

ARTICLE VII

GENERAL PROVISIONS

Section 701. Application. No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein specified for the district in which it is located.

Section 702. Relationship of Building to Lot. Every building hereafter erected, moved or structurally altered shall be located on a lot and in no case shall there be more than one principal building and its customary accessory buildings on any lot, except in the case of multi-family residential area (R-8, R-8A, R-20A), and residential, commercial or industrial buildings in appropriate zoning districts which allow the planned development, and mini-warehouses in the appropriate zoning districts.

Section 703. Reduction of Lot and Yard Areas Prohibited. No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein, except for street widening. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

Section 704. Location of Buildings Lines On Irregularly Shaped Lots. Locations of front, side and rear building lines on irregularly shaped lots shall be determined by the Zoning Administrator. Such determinations shall be based on the spirit and intent of the district regulations to achieve appropriate spacing and location of buildings or groups of buildings on individual lots.

Section 705. Visibility of Intersections. On a corner lot in any residential district, no planting, structure, sign, fence, wall or obstruction to vision more than three feet in height measured from the center line of the street or road shall be placed or maintained within the triangular area formed by the intersecting street or road right-of-way lines and a straight line connecting points on said street or road right-of-way line each of which is thirty-five (35) feet distance from the point of intersection.

Section 706. Regulations for Specific Uses.

Section 706.1 Alcohol Sales in Commercial Districts. Alcohol sales for on premise consumption shall be permitted as an accessory use to eating establishments/restaurants, civic clubs and private clubs as defined in Article IV, Section 402. Alcohol sales for on premise consumption shall not be permitted as an accessory use to any other principal use. Further, drinking establishments and commercial clubs, as defined in Article IV, Section 402, shall not be permitted in any commercial district.

Section 706.2 Automobile Repair - Storage of Wrecked Or Partially Dismantled Vehicles . Automobile repair businesses which keep wrecked or partially dismantled automobiles on premise overnight in the normal course of business, operated in a legal

place and manner shall be required to designate areas for storage of vehicles that are wrecked or partially dismantled or intended for dismantling. Vehicle storage areas cannot be located within a required front yard setback or within required parking spaces.

Vehicle storage areas for wrecked or partially dismantled vehicles must be fully screened along any street frontage and adjacent property lines per the standards set forth in Section 911.1 (with the exception that subsection “f.” be amended to allow evergreen vegetation of a fast growing variety at a minimum of three (3’) feet at time of planting). Screening is required to substantially block any view of materials, equipment or stored vehicles from any point located on a street or property adjacent to the site.

The Zoning Administrator may recommend an Appeal of Interpretation to the Board of Adjustment, which has the authority to waive or modify the vehicle storage area screening requirements upon their determination that:

- 1) the strict enforcement on the vehicle storage screening standards will jeopardize the existence of a business, or
- 2) the strict enforcement of the vehicle storage screening standards cannot be achieved without moving the business.
- 3) there exists no possibilities for off-site storage.

Any existing automobile repair business that stores wrecked or partially dismantled vehicles shall have, from the date of the adoption of this ordinance, three (3) years to bring their property into full compliance with the standards of this section. Additionally, work must begin towards bringing the property into compliance within six (6) months of the same date. (Per Ordinance #251, Effective Date November 19, 2007)

Section 706.3 Automobile Repair - Storage of Vehicles

Automobile Repair businesses which keep vehicles, which are not wrecked or dismantled, on premise overnight in the normal course of business, operated in a legal place and manner shall be required to maintain their vehicle storage areas as follows:

1. Open storage of wrecked or dismantled vehicles is prohibited. See Section 706.2 for screening requirements associated with wrecked and dismantled vehicles.
2. Vehicles shall not be stored within the right-of-way of any street, public or private.
3. Vehicle storage areas must be located a minimum of fifty (50') feet from the paved surface of a public or private street.
4. Vehicles must be stored in an orderly fashion.

Section 707. Accessory Building/Structure Regulations.

Accessory structures shall not be located on lots in the absence of principal structures.

Residential Uses

707.1 On any lot containing a principal residential use, no accessory structure shall be permitted that involves or requires external construction features that are not primarily residential in nature or character. Any accessory structure that exceeds 500 square feet in gross floor area shall be finished externally with materials that

are similar in nature to the external materials found upon the principal structure. (However, nothing in the preceding sentence shall be construed so as to require a masonry accessory structure for a masonry principal residence. Some examples of structures which cannot be used as an accessory structure to a residential use include: school buses, mobile homes, tractor trailers, buses, recreation vehicles, and cargo containers. In residential districts, no more than three (3) accessory buildings shall be permitted per lot.

