

Chapter 4. Existing Land Use

4.1 Summary and analysis of current land use

Madison County has a rural, mountainous landscape, with much of the land covered with farms, forests and residences on large parcels. It also contains about ten small communities with small community centers in addition to the three small towns of Hot Springs, Mars Hill and Marshall. Commercial development occurs primarily on the main transportation corridors – US 25/70, NC 213 – as well as in the towns. Public facilities such as schools and medical facilities are also predominantly located in the same places as commercial development and near community centers. There is a small amount of industrial land use and there are few manufacturing businesses in the County.

Looking at current zoning combined with vacant parcels provides a pretty good picture of existing land use in the County. The **Current Zoning and Land Use Map** (Map 3) shows the current zoning of all the parcels in the County and also shows which parcels are either vacant or contain a non-livable structure (i.e., structure value less than \$1000). There are some discrepancies on the map, primarily with commercial (Retail Business) zoning along US 25-70 and NC 213. These properties are marked as retail businesses on the map. There are clusters of businesses along US 25-70 near NC 213, in/near Marshall and in the Walnut community and along NC213 near US 25-70, in the Grapevine community and in and near Mars Hill.

The following sections describe the current zoning districts and where this zoning exists in the County.

Amount of land in each zoning district

The various zoning districts are described in Section 4.2 below. The County has established nine zoning districts, however only five of them are currently in use:

- Residential-Agricultural (R-A)
- Residential-Resort (R-2)
- Retail Business (R-B)
- Industrial (I-D)
- Manufactured Home Park (MHP)

Almost all of the land that is in the County's zoning jurisdiction – 96% - is zoned Residential-Agricultural (R-A). Of the remaining land, almost 3% is zoned Rural-Resort (R-2) and most of this is in and around Wolf Laurel and also in a

Land Area and Parcels by Zoning District			
Zoning	# Parcels	Acres	Percent by Area
Rural-Agricultural (R-A)	18,327	294,138.76	96.0%
Retail Business (R-B)	197	2,342.92	0.8%
Residential-Resort (R-2)	2,289	8,258.10	2.7%
Industrial (I-D)	61	988.66	0.3%
Manuf. Home Park (MHP)	87	821.07	0.3%

development along NC 208 in the top central part of county. Very small amounts are zoned for retail businesses, industrial uses and manufactured home parks.

Amount of land that is vacant

Madison County contains a lot of open land with fields, forests and mountains. A large amount of the land in the County does not have any buildings on it (or if there are old structures, they have no value according to the County tax office). About half, 51 percent, of the parcels in the County are vacant, representing 56 percent of the land in the County.

Amount of land by jurisdiction

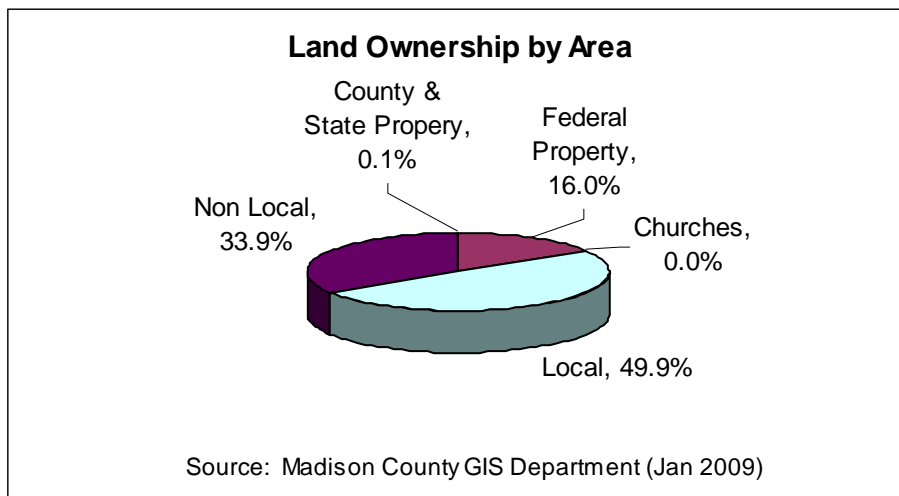
The three towns in Madison County are both small in population and small in size. Collectively they constitute only two percent of the County’s land area. Marshall is the largest town, with almost 2,500 acres in its town limits. Mars Hill is a little smaller at 2,034 acres and Hot Springs is about half as large as the other two, at a little over 1,000 acres. Additionally, Mars Hill has extraterritorial jurisdiction (ETJ) over an area surrounding the Town limits, which gives the town the authority to control zoning and land use in this area. Mars Hill’s ETJ extends approximately one mile out from the edges of its Town limits.

Town/County	# Parcels	Acres
Hot Springs	644	2,034
Mars Hill	644	1,113
Marshall	654	2,444
<i>Totals for Towns</i>	<i>1,942</i>	<i>5,591</i>
Madison County	20,059	288,942

Source: Madison County GIS (Oct 2009)

Land Ownership

Madison County’s north and northwest sections contain a large amount of US Forest Service land, accounting for 16% of the total land area in the County. The remaining land is almost all in private ownership. The following chart was developed by looking at mailing and physical addresses on record at the County tax office of property owners for all parcels in the county.



