

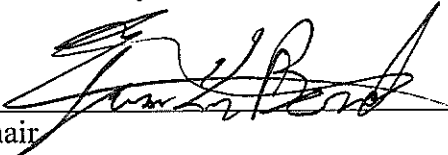
TO: SPRUCE PINE TOWN COUNCIL
FROM: TOWN PLANNING AND ZONING BOARD
DATE: DECEMBER 3, 2024

RECOMMENDATION

On Tuesday, December 3, 2024, the Spruce Pine Planning and Zoning Board ("Board") met, in a duly called public meeting with a quorum established, for the purpose of reviewing the proposed text amendments to the Town of Spruce Pine's Zoning Ordinance, said text amendments being attached hereto and addressing temporary residential dwellings to be included as permitted used in R-1, R-2, R-3 and T-1 and other definitionally revisions.

Based on a review of the same, the Board makes the following recommendation: having made suggested revisions during the meeting, the Board has no objections or additional comments as to the proposed text amendments and the Board hereby recommends that the Town Council adopt the text amendments and implement the same to the Town's Zoning Ordinance.

Approved by unanimous vote on this 3rd day of December 2024.


Chair

3 DEC 24
Date

ARTICLE VI. Definitions.

Sec. 61. Generally.

When interpreting this Ordinance, certain words and terms are herein defined. The following words shall, for the purpose of this Ordinance, have the meaning herein indicated. To the extent that definitions contained herein below conflict with a definition contained in North Carolina General Statutes Chapter 160D, or if a word, term or phrase is defined in Chapter 160D but is not defined by this Ordinance, the definitions contained in Chapter 160D shall control, unless the context within this Ordinance indicates otherwise.

Adopted: December 9, 2024 (Ordinance #24-4)

Amended:

Sec. 62. Interpretation of Commonly Used Terms and Words.

- (1) Words in the present tense include the future tense.
- (2) Words used in the singular number include the plural and words used in the plural include the singular unless the natural construction of the wording indicates otherwise.
- (3) The word “person” includes a natural person and business association (e.g., corporations, limited liability companies, partnerships, trusts, etc.).
- (4) The word “structure” shall include the word “building.”
- (5) The word “lot” shall include the words “plot,” “parcel” or “tract.”
- (6) The word “shall” is always mandatory and not merely directory.
- (7) The word “map” or “zoning map” shall mean the Town of Spruce Pine, North Carolina Official Zoning Maps.
- (8) Except where specifically defined in this Ordinance or in North Carolina General Statutes Chapter 160D, all words shall carry the standard dictionary meaning.

Adopted: December 9, 2024 (Ordinance #24-4)

Amended:

Sec. 63. 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) **Accessory Structure.** A structure detached from a principal building and located on the same lot and incidental and subordinate to the principal building or use which is not used as a dwelling unit.

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

(3) **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.

(4) **Building, principal.** A building in which is conducted the principal use of the lot on which said building is located.

(5) **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.

(6) **Dwelling unit.** A building, or portion thereof, providing complete and permanent living facilities for one family.

(7) **Dwelling, single-family.** A building arranged or designed to be occupied by one family.

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

(9) **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.

(10) **Educational Facilities.** A facility for the education of children and adults including public and private elementary and secondary schools, community colleges, colleges and universities, but excluding specialized trade schools and nursery school.

(11) **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.

(12) Lot depth. The mean horizontal distance between front and rear lot lines.

(13) Lot width. The distance between side lot lines measured at the building line.

(14) Mobile Home. A structure, transported in one or more sections, which, in the traveling mode, is eight feet or more in width or is 40 feet or more in length, or when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein, and which is regulated as outlined in the "North Carolina Regulations for Manufactured/Mobile Homes" published by the NC Department of Insurance and per N.C.G.S. § 160D-102(23) and N.C.G.S. § 143-145(7). For purposes of this Ordinance, the term "Trailer" shall have the same meaning.

(15) 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.

(16) Occupant. Any person who has charge, care or control of a building, or part thereof, in which dwelling units or are let.

(17) Outdoor Recreational Areas. Establishments engaged in providing outdoor recreation services such as public or private golf courses, country clubs, swimming pools, tennis courts, ball fields and ball courts, which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreation use is located. Outdoor recreation may include accessory uses, such as snack bars, pro shops, and clubhouses which are designed and intended primarily for the use of patrons of the principal recreational use. The term "outdoor recreational areas" do not include RV parks.

