



PROPOSED TEXT AMENDMENTS – PUBLIC HEARING – May 2019

Highlighted italics = additions; strikeouts = deletions

TABLE 2.7-1 DEFINED TERMS		
Term	Use Table Subcategory*	Definition
Subdivision, Major1		A Major Subdivision consisting up to two hundred fifty <i>(250) fifty (50) lots.</i>
Subdivision, Major2		A Major Subdivision consisting of more than two hundred fifty <i>(250) fifty (50) lots.</i>
Subdivision, Minor		A subdivision where (i) no new streets (public or private) are proposed; and (ii) where no more than five (5) <i>lots</i> will result after the subdivision is completed and (iii) where no extension of any sewer or water system is required.



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SECTION 13.2 ACTIVITIES THAT CONSTITUTE A SUBDIVISION

- A. For purposes of this Ordinance, “subdivision” means all division of a tract or parcel of land into two (2) or more lots, building sites, or the divisions when those divisions are created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following activities do not constitute a subdivision and are expressly exempt from the design and improvement standards of this Chapter:
1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown in this Ordinance;
 2. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
 3. The public acquisition by purchase of strips of land for the express purpose of widening or opening of streets;
 4. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the County as required by this Ordinance.
- B. However, all exempt subdivisions shall be approved via issuance of the following Exemption Certificate by the Administrator prior to the recording of same with Gaston County.

Exemption Certificate

I hereby certify that this subdivision of land is exempt in accordance with Chapter 13.2A(1,2,3,4) of the Gaston County Unified Development Ordinance, and may be recorded with the Gaston County Register of Deeds Office.

Administrator

Date

- C. *It is the County's intent to ensure that larger developments are not phased or*



subdivided into large adjoining parcels or tracts in order to comply with numerical requirements of this Ordinance. Two (2) or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development when they are determined to be part of a unified plan of development and are physically proximate to one another. The following factors will be considered to determine whether there is a unified plan of development:

1. There is unified ownership, indicated by the fact the same person has retained or shared control of the developments; the same person has ownership or a significant legal or equitable interest in the developments; or there is common management of the developments controlling the form of physical development or disposition of parcels of the development.
2. There is a reasonable closeness in time between the completion of eighty (80) percent or less of one (1) development and the submissions to the County of a master plan or series of plans or drawings for the other development that is indicative of a common development effort.
3. The voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments.
4. There is a common advertising scheme or promotional plan in effect for the developments.
5. Any information provided by the applicant that the project is not being phased or subdivided to avoid requirements of this Ordinance.



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Table 13.8-1 Subdivision Approval Procedures

	Description	Pre-Design Conference	Public Hearing	Preliminary Plat	Final Plat
Minor	<p>(1) no new streets (public or private) are proposed; and</p> <p>(2) where no more than five (5) lots will result after the subdivision is completed; and</p> <p>(3) where no extension of any sewer or water system is required.</p>	Recommended		Administrative Review	Administrative Review
Major1	<p>(1) new streets (public or private) are proposed; or</p> <p>(2) where more than five (5) lots up to two hundred fifty 250 fifty (50) lots will result after the subdivision is completed; or</p> <p>(3) where extension of any sewer or water system is required.</p>	Required	Not Required. Note: A notice shall be sent to the adjoining property owners by the County.	TRC Recommend, Planning Board Approval	Administrative Review
Major2	<p>(1) new streets (public or private) are proposed; and /or</p> <p>(2) where more than two hundred fifty 250 fifty (50) lots will result after the subdivision is completed; and/or</p> <p>(3) where extension of any sewer or water system is required.</p>	Required	Required – Recommend by Planning Board, Approval by Board of Commissioners	TRC Recommend, Planning Board Approval	Administrative Review



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5.16.1 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 5.11.2 (B) 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.
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 a CD district. Said fee shall be waived for any application submitted by any official or agency acting on behalf of the Gaston County or 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 may request additional information as they deem necessary.
4. The deadline for submittal shall be ~~ninety (90)~~ **forty five (45) 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 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. 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:

- a. The applicant shall provide an agenda, schedule, location, and list of participants such as landscape architects, engineers, etc. to answer questions from citizens and service providers for the PIMs in cooperation with the Administrator.
- b. It is recommended that the first PIM last 2-4 hours, depending on the nature of the proposed development and its location. A minimum of one (1) hour should be scheduled during normal business hours to allow service providers and other public agencies (such as public works officials, NCDOT, NCDENR, QNRC, etc) to participate as needed and to allow for citizens to drop in at a convenient time throughout the period. It is recommended (but not mandated) that this portion of the PIM take place at the proposed development site.

