

Amendments to Development Code

May 19, 2010: **Ordinance 2010-003**, Modifies Residential R-3 Zone Interior Sideyard Setback Standards

ARTICLE I
General Provisions

ARTICLE I – GENERAL PROVISIONS

Chapter 152.101	PURPOSE AND SCOPE	I-2
152.101.01	Title.....	I-2
152.101.02	Purpose.....	I-2
152.101.03	Conformance Required.....	I-2
152.101.04	Administration.....	I-2
152.101.05	Violations.....	I-2
152.101.06	Interpretation.....	I-2
152.101.07	Effect on Other Public and Private Regulations and Restrictions.....	I-3
152.101.08	Conflicting Regulations.....	I-3
152.101.09	Severability and Validity.....	I-4
Chapter 152.102	ESTABLISHMENT OF ZONES	I-5
152.102.01	Classification of Zones.....	I-5
152.102.02	Location of Zone Boundaries.....	I-5
Chapter 152.103	DEFINITIONS	I-6
152.103.01	Grammatical Interpretation.....	I-6
152.103.02	Definitions.....	I-6

**ARTICLE II
ZONES AND ZONING REGULATIONS**

ARTICLE II – ZONES AND ZONING REGULATIONS

Chapter 152.201	INTERPRETATION OF USES	II-4
152.201.01	Interpretations of Uses	II-4
Chapter 152.202	SUBURBAN RESIDENTIAL ZONE (SR-1).....	II-5
152.202.01	Purpose	II-5
152.202.02	Permitted Uses	II-5
152.202.03	Special Uses	II-5
152.202.04	Conditional Uses	II-6
152.202.05	Density Regulations.....	II-6
152.202.06	Dimensional Standards	II-6
152.202.07	Development Standards	II-7
Chapter 152.203	URBAN LOW DENSITY RESIDENTIAL ZONE (R-1).....	II-8
152.203.01	Purpose	II-8
152.203.02	Permitted Uses	II-8
152.203.03	Special Uses	II-8
152.203.04	Conditional Uses	II-9
152.203.05	Density Regulations.....	II-9
152.203.06	Dimensional Standards	II-9
152.203.07	Development Standards	II-10
Chapter 152.204	URBAN MEDIUM DENSITY RESIDENTIAL ZONE (R-2).....	II-11
152.204.01	Purpose	II-11
152.204.02	Permitted Uses	II-11
152.204.03	Special Uses	II-11
152.204.04	Conditional Uses	II-12
152.204.05	Density Regulations.....	II-12
152.204.06	Dimensional Standards	II-12
152.204.07	Development Standards	II-13
Chapter 152.205	URBAN HIGH DENSITY RESIDENTIAL ZONE (R-3)	II-14
152.205.01	Purpose	II-14
152.205.02	Permitted Uses	II-14
152.205.03	Special Uses	II-14
152.205.04	Conditional Uses	II-15
152.205.05	Density Regulations.....	II-15
152.205.06	Dimensional Standards	II-15
152.205.07	Development Standards	II-16

**ARTICLE II
ZONES AND ZONING REGULATIONS**

Chapter 152.206	MANUFACTURED HOME PARK ZONE (MHP)	II-18
152.206.01	Purpose	II-18
152.206.02	Permitted Uses	II-18
152.206.03	Conditional Uses	II-18
152.206.04	Density Regulations.....	II-19
152.206.05	Height Regulations	II-19
152.206.06	Manufactured Home Park Requirements	II-19
152.206.07	Manufactured Home Space Requirements.....	II-21
152.206.08	Manufactured Home Park Development.....	II-22
Chapter 152.207	URBAN GENERAL COMMERCIAL ZONE (I)	II-23
152.207.01	Purpose	II-23
152.207.02	Permitted Uses	II-23
152.207.03	Special Uses	II-24
152.207.04	Conditional Uses	II-24
152.207.05	Density Regulations.....	II-25
152.207.06	Dimensional Standards	II-25
152.207.07	Development Standards	II-26
Chapter 152.208	URBAN GENERAL INDUSTRIAL ZONE (I)	II-28
152.208.01	Purpose	II-28
152.208.02	Permitted Uses	II-28
152.208.03	Special Uses	II-29
152.208.04	Conditional Uses	II-29
152.208.05	Dimensional Standards	II-30
152.208.06	Development Standards	II-30
152.208.07	Special Land Use Conversion Zone.....	II-31
Chapter 152.209	FLOOD PLAIN OVERLAY ZONE (FPO)	II-33
152.209.01	Purpose	II-33
152.209.02	Definitions.....	II-33
152.209.03	General Provisions	II-38
152.209.04	Uses - Exempt.....	II-39
152.209.05	Uses - Permitted.....	II-40
152.209.06	Conditional Use Procedures and Requirements.....	II-41
152.209.07	Flood Protection Standards	II-43
152.209.08	Generalized Flood Plain Areas.....	II-47
152.209.09	Variances	II-48
152.209.10	Variance Criteria.....	II-48
152.209.11	Warning and Disclaimer of Liability.....	II-49

