

# CHAPTER 3: ZONING DISTRICTS

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**Section 3.1 Purpose and Interpretation****3.1.1 Definition of Zoning**

Zoning is the process by which an area is divided into various districts, each of which is specifically intended for different uses and intensity of uses and within which the use of land and buildings, the height and dimension of buildings, the size of required yards, and the population density are regulated.

**3.1.2 Purposes of Zoning**

- A. The following are some of the purposes for zoning:
- To be in accordance with and to achieve the objectives outlined in the comprehensive plan;
  - To lessen congestion in the streets;
  - To secure safety from fire, panic, and other dangers;
  - To promote health and the general welfare;
  - To provide adequate light and air;
  - To prevent the overcrowding of land;
  - To avoid undue concentration of population;
  - To provide for each type of community development--more specifically, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
  - To utilize land uses in the community in such a way as to be beneficial on both an individual level and a community level;
  - To promote, maintain, or restrain an appropriate intensity or density of development in each area at a level which can be satisfactorily serviced by such public facilities as the street, school, recreation, and utilities systems;
  - To protect and stabilize property values; and
  - To preserve the natural environment and beauty of the community.
- B. Further, the regulations are to be made with reasonable consideration, among other things, to the character of the district and its unique 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's territorial jurisdiction.

**3.1.3 Zoning District Authority**

- A. In accordance with the requirement of NCGS 160A-382 that zoning regulation be by districts, the Town, as shown on the Zoning Map accompanying this Ordinance, is hereby divided into districts which shall be governed by all of the uniform use and dimensional requirements of this Ordinance.
- B. Zoning divides a town's territorial jurisdiction into districts, or zones, of any number, shape, and area that may be deemed best suited to carry out the purposes of NCGS 160A-382. Within those districts, the municipality may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. All regulations must be uniform for each class or kind of building throughout each district, but the regulations in one district may differ from those in other districts.

### 3.1.4 District Interpretation

Each zoning district has uses permitted by right, uses permitted with special requirements, and conditional uses. A detailed permitted uses table showing the uses allowed in each district. The following describes the processes of each of the three categories that the uses are subject to:

- A. **Permitted by Right:** Administrative review and approval subject to district provisions and other applicable requirements only.
- B. **Permitted with Special Requirements:** Administrative review and approval subject to district provisions, other applicable requirements, and special requirements outlined in Chapter 4.
- C. **Conditional Uses:** Board of Adjustment review and approval of Conditional Use Permit subject to district provisions, other applicable requirements, and conditions of approval. Some Conditional Uses may also be subject to special requirements outlined in Chapter 4.

### 3.1.5 Zoning Map Interpretation

The map entitled *Town of Granite Quarry Zoning Map*, as adopted by the Granite Quarry Board of Aldermen establishes the official zoning districts and overlay districts. Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the Zoning Administrator shall employ the following rules of interpretation.

- A. **Centerline:** Where a boundary line lies within and follows a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the center of such street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated road bed or utility easement.
- B. **Edge Line:** Where a boundary line follows the edge of a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be on the edge of such street or alley right-of-way, railroad right-of-way, or utility easement. If such a street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated road bed or utility easement.
- C. **Lot Line:** Boundaries indicated as approximately following lot lines shall be construed as following such lot lines. In the event that a district boundary line divides a lot or tract, each part of the lot or tract so divided shall be used in conformity with the regulations established by this Ordinance for the district in which said part is located.
- D. **Town Limits:** Boundaries indicated as approximately following town limits or extraterritorial boundary lines shall be construed as following the town limits or extraterritorial boundary lines.
- E. **Watercourses:** Boundaries indicated as approximately following the centerlines of streams,

rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

- F. **Extensions:** Boundaries indicated as parallel to or extensions of street or alley rights-of-way, utility easements, lot lines, city limits, county lines, or extraterritorial boundaries shall be so construed.
- G. **Scaling:** In a case where a district boundary does not coincide with any boundary lines as above and no distances are described by specific ordinance; the boundary shall be determined by the use of the scale appearing on the map.
- H. Where the Zoning Administrator determines that physical features existing on the ground, or actual property lines or other man-made boundary lines used to depict zoning district boundaries, are different than those shown on the Official Zoning Map, the Board of Adjustment shall have the authority to interpret Zoning district boundaries.

