

**ORDINANCE #2020-01**

AN ORDINANCE TO AMEND SECTIONS 5.1 B., 5.4, AND 5.5 OF ARTICLE V, AND SECTION 6.4 OF ARTICLE VI, AND SECTIONS 7.1.6, 7.1.7, 7.1.9, 7.2.6, 7.2.7, 7.2.9, 7.3.6, 7.3.7, 7.3.9, 7.4.7, 7.5.6, 7.5.7, 7.5.9, 7.7.7, 7.7.9, 7.8.7, 7.8.8, 7.8.10, 7.9.3, 7.12.6, 7.12.7, AND 7.12.9 OF ARTICLE VII, OF APPENDIX A OF THE VILLAGE ZONING ORDINANCE, FOXFIRE VILLAGE, NORTH CAROLINA

THE FOXFIRE VILLAGE COUNCIL ORDAINS:

**SECTION 1.**

*Section 5.1 (B) is amended to read as follows:*

B. Substandard Lots. Except as set forth in subsection A above, if a lot recorded prior to the passage of this Ordinance is substandard, in a district where single family or two family dwellings are permitted, such lot may be used as a location for said dwelling units with related accessory buildings, if permitted. In such cases, the Zoning Administrator is authorized to issue a certificate of zoning compliance with reduced width or area or setback requirements; but in no case shall the lot size or setback requirements be reduced by more than twenty-five percent (25%).

**SECTION 2.**

*Section 5.4 is amended to read as follows:*

Sec. 5.4. Destruction of nonconforming uses.

If a nonconforming structure or a structure occupied by a nonconforming use is destroyed by any means by fifty percent (50%) or more of its assessed value, such structure may not be restored or reconstructed as a nonconforming structure or use; except that pre-existing single family and two family residential dwellings may be reconstructed without conforming when the nonconformity existing is a failure to meet current setback requirements.

**SECTION 3.**

*Section 5.5 is amended to read as follows:*

Sec. 5.5. Repair and alteration of nonconforming structures and structures engaging in nonconforming uses.

Normal maintenance, internal structural alterations, and repair of a nonconforming structure or a structure occupied by a nonconforming use is permitted, provided it does not increase the size of the structure nor expand the nonconforming use.

**SECTION 4.**

*Section 6.1 is amended by deleting the words "and the Appearance Commission".*

**SECTION 5.**

*Section 6.26 (D) is amended to read as follows:*

D. Except within the RA district, no barn, stable, or other shed for any bovine animal, equine animal, or livestock or pens, roosts, hutches, etc., for rabbits or fowl may be located within one hundred fifty (150) feet of the property line. Property in the RA district which abuts RM, RS20, RS30, RS40 or VBD must meet the above setback requirement.

**SECTION 6.**

*Section 6.4 is amended by changing the first sentence to read as follows:*

No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein except as allowed in section 5.1. B.

**SECTION 7.**

*Section 7.1.6 is amended to read as follows:*

Setback minimums shall be as follows (applies to both the main and accessory building(s));

Front: 35 feet. Building and street facades shall extend parallel to the front lot lines unless on corner lot.

Side: 30 feet.

Rear: 40 feet.

Side yards that abut a public or private street shall have a minimum setback of 35 feet. Front and side setbacks abutting streets are measured from front and side lot lines respectively (which lot lines are the edge of the road right-of-way, thirty (30) feet from center line of the street).

## **SECTION 8.**

*Section 7.2.6 and section 7.3.6 are amended to read as follows:*

Setback minimums shall be as follows (applies to both the main and accessory building(s));

Front: 45 feet. Building and street facades shall extend parallel to the front lot lines unless on corner lot.

Side: 30 feet.

Rear: 35 feet.

Side yards that abut a public or private street shall have a minimum setback of 35 feet. Front and side setbacks abutting streets are measured from front and side lot lines respectively (which lot lines are the edge of the road right-of-way, thirty (30) feet from center line of the street).

