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**SECTION 6.1 ZONING DISTRICTS ESTABLISHED**

- A. In order to achieve the purposes established for this Ordinance as indicated in Section 6.2, and to further the goals and objectives stated in any plans for the future development of the City of Lowell as adopted by the governing board, a number of zoning districts are hereby created. Districts are divided into the following four categories:
1. General zoning districts
  2. Overlay districts
  3. Parallel conditional use districts
  4. Conditional districts
- B. Each general zoning district category serves a different function. A number of “residential”, “commercial”, “office” and “industrial” zoning districts have been created. Most allow for a variety of land use types and categories; certain districts, allow for the mixing of land use types is encouraged. All of the geographic area to which this Ordinance applies shall be divided into one of the various general zoning districts.
- C. Overlay districts are created to address issues of particular concern in the community that overlay one (1) or more of the general zoning districts. These regulations supplement those that are found in the underlying general zoning district. Any proposed use located within an overlay district would have to meet the requirements of the underlying general zoning district along with the requirements of the overlay district.
- D. Parallel Conditional Use Districts (PCUP) are established to consider situations where a particular use may be acceptable on a lot or tract of



land but the other uses permitted in a General Zoning District would not be acceptable. In such instances, the City Council may elect to rezone the lot(s) in question to a Parallel Conditional Use District (PCUP). Such rezoning may be made contingent upon the property owner meeting fair and reasonable conditions which assure the compatibility of the use with surrounding properties and promote the general welfare of the community. A parallel conditional use rezoning requires two (2) steps: (i) the rezoning to a parallel conditional use district and (ii) the issuance of a conditional use permit, the latter being done through a quasi-judicial process. Zoning to a PCUP District shall be a voluntary procedure on the part of the property owner or his agent and is intended for firm development proposals. It is not intended for securing early zoning for tentative proposals.

- E. Conditional Zoning Districts (CD) are designed to reach the same end-result as parallel conditional use districts. Conditional zoning involves the creation of a completely new zoning district designed to serve the needs of a particular development. No conditional use permit is involved, nor are there any quasi-judicial procedures. Two (2) Public Information Meetings (PIMs) are required to be held by the applicant. This is a legislative process type of rezoning. The owner of the property in question, or his authorized agent, are the only persons who can request a conditional district rezoning.

## **SECTION 6.2            GENERAL ZONING DISTRICTS**

### **6.2.1            RESIDENTIAL DISTRICTS**

#### **A.    R-1            SINGLE FAMILY LIMITED**

The purpose of this district is to accommodate single family site built and modular construction. The minimum lot size allowed in this district will be dependent on the provision of public or community water and sewer facilities. Although areas may be served with such utilities, most of these areas are located beyond existing or anticipated utility service coverage areas. The minimum lot size for residential uses in this district is therefore larger than in other residential zoning districts.

#### **B.    R-2            SINGLE FAMILY MODERATE**

The purpose of this district is to accommodate single family site built and modular construction and double-wide manufactured home placement. The minimum lot size allowed in this district will be dependent on the provision of public or community water and sewer facilities. Although



areas may be served with such utilities, most of these areas are located beyond existing or anticipated utility service coverage areas. The minimum lot size for residential uses in this district is therefore larger than in other residential zoning districts.

**C. R-3 SINGLE FAMILY GENERAL**

The purpose of this district is to accommodate single family site built and modular construction and double-wide and single-wide manufactured home placement. The minimum lot size allowed in this district will be dependent on the provision of public or community water and sewer facilities. Although areas may be served with such utilities, most of these areas are located beyond existing or anticipated utility service coverage areas. The minimum lot size for residential uses in this district is therefore larger than in other residential zoning districts.

**D. RS-8 SINGLE FAMILY 8,000 SQUARE FEET**

The purpose of the RS-8 District is primarily for the development of single family residential with a standard minimum lot size of eight thousand (8,000) square feet. This district is generally found in the Urban Standards Overlay (USO) district and is served by public or community water and sewer utilities. Higher densities than this is normally allowed and a variety of different residential types may be accommodated through Planned Residential Developments (PRD), Infill Residential Developments and Traditional Neighborhood Developments (TND) and / or through the satisfaction of certain performance design and construction.

**E. RS-12 SINGLE FAMILY 12,000 SQUARE FEET**

The purpose of the RS-12 District is primarily for the development of single family residential with a standard minimum lot size of twelve thousand (12,000) square feet. This district is generally found in the Urban Standards Overlay (USO) district and is served by public or community water and sewer utility. Higher densities than this is normally allowed and a variety of different residential types may be accommodated through Planned Residential Developments (PRD), Infill Residential Developments and Traditional Neighborhood Developments (TND) and / or through the satisfaction of certain performance design and construction.