### 3.1.6 Other Requirements

In addition to Zoning District Regulations see the following Sections for other requirements:

- A. See Chapter 4 for Special Requirements for specific uses.
- B. See Chapter 5 for Building Design Requirements
- C. See Chapter 6 for specifications on Signs.
- D. See Chapter 7 for specifications on Open Space & Environmental Protection.
- E. See Chapter 8 for specifications on Landscaping & Buffering.
- F. See Chapter 9 for specifications on Parking.
- G. See Chapter 10 for specifications on Infrastructure.

## Section 3.2 Base Zoning Districts

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Base zoning districts are created to provide comprehensive land use regulations throughout Granite Quarry. There are 11 base zoning districts that provide for a variety of uses that are appropriate to the character of the areas in which they are located. For the purpose of this Ordinance, Granite Quarry is hereby divided into the following base zoning districts. These districts shall comply with all of the general and specific requirements of this Ordinance. The uses permitted in each of these districts are listed in Section 3.3. The dimensional requirements for each of these districts are listed in Section 3.4.

- RR Residential Rural District
- RL Residential Low Density District
- RM Residential Medium Density District
- RH Residential High Density District
- OI Office & Institutional District
- NB Neighborhood Business District
- CB Central Business District
- HB Highway Business District
- LI Light Industrial District
- HI Heavy Industrial District
- PUD Planned Unit Development District

### **3.2.1 Residential Rural (RR) District**

The Residential Rural district is provided to accommodate very low density residential development and agricultural uses and to protect natural vistas and landscape features that define rural areas.

### **3.2.2 Residential Low Density (RL) District**

The Residential Low Density District is established for conventional subdivision development of low density single-family residences and their customary accessory uses.

### **3.2.3 Residential Medium Density (RM) District**

The Residential Medium Density District is intended to create medium density residential areas providing for a mix of housing types including single-family and two-family dwellings along with their customary accessory uses.

### **3.2.4 Residential High Density (RH) District**

The Residential High Density District is intended for the development of a higher density mixture of residential uses and their customary accessory uses.

### **3.2.5 Office & Institutional (OI) District**

The Office & Institutional District is intended to accommodate a variety of office and institutional uses. This district can serve as a transitional buffer between residential districts and commercial districts.

### **3.2.6 Neighborhood Business (NB) District**

The Neighborhood Business District is intended primarily for local centers designed to serve relatively small trading areas in developed or developing portions of Granite Quarry. As a result, the list of commercial establishments allowed in this district is more limited than in other districts and focuses on convenience services and goods.

### **3.2.7 Central Business (CB) District**

The Central Business District is established as the centrally located trade and commercial service area of Granite Quarry. The district is designed to encourage the continued use of land for downtown business and a sustainable relationship with integrated and surrounding residential uses.

### **3.2.8 Highway Business (HB) District**

The Highway Business District is established to provide a wide array of retail and service uses to a large trading area for persons residing in and/or traveling through Granite Quarry. Given the large traffic volumes generated by uses located in such a district, any area so zoned shall have access onto an arterial or collector thoroughfare.

### **3.2.9 Light Industrial (LI) District**

The Light Industrial District is established for certain non-offensive industrial, manufacturing, or processing plants. The type of industrial or manufacturing use would be light in nature and free from the undesirable aspects, which may be objectionable or offensive to residential areas.

### **3.2.10 Heavy Industrial (HI) District**

The Heavy Industrial District is established for certain industrial, manufacturing, or processing plants which are heavy in nature but will not be dangerous or detrimental to the health, safety, welfare, or general character of the area by reason of the emission of smoke, fumes, noise, odor, or dust.

### **3.2.11 Planned Unit Development (PUD) District**

The purpose of a Planned Unit Development is to plan and promote neighborhoods that embody variety, innovation, and flexibility in development by allowing a variety of uses, lot sizes, dwelling unit types, and design requirements. PUD districts shall only be considered as Conditional Use Districts. See Section 3.5.3 for PUD requirements.