## **SECTION 9.**

*Section 7.1.7 is amended by deleting the first three blocks and replacing them with the following:*

Residences: A minimum heated living area under roof of 1500 square feet, exclusive of garages, screened and unscreened porches, and unheated utility spaces, is strongly encouraged.

## **SECTION 10.**

*Sections 7.2.7, 7.3.7, 7.7.7, and 7.12.7 are amended by deleting the first three blocks and replacing them with the following:*

Residences: A minimum heated living area under roof of 1,800 square feet, exclusive of garages, screened and unscreened porches, and unheated utility spaces, is strongly encouraged.

## **SECTION 11.**

*Section 7.4.7 is amended by deleting the section in its entirety and replacing it with the following:*

A minimum heated living area under roof of 1,200 square feet, exclusive of garages, screened and unscreened porches, and unheated utility spaces is strongly encouraged for two-family dwellings (duplexes). A minimum heated living area under roof of 1,200 square feet, exclusive of garages, screened and unscreened porches, and unheated utility spaces is required for multi-family dwellings, except as provided in Section 8.16.

## **SECTION 12.**

*Section 7.5.6 (A) is amended by adding the following sentence after sub-section 3:*

Front and side setbacks abutting streets are measured from front and side lot lines respectively (which lot lines are the edge of the road right-of-way, thirty (30) feet from center line of the street).

## **SECTION 13.**

*Section 7.5.7 is amended by deleting the entire section and replacing it with the following:*

Residences and Manufactured Homes: A minimum heated living area under roof of 1200 square feet, exclusive of garages, screened and unscreened porches, and unheated utility spaces, is strongly encouraged.

Garages: Attached garages are strongly preferred for residences. An unattached or semi-detached garage may be approved by the Zoning Administrator providing all district regulations are met. Side or rear entry garages are strongly preferred except when located at the end of a cul-de-sac.

**SECTION 14.**

*Section 7.8.7(B) is amended to read:*

B. Lots bordering RM, RS20, RS30, RS40 or VBD

**SECTION 15.**

*Section 7.8.7 is amended by adding the following sentence after sub-section (B)3:*

Front and side setbacks abutting streets are measured from front and side lot lines respectively (which lot lines are the edge of road right-of-way thirty (30) feet from center line of the street).

**SECTION 16.**

*Sections 7.8.8(A) and 7.8.8(B) are amended to read as follows:*

A. Primary Residence: A minimum heated living area under roof of 2000 square feet, exclusive of garages, screened and unscreened porches, and unheated utility spaces, is strongly encouraged.

B. Detached Guest Quarters: Detached guest quarters may not exceed fifty percent (50%) of the square footage of the primary residence exclusive of garages, screened and unscreened porches, and unheated utility spaces.

**SECTION 17.**

*Section 7.12.6 is amended by adding the following sentence at the end of the section:*

Front and side setbacks abutting streets are measured from front and side lot lines respectively (which lot lines are the edge of the road right-of-way, thirty (30) feet from center line of the street).

**SECTION 18.**

*Sections 7.1.9, 7.2.9, 7.3.9, 7.5.9, 7.7.9, 7.8.10, and 7.12.9 are all amended by deleting the first two sentences of the sections and replacing them with the following sentences:*

Balconies, stoops, stairs, decks, patios, chimneys, bay windows, roof overhangs (if more than 18”), and raised doorways and their footings shall not be permitted to extend into the required setbacks. Playground equipment including but not limited to swing sets, trampolines, sand boxes, jungle gyms, slides, and similar equipment, shall not be placed in front yards.

**SECTION 19.**

All provisions of any Village ordinance in conflict with this ordinance are hereby repealed. The Foxfire Village Council has determined that the amendments herein are reasonable and consistent with the Village Long Range Plan and Land Use Plan to retain open views and spaces within the Village and to preserve environmental resources and an attractive visual appearance.

**SECTION 20.** This ordinance shall become effective upon adoption.

Adopted this 28<sup>th</sup> day of May 2020.

  
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E. M. McCue, III  
Mayor

ATTEST:

  
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Lisa A. Kivett, CMC, NCCMC, CZO  
Village Clerk

