

Unified Development Ordinance (UDO) Text Amendment - ZTA 22-03

STAFF REPORT

APPLICATION SUMMARY
Request:
To consider text amendments to Chapter 2 (Definitions): Table 2.7-1; Chapter 8 (Supplemental Regulations): Section 8.1.14 and 8.1.15
Applicant(s):
Gaston County Planning Board

OVERVIEW
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 to add a definition for “carports” and to align the regulations for Home Occupations with what is allowed by NC Building Code.
Planning Board Recommendation:
The Planning Board unanimously recommended approval of this request.

Attachments: Application, Current Text with Proposed Changes, Clean Version of Proposed Text Amendments



GASTON COUNTY Department of Planning & Development Services

Street Address: 128 W. Main Avenue, Gastonia, North Carolina 28052 Phone: (704) 866-3195
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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 22-03

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 2 (Definitions) - add definition for a carport, Chapter 8 (Supplemental Regulations) - Sections 8.1.14 and 8.1.15
adjust language for Home Occupations to align with NC Building Code

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

The proposed amendments will create a definition for carports and update the regulations for home occupations
so that they are better aligned with what is allowed by NC Building Code.

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]
Signature of property owner or authorized representative

7/19/2022
Date

OFFICE USE ONLY

OFFICE USE ONLY

OFFICE USE ONLY

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

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

Copy of Plot Plan or Area Map Copy of Deed Notarized Authorization Payment of Fee

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



Term	Use Table Subcategory*	Definition
Car Wash, Self Service	Commercial Services	A commercial establishment primarily engaged in the washing of automobiles, motorcycles, and pick-up and panel trucks. Such washing shall be done manually by the customer (i.e., the use of fully automated devices which move the vehicle through a washing device shall not be permitted). Accessory self-vacuuming facilities shall be allowed.
Carport		<i>An open-sided structure that provides for the storage of automobiles. The structure may be attached to or detached from the principal dwelling unit.</i>
Cemetery	Civic / Community Organizations	Property used for the interment of the dead, which use may include the commercial sale and location of burial lots, crypts, or vaults for use exclusively on the subject property. A cemetery shall not be used for the preparation or embalming of bodies or the cremation of bodies. This definition shall be construed to include bona fide pet cemeteries.



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SECTION 8.1.14 CUSTOMARY-PRIVATE HOME OCCUPATION

- A. Customary-Private home occupations may be established in any principal dwelling unit as allowed by North Carolina State Building Code. Customary-Private home occupations shall be incidental to a residential unit and shall not be considered a substitute to traditional retail establishments that rely on a substantial amount of walk-in traffic. Customary-Private home occupation requirements ~~shown herein~~ shall apply in addition to all other applicable requirements of this Ordinance for the district in which such principal dwelling unit is located.
- B. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the exterior residential character of the dwelling.
- C. No accessory structures or outside storage of materials or equipment shall be allowed in connection with the customary-private home occupation.
- D. Use of the dwelling for the home occupation shall be limited to ~~twenty-five (25)~~ten (10) percent of the gross heated floor area of the principal structure or 300 sqft whichever is less.
- E. The operator of the customary-private home occupation must reside on the same lot as where the customary home occupation takes place. Residents of the dwelling plus a maximum of one (1) nonresident may be engaged in the customary-private home occupation or otherwise report to work at the dwelling.
- F. No products, goods, materials, or equipment associated with the customary-private home occupation shall be visible from any adjoining street or properties. All such products, goods, materials or equipment shall be stored within the residential dwelling unit. Storage space for goods shall be limited to 100 square feet within the primary residential structure or in an accessory structure. On-premise sales of products are limited to those made or reconditioned on the premises and those that are necessary to the service being provided.
- G. No external alterations inconsistent with the residential use of the dwelling shall be permitted.
- H. Only vehicles used primarily as passenger vehicles (i.e., passenger automobiles, passenger vans and passenger pickup trucks) shall be permitted in connection with the conduct of the customary-private home



occupation. No more than two (2) vehicles shall be used in conjunction with the [customary-private](#) home occupation. Parking in association with the [customary-private](#) home occupation shall only take place in the driveway or garage.

- I. Chemical, mechanical, or electrical equipment or any other activity associated with the [customary-private](#) home occupation that creates odors, light emission, noises, or interference in radio or television reception detectable outside the dwelling shall be prohibited. [Hazardous material storage shall also be prohibited.](#)
- J. Hours of operation shall be anywhere from 8:00 AM to 8:00 PM only.
- K. Private Instruction in School of Arts in music, dancing, and similar subjects shall be limited to a maximum of two (2) students at a time (including the number of persons waiting on the property to receive such instruction).