In addition, a second one (1) hour minimum PIM should be scheduled at a conveniently located meeting site agreed upon by the applicant and the Administrator.

A PIM may last for different amounts of time, depending on the nature of the development, its location, and the number of parties involved and/or attending the meeting.

- c. Notice of the PIM shall at a minimum, be given as follows:
 - i. A public notice shall be sent by the applicant to a newspaper having general circulation in the County not less than ten (10) days nor more than twenty-five (25) days prior to the date of the PIM.
 - ii. A notice shall be sent by first class mail by the applicant to the owners of all properties that lie within two hundred (200) feet as measured



from the exterior boundaries of the proposed development.

The applicant shall furnish the County with a list of the mailing labels that depict the names and addresses of the owners of all properties within the said two hundred (200) foot area. Such notice shall be sent not less than ten (10) days prior to the date of the PIM. The notification shall contain information regarding the PIM time and location(s) as well as a general description of the proposal.

- iii. With respect to Subsection ii above, the applicant shall provide to the County proof of the paper notice and mailings.
 - iv. A PIM notification sign shall be posted by County in a conspicuous place at the property not less 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. The Administrator will keep notes of comments received during the PIM. A summary of the comments made shall be included in any staff report prepared by the Administrator relative to the rezoning request.

2. Following the PIM, the applicant shall have the opportunity to make changes to the application to take into account information and comments received. One (1) or more revised copies of the application shall be submitted to the Administrator for review. No additional fee shall be required to be paid for making such changes provided the Administrator receives the revised application within ~~thirty~~ **(30) seven (7)** days following the PIM. If a revised application is not received during said ~~thirty~~ **(30) seven (7)** day period, the Administrator shall review the original application submitted.

C. Administrator Approval



The Administrator shall have up to ~~thirty (30)~~ **seven (7)** days following any revision of the application to make comments. If the Administrator forwards no comments to the applicant by the end of any such ~~thirty (30)~~ **seven (7)** day period, the application shall be submitted to the Planning Board for their review without any further comment.

D. Plans and Other Information to Accompany Petition

1. Every application for the rezoning of property to a CD district requires a site plan, drawn to scale containing all of the information outlined in Section 5.11.2(B) of this Ordinance.
2. Other information as required by the Administrator relative to the rezoning request.

E. Public 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 has been held by the Planning Board and the Board of Commissioners. Notification of the Public 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 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 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 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 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 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 notice shall state the nature of the public 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 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 requested

2. Any public hearing notice published or mailed shall state the nature of the public 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. Any such Planning Board recommendation shall be accompanied by statements 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 hearing has been held, the Board of Commission shall take action on the petition. The public hearing, once opened, can be continued to a later date and action take at that time. The Board of Commission shall have the authority to:

1. Approve the application as submitted.
2. Deny approval of the application
3. Approve the application with modifications that are mutually agreed to by the applicant and the Board of Commission.



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 Commission. If no report is issued, the governing board can take final action on the petition. The governing board reserves the right to schedule and advertise a new public hearing based on the Planning Board's report.

H. Conditions for Approval of Petition

In approving a petition for the reclassification of a property to a CD district, the Planning Board may recommend, and the Board of Commission 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 Commission. 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 or parallel conditional use zoning district. 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, and (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

I. Effect of Approval; Zoning Map Designation

If a petition for a CD district is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's zoning classification, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the Zoning Map. Following the approval of the petition for a CD district, the subject property shall be identified on the Zoning Map by the



appropriate district designation preceded by the letters CD (i.e., CD-R-1.) The Administrator may make minor changes (per Section 5.16.4(l)(2) to the approved site plan administratively without necessitating a need to rezone the property to a different conditional district classification.

