

ARTICLE IV

GENERAL PROVISIONS

- 400 General – The following general regulations shall be applicable to all districts, shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as may be provided for elsewhere in this Ordinance.
- 401 Exception – This Ordinance shall in no way regulate, restrict, prohibit, or otherwise deter any farm operation existing within the jurisdiction as defined; however, any use of such property for non-farm purposes shall be subject to such regulations.
- 402 Lot Reduction Prohibited – No yard or lot existing at the time of the passage of this Ordinance shall be reduced in dimension or area below the minimum requirement set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements set by this Ordinance.
- 403 Minimum Lot Area – In areas not served by a public or community sewer system, the minimum lot area shall be determined by the Madison County Health Department. This minimum lot area shall be that necessary for safe onsite waste disposal system, but in no case shall the lot be smaller than the required area for the zoning district in which it is located.
- 404 One Principal Building Per Lot – Not more than one (1) principal building shall be constructed on any lot, except as may be provided for elsewhere in this Ordinance. This provision shall not prohibit the construction of more than one principal building on a lot in C-1 Central Business District, C-2 Highway Business District, I Industrial District, and IS Institutional District; provided, however, each principal building shall be constructed and located in strict compliance of all the provisions contained in this Zoning Ordinance as Amended at the time any principal building is constructed on such business, industrial, and/or institutional district lot.
- 405 Use of Land and Structures
- 405.1 No land or structure shall be used or occupied, and no structure or parts shall be constructed, erected, altered, or moved, unless in conformity with all of the regulations herein specified for the district in which it is located.
- 405.2 No part of a yard, or other open space, off-street parking or loading space required in connection with any building for the purpose of complying with this Ordinance shall be used and included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

405.3 The front of the yard shall be defined by the transportation system serving the property. The front portion of the yard shall be that portion which fronts the dominant road. It is immaterial for the purpose of considering where the front yard is located how the structure faces, but

rather the front shall always be considered to be that portion of the yard, or other open space, which is adjacent to the dominant road.

- 406 Corner Lots – In any residential district the side yard requirements for corner lots along the side street line shall have an extra width of ten feet (10'). Accessory buildings shall observe all setback requirements as required in each district.
- 407 Double Frontage Lots – On lots having frontage on two (2) streets, but not located on a corner, the minimum front yard shall be provided on each street in accordance with the provisions of this Ordinance.
- 408 Special Front Yard Requirements in Developed Areas – The setback requirements of this Ordinance shall not apply to any lot where the average setback on already built upon lots located wholly or in part within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the setback on such a lot may be less than the required setback, but not less than the average of the required setback, but not less than the average of the existing setbacks on the developed lots. However, in no case shall setbacks be less than fifteen feet (15').
- 409 Location of Building Lines on Irregularly Shaped Lots – Locations of front, side, and rear building lines on irregularly shaped lots shall be determined by the Zoning Officer. Such determinations shall be based on the spirit and intent of the district regulations to achieve appropriate spacing and location of building or groups of buildings on individual lots.
- 410 Accessory Buildings
- 410.1 Number of Accessory Buildings – In residential districts, no more than two (2) accessory buildings or uses shall be permitted per lot, except for farm enterprises.
- 410.2 Location of Accessory Buildings – Accessory buildings shall be located only in side or rear yards for non-corner residential lots. On corner lots accessory buildings shall be located a minimum of twenty-five feet (25') from any street right-of-way.
- 410.3 Lot Coverage – Accessory buildings shall not cover more than thirty percent (30%) of the required side or rear yard.

411 Nonconforming Uses – The lawful use of any building or land 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 six (6) months.
- (3) Extended except in conformity with this Ordinance.
- (4) Repaired, rebuilt, or altered after damage exceeding sixty percent (60%) of its assessed value at the time of destruction. Reconstruction must begin within six (6) months after damage is incurred.

412 Non conforming Lots

412.1 When a nonconforming lot can be used in conformity with all of the regulations (other than the area, width, or depth requirements) applicable to the district in which the lot is located, such a use may be made as of right.

412.2 Whenever this Ordinance creates a nonconforming lot and the owner of the nonconforming lot also owns land adjacent to it, and a portion of this other land can be combined with the nonconforming lot to create a conforming lot (without thereby creating other nonconformities), the owner of the nonconforming lot, or his successor in interest, may not take advantage of the provisions of Section 412.1.

