



RESOLUTION TITLE: ZONING TEXT AMENDMENTS: TO REPEAL AND REPLACE THE GASTON COUNTY UNIFIED DEVELOPMENT ORDINANCE IN ITS ENTIRETY, TO INCORPORATE ALL NECESSARY MODIFICATIONS IN ORDER TO: 1) BRING THE ORDINANCE INTO COMPLIANCE WITH NORTH CAROLINA GENERAL STATUTE 160D; 2) MAKE MINOR MODIFICATIONS TO EXISTING CHAPTERS AND TEXT; 3) MAKE MODIFICATIONS TO CHAPTER 14 (MANUFACTURED HOME PARK) IN ORDER TO UPDATE STANDARDS; AND, 4) TO INCORPORATE MINING OPERATIONS AS A USE WITH SUPPLEMENTAL REGULATIONS

- WHEREAS, the Gaston County Board of Commissioners adopted a zoning ordinance on April 24, 2008, (Resolution 2008-096); and,
- WHEREAS, the State of North Carolina has granted counties general ordinance-making authority in North Carolina Gen. Stat. §153A-121; and,
- WHEREAS, Gaston County has undertaken a significant rewrite of the zoning ordinance in accordance with North Carolina Gen. Stat. §160D; and,
- WHEREAS, a public hearing was held on September 28, 2021 by the Gaston County Board of Commissioners, to receive citizen comment on the proposed amendments (comments are on file in the Office of the Clerk to the Board of Commissioners as part of the minutes of the meetings); and,
- WHEREAS, the North Carolina General Assembly has modified portions of Chapters 153A (Counties), and 160A (Cities and Towns) of the North Carolina General Statutes into a new Chapter 160D, entitled "Local Planning and Development Regulation;" and,
- WHEREAS, citations to Chapters 153A and 160A of the North Carolina General Statutes contained in the Gaston County Unified Development Ordinance must be updated to reflect the relevant portions of the new Chapter 160D; and,
- WHEREAS, numerous technical errors and omissions were identified and amended as part of Gaston County staff's review of the Ordinance; and,
- WHEREAS, County staff also incorporated changes to Chapter 14 (Manufactured Home Park); while also adding a section on mining operations as a use with supplemental regulations in Chapter 8 (Sec.8.3.21); and,

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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:

Zoning Text Amendments: To Repeal and Replace the Gaston County Unified Development Ordinance in its Entirety, to Incorporate All Necessary Modifications in Order to: 1) Bring the Ordinance into Compliance with North Carolina General Statute 160D; 2) Make Minor Modifications to Existing Chapters and Text; 3) Make Modifications to Chapter 14 (Manufactured Home Park) in Order to Update Standards; and, 4) to Incorporate Mining Operations as a Use with Supplemental Regulations

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WHEREAS, at its Special Meeting on September 21, 2021, the Gaston County Planning Board recommended approval of the Zoning Text Amendments and the recommendation to repeal and replace the Gaston County Unified Development Ordinance in its entirety, in order to incorporate the necessary modifications to bring the ordinance into compliance with North Carolina General Statute 160D; to make modifications to existing chapters and text; to make modifications to Chapter 14 (Manufactured Home Park) in order to update standards; and, to incorporate mining operations as a use with supplemental regulations, based on: staff recommendation. The Planning Board finds the request is reasonable and in the public interest and is in accordance with the County's Comprehensive Land Use Plan. The proposed zoning text amendments, as presented, are consistent with staff recommendation, the Comprehensive Land Use Plan, and in compliance with North Carolina State laws, specifically NCGS 160D.

Motion: Hurst

Second: Fallon

Vote: Unanimous

Aye: Ally, Brooks, Fallon, Hurst, Harris, Hollar, Horne

Nay: None

Absent: Houchard, Vinson

Abstain: None

NOW, THEREFORE, BE IT RESOLVED that after consideration of the proposed amendments to the Unified Development Ordinance, as filed with the Clerk to the Board, public hearing comment and any written comment received prior to the hearing, and recommendations from both County staff and the Gaston County Planning Board, the Gaston County Board of Commissioners considers this action to be **(reasonable and in the public interest)** or **(not reasonable and not in the public interest)** and finds the proposed amendments to be **(consistent)** or **(not consistent)** with the Comprehensive Land Use Plan.

BE IT FURTHER RESOLVED that the Gaston County Board of Commissioners **(approves)** or **(disapproves)** the recommended amendments to the Unified Development Ordinance and hereby adopts the amended Ordinance, in its entirety, effective with the passage of this Resolution.

BE IT FURTHER RESOLVED the Gaston County Board of Commissioners hereby repeals Resolution 2008-098, effective with the passage of this Resolution.

BE IT FURTHER RESOLVED that the County Manager is authorized to notify any and all necessary parties about this Resolution and changes resulting therefrom.