**ARTICLE II
ZONES AND ZONING REGULATIONS**

Chapter 152.210	HISTORICAL PROPERTY OVERLAY ZONE - (HPO)	II-50
152.210.01	Purpose	II-50
152.210.02	Conformance Required	II-50
152.210.03	Definitions.....	II-50
152.210.04	Landmark and District Designation.....	II-51
152.210.05	Demolition and Moving	II-52
152.210.06	Exterior Alteration and New Construction.....	II-55
152.210.07	Notice and Public Hearing	II-57
Chapter 152.211	LIMITED USE OVERLAY ZONE (LUO)	II-58
152.211.01	Purpose	II-58
152.211.02	Requirements	II-58
152.211.03	Procedures	II-58
152.211.04	Criteria.....	II-58
152.211.05	Adoption	II-59
152.211.06	Official Zoning Map.....	II-59
152.211.07	Development Provisions.....	II-59
Chapter 152.212	INSTITUTIONAL AND PUBLIC ZONE (IP)	II-60
152.212.01	Purpose.....	II-60
152.212.02	Permitted Uses.....	II-60
152.212.03	Conditional Uses.....	II-60
152.212.04	Prohibited Uses.....	II-61
152.212.05	Dimensional Standards.....	II-61
152.212.06	Development Standards.....	II-62

**ARTICLE III
DEVELOPMENT REQUIREMENTS**

ARTICLE III – DEVELOPMENT REQUIREMENTS

Chapter 152.301	GENERAL PROVISIONS	III-5
152.301.01	Purpose.....	III-5
152.301.02	Application of Standards.....	III-5
152.301.03	Application of Public Facility Standards.....	III-5
Chapter 152.302	STREET STANDARDS	III-8
152.302.01	Purpose.....	III-8
152.302.02	Scope.....	III-8
152.302.03	General Provisions.....	III-9
152.302.04	General Right-of-Way and Improvement Widths.....	III-11
152.302.05	Modification of Right-of-Way and Improvement Width.....	III-11
152.302.06	Construction Specifications.....	III-12
152.302.07	Private Streets.....	III-13
152.302.08	Private Access Easements.....	III-14
152.302.09	Lots and Parcels Served by Private Streets And Access Easements.....	III-15
152.302.10	Access Management.....	III-15
152.302.11	Traffic Impact Analysis Requirements.....	III-15
152.302.12	Scope of Traffic Analysis.....	III-17
152.302.13	Street Cross Sections.....	III-23
Chapter 152.303	OFF-STREET PARKING AND LOADING	III-24
152.303.01	Purpose.....	III-24
152.303.02	Scope.....	III-24
152.303.03	Location.....	III-24
152.303.04	Joint Use.....	III-25
152.303.05	Off-Street Automobile Parking Requirements.....	III-25
152.303.06	Off-Street Loading Requirements.....	III-27
152.303.07	Parking and Loading Area Development Requirements.....	III-27
152.303.08	General Provisions Off-Street Parking and Loading.....	III-29
Chapter 152.304	STORM DRAINAGE	III-31
152.304.01	Purpose.....	III-31
152.304.02	Scope.....	III-31
152.304.03	Plan for Storm Drainage and Erosion Control.....	III-31
152.304.04	General Standards.....	III-31
Chapter 152.305	UTILITY LINES AND FACILITIES	III-33
<i>Gaston Development Code – January 2009</i>		III-1

