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Fee Amt: \$0.00 Page 1 of 5

Gaston County, North Carolina
Jonathan L. Fletcher, Register of Deeds
BK **5660** PG **1310 - 1314 (5)**

TITLE: ZONING TEXT AMENDMENT: TEXT-26-05-20-00013 - GASTON COUNTY (APPLICANT); TO CONSIDER PROPOSED TEXT AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO); CHAPTER 2 (DEFINITIONS); SECTION 2.7 (TERMS DEFINED IN THIS ORDINANCE); AND CHAPTER 11 (SCREENING/BUFFERING AND LANDSCAPING); SECTION 11.7 (COMMON OPEN SPACE, GENERAL REQUIREMENTS)

WHEREAS, the County Ordinance (approved April 24, 2008), sets forth Amendment procedures in Chapter 5, requiring a public hearing by the Commission, with said hearing being conducted July 28, 2026 to take public comments (comments are on file in the Commission Clerk's Office as a part of the minutes of the meetings); and,

WHEREAS, the Planning and Zoning Board, during its public meeting on July 6, 2026, reviewed the proposed text amendments presented by staff, and voted to recommend approval as modified and forwarded the amendments to a Public Hearing before the Board of Commissioners for further consideration; and,

WHEREAS, the Planning and Zoning Board recommend approval as modified to amend UDO Chapter 2 (Definitions); Section 2.7 (Terms defined in this Ordinance); and Chapter 11 (Screening/Buffering and Landscaping); Section 11.7 (Common Open Space, General Requirements) on July 6, 2026, based on: staff recommendation; the request is reasonable and in the public interest as it is consistent with the goals of the Comprehensive Land Use Plan as it will enhance the quality of life by allowing the area to absorb growth while still focusing on preservation and improving the image of Gaston County to both current and potential residents. The proposed amendment also emphasized the importance of natural resource by encouraging the use of environmental recreation.

Motion: Shires Second: Brooks Vote: Unanimous
Aye: Brooks, Crane, Harvey, Horne, Hurst, Love, Magee, Shires, Williams, Wray
Nay: None
Absent: None
Abstain: None

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	JBailey	CBrown	CCLoninger	AFraley	BHovis	TKeigher	SShehan	Vote
2026-228	07/28/2026	SS	AF	A	A	A	A	A	A	A	U

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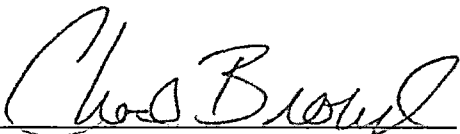
A=AYE, N=NAY, AB=ABSENT, ABS=ABSTAIN, U=UNANIMOUS

Zoning Text Amendment: TEXT-26-05-20-00013 - Gaston County (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO); Chapter 2 (Definitions); Section 2.7 (Terms Defined in this Ordinance); and Chapter 11 (Screening/Buffering and Landscaping); Section 11.7 (Common Open Space, General Requirements)
Page 2

NOW, THEREFORE, BE IT ORDAINED by the Commission, upon consideration of the proposed amendments, public hearing comment and the Planning and Zoning Board and Planning staff recommendation, the County Commission considers this action to be reasonable and in the public interest and finds the proposed amendments to be consistent with the County's Comprehensive Land Use Plan as it will enhance the quality of life by allowing the area to absorb growth while still focusing on preservation and improving the image of Gaston County to both current and potential residents. The proposed amendment also emphasized the importance of natural resource by encouraging the use of environmental recreation.

The County Commission hereby approves, effective with the passage of the Ordinance the amendments to UDO Chapter 2 (Definitions); Section 2.7 (Terms defined in this Ordinance); and Chapter 11 (Screening/Buffering and Landscaping); Section 11.7 (Common Open Space, General Requirements)

The County Manager is authorized to make necessary notifications in this matter to appropriate parties.



