

Motion: Sain Second: Hollar Vote: Unanimous
Aye: Attaway, Barber, Hurst, Harris, Hollar, Horne, Sain, Vinson
Nay: None
Absent: Ally, Houchard
Abstain: None

A=AYE. N=NAY. AB=ABSENT. ABS=ABSTAIN. U=UNANIMOUS

NOW, THEREFORE, BE IT RESOLVED that after consideration of the proposed amendments, public hearing comment and Planning Board recommendation, the Commission considers this action to be reasonable and in the public interest and finds the proposed amendment to be consistent with the Comprehensive Land Use Plan. The proposed text amendment is intended to create the family exemption provision of the subdivision regulations of the UDO. These amendments will help ensure that a road maintenance agreement is in place for such subdivided property and will enable each lot to be served by an all-weather road. The family exemption provision will enable some property to be subdivided that ordinarily could not be subdivided.

The Commission hereby approves the amendments to UDO Chapter 5 (Permit and Modification Procedures): Section 5.16.6(B); Chapter 13 (Subdivision Regulations): Sections 13.2(A)(5), 13.15.3(D), effective with the passage of this Resolution.

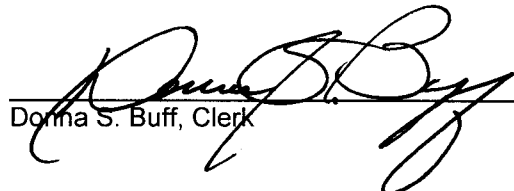
The County Manager is authorized to make necessary notifications in this matter to appropriate parties.



Tracy L. Philbeck, 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 Amendment: ZTA20-01, Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO) Chapters 5, and 13 (*Attached*), as adopted by the Board of Commissioners on January 28, 2020 and is to be set forth in the Gaston County Unified Development Ordinance (UDO) upon adoption.



Donna S. Buff, Clerk





(Chapter 5 – Permit and Modification Procedures)

SECTION 5.16.6 PROCEDURES

Procedures for application submittal are as follows:

- 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.

(Chapter 13 – Subdivision Regulations)

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.
 - 5. The division of land solely among members of the same family, as defined in Chapter 2 of this Ordinance under the term family member, by any method of transfer. Lots subdivided under this family exemption shall comply with Section 13.15.3(D).



13.15.3 LOTS TO ABUT A PUBLIC STREET

Each lot shall have frontage on a public street and meet the requirements of Section 9.5, with the following exceptions:

- A. Existing lots meeting the requirements set forth in Section 3.5.7; or
- B. Lots fronting on a private road meeting the requirements set forth in 13.15.2; or
- C. Proposed lots for use by single-family dwellings and individual manufactured homes that do not have frontage on a public street may be approved by the Administrator after determining the following:
 - 1. Each such resultant lot is a minimum of three (3) acres in size, outside all easements and / or right-of-ways; and
 - 2. Not more than three (3) lots served by an easement have been created out of said parent tract.
 - 3. Each such lot is provided with access to a public street by means of a recorded twenty (20) foot wide access easement; and
 - 4. Each such resultant lot is served, at a minimum, by an all weather road; defined as: a well drained travel surface composed of gravel, crusher run, or other similar material, having a center crown to prevent ponding of water on the travel surface, and have a minimum twelve (12) foot travel surface and shall be built in accordance with Figure 13.15.3-1.
- D. Lots created as the result of a family exemption and which meet the following criteria:
 - 1. Each resultant lot must be a minimum of one (1) acre in size; and,
 - 2. Not more than five (5) lots may be created out of parent tract and served by an easement, with any subsequent lots to be approved by the Planning Board as a special exception; and,
 - 3. A road maintenance agreement must be recorded with the deed or plat; and
 - 4. Each resultant lot is served, at a minimum, by an all weather road; defined as: a well drained travel surface composed of gravel, crusher run, or other similar material, having a center crown to prevent ponding of water on the travel surface, and have a minimum twelve (12) foot travel surface and shall be built in accordance with the Figure 13.15.3-1.
 - 5. Yearly inspections shall be made by Planning staff to ensure regulations have been met.



Gaston County

Gaston County
Board of Commissioners
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Planning Board Action

File #: 19-546

Commissioner Philbeck - Planning & Development Services - Zoning Text Amendment: ZTA20-01, Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 5 (Permit and Modification Procedures): Section 5.16.6(B); Chapter 13 (Subdivision Regulations): Sections 13.2(A)(5), 13.15.3(D)

STAFF CONTACT

David L. Williams - Planning Director - 704-866-3473

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 Commission, to consider text amendments to Application Number ZTA20-01 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): Section 5.16.6(B); Chapter 13 (Subdivision Regulations): Sections 13.2(A)(5), 13.15.3(D). A joint public hearing was advertised and held on January 28, 2020 with the Public Hearing comments being on file in the Board of Commission Clerk's Office. Planning Board recommendation was provided on the same date, 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 reflect minor modifications to the Conditional District (CD) submittal procedure and modifications to the Subdivision Regulations to include family exemptions. The Planning Board reviewed the amendments at its last regular Planning Board meeting (12/10/2019) and unanimously recommended to move them to the public hearing process.

ATTACHMENTS

Resolution - ZTA20-01; Zoning Text Amendments - ZTA20-01

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	CBrown	JBrown	AFraley	BHovis	TKelcher	TRhillbeck	RWarley	Vote
2020-034	01/28/2020	TK	BH	A	A	A	A	A	A	A	U

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