

Unified Development Ordinance (UDO) Text Amendments ZTA22-02

Request: To consider text amendments to Chapter 9 (General Provisions): Section 9.9
Applicant: Gaston County Planning Board

Background:

The Unified Development Ordinance (approved April 24, 2008) sets forth procedures for amendment procedures in Chapter 5, requiring a recommendation from the Planning Board, with final action on said amendments to commence at the conclusion of a public hearing by the County Commission. The proposed amendments include language that would simplify the review process for Accessory Structures.

The Planning Board unanimously moved to recommend approval of the request at their regularly scheduled meeting on Monday, March 14, 2022.



GASTON COUNTY

Department of Planning & Development Services

Street Address: 128 W. Main Avenue, Gastonia, North Carolina 28052

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GASTON COUNTY TEXT AMENDMENT APPLICATION

Complete by either typing or printing legibly in black or blue ink

Applicant ☐

Planning Board (Administrative) ☒

Board of Commission (Administrative) ☐

ETJ ☐

A. *APPLICATION INFORMATION

Application Number: TA 22-02

Name of Applicant: Gaston County Planning Board

(Print Full Name)

Mailing Address: 128 W. Main Ave. Gastonia, NC 28053

(Include City, State and Zip Code)

Telephone Numbers: 704-866-3195

(Area Code) Business

(Area Code) Home

** If the applicant and property owner are not the same individual or group, the Gaston County Zoning Ordinance requires written consent from the property owner or legal representative authorizing the proposed Text Amendment Application. In addition, the authorization shall be notarized. The following two (2) sections pertain to property information, and specifics of the proposal as either a text change or a new use.*

B. PROPERTY INFORMATION (if applicable)

Physical Address or General Street Location of Property: _____

Tax Map Identification: Parcel (s) _____

Parcel (s) _____ Parcel (s) _____

Acreage of Parcel(s): _____ +/- Acreage to be Rezoned: _____ +/- Current Zoning: _____

Proposed use(s) to be added to text: _____ Proposed Zoning District: _____

C. PROPOSED TEXT CHANGE (specify section of Ordinance)

Chapter 9 (General Provisions): Section 9.9 Accessory Structures

Describe proposed new use (provide an attachment if necessary).

The proposed amendments include language that would simplify the review process for Accessory Structures.

APPLICATION CERTIFICATION

(Circle)

(I/We), the undersigned being the property owner/authorized representative, hereby certify that the information submitted on the application and any applicable documents is true and accurate.

Signature of property owner or authorized representative

3/14/2022
Date

OFFICE USE ONLY

OFFICE USE ONLY

OFFICE USE ONLY

Date Received: _____ Application Number: TA: _____ Fee: \$ _____

Received by Member of Staff: _____ Date of Payment: _____ Receipt Number: _____
(Initial)

☐ Copy of Plot Plan or Area Map

☐ Copy of Deed

☐ Notarized Authorization

☐ Payment of Fee

Public Hearing Date: _____ Planning Board Recommendation: _____ Commissioner's Decision: _____



SECTION 9.9 ACCESSORY STRUCTURES

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

- ~~1. No portion of any accessory structure (except mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump houses, bus shelters and doghouses) shall be located within any front yard on lots less than one (1) acre in area. Mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump houses, and doghouses may be located in any front, side or rear yard. Bus shelters may be located in any required front yard setback. On lots of one (1) acre in area or greater, accessory structures may be located in the front yard, a minimum of one hundred fifty (150) feet from the edge of the street right-of-way line. Swimming pools, pumps, filters, and pool water disinfection equipment installations shall not be located in any front yard, regardless of lot size.~~
- ~~2. Accessory structures are allowed in any side yard, although none are allowed in any required side yard setback except as provided in Subsection 1 above. Swimming pools, pumps, filters and pool water disinfection equipment installations shall not be located in any required side yard, regardless of lot size.~~
- ~~3. Accessory structures are allowed in a rear yard provided that no accessory structure (except as provided in Subsection 1 above) shall be allowed within five (5) feet of any principal structure and five (5) feet of any rear or side yard line.~~
- ~~4. On any lot one-half (½) acre or less in area containing a principal residential use, the maximum permitted area of accessory structures (excluding outdoor swimming pools) shall not exceed one-half (½) the heated ground floor area of the principal structure or seven hundred fifty (750) square feet, whichever is less.~~
- ~~5. On a lot containing an area of greater than one-half (½) acre, the maximum permitted area of accessory structures shall be computed by taking three (3) percent of the lot area over one-half (½) acre (21,780 square feet) and adding seven hundred fifty (750) square feet or one-half (½) the heated ground floor area of the principal residential dwelling, whichever is greater.~~
- ~~6. Any building attached to a principal structure (e.g., via a breezeway) will not be considered an accessory structure. Any additions to the principal structure shall be deemed "attached" to such structure if the~~



~~addition is in accordance with all applicable State Building Code requirements~~

