

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT
ORDINANCE OF THE CITY OF GASTONIA**

An ordinance amending *Section 2.7 Definitions, Section 5.16.3 Amendments to Development Ordinance and Zoning Map, Table 7.3-1 Bulk and Use Chart, Section 7.6.5 (USO) Urban Standards Overlay District, Section 7.11 (CBD) Central Business District Design Standards, the following Section(s) of Chapter 9 General Provisions 9.6, 9.7, 9.9, 9.10, and Sections 13.11 Approval of Plats Required and 13.18 Approval of Final Recording Plat for Major Subdivision* of the Unified Development Ordinance (UDO) to update standards pertaining to urban design, setbacks, accessory dwelling units, the Central Business District and final plats.

WHEREAS, the City of Gastonia deems it necessary to update the Unified Development Ordinance in order to facilitate the use of land and to maintain consistency with other UDO jurisdictions; and

WHEREAS, the City of Gastonia deems it necessary to and in the public interest to have clear, concise and consistent standards for the management of growth and development throughout the city; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GASTONIA as follows:

Section 1. This text amendment shall revise *Section 2.7* of the UDO as follows:

SECTION 2.7 TERMS DEFINED IN THIS ORDINANCE

TABLE 2.7-1—DEFINED TERMS	
Term	Definition
<u>Private Residential Quarters Accessory Dwelling Unit (ADU)</u>	An accessory dwelling either attached or part of the principal residential use or separate from the principal use in the form of a guest house or garage apartment provided that such dwelling is not rented or occupied for gain and provided that no accessory building containing such use is constructed on a lot until the construction of the principal dwelling has commenced. The principal dwelling on the lot containing and the private residential quarters accessory dwelling unit shall be owner-occupied under the same ownership.

Section 2. This amendment shall revise *Section 5.16.3-4* in the UDO as follows:

SECTION 5.16 AMENDMENTS TO DEVELOPMENT ORDINANCE AND ZONING MAP

5.16.3-4 ~~Waiting period for subsequent applications. RESERVED~~

- ~~A. Waiting period—general. When an application for a zoning map amendment has been approved or denied by the Gastonia City Council, no application including the same property shall be accepted or considered within four (4) months after the date of the approval or denial. This restriction shall apply regardless of whether or not the new application is for a zoning classification different from the original application.~~
- ~~B. Waiting period—waiver. The waiting period required by this section may be waived by a three fourths (¾) vote of Gastonia City Council if it determines that there have been substantial changes in conditions or circumstances which may relate to the request. A request for a waiver of the waiting period shall be submitted to the Administrator, who shall review and prepare a recommendation regarding action on the request. Said recommendation shall be considered by the City Council in their review of the request for a waiver. If the request for the waiver is approved, the new application shall go through the full review process as set forth in this section.~~

~~Once the Planning Commission public hearing has been concluded, the Planning Commission will be given forty five (45) days to render a decision on the zoning map change application. In accordance with Chapter 247 of the 1993 Session Laws of North Carolina, any decision shall require the approval of at least three fourths (¾) of the members of the Planning Commission present and not excluded from voting at the meeting at which the decision is made. If a decision on the application is made by a vote of less than three fourths (¾) of such Planning Commission membership, or if any person appeals the action of the Planning Commission through written notice to the City Manager within fifteen (15) days of the Planning Commission's decision, the application shall be forwarded to the City Council for a new public hearing and final decision. Any final decision on the rezoning request made by the Planning Commission shall be accompanied by a statement describing whether the action taken is consistent with any comprehensive plan that has been adopted by the governing board and any other officially adopted plan that is applicable and a statement as to why Planning Commission considers the action taken to be reasonable and in the public interest.~~

Section 3. This amendment shall revise *Table 7.3-1* in the UDO as follows:

**TABLE 7.3-1
BULK AND USE CHART**

	TMU	OLC	O-1	OM
	F	F	F	F
All Other Uses	(3)	30⁽⁷⁾⁽³⁾	30⁽⁷⁾⁽³⁾	30⁽⁷⁾⁽³⁾

Notes:

A = Minimum Lot Area

W = Minimum Lot Width (as measured at the minimum front yard setback)

F = Minimum Front Setback (see definition of front yard to determine how front yard is measured on corner lots)

S = Minimum Side Setback

R = Minimum Rear Setback

H = Maximum Building Height

*Dimensional requirements listed for certain uses in Chapter 8 shall supersede those listed herein.