~~L. Permitted customary home occupations shall be limited to the following:~~

- ~~1. Bakery (Retail)~~
- ~~2. Barber Shop~~
- ~~3. Beauty Shop~~
- ~~4. Bicycle Sales/Service~~
- ~~5. Blueprint and Drafting Service~~
- ~~6. Clock Shop~~
- ~~7. Computer and Data Processing Service~~
- ~~8. Detective Agencies~~
- ~~9. Florist, Retail~~
- ~~10. Florist, Wholesale~~
- ~~11. Food Catering Facility~~
- ~~12. Gunsmith~~
- ~~13. Insurance Agency~~
- ~~14. Key Shop~~
- ~~15. Locksmith~~
- ~~16. Photographic Studio~~
- ~~17. Private Instruction in School of Arts (dance, piano, pottery, etc.)~~
- ~~18. Real Estate Agency~~
- ~~19. Sewing, Cloth and Notions Store~~
- ~~20. Shoe Repair Shop~~
- ~~21. Tailor and Alterations Store~~
- ~~22. Tax Preparation Service~~
- ~~23. Taxidermy~~
- ~~24. Travel Agency~~
- ~~25. Upholstery Shop~~



~~26. Watch and Clock Repair Shop~~

~~M. The Administrator shall have the authority to allow a customary home occupation that is not listed above, provided the Administrator determines that the use will be harmonious with all existing and potential nearby residential uses and meets all of the performance criteria associated with customary home occupations listed herein.~~

SECTION 8.1.4415 ~~RURAL~~PUBLIC HOME OCCUPATION

A. ~~The ruralPublic home occupations may take place in either the principal residential structure or in an accessory structure. If located in the principal residential structure, it shall be limited to shall be limited to twenty five (25) percent of the heated gross floor area of the principal structure. If located in an accessory structure, said accessory structure shall have a maximum gross floor area equal to one half (1/2) the heated gross floor area of the principal structure or seven hundred fifty (750) square feet, whichever is smaller. The accessory structure must meet the regulations in Section 9.9 of this Ordinance and~~

B. ~~If located in an accessory structure, the accessory structure shall be in the rear yard only and shall also be located at least seventy five (75) feet from any existing principal residential structure on any adjacent parcel of land and at least twenty five (25) feet from any adjoining lot line. the following regulations:~~

- ~~1. The structure shall be at least seventy-five (75) feet from any existing residential structure on any adjacent parcel of land~~
- ~~2. The structure shall be in the rear yard only.~~
- ~~3. The structure shall not have a separate driveway for access.~~
- ~~4. The structure shall be at least five (5) feet from any other structure on the lot or have fire rated walls.~~
- ~~5. The structure shall be setback 15' from the side and rear property lines.~~
- ~~4.6. The structure shall have one-half of a Type A, Option 3 landscape buffer.~~

~~GB.~~ No products, goods, materials, or equipment associated with the rural home occupation shall be visible from any adjoining street or properties. All products, goods, materials, or equipment associated with the home occupation shall be stored within the residential dwelling unit or the accessory structure. On-premise sales of products are limited to those



made or reconditioned on the premises and those that are necessary to the service being provided.

DC. The operator of the ~~rural~~-public home occupation must reside on the same lot as where the ~~rural~~-public home occupation takes place. Only residents of the dwelling may engage in the ~~rural~~-public home occupation and no more than one (1) full-time person and one (1) part-time person, both of whom do not reside on the premises, may be employed at the home occupation.

ED. Chemical, mechanical, or electrical equipment or any other activity associated with the rural home occupation that creates odors, light emission, noises, or interference in radio or television reception detectable outside the dwelling or accessory structure shall be prohibited.

FE. Except as herein indicated, vehicles used primarily as passenger vehicles may be permitted in connection with the conduct of the rural home occupation. No more than two (2) vehicles shall be used in conjunction with the rural home occupation. Light Commercial vehicles as defined in Chapter 2 may also be used. ~~so long as such vehicle does not contain more than two (2) axles nor have a load capacity in excess of one (1) ton.~~

GF. Hours of operation shall be between 8:00 AM to 8:00 PM only.

HG. ~~Permitted rural home occupations shall be limited to the following, and as provided in Subsection I below:~~

- ~~Auto Repair Shop (see Subsection J below)~~
- ~~Bakery (Retail)~~
- ~~Barber Shop~~
- ~~Beauty Shop~~
- ~~Bicycle Sales/Service~~
- ~~Blueprint and Drafting Service~~
- ~~Clock Shop~~
- ~~Computer and Data Processing Service~~
- ~~Detective Agencies~~
- ~~Florist, Retail~~
- ~~Florist, Wholesale~~
- ~~Gunsmith~~
- ~~Insurance Agency~~
- ~~Key Shop~~
- ~~Locksmith~~
- ~~Machine Shop~~
- ~~Photographic Studio~~
- ~~Private Instruction for School of Arts (piano, dance, pottery, etc.)~~
- ~~Real Estate Agency~~
- ~~Sewing, Cloth and Notions Store~~
- ~~Shoe Repair Shop~~
- ~~Sign Painting Shop~~



~~Tailor and Alterations Store
Tax Preparation Service
Taxidermy
Travel Agency
Upholstery Shop
Watch and Clock Repair Shop~~

~~H. The Administrator shall have the authority to allow a rural home occupation that is not listed above, provided the Administrator determines that the use will be harmonious with all existing and potential nearby residential uses and meets all of the performance criteria associated with rural home occupations listed herein.~~

~~H.~~ H. Automobile repair shops will only be allowed as rural public home occupations subject to the issuance of a Special Use Permit per Section 5.12. Any such automobile repair shop must meet the following requirements:

1. The lot containing the automobile repair shop must be greater than two (2) acres in size; and,
2. The outdoor storage of vehicles used in association with the repair shop is limited to one (1) vehicle per lot.