**ARTICLE III
DEVELOPMENT REQUIREMENTS**

152.305.01	Purpose	III-33
152.305.02	Standards	III-33
152.305.03	Public Facility Improvements	III-34
Chapter 152.306	SIGNS	III-35
152.306.01	Purpose	III-35
152.306.02	Definitions	III-35
152.306.03	Review Procedures	III-38
152.306.04	General Provisions	III-38
152.306.05	Nonconforming Signs	III-39
152.306.06	Signs Generally Permitted	III-40
152.306.07	Prohibited Signs	III-40
152.306.08	Residential Signs - Single Family and Duplex	III-42
152.306.09	Residential Signs – Other Developments	III-42
152.306.10	Public and Semi-Public Signs	III-42
152.306.11	Commercial and Industrial Signs	III-43
152.306.12	Conditional Use Permits - Signs	III-45
152.306.13	Variances - Signs	III-45
Chapter 152.307	FENCING AND SCREENING	III-47
152.307.01	Purpose	III-47
152.307.02	Requirements	III-47
152.307.03	Specific Requirements	III-48
152.307.04	Installation	III-49
152.307.05	Modifications	III-49
152.307.06	Swimming Pool Fences	III-49
Chapter 152.308	LAND DIVISIONS	III-50
152.308.01	Purpose	III-50
152.308.02	Scope	III-50
152.308.03	Standards for Lots or Parcels	III-50
152.308.04	Additional Standards for Subdivisions	III-52
152.308.05	Improvement Requirements - Partition	III-55
152.308.06	Improvement Requirements - Subdivision	III-56
152.308.07	Improvement Procedures	III-58
Chapter 152.309	YARD, LOT AND CLEAR VISION STANDARDS	III-60
152.309.01	New Buildings Shall be on a Lot	III-60
152.309.02	Yards Apply Only to One Building	III-60
152.309.03	Front Yard Projections	III-60
152.309.04	Side Yard Projections	III-60
152.309.05	Rear Yard Projections	III-60
<i>Gaston Development Code – January 2009</i>		III-2

**ARTICLE III
DEVELOPMENT REQUIREMENTS**

152.309.06	Vision Clearance	III-61
Chapter 152.310	GENERAL PROVISIONS	III-63
152.310.01	Applicability of Special Use Standards	III-63
Chapter 152.311	PLANNED UNIT DEVELOPMENT (P.U.D.)	III-64
152.311.01	Purpose	III-64
152.311.02	Objectives	III-64
152.311.03	Ownership	III-65
152.311.04	Uses Permitted	III-65
152.311.05	Development Requirements	III-66
152.311.06	PUD Approval Criteria	III-70
152.311.06	Conditions of Approval	III-70
152.311.07	Modification of an Approved PUD	III-70
Chapter 152.312	Reserved	
Chapter 152.313	MANUFACTURED HOMES ON INDIVIDUAL LOTS	III-72
152.313.01	Scope	III-72
152.313.02	General Standards	III-72
152.313.03	Placement Permit	III-73
152.313.04	Design Compatibility	III-74
Chapter 152.314	HOME OCCUPATION	III-75
152.314.01	Standards	III-75
152.314.02	Process	III-77
152.314.05	Non-Compliance	III-77
Chapter 152.315	MANUFACTURED HOME, TRAILER, AND VEHICULAR SALES, SERVICE AND RELATED USES	III-78
152.315.01	Scope	III-78
152.315.02	Standards	III-78
152.315.03	Yard Exceptions for Accessory Service Station Structures and Equipment	III-78
152.315.04	Process	III-79
Chapter 152.316	RESIDENTIAL ACCESSORY STRUCTURES	III-80
152.316.01	Single Family Residences	III-80
152.316.02	Multiple Family Developments	III-80
Chapter 152.317	SPECIAL RESIDENTIAL DWELLINGS	III-81
152.317.01	Residential Accessory Dwelling	III-81
152.317.02	Attached Dwelling Units	III-81
<i>Gaston Development Code – Final</i>		

**ARTICLE III
DEVELOPMENT REQUIREMENTS**

Chapter 152.318	PERMITTED TEMPORARY USES	III-83
152.318.01	Purpose	III-83
152.318.02	Permitted Uses	III-83
152.318.03	Process	III-84
Chapter 152.319	BED AND BREAKFAST ESTABLISHMENTS	III-85
152.319.01	Purpose	III-85
152.319.02	General Land Use Provisions	III-85
152.319.03	Operation Requirements	III-86
152.319.04	Approval Process	III-86
Chapter 152.320	HOUSES OF WORSHIP	III-87
152.320.01	Development Provisions	III-87
152.320.02	Approval Process	III-87
Chapter 152.321	GENERAL STANDARDS	III-88
152.321.01	Completion of a Structure Within a Reasonable Length of Time.....	III-88
152.321.02	Lots of Record	III-88
152.321.03	Lots Abutting a Partial Street.....	III-88
152.321.04	Unsafe Building	III-89
152.321.05	Limitations on Buildings.....	III-89
152.321.06	Protection of Runoff Capacity of Natural Drainage.....	III-89
152.321.07	Farm Uses and Livestock	III-89
152.321.08	General Exception to Building Height Limitations.....	III-89
152.321.09	Height Exceptions for Public Buildings	III-90
152.321.10	Additions to Existing Structures	III-90
152.321.11	Public Dedications.....	III-90
152.321.12	Miscellaneous Exceptions to Setback Requirements	III-90
152.321.13	Permitted Uses - All Zones.....	III-91
152.321.14	Nonconforming Uses	III-91