## **Section 3.3 Permitted Uses Table**

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### **3.3.1 Intent**

The Permitted Uses Table contains a listing of uses which may be permitted in one or more of the various zoning districts. Uses are listed in alphabetical order within seven (7) categories as follows:

- Residential
- Civic & Government
- Institutional
- Office & Service
- Retail
- Recreation & Entertainment
- Industrial, Manufacturing, Warehousing, Wholesale, Distribution, & Transportation
- Other

### **3.3.2 Determining Uses**

- A. The listings of permitted and conditional uses in the various districts in this Ordinance are considered to be specific in regard to the types of uses intended for each of the various districts. In determining proposed uses, the Administrator shall classify the form and function of the use. When a proposed use is not specifically listed in the Permitted Uses Table, the Administrator shall determine if the use is the same as, or manifestly similar to, a listed use in form and function. If the Administrator finds that the proposed use is the same as, or manifestly similar to, a listed use, he shall classify the proposed use as the listed use. If the Administrator finds that a proposed use is not the same as, or is not manifestly similar to, a listed use, he shall classify the proposed use as not permitted. In order to assist the Administrator in interpretation of the Use Matrix, the North American Industrial Classification System (NAICS) shall be used to determine if a use is similarly material to a use in the Permitted Uses Table.
- B. In determining what is a principal use, the principal use shall be considered as the primary purpose or function that a lot or structure services or is proposed to serve. An accessory use shall be considered a structure or use that:

1. Is clearly incidental to and customarily found in connection with a principal building or use;
2. Is subordinate to and serves a principal building or a principal use;
3. Is subordinate in area, extent, or purpose to the principal building or principal use served;
4. Contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and
5. Is located on the same lot and zones the same as the principal building or use served.
6. Two (2) or more principal uses may, in some cases, be permitted to occupy the same land or building as long as each use is a permitted use.

### 3.3.3 Table Key

The following is a list of the meanings of table entries:

- “X”-indicates that the use is permitted by right in the zoning district
- “C”-indicates that the use is permitted with a Conditional Use Permit in the zoning district
- “SR”-a section number listed in the column indicates that the use has special requirements for the zoning district in which it is permitted. The section number refers to the regulations in Chapter 4.

## SECTION 3.3 PERMITTED USES TABLE

USES	ZONING DISTRICTS										
<i>Residential Uses</i>	RR	RL	RM	RH	OI	NB	CB	HB	LI	HI	SR
Accessory dwellings	C	C	C	C							4.2.1
Accessory structures (residential)	X	X	X	X							4.2.2
Boarding or rooming houses	C	C	C	C							4.2.3
Conservation development	C	C	C	C							4.2.4
Family care homes for the handicapped	X	X	X	X							4.2.5
Home occupations (customary)	X	X	X	X							4.2.6
Home occupations (rural)	C										4.2.6
Manufactured home, individual lot (MH-O only)	X	X									4.2.7
Manufactured home community (MH-O only)	C	C									4.2.8
Mixed-use dwelling					X	X	X				4.2.9
Multi-family dwellings (3 or more attached units)				C							4.2.10
Single-family dwellings	X	X	X	X							
Temporary emergency manufactured home	X	X	X	X							4.2.11
Temporary family care manufactured home	C	C	C	C							4.2.12
Temporary family health care structure	X	X	X	X							
Two-family dwellings (duplexes)			X	X							
<i>Civic &amp; Government Uses</i>	RR	RL	RM	RH	OI	NB	CB	HB	LI	HI	SR
Cemeteries (accessory use)	X	X	X	X	X	X	X	X	X	X	
Emergency Services (fire, police, EMT)	C	C	C	C	X	C	X	X	X	X	
Government buildings (other, excludes correctional facilities)	C	C	C	C	X	X	X	X	X	X	
Non-profit charitable organizations	C				X	X	X	X	X	X	
Religious institutions & related uses (including day cares or schools of less than 25)	C	C	C	C	X	X	X	X	X	X	
Schools (public & private elementary, middle, & high)	C	C	C	C	X	X	X	X			
<i>Institutional Uses</i>	RR	RL	RM	RH	OI	NB	CB	HB	LI	HI	SR
Assembly halls, coliseums, gymnasiums, and similar structures					X		X	X	X		
Cemeteries (principal use)					C			C			4.4.1
Child day cares	C				X	X	X	X			4.4.2
Clubs, lodges, fraternities, sororities, social, civic, and other similar organizations operated on a non-profit basis	C	C	C	C	X			X			
Colleges & Universities	C				X			X			
Hospitals					X			X			
<i>Institutional Uses (continued)</i>	RR	RL	RM	RH	OI	NB	CB	HB	LI	HI	SR