J. Application Submission Period

Any completed application submitted shall be heard by the appropriate Board for approval within one hundred-eighty (180) days from the date of submittal. After the expiration of an application, a new application may be submitted following the current regulations in place at the time of the new application submittal.

SECTION 5.17 CHANGES TO THE ORDINANCE TEXT

5.17.1 AUTHORITY

Upon compliance with the provisions of this Chapter, the Board of Commission shall have the authority to amend the text of this Ordinance.

5.17.2 INITIATION OF A TEXT AMENDMENT

Any proposed amendment to the text of this Ordinance may be initiated by the governing board, Planning Board, by any owner of a legal or equitable interest in a piece of property located within the geographical boundaries of this Ordinance, by a local government agency, or by any other person in accordance with the procedures set forth herein.

5.17.3 FILING OF PETITIONS; DETERMINATION OF COMPLETENESS

Any petition to amend the text of this Ordinance shall be made using an application form prescribed by the Administrator and accompanied by a fee in accordance with a fee schedule adopted by the Board of Commission. Said application form, signed by the applicant and accompanied by the requisite fee shall be filed with the Administrator. Said application fee shall be waived for any petition submitted by any official or agency acting on behalf of the Gaston County or the State of North Carolina. No application shall otherwise be considered complete unless accompanied at the time of submittal by said fee. The completed application shall contain, among other things, a reference to the specific section, subsection, paragraph or item proposed for change, as well as the wording of the proposed change, and the reasons therefore.



5.17.4 SUBMITTAL AND NOTIFICATION REQUIREMENTS

- A. In order for an amendment to the text of this Ordinance 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 held by the Planning Board and the Board of Commissioners. Any complete application shall be submitted to the Administrator at least twenty-eight (28) working days prior to the public hearing. Notification of the public hearing shall be published in a newspaper having general circulation in Gaston County once a week, for two 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 hearing.
- B. Any public hearing notice published shall state the nature of the public hearing(s), the date, time, and place at which the hearing(s) is to occur, and who to call and/or see for more information.

5.17.5 PLANNING BOARD ACTION

- A. Once the joint Planning Board / Board of Commission public hearing has been concluded, the Planning Board shall have thirty (30) days from the date the public hearing was completed to make a written recommendation to the Board of Commissioners. If a recommendation is not made during said time period, the application shall be forwarded to the governing board without a recommendation from the Planning Board. Statements that: (i) analyze whether the amendment is consistent with an adopted comprehensive plan and any other officially adopted plan, 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 shall be prepared and accompany each recommendation relative to the text amendment request.
- B. A Planning Board recommendation shall be in one of the following manners:
 - 1. Grant the amendment as requested; or
 - 2. Grant the amendment with changes as (recommended) (made); or
 - 3. Reject the amendment.



5.17.6 Governing Board Action

Once the joint public hearing has been conducted and (i) the Planning Board has submitted its recommendation or (ii) the thirty (30) day Planning Board 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 Section 5.17.5 above. Statements that: (i) analyze whether the amendment is consistent with an adopted comprehensive plan and any other officially adopted plan, and (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 text amendment request. Furthermore, the Board of Commissioners shall have the authority to make additional amendments to the text change request, based on the proceedings of the public hearing so long as such changes are in keeping with the spirit and intent of the originally requested amendment. 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 more than one (1) time for any text amendment 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 of re-referral by the Board of Commissioners) to resubmit a recommendation to the Board of Commissioners.



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8.2.14.1 CAMPING AND RECREATIONAL VEHICLE PARK

- A. All spaces for camping and recreational vehicles shall be located at least one-hundred (100) linear feet from any adjoining lot line. *Where the lot line adjoins a public road right-of-way or street, the spaces shall be located at least fifty (50) linear feet from the property line.*
- B. Notwithstanding any other screening requirements, the campground shall be sufficiently wooded to provide an opaque natural buffer between the campground, all adjacent lots, and all adjacent public roads at the time a certificate of occupancy is issued for the use.
- C. Accessory uses, limited to usage by campground patrons, may include laundry facilities and the selling of convenience items (snacks, beverages, etc.).