- 707.2 On any lot less than one acre in area containing a principal single family or two family dwelling, the cumulative area of all accessory structures (excluding outdoor swimming pools) shall not exceed one-half the heated floor area of the principal structure or 900 square feet, whichever is less.
- 707.3 On any lot having an area of between one to three acres, the cumulative of all accessory structures (excluding outdoor swimming pools) shall not exceed one-half the heated floor area of the principal structure or 1,200 square feet, whichever is less.
- 707.4 On any lot containing an area over three acres, the cumulative area of all accessory structures (excluding outdoor swimming pools, barns, stables, and private residential quarters) shall not exceed one-half the heated floor area of the principal residential dwelling or 1,500 square feet, whichever is less. An accessory structure larger than 1,500 square feet may only be permitted in those districts that allow it as a Conditional Use.

Commercial Uses

- 707.5 On any lot containing a principal commercial use, accessory structures are permitted to be located only in the rear yard. Accessory structures may be permitted in the side yard, however screening may be required at the discretion of the Zoning Administrator. In no instance shall an accessory structure be erected beyond a line parallel to the front of the principal structure. In the case of a double frontage lot, no accessory structure shall extend beyond the front yard line of the adjacent lots.
- 707.6 All accessory structures must be located a minimum of ten (10) feet from any property line and (30) feet from any street right-of-way.
- 707.7 Mobile homes, buses, vans, tractor-trailers, recreational vehicles, passenger vehicles or cargo containers are not permitted for use as accessory structures.

Section 708. Nonconforming Uses. After the effective date of this ordinance, existing structures, or the uses of land or structures which would be prohibited under the regulations for the district in which it is located (if they existed on the adoption date of this ordinance), shall be considered as nonconforming. Nonconforming structures or uses may be continued provided they conform to the following provisions:

708.1. Continuing Nonconforming Uses of Land.

- 708.11 Extensions of Use. Nonconforming uses of land shall not hereafter be enlarged or extended in any way.

708.12 Change of Use. Any nonconforming uses of land may be changed to a conforming use, or with the approval of the Board of Adjustment, to any use more in character with the uses permitted in this district.

708.13 Cessation of Use. All nonconforming uses of land involving minor structures such as junkyards, auto sales yards, signs, or any nonconforming uses similar to those enumerated, shall be eliminated within two years from the date of adoption of this ordinance.

708.2. Continuing the Use of Nonconforming Buildings.

708.21 Extensions of Use. Nonconforming uses of buildings shall not hereafter be enlarged.

Nonconforming structures, other than signs, which are nonconforming, due to noncompliance with the dimensional requirements of the district in which it is located may remain, provided:

- a. That any structural change to the structure shall not increase the degree of nonconformity. Structural changes which decrease or do not affect the degree of nonconformity shall be permitted.
- b. Routine repairs and maintenance of a nonconforming structure, fixtures, wiring and plumbing or repair or replacement of walls shall be permitted.

708.22 Change of Use. The lawful use of a building existing at the time of the adoption of this ordinance may be continued although such use does not conform with the provisions of this ordinance, and such building may be reconstructed or structurally altered and nonconforming use therein changed subject to the following regulations:

- (a) The order of classification of uses from highest to lowest for the purpose of this section shall be as follows: residential district uses, business district uses, as permitted by this ordinance.
- (b) A nonconforming use may be changed to a use of higher classification but not to a use of lower classification, nor shall a nonconforming use be changed to another use of the same classification unless the new use shall be of the same classification unless the new use shall be deemed by the Board of Adjustment, after public notice and hearing, to be less harmful to the surrounding neighborhood, from the standpoint of the purposes of this ordinance, than the existing nonconforming use.

- (c) A nonconforming use may not be extended, but the extension of a use to any portion of a building, which portion is at the time of the adoption of this ordinance primarily or designed for such nonconforming use, shall not be deemed to be an extension of a nonconforming use.
- (d) The building shall not be enlarged, unless the use therein is changed to a conforming use, provided, however, that a nonconforming building damaged by fire, explosion, tornado, earthquake, or similar uncontrollable cause to the extent of not more than sixty percent (60%) of its assessed value at the time of the damage may be repaired or rebuilt within one year of the date of such damage, but not thereafter. Such determination shall be made by the Board of Adjustment.
- (e) Existing single-family residential structures in business or industrial districts may be enlarged, extended or structurally altered, provided that no additional dwelling units result therefrom. However, any enlargements, extensions or alterations shall comply with the dimensional requirements determined by the Board of Adjustment.

708.23 Cessation of Use. If active operations are discontinued for a continuous period of 180 days with respect to a nonconforming use of a building, such nonconforming use shall thereafter be occupied and used only for a conforming use.

708.3 Continuing the Non-Conforming Use of Mobile Homes and Mobile Home Parks

708.31 Extension of Use. Non-conforming mobile homes and mobile home parks existing at the time of the adoption of this ordinance shall be allowed to continue in their present existence but shall not be allowed to expand, increase or bring in another mobile home to replace an existing or damaged mobile home unless this non-conforming use or area (mobile home, mobile home park) has been rezoned to allow individual mobile homes or mobile home parks.

