

# CHAPTER 4:

## SPECIAL REQUIREMENTS

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## CHAPTER 4: SPECIAL REQUIREMENTS

### Section 4.1 Purpose

The Town of Granite Quarry finds that there are certain uses that exist which may be constructed, continued, and/or expanded provided they meet certain mitigating requirements specific to their design and/or operation. Such special requirements ensure compatibility among other uses. This Chapter specifies those requirements that must be met by all the uses listed in the uses permitted with Special Requirements section for each district in Chapter 3.

Each use shall be permitted in compliance with all conditions listed for the use in this Chapter. Certain uses are also classified as **Conditional Uses** and require Board of Adjustment approval.

### Section 4.2 Residential Uses

#### 4.2.1 Accessory Dwellings (Conditional Use only)

Accessory dwellings may be located in a building separate from the principal dwelling subject to the following requirements:

- A. The accessory dwelling shall not exceed one-half (½) of the total area of the principal dwelling.
- B. Accessory dwellings shall meet the setbacks of the principal structure as set forth for the zoning district in which it is located.
- C. Accessory dwellings shall be built to North Carolina Building Standards.

#### 4.2.2 Accessory Structures (Residential)

- A. There shall be a principal residential structure on any lot for which there is an accessory structure.
- B. Accessory structures shall meet the following setbacks. No accessory structure shall exceed the height of the principal structure.

District	Max. Height-15 feet			Max. Height-Actual Height of Principal Structure		
	Front* (feet)	Side (feet)	Rear (feet)	Front* (feet)	Side (feet)	Rear (feet)
<b>RR</b>	40	10	10	40	15	40
<b>RL</b>	30	5	5	30	10	25
<b>RM</b>	10 (alley loaded) 25 (front loaded)	5	5	10 (alley loaded) 25 (front loaded)	10	25
<b>RH</b>	10 (alley loaded) 25 (front loaded)	5	5	10 (alley loaded) 25 (front loaded)	10	25
<b>OI</b>	30	5	5	30	10	30
<b>NB</b>	10	5	5	10	10	25
<b>CB</b>	10	0	0	10	0	0
<b>PUD</b>	Established during CD process					

- C. Any structure attached to the principal structure shall be subject to all regulations applicable to the principal structure.
- D. Accessory structures shall be constructed in the side or rear yard, except in the Rural Residential

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district where the accessory structure is setback a minimum of 150 feet from the street right-of-way.

- E. No accessory structure shall be located closer than three (3) feet from any other building on the same lot.
- F. Mailboxes, newspaper boxes, walls, fences, birdhouses, flagpoles and pump covers may be placed in any yard, and no zoning permit is needed for these structures.
- G. Doghouses up to 15 square feet of total area are permitted in the rear yard. No zoning permit is required.
- H. No accessory structure shall be permitted that involves or requires any external features which are not primarily residential in nature or character.
- I. Maximum lot coverage for the principal structure and accessory structure(s) combined shall be 30 percent.
- J. For lots of less than two (2) acres, the total combined area of accessory structures shall not exceed the size of the principal structure and no one (1) accessory structure shall exceed 40 percent of the size of the principal structure.
- K. Satellite dishes do not require a zoning permit and shall be regulated as follows:
  - Satellite dishes shall be no larger than two (2) feet in diameter unless the applicant can demonstrate the need for a larger size.
  - Satellite dishes whose reflective surface is solid shall be painted a subdued or natural color.
- L. Under no circumstances may a vehicle, trailer, or manufactured home be used as an accessory structure.
- M. Swimming pools shall be enclosed with a fence of at least 4 feet in height.
- N. Freestanding solar panels shall meet the accessory structure standards of this section.

### 4.2.3 Boarding & Rooming Houses

- A. The maximum number of guest bedrooms shall be six (6).
- B. The boarding house shall be operated by a resident manager.
- C. The use shall be located in a structure which was originally constructed as a dwelling.
- D. The use shall contain only one (1) kitchen facility. Meals served on the premises shall be only for overnight residents and guests of the facility.

### 4.2.4 Conservation Developments

The purpose of Conservation Development design is to preserve agricultural and forestry lands, natural and cultural features, and rural character that would be likely lost through conventional development approaches. Lot sizes in residential districts may be reduced subject to the following requirements:

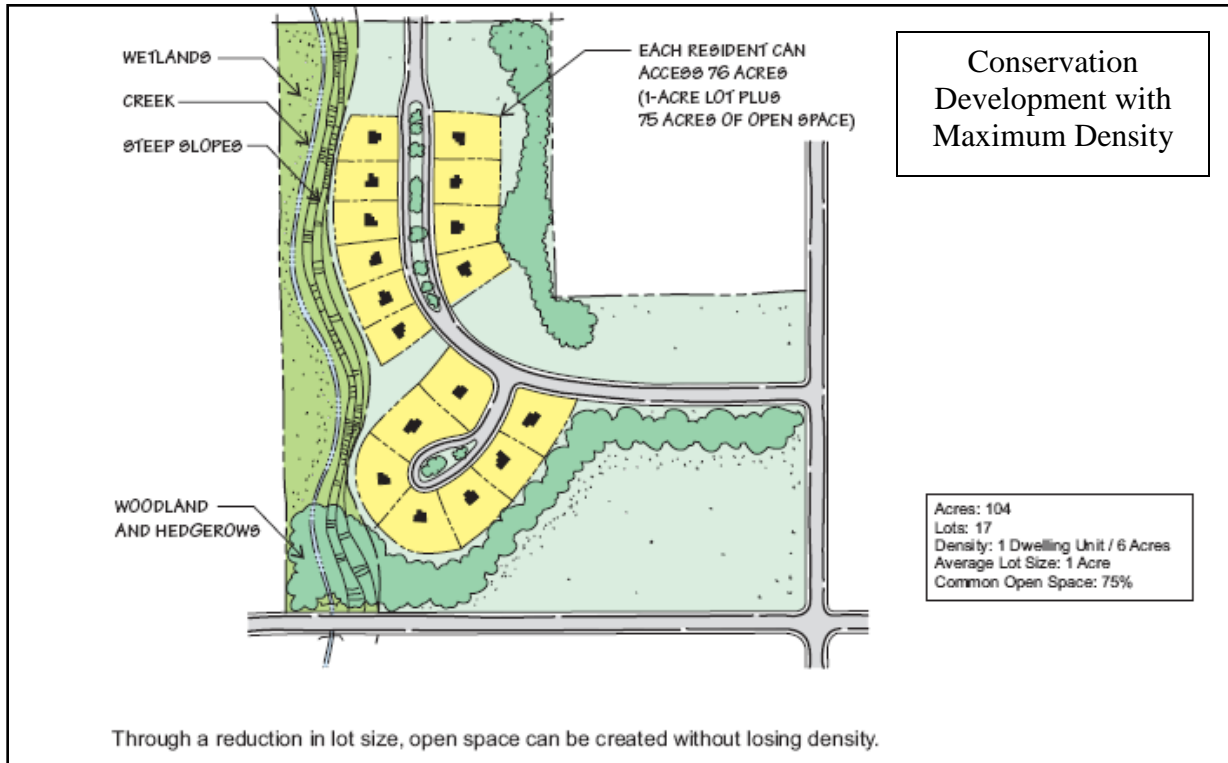
- A. The development density shall not exceed the overall density permitted in the zoning district in which the development is located. A Yield Plan shall be provided at the pre-application conference. The purpose of the Yield Plan is to determine the maximum permissible density of the subject property. Permissible density shall be calculated using the underlying zoning district(s). Yield Plans shall be conceptual in nature and are not intended to involve significant engineering costs, they shall be realistic and not show development in areas that would not ordinarily be legally permitted in a conventional layout (i.e. the location of streets or residential lots in wetland areas).
- B. A minimum of 50 percent of the total area of the development shall be set aside in Common Open Space and shall meet the requirements of Section 7.3.