## SECTION 3.3 PERMITTED USES TABLE

Instructional Schools					X			X	X		
Libraries, museums, and art galleries	C				X	X	X	X			
Research Facilities					C				X	X	
Residential Care Facilities (including halfway houses)					X			X			
Residential Care Homes					X	X	X	X			
Vocational Schools					C			C	X	X	
<b>Office &amp; Service Uses</b>	<b>RR</b>	<b>RL</b>	<b>RM</b>	<b>RH</b>	<b>OI</b>	<b>NB</b>	<b>CB</b>	<b>HB</b>	<b>LI</b>	<b>HI</b>	<b>SR</b>
Animal services (no outdoor kennels)							X	X	X		
Animal services (with outdoor kennels)								C	C		4.5.1
Automobile services (no vehicle storage)							C	X	X	X	4.5.2
Automobile services (with vehicle storage)							C	C	C	C	4.5.2
Banks, financial offices, & similar uses					X		X	X			
Barber and beauty shops						X	X	X			
Bed and breakfast inns	C					X	X				4.5.3
Body piercing & tattoo studios							X				4.5.4
Communications offices (no visible towers or transmission equipment )					X		X	X			
Dry-cleaning and laundry establishments						X	X	X			
Funeral homes and mortuaries							X	X			
Hotels, motels, & inns							X	X			
Medical, dental, & optical clinics					X	X	X	X			
Offices, professional					X	X	X	X			
Repair services (indoor)							X	X			
Services, other					C	C	C	C	C	C	
Studios for artists, designers, and photographers	C	C	C	C	X	X	X	X			
Tailoring services						X	X	X			
<b>Retail Uses</b>	<b>RR</b>	<b>RL</b>	<b>RM</b>	<b>RH</b>	<b>OI</b>	<b>NB</b>	<b>CB</b>	<b>HB</b>	<b>LI</b>	<b>HI</b>	<b>SR</b>
Alcohol beverage packaged, retail sales								X			
Automobile sales or rental							C	C	C		4.6.1
Convenience stores (no automotive services)						X	X	X			
Heavy equipment sales or rental								C	C		4.6.1
Manufactured home sales								C	C		4.6.1
Newsstands						X	X	X			
<b>Retail Uses (continued)</b>	<b>RR</b>	<b>RL</b>	<b>RM</b>	<b>RH</b>	<b>OI</b>	<b>NB</b>	<b>CB</b>	<b>HB</b>	<b>LI</b>	<b>HI</b>	<b>SR</b>

