



GASTON COUNTY UDO- FREQUENTLY ASKED QUESTIONS

Q1. Who will be in charge of administering this Ordinance? Who do I contact if I have questions regarding the UDO?

- A. The UDO will be administered by the Gaston County Planning and Development Services Department. Once adopted, the text of the Ordinance will be placed on the County's website www.co.gaston.nc.us . You can also call 704-866-3075 for more information on the UDO.

Q2. How will my property be zoned once the UDO is adopted?

- A. All of the County's planning jurisdiction will be divided into a series of "general" zoning districts. These districts are classified into one of four categories: residential, commercial, industrial, and office. Examples include R-1 (a residential zoning district), I-1 (an industrial zoning district), UMU (an urban mixed-use commercial zoning district), etc. Numerous "uses by right" are included in each district as well as other uses that are subject to the issuance of a conditional use permit by the Board of Adjustment.

In addition, many, but not all, parcels will be located in one or more overlay zoning districts (e.g., CH Corridor Highway, FH Flood Hazard, USO Urban Standards Overlay District, etc.). Overlay district boundaries will be drawn over defined geographic areas that have features that relate to the particular overlay district, irrespective of the underlying general zoning. For instance, only parcels that are in a designated flood hazard area will be in the FH Flood Hazard Overlay District. Parcels contained in an overlay district will be subject to the general and overlay district regulations.

Q3. What can I put on my piece of property?

The list of all permitted uses (i.e., uses by right), conditional uses and existing uses is shown on **Table 7.1-1**. Permitted uses are designated on the table with an "X" and means that if you meet all other applicable requirements of the UDO, the Administrator will issue you a zoning permit. Conditional uses are denoted with a "C" and means that in order for a zoning permit to be issued, the Board of Adjustment must first hold a public hearing and, based on testimony presented, determine whether a conditional use permit should be issued. Manufactured Home Parks are designated with an "E", meaning that it is an existing use and subject to the regulations contained in **Section 8.1.8**. Special Exceptions are denoted with a "SP" and means in order for a



zoning permit to be issued, the Board of Adjustment must first hold a public hearing and determine whether the Special Exception should be issued.

Supplemental conditions or performance criteria may apply to certain uses in certain zoning districts. References to those conditions are shown on **Table 7.1-1**.

Q4. What if I disagree with the decision made by the Administrator? What are my rights?

- A. Any decision made by the Administrator may be appealed to the appropriate board. Refer to **Table 4.1-1** for details. In making their decision, the appropriate board has the ability to uphold, modify or overturn the Administrator's decision.

Q5. Can I petition to get my property rezoned?

- A. Yes, the property owner can petition to have his/her property rezoned in one of three ways. First, a petition can be made to rezone his/her property to a general zoning district. Thus, if your property were zoned, R-1, upon adoption of the UDO, the property owner could petition to have his/her property rezoned to another general zoning district (C-1, for instance). That petition would be submitted to the Administrator, reviewed by the Planning Board and a decision made by the Board of Commissioners upon completion of a public hearing. If the rezoning were approved, any use by right in the general district approved could be developed by the property owner. The Board of Commissioners has the option of approving or denying the request, or rezoning the property to a more restrictive zoning district than requested. Refer to **Section 5.16** for more information on this process.

Alternatively, the property owner could request to be rezoned to a Parallel Conditional Use zoning district (i.e., CU C-1). For the rezoning to be approved, the Board of Commissioners (following a recommendation from the Planning Board) must approve the rezoning and issue a Parallel Conditional Use Permit (PCUP). The PCUP will contain mutually agreed upon conditions relative to the approved rezoning. Once approved, the property owner can only develop the property in accordance with the PCUP. The Board of Commissioners public hearing must be conducted in a quasi-judicial format (i.e., testimony given and the final decision made based on such testimony.) Refer to **Section 5.16** for more information on this process.

The third way to get property rezoned is to request a Conditional Zoning District (CD) (refer to **Section 5.16**). Such rezoning, if approved by the Board of Commissioners, would also subject the property owner to mutually agreeable development restrictions as cited above for CD rezoning. Moreover, such public hearing is held in a legislative capacity. Finally, for



Conditional Zoning, a Public Information Meeting (PIM) with abutting and nearby property owners must be held prior to the public hearing.

Q6. How do I get my property subdivided?

- A. **Chapter 13** deals with property subdivision. There are two different types of subdivisions: minor and major. Minor subdivisions involve five or fewer lots, no new streets and no new public utilities. They can be approved by the Administrator. All other subdivisions are considered major subdivisions. They must first be reviewed by a Technical Review Committee (TRC) and make recommendations. The Gaston County Planning Board makes preliminary plat approval for major subdivisions. A Public Hearing with the Board of Commissioners is required for subdivisions exceeding two hundred-fifty (250) lots. **Table 13.8-1** summarizes the approval process for all plats.

Q7. What will happen if I violate the Ordinance?

- A. The first thing that will happen is that you will get a notice of violation from the Administrator and a time period to bring your site into compliance. If the violation is corrected within that time period, no further action is necessary. If the violation is not corrected within that time period, you may be subject to a civil penalty of \$100 per day for each day of violation. Refer to **Chapter 18** for more information.

Q8. What happens if I am in the middle of developing / building on my property when the UDO becomes effective?

- A. **Section 3.4.1** states that developments / buildings / structures / uses, etc. approved one or more days prior to the effective date of the UDO shall be allowed to proceed so long as their designated permit approval remains valid.

