



## ORDINANCE NO. 5-2022

### **AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP of the CITY OF LOWELL DEVELOPMENT ORDINANCE TO APPROVE A CONDITIONAL REZONING of PARCEL ID#'s: 136564, 210660 AND A PORTION OF 135144, 202166 AND 202774 from SINGLE-FAMILY RESIDENTIAL-3 (SFR-3) to SINGLE-FAMILY RESIDENTIAL-4 CONDITIONAL ZONING DISTRICT (SFR-4 (CZ-2022-03)).**

**WHEREAS**, on May 11, 2021 the Lowell City Council adopted the Lowell Development Ordinance, also known as the LDO, and the City of Lowell Zoning Map to promote the health, safety, and general welfare of the residents of the City of Lowell by regulating the use of buildings and land, land development, planned developments, manufactured housing, development of subdivisions, signs off-street parking and loading, planting yards, watershed protection, flood damage protection, and/or undertaking other consistent action as provided in the Ordinance; and,

**WHEREAS**, Article 5 of the LDO allows the Lowell City Council to amend, supplement, modify, or repeal any provision of the Ordinance or to amend the Zoning Map pursuant to the procedures established by N.C. Gen. Stat. §160D-601 through §160D-605 and upon a finding of compliance with the City of Lowell Comprehensive Land Use Plan; and

**WHEREAS**, on August 2, 2022, the Lowell Planning Board unanimously voted to approve a Zoning Map Amendment providing for a conditional rezoning of Parcel ID#'s: 136564, 210660 and a portion of 135144, 202166 AND 202774 from Single-Family Residential-3 (SFR-3) to Single-Family Residential - 4 Conditional Zoning District (SFR-4 (CZ-2022-03)); and ;

**WHEREAS**, the Lowell City Council, after conducting a public hearing which was duly advertised as provided by the foregoing statutes, has found this Amendment to the City of Lowell Zoning Map be in the public interest, in furtherance of the general purpose and objectives of the LDO, and in compliance with the City of Lowell Comprehensive Land Use Plan;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Lowell, North Carolina that the Official Zoning Map of the Lowell Development Ordinance be amended as follows:

#### **Part 1. Consistency with Adopted Comprehensive Plan.**

The City Council finds that the zoning map amendment to the property of BELMONT LAND & INVESTMENT CO, being the owners of the certain land areas hereinafter described as Gaston County Tax Parcels 136564, 210660 and a portion of 135144, 202166 and 202774 and illustrated in Attachment "A" attached hereto establishing a zoning designation in accordance with G.S. 160D-604(a) of "Single Family Residential 4 District Conditional Zoning" (SFR-4/CZ) with the conditions attached hereto in Attachment "B" is consistent with the City's 2040 Comprehensive Land Use Plan (the Plan) in the vicinity as appearing on the Future Land Use Map, as required by G.S. 160D-605(a).

**Part 2. Statement of Reasonableness.**

This amendment is reasonable because the subject property allows for the growth and expansion of neighborhoods supporting the local economic base of the City while improving access to quality open spaces and environmental amenities to improve the quality of life for Lowell residents.

**Part 3. Designation of Zoning Designation.**

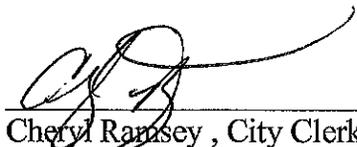
That Gaston County Tax Parcels 136564, 210660 and a portion of 135144, 202166 and 202774, as shown in Attachment "A" attached hereto shall be designated "Single Family Residential 4 District Conditional Zoning" (SFR-4/CZ), Ord# 5-2022) on the Official Zoning Map, all provisions of which shall hereafter be applicable to the subject land areas. Furthermore, the Future Land Use Map of the City of Lowell shall simultaneously be amended to reflect the aforementioned zoning designation.