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- C. Each Master Plan for a Conservation Development shall follow a four-step design process as described below. When the conceptual Master Plan is submitted, applicants shall be prepared to demonstrate to the Town that these four design steps were followed by their site designers in determining the layout of their proposed streets, house lots and greenway lands.
1. During the first step all potential Conservation Areas (both Primary and Secondary) shall be identified, using the Existing Conditions Survey described in Section 7.2.2. Primary Conservation Areas shall consist of wetlands and other environmentally protected areas. Secondary Conservation Areas shall include the most sensitive and noteworthy natural, scenic and cultural resources.
  2. During the second step, potential house sites are tentatively located. Because the proposed location of the houses within each lot represents a significant decision with potential impacts on the ability of the development to meet the Subdivision applicants shall identify tentative house sites on the conceptual Sketch Plan. House sites should generally be located not closer than 50 feet to Primary Conservation Areas.
  3. The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that avoids, or at least minimizes, adverse impacts on both the Primary and Secondary Conservation Areas. Wetland crossings shall be avoided. Street connections shall be provided to minimize the number of cul-de-sacs and to facilitate easy access to and from homes in different parts of the property (and on adjoining parcels).
  4. The fourth step is simply to draw in the lot lines where applicable.



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**FIG. 4.1 CONSERVATION DEVELOPMENT EXAMPLE\***

### 4.2.5 Family Care Homes for the Handicapped

In accordance with NC General Statute Chapters 122C, 131D, and 168, these uses are deemed residential uses and are permitted in all residential districts subject to the following conditions:

- A. No more than six (6) residents other than the homeowner and the homeowner's immediate family are permitted to live in a Family Care Home.
- B. A Family Care Home must be licensed with the NC Department of Health and Human Services Division of Facility Services before operating.
- C. No Family Care Home may be located within a one-half (1/2) mile radius of any other residential care home.
- D. No exterior signage is permitted.
- E. No lockdown, violent, or dangerous residents.
- F. Only incidental and occasional medical care may be provided.

### 4.2.6 Home Occupations

#### 4.2.6.1 Customary Home Occupations

- A. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the residential character of the dwelling.
- B. No outside storage of materials or equipment shall be allowed in connection with the home occupation.
- C. Use of the dwelling for the home occupation shall be limited to 25 percent of the heated finished area of the principal residential structure. Any portion of an attached garage or basement may also be devoted to the home occupation.
- D. Residents of the dwelling plus a maximum of one (1) non-resident employee may be engaged in the customary home occupation or otherwise report to work at the dwelling.

- E. No display of products shall be visible from any adjoining streets or properties. Sales of products are limited to those made or reconditioned on the premises and those which are necessary to the service being provided.
- F. No external alterations inconsistent with the residential use of the dwelling shall be permitted.
- G. Only vehicles used primarily as passenger vehicles (e.g., auto manufactured, vans and pick-up trucks) shall be permitted in connection with the conduct of the customary home occupation.
- H. Chemical, mechanical, or electrical equipment that creates odors, light emission, noises, or interference in radio or television reception detectable outside the dwelling unit or accessory building shall be prohibited.
- I. Customary home occupations may be in operation at any time between the hours of 7:00 A.M. and 8:00 P.M.

***4.2.6.2 Child Care Home Occupation***

In addition to the requirements for a Customary Home Occupation, the following requirements shall apply to a Child Care Home Occupation:

- A. Child Care Home Occupations shall be limited to a maximum of five (5) children in addition to any children of the operator.
- B. A minimum of 100 square feet of outdoor play area per child shall be provided in the rear yard. This area shall be fenced to a minimum height of four (4) feet.

***4.2.6.3 Rural Home Occupations (RR district only)***

- A. Minimum lot size: 2 acres
- B. The rural home occupation shall be incidental to the use of the property for a principal dwelling.
- C. The occupation activity may take place either in the principal dwelling or accessory structure. If the rural home occupation is located in an accessory structure, then the structure shall meet the principal structure setbacks for the zoning district.
- D. The operator of the rural home occupation must reside on the property.
- E. No more than three (3) persons who do not reside on the premises shall be employed at the occupation.
- F. Rural home occupations shall be limited to the non-residential uses permitted by right in the NB and OI districts.

***4.2.7 Manufactured Homes (on individual lots) (MH-O district only)***

- A. The minimum size lot on which an individual manufactured home is located shall have an area no less than that required for a single-family residential use for the district in which the manufactured home is located.
- B. The minimum lot width on which an individual manufactured home is located shall have a width no less than that required for a single-family residential use for the district in which the manufactured home is located.
- C. The setbacks for a manufactured home on an individual lot shall be that as required for a single-family for the district in which the manufactured home is located.
- D. The manufactured home shall be constructed after July 13, 1994, and shall meet or exceed the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction.

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- E. The home shall have a length not exceeding four (4) times its width.
- F. Manufactured homes on individual lots shall be multi-sectional. Single-wide manufactured homes shall not be permitted on individual lots.
- G. The pitch of the home's roof shall have a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run, and the roof shall be finished with a type of shingle or other building material that is commonly used in standard residential construction.
- H. The exterior siding shall consist of wood, hardboard, aluminum (vinyl covered or painted) or vinyl comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
- I. The tongue, axles, transporting lights, and removable towing apparatus shall be removed after placement on the lot and before a Certificate of Occupancy is issued.
- J. All manufactured homes permitted under this section shall be placed on a foundation with piers and masonry curtain walls with anchorage.
- K. A permanent front porch of at least 32 square feet in area shall be constructed within 12 inches of the floor elevation and all secondary entrances and exits to the Manufactured Home shall also have concrete steps or similar approved steps.
- L. The front of the manufactured home shall be parallel to the front property line, except on corner lots.

### 4.2.8 Manufactured Home Communities (MH-O district only with a Conditional Use Permit)

This section sets forth the standards required for all new Manufactured home communities and expansions of existing Manufactured home communities.

- A. **Issuance of permit.** It shall be unlawful for any person to construct, maintain, or use any land in the Town of Granite Quarry and its zoned extraterritorial area for a manufactured home community (see definition) until a manufactured home community Conditional Use Permit and associated site plan has been approved by the Board of Adjustment. The Board of Adjustment prior to approval of the Conditional Use Permit and associated Conditional Use Permit shall determine that all the requirements of this ordinance have been complied with.
- B. **Site plan.** A site plan of a proposed manufactured home community shall be submitted to the Board of Adjustment for review and approval.
  - 1. The site plan shall depict the physical improvements of the proposed manufactured home community including manufactured home spaces, drives, walks, landscaping, manufactured home locations, and other information that will illustrate compliance with the requirement of this ordinance. The following information shall be included on the site plan:
    - a. Lot layout with dimensions
    - b. Tax map and parcel number
    - c. Property address
    - d. Adjoining deeded properties and their uses
    - e. Existing structures.
    - f. Proposed structure with size.
    - g. Proposed use.
    - h. Off street parking, loading and unloading access to existing streets.



