



RESOLUTION TITLE: ZONING TEXT AMENDMENT: TEXT-22-12-19-00007 GASTON COUNTY PLANNING BOARD (APPLICANT); TO CONSIDER PROPOSED TEXT AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO): CHAPTER 9 (GENERAL PROVISIONS): SECTION 9.9 (ACCESSORY STRUCTURES)

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 January 24, 2023 to take public comment (comments are on file in the Commission Clerk's Office as a part of the minutes of the meetings); and,

WHEREAS, the Text Amendments are requested by the Gaston County Planning Board as the amendments relate to minor modifications and changes to the UDO; and,

WHEREAS, the Gaston County Planning Board met during its regular meeting on January 9, 2023, and reviewed proposed text amendments and approved a recommendation to move the proposed amendments to the Public Hearing format for the Board of Commissioners consideration; and,

WHEREAS, the Planning Board recommended approval of the text amendments to amend UDO Chapter 9 (General Provisions): Section 9.9 (Accessory Structures) on January 9, 2023, based on: staff recommendation and the request is reasonable and in the public interest and is in accordance with the County's Comprehensive Land Use Plan. The proposed text amendment is consistent with goal six of the Comprehensive Land Use Plan, as allowing larger accessory structures on larger lots will improve the image of Gaston County to current and potential residents.

Motion: Sadler

Second: Vinson

Vote: Unanimous

Aye: Crane, Harris, Horne, Houchard, Sadler, and Vinson

Nay: None

Absent: Brooks, Hurst, and Magee

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:

NOW, THEREFORE, BE IT RESOLVED by the County Commission upon consideration of the proposed amendments, public hearing comment and Planning Board recommendation, the County Commission considers this action to be **(reasonable and in the public interest)** or **(not reasonable and not in the public interest)** and finds the proposed amendments to be **(consistent)** or **(not consistent)** with the County's Comprehensive Land Use Plan.

The County Commission **(hereby approves, effective with the passage of the Resolution)** or **(hereby disapproves)** the amendments to the UDO Chapter 9 (General Provisions): Section 9.9 (Accessory Structures).

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 Amendments: TEXT-22-12-19-00007 Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 9 (*Attached*) as adopted by the Board of Commissioners on January 24, 2023 and is to be set forth in the Gaston County Unified Development Ordinance (UDO) upon adoption.

Donna S. Buff, Clerk to the Board

SEAL

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 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

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- parcel shall not exceed 4% of the total lot acreage.
- D. The total square footage of each accessory structure shall not exceed 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 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 5% of the total lot acreage.
 - D. The total square footage of each accessory structure shall not exceed 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.
 - 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 but less than 4 acres in size	Lots greater than 4 acres in size
Number of structures allowed on lot	2 in addition to a detached garage OR carport	3 in addition to a detached garage OR carport	4 in addition to a detached garage or carport
Total square footage of all accessory structures on site	Less than or equal to 4% of the lot acreage	Less than or equal to 5% of the lot acreage	Less than or equal to 6% of the lot acreage
Maximum square footage allowed for each individual accessory structure	Shall not exceed the under-roof building footprint of the primary residential structure according to current tax records		
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

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- 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.