1. Five thousand (5,000) square feet for all single or two-family dwellings; three thousand (3,000) square feet for all other uses
2. Refer to Sections 9.5 and 13.15.3 for further road frontage requirements.
3. The front yard setback shall ~~a maximum be ten (10) to of~~ fifteen (15) feet, as measured from the edge of the ~~adjoining front sidewalk-publicly maintained street right-of-way.~~
4. Add ten (10) feet if abutting a residential zoning district.
5. The maximum height may be increased to seventy-five (75) feet if located two hundred (200) feet from a residentially zoned lot. In the O-M district, the height may be increased to one hundred twenty-five (125) feet if located three hundred (300) feet from a residentially zoned lot.
6. Ten thousand (10,000) square feet for multi-family developments
- ~~7. Where no parking areas or drive isles are located between the building and the street right of way, the minimum front setback may be reduced to fifteen (15) feet.~~
8. In the TMU and O-1 district, the required lot area and lot width may be reduced for a new lot(s) if each of the following are met: (a) the existing tract to be subdivided is no greater than two (2) acres, (b) the lot area and lot width may be determined by the averaging of at least two (2) lots located on the same block, facing the same street, and within two hundred (200) linear feet from the lot in question, and (c) no more than three (3) lots will result after the subdivision is completed.

**TABLE 7.3-1
BULK AND USE CHART**

	C-1	C-2	C-3	CBD	UMU
	F	F	F	F	F
All Other Uses	30 ⁽⁷⁾⁽³⁾	30 ⁽⁷⁾⁽³⁾	30 ⁽⁷⁾⁽³⁾	(5)	(5)

Notes:

A = Minimum Lot Area

W = Minimum Lot Width (as measured at the minimum front yard setback)

F = Minimum Front Setback (see definition of front yard to determine how front yard is measured on corner lots)

S = Minimum Side Setback

R = Minimum Rear Setback

H = Maximum Building Height

* Dimensional requirements listed for certain uses in Chapter 8 shall supersede those listed herein.

1. Refer to Sections 9.5 and 13.15.3 for further road frontage requirements.
2. Add ten (10) feet if abutting a residential zoning district.
3. The maximum height may be increased to seventy-five (75) feet if located two hundred (200) feet from a residentially zoned lot. In the C-2 and C-3 districts, the height may be increased to one hundred twenty-five (125) feet if located three hundred (300) feet from a residentially zoned lot.
4. Ten thousand (10,000) square feet for multi-family developments
5. The front yard setback shall be **a maximum of zero (0) to fifteen (15) feet**, as measured from the edge of the **adjoining front sidewalk-publicly maintained street right-of-way**.
6. Five thousand (5,000) square feet for all single or two-family dwellings; three thousand (3,000) square feet for all other uses
- ~~7. Where no parking areas or drive isles are located between the building and the street right of way, the minimum front setback may be reduced to fifteen (15) feet.~~
8. In the UMU district, the required lot area and lot width may be reduced for a new lot(s) if each of the following are met: (a) the existing tract to be subdivided is no greater than two (2) acres, (b) the lot area and lot width may be determined by the averaging of at least two (2) lots located on the same block, facing the same street, and within two hundred (200) linear feet from the lot in question, and (c) no more than three (3) lots will result after the subdivision is completed.

**TABLE 7.3-1
BULK AND USE CHART**

	I-1	I-2	I-3	I-U
	F	F	F	F
All Other Uses	50 ⁽⁶⁾	50 ⁽⁶⁾	50 ⁽⁶⁾	(5)

Notes:

A = Minimum Lot Area

W = Minimum Lot Width (as measured at the minimum front yard setback)

F = Minimum Front Setback (see definition of front yard to determine how front yard is measured on corner lots)

S = Minimum Side Setback

R = Minimum Rear Setback

H = Maximum Building Height

* Dimensional requirements listed for certain uses in Chapter 8 shall supersede those listed herein.

1. Refer to Sections 9.5 and 13.15.3 for further road frontage requirements.
2. Add ten (10) feet if abutting a residential zoning district.
3. The maximum height may be increased to seventy-five (75) feet if located two hundred (200) feet from a residentially zoned lot.
4. Ten thousand (10,000) square feet for multi-family developments
5. The front yard setback shall be ~~a maximum of zero (0) to twenty (20)~~ fifteen (15) feet, as measured from the edge of the adjoining front sidewalk.
6. Where no parking areas or drive isles are located between the building and the street right-of-way, the minimum front setback may be reduced to fifteen (15) feet.

