

**THE OFFICIAL ZONING ORDINANCE OF THE TOWN OF  
SPRUCE PINE, NORTH CAROLINA**

ARTICLE I. Purpose and Enactment ..... 3

ARTICLE II. Short Title ..... 3

ARTICLE III. Administration, Enforcement, Penalties and Remedies ..... 3

Sec. 31. Zoning Enforcement Officer ..... 3

Sec. 32. Building Permit Required ..... 3

Sec. 33. Building Permit Application ..... 3

Sec. 34. Building Permit Invalidity ..... 3

Sec. 35. Certificate of Occupancy ..... 4

Sec. 36. Remedies ..... 4

Sec. 37. Penalties for Violation ..... 4

ARTICLE IV. Amendments ..... 4

Sec. 41. Procedure - Generally ..... 4

Sec. 42. Procedure-Public Hearing ..... 4

ARTICLE V. Board of Zoning Adjustment ..... 4

Sec. 51. Establishment; Composition; Appointment; term and compensation of members;  
vacancies ..... 5

Sec. 52. Jurisdiction and decisions ..... 5

Sec. 53. Officers, Meetings ..... 5

Sec. 54. Appeals; Hearings; Stay of proceedings ..... 5

Sec. 55. Variances and Special Uses ..... 6

Sec. 56. Decisions Final ..... 9

Sec. 57. Court Review of Proceedings ..... 9

ARTICLE VI. Definitions ..... 10

ARTICLE VII. Application ..... 11

Sec. 71. Within corporate limits as shown on zoning map ..... 11

Sec. 72. Exemption ..... 11

ARTICLE VIII. General Provisions ..... 11

Sec. 81. Nonconforming Uses ..... 11

Sec. 82. Off-street Parking ..... 12

82.1. Location on other property ..... 14

82.2. Extension of parking space into a residential district ..... 14

82.3. Reduction in area and number of parking spaces ..... 14

82.4. Mixed uses ..... 14

Sec. 83. Off-street loading and unloading space ..... 14

Sec. 84. One principal building on a lot ..... 15

Sec. 85. Street access ..... 15

Sec. 86. Required yards and other space ..... 15

Sec. 87. Visibility clearance ..... 15

ARTICLE IX. Use Districts ..... 15

Sec. 91. Designation ..... 15

Sec. 92. Boundaries - Establishment ..... 15

Sec. 93. Same - Interpretation ..... 15

ARTICLE X. Residential Districts ..... 15

Sec. 101.1. R-1 Low-Density Residential District - Purpose and intent ..... 16

Sec. 101.2. Same - Uses permitted ..... 16

Sec. 101.3. Special Uses ..... 16

Sec. 102.1. R-2 Medium-Density Residential District - Purpose and intent ..... 16

Sec. 102.2. Same - Uses permitted ..... 16

Sec. 102.3. Special uses ..... 17

Sec. 103.1. R-3 High-density Residential District - Definition; intent ..... 17

Sec. 103.2. Same - Uses permitted. ....	17
Sec. 103.3. Same - Special uses. ....	17
Sec. 104.1. T-1 Trailer and Trailer Park Districts - Purposes and Intent. ....	18
Sec. 104.2. Same - Uses permitted. ....	18
Sec. 104.3. Same - Location of Trailer Park. ....	18
Sec. 104.4. Same - Minimum area. ....	18
Sec. 104.5. Same - Maximum number of trailers per district. ....	18
Sec. 104.6. Same - Design requirements. ....	18
Sec. 104.6. Same - Design requirements(cont.). ....	18
Sec. 104.7. Same - Application for rezoning. ....	19
ARTICLE XI. Business District. ....	19
Sec. 111.1. C-1 Primary Business District - Purpose and intent. ....	19
Sec. 111.2. Same - Uses permitted. ....	19
Sec. 112.1. C-1A Central Business Fringe District - Purpose and Intent. ....	20
Sec. 112.2. Same - Preliminary plan for use and development - Required. ....	20
Sec. 112.3. Same - Same - Contents. ....	21
Sec. 112.4. Same - Same - Minimum standards. ....	21
Sec. 112.4. Same - Special uses permitted. ....	22
Sec. 112.6. Same - Height regulations. ....	22
Sec. 112.7. Same - Setback regulations. ....	22
Sec. 112.8. Same - Limitations imposed prior to approval of plan. ....	22
Sec. 112.9. Same - Approved general plan. ....	22
Sec. 113.1. C-2. Neighborhood Shopping District. ....	23
Sec. 113.2. Uses permitted. ....	23
Sec. 113.3. Changes in Zoning Map. ....	23
Sec. 114.1. C-3 Highway Business District - Purpose and intent. ....	23
Sec. 114.2. Same - Uses permitted. ....	24
Sec. 115.1. PS-1 Public Service District - Purpose and Intent. ....	24
ARTICLE XII. Industrial Districts. ....	24
Sec. 121.1. I-1 Light Industrial District - Definition; purpose and intent. ....	25
Sec. 121.2. Same - Uses permitted. ....	25
Sec. 122.1. I-2 Heavy Industrial District - Definition; purpose and intent. ....	25
Sec. 122.2. Same - Uses permitted. ....	25
ARTICLE XIII. M-1 Medical Arts District. ....	26
Sec. 131.1. Definition; purpose and intent. ....	26
Sec. 131.2. Uses permitted. ....	26
ARTICLE XIV. Generally Prohibited Uses. ....	26
Sec. 140. ....	26
ARTICLE XV. Legal Status Provisions. ....	26
Sec. 141. More restrictive standards govern in case of conflict with other laws. ....	26
Sec. 142. Severability. ....	26
Sec. 143. Conflicting ordinances repealed. ....	27
Sec. 144. Effective date. ....	27
TABLE 1. Dimensional Requirements. ....	28

Pursuant to Section 41, Appendix A, Spruce Pine Town Code, the Board of Aldermen does hereby amend the Zoning Ordinance and Zoning Map of the Town of Spruce Pine in Manner and Form as follows:

**ARTICLE I. Purpose and Enactment.**

This Ordinance is enacted for the purposes of promoting health, safety, morals and general welfare of the Town of Spruce Pine. It is enacted for the further purpose of regulating the location and use of buildings, structures and land, the size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purpose.

This Ordinance is enacted pursuant to the authority granted to the Town of Spruce Pine by North Carolina General Statutes 160A-381 et. Seq.

**ARTICLE II. Short Title.**

This ordinance shall be known and may be cited as “The Official Zoning Ordinance of the Town of Spruce Pine, North Carolina.”

**ARTICLE III. Administration, Enforcement, Penalties and Remedies.**

Sec. 31. Zoning Enforcement Officer.

It shall be the duty of the duly appointed building inspector and he is hereby given the authority to administer and enforce the provisions of this ordinance. The Town of Spruce Pine is hereby given the authority to enter into agreements with Mitchell County authorizing the County Building Inspector to serve as Building Inspector for the Town of Spruce Pine and in the event of such agreement the County Building Inspector shall be authorized to administer and enforce the provisions of this ordinance including the authority to issue or deny building permits in accordance with the provisions of this Ordinance. Whenever the term “Building Inspector” is used in this ordinance it shall mean the either the duly appointed Building Inspector of the Town of Spruce Pine or the Mitchell County Building Inspector acting under agreement with the Town of Spruce Pine to administer and enforce this ordinance.

