

TA #16-02 Amend Article 3.2.7 Highway Commercial (HC) District, Article 3.2.8 Campus Institutional (CI) District, Article 3.2.9 Corporate Business (CB) District, and Article 3.2.14 Transit-Oriented Development – Employment (TOD-E) District to Allow Home Occupations as a Permitted Accessory Use

PART 1: DESCRIPTION

Text Amendment, TA #16-02, is a request by the Town of Huntersville to amend Article 3.2.7 Highway Commercial (HC) District, Article 3.2.8 Campus Institutional (CI) District, Article 3.2.9 Corporate Business (CB) District, and Article 3.2.14 Transit-Oriented Development – Employment (TOD-E) District of the Huntersville Zoning Ordinance (see Attachment A, Text Amendment Application and Attachment B, Proposed Ordinance) to allow Home Occupations as a permitted accessory use.

PART 2: BACKGROUND

Home Occupations are defined as “a business, profession, occupation, or trade which is conducted within a residential building or accessory structure for the economic gain or support of a resident of the dwelling, and which is incidental and secondary to the residential use of the building” (Article 12.2.1, Huntersville Zoning Ordinance). In Huntersville, Home Occupations are permitted as an accessory use in all residential districts. The Highway Commercial (HC), Campus Institutional (CI), Corporate Business (CB), and Transit-Oriented Development – Employment (TOD-E) Districts allow residential uses (see Attachment C, Use Matrix) but do not currently permit Home Occupations. Since the aforementioned zoning districts permit residential uses, consideration should be given to adding Home Occupations as a permitted accessory use in all districts which allow residential uses.

The Land Development Ordinances Advisory Board (LDOAB) reviewed the proposed amendment at their April 7, 2016 meeting and recommended approval (8-0).

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2030 COMMUNITY PLAN AND APPLICABLE LONG RANGE PLANS

The following are examples of relevant plans and policies from the 2030 Huntersville Community Plan that may be incorporated into the Board’s statement of consistency for approval or denial of the request.

Policy ED-1 Diversify Tax Base – Continue to look for ways to expand and diversify the employment base in Huntersville.

PART 4: STAFF RECOMMENDATION

Staff recommends amending Article 3.2.7 Highway Commercial (HC) District, Article 3.2.8 Campus Institutional (CI) District, Article 3.2.9 Corporate Business (CB) District, and Article 3.2.14 Transit-Oriented Development – Employment (TOD-E) District of the Huntersville Zoning Ordinance to permit Home Occupations as an accessory use. The recommendation is based on:

Consistency with policy of the Huntersville Community Plan listed above.

Amending the Zoning Ordinance so that Home Occupations are permitted in all districts that allow residential uses creates equal opportunity for Huntersville residents to operate a Home Occupation in all zoning districts which allow residential uses.

PART 5: PUBLIC HEARING

The Public Hearing was held on June 6, 2016. No comments were received.

PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board meeting was held on June 28, 2016. Planning Board voted unanimously to recommend approval of the text amendment (9-0).