~~3. An automobile repair shop, automobile body shop, retail automobile sales operations, or a wholesale sales operation with on-site delivery and storage of goods, shall not be considered as being a rural home occupation.~~

~~K.I. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the residential character of the property.~~



SECTION 8.1.14 PRIVATE HOME OCCUPATIONS

- A. Private home occupations may be established in any principal dwelling unit as allowed by North Carolina State Building Code. Private home occupations shall be incidental to a residential unit and shall not be considered a substitute to traditional retail establishments that rely on a substantial amount of walk-in traffic. Private home occupation requirements shall apply in addition to all other applicable requirements of this Ordinance for the district in which such principal dwelling is located.
- B. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the exterior residential character of the dwelling.
- C. No accessory structures or outside storage of materials or equipment shall be allowed in connection with the private home occupation.
- D. Use of the dwelling for the home occupation shall be limited to ten (10) percent of the gross heated floor area of the principal structure or three hundred (300) sqft. whichever is less.
- E. The operator of the private home occupation must reside on the same lot as where the private home occupation takes place. Residents of the dwelling plus a maximum on one (1) nonresident may be engaged in the private home occupation or otherwise report to work at the dwelling.
- F. No products, good, materials, or equipment associated with the private home occupation shall be visible from any adjoining street or properties. All such products, goods, materials, or equipment shall be stored within the residential dwelling unit. Space allocated towards the storage of goods may not exceed 10% of the gross heated floor area of the principal dwelling structure or 100 sqft., whichever is less.
- G. On premise sales of products are limited to those made or reconditioned on the premises and those that are necessary to the service being provided.
- H. No external alterations inconsistent with the residential use of the dwelling shall be permitted.
- I. Only vehicles used primarily as passenger vehicles, as defined in Ch. 2, shall be permitted in connection with the conduct of the private home occupation. No more than two (2) vehicles shall be used in conjunction with the private home occupation. Parking in association with the private home occupation shall only take place in the driveway or garage.
- J. The storage of hazardous, chemical, mechanical, or electrical equipment or supplies or any other activity associated with the private home occupation that creates odors, lights emission, noises, or interference in radio or television reception detectable outside the dwelling shall be prohibited.
- K. Hours of operation shall be anywhere from 8:00 am to 8:00 pm only.
- L. Private instruction in School of Arts in music, dancing, and similar subjects shall be limited to a maximum of two (2) students at a time (including the number of persons waiting on the property to receive such instruction).



SECTION 8.1.15 PUBLIC HOME OCCUPATION

- A. Public home occupations take place in an accessory structure. The accessory structure must meet the regulations in Section 9.9 of this Ordinance and the following regulations:
 - 1. The accessory structure shall be in the rear yard only.
 - 2. The structure shall not have a separate driveway for access.
 - 3. The structure shall be at least five (5) feet from any other structure on the lot or have fire rated walls.
 - 4. The structure shall be setback fifteen (15) feet from the side and rear property lines.
 - 5. The structure shall have one-half of a Type A, Option 3 landscape buffer.
- B. No products, goods, materials, or equipment associated with the public home occupation shall be visible from any adjoining street or properties. On-premise sales of products are limited to those made or reconditioned on the premises and those that are necessary to the service being provided.
- C. The operator of the public home occupation must reside on the same lot as where the public home occupation takes place. Only residents of the dwelling may engage in the public home occupation and no more than one (1) full-time person and one (1) part-time person, both of whom do not reside on the premises, may be employed at the home occupation.
- D. The storage of hazardous, chemical, mechanical, or electrical equipment or supplies or any other activity associated with the private home occupation that creates odors, lights emission, noises, or interference in radio or television reception detectable outside the dwelling or accessory structure shall be prohibited.
- E. Except as herein indicated, vehicles used primarily as passenger vehicles, as defined in Chapter 2, may be permitted in connection with the conduct of the public home occupation. No more than two (2) vehicles shall be used in conjunction with the public home occupation. Lite commercial vehicles, as defined in Chapter 2, may also be used.
- F. Hours of operation shall be between 8:00 am to 8:00 pm.
- G. Automobile repair shops shall only be allowed as public home occupations subject to the issuance of a Special Use Permit per Section 5.11. Any such automobile repair shop must meet the following requirements:
 - 1. The lot containing the automobile repair shop must be greater than two (2) acres in size; and,
 - 2. The outdoor storage of vehicles used in association with the repair shop is limited to one (1) vehicle per lot.