Sec. 32. Building Permit Required.

The building inspector shall in no case grant any permit for the construction or alteration of any building if the building as proposed to be constructed or altered would be in violation of any of the provisions of this ordinance.

Sec. 33. Building Permit Application.

All application for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the sizes and locations of the lot of any existing buildings or structures, the shape, size, use and the location on the lot of the building or structure proposed to be erected or altered, and such other information as may be necessary to provide for the enforcement of the provisions of this ordinance. No alterations or changes in the construction of said building shall be made unless the applicant shall first submit duplicate plans to the Building Inspector showing said alterations or changes from the original plans. No such alterations or changes shall be approved which would result in a violation of any provision of this ordinance.

Sec. 34. Building Permit Invalidity.

If no substantial construction progress has been made within six months of the date of the issuance of the building permit, the permit becomes invalid.

Sec. 35. Certificate of Occupancy.

A certificate of occupancy issued by the building inspector is required in advance of the use or occupancy of any building or premises or part thereof, hereafter created, erected, changed, converted, moved, altered or enlarged, wholly or partly in its use or structure. Said certificate shall indicate that such building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this ordinance.

Sec. 36. Remedies.

If any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained or any building, structure, or land is used in violation of this ordinance, the building inspector or other appropriate authority or any adjacent or other property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action in proceeding to stop the violation.

Sec. 37. Penalties for Violation.

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined as determined by the court for each offense. Each day such violation continues shall constitute a separate offense.

**ARTICLE IV. Amendments.**

Sec. 41. Procedure - Generally.

This Zoning Ordinance, including the zoning map, may be amended from time to time by the Board of Aldermen of the Town of Spruce Pine, but no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the planning and zoning board for review and recommendation. The planning and zoning board shall have thirty days within which to submit its report. If said board fails to submit a report within the thirty day period, it shall be deemed to have approved the present amendment. In case, however, of a protest against such change signed by the owners of twenty percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto, extending one hundred feet from the street frontage of opposite lots, such amendment shall not become effective except by favorable vote of all members of the Board of Aldermen. No protest against any change in or amendment to the zoning ordinance or zoning map shall be valid or effective unless it shall be in form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment, and unless it shall be received by the city clerk in sufficient time to allow the city at least two normal work days, excluding Saturdays, Sundays and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition.

Sec. 42. Procedure-Public Hearing.

Before enacting an amendment to this ordinance, the board of aldermen shall hold a public hearing thereon; at least a fourteen-day notice of the time and place of which shall be published in a newspaper of general circulation in the town or posted on a public bulletin board at a conspicuous place in town.

**ARTICLE V. Board of Zoning Adjustment.**

Sec. 51. Establishment; Composition; Appointment; term and compensation of members; vacancies.

A Board of Zoning Adjustment is hereby established. Said board shall consist of five members. Members shall be citizens of the Town of Spruce Pine and shall be appointed by the Board of Aldermen. The members of the board of adjustment serving on the effective date of this ordinance, under a zoning ordinance effective prior hereto shall be considered as the five members appointed by the Board of Aldermen, and each of these members shall serve the balance of the term to which such member was appointed. All terms of appointed members shall be for a period of three years or until their successor is appointed and qualified. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Compensation for members may be set by the town council and they shall be reimbursed for any expenses incurred, including mileage, while representing the board.

Sec. 52. Jurisdiction and decisions.

The Board of Zoning Adjustment shall have jurisdiction to hear and act upon the following matters:

- a. To act upon applications for variances and to grant or deny the same pursuant to the procedures herein established.
- b. To act upon applications for special use permits and to grant or deny the same pursuant to the procedures herein established.
- c. To hear appeals from decisions of the building inspector where the decision of the building inspector is based solely upon the interpretation or enforcement of this zoning ordinance.
- d. To hear and decide appeals and review any order, requirement, decision or determination made by the building inspector or other official where the appeal is made by a department head, officer, board or bureau of the Town of Spruce Pine.

Sec. 53. Officers, Meetings.

The Board of Zoning Adjustment shall elect a chairman and a vice-chairman from its members who shall serve for one year or until their successors are elected. The Board shall appoint a secretary, who may be a municipal officer, an employee of the town or a member of the board of zoning adjustment. The board shall adopt rules and bylaws in accordance with the provisions of this ordinance and of article 19, chapter 160A of the General Statutes of North Carolina. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the vice-chairman, may administer oaths and compel the attendance of witnesses by subpoena. All meetings of the board shall be open to the public.

Sec. 54. Appeals; Hearings; Stay of proceedings.

- a. Appeals to the board of zoning adjustment may be taken from any decision of the building inspector or other town official based on this ordinance.
- b. Appeals shall be made in writing and filed with the building inspector and with the Town Clerk of the town of Spruce Pine within twenty days from the date of the decision of the building inspector or other town official based on this ordinance.
- c. Appeals may be made by the following persons or entities:
  1. The owner or owners of the parcel of real estate affected by the decision of the building inspector or other town official based on this ordinance.
  2. By any officer, department head, board or bureau of the town of Spruce Pine.
- d. Any person filing a appeal shall file therewith all papers constituting the record upon which the action appealed from was taken.

Sec. 54. Appeals; Hearings; Stay of proceedings. (cont.)

- e. The time for hearing of the appeal shall be fixed by the Board of Zoning Adjustment within a reasonable time after the appeal is filed and shall give notice to the party appealing and the building

inspector or other town official of the date, time and place of the hearing. The Board of Zoning Adjustment is authorized to subpoena such witnesses as it deems necessary to render a decision on the appeal.

f. Upon filing of notice of appeal all proceedings in furtherance of the action appealed from are stayed unless the building inspector or other town official from whom the appeal is taken certifies to the board of zoning adjustment, after notice of appeal has been filed that a stay would cause imminent peril to life or property or that because the violation charged is transitory in nature and a stay would seriously interfere with the enforcement of the ordinance. In those instances a stay will not be granted unless specifically ordered by a Court of record having proper jurisdiction.

g. After hearing of the appeal the Board of Zoning Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and shall make any order, requirement, decision or determination that in its opinion ought to be made in the matter appealed from. To this end the Board shall have all powers of the officer from whom the appeal is taken.

The concurring vote of four-fifths of the members of the board shall be necessary to reverse any order, requirement, decision or determination of the building inspector.

Sec. 55. Variances and Special Uses.

55.1 Variances. When practical difficulties or unnecessary hardships would result from carrying out the strict letter of this zoning ordinance the board of zoning adjustment shall have the power, in passing upon appeals, or in acting upon applications for variances, to grant a variance from the provisions of this ordinance relating to the construction or alterations of buildings, signs or other structures. Variances will be granted or denied on a case by case basis. Particular regulations for which variances may be granted are as follows:

1. Set back requirements from the front, rear or side lot lines.
2. Lot size requirements.
3. Parking requirements.
4. The number, size or location of business signs.
5. Building height requirements.