PART 7: ATTACHMENTS AND ENCLOSURES

Attachment A: Text Amendment Application

Attachment B: Proposed Ordinance

Attachment C: Use Matrix

PART 8: STATEMENT OF CONSISTENCY – TA #16-02

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed amendment, TA 16-02, to amend Article 3.2.7, Article 3.2.8, Article 3.2.9, and Article 3.2.14 of the Zoning Ordinance, the Planning staff recommends approval based on the amendment being consistent with policy ED-1 of the Town of Huntersville 2030 Community Plan.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because doing so creates equal opportunity for Huntersville residents to operate a Home Occupation in all zoning districts which allow residential uses.</p>	<p>APPROVAL: In considering the proposed amendment, TA 16-02, to amend Article 3.2.7, Article 3.2.8, Article 3.2.9, and Article 3.2.14 of the Zoning Ordinance, the Planning Board recommends approval based on the amendment being consistent with policy ED-1 of the Town of Huntersville 2030 Community Plan.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because doing so creates equal opportunity for Huntersville residents to operate a Home Occupation in all zoning districts which allow residential uses.</p>	<p>APPROVAL: In considering the proposed amendment, TA 16-02, to amend Article 3.2.7, Article 3.2.8, Article 3.2.9, and Article 3.2.14 of the Zoning Ordinance, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)</p>
		<p>DENIAL: In considering the proposed amendment, TA 16-02, to amend Article 3.2.7, Article 3.2.8, Article 3.2.9, and Article 3.2.14 of the Zoning Ordinance, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....(Explain)</p>



Text Amendment Application

Incomplete submissions will not be accepted.

Applicant Data

Date of Application 4/1/2016

Name Huntersville Planning Department

Address 105 Gilead Rd, 3rd Floor, Huntersville, NC 28078

Phone Number (home) 704-875-7000 (work) 704-875-7000

Email: csawyer@huntersville.org

Fee

Text Amendment to the Zoning/Subdivision Ordinance Fee

\$400.00

Type of Change

☒ New Addition to text of Zoning Ordinance / Subdivision Ordinance / Other

☐ Revision/Modification to text of Zoning Ordinance / Subdivision Ordinance / Other

Description of Change (If possible, please provide a Word document of the proposed text change)

Proposed text amendment will affect the following:

Ordinance: Zoning Article: 3 Section: Permitted Accessory Uses – Article 3.2.7, 3.2.8, 3.2.9, & 3.2.14

Current Text: N/A

Proposed Text: Add “home occupation (9.19)” to Permitted Accessory Uses section in Article 3.2.7 Highway Commercial (HC) District, 3.2.8 Campus Institutional (CI) District, 3.2.9 Corporate Business (CB) District, 3.2.14 Transit-Oriented Development – Employment (TOD-E) District

Reason for requested change (attach additional sheets if necessary): Currently, the Highway Commercial (HC), Campus Institutional (CI), Corporate Business (CB), and Transit-Oriented Development – Employment (TOD-E) districts allow residential uses. Home occupations are accessory to residential uses and should be included in the HC, CI, CB, and TOD-E districts.

NOTE: If the proposed text amendment effects property located along Hwy 73; is 2000 feet from an adjoining municipality, and/or the Mountain Island and Lake Norman Watersheds, additional peer review is required.

Signatures

I hereby certify that the information presented by me in this application is accurate to the best of my knowledge, information and belief.



Applicant Signature:

Date: 4/1/2016

Contact Information

Town of Huntersville
Planning Department
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Huntersville, NC 28070

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AN ORDINANCE TO AMEND ARTICLE 3.2.7 (HC), ARTICLE 3.2.8 (CI), ARTICLE 3.2.9 (CB), AND ARTICLE 3.2.14 (TOD-E) TO ALLOW HOME OCCUPATIONS AS A PERMITTED ACCESSORY USE

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that the **Zoning Ordinance** is hereby amended as follows:

3.2.7 HIGHWAY COMMERCIAL DISTRICT (HC)

c) Permitted Accessory Uses

- commercial outdoor kennels, (9.10)
- drive through windows associated with any use, (9.12)
- helistop, (9.18)
- **home occupations, (9.19)**
- outdoor storage, excluding construction equipment, (9.26)
- solar energy facilities, minor non-residential; on a flat roof, roof slopes not facing a street and building integrated solar panels on roof slopes facing a street that are not noticeable, (9.54)
- solar energy facilities, minor residential; located in the established rear or side yards or roof slopes, (9.54)
- stalls or merchandise stands for outdoor sale of goods at street front; outdoor storage must be behind building and screened from view from public spaces[8]
- warehousing accessory to merchandise showroom, within an enclosed building
- accessory uses permitted in all districts, (8.11)