- i. Easements and rights-of-way.
  - j. All pertinent development requirements of this ordinance.
  - k. Any additional information required by the Board of Adjustment to assess the merits of the application, including but not limited to traffic impact analysis, environmental impact statements.
  - l. Floodplains.
  - m. Name, location and dimension of any proposed streets, drainage facilities, parking areas, recreation areas, required yards, required turnarounds as applicable.
  - n. Proposed phasing if applicable.
  - o. Manufactured home community name, name(s) and address(es) of owners and park designers.
2. This required site plan shall be in sufficient detail to allow the Board of Adjustment to reasonably understand the proposed development. The scale shall be 1 in. = 100 ft. or greater for lots five (5) acres or less in size or 1 in. = 200 ft. for lots more than five (5) acres in size.
3. The Board of Adjustment shall review the site plan and other pertinent information to ensure that the general health, safety and public welfare have been adequately protected. In approving the plan the following criteria must be met:
  - a. Adequate transportation access to the site exists; and,
  - b. the use will not significantly detract from the character of the surrounding area; and,
  - c. hazardous safety conditions will not result; and,
  - d. the use will not generate significant noise, odor, glare, or dust; and,
  - e. excessive traffic or parking problems will not result; and,
  - f. the use will not create significant visual impacts for adjoining properties or passersby.
4. An approved manufactured home community plan shall be signed, dated, and marked by the Board of Adjustment Chairman and Zoning Administrator as the park plan approved by the Board of Adjustment and shall be lettered or stamped or otherwise included on the site plan in such a manner as to ensure that said certificate will be legible on any print made there-from. The site plan shall include the following certificate:

**Certificate of Approval by the Board of Adjustment:** This Manufactured Home Community site plan has been found to comply with the provisions of the Manufactured Home Community requirements of the Town of Granite Quarry Unified Development Ordinance and has an approved Conditional Use Permit this date by the Board of Adjustment for the recording in the Office of the Register of Deeds.

\_\_\_\_\_  
Board of Adjustment Chairman

Date:

Attest: \_\_\_\_\_  
Zoning Administrator, Town of Granite Quarry

- C. **Revocation of permit.** The permit may be revoked by the Zoning Administrator upon his finding that a violation in any of the requirements of this ordinance exists. The owner, lessee, or other responsible person for the manufactured home community shall be notified in writing of such violation. After the expiration of 10 days from the date of receipt of said

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written notice, it shall be unlawful for any person, firm, or corporation to continue to operate the manufactured home community.

**D. Enforcement and fees.** The Zoning Administrator shall enforce all provisions of this ordinance relating to the construction, extension, expansion, maintenance, or creation of existing and proposed manufactured home communities.

**E. Design requirements, improvements, and other general regulations.**

1. Setbacks for spaces within parks (measured from edge of applicable street or property line) shall meet or exceed the standard residential setbacks within that district.
2. Separation between manufactured homes shall be a minimum of 20 feet.
3. The manufactured homes shall meet all criteria of either Class A or Class B as defined by this Ordinance.
4. All manufactured home communities shall be developed on a parcel of land not less than five (5) acres in size.
5. Each manufactured home space shall contain the minimum square feet in area as required in the underlying district.
6. No individual manufactured homes which has less than 900 square feet of interior floor area or does not contain a built-in bathroom with a commode, lavatory, and shower of tub which are in working condition shall be placed in a manufactured home community and used for a residence.
7. All manufactured housing shall be skirted. Manufactured homes require brick or finished masonry skirting prior to issuance of a certificate of occupancy meeting the following requirements:
  - a. Skirting shall be of material acceptable for exterior construction that will not support combustion.
  - b. Skirting material shall be durable and suitable for exterior exposures.
  - c. Any wood framing used to support this skirting shall be approved moisture resistant treated wood.
  - d. Skirting shall be continuous and unpierced except for ventilation.
8. No manufactured homes within a manufactured home community shall be located within 300 ft. of any livestock facility.
9. Each manufactured home lot shall be provided with two off-street automobile parking spaces and one additional parking space shall be provided for each three manufactured home lots. Such off-street parking space shall be set aside in a location convenient to the occupants of the manufactured home units and shall have ingress and egress from the interior drive. Where parking areas are provided, ingress and egress thereto shall be made accessible only through driveways or openings to the interior driveway not exceeding 25 feet in width.
10. The park is required to have 25 feet of frontage on a publicly maintained road.
11. No manufactured home shall have access to a public street. All manufactured home lots shall have access to an interior roadway.
12. Internal streets shall be paved a minimum of 20' wide. The base course shall be 8" ABC or 4" BCBC. The pavement surface shall consist of BST or 1-1/2" BST or I-2. All materials shall meet the standards set forth in the latest edition of the NCDOT Subdivision Roads Minimum Construction Standards.

13. The sub-grade, base course, and pavement surface shall be inspected and approved by the Zoning Administrator or his designee.
14. All storm drainage shall be adequate so that the road may be maintained without excessive cost and will not cause flooding. In areas where ditch grades or qualities of flow deem it impractical to maintain and establish vegetation, an erosive resistant lining, such as paving or rock riprap may be required. Subsurface drainage shall be adequate to maintain a stable sub-grade.
15. No base course shall be placed on muck, pipe clay, organic matter or other unsuitable material. The Zoning Administrator may require a sub-grade soil test, if needed, to determine the soils classification type.
  - ABC Aggregate Base Course, No. 7 Stone
  - BST Bituminous Surface Treatment
  - SA Bituminous Concrete Surface Course, Type F-1 (Sand Asphalt)
  - I-2 Bituminous Concrete Surface Course, Type I-2 NOTE: I-1 may be used in lieu of I-2 BCBC Bituminous Concrete Base Course, Type HE (Black Base)
16. Permanent street names shall be assigned to all internal streets.
17. Signs shall be provided as follows:
  - a. Street name signs shall be provided;
  - b. One (1) identification sign is required at each entrance to the manufactured home community.
18. Each space shall have a site number, a minimum of 4 inches in height clearly visible from the internal street serving the space.
19. Street light at all intersections, internal and with public roads. Street lights at intervals no greater than 500 ft. for parks with 10 or more spaces.
20. The owner of the park shall provide one of the following methods of trash disposal:
  - a. Provision of centralized trash dumpsters; or,
  - b. Provision of individual covered trash containers, picked up at least once a week.
21. A minimum of 500 square feet per manufactured home site shall be provided for play lots and playground area within the park, with no less than 5,000 square feet in any one recreation space.
22. Each manufactured home within the town limits shall be connected to the public water system with individual meters and to the public sewage disposal system. Where public sanitary facilities are not readily available, other sanitary facilities may be authorized by the Board of Adjustment. Sanitary facilities so authorized shall be in conformity with applicable regulations of the Town of Granite Quarry. Each manufactured home outside the town limits shall comply with minimum sanitary standards as provided by the Rowan County Health Department.
23. Fire protection facilities and fuel storage for each manufactured home within the town limits shall be provided as required by the fire chief of the Town of Granite Quarry.

