

GASTON COUNTY TEXT AMENDMENT
TEXT-22-12-19-00007 STAFF REPORT

APPLICATION SUMMARY

Request:

To update Section 9.9 of the UDO by adding language that allows for more and larger accessory structures and increased setbacks for these structures.

Applicant(s):

Gaston County Planning Board

COMPREHENSIVE LAND USE PLAN

GOALS

Goal #6 – Improve the image of Gaston County to both current and potential residents, focusing on retaining and increasing the population of young professionals.

Staff Recommendation:

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

STAFF SUMMARY

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

Staff revised the section regulating accessory structures in 2022 to make calculating the allowed square footage of accessory structures easier. This amendment also placed a cap on accessory structures to where they couldn't be greater than 50% of the principal structure's footprint. After that change was adopted, our staff processed eight variances for accessory structures. Two of the eight were variances for the maximum size of the building allowed. Four of the eight requested a variance for the total allowed square footage of all accessory structures on a lot.

The proposed text amendment would allow accessory structures to be no greater than the primary residential structure on lots that are less than four acres in size and removes the sqft. cap for individual accessory structures on lots that are greater than four acres. Staff is recommending an increase for side and rear setbacks from 5' to 10' to accommodate the larger accessory structures.

PLANNING BOARD MEETING DATE

Scheduled Meeting Date: January 9, 2023

Attachments: Application, Proposed Edits



GASTON COUNTY

Building and Development Services

Street Address: 128 W. Main Ave. Gastonia, NC 28052

Phone: (704) 866-3155

Mailing Address: P.O. Box 1578 Gastonia, NC 28053

Fax: (704) 966-3966

TEXT AMENDMENT APPLICATION

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

GASTON COUNTY

Application Number: TEXT - 22-12-19-00007

Applicant Planning Board (Administrative) Board of Commissioners (Administrative)

A. APPLICANT INFORMATION

Name of Applicant: Gaston County Planning Board
(Print Full Name)

Mailing Address: PO Box 128 Gastonia, NC 28052
(Include City, State, and Zip Code)

Telephone Numbers: 704-862-5510
(Area Code) Business (Area Code) Home/Mobile

B. PROPOSED TEXT CHANGE (specify section of Ordinance)

Chapter 9 (General Provisions), Section 9.9 (Accessory Structures)

The proposed amendments include language to allow larger accessory structures on lots that are greater than four (4) acres in size.

APPLICATION CERTIFICATION

(Circle)

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

[Signature]
Signature of authorized representative

1/12/2023
Date

OFFICE USE ONLY

Date Received: December 19, 2022

Fee: \$ N/A

Received by Member of Staff: JMK

Date of Payment: N/A Receipt #: _____

Planning Board Hearing Date: January 9, 2023

Planning Board Recommendation: _____

Board of Commissioner's Hearing Date: January 24, 2023

Commissioner's Decision: _____

SECTION 9.9 ACCESSORY STRUCTURES

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 |

A. 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

- A. Accessory structures are allowed in any side and rear yard unless otherwise specified in this section.
- B. No accessory structure shall be allowed within five (5) feet of any principal structures and shall be setback ~~five (5)~~ten (10) feet from any rear or side yard line.
- C. 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 34% 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, according to current tax records.
 - E. No more than two (2) accessory structures and a garage or carport may be placed on each parcel under two (2) acres.
- D. For lots larger than two (2) acres but less than four (4) acres in size, the following regulations shall apply:
- A. The height of each accessory structure shall not exceed 45'.
 - B. Only garage-garages 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 45% 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, according to current tax records.
 - E. No more than three (3) accessory structures and a garage or carport may be placed on each parcel greater than two (2) but less than four (4) acres.
- E. For lots larger than four (4) acres in size, the following regulations shall apply:
- A. The height of each accessory structure shall not exceed 45'.
 - B. Only garages 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 6% of the total lot acreage.
 - A-D. No more than four (4) accessory structures and a garage or carport may be placed on each parcel greater than four (4) acres.

| | Lots less than 2 acres in size | Lots greater than 2 acres <u>but less than 4 acres in size</u> | <u>Lots greater than 4 acres in size</u> |
|---|---|---|--|
| Number of structures allowed on lot | 2 in addition to a detached garage OR carport | 3 in addition to a detached garage OR carport | <u>4 in addition to a detached garage or carport</u> |
| Total square footage of all accessory structures on site | Less than or equal to <u>34%</u> of the lot acreage | Less than or equal to <u>45%</u> of the lot acreage | <u>Less than or equal to 6% of the lot acreage</u> |
| Maximum square footage allowed for each individual accessory structure | Shall not exceed <u>50%</u> of the <u>building under-roof building</u> footprint of the primary residential structure <u>according to current tax records</u> | | |
| 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

- Swimming pools, pumps, filters, and pool water disinfection equipment installations shall not be located in any front yard, regardless of lot size.
- 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.
- 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

- 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.
- 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.