Chad Brown, Chairman
Gaston County Board of Commissioners

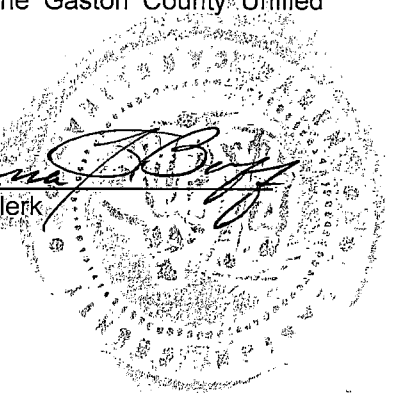
Certification

I, Donna S. Buff, Clerk to the Gaston County Board of Commissioners, do hereby certify that the above is a true and accurate copy of the Zoning Text Amendment: TEXT-26-05-20-00013 – Gaston County (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 2 (Definitions); Section 2.7 (Terms defined in this Ordinance); and Chapter 11 (Screening/Buffering and Landscaping); Section 11.7 (Common Open Space, General Requirements) (*Attached*), as adopted by the Board of Commissioners on July 28, 2026 and is to be set forth in the Gaston County Unified Development Ordinance (UDO) upon adoption.

SEAL



Donna S. Buff, Clerk



TEXT AMENDMENT FOR COMMON OPEN SPACE REQUIREMENTS

Sec. 2.7 - Terms defined in this ordinance.

Common Open Space	Land and/or water areas within the site designated for a particular development, not individually owned, which are designed and intended for the common use or enjoyment of the residents of the development but not including any lands occupied by streets, street rights-of-way, or off-street parking.
Common Open Space, Improved	An area of open space within a development site designed and intended for the use and enjoyment of residents within the development. Uses in improved open spaces may be passive or active.

REPEAL AND REPLACE SECTION 11.7 WITH THE FOLLOWING:

Sec. 11.7 Common Open space, general requirements.

- A. The provisions of this Section shall apply to all subdivisions of land including traditional neighborhood developments, planned residential developments, planned unit developments, infill residential developments and multi-family developments.
- B. When a subdivision or development is located on a tract of land where a future greenway or greenway connection has been specifically identified on the Carolina Thread Trails' master plan, open space shall be dedicated in accordance with the adopted plan. The greenway and trail access shall be developed in a way that allows public access. Planning and Zoning staff may require additional off-street parking at greenway or trailhead entrances.
- C. Any open space dedicated in association with a subdivision or development shall be owned and maintained by one or more of the following entities or organizations:
 1. A duly created Homeowners Association that, among other things, is responsible for maintaining common areas within the subdivision; or
 2. A Conservation Organization or private entity; or
 3. The State of North Carolina; or
 4. Any incorporated municipality located within Gaston County; or
 5. Any other organization or entity approved by the Planning and Zoning Staff.
- D. Any Common Open Space dedicated herein shall be irrevocably dedicated to public recreational and/or conservational use, regardless of the owner of the Common Open Space, (unless a higher and better use is approved by the Board of Commissioners), and such restrictions shall be set forth in the deed.
- E. A reduction in the required open space may be allowed up to 30 percent if the common open space is within one-half mile of a public garden, park, greenway, or blueway.

-
- F. Required landscaped and screening areas (per Chapter 11) shall not count towards common open space requirements.

Sec. 11.7.1 Amount of land to be dedicated.

The amount of land to be dedicated to common open space shall be dependent upon the number of lots being proposed along with the minimum size of the proposed lots.

Any subdivision or development proposing five (5) lots or less, regardless of the size of the proposed lots, shall not be required to dedicate common open space.

Any subdivision or development proposing more than six (6) lots shall be required to dedicate a percentage of the total or gross acreage of the development area as common open space.

TABLE 11.7.1(A)	
Number of Lots Being Proposed	Open Space Requirement
5 lots or less	Open space NOT required
6 lots or more	
Min. Lot Size Proposed	
Under 12,000 sqft.	20%
Under 20,000 sqft.	15%
20,000 – 29,999 sqft.	10%
30,000 sqft to an acre	5%
Anything over an acre	0%

Rounding statement: Any calculated value resulting in a fraction or decimal that does not correspond exactly to a value shown on the chart above shall be rounded up to the nearest whole number.