### **F. Manufactured Home Standards**

1. All newly placed or replacement manufactured homes shall be constructed after July 13, 1994, and shall meet or exceed the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction.

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2. For each manufactured home there shall be constructed a patio, terrace, or porch which is adjacent to or attached to the manufactured home stand, and is located so as to coincide with the main entrance to the manufactured home.
  - A patio shall be at least 36 square feet in area, shall have sufficient gradient to facilitate adequate drainage away from the manufactured home stand, and shall have a well-graded, well-drained, and compacted base and the surface shall be at least four inches thick of concrete or comparable material.
  - A terrace, deck or porch shall be at least 36 square feet in area and may be made of treated wood material. (Appendix A: Definitions)
3. Each manufactured home, as well as the lot on which the manufactured home is located, shall be kept in good repair and at all times be maintained in a clean, safe and sanitary condition.

**G. Maintenance of Manufactured Home Communities.** Manufactured home communities shall be maintained in a neat and orderly manner. This shall include but not be limited to maintenance of adequate roads and drainage ways, yards, trees and shrubs.

### 4.2.9 Mixed Use Dwelling

Dwellings in a mixed use building shall not be located on the ground floor.

### 4.2.10 Multi-Family

- A. No building shall exceed a length of 150 feet.
- B. A distance of at least 20 feet shall be maintained between all buildings within the development.
- C. All sanitary containers shall be completely screened from view of the street and adjacent properties with fencing and/or landscaping.

### 4.2.11 Temporary Emergency Manufactured Homes

Manufactured homes may be allowed on a temporary basis in a zoning district in which such use is not listed as a permitted use, if a disaster occurs which results in an occupied, single-family dwelling being destroyed (i.e., it receives damage greater than 60 percent of its tax value as indicated on the most current tax listings). In this instance, a manufactured home may be placed on the lot containing the dwelling unit which was destroyed. The purpose of allowing such manufactured home on said lot is to give the occupants of the destroyed dwelling unit a place to live while a new dwelling unit is being constructed or damage to the original dwelling unit is being repaired. If a manufactured home is used for such an occurrence, it is subject to the following conditions:

- A. Temporary emergency residences shall not be placed in the front yard and shall be located no closer than 15 feet to another principal residential structure on another lot and no closer than 10 feet to any lot line.
- B. The Zoning Administrator shall be given the authority to issue a zoning permit for such temporary residence on a one-time basis only for a period of up to nine (9) months. Such permit may be renewed on a one-time only basis [for a period of no greater than nine (9) months] by the Board of Adjustment if it is determined that:
  1. Construction of a new dwelling unit is proceeding in a diligent manner; and,
  2. The granting of such permit will not materially endanger the public, health, welfare or safety; and,
  3. The location of the manufactured home on the site does not have a negative effect on

abutting properties.

#### **4.2.12 Temporary Family Care Manufactured Homes**

- A. The Board of Adjustment may approve a Conditional Use Permit for the occupant who desires to locate a manufactured home for an immediate family member (parent, child, and brother or sister) on the same property as a principal single-family dwelling that conforms to the requirements of this Ordinance.
- B. The permit shall be nontransferable and may be revoked by the Zoning Administrator upon his/her finding that a violation in any of the requirements of this ordinance exists. The property owner and occupant shall be notified of such violation in writing. If the violation is not corrected after the expiration of ten (10) days from the receipt of said notice, it shall be unlawful for any person to continue to occupy the manufactured home or retain the manufactured home on his/her property.
- C. The Conditional Use Permit may also be revoked following a three (3) month period of continued vacancy in the manufactured home unless the permit is renewed by the Board of Adjustment for a period not to exceed six (6) months for each extension. If the owner of the property or the manufactured home occupant changes, then the Conditional Use Permit will be revoked within 30 days. The property owner will be responsible for removal of the manufactured home and related construction and materials. Failure to report changes within 30 days will result in fines to the property owner.
- D. Any lot on which a manufactured home is to be located with another residential structure shall be at least 20,000 square feet. The manufactured home shall be located in the rear yard area only and be no closer than 30 feet to any residential structure or within 10 feet of any property line.
- E. No individual manufactured home, which has less than 900 square feet of interior floor area or does not contain a built-in bathroom with a commode, lavatory, and a shower or tub which are in working condition shall be used as a residence. All manufactured homes shall be underpinned with materials designed for that purpose as approved by the zoning administrator. All manufactured homes shall require underpinning within 90 days.
- F. The manufactured home within the town limits shall be connected to the City of Salisbury's water and sewer disposal system. The manufactured home outside the town limits shall comply with minimum sanitary standards as provided by the Rowan County Board of Health.
- G. The manufactured home, as well as the lot on which the manufactured home is located, shall be kept in good repair and at all times be maintained in a clean, safe and sanitary condition.
- H. No more than one (1) manufactured home shall be allowed per lot. Conditional Use Permits shall be renewed with the town's Zoning Administrator annually.
- I. Notice of the Board of Adjustment's hearing is to be publicized in the newspaper and first class letters will be mailed to all adjoining property owners notifying them of the hearing. A sign will be posted by the Zoning Administrator for 10 days prior to the hearing designating the property as having a Conditional Use Permit hearing.

#### **4.2.13 Temporary Family Health Care Structures**

Temporary family health care structures shall be permitted in the rear yard and meet principal structure setbacks in accordance with North Carolina General Statute 160A-383.5.

#### **Section 4.3 Civic & Government Uses**

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## **CHAPTER 4: SPECIAL REQUIREMENTS**

### **Reserved**

### **Section 4.4 Institutional Uses**

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#### **4.4.1 Cemeteries**

- A. Tombstones, crypts, monuments and mausoleums shall be located a minimum of 20 feet from any side or rear lot line and at least 30 feet from a street right-of-way.
- B. Embalming or cremation facilities are only permitted in principal use cemeteries.

#### **4.4.2 Child Day Cares**

The following shall apply to child day cares not operated as a home occupation:

- A. The facility must be registered or licensed by the State of North Carolina, as appropriate.
- B. All play equipment shall be located within a fenced area. Front yards shall not be used as playground areas.
- C. Where a child day care is allowed as a Conditional Use, the hours of operation may be specified by the Board of Adjustment.
- D. In residential districts, no parking area shall be permitted in the required setbacks, except that driveways providing ingress and egress to the parking area may be installed across the setback area.
- E. For the loading and unloading of children, there shall be one space separate from parking for each 20 children enrolled, or fraction thereof.

### **Section 4.5 Office & Service Uses**

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#### **4.5.1 Animal Services with Outdoor Kennels**

- A. No outdoor containment of animals shall be located less than 250 feet from any residentially zoned property and 50 feet from any other adjacent property line.
- B. Kennel areas must be surrounded by an opaque fence of not less than six (6) feet in height and enclosed as to prevent escape.
- C. Kennels shall be designed to effectively buffer noise audible to surrounding properties.

