIONERS

## BOARD ACTION

County Admin Building  
128 W. Main Avenue.  
Gastonia, NC 28052

## Planning

**File #:** 15-122

Commissioner Philbeck - Zoning Text Amendment: ZTA 16-01 - Applicant: Gaston County Planning Board - To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO), Chapter 9: Sections, 9.18.1A (Sidewalks), 9.18.2A (Greenstrips), 9.18.3C (Curb/Gutter), Chapter 11: Sections, 11.4D1a (Location of trees), Figure 11.4-1, Chapter 13: Sections, 13.11F, added, (Submittal Requirements for Preliminary and Final Plat), 13.16.8, 13.19.1 (Subdivisions Inside the Urban Standards Overlay District), 13.19.2 (Subdivisions Outside Urban Standards Overlay District, Utilities Available), 13.20.4 (Construction Requirement), 13.20.6C (New Drainage Ways), 13.22 (Cul-de-Sacs), 13.27 (Public Utilities and Services)

### STAFF CONTACT

David L. Williams, Director of Planning (704-866-3473) [david.williams@gastongov.com](mailto:david.williams@gastongov.com)

### 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 amendments is provided by the Planning Board, with final action on said amendments by the County Commission. To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO), Chapter 9: Sections, 9.18.1A (Sidewalks), 9.18.2A (Greenstrips), 9.18.3C (Curb/Gutter), Chapter 11: Sections, 11.4D1a (Location of trees), Figure 11.4-1, Chapter 13: Sections, 13.11F, added, (Submittal Requirements for Preliminary and Final Plat), 13.16.8, 13.19.1 (Subdivisions Inside the Urban Standards Overlay District), 13.19.2 (Subdivisions Outside Urban Standards Overlay District, Utilities Available), 13.20.4 (Construction Requirement), 13.20.6C (New Drainage Ways), 13.22 (Cul-de-Sacs), 13.27 (Public Utilities and Services).

A joint public hearing was advertised for and held on January 26, 2016 to take public comment (said comments are on file in the Commission Clerk's Office), with Planning Board recommendation provided on the same date. The Commission is requested to consider the public hearing comment, Planning Board recommendation and other pertinent information, then either (**approve**), (**disapprove**) or (**modify**) the zoning text amendments.

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	Brown	Carpenter	Fraleigh	Keigher	Philbeck	Price	Williams	Vote
2016-032	01/26/2016	TP	JC	A	A	A	A	A	A	A	U

