

Town of Macclesfield
Zoning Ordinance
Article I: General Provisions

Division 10 Authority and Purpose

Section 10.01 Authority and Enactment:

An ordinance establishing comprehensive zoning regulations for the Town of Macclesfield, a municipal corporation of the State of North Carolina, and providing for the administration, enforcement and amendment thereof, in accordance with the provisions of the North Carolina General Statutes, Chapter 160A, and for the repeal of all ordinances in conflict herewith.

Section 10.02 Title:

This ordinance shall be known as the “Zoning Ordinance of the Town of Macclesfield, North Carolina” and may be referred to as the “Zoning Ordinance” or “the/this Ordinance”. The map herein referred to, which is identified by title “Official Zoning Map of Macclesfield, North Carolina” shall be known as the “Zoning Map”. The Official Zoning Map of Macclesfield, North Carolina and all notations, references, and other information shown on the map are hereby incorporated and made part of this ordinance.

Section 10.03 Territorial Jurisdiction:

This ordinance shall apply within the corporate limits of the Town of Macclesfield, North Carolina, hereafter affixed and shown on the “Official Zoning Map of Macclesfield, North Carolina”.

Section 10.04 Purpose:

The zoning regulations and districts as set forth herein are intended to provide requirements and procedures to govern the development and use of land and structures for the territorial jurisdiction as described in this Article, and to serve the public health, safety, and general welfare of the community. The Zoning Ordinance is also intended to provide economic, social, and aesthetic advantages resulting from an orderly, planned use of land resources based on town-wide land use policies with reasonable consideration, among other things to the character of each zoning district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the town.

In addition, this Zoning Ordinance is designed to address the following objectives:

1. Provide for orderly development and growth in the Macclesfield planning jurisdiction.
2. Minimize land use conflicts and encourage the most appropriate use of land.
3. Conserve the value of buildings and property.
4. Preserve the desirable features of the town’s appearance and character.
5. Provide for adequate light and air, safety from fire and other dangers, and avoid undue congestion of population.
6. Protect public investments and facilitate the adequate provision of schools, water, sewer, transportation, parks, and/or other public requirements.
7. Protect the natural environment and other valuable resources.
8. Promote the overall economic welfare of the town.

Section 10.05 Relationship to Land Development Plan:

It is the intention of the Board of Commissioners that this Ordinance implement the planning policies adopted by the Board of Commissioners for the Town of Macclesfield, as reflected in the Land Development Plan and other planning documents. While the Board of Commissioners reaffirms its commitment that this Ordinance and any amendment to it be in conformity with adopted planning policies, the Board of Commissioners hereby expresses its intent that neither this Ordinance nor any amendment to it may be challenged on the basis of any nonconformity with any planning document.

Section 10.06 Interpretation, Abrogation, and Relationship with Other Laws:

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity, and general welfare. This Ordinance is not intended to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where the provisions of this Ordinance imposes a greater restriction or higher standards as well as less restrictive or lower standards than comparable provisions of any other law, ordinance, or regulation, the most restrictive provisions or higher standards shall apply.

Section 10.07 Severability:

- A. Invalidation: Should any section, sentence, clause, phrase, or word of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction of either the State of North Carolina or the United States, such decision shall not affect, impair, or invalidate the validity of the remaining parts of this Ordinance which can be given effect without the invalid provision.
- B. Prejudicial Application: Should any section, sentence, clause, phrase, or word of this Ordinance be held invalid or unconstitutional in its application to a particular case, such decision shall not affect or prejudice its application to other cases.

Section 10.08 Fees:

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice, and similar matters or steps may be charged to applicants for such procedures as zoning permits, sign permits, special use permits, conditional use permits, zoning amendments, variances, and other administrative relief. The amount of fees charged shall be set forth in a fee schedule determined by the town's budget or by resolution of the Board of Commissioners and filed with the Zoning Administrator. Fees established in accordance with this subsection shall be paid upon submission of a signed application or notice of appeal.

Section 10.09 Effective Date:

This Ordinance shall become effective upon its adoption by the Board of Commissioners of the Town of Macclesfield, North Carolina.

The Board of Commissioners of the Town of Macclesfield hereby adopt this Ordinance on ____ day of _____, 2004, and therefore ordain it along with the Official Zoning Map, to be in full force and effect.

Division 15 Applications, Exceptions, and Modifications

Section 15.01 Application

- A. General: In interpreting and applying these regulations, the requirements contained herein are declared to be the minimum requirements necessary to carry out the purposes of these regulations. Wherever the provisions of these regulations impose greater restrictions upon the use of land or buildings or require a larger percentage of the lot to be left unimproved than the provisions of other ordinances, rules, regulations, permit, or any easements, covenants, or other agreements between parties, the provisions of this Ordinance shall govern.
- B. Compliance with Zoning Ordinance:
 - 1. No building, premises, or structure shall be constructed, erected, modified, converted, occupied, placed, maintained or moved, and no land use shall be commenced, maintained, or modified, except as authorized by this Ordinance. Lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
 - 2. No lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein and/or other applicable town ordinances. Lots or development which were approved prior to the effective date of this Ordinance, and which do not comply with the provisions of this Ordinance shall be considered legally nonconforming. Modifications to and conversions of nonconforming uses shall be allowed pursuant to the requirements of Article VIII.

Section 15.02 Computation

- A. Rounding of Numbers: All calculations that result in a part or fraction of a whole number shall be rounded up to the next highest whole number, except that in calculating density, all calculations that result in a part or fraction of a whole number shall be rounded down to the next lowest whole number.
- B. Computation of Required Spaces: No part of a yard, or other open space required about or in connection with any use 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 use.

Section 15.03 One Principal Building per Lot

Every building hereafter erected or moved shall be located on a buildable lot and in no case shall there be more than one principal residential building on a lot in a residential district, or on a lot with a permitted residential use, except as expressly provided in this ordinance.

Section 15.04 No Structures in Public Right-of-Way

No building, fence, sign, or other structure, or part thereof, shall be erected or installed in any public road, street, lane, alley, park, or other public right-of-way.

Section 15.05 Vision Clearance at Intersections

In order to maintain a safe line of sight distance for vehicular traffic at intersections of streets and roads, no opaque obstructions such as parking spaces, fences, walls, lights, trees, shrubs, or other types of obstruction shall be permitted, erected, placed, planted, or allowed to grow in such a manner as to materially impede vision within the area specified under Section 40.07 B.

Section 15.06 Street Access

No building, structure or use of land shall be established on a lot not shall any lot be created that does not abut upon a public street as defined herein to which it has legal access for a distance of not less than fifty-five (55) feet. This access requirement shall not apply to existing lots of record with a minimum of fifty-five (55) feet of frontage on a dedicated but not maintained street or road nor shall it apply to developments exempt from the public street access requirement as provided in the town's Subdivision Regulations.

Section 15.07 Outdoor Lighting

Outdoor lighting fixtures shall be installed in a manner to protect traffic on the street and neighboring properties from direct glare or hazardous interference of any kind.

Section 15.08 Certain Units of Storage Are Prohibited

The use of manufactured homes, travel trailers, semi-trailers, and vehicles that are no longer used as vehicles, shipping containers for storage purposes shall be expressly prohibited in all zoning districts.

Section 15.09 Necessary Repairs Permitted

Nothing in this Ordinance shall prevent the strengthening or restoration to a safe or lawful condition of any part of any building or structure declared unsafe or unlawful by the building officials, fire officials, or any other duly authorized of the town, county, or state.