- ~~7. On any lot one (1) acre or less in area containing a principal residential use, the number of accessory structures (other than a carport or garage) shall be limited to two (2). On any lot greater than one (1) acre in area containing a principal residential use, the number of accessory structures (other than a carport or garage) shall be limited to three (3).~~
- ~~8. Exceptions to the setback requirements above may be made per Section 5.15.1(B) of this Ordinance.~~
- ~~9. In no case may an accessory structure be placed in a general drainage or utility easement without prior approval by the Administrator.~~
- ~~10. With the exception of accessory structures in association with an agricultural use, the height of an accessory structure shall not exceed the height of the principal structure.~~
- ~~11. All outdoor or in-door swimming pools, including in-ground, above-ground or on-ground pools, hot tubs or spas shall be enclosed by a barrier (a fence, wall, building wall, or combination thereof which completely surrounds the water structure and obstructs access to the water structure) and shall comply with the most current North Carolina Building Code.~~
- ~~B. On any lot containing a principal residential use, no accessory structure shall be permitted that involves or requires any external construction features which are not primarily residential in nature or character except for an accessory structure used in conjunction with a mixed-use dwelling, temporary produce stand, agricultural use, or similar nonresidential use that otherwise would be allowed on the property. Accessory structures on lots containing a principal residential use shall not be made of highly reflective metal materials. Some examples of structures that cannot be used as an accessory structure to a residential use include: school buses, manufactured homes, tractor trailers (with or without wheels), buses, recreation vehicles, cargo containers (with exceptions as listed below), etc.~~
 - ~~1. Residential cladding, when applicable, shall be brick, block, concrete siding, vinyl siding, exterior wood siding or any other material not listed that is approved by the administrator.~~
 - ~~2. Cargo containers permitted on residential lots less than one (1) acre, must be clad, placed in the rear yard, and no larger than eight~~



~~feet by twenty feet (8' x 20') in size.~~

3. ~~Cargo containers permitted on residential lots one (1) acre or larger, must be one (1) or more of the following and approved by the administrator: clad, materially screened, or naturally screened, so that the structure is not visible to any adjoining property owner.~~
- C. ~~No accessory structure shall be constructed or placed on a lot prior to the issuance of a zoning permit and a building permit for the principal use or structure on the same lot.~~
- D. ~~Minor modifications to the size of accessory structures are provided for in Section 5.15.1(B).~~

A. Accessory Structures

The following structures are not considered accessory structures and shall not be regulated by this ordinance:

Mailboxes	Newspaper Boxes
Walls	Fences
Birdhouses	Flag Poles
Pump Houses	Dog Houses

B. General Regulations

1. No accessory structure may be placed in the front setback except for the following structure type(s):
 - A. Bus Shelter
 - B. Structures listed in subsection A
2. All accessory structures shall be constructed out of standard recognized building materials.
 - A. Accessory structures on lots containing a principal residential use shall not be made of highly reflective metal materials.
3. Examples of structures that cannot be used as an accessory structure to a residential use include:

School Buses	Buses
Recreation Vehicles	Manufactured Homes
Tractor Trailers (with or without wheels)	
Cargo Containers (with exceptions listed below)	
4. Minor modifications may be allowed for agricultural buildings.
5. Private Residential Quarters do not count towards the total number of accessory structures allowed per lot.
6. In no case may an accessory structure be placed in a general drainage easement without prior approval by the Administrator.
7. No accessory structure shall be constructed or placed on a lot prior to



the issuance of a zoning permit and a building permit for the principal use or structure on the same lot.

8. Accessory structures with attached carports will be considered a carport.
9. Minor modifications for accessory structures are provided in Section 5.15

C. Location and Setbacks

1. Accessory structures are allowed in any side and rear yard unless otherwise specified in this section.
2. No accessory structure shall be allowed within five (5) feet of any principal structures and shall be setback five (5) feet from any rear or side yard line.
3. For lots less than two (2) acres in size, the following regulations shall apply:
 - A. The height of all accessory structures shall not exceed 20'.
 - B. No accessory structure type shall be placed in the front yard.
 - C. The total square footage of all accessory structures on the subject parcel shall not exceed 3% of the total lot acreage.
 - D. The total square footage of each accessory structure shall not exceed 50% of the primary structure's building footprint.
 - E. No more than two (2) accessory structures and a garage or carport may be placed on each parcel under two (2) acres.
4. For lots larger than two (2) acres in size, the following regulations shall apply:
 - A. The height of each accessory structure shall not exceed 45'.
 - B. Only garage and carports may be located in the side and front yard as long as they are setback 30' from the road right-of-way.
 - C. The total square footage of all accessory structures on the subject parcel shall not exceed 4% of the total lot acreage.
 - D. The total square footage of each accessory structure shall not exceed 50% of the primary structure's building footprint.
 - E. No more than three (3) accessory structures and a garage or carport may be placed on each parcel greater than two (2) acres.

	Lots less than 2 acres in size	Lots greater than 2 acres in size
Number of	2 in addition to a	3 in addition to a detached



structures allowed on lot	detached garage OR carport	garage OR carport
Total square footage of all accessory structures on site	Less than or equal to 3% of the lot acreage	Less than or equal to 4% of the lot acreage
Maximum square footage allowed for each individual accessory structure	Shall not exceed 50% of the building footprint of the primary residential structure	
Height of each accessory structure	Max height of 20' for each structure	Max height of 45' for each structure
Location of garage/carport	May not be located in the front yard	May be located in the front yard as long as structure is set back 30' from the road right-of-way

D. Swimming Pools

1. Swimming pools, pumps, filters, and pool water disinfection equipment installations shall not be located in any front yard, regardless of lot size.
2. Swimming pools may be placed in the side yard as long as the side setback requirements of the zoning district are met to the water's edge.
3. All outdoor or in-door swimming pools, including in-ground, above-ground or on-ground pools, hot tubs or spas shall be enclosed by a barrier (a fence, wall, building wall, or combination thereof which completely surrounds the water structure and obstructs access to the water structure) and shall meet the North Carolina Building Code standards.

E. Cargo Containers

1. Cargo containers permitted on residential lots less than one (1) acre, must be clad, placed in the rear yard, and no larger than eight feet by twenty feet (8' x 20') in size.
2. Cargo containers permitted on residential lots one (1) acre or larger, must be one (1) or more of the following and approved by the Administrator: clad, materially screened, or naturally screened, so that the structure is not visible to any adjoining property owner.
3. Residential cladding, when applicable, shall be brick, block, concrete siding, vinyl siding, exterior wood siding or any other material not listed that is approved by the administrator.