(18) Parks. Areas developed either for passive or active recreational activities including walkways, trails, benches, open fields, picnic areas, multi-use courts, swimming and wading pools, amphitheaters, etc. The term "park" shall not include zoos, RV parks, amusement parks, or vehicle, equestrian, or dog racing facilities.

(19) Recreational Vehicle (RV). Means a vehicle which is: (a) built on a single chassis; (b) four hundred square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use; and (e) is fully licensed and ready for highway use.

(20) Religious Institutions. Churches, synagogues, temples, or other buildings or site designated as a place of worship on a continuous, reoccurring basis.

(21) Retail business. Establishments selling commodities in small quantities to the consumer.

(22) Retail services. Establishments providing intangible needs for immediate use.

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

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

(25) 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.

(26) Temporary Residential Dwelling. A temporary set-up and occupancy of a recreational vehicle or other temporary dwellings (including a mobile home) when the principal residence (single family dwelling) of the occupant has been made uninhabitable (i.e., destroyed and/or substantial destruction) by wind, fire, flood, movement of earth, or other manmade or natural disaster, and subsequent to such event having been declared a disaster by the Town Council, the County Manager of Mitchell County, the Governor of the State of North Carolina, or the President of the United States. In no case shall a temporary residential dwelling be set up or occupied for a period exceeding eighteen (18) months from when it is first located on the lot where active repair and reconstruction of a primary structure is occurring; provided, however, that, based on a case-by-case basis, no more than two three-month extensions may be considered. The setup or occupancy of a temporary residential dwelling shall not be permitted within the Town for any other reason whatsoever, except as otherwise provided for in this Ordinance. Additional standards for temporary residential dwellings: (a) the temporary residential dwelling must comply with all state and local permitting and building code regulations and requirements; (b) the temporary residential dwelling shall be required to be located on the lot where active repair and reconstruction of a primary structure is occurring; (c) active repair and reconstruction of a primary structure must be occurring; (d) the temporary residential dwelling must be connected to the Town's water and wastewater systems, where such service are provided; (e) the location of the temporary residential dwelling may not obstruct or prevent recovery and debris removal operations; (f) only one temporary residential dwelling is allowed per lot and shall comply with all underlying zoning district setback requirements; provided, however, that if setback requirements are impossible given the temporary nature of the lot and the repair and reconstruction of the primary structure, the setback requirements shall be waived; and (g) the temporary residential dwelling must be removed within thirty (30) days of the date of the certificate of substantial completion for the completion, repair or reconstruction of the primary structure.

(27) Trailer. See definition of "Mobile Home."

(28) 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.

(29) 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.

(30) 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.

(31) 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.

Adopted: August 18, 1975
Amended: December 9, 2024 (Ordinance #24-4)

ARTICLE. Residential Districts.

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. **Temporary Residential Dwellings.**
3. Farms and related agricultural uses.
4. **Camps, Parks and Outdoor Recreational Areas,** ~~picnic areas, golf courses and similar recreational uses.~~
5. **Religious Instructions** ~~Churches or similar places of worship,~~ including parish houses, parsonages, convents and dormitories accessory thereto.
6. **Educational Facilities** ~~Public and private schools.~~
7. Customary **Accessory Structures** ~~buildings,~~ including private garages and noncommercial greenhouses and workshops.
8. 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.
9. Basement or garage apartment - one per lot.

Adopted: August 18, 1975
Amended: December 9, 2024 (Ordinance #24-4)

Sec. 101.2. 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. **Temporary Residential Dwellings.**
4. ~~Public~~ **Parks and public picnic areas.**
5. **Religious Institutions** ~~Churches and similar places of worship.~~
6. **Educational Facilities** ~~Public and private schools.~~
7. Customary **Accessory Structures** buildings, including private garages and noncommercial greenhouses and workshops.
8. 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.
9. 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.

Adopted: August 18, 1975

Amended: December 9, 2024 (Ordinance #24-4)

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. **Temporary Residential Dwellings.**
4. Customary **Accessory Structures** buildings, including private garages and noncommercial greenhouses and workshops.

5. 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.
6. Libraries.

Adopted: August 18, 1975

Amended: December 9, 2024 (Ordinance #24-4)

Sec. 104.2. Same - Uses permitted.

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

1. ~~Mobile Homes Trailers.~~
2. ~~Temporary Residential Dwellings.~~
3. Customary accessory uses.

Adopted: August 18, 1975

Amended: December 9, 2024 (Ordinance #24-4)