413 Visual Clearance – In all use districts except the C-1 Central Business District, no fence, wall, shrubbery, or other obstruction to vision greater than three feet (3') shall be permitted within fifteen feet (15') of the intersection of rights-of-way lines of streets or within ten feet (10') of the intersecting of private driveways and street right-of-way lines. In addition, no vegetation or structure shall be permitted to overhang any sidewalk below a height of seven feet, six inches (7' 6") above the grade of the sidewalk.

414 Height Limitations – Any structure regulated by this Ordinance shall not exceed thirty-five feet (35') in height. However, in the institutional, highway business and industrial districts, structures may have a maximum height not to exceed four stories or 48 feet, plus an additional height for a roof, not to exceed 22 feet, or a total height of 70 feet. The height limitations shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flag poles, masts and antennae.

415 Home Occupation – A home occupation shall be permitted in any residential district provided that such operation:

- (1) is conducted by no persons other than members of the family residing on the premises;
- (2) is conducted within the principal building (no accessory building or outside storage may be used);
- (3) utilizes no more than twenty-five percent (25%) of the total floor area of the principal building;
- (4) produces no alteration or change in the character or exterior appearance of the principal building from that of a dwelling;
- (5) shall make no display of products visible from the street and only articles made on the premises may be sold; except that non-durable articles (consumable products) that are incidental to a service, which is the principal use in the home occupation, may be sold on the premises;
- (6) creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly condition;
- (7) is not visibly evident from outside the dwelling except for a sign, not exceeding two (2) square feet in area, mounted against a wall of the principal building, and non-illuminated;
- (8) shall not include automobile and/or body and fender repair; food handling, processing or packing or restaurants; or manufacturing and processing uses. (This shall not exclude the home occupation of a dressmaker where goods are not manufactured for stock, sale, or distribution.)

416 Nuisances and Hazard – In no case shall any non-residential use or home occupation consist of operations or conditions resulting in noise, odors, smoke, glare, dust, gases, electrical or other radiation, or other characteristics of a type or to an extent which the Building Inspector shall determine to be a nuisance or a hazard to adjacent or neighboring properties.

417 Travel Trailers or Temporary Uses – Travel trailers shall be allowed as a temporary use in any zoning district, provided that such vehicles or trailers are not occupied or set up for occupancy for a period of more than thirty (30) days. Such use of a travel trailer shall be limited to one (1) vehicle/trailer per lot.

418 Compliance with Erosion Control Regulations – Permits for all development or construction which involves the grading of one (1) or more contiguous acres of land shall not be issued until the owner or developer submits proof that an Erosion and Sedimentation Control Plan has been approved by the Land Quality Section of the NC Department of Environment & Natural Resources.

419 Multi-family Residential Buildings – Notwithstanding any other provisions of this

Ordinance where two (2) or more multi-family residential buildings are constructed under single ownership, whether simultaneously or at different times, the entire parcel of land occupied by such multi-family residential buildings shall be considered one (1) lot and parking space and usable open space will continue to be available in the same portions to all occupants of the buildings on the lot.

419.1 Dimensional Regulations – The following dimensional regulations shall apply to the construction of all multi-family residential buildings.

Minimum horizontal distance between facing walls:

- Between two (2) walls, both of which contain a window or windows – fifty feet (50’);
- When only one (1) facing wall contains a window – thirty feet (30’);
- When neither of the facing walls have a window or windows – twenty-five feet (25’).

Minimum horizontal distance between any building and any lot line (other than a street right-of-way) – twenty-five feet (25’).

419.2 Other Requirements – No parking of motor vehicles shall be permitted within the required yards. The space within the required yard may not be used as maneuvering space for vehicles, except that driveways providing ingress and egress to the parking area may be installed across the yard area.

420 Dwelling, Single-Family – A detached dwelling, other than a mobile home, designed for or occupied exclusively by one family. Once a dwelling has been permitted as a single-family dwelling, it may not be converted to any type of multi-unit dwelling.

421 Dwelling, Two-Family – A detached building, including two individual dwelling units, also known as a duplex. Once permitted as a two-family dwelling, the structure may not be converted to a multi-family dwelling.

422 Modification for Accessory Unit – However, a single-family unit may be modified or an accessory unit built, provided one unit is occupied by the property owner. However, once the property owner ceases to occupy one of the units, said residence reverts to its single-family status.