#### **4.5.2 Automobile services/ Boat/Heavy Equipment/Manufactured Home Service**

- A. Gas station pumps or other appliances shall be set back at least 12 feet from the property line, and all service, storage, or similar activities connected with such use shall be conducted entirely within the premises.
- B. Wrecked, damaged or inoperable vehicle, boat, heavy equipment, manufactured home storage areas, or above-ground fuel storage tanks shall be located behind the principal structure and shall not be visible from any public right-of-way. Such areas shall be enclosed with an Type A opaque screen in accordance with Section 8.2.1.

#### **4.5.3 Bed & Breakfast Inns**

- A. Bed and Breakfast inns shall have a minimum heated floor area of 1,500 square feet and shall be located in a structure which was originally constructed as a single-family dwelling.
- B. The maximum number of guest bedrooms shall be six (6).
- C. The inn shall be operated by a resident manager.

- D. All parking shall be located to the rear of the home. There shall be one parking space per bedroom.
- E. The use shall contain only one (1) kitchen facility. Meals served on the premises shall be only for overnight guests and residents of the facility.
- F. The use of such a facility by any one patron shall be limited to no more than 15 days per 60 day period.

#### **4.5.4 Body Piercing & Tattoo Studios**

- A. No such business of either classification shall be located with 2,500 feet of any other such business of either classification, as measured in a straight line from property line to property line.
- B. Tattooing and or body piercing rooms and tattooing and body piercing activity shall not be visible from the exterior area of the building and or the public right-of-way.
- C. Tattoo and or body piercing operations shall not be considered as a customary home occupation.
- D. Ear piercing, as a principal or accessory use shall not be subject to this classification and these provisions.
- E. For the purpose of this Ordinance, the term “tattoo” and “body piercing” shall be the definitions, activities and laws described in North Carolina General Statutes §130A-283 and §14-400.

### **Section 4.6 Retail Uses**

#### **4.6.1 Automotive/Boat/Heavy Equipment/Manufactured Home Sales or Rental (Conditional Use only)**

- A. A permanent structure with permanent restroom facilities built in accordance with NC Building Code shall be located on the premises.
- B. No outdoor sound system shall be permitted which can be heard beyond the boundaries of the property.
- C. No vehicle, boat, equipment, or manufactured home shall be stored or displayed within the right-of-way of any public street.
- D. All outdoor display areas shall be paved.
- E. A North Carolina auto manufacturer dealership license shall accompany all applications to the County for a Conditional Use Permit and if approved the license shall be prominently displayed at the place of business.

#### **4.6.2 Outdoor Markets (including Farmers Markets, Flea Markets, etc.)**

- A. Any sales of items where booths or spaces may be rented to individuals or businesses that take place on the same property or by the same organizer(s) more than four (4) days per calendar year shall be considered outdoor retail.
- B. All sales shall take place under cover of an approved structure or tent.
- C. Adequate restroom facilities shall be provided. These facilities shall not be located between the permanent structure and the street right-of-way and shall be screened from view.
- D. Trailers for delivery or pick-up may be stored temporarily on-site for not more than three (3) days at a time and shall be to the rear of the permanent structure.

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- E. When the outdoor retail market is not open for business, all items shall be removed or screened from view of the street and any adjacent residentially zoned properties.

### 4.6.3 Retail Accessory Use

Retail accessory uses shall comply with the following standards:

- A. Retail accessory uses shall be directly related to a conforming, principal use.
- B. Products offered for sale within retail accessory uses shall be products which are produced or processed by the associated principal use, or which are directly related to, and offered in support of, products which are produced or processed by the associated principal use.
- C. For example, a manufacturer of bicycles may operate a retail accessory use wherein bicycles, which were manufactured within the principal use, are offered for direct, on-premises retail sale. Bicycle accessories (such as tires, helmets), which were not produced by the manufacturer but which clearly relate to and support products which are produced or processed by the principal use, may also be offered for sale. However, products that do not clearly relate to and support products which are produced or processed by the principal use (such as back packing or rock climbing gear in the case of the bicycle manufacturer) cannot be offered for retail sale.
- D. Retail accessory uses shall comply with all applicable standards of federal, state or local law that would otherwise apply to retail oriented principal uses. For example, parking areas serving retail accessory uses within an Industrial zoning district shall comply with the parking and landscaping requirements of retail use of the Town of Granite Quarry's Unified Development Ordinance, Chapters 8 and 9.
- E. Retail accessory uses are limited to an area that is equivalent to 20 percent of the gross floor area of the structure(s) containing the principal use.
- F. Retail accessory uses shall be indoors, and shall not include the outdoor display of products or merchandise.

## Section 4.7 Recreational & Entertainment Uses

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### 4.7.1 Adult Establishments (Conditional Use only)

#### 4.7.1.1 Purpose and Intent

Adult establishments, because of their nature, are recognized as having characteristics which may be objectionable to nearby residential districts and certain other uses considered to be sensitive-namely, churches, schools, parks, libraries, day care centers, nursing homes, and medical centers. Studies have shown that properties tend to be devalued and crime rates tend to be increased by the concentration of adult establishments. The Board of Aldermen determines that regulation of these uses is necessary to ensure that these adverse effects do not contribute to the blighting or downgrading of nearby residential districts and to protect the integrity of those sensitive uses listed above. The purpose of having regulations for adult establishments is to identify the appropriate locations in which adult entertainment or sexually oriented businesses may be established within the Town of Granite Quarry's zoning jurisdiction.

#### 4.7.1.2 Definitions

- A. **Adult establishment:** Any structure or use of land that is defined in N. C. General Statute 14-202.10 and/or including the following:



1. Adult arcades
  2. Adult bookstores
  3. Adult cabarets/clubs (such as “topless” dancing)
  4. Adult live entertainment
  5. Adult live entertainment business
  6. Adult motels or hotels
  7. Adult motion picture theaters
  8. Adult mini-motion picture shows
  9. Adult theaters
  10. Adult video stores
  11. Escort agencies
  12. Massage businesses
  13. Nude model studios
  14. Sexual encounter centers
- B. **Adult arcade:** Any place to which the public is permitted or invited wherein coin-operated, or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to persons in booths or viewing rooms where the images to persons in booths or viewing rooms where the images so displayed depict or describe specified sexual activities or specified anatomical areas.
- C. **Adult bookstore:** A bookstore which:
1. Receives a majority of its gross income during any calendar month from the sale of publications (including books, magazines, and other periodicals) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in G. S. 14-202.10; or
  2. Has as a preponderance of its publications books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in G.S. 14-202.10.
- D. **Adult cabaret/club:** A nightclub, bar, restaurant, or other commercial establishment other regularly features, exhibits, or displays as one of its principal business purposes:
1. Persons who appear nude or semi-nude; or
  2. Live performance which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
  3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which depict or describe specified sexual activities or specified anatomical areas.
- E. **Adult live entertainment:** Any performance of or involving the actual presence of real people which exhibits specified sexual activities or specified anatomical areas.
- F. **Adult live entertainment businesses:** Any establishment or business wherein adult live entertainment is shown for observation by patrons.
- G. **Adult motel or hotel:** A motel, hotel, or similar commercial establishment that:
1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that depict or describe the specified sexual activities or specified anatomical areas as one of its principal business purposes; or