**ARTICLE IV
REVIEW PROCEDURES**

ARTICLE IV – REVIEW PROCEDURES

Chapter 152.401	APPLICATION TYPES	IV-6
152.401.01	Summary of Application Types	IV-6
152.401.02	Administrative Actions	IV-6
152.401.03	Type I Action	IV-6
152.401.04	Type II Actions	IV-7
152.401.05	Type III Actions	IV-7
152.401.06	Type IV Actions	IV-8
152.401.07	Expiration of Approval and Time Extensions	IV-8
152.401.08	Exercising a Land Use Approval	IV-8
152.401.09	Pre-application Conference	IV-9
152.401.10	Application Completeness	IV-9
152.401.11	Referral & Review of Applications	IV-9
152.402.12	Table of Land Use Application Procedures	IV-10
Chapter 152.402	PROPERTY BOUNDARY ADJUSTMENTS	IV-11
152.402.01	Applicability	IV-11
152.402.02	Process	IV-11
152.402.03	Application	IV-11
152.402.04	Submittal Requirements	IV-11
152.402.05	Decision Criteria	IV-12
152.402.06	Implementation	IV-12
Chapter 152.403	PARTITIONS	IV-13
152.403.01	Applicability	IV-13
152.403.02	Process	IV-13
152.403.03	Application	IV-13
152.403.04	Submittal Requirements	IV-13
152.403.05	Decision Criteria	IV-14
152.403.06	General Provisions	IV-15
152.403.07	Final Plat Approval	IV-15
152.403.08	Expedited Land Division	IV-15
Chapter 152.404	MINOR VARIANCES	IV-20
152.404.01	Applicability	IV-20
152.404.02	Process	IV-20
152.404.03	Application	IV-20
152.404.04	Variance Applicability	IV-20
152.404.05	Decision Criteria	IV-21

**ARTICLE IV
REVIEW PROCEDURES**

Chapter 152.405	HOME OCCUPATIONS	IV-22
152.405.01	Applicability	IV-22
152.405.02	Process	IV-22
152.405.03	Application	IV-22
152.405.04	Decision Criteria	IV-22
152.405.05	Conditions of Approval	IV-22
Chapter 152.406	MAJOR VARIANCE	IV-23
152.406.01	Applicability	IV-23
152.406.02	Process	IV-23
152.406.03	Application	IV-23
152.406.04	Variance Applicability	IV-23
152.406.05	Decision Criteria	IV-24
Chapter 152.407	CONDITIONAL USE PERMITS	IV-25
152.407.01	Applicability	IV-25
152.407.02	Process	IV-25
152.407.03	Application	IV-25
152.407.04	Decision Criteria	IV-25
Chapter 152.408	SITE DEVELOPMENT REVIEW	IV-26
152.408.01	Applicability	IV-26
152.408.02	Process	IV-26
152.408.03	Application	IV-26
152.408.04	Applicability of Provisions	IV-26
152.408.05	Submittal Requirements	IV-27
152.408.06	Evaluation of Site Development Plan	IV-28
Chapter 152.409	SIMILAR USES	IV-30
152.409.01	Applicability	IV-30
152.409.02	Process	IV-30
152.409.03	Application	IV-30
152.409.04	Decision Criteria	IV-30
Chapter 152.410	NONCONFORMING USES	IV-31
152.410.01	Applicability	IV-31
152.410.02	Process	IV-31
152.410.03	Location	IV-31
152.410.04	Discontinuation or Abandonment	IV-31
152.410.05	Application	IV-32
152.410.06	Decision Criteria	IV-32
152.410.07	Conditions of Approval	IV-32

