

TEXT-23-04-25-00009

Text Amendment

Applicant: Gaston County Planning Board

PID: NA

Request: Amend Chapter 5; Table 5.8-1, and Section 5.8.4 to update regulations for temporary family health care structures



Overview

- **Background:**
 - Code Case
- **Amend:**
 - Table 5.8-1
 - Section 5.8.4
- **Purpose:**
 - Align the County UDO with the NCGS 160D which is more restrictive than our current ordinance

**TABLE 5.8-1
ALLOWED TEMPORARY USES**

TEMPORARY USE	PERMIT NEEDED?	OTHER REGULATIONS
Real Estate Sales Office/Model Sales Home	Yes	5.8.4 (A)
Sale of Goods Other Than Agricultural Products	Yes	5.8.4 (B)
Sale of Agricultural Products	No/Yes	5.8.4 (C)
Garage/Yard Sales	No	5.8.4 (E)
Special Outdoor Event	Yes	5.8.4 (F)
Construction Trailers	Yes	5.8.4 (G)
Temporary RV's and Manufactured Homes	Yes	5.8.4 (H)
Temporary RVs for Workers for Construction Projects	Yes	5.8.4 (I)
<u>Temporary Health Care Structure</u>	<u>Yes</u>	<u>5.8.4 (J)</u>

J. Temporary Health Care Structures

1. Temporary health care structures shall be permitted in accordance with N.C.G.S. 160D-915 (Temporary health care structures). The definitions in G.S. 160D-914 (a) shall apply to this section.
2. Only one temporary family health care structure shall be allowed on a lot or parcel of land.
 - a. Structure shall be limited to one occupant who shall be the mentally or physically impaired person.
 - b. Structure shall be less than 300 square feet and comply with applicable provisions of the State Building Code and G.S. 143-139.1 (b)
 - c. Structure shall not be placed on a permanent foundation.
3. Temporary health care structures shall meet all setback requirements that apply to the primary residential structure on the lot.
4. Permits for temporary health care structures shall be renewed annually and subject to an annual inspection to confirm compliance with this ordinance.
5. Temporary health care structures shall be required to connect to water, sewer, and electric utilities and shall comply with all applicable state, local, and other requirements.
6. No signage advertising or otherwise promoting the existence of the structure shall be permitted on the lot.
7. Any temporary health care structure shall be removed from the lot within 60 days from which the impaired person is no longer receiving or in need of the assistance provided for in this section. If the temporary family health care structure is needed for another mentally or physically impaired person, the temporary health care structure may continue to be used or may be reinstated on the property within 60 days of its removal, as applicable.

§ 160D-9-14. Temporary health care structures.⁴⁵³ [160D-915]

(a) The following definitions apply in this section:

- (1) Activities of daily living. – Bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating.
- (2) Caregiver. – An individual 18 years of age or older who (i) provides care for a mentally or physically impaired person and (ii) is a first or second degree relative of the mentally or physically impaired person for whom the individual is caring.
- (3) First or second degree relative. – A spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew, or niece and includes half, step, and in-law relationships.
- (4) Mentally or physically impaired person. – A person who is a resident of this State and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in this State.
- (5) Temporary family health care structure. – A transportable residential structure, providing an environment facilitating a caregiver’s provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and G.S. 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.