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2. Offers a sleeping room for rent for a period of time that is less than 10 hours; or
  3. Allows a tenant or occupant of a sleeping room for rent for a period of time that is less than 10 hours.
- H. **Adult motion picture theater:** An enclosed building or premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein. (“Adult motion picture theater” does not include any adult mini-motion picture theater as defined in this section).
- I. **Adult mini-motion picture theater:** An enclosed building with viewing booths designed to hold patrons which is used for presenting motion picture, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas for observation by patrons therein.
- J. **Adult theater:** A theater, concert hall, auditorium, or similar commercial establishment which regularly features, exhibits, or displays, as one of its principal business purposes, persons who appear in a state of nudity or semi-nude, or live performance that expose or depict specified anatomical areas or specified sexual activities.
- K. **Adult video store:** A commercial establishment which as one of its principal business purposes offers for sale or rent for any form of consideration any one or more of the following:
1. Video cassettes, video reproductions, photographs, films, motion pictures, slides, or other visual representations that depict or describe specified sexual activities or specified anatomical areas; or
  2. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
- L. **Escort agencies:** A person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its principal business purposes, for a fee, tip, or consideration. As escort means a person whom, for tips or any other form of consideration agrees or offers to act as a date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- M. **Massage business:** Any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors. In this context, “massage” means the manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping-by hand or mechanical device.
- N. **(NOTE:** Health massage and body work therapists shall not be deemed employees in a licensed massage business as defined here.)
- O. **Nude model studio:** Any place where a person who appears semi-nude, in a slate of nudity, or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration. (Nude model studio shall not include a proprietary school licensed by the State of North Carolina or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure that has no sign visible from the exterior of the structure an no other advertising that indicates a nude or semi—nude person is available for viewing; and where in order to participate in a class a student must enroll at least three days in advance of the class; and where no more than one nude or semi-nude model is on the premises at any one time.)

- P. **Sexual encounter center:** A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex, or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude. In addition, other definitions from G. S. 14-202.10 shall be applicable.

**4.7.1.3 Regulations**

- A. *Allowable zoning districts(s):* An adult establishment use shall be a permitted use in the HI Heavy Industrial District.
- B. *Spacing:*
1. There shall be a spacing of 500 feet between adult establishment uses.
  2. There shall be a spacing of 500 feet from an adult establishment use to any residential district.
  3. There shall be a spacing of 500 feet from an adult establishment use to any sensitive uses listed in Part 1, Purpose and intent.
- (NOTE: All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed adult establishment use is to be located to the nearest point on the use in (1), (2) or (3) above.)
- C. *Area, yard, and height requirements:* The area, yard and height requirements shall be the same as for other uses in the HI District.
- D. *Parking space requirements:* The parking space requirements shall be as indicated for retail uses in Chapter 9.
- E. *Screening requirements:* The screening requirements shall be the same as for other HI zoned properties which abut a residential district.
- F. *Landscaping requirements:* The landscaping requirements pertaining to street trees, parking lot landscaping, and landscaping of ground signs shall be the same as for other retail uses.
- G. *Signage:* Signs allowed shall be in compliance with HI sign regulations, except that any ground, wall, canopy, or projection sign shall contain only the name of the establishment and shall not contain any advertising nor identification of any project, service, etc.
- H. *Prohibition of certain materials visible from outside the building:* No printed material, slide, video, photograph, written text, live show, or other visual presentation format shall be visible from outside the establishment.
- I. *Prohibition of certain sounds discernible from outside the building:* No live or recorded voices, music, or sounds shall be heard from outside the establishment.
- J. *One adult establishment use per property or building:* There shall not be more than one adult business use (either the same use or another use) located on the same property, building, or structure.
- K. *No sleeping quarters:* Except for an adult motel or hotel, no adult establishment use may have sleeping quarters.
- L. *Other regulations:* Other applicable regulations contained in this Zoning Ordinance shall be in effect.

**4.7.2 Family Campgrounds (Conditional Use only)**

- A. All spaces for camping and recreational vehicles shall be located at least 100 feet from any adjoining lot line.

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- B. Each recreational vehicle parking area shall be connected to an approved water supply system which provides an accessible, adequate, safe and potable supply of water.
- C. An adequate and safe sewer system shall be provided in all recreational vehicle parking areas.
- D. Type A landscaping shall be provided where the use adjoins residentially zoned property.
- E. A central service building containing all necessary toilets, bathhouses and other plumbing fixtures specified in the most current edition of the North Carolina State Plumbing Code, as amended, shall be provided. The service building shall be conveniently located within a radius of 300 feet to spaces which it serves.
- F. The storage, collection and disposal of trash and refuse shall comply with all applicable city, county and state regulations.
- G. No person, recreational vehicle, or tent may occupy the campground for a period in excess of 30 days. A register of all occupants, the space occupied, and the time of arrival and departure shall be maintained.

### 4.7.3 Swimming Pools (principal use)

- A. Swimming pools as a principal use and related accessory structures shall be set back at least 20 feet from the property lines.
- B. All swimming pools as a principal use shall be enclosed with a fence of at least 4 feet in height.

## Section 4.8 Industrial, Manufacturing, Warehousing, Wholesale, Distribution, & Transportation Uses

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### 4.8.1 Junkyards, Salvage Yards, Recycling Operations, & Similar Uses (Conditional Use only)

- A. A junkyard may not be placed within 50 feet of a public street right-of-way.
- B. Junkyards shall be screened so as not to be visible from any public street right-of-way using a minimum six (6) foot privacy fence. No items may be stacked in a manner so that they protrude above the top of the fence.
- C. Burning shall not be permitted.
- D. Disposal of garbage unrelated to motor vehicles shall be in an approved container and regularly maintained. Open dumping of garbage shall be prohibited.
- E. Disposal of toxic/hazardous matter is prohibited anywhere without a state permit.
- F. Stock piling of tires and batteries is prohibited.
- G. Storage of items shall be so arranged as to permit easy access for fire fighting purposes.

### 4.8.2 Energy Production, Solar Farm

- A. The minimum lot size for a solar farm is five (5) acres.
- B. A scaled site plan showing property boundaries, location and size of solar structures and location and size of any associated buildings, fences or barriers shall be submitted along with a description of the solar structures to be constructed, certification that the solar components have a UL listing, and a decommissioning plan.
- C. The solar farm shall conform to the NAICS 221119 description of a ground mounted solar powered energy system.
- D. Solar power electric generation structures shall not exceed a height of 25 feet.
- E. Ground-mounted solar energy systems shall meet the minimum zoning setback for the zoning district in which located. Active solar systems shall be screened from view from public rights-

of-way or adjacent residentially-zoned property with a 30 foot buffer meeting the requirements of Section 8.2.1.