There are a lot of parcels along and near the southern border with Buncombe County near the Weaverville and Leicester communities and some owners have a Buncombe County address listed for their Madison County parcel. So,

although about 34% of the land and half of the parcels show up with a non-Madison County address, some of these are owned by local people who have a Buncombe County address. Refer to **Parcel Ownership Map** (Map 4) to see the distribution of local and non-local ownership. It is spread throughout the county, with higher concentrations along the border with Buncombe County.

4.2 Current Zoning Categories and Map

Madison County was the first county in western North Carolina to adopt a zoning ordinance, in 1975. It also has the following ordinances which govern aspects of land use: Subdivision Ordinance (adopted in 1998); Watershed Ordinance (adopted in 1998); Flood Damage Prevention Ordinance (adopted in 1987); Communication Tower Ordinance (adopted in 2000); Ridge Protection Ordinance (adopted in 1983); and an Off-Premise Sign Ordinance (adopted in 1998).

The Land Use Ordinance (a.k.a. the zoning ordinance) governs the types and intensity of uses that are allowed on parcels of land in the county. It also contains standards that must be met for development activities and structures. North Carolina state law exempts “bona fide farms” from county zoning (NC G.S. 153A-340), however non-farm residences or other non-farm uses on farm property are subject to regulations in the zoning ordinance. The towns of Hot Springs, Marshall and Mars Hill have their own land development ordinances that define the regulations within their jurisdictions.

Madison County has established the following Zoning Districts in their Land Use Ordinance:

- Residential-Open Space (R-8OS)
- Residential-Agricultural (R-A)
- Residential (R-1)
- Residential-Resort (R-2)
- Retail Business (R-B)
- Industrial (I-D)
- Manufactured Home Park (MHP)
- Floodplain (F-P)
- Industrial (Sludge) (I-S)

All these districts are not currently being utilized (applied to parcels); the only ones in current use are:

- Residential-Agricultural (R-A)
- Residential-Resort (R-2)
- Retail Business (R-B)
- Industrial (Sludge) (I-S)
- Manufactured Home Park (MHP)

The following paragraphs contain brief descriptions of each of these districts. Please refer to the Current Zoning and Land Use Map (Map 3) to see where these districts are located in the County.

Residential-Open Space (R-8OS) – This district is intended for areas that are to contain low-density, residential and open space uses. Areas with R-8OS designation are mainly areas with exceptionally steep slopes and without access to public water or sewer systems. A minimum of 80,000 square feet is required per dwelling unit.

Residential-Agricultural (R-A) – This district is intended for areas that are to contain low-density, primarily residential and agricultural uses. Other uses are allowed, including customary home occupations, professional offices, churches, schools, recreational areas and a few others. Areas with R-A designation are mainly areas without access to public water or sewer systems, and the district's purpose is to ensure that development occurs at a sufficiently low density to maintain a healthy environment. A minimum of one acre is required per dwelling unit.

Residential (R-1) – This district is intended to be a quiet, low-density neighborhood consisting of single-family residences along with limited home occupations and limited private and public community uses. Uses that are not permitted in this district include mobile homes, rest homes, clubs and lodges, backyard workshops and kindergartens and day nurseries. A minimum of one acre is required per dwelling unit.

Residential-Resort (R-2) – This district is intended for areas in which the principal use of the land is for residential purposes, with the provision of commercial services and group residential and recreational areas for resort users as well as the permanent residents. It allows for single-family, two-family and multifamily dwelling units, mobile homes, some agricultural uses, camping areas and facilities, residential vacation rentals and recreational and community facilities and areas.

Retail Business (R-B) – This district is intended for areas in which retail trade and consumer services exist and will expand as the community's and region's populations increase. Many retail and consumer service uses are permitted in this district. The minimum lot size is 20,000 square feet and maximum building height is 50 feet. Off-street parking and loading areas are also required in this district.

Industrial (I-D) – This district is established for areas where industries and warehouses are the primary land uses. These types of uses typically require large tracts of land. A large variety of industries are permitted in this district, including larger retail businesses that may not be permitted in the R-B district. Industrial uses with greater impacts of noise, traffic, odor, etc. are permitted under a Conditional Use process. The minimum lot size for this district is one acre and maximum building height is 50 feet. Off-street parking and loading areas are also required in this district.

Floodplain (F-P) – This district is intended to meet the needs of the rivers of the county to carry abnormal flows of water in time of flood, to prevent building or encroachments which will increase flood heights and damage, and to prevent the loss of life and excessive damage to property in areas of greatest flood hazards. Recreational, some agricultural, wildlife, parking and loading and similar areas are allowed in this district. The only structures that are allowed are bridges, dams, docks, piers, ramps and temporary facilities (e.g., carnivals, circuses).

Industrial Sludge Disposal (I-S) – This district is established for areas suitable for the disposal of municipal or industrial wastewater treatment residuals. These areas are located at an appropriate distance from densely populated areas, commercial centers, heavily traveled transportation corridors, area of recreational importance and water resources of county-wide significance. All uses that are permitted in the R-A district are permitted in this district. Landfills, sawmills and sludge disposal operations are permitted with a Conditional Use permit.

Manufactured Home District (MHP) – This district is established to ensure that citizen of the County may be provided with reasonably priced, adequate housing. Manufactured Home Parks are allowed in this district with a Conditional Use permit.