### SECTION 3.3 PERMITTED USES TABLE

Outdoor Market (including farmers markets, flea markets, etc)							C	C			4.6.2
Restaurants (no drive-through)						C	X	X			
Restaurants (with drive-through)						C	C	C			4.9.2
Retail uses, less than 20,000 square feet (indoor)						C	X	X	C		
Retail uses, 20,000 square feet or greater (indoor)							C	C			
Retail Accessory Use in conjunction with principal use- max. size is no more than 20% of gross floor area of the principal use.									X	X	4.6.3
<b><i>Recreation &amp; Entertainment Uses</i></b>	<b>RR</b>	<b>RL</b>	<b>RM</b>	<b>RH</b>	<b>OI</b>	<b>NB</b>	<b>CB</b>	<b>HB</b>	<b>LI</b>	<b>HI</b>	<b>SR</b>
Adult Establishments										C	4.7.1
Amusement center							X	X			
Bars & nightclubs											
Billiards, pool halls, & bowling alleys								X			
Circuses, carnivals, fairs, side-shows										X	
Family campgrounds	C							C			4.7.2
Golf courses	C	C	C	C	X						
Electronic gaming operations											
Parks (public)	X	X	X	X	X	X	X	X	X	X	
Swimming pools (principal use)	C	C	C	C							4.7.3
Swimming pools (residential accessory use)	X	X	X	X	X	X	X				4.2.2
Theater (indoor)							X	X			
Theater (outdoor)							C	C			
<b><i>Industrial, Manufacturing, Warehousing, Wholesale, Distribution, &amp; Transportation Uses</i></b>	<b>RR</b>	<b>RL</b>	<b>RM</b>	<b>RH</b>	<b>OI</b>	<b>NB</b>	<b>CB</b>	<b>HB</b>	<b>LI</b>	<b>HI</b>	<b>SR</b>
Automobile parking lots (principal)							C	X			
Automobile parking structures							C	X	X	X	
Junk yards, salvage yards, recycling operations, and similar uses										C	4.8.1
Bus repair and storage terminals									X	X	
Bus terminals for passengers								X			
Cabinet and woodworking shops									X	X	
Contractors shops & storage yards									X		
Distribution uses (accessory)								X	X	X	
Distribution uses (principal)								C	X	X	
Energy production (solar farm)	C									C	4.8.2
Foundries producing iron and steel products										X	

### SECTION 3.3 PERMITTED USES TABLE

<b><i>Industrial, Manufacturing, Warehousing, Wholesale, Distribution, &amp; Transportation Uses (continued)</i></b>	<b>RR</b>	<b>RL</b>	<b>RM</b>	<b>RH</b>	<b>OI</b>	<b>NB</b>	<b>CB</b>	<b>HB</b>	<b>LI</b>	<b>HI</b>	<b>SR</b>
Hazardous material storage										C	
Industrial equipment machinery, repair and servicing.									X	X	
Industrial research facilities									X	X	
Lumber yards, building materials storage and sale								C	X	X	
Manufacturing, Heavy										C	
Manufacturing, Light								C	X	X	
Machine Shops									X	X	
Manufactured home manufacturing										C	
Printing and publishing establishments								X	X	X	
Quarrying										C	4.8.3
Railroad freight yards										X	
Railroad stations							C	X	X		
Sheet metal shops									X	X	
Sign painting, exclusive of manufacturing								X	X		
Taxicab stand or office								X			
Tire recapping and retreading									X	X	
Trucking terminals									X	X	
Warehouse uses (accessory)								X	X	X	
Warehouse uses (principal)									X	X	
Warehouse, mini								C	X	X	
Wholesale uses									X	X	
<b><i>Agricultural Uses</i></b>	<b>RR</b>	<b>RL</b>	<b>RM</b>	<b>RH</b>	<b>OI</b>	<b>NB</b>	<b>CB</b>	<b>HB</b>	<b>LI</b>	<b>HI</b>	<b>SR</b>
Bona-fide farm (excluding hogs)	X	X			X				X	X	4.9.1
Greenhouse or horticultural nursery (including outdoor storage)									X	X	
Greenhouses and gardens which are incidental to a residential use and conducted on a non-commercial basis only	X	X	X	X							
Produce Stands (permanent)	X										4.9.2
<b><i>Other Uses</i></b>	<b>RR</b>	<b>RL</b>	<b>RM</b>	<b>RH</b>	<b>OI</b>	<b>NB</b>	<b>CB</b>	<b>HB</b>	<b>LI</b>	<b>HI</b>	<b>SR</b>
Accessory structures (non-residential)					X	X	X	X	X	X	4.10.1
Drive-through/Drive-in uses (for permitted uses, excluding restaurants)						X	X	X			4.10.2
Outdoor Storage (associated with permitted non-residential use)								C	C	X	4.10.3
Parking of recreational & commercial vehicles (residential districts)	X	X	X	X							4.10.4