### **4.8.3 Quarrying (Conditional Use only)**

- A. The minimum lot size shall be 5 acres.
- B. All land disturbing activities shall be located at least 100 feet from any property line.
- C. A Type A Buffer including a minimum six foot berm shall be provided between the property on which the quarrying operation is located and the adjoining lots in residential zoning districts.
- D. Burning associated with the operation be confined to the months of January, February, March, and April;
- E. The operation shall not be opened on Saturday or Sunday, except when special permission has been obtained from the Town Board of Aldermen to operate on a temporary basis on Saturday for the sole purpose of building a berm. This permit would be limited to a period of no more than ninety (90) days with a starting and ending date specified.
- F. The operation shall be permitted as a conditional use, to be renewed semi-annually, to operate on a 24-hour, 7-day a week basis to operate diamond saw cutting and will be physically manned at all times for this procedure only, the conditional use permit must be renewed semi-annually. No other mining activity is permitted between the hours of 5:00 PM and 8:00 AM.
- G. The hours of operation are restricted to 8:00 AM through 5:00 PM;
- H. Blasting of any kind shall only occur between the hours of 9:00 AM through 4:00 PM and shall not be allowed anytime Saturday, Sunday, or holidays.
- I. A site plan shall be provided showing the existing lot and all existing and proposed buildings, quarries, pits, stockpiles, and other relevant features of the quarrying operations.
- J. All access driveways shall be at least 20 feet from any adjoining property line not part of the mining operation; constructed with paved, gravel, or crushed stone surface; and maintained in a dust-free manner.
- K. Operations shall not create any smoke, odors, or dust at a level which creates a nuisance to any person or normal sensitivities at the property line.

## **Section 4.9 Agricultural Uses**

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### **4.9.1 Bona Fide Farms & Livestock**

- A. Bona fide farms located in the extraterritorial jurisdiction are exempt from the standards subject to Section 1.3.2.
- B. Structures for the storage of farm equipment and supplies, maintenance equipment and supplies, livestock, and similar items associated with bona fide farms are permitted subject to the issuance of a zoning permit. Such structures are not subject to the requirements of Section 4.2.2 if the property is greater than one (1) acre, except that they are subject to the accessory structure setbacks for their respective zoning districts and they shall not cover more than 30 percent of the total lot area.
- C. No livestock shall be kept, maintained or stabled on any lot not exceeding two (2) acres.
- D. Not more than one (1) animal unit shall be kept, maintained or stabled per 5,445 square feet (1/8 acre). For the purposes, of this section, one (1) animal unit shall mean a goat, sheep, horse, cow, llama, alpaca, ostrich, or similar animal. Five (5) chickens or similar fowl shall count as one (1) animal unit. The keeping of hogs is not permitted.

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- E. All livestock shall be fenced so that they are no closer than 150 feet from an adjacent dwelling unit. This shall not apply to residences constructed after the establishment of such livestock containment area. However, the containment area may not encroach further towards the newly established residence.
- F. This section shall not apply to cats, dogs, potbellied pigs, or similar household pets.
- G. In accordance with NCGS 106-645, up to five (5) bee hives are permitted on a single parcel provided that hives are placed at ground level or securely attached to an anchor or stand. If the hive is securely attached to an anchor or stand and is setback a minimum of 10 feet from the including setbacks from the property line and from other hives. The Town of Granite Quarry may require the removal of any hive that is no longer maintained or is a threat to the health, safety, and welfare of the public.

### 4.9.2 Produce Stands

- A. A permanent produce stand shall be allowed as an accessory use to an agricultural use only. All produce sold shall be grown on a lot under the same ownership as the lot upon which the produce stand is located. All other produce stands shall be considered temporary uses and shall follow the special requirements for temporary uses.
- B. A produce stand shall not be located in a street right-of-way.
- C. A produce stand shall not be located closer than 10 feet to any side lot line unless a greater setback is required for the zoning district in which it is located.
- D. Signs for a produce stand shall not be illuminated, nor have flashing lights, nor shall they exceed four (4) square feet in area. Off-premises signs are not permitted.
- E. During the times of the year in which the produce stand is not in operation, the stand shall be properly closed up and maintained.

## Section 4.10 Other Uses

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### 4.10.1 Accessory Structures (non-residential)

Any non-residential accessory structure shall be subject to the same requirements as the principal structure, and the exterior materials of the accessory structure shall substantially match the materials of the principal structure.

### 4.10.2 Drive-through Uses (Conditional Use only)

- A. Stand alone ATMs may be permitted as accessory uses (i.e. in a shopping center parking lot).
- B. Vehicle storage for drive-throughs shall be located outside of and physically separated from the right-of-way of any street. This area shall not interfere with the efficient internal circulation of traffic on the site, adjacent property, or adjacent street right-of-way. There shall be adequate vehicular stacking area so that vehicles waiting for the drive-through do not back up into the street.

### 4.10.3 Outdoor Storage (non-residential)

- A. All outdoor storage shall be located in the rear yard only.
- B. All outdoor storage shall be screened from view of the street with minimum five (5) foot Type A buffer in accordance with Sections 8.2.1 and 8.2.5.1.

### 4.10.4 Parking Commercial Vehicles

- A. Commercial vehicles with more than two (2) axles shall not be parked in a residential zoning district on a lot of less than one acre. This requirement shall not be interpreted to prohibit vehicles from loading and unloading household goods in any residential district for a period of up to 24 hours.
- B. No residentially-developed lot may be used as the base of operation for any freight hauling truck.

### 4.10.5 Telecommunications Towers (Conditional Use only)

#### 4.10.5.1 Intent

- A. To allow telecommunication towers or telecommunication services while minimizing the adverse visual and operational effects of towers through careful design, siting, and screening.
- B. To avoid potential damage to adjacent properties from tower failures and falling ice through engineering and careful siting of towers.
- C. To maximize use of any new telecommunication tower and/or existing structures to reduce the number of towers needed.
- D. To protect the public, health, safety and welfare.
- E. To comply with the Telecommunication Act of 1996. Towers may need to be treated differently that create different visual, aesthetic, and safety concerns.

#### 4.10.5.2 Definitions

The following is a list of definitions for use in this Section:

- A. **Accessory Structures** - structures that are sometimes required to house transmitting or maintenance equipment. Not for employee use except for maintenance purposes.
- B. **Co-location** - the preferred method of locating new towers, with the purpose minimizing tower proliferation.
- C. **Personal Communications Services (PCS)** - the Commission that has the power to regulate interstate and foreign communications by radio, television, wire, satellite, and cable. Its members are nominated by the President and confirmed by the U.S. Senate for five-year terms.
- D. **Personal Wireless Services** - all low power manufactured radio communication devices, including any and all telecommunication services.
- E. **Section 704 of the Telecommunications Act of 1996** - the section that preserves the authority of local and state governments over decisions regarding the placement, construction, and modification of personal wireless service facilities. Local governments cannot allow one carrier and exclude another, but it also acknowledges their right to determine the criteria for siting such facilities.
- F. **Stealth Technology** - the technology of, or the structure containing telecommunications or telephone communications antennae in a structure or building so that the antennas are disguised to look like something else. Examples include steeples, bell towers, clock towers, silos, office buildings, and others.
- G. **Telecommunications** - the transmission between or among points specified by the use, or information of the user's choosing, without charge in the form of content of the information as sent and received.
- H. **Telecommunications Act of 1996** - a federal law that allows local governments to regulate, but not ban the siting of what the Act calls "personal wireless services".