Sec. 11.7.2 Nature of land to be dedicated.

Except as otherwise required, all dedications of land for common open space shall meet the following criteria:

- A. *Unity.* The dedicated land shall form a single parcel of land, except where staff determines that two or more parcels would be in the best interest of the public, given the type and distribution of open spaces needed to adequately serve the proposed development. In such cases, the Planning and Zoning staff, in approving the preliminary or final plat, may require that such parcels be connected by a dedicated strip of land at least 30 feet in width. The strip shall be placed in the subdivision to enable persons to walk between the two open space areas.
- B. *Usability.* Two-thirds of the dedicated land shall be developed for active recreation.
- C. *Water/Ponds.* Wet detention ponds may be counted towards meeting the open space requirement if: (i) the facility is designed to hold water throughout the year, and (ii) if the facility is surrounded by a path or walkway and contains benches or similar improvements for enjoyment by residents or users of the development. Public and private bodies of water may be included in the open space calculation as long as they are safely accessible and intended to be used by residents and/or visitors of the development. Examples include the installation or development of fishing piers or docks.

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- D. *Location.* The dedicated land shall be located to reasonably serve the recreation and open space needs of residents of the subdivision.
 - E. *Access.* Access to the dedicated common open space areas shall be provided either by adjoining public street frontage or by a dedicated public easement, at least 30 feet wide, which connects the dedicated land to a public street or right-of-way. Gradients adjacent to existing and proposed streets shall allow for reasonable access to the dedicated land. Where the dedicated land is located adjacent to a street, the developer or subdivider shall remain responsible for the installation of utilities, sidewalks, and other improvements required along that street segment. Public access or dedicated walkways to greenway dedications only shall be at least 20 feet wide.
 - F. *Landscaping.* Dedicated parks, active open space, and general open space areas shall have a minimum Type A Buffer between the open area and any adjacent lots proposed for private ownership. If located along a public or private access easement of right-of-way, street trees shall be required.

Note – Sections 11.7.3 through 11.7.6 – Repeal/Reserve

GASTON COUNTY TEXT AMENDMENT TEXT-26-05-20-00013

STAFF REPORT

APPLICATION SUMMARY

Request:

To amend sections of the Unified Development Ordinance (UDO) to better reflect best practices in calculating open space requirements for subdivisions and to provide incentives to larger lot developments by reducing the amount of required open space.

Applicant(s):

Gaston County Planning and Zoning Staff

Section:

- Chapter 2 (Definitions)
- Chapter 11 (Screening/Buffering and Landscaping)

COMPREHENSIVE LAND USE PLAN

Goals 4, 6, and 7

4. Enhance quality of life to absorb growth while focusing on commercial and community resources, walkability, and agricultural preservation.
 - Enhance zoning regulations to reflect the types of communities desired by the residents.
6. Improve the image of Gaston County both to current and potential residents, focusing on retaining and increasing the population of young professionals.
 - Support quality of life initiatives
7. Emphasize the importance of our natural resources through highlighting natural environments and encouraging the use of environmental recreation.
 - Promote recreational areas
 - Create greenway connections

Staff Recommendation:

Application, as presented, is consistent with the goals of the Comprehensive Land Use Plan.

Technical Review Committee (TRC) comments

Not required by the Unified Development Ordinance (UDO)

STAFF SUMMARY

Prepared By: Jamie Mendoza Kanburoglu, Director of Planning and Zoning

The current Unified Development Ordinance (UDO) establishes open space requirements based on several factors, including parent tract size, development density, tax value, and proposed land use. Staff have determined that the existing regulations are not consistent with typical planning and zoning standards or common regulatory practices and are difficult to calculate, administer, and enforce effectively.

The proposed amendments to Chapter 2 (Definitions) and Chapter 11 (Open Space) are intended to simplify the applicable standards and calculation methods while improving overall clarity and enforceability. The amendments also eliminate the option to pay a fee in lieu of providing required open space improvements and allow for a reduction in the required amount of open space for developments with larger lots.