## SECTION 3.3 PERMITTED USES TABLE

<i>Other Uses (continued)</i>	<b>RR</b>	<b>RL</b>	<b>RM</b>	<b>RH</b>	<b>OI</b>	<b>NB</b>	<b>CB</b>	<b>HB</b>	<b>LI</b>	<b>HI</b>	<b>SR</b>
Telecommunications towers								C	C	C	4.10.5
Temporary Uses	X	X	X	X	X	X	X	X	X	X	4.10.6
Utility facilities (except service or storage yards)	C	C	C	C	C	C	C	C	X	X	

**Section 3.4 Dimensional Requirements**

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**3.4.1 General Provisions**

- A. All setbacks shall be measured from the property line to the nearest point of the structure.
- B. Where a property abuts a street right-of-way, the setback shall be measured from the right-of-way line.
- C. Front and side yard setbacks for infill lot development shall be equal to the average for similar principal structures on the same side of the street and within the same zoning district within 300 feet of either side of the lot in question.
- D. On a corner lot in any district no planting, structure, fence, wall or obstruction to vision more than three feet in height as measured from the street centerline shall be placed or maintained within the triangular area formed by the intersecting street lines and a straight line connecting points on the street right-of-way lines each of which is 25 feet distant from the point of intersection.
- E. Any garage door shall be setback a minimum of 20 feet from the property line that it faces so that vehicles may be parked in the driveway without encroaching into the right-of-way. If the district setback is greater than 20 feet, then the more restrictive setback shall prevail.
- F. No building shall be erected on any lot, which does not abut at least 25 feet along a street or road in accordance with Section 2.2.3.

## CHAPTER 3: ZONING DISTRICTS

### 3.4.2 Dimensional Table

District	Uses	Lot size & Density				Min. setback requirements				Max. height (feet)
		Max. Dwelling Units per Acre (DUA)	Min. Lot Area (sq. ft.)		Min. Lot width (feet)	Min. Front (feet)	Min. Front Corner (feet)	Min. Side (feet)	Min. Rear (feet)	
<b>RR</b>	Single-Family	2	20,000		100	40	30	15	40	40
	Other Uses*	NA	40,000		100	40	30	15	40	40
<b>RL</b>	Single-Family	4	10,000		80	30	25	10	25	40
	Other Uses*	NA	20,000		80	30	25	10	25	40
<b>RM</b>	Single-Family	6	7,500		60	10 (alley access) 25 (front access)	10	10	25	40
	Two-Family		12,000		80	10 (alley access) 25 (front access)	10	10	25	40
	Other Uses*		20,000		80	25	10	10	25	40
	Single-Family	NA	NA		60	10 (alley access) 25 (front access)		10	25	40
<b>RH</b>	Two-Family	8	NA		80	10 (alley access) 25 (front access)		10	25	40
	Other Uses*		20,000		80	25		10	25	40
	All Uses*	NA	NA		NA	30		10	30	50
<b>OI</b>	All Uses*	8	NA		NA	Min. 10 Max. 25		10	25	50
<b>NB</b>	All Uses*	8	NA		NA	0		0	0	50
<b>CB</b>	All Uses*	8	NA		NA	25		10	30	50
<b>HB</b>	All Uses*	NA	NA		NA	25		10	30	50
<b>LI</b>	All Uses*	NA	NA		NA	25		10	30	50 (or CUP)
<b>HI</b>	CD Only	NA	NA		50	15		6	20	40
<b>PUD</b>		Per Section 3.5.3								

\*Other uses and all uses as allowed in the Permitted Uses Table in Section 3.3.