**F. RS-20 SINGLE FAMILY 20,000 SQUARE FEET**

The purpose of the RS-20 District is primarily for the development of single family residential with a standard minimum lot size of twenty thousand (20,000) square feet. This district is generally found in the Urban Standards Overlay (USO) district and is served by at least one (1)



public or community water or sewer utility. Higher densities than this is normally allowed and a variety of different residential types may be accommodated through Planned Residential Developments (PRD), Infill Residential Developments and Traditional Neighborhood Developments (TND) and / or through the satisfaction of certain performance design and construction.

**G. RMF RESIDENTIAL MULTI FAMILY**

The purpose of this district is intended primarily as a residential district for the location of single family, two family and multi family dwellings along with their customary accessory uses so as to establish areas where development patterns are somewhat denser than surrounding areas. In order to ensure that developments are well planned and compatible with adjoining residential uses, density levels of development in excess of six (6) units per acre are allowed subject to the issuance of a Conditional Use Permit (CUP) by the Board of Adjustment. This district should have access to public or community water and sewer utilities.

**H. RLD RESIDENTIAL LOW DENSITY**

The RLD requires the largest standard minimum lot size of two (2) acres (87,210 square feet) and the purpose of the district is designed to accommodate residential uses in the most rural portions of the City or to protect areas from large-scale residential development where industrial or intense commercial development is called for on the land development plan in the future, but where specific development plans do not currently exist. The district may be located both within and beyond the Urban Standards Overlay (USO) District.

**6.2.2 OFFICE DISTRICTS**

**A. TMU TRANSITIONAL MIXED USE**

The TMU district encourages office and mixed office and residential uses at an intensity to compliment nearby residential land uses. Such areas are most often found in developed, urban portions of the City within the Urban Standards Overlay District. Many such areas, especially those found along major corridors, were originally developed for residential areas. But due to their location, the blending of office uses and higher density residential development has taken place. The TMU district is designed to encourage such mixed development to continue.



**B. OLC OFFICE / LIGHT COMMERCIAL**

The OLC district also allows for and is designed to accommodate mixed office, retail and residential development. Such higher intensity development will most likely occur within the Urban Standards Overlay District where public utilities may present and where access to major thoroughfares and/or transit is found. Development in OLC areas will most likely be at a higher intensity level than in the TMU district.

**C. O-1 OFFICE**

The O-1 district accommodates larger-scale office developments along with complementary commercial service establishments.

**D. OM MEDICAL OFFICE**

The OM district is designed to accommodate medically oriented uses that lie in close proximity to Gaston Memorial Hospital or other existing or planned community medical facilities in the City. In order to serve the general public better, complementary uses (doctors' offices, medical supply shops, pharmacies, etc.) are encouraged to locate near these medical facilities. Uses that are non-medically related are generally excluded for this zoning district so as to not compete for space that could otherwise be developed for medically related uses. Given the relative small amount of land suitable for such zoning, uses which predominate in other zoning districts (i.e., residences, non-medically related retail uses) are not allowed in the O-M district.

**6.2.3 COMMERCIAL DISTRICTS**

**A. CBD CENTRAL BUSINESS DISTRICT**

The CBD district is designed to accommodate the uses found in a central city location and to encourage high intensity, compact, urban development in a pedestrian-oriented setting. Retail, office, personal service, and institutional uses normally found in a central business district are allowed. In order to encourage more efficient building usage and to take advantage of the area's centralized location, second-story residential uses are permitted, as are high-density residential developments. Signage requirements shall be specifically tailored for a downtown setting.

**B. UMU URBAN MIXED USE**

The UMU district is generally located in the fringes of central business districts and is designed to allow for the redevelopment of older



commercial districts in a pedestrian-friendly manner. An UMU zoned area may not represent the true downtown business core of a community, but contains development features (i.e., limited or no front yard setbacks, limited amounts of off-street parking) that often pre-date the implementation of land use regulations. Redevelopment of such areas, for both commercial and residential purposes, is encouraged.

**C. C-1 LIGHT COMMERCIAL**

The C-1 Light Commercial District is designed to accommodate a large variety of retail uses designed to meet the needs of individual neighborhoods, or other relatively small geographic areas. Stores and shopping complexes are therefore relatively small in size and are designed to be compatible and integrated with adjoining residential neighborhoods. This zoning district is not intended to accommodate retail uses which attract persons from outside the neighborhood or which attract large numbers of passing motorists.

