

Planning Board Item IV – GENERAL PUBLIC HEARING INFORMATION (ZTA18-02)
Board of Commissioners / Planning Board Public Hearing Date October 23, 2018

Unified Development Ordinance (UDO) Text Amendments ZTA18-02

Request: To consider text amendments to Chapter 2 (Definitions) Table 2.7-1; Chapter 6 (Zoning Districts) Section 6.2.1(G); Chapter 7 (Uses and Building Lot Standards) Table 7.1-1; Chapter 8 (Supplemental Regulations) Sections 8.1.17 (J) and 8.4.29; Chapter 10 (Parking Regulations) Section 10.12(B)2-3; Chapter 13 (Subdivision Regulations) Sections 13.11(D)3(w) and 13.28.1; Chapter 15 (Water Supply Watershed Regulations) Section 15.9.1(A)

Applicant: Gaston County Planning Board

Background:

The Unified Development Ordinance (approved April 24, 2008, sets forth procedures for amendment procedures in Chapter 5, requiring a joint public hearing the Planning Board, with final action on said amendments by the County Commission, to consider text amendments. The proposed text amendments reflect minor clarification of existing definitions, minor clarification of existing uses, change in state statutes for plat submittal and inclusion of watershed. The Planning Board reviewed the amendments at its last regular Planning Board meeting (09/25/2018) and unanimously recommended to move them to the public hearing process.



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

Applicant ☐

Planning Board (Administrative) ☒

Board of Commission (Administrative) ☐

ETJ ☐

A. *APPLICATION INFORMATION

Application Number: TA 18-02

Name of Applicant: Gaston County Planning Board

(Print Full Name)

Mailing Address: 128 W Main Ave, 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: _____

Tax Map Identification: Parcel (s) _____

Parcel (s) _____ Parcel (s) _____

Acreage of Parcel(s): _____ +/- 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) Chapter 2 (Definitions) Table 2.7-1;

Chapter 6 (Zoning Districts) Section 6.2.1(G); Chapter 7 (Uses and Building Lot Standards) Table 7.1-1; Chapter 8

(Supplemental Regulations) Sections 8.1.17(J) and 8.4.29; Chapter 10 (Parking Regulations) Section 10.12(B)2-3;

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

Chapter 13 (Subdivision Regulations) Section 13.11(D)3(w) and 13.28.1; Chapter 15 (Water Supply Watershed

Regulations) Section 15.9.1(A)

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.

Scott Attorney by David Will

Signature of property owner or authorized representative

9/27/18

Date

OFFICE USE ONLY

OFFICE USE ONLY

OFFICE USE ONLY

Date Received: 9/27/18 Application Number: TA: 18-02 Fee: \$ _____

Received by Member of Staff: [Signature] Date of Payment: _____ Receipt Number: _____

(Initial)

☐ Copy of Plot Plan or Area Map

☐ Copy of Deed

☐ Notarized Authorization

☐ Payment of Fee

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



PROPOSED TEXT AMENDMENTS --- PUBLIC HEARING – October 2018

highlighted *italics*=additions; strikeouts=deletions

Chapter 2 ----

The list of terms defined in this Ordinance and shown in Table 2.7-1 is as follows:

(Note: an * means it is also on the Use Table in Chapter 7)

TABLE 2.7-1		
DEFINED TERMS		
Term	Use Table Subcategory*	Definition
Junkyard and Salvage Yard	Industrial / General Manufacturing	<i>An establishment, location or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard or salvage yard. The term "junkyard" shall include, any salvage yard, scrap yard, or related use, including any use involving the storage or disassembly of wrecked or non-functioning automobiles, trucks, or other vehicles; storage, baling or otherwise dealing in scrap metal, commercial/residential appliances, used plumbing fixtures and used brick, wood, or other building materials. Materials enclosed in closed buildings, solid waste containers or rolling stock are excluded. The use of more than five hundred (500) square feet of the area of any lot for the outdoor storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of two (2) or more automobiles, vehicles or machinery or parts thereof.</i>
Conference / Retreat / Event Center	Civic / Community Organizations	<i>A facility used for conferences, seminars, and events which may or may not offer accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities, and meeting room for those in attendance of an event at the facility.</i>



Chapter 6 ----

6.2.1

G. RMF RESIDENTIAL MULTI FAMILY

The purpose of this district is intended primarily as a residential district for the location of single family, two family and multifamily dwellings along with their customary accessory uses so as to establish areas where development patterns are somewhat denser than surrounding areas. In order to ensure that developments are well planned and compatible with adjoining residential uses, density levels of development in excess of six (6) **eight (8)** units per acre are allowed subject to the issuance of a ~~Conditional Use Permit (CUP) by the Board of Adjustment~~ **Conditional Use District (CD)**. This district should have access to public or community water and sewer utilities.