**Part 4. Effective Date.**

This Ordinance shall be effective immediately upon its adoption

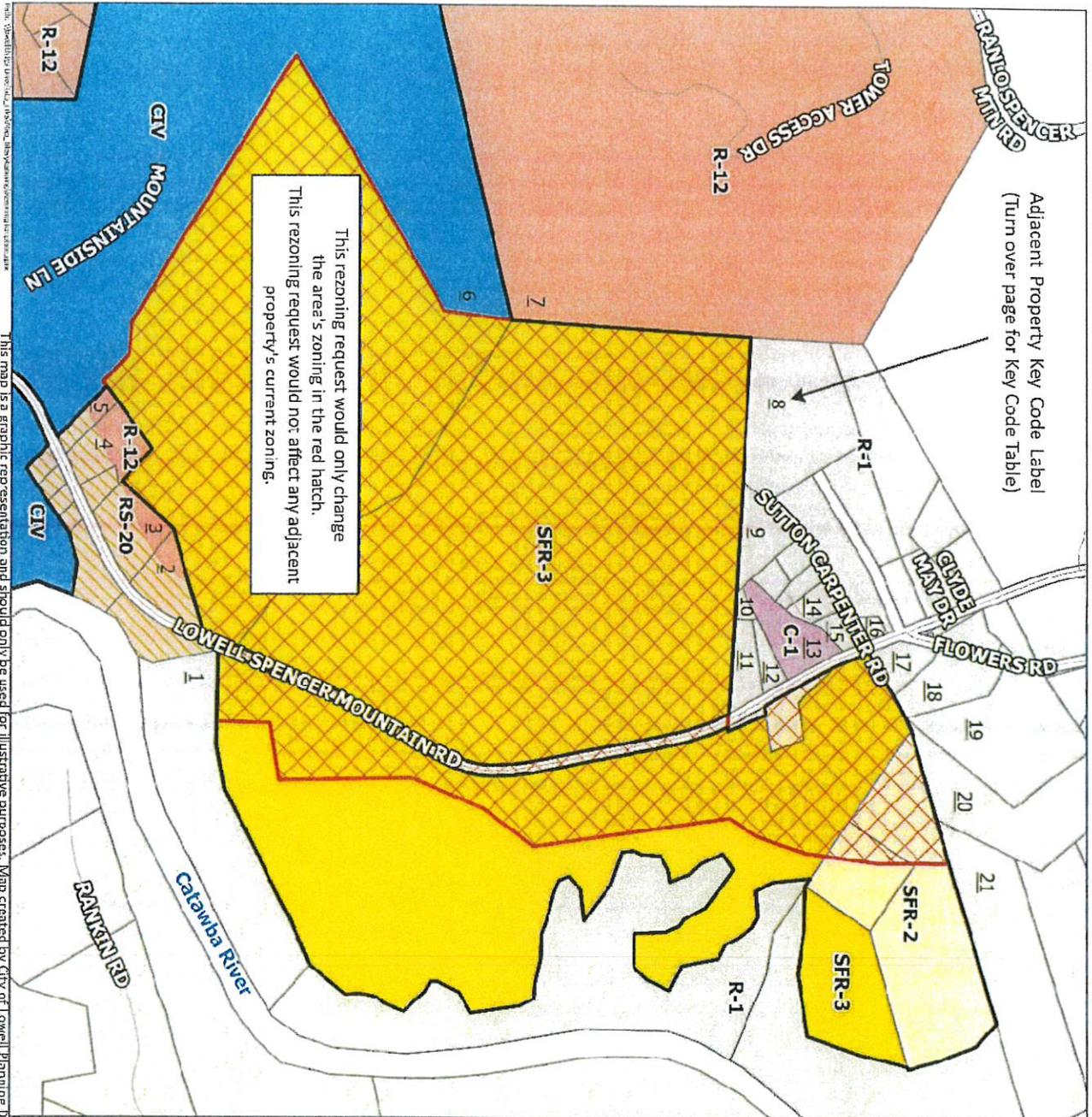
PASSED AND APPROVED this 13<sup>th</sup> day of September, 2022.

ATTEST:

  
\_\_\_\_\_  
Cheryl Ramsey, City Clerk

[SEAL]

  
\_\_\_\_\_  
Sandy Railey, Mayor



Adjacent Property Key Code Label  
(Turn over page for Key Code Table)

This rezoning request would only change the area's zoning in the red hatch. This rezoning request would not affect any adjacent property's current zoning.

**City of Lowell Planning  
REZONING REQUEST  
#RZ22-03**

Applicant: The PulteGroup  
Owner: Belmont Land Investment Co.

Request: SFR-2 to SFR-4 (CZ)  
SFR-3 to SFR-4 (CZ)

Subject Area Size: 226.29 Acres  
Parcel ID #: 136564, 202160, and portions of 135144, 202166, and 20274

- Subject Area
- Lowell City Limits
- Parcels

Lowell Zoning Districts

- Single-Family Residential (SFR-2)
- Single-Family Residential (SFR-3)
- Civic (CIV)

Gaston County Zoning

- C-1
- R-1
- R-12

Ratio Zoning

- RS-20

Streets

N  
0 250 500 Feet

This map is a graphic representation and should only be used for illustrative purposes. Map created by City of Lowell Planning Department with data provided by Gaston County GIS.

## Attachment "B"

### 1. General Provisions:

**a. Site Location.** These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Pulte ("Petitioner") to accommodate the development of up to four hundred and twenty-two (422) single-family detached dwelling units as generally depicted on the Rezoning Plan. The proposed development will be on an approximately 226.29 acre site located on Spencer Mountain Road (the "Site").

**b. Zoning Districts/Ordinance.** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the Lowell Land Development Code (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the SFR-4 zoning classification shall govern.

**c. Graphics and Alterations.** The schematic depictions lots, sidewalks, structures and buildings, building elevations, driveways, streets and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 5.4-3(F) of the Ordinance. Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed per the Ordinance. These instances would include changes to graphics if they are minor and don't materially change the overall design intent depicted on the Rezoning Plan. The Planning Director will determine if such minor modifications are allowed and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the Ordinance; in

each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.