The existence of a nonconforming use of other land, buildings or structures on adjoining land or other land within the same use district shall not constitute a reason for the requested variance.

Variances may be granted in cases upon the finding by the Board of Zoning Adjustment that the following conditions exist:

A. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, share, or topography that are not applicable to other lands or structures in the same district.

B. Granting of the variance requested will not confer upon the applicant any special privileges that are denied to other properties in the same use district.

C. A literal interpretation of the provisions of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

D. The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.

Conditions: (cont.)

E. The special circumstances are not the result of the actions of the applicant.

F. The variance is not a request for a special use permit or a request to permit a use of land, building or structure not permitted in the district involved.

Any variance granted shall be for the particular building, sign, or structure for which it is granted and shall not entitle the holder thereof or his assigns to replace said building, sign or structure without first applying for a new variance. However, the existence of a previously granted variance shall be grounds for the granting of a new variance for the same or practically the same purpose.

No parcel of real estate located within any use district shall be entitled to be granted both a variance and a special use permit.

#### 55.2 Special Uses.

##### A. Objectives and Purposes:

Special uses are permitted in limited cases to add flexibility to the zoning ordinances. The only special uses to be allowed in any instance are those enumerated in the list of special uses for each use district contained elsewhere within the zoning ordinance. Special Uses are to be granted only subject to high standards of planning and design to assure that harmful effects to adjoining and surrounding property are minimized. It is recognized that through means of control properly exercised through the special use permit procedures that property uses that would otherwise be undesirable in use districts can be allowed provided that proper plans and requirements are developed and enforced for minimize any harmful effects on adjoining and surrounding properties and other properties within the same or abutting use districts.

Special use permits may be granted only by the Board of Zoning Adjustment and only in those instances where the harmful effects are likely to be limited to a relatively small area and can be minimized through appropriate plans and requirements incorporated into the special use permit.

Special Use Permits shall be issued only after strict compliance with the provisions of subsection B and C of Section 55.2 of this ordinance.

##### B. Application for Special Use Permit:

Any property owner desiring to use a parcel of real estate for use other than uses permitted under the listing of uses permitted in the zoning district in which the property is located but for a use permitted under the provisions for special uses for said zoning district shall prepare and submit to the building inspector and to the Town Clerk of the Town of Spruce Pine an application for special use permit. Said application shall be forwarded by the Town Clerk to the Chairman of the Board of Zoning Adjustment.

Said application shall include the following information:

1. A legal description and street address of the parcel of real estate for which the special use permit is desired.
2. The use district in which the parcel is located.
3. A statement of the reason for desiring said special use permit accompanied by reasons why said special use permit is necessary to the beneficial use of the property to the applicant.
4. Detailed plans and specifications describing all measures the applicant intends to take to minimize any harmful effects the special use may have on adjoining and surrounding properties and other properties located in the same or adjoining use districts.

##### C. Procedures for Acting Upon Applications for Special Uses:

1. Upon receipt of an Application for Special Use Permit the Chairman of the Board of Zoning Adjustment shall review said application and determine if said application meets all the requirements of Section B above. If the Chairman finds the application not to be sufficient to meet said requirements he shall return said application to the Town Clerk with a written statement stating what further information is

required from the applicant. The Town Clerk shall then return said application together with a statement of deficiencies to the applicant and inform the applicant that said application has not been accepted and that no further action will be taken thereon until the stated deficiencies are corrected.

2. If the Chairman of the Board of Zoning Adjustment finds the application to comply with the requirements of Section B above then she shall submit a copy of the application to the Planning and Zoning board for its review and recommendation.

3. The Planning and Zoning Board shall have a period not to exceed thirty days in which to make any recommendations concerning the application for special use permit and to submit said recommendations in writing to the Town Clerk. The Planning and Zoning Board may recommend approval or disapproval of the applications as submitted or may recommend conditional approval upon changes in the Plans and Specifications designed to minimize the harmful effects to surrounding properties or to other properties located in the same or adjoining use district.

Failure of the Planning and Zoning Board to respond within the allotted time shall have the same effect as their recommendation to approve the application as submitted.

4. Within 10 days after the receipt of the recommendation from the Planning and Zoning Board or after the expiration of time for it to present its recommendations the Chairman of the Board of Zoning Adjustment shall call a public hearing on the application and shall cause a notice thereof to be published in a newspaper approved for publishing legal notices in Mitchell County. Said notice shall state the date, hour and place of the public hearing and shall contain a description of the applicants property including street location, a statement of the use district in which the property is located, the special use sought and a statement of the place for submitting written comments on the application shall be published one time in said newspaper no less than seven nor more than fourteen days prior to the public hearing.

5. Within ten days following the public hearing the Board of Zoning Adjustment shall meet and act upon the Application for Special Use Permit.

Before granting said special use permit the Board of Zoning Adjustment shall find the following facts to exist:

a. That the special use requested is a use contained within the table of special uses for the use district in which the property is located.

b. That the plans and specifications approved by the Board of Zoning Adjustments describing the measures the applicant is required to take to minimize any harmful effects the special use may have on surrounding properties and other properties located within the same or adjoining use districts are sufficient to minimize any harmful effects.

c. That the special use will not materially endanger the public health or safety if located where proposed and developed according to the plans and specifications approved by the Board of Zoning Adjustment.

d. That the use will not substantially injure the value of adjoining or surrounding property or that the use provides benefits to the public outweighing any harmful effects to any adjoining or surrounding property.

e. That the location and character of the use, if developed according to the plans and specifications approved by the Board of Zoning Adjustment will be in harmony with the area in which it is to be located and in general conformity with the pace of development of the Town of Spruce Pine.

Conditions for Special Use Permit (cont.)

f. That the granting of the special use permit will not require the granting of any variance in order for the property to be in compliance with any other provisions of the Zoning Ordinance of the Town of Spruce Pine.

Before approving any applications for special use permit the Board of Zoning Adjustment may require such plans and specifications for the applicants property as it deems necessary to minimize the harmful effects on adjoining and surrounding properties and other property located within the same or adjoining use



district whether or not said plans and specifications were included within the application for special use permit by the Planning and Zoning Board.

No application for Special Use permit shall be approved except by affirmative vote of at least three members of the Board of Zoning Adjustment present and voting at the meeting at which the action was taken.

In the event that the Planning and Zoning Board has timely recommended to the Board of Zoning Adjustment that the application for special use permit be denied then that application for special use permit shall not be approved except by affirmative vote of at least four members of the Board of Zoning Adjustment present and voting at the meeting at which the action was taken.

6. Within 10 days after the Board of Zoning Adjustment has acted upon any application for Special Use Permit the Chairman shall file a written report of the findings and action of the Board with the Town Clerk. The Town Clerk shall, within 5 days, deliver a copy of said written report to the applicant and to the Building Inspector.

7. The Building Inspector shall not grant any building permit to the applicant until he shall have received the written report approving the Application for Special Use Permit and any Building Permit issued shall have incorporated therein requirements for compliance with the provisions of the report approving said application.

8. No Certificate of Occupancy shall be issued and no water or sewer service shall be connected to any building, structure or mobile home until the building inspector shall certify that the plans and specifications mandated in the written report of the Chairman of the Board of Zoning Adjustment have been fully complied with and that the property is not in violation of the terms and conditions of the Special Use Permit approved by the Board of Zoning Adjustment.