### 3.4.3 Exceptions

- A. Minimum lot size may be used as maximum density in a Conservation Development as allowed by district use requirements and in accordance with Section 4.2.4.
- B. A flag lot shall contain only one (1) single-family dwelling and its uninhabited accessory structures. Flag lots may be permitted under the following conditions:

1. The maximum flagpole length shall be 300 feet.
  2. The minimum flagpole width shall be 25 feet;
  3. The minimum side setbacks shall be equal to front yard setbacks.
  4. The flagpole portion of the lot is not used to calculate area, width, or setbacks of the lot or to provide off-street parking.
  5. Any building on the flag lot must be within 500 feet of a fire hydrant if public water is available. If public water is not available, the lot must meet all other flag lot requirements. Hydrant distance shall be measured along the street, then along the flagpole, then in a straight line to the building location.(Rev. 6-28-10)
  6. There shall be no more than one (1) flag lot per each 20 lots, per subdivision or development.
- C. Utility uses as defined by this ordinance are not subject to the minimum lot sizes set forth in the zoning districts.
- D. Overhangs, eaves, cantilevers, canopies, awnings, open stairways, uncovered porches, uncovered decks, uncovered patios, bay windows, chimneys, and heating units may encroach into the setback up to three (3) feet.
- E. The height limitations of this zoning ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, and shall neither apply to monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flag poles, radio towers, television towers, masts, aerials, and similar structures—except in the vicinity of airports.
- F. The side and rear setbacks in the NB and HB districts shall not apply to the shared property line of attached buildings.

### **Section 3.5 Conditional Districts**

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#### **3.5.1 Purpose**

- A. Conditional zoning districts are created to correspond to each of the base zoning districts created in Section 3.2. Conditional Districts allow specific uses to be established in accordance with prescribed conditions pertaining to an individual project. The uses in these districts are such that may have significant impact on the surrounding area, which cannot be predetermined and controlled by general district standards.
- B. The purpose is to provide a voluntary alternative procedure for the rezoning of a property for a specific use. A broad range of uses are permitted in the conventional district. However, there are instances where a general zoning district designation is clearly inappropriate for a property, but a specific use permitted under this district and subject to development requirements would be consistent with the spirit and intent of this ordinance. Conditional districts, herein established, are intended to accommodate such situations. This voluntary procedure is intended for firm development proposals, and is neither intended nor suited for securing early zoning for tentative uses which may not be undertaken for a long period of time.

C. Just as there are 11 base zoning districts, there are 11 corresponding Conditional Districts. PUD districts will only be considered as Conditional Districts.

- CD RR Conditional Residential Rural District
- CD RL Conditional Residential Low Density District
- CD RM Conditional Residential Medium Density District
- CD RH Conditional Residential High Density District
- CD OI Conditional Office & Institutional District
- CD NB Conditional Neighborhood Business District
- CD CB Conditional Central Business District
- CD HB Conditional Highway Business District
- CD LI Conditional Light Industrial District
- CD HI Conditional Heavy Industrial District
- CD PUD Conditional Planned Unit Development District

### **3.5.2 Applicability**

- A. Property may be placed in a Conditional District only in response to a petition by the owners of all the property to be included. Specific conditions applicable to these districts may be proposed by the petitioner or the Town or its agencies, but only those conditions mutually approved by the Town and the petitioner may be incorporated into the zoning regulations or permit requirements. Conditions and site-specific standards imposed in a Conditional District shall be limited to those that address the conformance of the development and use of the site to the Town's ordinances and to any officially adopted comprehensive or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site. Conditional District zoning allows specific standards for a particular use after review and comment from the public. A petition to rezone a property to a Conditional District shall be accompanied by a site-specific plan.
- B. Within a CD, only those uses authorized as either permitted or conditional uses in the zoning district with which the CD corresponds shall be permitted, and all other requirements of the corresponding district shall be met as minimum standards. Such district may further specify the location on the property of the proposed use or uses, the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways and access streets, the location and extent of buffer areas, and other special purpose areas, the timing of development, the location and extent of right-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request, but not to include conditions not generally a part of land development controls. In approving a Conditional District, the Board of Aldermen may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured, and substantial justice done.
- C. If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid or if the applicant should fail to accept any condition, it is the intent of this Ordinance that the authorization of such Conditional District shall be null and void and of no effect, and that proceedings shall be instituted to rezone the property to its previous zoning classification.
- D. See Chapter 14 for the Conditional District Rezoning process.