**D. C-2 HIGHWAY COMMERCIAL**

The C-2 Highway Commercial District is primarily intended to accommodate those retail service and distributive uses that are typically located along or adjacent to principal or minor arterials and which require high visibility, good road access, and which cater primarily to passing motorists. Development in this district is designed to promote aesthetics and the safe and efficient movement of traffic so as to not unduly burden adjacent thoroughfares. As larger and/or more intensive developments normally will create more significant impacts on adjoining neighborhoods and road and utility infrastructures, larger developments may be allowed in this zoning district. Most C-2 zoning districts will be located within the Urban Standards Overlay District.

**E. C-3 GENERAL COMMERCIAL**

The C-3 District is intended to accommodate the broadest array of commercial uses of all the commercial zoning districts, some of which are not allowed in any of the other commercial zoning districts. Like the C-2 district, the C-3 district is intended to accommodate the community's larger and most intense commercial developments (outside of the central business district) and is generally located within the Urban Standards Overlay District.

**F. NBS NEIGHBORHOOD BUSINESS SERVICES**

The NBS District is designed primarily for local retail, offices, and personal services developed at relatively low intensity levels and which serve and



are compatible with adjoining residential neighborhoods. It is not intended to accommodate retail uses which are designed to attract persons from outside the neighborhood or which attract large numbers of traveling motorists. Accordingly, regulations for this district are designed to encourage the development of small, neighborhood-oriented retail areas.

**G. GPX GARDEN PARKWAY INTERCHANGE**

The GPX district is intended to accommodate an array of aesthetically pleasing and well-designed developments that are located in close proximity to interchanges located along the Garden Parkway. While developments in closest proximity to the interchange exits may be designed for automobile access and to provide amenities to motorists using the Parkway, the district is intended to also accommodate mixed residential, retail, service and office uses that are well-integrated, compact and pedestrian friendly. This district is not intended to accommodate nor promote typical “strip commercial” development so often found along roads that emanate from limited access road interchanges.

As indicated in Table 7.1-1, a wide variety of residential, retail, service, and office uses are allowed within the GPX district. It is the intention of this district to promote well-designed development which integrates a variety of uses. Thus, lot by lot incremental development of parcels within an individual GPX zoning district is NOT recommended. Planned developments such as PRDs (Planned Residential Developments), TNDs (Traditional Neighborhood Developments), and PUDs (Planned Unit Developments) are strongly encouraged. Individual uses outside of these developments are limited to the following:

1. Single Family Dwellings
2. Convenience Stores
3. Hotels / Motels
4. Restaurants without drive-through facilities
5. Essential Services, Classes 1, 2, and 4

With the exception of Single Family Dwellings and Essential Services, all of the other uses listed above shall be subject to the issuance of a Conditional Use Permit.

Uses that existed at the time GPX zoning was placed on a piece of individual use (i.e., a use shown above, or as a use within a PRD, TND or PUD). Any expansion of such a conforming use will be subject to the issuance of a conditional use permit per Section 5.11 of this Ordinance. Other uses not specifically listed in Table 7.1-1 as being allowed in the GPX district or otherwise allowed as part of a PRD, TND or PUD shall be considered “non-conforming” and shall be subject to the provisions of Section 3.5.



## **6.2.4 INDUSTRIAL DISTRICTS**

### **A. I-1 LIGHT INDUSTRIAL**

The I-1 district is established to provide for areas that contain a mix of light manufacturing uses, office park and service uses in an attractive setting with proper screening and buffering. I-1 districts should include areas that continue the orderly development and concentration of light industrial uses. Any areas rezoned to the I-1 district subsequent to the adoption of this Ordinance should be located so as to have direct access to or lie within close proximity of a principal or minor arterial.

### **B. I-2 GENERAL INDUSTRIAL**

The I-2 district is established to provide for areas of heavier manufacturing and industrial uses that are properly sited, based on such factors as: adjacent land uses, access to the transportation network, and the availability of public services and facilities. It is the intent of this district to provide an environment for industries that is unencumbered by nearby residential or commercial development. I-2 zoned districts shall be located in areas where conflicts with other uses can be minimized to promote orderly transitions and buffers between uses. The I-2 district is established in order to provide sites for activities that involve major transportation terminals, and manufacturing facilities that have a greater impact on the surrounding area than industries found in the I-1 district. I-2 districts shall generally not be located adjacent to any property that is zoned for residential use, except when mitigating factors (i.e., terrain, buffering, and transportation access) are in place to substantively mitigate any potential negative impacts upon such residential areas caused by uses in the I-2 district. Any areas that are rezoned to an I-2 district subsequent to the adoption of this Ordinance shall be located so as to have direct access to or lie in close proximity of a principal or minor arterial.