#### D. Limitations on Special Use Permits.

A special use permit is granted to the present owner of the property only. It is not transferable and shall not be transmitted to the heirs, devisees, successors or assigns of the original application.

A special use permit allows the owner to use the property only for the purpose set forth in the Special Use Permit and not for any other purpose that would be in violation of the Zoning Ordinance or would require a variance to the Zoning Ordinance to be in compliance.

A special use permit authorizing the placing of a structure or mobile home upon property does not permit rebuilding or replacement of that building, structure or mobile home for any reason.

All special use permits shall expire and terminate and no longer be valid upon the transfer of title to the property on which permit is granted or upon removal or destruction of the structure, building or mobile home for which the permit was granted.

All special use permits shall expire and terminate immediately upon the alteration of the parcel of real estate upon which the permit was granted by sale or transfer of a portion of said parcel of real estate which causes the remainder of the parcel or the special use thereon not to comply with density requirements, lot dimension requirements, set back requirements from either the front, rear or side lot lines of the parcel of real estate or parking space requirements contained elsewhere within the Zoning Ordinance of the Town of Spruce Pine and applicable to the property granted the Special Use Permit.

No parcel of real estate located within any use district shall be entitled to be granted both a Special Use Permit and a Variance.

#### Sec. 56. Decisions Final.

All decisions and findings of the Board of Zoning Adjustment shall in all instances be final administrative decisions.

#### Sec. 57. Court Review of Proceedings.

Any decision of the Board of Zoning Adjustment is a final agency decision and not subject to review by any board or agency of the Town of Spruce Pine. Every decision of the board shall be subject to review by the Superior Court by proceedings in the nature of certiorari.

## **ARTICLE VI. Definitions.**

Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions. For the purpose of this ordinance, certain words or terms used herein are defined as follows:

Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular. The word "shall" is always mandatory. The word "lot" includes the word "plot" or "parcel". The word "building" includes the word "structure". The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The word "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended", "arranged", or "designated" to be used or occupied. The word "map", "zoning map", or "Spruce Pine Zoning Map" shall mean the "Official Zoning Map of the Town of Spruce Pine, North Carolina".

1. Boarding house. Any dwelling in which three or more persons either individually or as families are housed for hire with or without meals.

2. Building, accessory. A detached building subordinate to the main building on a lot and used for purposes customarily incidental to the main or principal building and located on the same lot therewith.

3. Building, principal. A building in which is conducted the principal use of the lot on which said building is located.

4. Customary incidental home occupations. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof, and in connection with which there is no display and no person not a resident on the premises is employed specifically in connection with the activity, except, that not more than one assistant may be employed by the following home occupations: lawyer, physician, dentist, and chiropractor. Provided further that no mechanical equipment is installed or used except such as is normally used for domestic or professional purposes, and that not over twenty-five percent of the total floor space of any structure is used for home occupations.

5. Dwelling unit. A building, or portion thereof, providing complete and permanent living facilities for one family.

6. Dwelling, single-family. A building arranged or designed to be occupied by one family.

7. Dwelling, two family. A building arranged or designed to be occupied by two families living separately from each other.

8. Dwelling, multi-family. A building arranged or designed to be occupied by more than two families living separately from each other. A rest home or nursing home shall be deemed to be a multi-family dwelling.

### **Definitions: (cont.)**

9. Lot. A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

10. Lot depth. The mean horizontal distance between front and rear lot lines.

11. Lot width. The distance between side lot lines measured at the building line.

12. Nonconforming use. A structure or land lawfully occupied by an existing use which conformed to the zoning ordinance and zoning or map in effect prior to the effective date of this ordinance for the zoning

district in which it was situated and which because of the adoption of this ordinance and zoning map or as the result of subsequent amendments to this ordinance or zoning map does not conform with the permitted uses for the zoning district in which it is situated.

13. Retail business. Establishments selling commodities in small quantities to the consumer.

14. Retail services. Establishments providing intangible needs for immediate use.

15. Sign. An attached or free standing structure conveying some information, knowledge or idea to the public.

16. Street. A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

17. Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground.

18. Yard. A space on the same lot with a principal building open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

19. Yard, front. An open unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the street and the front line of the building, projected to the side lines of the lot.

20. Yard, rear. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

21. Yard, side. An open, unoccupied space on the same lot with a principal building, situated between the building and the side lot line and extending from the rear line of the front yard to the front to the front line of the rear yard.

## **ARTICLE VII. Application.**

### Sec. 71. Within corporate limits as shown on zoning map.

The provisions of this ordinance shall apply within the corporate limits of the Town of Spruce Pine, as established on the map entitled "Official Zoning Map of the Town of Spruce Pine, North Carolina", adopted on the 27<sup>th</sup> day of April 1987 by the Board of Aldermen. Said map and all explanatory matter thereon accompanies and is hereby made a part of this Ordinance; it shall be on file in the office of the Town Clerk.

### Sec. 72. Exemption.

This Ordinance shall in no way regulate, restrict, prohibit, or otherwise deter any bona fide farm except that any use of such property for non-farm purposes shall be subject to such regulations.

## **ARTICLE VIII. General Provisions.**

### Sec. 81. Nonconforming Uses.

The lawful use of any building or premises at the time of the enactment of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance except that the nonconforming building or premises shall not be:

1. Changed to another nonconforming use.
2. Re-established after discontinuance for one year.
3. Extended except in conformity with this Ordinance.
4. Repaired, rebuilt, or altered after damage exceeding sixty (60) percent of its replacement cost at the time of destruction. Reconstruction must begin within six (6) months after damage is incurred.

Sec. 82. Off-street Parking.

Off -street automobile storage or parking space shall be provided on every lot on which any of the following uses are hereafter established. The number of parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall be provided with vehicular access to a street or alley and shall be provided with adequate space for turning so that no vehicle shall be required to back into the street.

USES	REQUIRED PARKING
Any residential use consisting of one or more dwelling units.	One space for each dwelling unit.
Rooming and boarding houses.	One space for each bedroom available for rent.
Tourist courts, hotels, and motels.	One space for each accommodation.
Trailer courts.	One space for each trailer space.
Hospitals and clinics.	One space for each two beds plus one space for each staff or visiting doctor plus one space for each two employees, including nurses.
Funeral parlors.	One space for each four seats in the chapel or parlor.
Places of public assembly.	One space for each four seats in the principal assembly room.
Places of assembly or recreation without fixed seats.	One space for each two hundred feet of gross floor space directed to patron use.
Schools, elementary and junior high.	One space for each classroom and administrative office.
Schools, senior high.	One space for each four pupils.
Churches and other religious institutions.	One space for each five seats.
Libraries, art galleries and public buildings.	One space for each two hundred square feet of gross floor space.
Physician's and dentist's offices.	Five spaces per physician or dentist.
Professional and business offices.	One space for each three hundred feet of gross floor space.
Banks.	One space for each two hundred square feet of gross floor space, plus one space for each two employees.
Retail stores and shops of all kinds including barber and shoe and similar service outlets.	One space for each one hundred square feet of gross floor space.
Car sales, house and truck trailer sales, outdoor equipment and machinery sales, commercial nurseries.	Four spaces for each sales person, plus one space for each two other employees.
Restaurants.	One space for each three seating accommodations, plus one space for each two employees on shift of greatest employment.