**3.5.3 PUD Conditional District****3.5.3.1 Purpose**

The purpose of a Planned Unit Development (PUD) is to plan and promote neighborhoods that embody variety, innovation, and flexibility in development by allowing a variety of uses, lot sizes, dwelling unit types, and design requirements. PUD districts shall only be considered as Conditional Districts. The intent of a PUD is to:

- Permit a creative approach to the development of land;
- Provide for an efficient use of land;
- Enhance the appearance of neighborhoods through preservation of natural features;
- Provide for recreational areas and open space where appropriate.

**3.5.3.2 Applicability**

The provisions of this section are shall be applied:

- Whenever a tract of land of at least 25 acres is within the zoning limits of the Town of Granite Quarry.
- The provisions of this section shall apply only to proposed new developments and shall not apply to any PUD plan which is now fully or partially developed, nor to any such development for which a final authorization has been granted pursuant to the previous Ordinance.

**3.5.3.3 Uses**

- A. Any single use or combination of uses as seen in the Permitted Uses Table, with the exception of the LI and HI districts, are allowable within a PUD, provided that the proposed PUD does not conflict with the Town's *Comprehensive Plan* or *Unified Development Ordinance*.
- B. The majority of the total development acreage shall be single-family, detached with a density not to exceed an average of four (4) units per acre. Common open space shall comprise at least 15 percent of the total development acreage. The remaining acreage may consist of additional single-family (not to exceed an average of four (4) units per acre), multi-family (not to exceed an average of 15 units per acre), commercial, or civic uses.
- C. Developers shall have a pre-application meeting with the Zoning Administrator to discuss permissible uses and development layouts before presenting to the Planning Board.
- D. A mix of uses is encouraged provided that:
  - 1. Non-residential uses within the PUD shall be designed to serve residents of the PUD and nearby areas only. Large scale establishments and developments intended to serve the entire community are not encouraged in a PUD.
  - 2. Large scale establishments will be reviewed and appropriateness will be determined based on the overall size of the proposed PUD.

3. Non-residential uses that are contained in the PUD shall be limited to those contained in the OI, NB, CB, and HB commercial districts.
4. Hours of operation of any non-residential use shall be reviewed and appropriateness will be determined based on the overall size of the proposed PUD.

**3.5.3.4 Dimensional Requirements**

Dimensional requirements within a PUD are as follows:

	Minimum Lot Size			Minimum Setbacks			Maximum Structure Height (feet)
	Min. Lot Area (sq.ft.)	Min. Lot Width (feet)	Min. Street Frontage (feet)	Front (feet)	Side (feet)	Rear (feet)	
<b>Single-Family Detached</b>	n/a	50	25	15	6	20	40
<b>Multi-Family</b>	n/a	n/a	25	15	6	20	40
<b>Other Uses</b>	n/a	n/a	25	0-15	6	20	40

**3.5.3.5 Other Requirements**

- A. All uses within a PUD are subject to the Parking and Loading Requirements in Chapter 9.
- B. Signs will be regulated under Chapter 6.
- C. Landscaping shall be regulated subject to the requirements set forth in Chapter 8.

**Section 3.6 Overlay Districts****3.6.1 Manufactured Home Overlay (MH-O) District**

- A. This district is established in order to provide for the proper location and planning of manufactured homes. The Manufactured Home Overlay District may be applied in the RR and RL residential districts for the purpose of allowing manufactured homes on individual lots. The Manufactured Home Overlay District may also be applied in the RR and RL districts to allow Manufactured Home Communities as a conditional use. Any area designated and delineated as a Manufactured Home Overlay shall be a contiguous area of at least five (5) gross acres, including streets, rights-of-way, public lands, and privately owned land.
- B. All expansions of any manufactured home communities, existing at the effective date of this ordinance shall meet all requirement of this ordinance unless expressly provided otherwise.

**3.6.2 Historic Preservation Overlay (HP-O) District**

The Historic Preservation Overlay District is designed for the preservation of historic structures. Structures in this district may serve as residences, museums, or any similar type uses which may be deemed appropriate by the Salisbury Historic Preservation Commission.