### **C. I-3 EXCLUSIVE INDUSTRIAL**

The I-3 district is established to provide areas for the most intensive heavy manufacturing and industrial uses that may have impacts such as excess noise, environmental concerns and extended hours of operation. Uses in this district are extremely limited and include mining uses, petroleum refining and slaughterhouses. I-3 districts shall not be located adjacent to any property that is zoned for residential use. Any areas that are rezoned to an I-3 district subsequent to the adoption of this Ordinance shall be located so as to have direct access to or lie in close proximity of a principal or minor arterial.





**D. I-U URBAN INDUSTRIAL**

The I-U urban industrial district is normally found in older portions of the community that were developed prior to the advent of zoning regulations and which contain older industrial and warehouse-type uses. Such uses often times do not conform to the parking, bulk or setback requirements that would be applicable if those structures were developed today. The purpose of this district is to accommodate such existing uses and to encourage the redevelopment of such uses for industrial, commercial and/or residential purposes.

**SECTION 6.3 OVERLAY ZONING DISTRICTS**

**6.3.1 FH FLOOD HAZARD OVERLAY DISTRICT**

It is the purpose of this zoning district to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within floodprone areas.

See Chapter 16 for the Flood Hazard Regulations.

**6.3.2 WS WATER SUPPLY WATERSHED OVERLAY DISTRICT**

The regulations herein are designed to protect the water quality of the streams in the water supply watershed that lie within the jurisdiction of this Ordinance. It is the intent of this Ordinance to provide regulations that implement the rules adopted by the North Carolina Division of Water Quality, pursuant to NC General Statute 143-214.5.

See Chapter 15 for the Water Supply Watershed Regulations.

**6.3.3 RESERVED**



### **6.3.4 SV SCENIC VIEW OVERLAY DISTRICT**

The purpose of the SV District is to protect the scenic views from within areas such as the Daniel Stowe Botanical Garden. Gaston County hereby finds that the Daniel Stowe Botanical Garden has become a major asset to economic development, tourism, recreation, and natural resource conservation for Gaston County and the surrounding region. In order to preserve and enhance the natural scenery fostered by the Botanical Garden and enjoyed by visitors to the Garden, Gaston County finds it necessary to control the height of structures within the view from the Garden. Gaston County also finds that the erection of tall structures in areas within view of the Botanical Garden can result in the degradation of its natural scenic views and thus reduce its attraction as a natural scenic area and a retreat from urban development.

### **6.3.5 TH THOROUGHFARE HIGHWAY OVERLAY DISTRICT**

The TH district has been created to insure that development that takes place along designated thoroughfares be well planned. At some point in the future, widening or construction of these roads will take place. In order to minimize any negative impacts to adjoining property owners occurring as a result of such widening projects, the TH district has been created to require that all new structures lying on properties along these roads be adequately set back from existing and/or projected road rights-of-way. In this manner, all structures built per the TH district requirements will be adequately set back from the road when it is widened. The thoroughfare roads are shown on the adopted Thoroughfare Map, not the official Zoning Map. This thoroughfare is addressed when a development is submitted for review.

### **6.3.6 USO URBAN STANDARDS OVERLAY DISTRICT**

Areas of the City which are located outside their corporate limits or municipal Extra Territorial Jurisdiction (ETJ) but where the provision of public water and sewer services can reasonably be expected to occur over the next 10-15 years, have been designated as the "Urban Standards Overlay District". Areas within the corporate limits of the city that are transitioning from rural areas to more urban areas may also be deemed as the "Urban Standards Overlay District"

Accordingly, standards for development, more akin to those that traditionally are found in urban areas, as opposed to rural areas, are called for. Standards addressed, but not limited to: building design, off-street parking, road, lot and subdivision standards.

**Note:** If any portion of the subject property is within the USO, then the entire property shall be developed in accordance with USO standards.



**6.3.7 RESERVED**

**6.3.8 WF WATERFRONT OVERLAY DISTRICT**

The Waterfront District is hereby established to provide supplemental restrictions to protect and enhance water quality, public safety, and public recreational opportunities on the Catawba River and its impoundments. This District shall cover the surface waters of the Catawba River and its impoundments and all land areas within one thousand (1000) feet of these shorelines. The shoreline shall be deemed to be the mean high water mark (i.e., the 570-foot contour level for Lake Wylie) of the Catawba River and said impoundments.