Overview of changes: These are staff notes for the proposed changes. For the full text, please see the attached draft.

1. Remove the definition for "Common Open Space, Improved"
 - a. Staff felt that this definition complicated the overall intention of the common open space regulations. Common open space areas are already defined as being areas that are designed and intended for the common use or enjoyment of the residents. The differentiation between passive and active space is common knowledge in the planning and zoning practice, and the new text states that two-thirds of the dedicated common space shall be developed for active recreation.
2. General Requirements
 - a. New provisions would be applicable to all types of subdivisions. The current UDO has different requirements based on the type of development. Standardizing the calculation would make it easier for staff and developers to anticipate the required amount of open space for a proposed development.
 - b. The amendment recognizes established greenway plans, including the Carolina Thread Trail, as guidelines for developing open space in areas that would be obvious connections.
 - c. The amendment defines how open space is to be owned and maintained. At no point should Gaston County be responsible for owning or maintaining common open space areas.
 - d. Common Open Space should be accessible and useable by the public.
 - e. Proximity to a public park, greenway, or blueway can allow up to a 30% reduction in the required amount of open space for the development.
 - f. Other requirements such as landscape and buffer areas cannot be counted towards the open space requirements.
3. Calculation for open space is based on number of lots and proposed lot size.
 - a. This aligns with the existing 5 lot maximum for exempt family subdivisions.
 - b. Developments with lots that are greater than one acre in size will not be required to dedicate open space.
4. Nature of land to be dedicated
 - a. This section outlines that common open space land needs to be useable and accessible. It provides regulations for location, access, and useability.

PLANNING & ZONING BOARD MEETING DATE

The planning board reviewed the proposed changes at their regularly scheduled meeting in May and provided a recommendation to approve with the following amendments at their July 6th meeting.

Requested Changes:

- Adjust the sqft. amounts in the table so that they are the same format.
- Add a period after "sqft" in the same table.

Attachments: Resolution, Draft Text, Presentation



GASTON COUNTY PLANNING & ZONING BOARD

Statement of Consistency

In considering text amendment TEXT 26-05-20-00013, the Planning & Zoning board finds:

1. This is a reasonable request and in the public interest; and
2. It is consistent with the goals of the comprehensive land use plan as it will enhance the quality of life by allowing the area to absorb growth while still focusing on preservation and improving the image of Gaston County to both current and potential residents. The proposed amendment also emphasized the importance of natural resource by encouraging the use of environmental recreation.

These findings are supported by a 10 - 0 vote by the Gaston County Planning & Zoning Board during its July 6, 2026, meeting.



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Building and Development Services Board Action

File #: 26-240

Commissioner Brown - Building & Development Services - Zoning Text Amendment: TEXT-26-05-20 -00013 - Gaston County (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 2 (Definitions); Section 2.7 (Terms Defined in this Ordinance); and Chapter 11 (Screening/Buffering and Landscaping); Section 11.7 (Common Open Space, General Requirements)

STAFF CONTACT

Jamie Kanburoglu - Director of Planning and Zoning - 704-862-5510

BACKGROUND

The proposed text amendments would revise parts of Chapter 2 (Definitions); Section 2.7 (Terms Defined in this Ordinance); and Chapter 11 (Screening/Buffering and Landscaping); Section 11.7 (Common Open Space, General Requirements) to better reflect best practices for calculating open space requirements for subdivisions. The proposed amendments would also provide incentives for large-lot developments by reducing the required open space acreage. A public hearing was advertised and held on July 28, 2026, with the public hearing comments being on file in the Board of Commission Clerk's Office. Planning and Zoning Board recommendation was provided on July 6, 2026, and the Commission is requested to consider the public hearing comment, Planning and Zoning Board recommendation, and other pertinent information, then (approve), (disapprove) or (modify) the zoning text amendments.

ATTACHMENTS

Ordinance, Staff Report & Proposed Text Amendments

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	JBailey	CBrown	CCloninger	AFrale	BHovis	TKeigher	SShefian	Vote
2026-228	07/28/2026	SS	AF	A	A	A	A	A	A	A	U

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