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- I. **Telecommunications Infrastructure** - the cables, switches, radio towers, and other facilities and equipment that are required to make telecommunications work.
- J. **Telecommunications Service** - the offering of telecommunications for a fee direct to the public, or to such classes of user's as to be effectively available directly to the public regardless of the facilities used.
- K. **Telecommunications (or Communications) Tower** - a structure designed to support antennas used for transmitting or receiving commercial telecommunication services.

### ***4.10.5.3 Regulations***

- A. The Board of Adjustment shall review all new tower requests. A site plan will be required and no permit from the zoning administrator or his agent shall be issued without the approval of a Conditional Use Permit by the Board of Adjustment.
- B. Telecommunication towers may be located in the HB, LI, or HI zoning districts, with the following restrictions:
  - 1. Setback requirements shall be height of the tower plus 25%. This applies to front, side, and rear yard setbacks.
  - 2. Height limitation shall be 300 feet, and be contingent upon approval by the Federal Aviation Administration (FAA).
  - 3. Screening and landscaping shall be compatible with the surrounding area, except a solid row of trees at least six (6) feet in height when planted and at least 30 feet in height at maturity required if facing any public street. This row of trees will be placed on all sides. In addition, it will be the property owners responsibility for any landscaping maintenance that is required.
  - 4. Accessory structures may be allowed for maintenance purposes only.
  - 5. Lighting may be required to meet FAA or FCC regulations, but lighting may not glare on adjacent properties. There may be flashing lights only as required by FAA or FCC regulations.
- C. Fencing around the tower is required at the height of at least six (6) feet.
- D. The tower and grounds must be maintained and will be the responsibility of property owner. Removing the tower, accessory structures, and related facilities within six (6) months of abandonment, obsolescence, or cessation of use will be the responsibility of the property owner.
- E. All new towers shall be monopoles.
- F. No commercial or advertising signs shall be permitted.
- G. Co-Locations

Co-location is the preferred method of locating new towers. Co-location or upgrade of equipment on existing towers, which do not result in an increase of footprint or height, are subject to the approval of a Zoning Permit by the Administrator and do not require the issuance of a new Conditional Use Permit or modification of an existing Conditional Use Permit.

### ***4.10.5.4 Administration, Permit Procedure***

A Conditional Use Permit shall be issued for all new towers. The Zoning Administrator shall approve a modification request adding not more than 10 percent to the height, 20 feet in width, or 2,500 square feet to the existing ground equipment compound to the originally approved plan.



- A. An application must be completed and filed at the Granite Quarry Town Hall. Along with the application, applicant must attach a copy of proof of liability insurance.
- B. As required by the Telecommunications Act of 1996 the decision to approve or deny a tower application/permit must be made in writing and a written order must be sent to applicant detailing the reason(s) for rejection or approval.

***4.10.5.5 Abandonment / Removal***

- A. Any tower that is not used for the conduct of normal business for a period of 90 days or more shall be deemed to have been abandoned. It will be the responsibility of the property owner to remove all the structure and/or accessory structures.
- B. The Zoning Enforcement Officer shall cause to be removed any tower that endangers the public safety. The Zoning Enforcement Officer shall prepare a notice which shall state that the tower is to be removed within 30 days. The tower shall be removed at the expense of the property owner in accordance with the provisions of this section.
- C. Notwithstanding the above, in cases of emergency, the Zoning Enforcement Officer may cause the immediate removal of a tower posing imminent danger to public welfare or safety without notice and at the owner's expense.
- D. Cost of removal or repair, court costs and attorney fees incurred by the Town of Granite Quarry shall be assessed against the owner/owners of the property.

**4.10.6 Temporary Uses**

Temporary structures and uses, when in compliance with all applicable provisions of this Ordinance, and all other ordinances of the Town of Granite Quarry, shall be allowed. The following temporary structures and uses shall be permitted:

***4.10.6.1 Construction Trailers***

Construction trailers used in conjunction with construction projects provided that the following requirements are met:

- A. Such construction trailers may be located at a building site where there is a valid building permit for the construction project, or, in the case of a residential subdivision, a valid building permit for at least one of the residential units being constructed.
- B. All construction trailers shall be located at least 10 feet off any street right-of-way and not be placed in any required rear or side yard setback.
- C. In addition to construction trailers, at any construction site for a construction project valued at one million dollars or more, one or more security guard houses may be installed. Use of such structures may include overnight stay provided adequate sanitary facilities are provided and the same conditions for construction trailers are met.

***4.10.6.2 Residential Sales Offices***

- A. Structures, whether temporary or permanent, located in a subdivision containing 25 or more lots, and used as sales offices for the subdivision development are permitted.
- B. Any temporary structure used as a sales office shall be located on a lot which is in compliance with the regulations of this Ordinance and shall meet all yard requirements for the applicable zoning district.
- C. At least five (5) off-street parking spaces shall be provided on the lot to accommodate persons using the sales office.
- D. If a permanent residential structure is used as the sales office, future use of said structure

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shall be for residential purposes.

- E. A trailer may be used as a temporary sales office, provided that the following conditions are met:
1. The trailer shall be provided with underpinning, from the bottom of the walls to the ground, made of masonry, vinyl, pre-painted aluminum material, or other similar material.
  2. Landscaping shall be provided around the base of the trailer.
  3. At the completion of the sales in a tract, or two (2) years from the date the temporary sales office began operation, whichever is sooner, said sales office shall cease operation unless the Zoning Administrator determines that substantial progress is being made in the selling and/or marketing of the lots and/or homes in the subdivision. In such case, one or more extensions (each not to exceed one year in duration) may be so authorized by the Zoning Administrator. If a temporary structure is used as the sales office, it shall be removed after its use as a sales office is terminated. Immediately after the structure is removed, the lot shall be returned to a natural state. Any paved or graveled driveway and/or parking area associated with the sales office shall also be removed. All bare soil areas on the lot shall be returned to a natural vegetative state (reseeded or sodded) immediately after removal of the sales office and driveway/parking area.

### ***4.10.6.3 Temporary Sales & Events***

Certain uses of a temporary nature may be permitted. Upon completion and submittal of a Temporary Use Permit application, the Zoning Administrator may grant a zoning permit for the following temporary uses:

- Christmas Trees Sales & similar temporary retail sales
- Produce Stands (temporary)
- Civic organization events
- Public school manufactured units

Such are subject to the following conditions:

- A. Truck trailers and flat beds are not permitted except for short-term delivery services and as stages for permitted special events.
- B. Temporary uses shall be permitted for a maximum of 60 days per calendar year.
- C. Temporary produce stands may be permitted for a maximum of 90 days per calendar year.
- D. No portion of the temporary use may be located within the public street right-of-way.
- E. Temporary uses shall present proof of property owner approval prior to the issuance of a permit.
- F. The proposed use will not materially endanger the public, health, welfare and safety.
- G. The proposed use will not have a substantial negative effect on adjoining properties.

### ***4.10.6.4 Yard Sales***

- A. A yard sale may be conducted by civic or religious organization, an individual occupant of a residence, or in cooperation with neighbors for the purpose of selling surplus household items for profit or for charitable purposes.
- B. Yard sales shall not be conducted at the same location or by the same organizer(s) more than four (4) days per calendar year.