Section 4. This amendment shall revise *Section 7.6.5* in the UDO as follows:

7.6.5 USO URBAN STANDARDS OVERLAY DISTRICT

The Urban Standards Overlay (USO) district contains a number of design and subdivision standards that apply solely to non-residential uses on properties located in USO district (except where otherwise indicated):

A. **Parking Lot Connections.**

(NOTE: These requirements shall also apply in the CH Overlay district)

(NOTE: The following provisions regarding parking lot connections shall NOT be applicable to lots in the CBD, I-1, I-2, I-3 or I-U zoning districts, irrespective of whether they are in the USO or CH Overlay Districts.)

(NOTE: The following provisions do not apply to temporary mobile classrooms approved on a designated school site for a period not to exceed two years)

Parking lots for commercial or office uses (but not for industrial uses) that lie in a Commercial or Office or TMU zoning district and which contain more than thirty-five (35) off-street parking spaces shall be designed to inter-connect with adjoining lots in such zoning districts. At least one future access point to such parking lot from an undeveloped adjoining lot shall be provided. The Administrator may require additional access points, when in their opinion, such additional access point would serve to benefit traffic flow and the safety of pedestrians and motorists using the street. The location of the access point shall be determined by the developer of the property in question and shall be subject to the Administrator's approval. ~~The total number of required off street parking spaces for all parking lots meeting the requirements of this section shall be reduced by three (3) parking spaces per access point for the lot being developed.~~ The Administrator shall have the authority to waive or modify the requirements of this section upon finding that there is no practical way to create a shared driveway with an adjoining lot.

F. **Entrance Building Placement and Orientation**

(NOTE: These provisions do not apply to industrial uses.)

~~(NOTE: The following provisions regarding entrance orientation shall be applicable ONLY within the UMU, TMU and CBD zoning districts.)~~

(NOTE: These provisions apply only to principal buildings constructed after the effective date of this Ordinance.)

(NOTE: The following provisions do not apply to temporary mobile classrooms approved on a designated school site for a period not to exceed two years)

(NOTE: These regulations do not apply to new accessory structures on existing developed non-residential properties where the principal structure does not meet the standards of this section.)

The principal buildings and building on outparcels shall be oriented to face at least one (1) public street, no drive aisles or parking shall be placed between the building and the public street. Any new principal building whose exterior facades face a public street, and constructed after the effective date of this Ordinance, shall install a pedestrian entryway opening onto at least one adjoining public street. Corner entrances shall comply with this requirement. Access from the adjoining public sidewalk, street right-of-way or driveway to the principal structure shall be provided through an improved surface. Alternative building design and orientation may be reviewed and approved by the Administrator if the site presents demonstrated challenges.

J. Parking Lot and Drive Through Placement.

Parking shall be located to the rear and/or side of the principal building. Side-yard parking may occupy no more than 50% of the principal frontage line (lot width) and shall be buffered from the street according to the buffer requirements as set forth in Chapter 10 – Off Street Parking and Loading.

K. Drive-Throughs.

1. The drive-through lane shall be primarily configured in a loop internal to the site with the entry and the exit to the ordering area taking place in the same general location on site. On internal lots, the building shall be between the drive-through lane and the street.
2. On corner lots, the lane may be located between the building and the street; however, in any case it shall not encircle the building and shall have enhanced features as described below, upon review and approval by the Administrator.
3. Where it is not feasible to configure drive-through facilities or lanes as required above, an alternate proposed configuration shall be reviewed and acted upon by the Administrator. Enhanced landscaping, knee walls, a full building wall, or a combination of both shall be applied as approved by the Director and shall be located between the drive-through and the street.
4. Refer to Section 10.9 for Drive-Through Vehicle Queuing.

Section 5. This amendment shall revise *Section 7.11(G)(1)* in the UDO as follows:

SECTION 7.11 CENTRAL BUSINESS DISTRICT DESIGN STANDARDS

(G)1.*Proportion:* A buildings' mass and scale shall be visually compatible with the buildings, structures and places to which it is related. New buildings constructed in the CBD shall have no less than two (2) stories.