USES

REQUIRED PARKING

Service Stations.	Five spaces for each grease rack and five spaces for each wash rack.
Wholesaling and industrial uses.	One space for each two employees at maximum employment on a single shift, plus one space for each company vehicle operating from the premises.

*82.1. Location on other property.*

If the required automobile parking spaces cannot reasonably be provided on the same lot on which the principal use is conducted, such spaces may be provided on other off-street property provided such property lies within four hundred feet of the main entrance to such principal use. Such automobile parking space shall be associated with the principal use and shall not thereafter be reduced or encroached upon in any manner.

*82.2. Extension of parking space into a residential district.*

Required parking space may extend up to one hundred twenty feet into a residential zoning district, provided that the parking space:

1. adjoins a commercial district,
2. has its only access to or fronts upon the same street as the property in the commercial district for which it provides the required parking space, and
3. is separated from abutting properties in the residential district by a ten foot wide buffer strip planted with evergreens which at maturity will be between six and ten feet in height.

*82.3 Reduction in area and number of parking spaces.*

No open area in an off-street parking area shall be encroached upon by buildings, storage or any other use; nor shall the number of parking spaces be reduced except after the submission of proof to the building inspector that, by reason of diminution in floor area, seating capacity, number of employees or change in other factors controlling the regulation of the number of off-street parking spaces, the proposed reduction is reasonable and consistent with the intent of this ordinance.

*82.4. Mixed uses.*

In the case of mixed uses, the total requirements for off-street parking space shall be the sum of the requirements of the various uses computed separately as specified herein.

Sec. 83. Off-street loading and unloading space.

Every lot on which a business, trade or industry use is hereafter established, shall provide space as indicated herein for the loading and unloading of vehicles off the street. Such space shall have access to an alley or if there is no alley, to a street. For the purposes of this section, an off-street loading space shall have minimum dimensions of twelve feet by forty feet. Required space shall be considered as follows:

1. Retail business: One space for each five thousand square feet of gross floor area.
2. Wholesale and industry: One space for each ten thousand square feet of gross floor area.

**Required space: (cont.)**

3. Truck terminals: Sufficient space to accommodate the maximum number of trucks to be stored or to be loading or unloading at the terminal at any one time.

Sec. 84. One principal building on a lot.

Only one principal building and its customary accessory buildings may hereafter be erected on any one lot.

Sec. 85. Street access.

No building shall be erected on a lot which does not abut for at least twenty-five feet on a public street.

Sec. 86. Required yards and other space.

No part of a yard or open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

Sec. 87. Visibility clearance.

In all use districts except the C-1 Primary Business District, no fence, wall, shrubbery or other obstruction to vision between the heights of three feet and fifteen feet shall be permitted within twenty feet of the intersection of the rights-of-way lines of streets.

**ARTICLE IX. Use Districts.**

Sec. 91. Designation.

For the purposes of this ordinance, the Town of Spruce Pine, North Carolina, is divided into ten use districts designated as follows:

- R-1 Low-Density Residential District
- R-2 Medium-Density Residential District
- R-3 High-Density Residential District
- T-1 Trailer and Trailer Park District
- C-1 Primary Business District
- C-2 Neighborhood Business District
- C-3 Highway Business District
- C-1A Central Business Fringe District
- I-1 Industrial District (light)
- I-2 Industrial District (heavy)
- M-1 Medical Arts District

Sec. 92. Boundaries - Establishment.

The boundaries of these districts are hereby established as shown on the "Official Zoning Map of the Town of Spruce Pine, North Carolina", dated and certified by the town clerk. Said map is hereby made a part of this ordinance; it shall be on file in the office of the town clerk.

Sec. 93. Same - Interpretation.

Unless otherwise indicated, district boundary lines shall follow lot lines or the center lines of streets or blocks or railroad tracks or stream beds or riverbeds, or corporate limits.

**ARTICLE X. Residential Districts.**

Sec. 101.1. R-1 Low-Density Residential District - Purpose and intent.

The purpose and intent of the R-1 Low-Density Residential District are:

1. To provide for quiet, livable, low-density single-family neighborhoods.
2. To encourage the low-density residential development in certain suitable areas of the community.
3. To prohibit commercial and industrial use of the land and to prohibit any other use which would substantially interfere with the development or continuation of single-family dwellings in the district.
4. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this article.

Sec. 101.2. Same - Uses permitted.

Within the R-1 Low-Density Residential District, a building or premises shall be used only for the following purposes:

1. Family dwellings. (See Table 1.)
2. Farms and related agricultural uses.
3. Camps, parks, picnic areas, golf courses and similar recreational uses.
4. Churches or similar places of worship, including parish houses, parsonages, convents and dormitories accessory thereto.
5. Public and private schools.
6. Customary accessory buildings, including private garages and noncommercial greenhouses and workshops.
7. Customary incidental home occupations including the professional office of a physician, dentist, lawyer, artist, musician, architect, engineer, city planner or the accommodation of not more than two boarders or roomers; provided, there is no external evidence of such occupation except an announcement or professional sign not more than two square feet in area and that the operations are conducted within a dwelling by not more than one person in addition to those persons resident therein.
8. Basement or garage apartment - one per lot.

Sec. 101.3. Special Uses.

Single-wide mobile home. Any single-wide mobile home located under these provisions is required to meet the residential dimensional requirements shown in Table 1. The Board of Zoning Adjustment before approving any special use shall designate such dimensional criteria for mobile homes and such other criteria as may be reasonable and necessary to protect surrounding property and to minimize any bad effect that such special use might have on surrounding properties.

Sec. 102.1. R-2 Medium-Density Residential District - Purpose and intent.

The purpose and intent of the R-2 Medium-Density Residential District are:

1. To provide for quiet, livable, medium-density, single and multi-family neighborhoods.
2. To encourage the construction of and the continued use of land for single-family and multi-family dwellings.
3. To prohibit any use which would substantially interfere with the development or the continuation of single-family and multi-family dwellings.
4. To encourage the discontinuance of nonconforming uses.
5. To discourage any use which would generate traffic on minor streets other than normal traffic to serve residences on those streets.

Sec. 102.2. Same - Uses permitted.



Within the R-2 Medium-Density Residential District, a building or premises shall be used only for the following purposes:

1. Single-family dwellings. (See Table 1)
2. Multi-family dwellings. (See Table 1)
3. Public parks and public picnic areas.
4. Churches and similar places of worship.
5. Public and private schools.
6. Customary accessory buildings, including private garages and noncommercial greenhouses and workshops.
7. Customary incidental home occupations including the professional office of a physician, dentist, lawyer, artist, musician, architect, engineer, city planner or the accommodation of not more than two boarders or roomers; provided, there is no external evidence of such occupation except an announcement or professional sign not more than two square feet in area and that the operations are conducted within a dwelling by not more than one person in addition to those persons resident therein.
8. Civic and fraternal clubs, the chief activity of which is not carried on as a business provided the property abuts and has main access on a major street and no building is located closer than fifty feet to a property line and there shall be provided a buffer strip at least ten feet wide planted with evergreen shrubs or trees which at maturity will be between eight and twelve feet high along the side and rear property lines, and the general appearance of the building shall conform to the residential character of the surrounding neighborhood.