**ARTICLE IV
REVIEW PROCEDURES**

Chapter 152.411	SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS	IV-33
152.411.01	Applicability	IV-33
152.411.02	Process	IV-33
152.411.03	Application	IV-33
152.411.04	Decision Criteria	IV-35
152.411.05	Final Plat Requirements	IV-35
152.411.06	Process for Final Plat Approval	IV-39
152.411.07	Time Extension	IV-42
Chapter 152.412	COMPREHENSIVE PLAN MAP AMENDMENT	IV-43
152.412.01	Applicability	IV-43
152.412.02	Process	IV-43
152.412.03	Application	IV-43
152.412.04	Decision Criteria	IV-43
Chapter 152.413	ZONE MAP AMENDMENT	IV-46
152.413.01	Applicability	IV-46
152.413.02	Process	IV-46
152.413.03	Application	IV-46
152.413.04	Decision Criteria	IV-46
152.413.05	Zone Change Conditions	IV-47
Chapter 152.414	TEXT AMENDMENTS	IV-48
152.414.01	Process	IV-48
152.414.02	Application	IV-48
152.414.03	Decision Criteria	IV-48
Chapter 152.415	ANNEXATIONS	IV-50
152.415.01	Authority of City to Annex	IV-50
152.415.02	General Annexation Procedure	IV-50
152.415.03	Annexation by Election	IV-51
152.415.04	Annexation Procedure without City Election	IV-52
152.415.05	Annexation Procedure with Election in Proposed Territory	IV-52
152.415.06	Island Annexation	IV-53
152.415.07	Submission of Annexation Reports	IV-53
152.415.08	Effective Date of Annexation	IV-54
152.415.09	Zone Designation of Annexed Property	IV-54
Chapter 152.416	GENERAL ADMINISTRATIVE PROVISIONS	IV-55
152.416.01	Multiple Applications	IV-55
152.416.02	Generalized Area	IV-55

**ARTICLE IV
REVIEW PROCEDURES**

152.416.03	Application Forms.....	IV-55
152.416.04	Time Limit.....	IV-55
152.416.05	Planning Commission and City Council.....	IV-56
152.416.06	Decisions.....	IV-56
Chapter 152.417	ADMINISTRATIVE APPLICATION AND REVIEW PROCEDURES	IV-57
152.417.01	Procedure for Administrative Action	IV-57
152.417.02	Conditions of Approval	IV-57
Chapter 152.418	TYPE I APPLICATION AND REVIEW PROCEDURES	IV-59
152.418.01	Procedure for Type I Action	IV-59
152.418.02	Conditions of Approval	IV-61
Chapter 152.419	TYPE II APPLICATION AND REVIEW PROCEDURES	IV-63
152.419.01	Procedure for Type II Action	IV-63
152.419.02	Conditions of Approval	IV-64
Chapter 152.420	TYPE III APPLICATION AND REVIEW PROCEDURES	IV-65
152.420.01	Procedure for Type III Actions	IV-65
152.420.02	Conditions of Approval	IV-66
Chapter 152.421	TYPE IV APPLICATIONS AND REVIEW PROCEDURES	IV-68
152.421.01	Procedures for Type IV Actions.....	IV-68
Chapter 152.422	PUBLIC NOTICE REQUIREMENTS	IV-69
152.422.01	Administrative Actions	IV-69
152.422.02	Type I Actions.....	IV-69
152.422.03	Type II Actions.....	IV-70
152.422.04	Type III Actions.....	IV-71
152.422.05	Type IV Actions	IV-72
152.422.06	Single Hearing before the City Council.....	IV-72
Chapter 152.423	PUBLIC HEARING BEFORE THE PLANNING COMMISSION	IV-73
152.423.01	General Provisions	IV-73
152.423.02	Planning Commission Hearing Procedures	IV-73
152.423.03	Evidence.....	IV-74
152.423.04	Record of Hearing	IV-75
152.423.05	Limits on Oral Testimony.....	IV-75
152.423.06	Exhibits.....	IV-75

**ARTICLE IV
REVIEW PROCEDURES**

Chapter 152.424	REVIEW AND PUBLIC HEARINGS BY CITY COUNCIL	IV-77
152.424.01	General Provisions	IV-77
152.424.02	Hearings by City Council	IV-77
152.424.03	City Council Review of Appeals.....	IV-77
Chapter 152.425	APPEAL PROVISIONS	IV-79
152.425.01	Appeal Period	IV-79
152.425.02	Form of Appeal.....	IV-79
152.425.03	Notice Requirements	IV-79
Chapter 152.426	FEES	IV-80
152.426.01	Purpose	IV-80
152.426.02	General Provisions	IV-80
Chapter 152.427	REVOCAION OR REVERSAL OF DECISION	IV-81
152.427.01	Compliance with Conditions	IV-81
152.427.02	General Provisions	IV-81
152.427.03	Criteria for Revocation.....	IV-81
152.427.04	Criteria for Reversal.....	IV-81
152.427.05	Remedies	IV-82