

**ORDINANCE AMENDING CHAPTER 151
APPENDIX A: TABLE OF PERMITTED AND CONDITIONAL USES &
APPENDIX B: SPECIAL REQUIREMENTS TO THE TABLE OF PERMITTED AND CONDITIONAL USES
OF THE TOWN OF BOILING SPRINGS CODE OF ORDINANCES
AMENDMENT TA160906.02**

BE IT ORDAINED by the Boiling Springs Town Council assembled this the 6th day of September, 2016.

Part 1. S.L. 2014-94 created N.C.G.S. 160A-383.5 requiring the zoning approval of "temporary family healthcare structure." Therefore to create uniformity and agreement with state law the Town Code Chapter 151 Appendix A: Table of Permitted and Conditional Uses is hereby amended to read as follows:

APPENDIX A: TABLE OF PERMITTED AND CONDITIONAL USES

....

[See Table on Page 2]

TABLE OF PERMITTED AND CONDITIONAL USES

USE TYPES	R-20	R-15	R-15TH	R-10	I-1	O&CS	B-1	B-2	M1	SR
Residential Uses										
... temporary family health care structure ...	X	X	X	X						

Part 2. S.L. 2014-94 created N.C.G.S. 160A-383.5 requiring the zoning approval of "temporary family healthcare structure." Therefore to create uniformity and agreement with state law the Town Code Chapter 151 Appendix B: Special Requirements to the Table of Permitted and Conditional Uses is hereby amended to read as follows:

**APPENDIX B: SPECIAL REQUIREMENTS TO THE TABLE OF
PERMITTED AND CONDITIONAL USES**

SR 43 TEMPORARY FAMILY HEALTH CARE STRUCTURES – ACCESSORY RESIDENTIAL USE

Subject to the provisions of this section and in accordance with N.C.G.S. 160A-383.5, the Town shall consider temporary family health care structures a permitted accessory use in any zoning district that allows for detached single family

- (A) The temporary health care structure must be used by a caregiver of a mentally or physically impaired person, to provide care to the mentally or physically impaired person and must be located on property owned or occupied by the caregiver as the caregiver's residence.

- (B) Caregiver shall be an individual 18 years of age or older who provides care for a mentally or physically impaired person and is the legal guardian or a first or second degree relative of the mentally or physically impaired person for whom the individual is caring. A first or second degree relative shall include a spouse, lineal ascendant, lineal descendent, sibling, uncle, aunt, nephew, or niece and include half, step, and in-law relationships.

- (C) Mentally or Physically impaired person shall be a person who is a resident of North Carolina and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in North Carolina. Activities of daily living shall include: bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating.

(D) The temporary family health care structure shall be a transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that is:

1. Primarily assembled at a location other than the site of installation;
2. Limited to one occupant who shall be physically or mentally impaired;
3. Has no more than 300 gross square feet;
4. Complies with the State Building Code and G.S. 143-139.1(b); and
5. Is not installed on a permanent foundation.

(E) Only one temporary family healthcare structure shall be allowed on a lot or parcel of land. The temporary structures shall not require a special or conditional use permit or be subjected to any other local zoning requirements beyond those imposed upon other authorized accessory use structures except as otherwise provided in this section.

(F) Temporary structures installed pursuant to this section shall comply with the setback requirements that apply to the primary structure in the zoning district the structure is located in.

(G) Any person proposing to install a temporary family health care structure shall first obtain a permit from the Town. The Town will charge an initial fee and annual renewal fee for said permit. The initial fee and annual fee shall be the same as the adopted Zoning Permit fee provided that the initial fee may not exceed one hundred dollars (\$100) and the renewal fee may not exceed fifty dollars (\$50).

(H) The caregiver must provide evidence of compliance with this section on an annual basis as long as the temporary structure remains on the property. The evidence may involve inspection by the Town of the structure at reasonable times convenient to the caregiver.

(I) The structure may be required to connect to the Town's water and sewer systems in accordance with the Town Code and the Town's Standard Specifications and Construction Details.

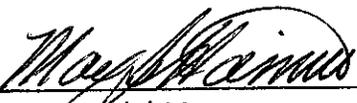
(J) No signage advertising or otherwise promoting the existence of the temporary health care structure shall be permitted on the property or on the exterior of the temporary structure.

(K) When the mentally or physically impaired person is no longer receiving or no longer in need of the assistance provided for in this section, any structure installed pursuant to this section shall be removed within 60 days.

(L) The Town may revoke the permit granted pursuant to this section if the caregiver violates any provision of this section or applicable state law. The Town may seek injunctive relief or other appropriate actions or proceeding to ensure compliance with this section.

Part 3. This Ordinance shall become effective upon its adoption by the Boiling Springs Town Council.

Adopted this the 6nd day of September 2016.



Max Hamrick | Mayor



Kim Greene | Town Clerk