

GATES COUNTY NORTH CAROLINA

Title 15 Land Usage Ordinance Update

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GATES COUNTY CODE OF ORDINANCES

Title XV: Land Usage
Adopted June 16, 2021

Gates County is a rural county in northeastern North Carolina that contracted with CodeWright to update and modernize Title 15, Land Usage, of the County's Code of Ordinances for compliance with changes to the State's planning enabling legislation commonly known as a "160-D." Following an assessment of the County's current regulation, the project included a re-organization of Title 15 into a chapter on zoning, a chapter on subdivision regulations, a chapter on the county's agricultural district provisions, a chapter on the building code standards, and a consolidation of the County's manufactured housing provisions into the zoning regulations. In addition to the reorganization, CodeWright prepared a new style set, numbering system, and page layout for the document as well as a wide variety of new summary tables and definitions.

CodeWright revised the zoning and subdivision regulations for compliance with the new 160-D rules, session laws from the General Assembly approved after 2019, state and federal law, and relevant court precedent. In addition, CodeWright added modern application processing provisions, an updated set of parking standards, new landscaping provisions, new fencing regulations, new Reed-compliant signage standards, and new homeowner association standards. The zoning provisions were supplemented with new zoning district purpose statements and new residential density provisions. Numerous use standards were also added including a new set of telecommunications and wind energy conversion standards.

The revised version of Title 15 was adopted by the County in June of 2021.

152-202 CATEGORIES OF SUBDIVISION

The following table identifies the six (6) different types of subdivision applications addressed in these regulations. The steps in the review process and application/submittal requirements are identified in subsequent sections.

CATEGORIES OF SUBDIVISION TABLE		
TITLE OF SUBDIVISION	MINIMUM CHARACTERISTICS	REVIEW PROCEDURE
Exempt Subdivision	<ul style="list-style-type: none"> All lots must be larger than 10 acres; the division must be comprised of a single tract of not more than 2 acres in area with not more than 1 total lot (including original tract) being created by the division. All lots include dedication of public street right-of-way. Includes lot line setbacks and reconfigurations of existing lots, provided no lots are created. All lots created or affected meet the applicable zoning district dimensional requirements (unless part of a bona fide farm). 	<ul style="list-style-type: none"> County review provided by Subdivision Administrator. County may not require concept plan or subdivision application. If a plan is required, must include statement of exemption.
Transfer Subdivision	<ul style="list-style-type: none"> Limited to subdivision of a lot from a larger tract for the sole purpose of one owner to an immediate family member. New lots must meet all applicable zoning district dimensional standards (unless part of a bona fide farm). No limit on the total number of lots created, but limited to a maximum of one lot per individual immediate family member. May not include dedication or construction of public streets. No lots may not be created for 2 years. 	<ul style="list-style-type: none"> Administrative review by Subdivision Administrator. Plan recording required. No final plat necessary.
Expeditious Subdivision	<ul style="list-style-type: none"> The area of the tract being divided must exceed 5 acres. All lots meet the minimum applicable zoning district dimensional requirements (unless part of a bona fide farm). The use of each lot must conform to applicable zoning district requirements. Each lot has a permanent recorded means of ingress and egress to the proceeding highway. May not include dedication or construction of public streets. 	<ul style="list-style-type: none"> Administrative review by Subdivision Administrator. No recording of public utilities, including streets, allowed. No final plat necessary.
Minor Subdivision	<ul style="list-style-type: none"> Includes subdivisions with no more than 10 lots. Includes subdivisions that do not meet all the minimum characteristics of an exempt, expeditious, or transfer subdivision, but do not rise to the level of a preliminary plan. May not include dedication or construction of public streets. Subdivisions of two or more lots that include the dedication or construction of public streets or other public utilities to be used for sewer, etc.). 	<ul style="list-style-type: none"> Administrative review by the TICP. Plan recording required. No final plat necessary.
Preliminary Plan	<ul style="list-style-type: none"> Subdivision consisting or resulting in five or more lots without the dedication or construction of public streets or other public utilities (unless stated otherwise). 	<ul style="list-style-type: none"> Review and recommendation by Planning Board. Decision by Board of Commissioners. Plan recording necessary.
Final Plat	<ul style="list-style-type: none"> Final step of approval for preliminary plans. Only required for subdivisions subject to preliminary plan review. Land dedication must be completed before approval. Construction must be complete or subject to performance guarantee before approval. 	<ul style="list-style-type: none"> Administrative review by the Subdivision Administrator. Plan recording required.

