

**Article VII.  
General Regulations.**

**7.1 Conformity Required.**

No person may use, occupy, or sell any land, structure, or building or authorize or allow the use, occupancy, or sale of any land, structure, or building under his control except in accordance with all of the applicable provisions of this article. For the purpose of this article, the use or occupancy of structures and buildings shall relate to anything and everything that is done to, on, or in the land, structures, or buildings.

**7.2 Street Frontage Required.**

Any lot on which a building (or buildings) is to be erected or use is to be established shall abut a public street, with the following exceptions:

(A) Any lot for which a residential use has been legally established prior to the effective date of this ordinance in accordance with provisions permitting establishment of use on a lot served by a private and exclusive recorded easement of at least fifteen feet in width connecting said lot to a public street may be used as if it abutted a street, provided that it is served by a driveway located on said easement.

(B) Any lot for which a non-residential use has been legally established prior to the effective date of this ordinance in accordance with provisions permitting establishment of use on a lot served by a private, exclusive recorded easement of at least fifteen feet in width connecting said lot to a public street, may be construed in the same manner as a lot abutting a street, provided that it is served with a driveway built to appropriate standards located on the permanent, recorded easement.

(C) In the ETJ, all new subdivisions must meet town standards for public road frontage as defined in Section 6.6. However, up to three single-family residential lots may be served by a privately-maintained, recorded easement with a minimum twenty-foot width if such easement was recorded prior to this ordinance's adoption.

**7.3 One Principal Building Per Lot; Exceptions.**

Only one principal building and its customary accessory building(s) may be erected on any lot, except that multiple buildings may be erected on a single lot as permitted by use and district regulations. Accessory structures or uses shall not be permitted as principle uses.

**7.4 Lot Size.**

No building lot (development site), even though it may consist of one or more adjacent lots of record, shall be reduced in size such that the requirements for building and lot type cannot be met, or the performance standards for spacing of structures, building mass and scale, and street frontage relationships cannot be respected. This prohibition shall not be construed to prevent the purchase, dedication, or condemnation of narrow strips of land for public utilities or street or sidewalk right-of-way purposes.

### **7.5. Lot of Record.**

Where the owner of a lot of official record in any district at the time of adoption of this chapter, or the successor in title thereto, does not own sufficient contiguous land to enable him/her to conform to the minimum lot size requirements of this chapter, such lot may be used as a building site; provided, however, that the dimensional requirements outlined in Section 6.6 (Table 2.) of this ordinance are met for the applicable district or a variance is obtained from the Zoning Board of Adjustment.

Notwithstanding the foregoing, whenever two or more adjoining vacant lots of record are in single ownership at the adoption of this chapter or at any time after its adoption, and such lots individually have less area or width than the minimum requirements of the district in which such lots are located, such lots shall be considered as a single lot or as several lots if the lots can be divided into several lots, each of which meet the minimum requirements if this chapter for the district in which such lot or lots are located.

### **7.6 Yard Designation.**

(A) On lots which abut more than one street, the front of the lot shall be parallel to the more prominent street. Exceptions may be made to this rule by the Zoning Enforcement Officer based upon the arrangement of existing and proposed streets and drives and the orientation of buildings on adjoining lots. Where neither street is more prominent than the other, the Zoning Enforcement Officer shall decide which street shall be the front based upon these same criteria.

(B) Where multiple buildings are permitted on a single lot of record, each building shall generally front upon a pedestrian oriented street, either external or internal to the development; side and rear yard designations shall be determined on the basis of building orientation.

(C) On irregularly shaped lots, the location of required front, side, and rear yards will be determined by the Zoning Enforcement Officer. The determination will be based on the spirit and intent of this ordinance to achieve an appropriate spacing of buildings and orientation to the street(s).

### **7.7 Through Lots.**

If both the front and rear yards of a lot abut public streets, then the rear building line shall respect the alignment of buildings on the back street while the front building line shall respect the alignment of buildings on the fronting street. This requirement shall not apply to alleys.

### **7.8 Height Limitation Exceptions.**

(A) The height limitations of this chapter shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; and shall not apply to monuments, water towers, observation towers, chimneys, smokestacks, conveyors and flag poles.

(B) When adjacent to a lot or lots located in a residential district, any part of a non-residential structure which extends above the height limit shall, at a minimum, be separated from adjacent residential lots by a distance equal to its height measured from the ground.