Section 6. This amendment shall revise *Section 9.6* in the UDO as follows:

SECTION 9.6 ONE PRINCIPAL BUILDING OR USE PER LOT

- A. No more than one principal building devoted to a residential use shall be located on a lot, except as (i) part of a multifamily development, or (ii) planned residential development, or (iii) as ~~private residential quarters~~ accessory dwelling unit (ADU) per Section 9.10, or (iv) as a temporary manufactured home as provided in Section 5.8.4(H), and (v) where otherwise specifically allowed in this Ordinance.

Section 7. This amendment shall revise *Section 9.7(2)* in the UDO as follows:

SECTION 9.7 SIGHT DISTANCE TRIANGLES

2. Commercial Driveways - Smaller sight triangles will be required to allow drivers to see pedestrians on sidewalks, shall be 10' x 10' and are required at all commercial driveways. The triangle shall be measured from the midpoint of the curb along the face of the curb. The Administrator may review and consider alternate driveway access, where an innovative design is utilized for such driveways. See NCDOT requirements for driveways intersecting with NCDOT maintained roadways.

Section 8. This amendment shall revise *Section 9.9(A)(4)* in the UDO as follows:

SECTION 9.9 ACCESSORY STRUCTURES AND USES

A. Within any zoning district, accessory structures shall be located as follows:

4. On any lot less than one acre in area containing a principal single-family or two-family dwelling, the cumulative area of all accessory structures (excluding outdoor swimming pools and structures with less than three (3) sides) shall not exceed one-half (½) the heated ground floor area of the principal structure or eight hundred (800) square feet, whichever is greater.

On any lot having an area of between one to three (3) acres, the cumulative area of all accessory structures (except outdoor swimming pools and structures with less than three (3) sides) shall not exceed one-half (½) the heated ground floor area of the principal structure or one thousand two hundred (1,200) square feet, whichever is greater.

On any lot containing an area of over three (3) acres, the cumulative area of all accessory structures (except outdoor swimming pools, structures with less than three (3) sides, barns, stables and ~~private residential quarters~~ accessory dwelling unit (ADU) shall not exceed four (4) percent of the total lot acreage.

Section 9. This amendment shall revise *Section 9.10* in the UDO as follows:

SECTION 9.10 ~~PRIVATE RESIDENTIAL QUARTERS~~ ACCESSORY DWELLING UNIT (ADU)

~~Private residential quarters~~ Accessory dwelling units shall be permitted as an accessory use to any single-family detached dwelling unit (excluding manufactured homes) in accordance with the following requirements:

- A. The same person or entity shall own the ~~accessory and~~ principal and any accessory dwelling units.
~~The owner of the principal dwelling unit shall live on-site.~~
- ~~B.—A disabled person, family member, or an occasional guest shall occupy the accessory dwelling unit.~~
- ~~C.—The private residential quarter shall not serve as a rental unit (except in a Traditional Neighborhood Development).~~
- D. The accessory dwelling unit may be attached to or be separate from the principal dwelling unit.
~~Except in a TND, the accessory dwelling unit may be located in a separate accessory structure if the area of the lot is at least one hundred fifty (150) percent that of the required minimum lot size for the zoning district in question.~~
- E. If the accessory dwelling is in a detached structure, it shall be served by the same driveway accessing the principal structure, unless there is an existing alleyway to serve the ADU. Manufactured homes, recreational vehicles or other mobile or temporary structures may not be used for the accessory dwelling unit.
- F. The ground floor area of the accessory unit shall be no greater than fifty (50) percent of the ground floor area of the principal dwelling unit, or eight hundred (800) square feet, whichever is less.
- G. If the accessory dwelling unit is located in an accessory structure, said structure shall be located in the rear or side yard. No such structure shall be located closer than the required side setback of the principal structure and any side or rear lot line ~~the rear setback for the ADU shall be ten (10) feet~~ (except in a TND). The accessory structure housing the dwelling unit shall not exceed the height of the principal dwelling.
- H. No more than one (1) private residential quarters accessory dwelling unit per lot shall be allowed, such ADU design shall maintain the residential character and use residential materials to closely match the primary building on site.
- ~~I.—Any lot containing a private residential quarters shall have at least two (2) off-street parking spaces.~~

Section 10. This amendment shall revise *Section 13.11* in the UDO as follows:

SECTION 13.11 APPROVAL OF PLATS REQUIRED: IMPROVEMENTS IN VIOLATING SUBDIVISIONS

C. No street or proposed street within the corporate limits of the City which is sought to be dedicated by the owner or owners thereof shall be accepted by the City until and unless such street shall be platted, laid out, graded, and improved in accordance with the provisions of this Chapter. Further, no street that was publicly dedicated after December 2, 2025, shall be accepted except by the adoption of a resolution expressly accepting said dedication by City Council, and unless and until the subdivision plat showing such street or streets shall have been duly approved by the Council as provided by this Chapter.