TITLE XV: LAND USAGE
CHAPTER 152: SUBDIVISION REGULATIONS
Effective Date: 6.16.21
Last Amended: 6.16.21

C-1 COMMERCIAL DISTRICT DIMENSIONAL STANDARDS TABLE (1)						
Minimum Lot Size	Minimum Lot	Minimum Front	Minimum Side	Minimum Rear	Minimum Building	Maximum
	Width (FEET)	Yard Setback (FEET)	Yard Setback (FEET)	Yard Setback (FEET)	Height (FEET)	Building Height (FEET)
1 acre or as required by the Gates County Health Department	175 (3)	30	20	20	35	35

NOTES:
 (1) Uses subject to an approved special use permit with differing dimensional requirements shall comply with the terms of the approved special use permit.
 (2) Measured at the building setback line.
 (3) All lots shall maintain a maximum width of at least 175 linear feet at any buildable location on the lot.
 (4) No use or use that shall or requires signs for the use shall be an active railroad right-of-way or railroad.

I-1 INDUSTRIAL DISTRICT DIMENSIONAL STANDARDS TABLE (1)						
Minimum Lot Size	Minimum Lot	Minimum Front	Minimum Side	Minimum Rear	Minimum Building	Maximum
	Width (FEET)	Yard Setback (FEET)	Yard Setback (FEET)	Yard Setback (FEET)	Height (FEET)	Building Height (FEET)
1 acre or as required by the Gates County Health Department	175 (3)	30	20	20	35	35

NOTES:
 (1) Uses subject to an approved special use permit with differing dimensional requirements shall comply with the terms of the approved special use permit.
 (2) Measured at the building setback line.
 (3) All lots shall maintain a maximum width of at least 175 linear feet at any buildable location on the lot.
 (4) No use or use that shall or requires signs for the use shall be an active railroad right-of-way or railroad.

152-111 OFFICE AND INSTITUTIONAL DISTRICT
 (A) PURPOSE AND INTENT
 The Office Institutional (OI) District is established to accommodate office uses, research and development facilities, corporate headquarters, and multi-family residential uses in high quality single-building and multi-building developments. The district also accommodates the auxiliary service uses necessary to support the professional office development that is not intended as a retail district. Retail, personal service, and other commercial uses permitted as accessory to an office or institutional use shall not occupy more than 40 percent of the floor area. The OI district also serves as a transition area between higher intensity commercial uses and nearby lower density single-family residential neighborhoods.

(B) DIMENSIONAL REQUIREMENTS
 (1) The OI district shall not use the dimensional requirements for lots that are in the OOI District.
 (2) Lawfully established lots of record created prior to June 16, 2021, that do not conform to the dimensional standards in the title before may be developed with one single-family, home or as otherwise allowed in accordance with the standards in Article 153-4, Nonconformities.
 (3) Development shall comply with the generally applicable dimensional standards in 152-116.

O-1 OFFICE AND INSTITUTIONAL DISTRICT DIMENSIONAL STANDARDS TABLE						
Minimum Lot Size	Minimum Lot	Minimum Front	Minimum Side	Minimum Rear	Minimum Building	Maximum
	Width (FEET)	Yard Setback (FEET)	Yard Setback (FEET)	Yard Setback (FEET)	Height (FEET)	Building Height (FEET)
1 acre or as required by the Gates County Health Department	175 (3)	30	20	20	35	35

TITLE XV: LAND USAGE
CHAPTER 152: ZONING
Effective Date: 6.16.21
Last Amended: 6.16.21



KEY PROJECT FEATURES

- Integrated mobile and manufactured home provisions
- 50+ pages of defined terms
- Standardized review procedures
- New landscaping and parking provisions

<https://gatescountync.gov/index.asp?SEC=C2B8F2A8-C362-433C-A4F1-C4789D41F4C3&DE=419CFA2C-C48B-4E23-9A32-8FBB3EAB4963>