### 2. Permitted Uses & Development Areas:

**a.** The Site may be developed with up to four hundred twenty-two (422) single-family detached dwelling units to the west side of the ultimate drainage line. The ultimate drainage line location will be determined as part of the overall grading plan during the land development process.

### 3. Transportation and Connectivity:

**a.** A Transportation Impact Analysis shall be provided if required by Ordinance. Any required improvements to Lowell Spencer Mountain Road shall be as required by NCDOT.

**b.** In the event a direct connection is provided from Phase 4 to Lowell Spencer Mountain Road, Creek Crossing B may be eliminated.

**c.** The Petitioner shall improve Lowell Spencer Mountain Road to the Rural Cross Section per the most recently adopted version of the North Carolina Complete Streets Planning and Design Guidelines subject to the recommendations of the Traffic Impact Analysis and NCDOT approval.

### 4. Architectural Standards:

**a.** The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, cementitious fiber shake, stucco, decorative block and/or wood.

**b.** Vinyl or Aluminum shall not be used as a primary siding material however it may be used on windows, soffits, fascia and/or similar roof overhang elements, handrails/railings, and/or other miscellaneous trim elements.

**c.** The proposed roofing materials will be architectural shingles, slate, tile and/or metal.

- d. All residential units shall include the following garage door treatments:
  - i. wall sconce lighting on at least one side of the garage door or one large wall sconce above the garage door,
  - ii. windows and/or a vent detail above the garage door,
  - iv. a minimum of two siding materials on the façade, and
  - vi. windows

#### **5. Environmental Features and Open Space:**

- a. The Site shall comply with the minimum Stormwater and Water Quality requirements as set forth in the Land Development Ordinance and municipal code.
- b. The location of the proposed stormwater areas are conceptual in nature and the exact size and location of these areas are subject to change depending upon final layout, product allocation, and/or other site plan elements. The overall layout and unit count may be altered as a result of final stormwater locations.
- c. The Petitioner shall implement the following design and post construction stormwater containment measures subject to the provisions set forth herein and subject to approval by Gaston County:
  - i. 200 or 100-year floodplain (whichever is greater) buffer on surface waters.
  - ii. A maximum built upon area (BUA) under 10% in the Protected Watershed.
  - iii. In areas where the BUA is greater than 10%, Stormwater Control Measures (SCMs) capable of treating the greater 1.5" or the difference in stormwater runoff from pre-development and post development conditions for the one-year, twenty-four-hour storm.
  - iv. SCMs capable of limiting peak flow from the site at each point of discharge to the predevelopment conditions for the 1 and 10 years, twenty-four-hour storm events
  - v. A total phosphorus (TP) removal rate of at least 70% for all SCM(s) used.
  - vi. SCMs capable of conveying the 25-year design storm.
  - vii. SCM Operation and Maintenance Agreements and Plans should be clearly explained to the responsible party.
  - viii. To the greatest extent possible, BUA and runoff should be minimized through site design and Low Impact Development (LID) measures such as downspout disconnection, permeable pavements, green roofs, planter boxes, etc.
- d. The Petitioner shall implement the following active construction measures subject to the provisions set forth herein and subject to approval by Gaston County:
  - i. The use of high hazard or double row silt fencing along surface water bodies.
  - ii. Stop valves and additional filtration at the outlet discharges.
  - iii. Retention basins capable of conveying the 25-year storm with an outfall sized to maximize drawdown time.
  - iv. Installation of temporary seeding and slope drains within 7 days after grading.
  - v. Installation of natural fiber matting on slopes greater than 10'.
  - vi. Third party sediment and erosion control monitoring of the site.
  - vii. Implementation of devices downstream to numerically monitor turbidity during construction and provide alerts to regulators and site operators when turbidity levels exceed action levels.
  - viii. Additional measures such as polyacrylamides, proposed by the designers and owners.
  - ix. Bathymetric survey and core samples of any downstream coves before and after construction to document off-site sedimentation.
- e. The developer shall adhere to the LDO and only plant native plant materials on the Site.
- f. A minimum of two (2) ten (10) foot wide access easements shall be provided as follows:

i. One shall be located between lots on Road I or Road J.

ii. One shall be located along Spencer Lowell Mountain Road.

The exact location of the access easements shall be determined during the permitting process. It is understood the easements may be used to provide access to future amenities to be provided by others.

g. The Petitioner shall provide a minimum twenty (20) foot buffer behind the lots west of the drainage divide line. Such buffers shall be maintained by the homeowner's association. Land disturbance is permitted within the buffer during development of the site.

**6. Miscellaneous Provisions**

a. The Petitioner shall provide a minimum of three license plate readers to be operated for a minimum of five years unless otherwise agreed to by the City Manager. The license plate readers shall be installed at the primary entrance for each phase prior to the last certificate of occupancy for the respective phase.

**7. Amendments to the Rezoning Plan:**

a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable portion of the Site affected by such amendment in accordance with the provisions of the Ordinance.

**8. Binding Effect of the Rezoning Application:**

a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and insure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.