### **7.9 Structures and Uses Limited in Yards.**

- (A) No principal building or structure shall be located within any required setback or yard.
- (B) No principal building or structure shall be located within any required buffer or screen.
- (C) Permitted fences and walls, security gates, paths, walkways, mailboxes, utility poles, lighting fixtures, patios at grade, and similar features may be located in a required yard, so long as the sight triangle on corner lots is protected.
- (D) Permitted signs may be located in an established front or side yard abutting a public street.
- (E) Off-street parking areas, maneuvering areas for parking, and loading areas are prohibited in required yards. This restriction shall not apply to:
  - (1) A driveway which crosses a required yard to provide access from a public street to a parking area; or
  - (2) Driveways and parking areas for a detached or duplex residential dwelling; or
  - (3) Plazas associated with civic buildings or campus quadrangles that have been designed and approved for occasional use as secondary parking areas; or
  - (4) Yards included within specific streetscape plans adopted by the Town Board in which the plans include limited parking and access in adjacent yards; or
  - (5) Front yards in the highway business district which meet the requirements for front parking.
- (F) Subordinate structures attached to single family homes, such as decks, garages, porches, and similar features may extend into the required side or rear yard up to twenty-five percent of its depth, and may cover up to twenty percent of its area. Such extensions may not exceed fifty percent of the width of the dwelling at the rear building line.
- (G) Above-ground sewer backflow prevention devices are expressly prohibited in the established front yards of buildings.

### **7.10 Accessory Structures and Uses.**

- (A) In no event shall “accessory use” or “accessory structure” be construed to authorize a use or structure not otherwise permitted in the district in which the principal use is located.
- (B) In residential districts or on lots with residential uses, no accessory structure shall be located within a required front yard or located in front of the front facade of the principle structure, nor within three feet of a property line.
- (C) The number of accessory structures allowed per residential lot shall be determined by lot size.
  - 1. No more than two accessory structures shall be allowed per lot of two acres or less.
  - 2. An additional accessory structure shall be allowed for every three acres of lot remaining.
- (D) No more than two accessory structures shall be utilized for vehicle storage per lot.
- (E) No more than one accessory structure shall be utilized in the operation of home occupations.

- (F) Accessory uses and structures that are clearly related to and incidental to the permitted principal use or structure on the lot are permitted in all districts.
- (G) Petroleum storage accessory to a permitted principal use or building is permitted.
- (H) Temporary buildings and storage of materials are permitted, provided that the use is in conjunction with the construction of a building on the same lot or on an adjacent lot; the temporary uses shall be terminated upon completion of construction.
- (I) Manufactured housing (mobile homes) shall not be used as an accessory structure in any district.
- (J) Barns and other similar structures accessory to an agricultural use shall not be counted towards the standards outlined in Section 7.10(C).

**7.11 Clear Sight Triangle at Street Intersections.**

On a corner lot in any residential district no planting, structure, signs, fence, wall or obstruction to vision more than three feet in height measured from the center line of the street shall be placed or maintained within the triangular area formed by the intersecting street edge of pavement line and a straight line connecting points on the edge of pavement lines each of which is 35 feet distant from the point of intersection.

**7.12 Building Separation.**

All detached accessory structures in all residential districts shall preserve a minimum building separation of ten feet from all principle uses or structures on the same lot. The requirement of the district or the existing pattern of building spacing along a street may require a greater separation or the provision of specified side yards.

**7.13 Standards for Construction; Developer Responsibility.**

Where standards and responsibility for infrastructure construction, including but not limited to streets, sidewalks, and landscaping, are specified in this document, the Town of North Wilkesboro Town standards shall control.

**7.14 Driveways.**

(A) No driveway or other point of access to the street shall be constructed, relocated, or altered unless the driveway has been approved by the Town of North Wilkesboro.

(B) For development projects composed of multiple buildings and lots, access to the pre-existing public street system shall be determined by the location of proposed intersecting streets, topography, and other general site characteristics. No parcel of land which is a functional part of the overall development, even though it may be removed by the developer from the rest of the project area by subdivision or by metes and bounds description, shall be permitted to have driveway access to the public streets bounding the project area.

**7.15 Negative Access Easements.**

Private negative access easements in which no driveway or other vehicle or pedestrian access is permitted to a lot from an adjacent public street, shall be prohibited, except those easements required by the town to limit driveways on existing public streets.

**7.16 Building Type.**

(A) Manufactured housing shall not be used as permanent structures except in the R20 district.

(B) Modular buildings shall not be used as permanent structures unless such are placed on a permanent masonry foundation and meet all of the other design standards for buildings in the district in which they are located.

(C) Mobile Offices shall only be a temporary use for a period of less than 6 months, typically for construction office use, and shall not be used as a permanent building in any district. The use for construction purposes only would be allowed for a period of up to 1 year with cause, provided that a second temporary permit is requested and provided. Added renewal periods of 6 months can be requested, upon staff approval.

#### **7.17 Combination Uses.**

(A) When a combination use comprises two (2) or more principal uses, as outlined on Table 6.7, that require different types of permits (zoning or conditional use), then the permit authorizing the combination use shall be:

(1) A conditional use permit if any of the principal uses combined requires a conditional use permit.

(2) A zoning permit in all other cases.

#### **7.18 Benchmark Regarding Non-Conforming Lot Size and Setbacks.**

(A) All properties built before 1963 in the North Wilkesboro town limits that are considered to be non-conforming as to lot size and setbacks will be permitted to continue use and be built back in place as any other permitted structure. Lots may not be divided to be non-conforming past the effective date of this ordinance. *Added June 25, 2014.*