3.2.8 CAMPUS INSTITUTIONAL DISTRICT (CI)

c) Permitted Accessory Uses

- commercial uses and structures that are clearly accessory to a permitted principal use helistop, (9.18)
- **home occupations, (9.19)**
- solar energy facility, minor residential; located in the established rear or side yards or roof slopes, (9.54)
- solar facility, rooftop minor nonresidential on a flat roof, a roof slope not facing a street and unnoticeable building integrated solar panels on roof slopes facing a street (9.54)
- accessory uses permitted in all districts, (8.11)

3.2.9 CORPORATE BUSINESS DISTRICT (CB)

c) Permitted Accessory Uses

- attached single family and multi-family homes intended for use by personnel employed for security or maintenance

- attached single family and multi-family homes in a corporate business development of 400 acres or more, with an approved vested plan so long as:(a). the gross land area of the attached single family and/or multi-family housing development(s) does not exceed 8 percent of the gross land area in the corporate business development; and (b). the number of attached single-family and/or multi-family housing developments within the corporate business development is limited to 2.
- helistop, (9.18)
- **home occupations, (9.19)**
- outdoor storage, excluding the storage of construction equipment, (9.26)
- retail, restaurant, personal services, branch banks, conference facilities, clinics, indoor recreation and similar workplace support uses up to 10 percent of gross floor area within the business or light industrial park or 70,000 SF, whichever is less
- solar facilities, minor non-residential; on a flat roof, roof slopes not facing a street and building integrated solar panels on roof slopes facing a street that are not noticeable, (9.54)
- solar energy facilities, minor residential; located in the established rear or side yards or roof slopes, (9.54)
- accessory uses permitted in all districts, (8.11)

3.2.14 TRANSIT-ORIENTED DEVELOPMENT-EMPLOYMENT DISTRICT (TOD-E)

c) Permitted Accessory Uses

- **home occupations, (9.19)**
- parking lot as an accessory to any permitted principal use, on the same lot or on an abutting lot according to the standards of Article 6
- retail, restaurant, bars and taverns, personal services, clinics and similar workplace support uses up to 20 percent of first floor area of any building, or of a multi-building project taken as a whole
- solar energy facilities, minor non-residential; on a flat roof, roof slopes not facing a street and building integrated solar panels on roof slopes facing a street that are not noticeable, (9.54)
- solar energy facilities, minor residential; located in the established rear or side yards or roof slopes, (9.54)
- warehousing not to exceed 25% of the finished floor area of the principal use
- accessory uses permitted in all districts, (8.11)

New Text = Bold and Underlined

Section 2. That this ordinance shall become effective upon adoption.

PUBLIC HEARING DATE: June 6, 2016

PLANNING BOARD MEETING:

PLANNING BOARD RECOMMENDATION:

TOWN BOARD DECISION:

Residential Uses Permitted in HC, CI, CB, and TOD-E Districts	
Zoning District	Residential Use(s) Permitted
Highway Commercial (HC)	<u>Permitted by Right</u> : Single-family and multi-family homes.
Campus Institutional (CI)	<u>Permitted by Right</u> : Single-family and multi-family homes on the premises which are intended for use by employee(s) of the institution or of the companies providing on-site services to the institution.
Corporate Business (CB)	<u>Permitted Accessory Uses</u> : (1) Attached single-family and multi-family homes intended for use by personnel employed for security or maintenance; (2) Attached single-family and multi-family homes in a corporate business development of 400 acres or more, with an approved vested plan so long as: (a) the gross land area of the attached single-family and/or multi-family housing development(s) does not exceed 8 percent of the gross land area in the corporate business development; and (b) the number of attached single-family and/or multi-family housing developments within the corporate business development is limited to 2.
Transit-Oriented Development - Employment (TOD-E)	<u>Uses Permitted With Conditions</u> : (1) multi-family homes in mixed use buildings; and (2) single family attached homes in mixed use buildings.