### **DISTRIBUTION:**

Susan Lockridge, Register of Deeds; Municipal Code Corporation; Laserfiche Users

## Planning Board Item I

## PUBLIC HEARING INFORMATION

## Proposed Unified Development Ordinance (UDO) Text Amendments

<b>Public Hearing Date:</b> January 26, 2016	<b>Unified Development Ordinance (UDO) Text Amendment:</b> ZTA 16-01
<b>Applicant</b> Gaston County Planning Board	<b>Request:</b> To amend text to the Unified Development Ordinance (UDO) (see below)
<p><b>Description of Request:</b> To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO), Chapter 9: Sections, 9.18.1A(Sidewalks),9.18.2A(Greenstrips),9.18.3C (Curb/Gutter), Chapter 11: Sections, 11.4D1a (Location of trees), Figure 11.4-1, Chapter 13: Sections, 13.11F, added, (Submittal Requirements for Preliminary and Final Plat), 13.16.8,13.19.1 (Subdivisions Inside the Urban Standards Overlay District),13.19.2 (Subdivisions Outside Urban Standards Overlay District, Utilities Available), 13.20.4 (Construction Requirement), 13.20.6C (New Drainage Ways),13.22 (Cul-de-Sacs), 13.27 (Public Utilities and Services).</p>	
<p><b>Procedure:</b> The Adopted County Unified Development Ordinance (UDO) sets forth procedures for amendment in Chapter 5, requiring a joint public hearing by the Board of Commission and Planning Board. Recommendation on text amendments are provided by the Planning Board, with final action on said amendments by the Board of County Commission. Newspaper advertisement of public hearing was advertised in Gaston Gazette in accordance with County policy. Planning Board met in special meeting on December 10, 2015 and unanimously voted to move proposed text amendments to the public hearing format for the Board of Commission consideration.</p> <p>Request was reviewed by TRC for comment and general compliance with applicable regulations and provisions. The Technical Review Committee is made up of various technical land use reviewing agencies such as North Carolina Department of Transportation (NCDOT), Environmental Health, Gaston Cleveland Lincoln Metropolitan Planning Organization (MPO); Fire Marshall, etc. which reviews all land use proposals and site plans which require Planning Board approval, and/or public hearing process.</p>	
<p><b>Planning Board Recommendation:</b> The Planning Board is requested to review the information provided in the public hearing information (above), consider the public hearing comment, and other pertinent information; and, provide a recommendation to the Board of Commissioners to approve the amendments as presented, approve the amendments with changes (with recommendation), or disapprove the amendments.</p>	
<p><b>Technical Review Committee:</b> The amendments were reviewed by TRC. The Technical Review Committee is made up of various technical land use reviewing agencies such as North Carolina Department of Transportation (NCDOT), Environmental Health, Gaston Cleveland Lincoln Metropolitan Planning Organization (MPO), Fire Marshall, etc.</p>	
<p><b>ATTACHED:</b> Application and Proposed Text Amendments to Unified Development Ordinance (UDO)</p>	



# GASTON COUNTY

Department of Planning & Development Services

Street Address: 128 W. Main Avenue, Gastonia, North Carolina 28052

Phone: (704) 866-3195

Mailing Address: P.O. Box 1578, Gastonia, N.C. 28053-1578

Fax: (704) 866-3966

## GASTON COUNTY TEXT AMENDMENT APPLICATION

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

### A. \*APPLICATION INFORMATION

Application Number: TA ZTA 16-01

Name of Applicant: Gaston County Planning Board

(Print Full Name)

Mailing Address: 128 W. Main Avenue, Gastonia, NC 28053

(Include City, State and Zip Code)

Telephone Numbers: (704)-866-3195

(Area Code) Business

(Area Code) Home

*\* If the applicant and property owner are not the same individual or group, the Gaston County Zoning Ordinance requires written consent from the property owner or legal representative authorizing the proposed Text Amendment Application. In addition, the authorization shall be notarized. The following two (2) sections pertain to property information, and specifics of the proposal as either a text change or a new use.*

### B. PROPERTY INFORMATION (if applicable)

Physical Address or General Street Location of Property: n/a

Tax Map Identification: Parcel (s) n/a

Parcel (s) n/a

Parcel (s)

Acreage of Parcel(s): n/a +/- Acreage to be Rezoned: +/- Current Zoning:

Proposed use(s) to be added to text: Proposed Zoning District:

### C. PROPOSED TEXT CHANGE (specify section of Ordinance) Section 9.18.1A, Section 9.18.2A,

Section 9.18.3C, Section 11.4D1a, Figure 11.4-1, Section 13.11f, added, Section 13.16.8, Section 13.19.1,

Section 13.19.2, Section 13.20.4, Section 13.20.6C, Section 13.22, Section 13.27

Describe proposed new use (provide an attachment if necessary).

(attached)

### APPLICATION CERTIFICATION

(Circle)

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

Jay E. Hurlburt

Signature of property owner or authorized representative

12/10/15

Date

OFFICE USE ONLY

OFFICE USE ONLY

OFFICE USE ONLY

Date Received: 12/10/15

Application Number: TA: 16-01

Fee: \$ 0

Received by Member of Staff: RS

(Initial)

Date of Payment:

Receipt Number:

☐ Copy of Plot Plan or Area Map

☐ Copy of Deed

☐ Notarized Authorization

☐ Payment of Fee

Public Hearing Date: Planning Board Recommendation: Commissioner's Decision: