

# US 441 GATEWAY DISTRICT PLANNING COUNCIL

## MINUTES

<b>Date:</b> July 7, 2021					
<b>Time Begin</b> 6:00 pm					
<b>Time End:</b> 6:40 pm					
<b>Location:</b> Remote					
Members	Present	Absent	Members	Present	Absent
Dora Robinson	X		Kathy Davis	X	
Myra Cloer	X		Vacant		
Debby Cowan	X		Vacant		
Susan Kinsland	X				

### Staff Present:

Michael Poston, Planning Director

### Call to Order and Quorum Check:

Chairman Debby Cowan called the meeting to order at 6:00 p.m. and a quorum present.

### Approval of the Agenda:

Debby Cowan made a motion to approve the agenda as written. Dora Robinson seconded the motion, and it passed unanimously.

### Approval of Minutes:

Dora Robinson made a motion to approve the minutes from July 30, 2020. Susan Kinsland seconded the motion, and it passed unanimously.

### Public Comment: (3 minutes)

There was no public comment.

### New Business

- a) **Call for a public hearing for text amendment to the Unified Development Ordinance regarding NC. G.S. Chapter 160D and other associated amendments to the UDO including Article IX and discuss July meeting date**

Mr. Poston stated the State of North Carolina has passed Chapter 160D legislation that empowers cities and counties to enact zoning and development regulations. These regulations and enabling statutes were located in two sections and were modernized into one document. Staff has changed statutory reference in the Unified Development Ordinance (UDO) from 153 to 160D. In addition, Mr. Poston presented the following changes (red font) made to the UDO and other associated amendments for the Council to consider:

- Section 1.14 Vested Rights and Permit Choice (b) If an Ordinance regulation changes after an application is submitted, the applicant may choose the version of the rule that applies. If the applicant delays the application process for six months, the applicant will have to comply with the new rules pursuant to NCGS 143-755 and NCGS 160D-108.
- Section 3.7.15 Special Use Permit (d) Special Use Permit Procedure (ii) Application Submittal and Acceptance 5. Upon review of an application and site plan for a special use permit, the Director will determine that the application is one of the following
  - a) Complete. If the Planning Director finds the application and site plan to be in compliance with the requirements of this Ordinance, they shall forward the their report and the special use permit application and site plan to the appropriate Community Planning Council for review and final action (Section 3.7.15 (v)), Community Planning Council Review and Decision). If the



application is for a Wireless Communications facilities permit, the permit application shall be forwarded to the Board of Commissioners (Section 3.7.15 (vii)), Board of Commissioners Review and Decision).

b) Complete with Recommended Conditions. If the Planning Director has recommendations on the application, the recommendations shall be forwarded to the Community Council with the staff report, the special use permit application and site plan shall be forwarded to the Community Planning Council or Board of Commissioners for review and final action.

c) Incomplete or Fails to meet ordinance standards. If the application is incomplete or fails to meet the ordinance standards, the Planning Director shall provide, in writing, the reasons for the determination to the applicant. The special use permit may be revised to address the deficiencies and resubmitted in accordance with the provisions of this ordinance. The decision of the Planning Director shall be considered final action on the request unless, within 30 days of receiving the written determination, the applicant provides a written request for review by the appropriate Community Planning Council or the Board of Commissioners.

In addition, Mr. Poston stated staff would like the Council to consider in Section 9.5.5 Character Areas removing the existing graphics/illustrations of each district with the permitted uses as it is difficult for staff to edit and amend when text changes are proposed. He stated staff has consolidated all of the existing language for each graphic of all zoning districts into Table 9.5.1 and 9.5.4. He stated while staff transferred the information from the graphics to a table noticed that some changes the Council had made were not incorporated into the graphics. Staff has added amendments made by the Council that were adopted by the Board of Commissioners that were not incorporated when developing the UDO.

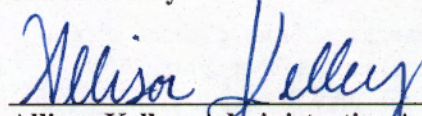
In addition, at the last Council meeting they discussed adding single-family attached dwelling units to the Rural Living (RL) District permitted use table, which staff has added into the ordinance. Staff recommends the Council to consider making agricultural activities a permitted use in all districts as counties have to abide state law that requires bona fide farms are exempt from all zoning regulations. Mr. Poston stated staff added other cleanup items in the ordinance regarding greenway and pedestrian pathways, as there is no reason to restrict these uses to only recreational properties. In addition, he asked the Council to review the proposed text amendments and to call for a public hearing regarding these changes.

*Dora Robinson made a motion to call for a public hearing on Tuesday, August 10, 2021 at 6:00 p.m. with the location to be determined. Susan Kinsland seconded the motion, and it passed unanimously.*

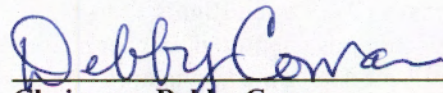
**Adjournment:**

With no further business, Chair Debby Cowan made a motion to adjourn and the meeting adjourned at 6:40 p.m.

**Submitted By:**

  
Allison Kelley, Administrative Assistant

**Approved By:**

  
Chairman, Debby Cowan