Chapter 7 -----

ALPHABETICAL LISTING OF USES ON THE USE TABLE 7.1-1

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	RL D	RS-20	RS-12	RS-8	RM F	TM U	OL C	O-1	OM	CB D	UM U	GP X	NB S	C-1	C-2	C-3	I-1	I-2	I-3	IU		
College / University		C	C	C						X	C		X				C	X	X						1.41
School, Vocation										Cs			Cs	Cs			Cs	Xs	Xs	Xs	Xs	Cs	Xs	8.4.18	1.47
Conference / Retreat / Event Center	Cs	Cs	Cs	Cs						X	X						X	X	X					8.4.29	1.4



Chapter 8 ----

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. 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. If the private residential quarter is in a detached structure, it shall be served by the same driveway accessing the principal structure.
- F. 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.



- G. If the private residential quarter is located in an accessory structure, said structure shall be located in the rear or side yard. 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.



- H. No more than one (1) private residential quarter per lot shall be allowed.
- I. A private residential quarter shall have at least two (2) off-street parking spaces.



J. A manufactured home is not allowed to be used as a private residential quarter.

8.4.29 CONFERENCE / RETREAT / EVENT CENTER

- A. The facility may only be used by organized groups for educational or recreational purposes.*
- B. All activities of the facility including the parking lot must meet the zoning district setbacks.*
- C. In the residential districts a minimum screening buffer of Type B is required.*

Chapter 10 ----

SECTION 10.12 PARKING AND STORAGE OF BOATS AND OF RECREATIONAL VEHICLES

- A. A recreational vehicle shall not be deemed a dwelling unit. A recreational vehicle, except in a camping and recreational vehicle park or on an approved space within a Manufactured Home Park shall not be used for living, sleeping or housekeeping purposes.
- B. The following provisions apply to all lots in a residential zoning district, except for lots over five (5) acres in size located in a R-1, R-2 and R-3 zoning district:
 - 1. No more than one (1) recreational vehicle (i.e., RV motor home, travel trailer) over eight (8) feet in height and no more than one (1) boat or trailer combination over eight (8) feet in height may be parked on a lot containing a principal single-family dwelling.
 - 2. Such recreational vehicle shall be parked behind the rear ~~front~~ building line of the principal building and shall be located no closer than **fifteen (15) feet from the property line in the side yard or** five (5) feet from any property **line**



in the rear yard and on a gravel or hard surface parking area. Recreational vehicles that do not belong to the property owner but to visiting guests may be parked beyond the front building line of the principal structure for a period not to exceed fourteen (14) consecutive days. No greater than three (3) such parking events may be allowed per calendar year on any lot. In no case shall the vehicle be parked in a manner that impairs motorists' vision. Otherwise, such vehicles shall be parked in an enclosed garage.

3. *Such boat or trailer combination shall be parked behind the rear building line of the principal building and shall be located no closer than five (5) feet from any property line.*

- C. For multifamily developments that have designated areas for the parking of boats or recreational vehicles, such areas shall be located outside of any required setback, buffer, or landscaped area.

Chapter 13 ----

SECTION 13.11 SUBMITTAL REQUIREMENTS FOR PRELIMINARY AND FINAL PLAT

D. The following procedures and requirements must be followed to get preliminary plat approval:

3.w. Interior Blocks

~~In cases where subdivisions create an interior block surrounded by roadways, streets, etc. the interior block shall have at least one (1) control monument and shall be tied to at least one (1) control monument outside of the interior block.~~ **Reserve**

SECTION 13.28 MONUMENTS REQUIRED

13.28.1 CONTROL CORNER **RESERVED**

~~In accordance with article 5A, chapter 39 of the North Carolina General Statutes, whenever a subdivider shall divide any parcel of real estate into lots and lay off streets, he shall cause at least two (2) or more corners of the development to be designated as a control corner and place at such control corner a permanent marker. The permanent marker shall be as prescribed in the G.S. 47-30 mapping requirements, as amended; standards of practice for land surveying in North Carolina, amended effective~~



~~February 1, 1996, or latest amendment, published by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, General Statutes of North Carolina chapter 89C, as amended, and the requirements of the Gaston County register of deeds shall apply to all surveys and maps.~~

Chapter 15 ----

SECTION 15.9.1 HIGH DENSITY DEVELOPMENT

- A. When new development exceeds the density / build-upon area, outlined in Section 15.5.2 for each respective watershed, the Watershed Review Board may approve high density development proposals (increase in density and/or built upon area), only when engineered storm water controls ~~devises~~ are used. Each engineered storm water control devise shall be designed and constructed to control runoff from the first inch of rainfall with development shall not to exceed limits for the below listed watershed designations:

Long Creek WS-II-BW (LCWSII-BW):30% built-upon area

Long Creek WS-II-CA (LCWSII-CA): 24% built-upon area

Indian Creek WS-II-BW (ICWSII-BW):30% built-upon area

Buffalo Creek WS-III-BW (BCWSII-BW):50% built-upon area

Mountain Island Lake WS-IV-CA (MILWSIV-CA):50% built-upon area

Mountain Island Lake WS-IV-PA (MILWSIV-PA):70% built-upon area

Catawba River WS-IV-CA (CRWSIV-CA):50% built-upon area

Catawba River WS-IV-PA (CRWSIV-PA):70% built-upon area

South Fork River WS-IV-CA (SFRWSIV-CA):50% built-upon area

South Fork River WS-IV-PA (SFRWSIV-PA):70% built-upon area.