Q9. What are some of the major changes because of the UDO?

- A. The following is a summary of **some** of the major changes:
- **The UDO is a unified ordinance**...it combines the floodplain, watershed, subdivision, manufactured home park and zoning ordinances into one document. Moreover, the UDO is written in a form suitable for adoption by all other municipalities in the County that exercise land use controls.
 - **The UDO allows for minor variations to the Ordinance to be handled administratively or through a process less vigorous than seeking a "variance"**...**Section 5.15** allows the Administrator to administratively approve minor deviations from the standards of the UDO (e.g., allowing for ramps in the required front yard, HVAC equipment in a required yard,



- etc.). **Section 5.12** also allows the Board of Adjustment (after having held a public hearing) to grant special exceptions to the UDO. Exceptions include: reductions in the number of parking spaces provided, changes of nonconforming uses, expansions to nonconforming structures, etc.
- **The Table of Uses is “user-friendly”**... All uses permitted for all zoning districts are listed in **Table 7.1-1**; the number of uses has been reduced significantly and categorized according to the activity of the use; definitions for all uses in the Table are shown in **Table 2.7-1**; the development status (i.e., permitted, conditional, existing) of all uses is clearly marked in **Table 7.1-1**.
 - **Creation of an Urban Standards Overlay District (USO)**... This district will apply in areas of the County that are currently urban in nature or likely to develop in an urban manner over the next 10-15 years. A number of standards will apply to most new buildings that lie in the Urban Standards Overlay District. These address such issues as, but are not limited to: external building colors and materials; building orientation; limitation of off-street parking in the front yard; provision of sidewalks; etc. **Refer to Chapter 7.**
 - **Signage**... Signage regulations have been enhanced for aesthetic and safety purposes. Allowed signage height and area is based on a variety of factors (individual signs or signs for a multi-tenant development; width of the road, etc.) Also, signs for nearly all uses have been standardized within most zoning districts (i.e., the signage allowances for all uses in the C-1 zoning district are the same). In addition, flexibility (and increased signage allowances) has been given for developments that submit master sign packages and for applicants who propose to use less than the maximum number of permitted signs. No new billboards are allowed. **Refer to Chapter 12** for signage requirements.
 - **Landscaping**... Street trees shall now be required for most new developments in the Urban Services Overlay (USO) (notable exceptions include single-family residences not in subdivisions). In addition, the Administrator can grant a temporary Certificate of Compliance for uses that do not meet full screening and landscaping requirements at the time of occupancy.
 - **Parking Requirements**... Off-street parking requirements have changed in several ways. **Table 10.5-1** shows the off-street parking requirements for all uses. Parking requirements for retail uses have been reduced to 1 space per 300 sq. ft. Gross Floor Area (GFA). Uses that provide in excess of 150% of the required amount of parking must first receive a special exception from the Board of Adjustment (BOA). Uses that seek to



- **A Variety of New Housing Development Options...**are provided in the UDO. Traditional Neighborhood Developments (TNDs) are allowed in a variety of zoning districts. This type allows for the mixture of residential and non-residential uses in a pedestrian-friendly setting. Refer to **Section 8.1.13** for specifications. Planned Residential Developments (PRDs) are also allowed in a variety of zoning districts. PRDs allow for a mixture of residential types (i.e., single- and multi-family) provided that a variety of design standards are met. Refer to **Section 8.1.11** for specifications. Infill residential developments are allowed within the USO district in areas that are near transit lines, on major or minor arterials, or lie within walking distance of a major shopping center, office park/ industrial park, or other major employer or traffic generator. Infill developments allow for reduced lot sizes and deviations from some standard subdivision requirements. Refer to **Section 8.1.12** for specifications. Multi-family Development and density requirements have been modified.
- **Access Management Standards...**have been put in place that place limits on the number of driveways per lot; distances between driveways; and distances between a driveway and a street intersection. Refer to **Section 9.24 and 13.15.4C** for specifications.
- **Subdivision Standards...**Refer to **Chapter 13**, A Technical Review Committee (TRC) has been created and has the authority to review and provide comments on all preliminary plats for major subdivisions. Open space may be required in subdivisions per **Section 11.7**. In lieu of open space, a fee may be paid to the County (funds from which are to be used exclusively for recreational purposes) per **Section 11.7**. Within the USO, sidewalks on both sides of streets in subdivisions shall be required per **Section 13.17**.
- **Conditional Zoning (CD)...**is a new method for a property owner to rezone his/her property. Conditional Zoning is a means for ensuring that a firm development, based on a mutually agreed-upon site plan takes place on the property. Unlike PCUP zoning, with CD zoning a legislative public hearing is conducted by the governing board. Prior to the public hearing taking place, a Public Information Meeting between the developers and adjoining and nearby property owners must occur. Conditional zoning does not require issuance of a Conditional Use Permit. Refer to **Section 5.16.5** for more information on conditional zoning.



Q10. Where can I place a manufactured home?

- A. Refer to the Use Table in Chapter 7 to verify which zoning districts will allow manufactured homes and in what manner.

Q11. Can I replace my manufactured home? What are the regulations for replacement?

- A. Yes, manufactured homes may be replaced in accordance with Section 3.5. Manufactured homes within a Manufactured Home Park may be replaced in accordance with Section 8.1.8.

Q12. Will Bona Fide Farms still be allowed?

- A. Yes, Bona Fide Farms are allowed. Refer to Section 8.4.26.