Sec. 102.3. Special uses.

Single-wide mobile home. Any single-wide mobile home located under these provisions is required to meet the residential dimensional requirements shown in Table 1. The Board of Zoning Adjustment before approving any special use shall designate such dimensional criteria for mobile homes and such other criteria as may be reasonable and necessary to protect surrounding property and to minimize any bad effect that such special use might have on surrounding properties.

Sec. 103.1. R-3 High-density Residential District - Definition; intent.

This district is defined as a high-density residential area of the town where single-family and multi-family dwellings are commingled and certain open areas where similar residential development will likely occur. The uses permitted in this district are designed to stabilize and protect the essential characteristics of the area and prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations.

Sec. 103.2. Same - Uses permitted.

Within the R-3 High-Density Residential District, a building or premises shall be used only for the following purposes:

1. Family dwelling units. (See Table 1)
2. Multi-family dwelling units. (See Table 1)
3. Customary accessory buildings, including private garages and noncommercial greenhouses and workshops.
4. Customary incidental home occupations including the professional office of a physician, dentist, lawyer, artist, musician, architect, engineer, city planner or the accommodation of not more than two boarders or roomers; provided, there is no external evidence of such occupation except an announcement or professional sign not more than two square feet in area and that the operations are conducted within a dwelling by not more than one person in addition to those persons resident therein.
5. Libraries.

Sec. 103.3. Same - Special uses.

Single trailer. Any trailer located under these provisions is required to meet the residential dimensional requirements shown Table 1.

Commercial businesses conducted entirely within the home or customary accessory building including garages provided there is no external evidence of such business except a business sign not more than two square feet in area and provided that said commercial business does not have more than one employee, not a resident of the dwelling and that all business transactions are conducted within the dwelling, accessory building or garage.

Sec. 104.1. T-1 Trailer and Trailer Park Districts - Purposes and Intent.

The purpose and intent of the T-1 Trailer Park District are to permit the establishment of trailer park developments and to minimize any detrimental effects of said developments on existing land uses.

Sec. 104.2. Same - Uses permitted.

Within the T-1 Trailer Park District, the following uses are permitted:

1. Trailers.
2. Customary accessory uses.

Sec. 104.3. Same - Location of Trailer Park.

No trailer park shall hereafter be permitted in the Town of Spruce Pine unless and until application for rezoning shall be made in writing to the town planning board and shall be accompanied by plans and specifications sufficient to establish the fact that the applicant is able to comply with the requirements hereinafter set forth. No trailer park shall be located in a commercial or business zone.

Sec. 104.4. Same - Minimum area.

The minimum area for a T-1 Trailer Park District shall be five acres.

Sec. 104.5. Same - Maximum number of trailers per district.

The maximum number of trailers per acre shall not exceed nine.

Sec. 104.6. Same - Design requirements.

No such permit shall be issued unless the said town board of aldermen shall find from the said application, plans and specifications that the applicant is prepared to conform to the following applicable requirements:

Landscaping. The proposed development shall be designed as a single architectural scheme with appropriate common landscaping.

Parking. Parking space shall be provided within the district at a ratio of one space for each trailer.

Area regulations. No building shall be erected or trailer coach parked at a distance of less than sixty feet from the centerline of any minor street or seventy-five feet from the centerline of any major street on which the lot abuts nor less than fifteen feet from any other trailer coach.

Sec. 104.6. Same - Design requirements(cont.).

Screening. A fifteen-foot planted buffer strip shall be provided wherever the districts adjoins the boundary line of a residential district.

Traffic circulation. The locations of driveways, parking spaces and interior streets shall be designated on said plan, and approved by the planning and zoning board.

Drainage and sewage disposal. Drainage and sewage disposal plans shall be submitted to and approved by the planning and zoning board.

Sec. 104.7. Same - Application for rezoning.

Application for zoning to create a T-1 Trailer Park District shall be accompanied by a plan or plans for the overall development of the tract of land to be rezoned, which plan or plans shall be in the form and contain the information required below:

1. The scale of the map shall be not less than one inch to fifty feet with contours at five foot verticals showing pertinent topographical features.
2. The location, use, plan and dimension of each building or structure to be constructed and the location of each trailer coach to be parked.
3. The location, dimension, and arrangement of all open spaces, yards, access ways, entrances, exits, off-street parking facilities, pedestrian ways, location and width of roads, streets and sidewalks.
4. Location, dimensions and arrangement of all areas devoted to planting, lawns, trees, or similar purposes, with a description including the height and density of all trees or planting to be used for screening.
5. Location and description of all facilities to be used for sewage disposal, water supply and storm water drainage.

**ARTICLE XI. Business District.**

Sec. 111.1. C-1 Primary Business District - Purpose and intent.

The purpose and intent of the C-1 Primary Business District are:

1. To encourage the construction of and the continued use of the land for local commercial and services uses.
2. To provide for the orderly expansion of such uses.
3. To encourage the discontinuance of nonconforming uses.
4. To encourage the development of the district with such uses and in such a manner as to minimize traffic and parking congestion.

Sec. 111.2. Same - Uses permitted.

Within the C-1 Primary Business District, a building or premises shall be used only for the following purposes:

1. Any legal retail business or service.

Sec. 111.2. Same - Uses permitted (cont.).

2. Any retail business making products sold at retail on the premises, providing such manufacturing is incidental to the retail business or service, occupies less than forty percent of the floor area, and employs not more than five operations.

3. Parking lots and parking garages.
4. Offices, banks.
5. Public buildings.
6. Churches.
7. Amusements and recreation facilities including theaters, billiard halls and game rooms.
8. Light Manufacturing.  
Light manufacturing is defined as follows:

- (a) The manufacturing of products for wholesale or retail sale where the entire manufacturing process including the storage of manufactured goods for sale and the storage of raw materials and supplies for manufacture is done entirely within the interior walls of the building wherein the manufacturing is being done.
  - (b) There are no more than 50 persons employed within the building.
  - (c) There is provided upon the property upon which the manufacturing operation is located or on adjoining property owned by or leased to the owner of said property an area dedicated to off street parking sufficient to accommodate one motor vehicle for each employee.
  - (d) Manufacturing shall not occur between 11:00 p.m. and 6:00 a.m.
  - (e) The manufacturing shall be of a type that does not require a permit for the control of sources of air pollution as required in North Carolina General Statutes, Chapter 143, Article 21B.
  - (f) The property upon which the light manufacturing is conducted does not adjoin any public street or alley way within the district which street or alley way is adjoined by ten or more, in any combination, retail business establishments, banks, offices, public buildings, restaurants, hotels or motels and churches.
9. Hotels, motels and restaurants.
  10. One sign per each business establishment not to exceed forty square feet in area.
  11. Uses not specifically permitted are prohibited.