Section 11. This amendment shall revise *Section 13.18* in the UDO as follows:

SECTION 13.18 APPROVAL OF FINAL RECORDING PLAT FOR MAJOR SUBDIVISION/UNIFIED DEVELOPMENT

Upon completion of the improvements shown on the approved preliminary plat and construction plan, or upon posting an improvement guarantee bond in accordance with Section 13.20, the Subdivider shall submit a complete final recording plat for the area covered by such improvements. Two (2) mylar copies, and when available on CD or other approved electronic media in .DWG format in the latest version of AutoCAD, meeting the requirements of Section 13.19, shall be submitted to the City for review and approval. Plat to be uploaded through the City's portal. Submittal requirements as per the City's Digital Submittals Guidelines. The plat shall not be considered complete unless accompanied by a fee, in accordance with a fee schedule approved by the City Council.

A. Review by TRC of Final Plat.

~~The TRC shall review the final recording plat along with the approved preliminary plat and construction plan for compliance with the provisions of this Chapter.~~

- ~~1. If the final recording plat is found to be in compliance, the Subdivision Administrator shall transmit the final recording plat, together with their recommendations, to the City Council for action.~~
- ~~2. If the final recording plat is found not to be in compliance or if changes have been made from the approved preliminary plat or construction plans, TRC approval will be required prior to Council Final Plat Approval~~
- ~~3. The Subdivider shall be notified of actions taken by the TRC regarding the final plat within five (5) working days thereafter. The final plat of a subdivision shall be reviewed by the designated staff for compliance with the requirements of this chapter and for conformity with the approved preliminary plat. Substantial changes from the preliminary plat, as determined by the Subdivision Administrator, shall require an additional review by the TRC, to ensure compliance with existing regulations. Provided the final plat is complete, and no further review is determined to be required, the Subdivision Administrator shall act on the final plat of subdivisions within 30 days of receipt of the plat. Following final plat approval, the applicant shall record the plat for the subdivision in accordance with this subsection. No lots in a subdivision shall be sold prior to approval by the city and recording of a plat for the subdivision.~~

B. Recording of Final Approved Plat.

~~Upon its receipt of the final recording plat, the Subdivision Administrator shall review it for compliance with the provisions of this Chapter and shall consider the recommendations of the TRC. The Subdivision Administrator may thereupon approve the final recording plat in whole or in part, or subject to modifications, or may disapprove said plat. Following the approval of the Final Plat as set forth in the previous subsection, the Subdivider shall take the following steps to record the Final~~

Approved Plat. The original mylars of the final recording plat, and when available on CD or other approved electronic media in .DWG format in the latest version of AutoCAD, shall be made available for authentication when the Subdivision Administrator takes formal action approving the plat, and the plat shall indicate by certification in Section 13.19 that approval has been given by the Subdivision Administrator on the face of the final recording plat. The copy shall be properly filed in the office of the Subdivision Administrator. Upon final recording plat approval, the Subdivider shall deposit, with the Subdivision Administrator, a check made payable to the Gaston County Register of Deeds in an amount covering the cost of recording the final plat and the cost of the certified copy for the City. The Subdivision Administrator or their designee shall promptly deliver the map to be recorded together with the Subdivider's check, to the Register of Deeds.


Section 12. All ordinances or portions of ordinances in conflict herein are hereby repealed.

Section 13. Should any provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 14. This ordinance shall take effect and be in force from and after the date of its adoption.


Section 15. This ordinance shall be consistent with the Gastonia 2050 Comprehensive Plan and the city's commitment to establishing an interconnected, multimodal transportation system, and is reasonable and in the public interest because it promotes health, safety, and welfare.

This the 16th day of December, 2025.



Richard Franks, Mayor

ATTEST:



City Clerk



(Ord25-845)