**6.3.9 RESERVED**

**6.3.10 SH SPECIAL HIGHWAY OVERLAY DISTRICT**

The purpose of this district is to protect and preserve the landscape of areas which lie adjacent to designated Special Highways and that development that takes place on land that lies near such highways occur in a manner which maximizes the aesthetics and development potential of the area through the application of additional development standards. The SH District shall consist of all lots fronting on the special highway for a depth of five hundred (500) feet as measured from the centerline of the special highway (for a total width of one thousand (1,000) feet), unless otherwise indicated on the Zoning Map.

**6.3.11 CH Corridor Highway Overlay District**

The purpose of the CH District is to preserve and enhance the streetscape along designated corridor highways in Gaston County and its municipalities. A CH District may exist along the entire length of a roadway or along any identifiable segment of a roadway. Any CH District initially established shall contain a minimum length of at least one thousand (1,000) linear feet as measured along one side of a designated corridor highway. The CH District shall consist of all lots fronting on the corridor highway for a depth of two hundred-fifty (250) feet as measured from the centerline of the corridor highway (for a total width of five hundred (500) feet), unless otherwise indicated on the Zoning Map. Although such corridor highways may vary in character, particular aspects of development along those roads raise common concerns and should be managed in a consistent way in order to preserve and enhance the streetscape.



### **6.3.12 GP GARDEN PARKWAY OVERLAY DISTRICT**

The purpose of the GP Overlay district is to maintain an aesthetic viewshed for motorists and landowners along the length of the Garden Parkway. Any GP Overlay district initially established shall generally contain a minimum depth of at least one thousand (1,000) linear feet and shall consist of all lots fronting along the Garden Parkway for a depth of five hundred (500) feet on each side of the Garden Parkway as measured from the centerline of the Garden Parkway. The City Council shall have the authority to modify the initial or subsequent placement of the GP Overlay district boundaries on a case-by-case basis where deemed to be in the City's best interest.

## **SECTION 6.4 PARALLEL CONDITIONAL ZONING (PCUP) DISTRICTS**

Parallel conditional use districts are established to consider situations where a particular use may be acceptable on a lot or tract of land but the other uses permitted in a general zoning district would not be acceptable. In such instances, the City Council may elect to rezone the lot(s) in question to a Parallel Conditional Use district. Such rezonings may be made contingent upon the property owner meeting fair and reasonable conditions, associated with the issuance of a conditional use permit, that ensure the compatibility of the use with surrounding properties and promote the general welfare of the community. Zoning to a PCUP district shall be a voluntary procedure on the part of the property owner or his agent, and is intended for firm development proposals. It is not intended for securing early zoning for tentative proposals. The process for securing a PCUP zoning district designation along with a conditional use permit is explained in Section 5.16.4.

The following PCUP districts are hereby established:

- |               |              |              |
|---------------|--------------|--------------|
| 1. CU / R-1   | 9. CU / TMU  | 17. CU / C-3 |
| 2. CU / R-2   | 10. CU / OLC | 18. CU / NBS |
| 3. CU / R-3   | 11. CU / O-1 | 19. CU / I-1 |
| 4. CU / RLD   | 12. CU / OM  | 20. CU / GPX |
| 5. CU / RS-20 | 13. CU / CBD | 21. CU / I-2 |
| 6. CU / RS-12 | 14. CU / UMU | 22. CU / I-3 |
| 7. CU / RS-8  | 15. CU / C-1 | 23. CU / IU  |
| 8. CU / RMF   | 16. CU / C-2 |              |



## **SECTION 6.5                    CONDITIONAL ZONING (CD) DISTRICTS**

The Conditional Zoning (CD) District process allows for the establishment of certain uses that, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole. The development of these uses cannot be predetermined or controlled by general district standards. In order to accommodate these uses, this Section establishes the conditional zoning district process. The process for approval of a CD Zoning District is explained in Section 5.16.5. The rezoning of any parcel of land to a CD district shall be a voluntary process initiated by the property owner or his authorized agent. Any area rezoned to a CD district shall be in general compliance with the goals, objectives and implementation strategies of the adopted Comprehensive or Land Use Plan and all other plans and regulations officially adopted by the City Council. The review process established in this Section provides for the accommodation of such uses by a reclassification of property into a CD district, subject to specific conditions (which may exceed those that would otherwise be required for the use in question), which ensure compatibility of the use with the enjoyment of neighboring properties and in accordance with the general plans of development of the City. A conditional zoning district is not intended for securing early zoning for a proposal.

Once a property has been rezoned to a CD district, it shall be referenced with the letters "CD" in front of the name of the applicable general zoning district listed in Section 6.2. Thus, a property rezoned to a C-2 Conditional District shall appear on the Zoning Map as "CD / C-2".