Sec. 111.3. Same - Special Uses

Residential Use by special permit only.

Sec. 112.1. C-1A Central Business Fringe District - Purpose and Intent.

The purpose of the C-1A district is to provide for the orderly development or transition of predominantly residential or vacant areas into commercial areas.

Sec. 112.2. Same - Preliminary plan for use and development - Required.

The owner or lessee of any tract of land shall submit to the board of adjustment a preliminary plan for the use and development of all or part of the tract for the purpose of, and meeting the requirements set forth in this section. This preliminary plan shall be referred to the planning board for study and recommendation. If the planning board approves the preliminary plan, the applicant shall then submit the approved general plan in accordance with the provisions of paragraph 112.9 which shall then be submitted to the board of adjustment for consideration and action. The approval and recommendations of the planning board shall be accompanied by a report stating the reasons for approval and that the application meets the requirements of the district as set forth in this section.

Sec. 112.3. Same - Same - Contents.

The preliminary plan submitted shall be drawn to scale and shall show all roads and drainage, existing and proposed, drives and parking areas, building lines enclosing the portion of the tract within which buildings are to be erected, typical groups of buildings which might be erected within the building lines shown, boundaries of tracts, proposed use of land and buildings. The relation of the project to the street system and to the surrounding property, and to surrounding use districts shall be shown.

Sec. 112.4. Same - Same - Minimum standards.

The plan shall meet as a minimum, the following specifications and requirements:

1. The aggregate of all buildings proposed shall not exceed forty percent of the entire area of the project.

Sec. 112.4. Same - Same - Minimum standards. (cont.)

2. There shall be customer parking facilities as follows:

- a. Each parking space shall contain a minimum of two hundred square feet.
- b. Theater or any place of public assembly - one parking space for each six seats.
- c. Clinic, or medical or dental offices - five parking spaces for each professional occupant.
- d. Other permitted uses - one parking space for each one hundred twenty square feet of total floor space in the building.
- e. Each mercantile establishment shall provide one space ten feet by fifty-five feet for truck loading and unloading, for each ten thousand square feet, or fraction thereof, in the building provided. However, a loading space adjacent and accessible to two buildings may be used to serve both buildings if the aggregate area of both does not exceed ten thousand square feet.

3. The streets, parking areas and walks shall be paved with hard surface material meeting applicable specifications of the city engineer.

4. Any part of the project area not used for buildings or other structures, parking, loading and access ways, shall be landscaped with grass, trees, shrubs or pedestrian walks.

5. The building(s) shall be designed as a whole, unified and single project, or in stages following the approved general plan, as described in paragraph 112.9, and separate building permits may be taken out for separate portions of said property.

6. The buildings shall be tied to the sanitary sewer system or provide a sewerage package plant which meets the approval of the health department.

7. Driveways and other access lands shall be a minimum of twelve feet for one-way traffic or twenty feet for two-way traffic.

8. Alleys when provided shall be a minimum of fifteen feet in width.

9. A permanent screen of evergreen shrubs or building material twelve feet in height shall be erected where commercial districts abut residential districts.

Sec. 112.4. Same - Special uses permitted.

A building or premises shall be used only for the following purposes:

- a. Stores and shops conducting retail business.
- b. Personal, business and professional services.
- c. Offices, hotels, motels and restaurants.
- d. Business signs - provided, they are erected flat against the front or side wall of a building or within eighteen inches thereof. Such signs shall have no flashing, intermittent or moving illumination and shall not project above the building, and no signs which face a dwelling district shall be illuminated. Signs shall not be larger than 30 square feet in area.

Sec. 112.6. Same - Height regulations.

1. No building shall exceed three stories in height.

Sec. 112.6. Same - Height regulations.(cont.)

2. No structure of any kind shall exceed thirty-five feet in height; provided, that this limitation shall not apply to:

- a. Chimneys.
- b. Cooling towers.
- c. Ornamental towers and spires.
- d. Radio and television towers, antennae or aerials.
- e. Stage towers or scenery lofts.
- f. Water tanks and towers.

Sec. 112.7. Same - Setback regulations.

The minimum yard regulations are the same as the C-1; except, front yard is ten feet.

Sec. 112.8. Same - Limitations imposed prior to approval of plan.

Before recommending approval of a plan, the planning board may make reasonable additional requirements concerning but not limited to, the limitation of uses, landscaping, lighting, signs and advertising devices, screening or planting, setback and height of buildings, paving and location of drives and parking areas, drainage and the location of access ways, taking into consideration the character of the surrounding area so as to protect adjoining residentially zoned lots or residential uses, to provide for public safety and prevent traffic congestion.

Sec. 112.9. Same - Approved general plan.

A general plan embodying all additional requirements imposed by the planning board shall be prepared and submitted by the applicant in the same manner as a plan of subdivision. This plan, to be known as the approved general plan, shall be drawn to scale and shall show, in addition to requirements set forth in paragraph 112.2, 112.3, and 112.4, the boundaries of the entire district and a certificate by an engineer or surveyor that said boundaries have been surveyed and are correct. In addition, said plan shall bear a form for certificate of approval by the board of adjustment and a certificate of the owner and trustee of the mortgagee, if any, that they adopt said plan and that the premises are not encumbered by delinquent taxes. After approval by the board of adjustment, said plan shall be placed on record with the city engineer.

1. Special use permits and licenses. The boundaries shall be established upon the approval of the board of adjustment; however, no building permit, use and occupancy permit nor license to operate a business on the premises shall be issued until after the approval by the board of adjustment of the plan or that portion thereof upon which said special use permit is sought.

2. Enforcement, violation and penalty. All things shown on the approved general plan, upon final approval by the board of adjustment, become part of the zoning regulations of the district, and nothing in conflict therewith shall be done on the premises shown on the plan. Enforcement and penalties for violation shall be as herein provided as to other zoning regulations.

Sec. 113.1. C-2. Neighborhood Shopping District.

This district is defined as certain commercial areas in the Town that are primarily designed to serve nearby residential areas. These are generally small in area. This district is customarily on major streets and is generally surrounded by residential areas. Because the C-2 District occurs within residential areas, it is most important that residential areas be protected.

Sec. 113.2. Uses permitted.

1. Accessory uses.
2. Auto off-street parking.
3. Service stations.
4. Bakery.
5. Bank and savings and loan offices.
6. Barber and beauty shops.
7. Boarding houses.
8. Candy stores.
9. Dairy products stores.
10. Delicatessens and restaurants (no drive-ins).
11. Diaper service and dry cleaners.
12. Food stores.
13. Home occupations.
14. Library.
15. Museum and art gallery.
16. Newsstands.
17. Offices.
18. Pet stores.
19. Retail store or service.
20. Tourist home.
21. Motels.

Sec. 113.3. Changes in Zoning Map.

The Zoning Map of the Town of Spruce Pine is hereby amended to reflect the following properties to be included within the area Zoned C-2, Neighborhood Shopping District: All those properties on Greenwood Road owned by Taylor O. Teague, Curtis R. Gregory, Larry McKinney and wife, Nina McKinney and Zeb Woody and being those properties on which is currently located the Taylor O. Teague Office Building, Lemon Tree Inn, The former Coca Cola Warehouse and Woody's Electric, formerly Westall's Grocery.

Sec. 114.1. C-3 Highway Business District - Purpose and intent.

By virtue of its location within the comprehensive land development plans for the Town of Spruce Pine, and because of extensive development in this district of businesses which are dependent on the motoring

public for business or businesses requiring frontage on major highways, the C-3 Zone is established in order to:

1. Protect existing development.
2. Provide for orderly expansion of businesses catering to the motoring public and businesses needing major highway frontage.

Sec. 114.2. Same - Uses permitted.

Within the C-3, Highway Business District, a building or premises shall be used only for the following purposes:

1. All retail establishments of a drive-in nature, including but not limited to banks, restaurants, pickup stations for laundry and dry cleaning.
2. Motels, inns, cottages and tourist homes.
3. Automobile sales and service.
4. Gasoline service.
5. Restaurants, including drive-ins.
6. Self-service laundries.
7. Recreation and amusement facilities including theaters, billiard halls and video game rooms.
8. Public uses.
9. Business signs subject to the same limitations as in areas zoned C-1.

Sec. 115.1. PS-1 Public Safety District - Purpose and intent.

This district is defined as areas primarily designed to house public safety facilities for Spruce Pine and vicinity. The PS-1 Zone is established in order to:

1. Protect existing development.
2. Provide for orderly expansion of public safety agencies providing services to the residential, commercial, medical and industrial areas of Spruce Pine.

Sec. 115.2. Same - Uses permitted.

Within the PS-1, Public Safety District, a building or premises shall be used only for the following purposes:

- Fire Station
- Police Department (including city, county or state facilities)
- Ambulance/Rescue Squad
- Radio Patrol
- Public Uses

Sec. 115.3. Same – Signs

Sign regulations same as C-1A.



Sec. 115.4. Same – Dimensional Requirements.

1. See Table I.

**ARTICLE XII. Industrial Districts.**

Sec. 121.1. I-1 Light Industrial District - Definition; purpose and intent.

This district is defined as certain lands more suited for industrial use than residential use, but situated where residential development, or prospective development, is in close proximity on one or more sides of the district. The uses which are permitted in this district are those characterized by low traffic density, low land coverage, absence of objectionable external effects. Large setbacks are required in this district and landscaping in keeping with residential areas is encouraged.

Sec. 121.2. Same - Uses permitted.

Within the I-1 Light Industrial District, a building or premises shall be used only for the following purposes.

1. Any industrial use, provided that such use shall not be injurious or obnoxious to surrounding development.
2. Outdoor advertising signs, principal use signs and business signs.

Sec. 122.1. I-2 Heavy Industrial District - Definition; purpose and intent.

This district is defined as certain lands so situated as to be suitable for industrial development, usually along railroad sidings or major thoroughfares, but where certain operations could adversely affect nearby properties. The purpose of this district is to permit the normal operations of almost all industries except those that would be detrimental to adjoining properties. Excluded from this district are those industries which are noxious by their emission of smoke, dust, fumes, glare, noise and vibrations and those industries which deal primarily in hazardous products or which deal in the storage, disposal, or treatment of hazardous or toxic wastes.

Sec. 122.2. Same - Uses permitted.

1. Animal hospitals.
2. Automobile off-street parking.
3. Wholesale sales.
4. Warehouses.
5. Banks.
6. Blacksmith shops.

Sec. 122.2. Same - Uses permitted.(cont.)

7. Printing and book binding companies.
8. Bottling companies.
9. Lumber yards.
10. Bus terminals.
11. Construction yards.
12. Food freezer lockers.
13. Fire stations.
14. Ice plants.
15. Industrial trade schools.
16. Industrial sales.
17. Machine tool or welding.
18. Utility companies.

19. Mineral processing.

**ARTICLE XIII. M-1 Medical Arts District.**

Sec. 131.1. Definition; purpose and intent.

This district is defined as an area in which a hospital, doctors' and dentists' offices, pharmacies and other health related establishments or offices can be near each other for the convenience of the general public and the medical and dental professions. Commercial and professional activities that are not directly related to the medical arts are excluded.

Sec. 131.2. Uses permitted.

Within the M-1 District, the following uses are permitted:

1. Accessory uses.
2. Addressograph.
3. Clinic, medical, or dental.
4. Home for the aged.
5. Hospital or sanitarium.
6. Laboratory, medical or dental.
7. Nursing home.
8. Medical professional offices.
9. Pharmacies.
10. Any public use such as schools, libraries, or government offices, except fire stations.
11. Special uses.

**ARTICLE XIV. Generally Prohibited Uses.**

Sec. 140.

Regardless of whether or not the following uses or activities are prohibited directly or by implication in any use district they are hereby specifically prohibited in any area within the corporate limits of the Town of Spruce Pine:

1. Auto wrecking yards, junk yards, general salvage yards and scrap metal yards.
2. Any lot, parcel, structure, or building used as a place for the storage, disposal, or treatment of any hazardous or toxic waste materials.

**ARTICLE XV. Legal Status Provisions.**

Sec. 141. More restrictive standards govern in case of conflict with other laws.

Whenever the regulations of this ordinance require a greater width or size of yards, or require a lower height of buildings or small number of stories, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statute, the requirements of this ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this ordinance, the provisions of such statute shall govern.

Sec. 142. Severability.

Should any section or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Sec. 143. Conflicting ordinances repealed.

All ordinances and parts of ordinances in conflict herewith are repealed.

Sec. 144. Effective date.

This ordinance shall take effect and be in force from and after the date of its adoption, the public welfare demanding it.

**TABLE 1. Dimensional Requirements.**

TABLE 1							
DIMENSIONAL REQUIREMENTS							
DISTRICT	MINIMUM LOT SIZE		Frontage (ft.)	MINIMUM YARD REGULATIONS			
	AREA - SQ. FT.	SQ. FT. PER DWELLING UNIT		Front yard setback (ft.)	Side yard width (ft.)	Rear yard depth (ft.)	Maximum height (ft.)
R-1 Residential							
Single family	20,000	20,000	100	50	15	10	35
Two-family	40,000	20,000	100	50	15	10	35
Multi-family	not permitted						
R-2 Residential							
Single family	10,000	10,000	75	35	12	30	35
Two-family	20,000	10,000	75	35	12	30	35
Multi-family	20,000	7,500	75	35	12	30	56
	plus for each family over two for which a dwelling unit is provided						
R-3 Residential							
Single family	6,000	6,000	60	25	8	20	35
Two-family	8,000	4,000	60	25	8	20	35
Multi-family	8,000	3,000	60	25	8	20	56
	plus for each family over two for which a dwelling unit is provided						
M-1 Medical Arts	10,000		75	10	5	5	70
T-1 See Section 104							
C-1 Primary District			25				35
C-1A Central Business Fringe District		Sq. Ft. of lot shall be 2-1/2 times greater than size of building	25	10			35
C-2 Neighborhood Business	Minimum Lot Size Requirements not applicable in Business and Industrial Districts		25	25	20	20	35
C-3 Highway Business				50		20	35
I-1 Industrial (light)				75	50	50	35
I-2 Industrial (heavy)							56