708.32 The Board of Adjustment may grant a conditional use permit to allow a non-conforming mobile home existing at the time of annexation to continue in their existence and may be allowed to bring in another mobile home, within one (1) year after the effective date of annexation, to replace an existing or damaged mobile home in a non-conforming area provided the findings of fact reveal the applicant has met the requirements set forth in Section 702 and Section 1106.2 of the Granite Falls Zoning Ordinance.

Section 709. Appearance Criteria for Manufactured Homes.

- a. Manufactured homes shall be permanently placed on a masonry foundation, unpierced except for required ventilation and access. Footings for walls should be below the frost line. The foundation shall be protected with a poly vapor barrier. Installation shall include a positive water drainage away from the home.
- b. Only multi-section units are permitted.
- c. The pitch of the roof of the dwelling has a minimum vertical rise of at least 4 feet for each 12 feet of horizontal run and the roof finished with a type of shingle that is commonly used in standard residential construction.
- d. The moving hitch, wheels and axles, and transporting lights shall be removed.
- e. All manufactured homes shall have either a deck, porch or concrete patio. It shall be attached firmly to the primary structure and anchored securely to the ground. The minimum area for such a deck, porch or patio shall be seventy-five (75) square feet. The deck, porch or patio must be built in compliance with the North Carolina State Building Code and the Granite Falls Minimum Housing Code.
- f. Permanent stairs shall be constructed at all exterior doors. They shall be attached firmly to the primary structure, deck or porch and anchored securely to the ground. The stairs must be in compliance with the North Carolina State Building Code and the Granite Falls Minimum Housing Code.
- g. All manufactured homes shall have been constructed within a time period of six (6) years prior to the date of permit application to assure compliance with United States Department of Housing and Urban Development Code.
- h. All manufactured homes shall be oriented to face the nearest public or private street. In cases of double frontage lots, all manufactured homes must be oriented to face the street upon which the home will be addressed.
- i. Applicability of requirements “a” through “h” are noted below:

	<u>In Town</u>	<u>ETJ</u>
Class A (Modular)	a,b,c,d,e,f,h	a,b,c,d,e,f,h
Class B & C Housing (Single & Double Wides)	a,c,d,e,f,g,h	a,c,d,e,f,g,h

Section 710. Regulations Governing Mobile Home Parks. The purpose of these mobile home park regulations is to provide an acceptable environment for what are in fact small communities of mobile homes. Newly established mobile home parks, their future expansions and existing mobile home parks established prior to the adoption of this ordinance are subject to Article X, Sections 1002 and 1003.

710.1 Permits and Procedure. No person may construct, maintain, occupy or operate a mobile home park unless a preliminary plat for such park has been reviewed by the

Planning Board and approved by the Board of Commissioners. Upon approval by the Board of Commissioners, a building permit may be issued by the Zoning Administrator and construction of the park may begin. In connection with its review of the proposed mobile home park, the Board of Commissioners may specify certain conditions which must be met in order to bring the proposed park layout in conformity with this ordinance. Prior to occupancy, a final plat of the mobile home park must be reviewed by the Planning Board and approved by the Board of Commissioners. Upon approval of the final plat, a certificate of occupancy may then be issued for the park.

710.11 A registered surveyor, landscape architect or engineer's signature shall not be required on mobile home park plans for mobile home parks of nine (9) or fewer mobile home spaces. All mobile home parks of ten (10) or more shall exhibit the seal of a registered land surveyor, registered landscape architect, registered architect, or registered engineer. In addition, any mobile home park of nine (9) or fewer spaces approved after the effective date of this ordinance shall provide the Planning Board with plans (i.e. mobile home spaces, roads, parking spaces, street lighting, water and sewer systems, etc.) showing the entire park, including the original spaces, when an expansion of the park would bring the park to ten (10) or more mobile home spaces.

710.2. Submission of Preliminary Plat. The preliminary mobile home park plat shall be of such standards that the final plat should require little changing. The preliminary mobile home park plat shall be drawn to scale of fifty (50) feet to one (1) inch or larger and shall clearly set out the following:

- (a) The name of the park, the names and addresses of the owner or owners and the designer or surveyor.
- (b) Date, graphic scale, and approximate North arrow.
- (c) Boundaries of tract shown with bearings and distances.
- (d) The plans for proposed utility layouts, including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electrical service, illustrating connections to existing systems. Plans for water supply and/or sewage disposal must be accompanied by a letter of disposal must be accompanied by a letter of preliminary approval by the Town Manager.
- (e) Proposed streets, existing and platted streets on adjoining properties and in the proposed adjoining properties and in the proposed subdivision, rights-of-way, pavement widths, driveways and approximate grades.
- (f) Site plan showing all existing and/or proposed mobile home spaces and buildings within the mobile home park property with appropriate setbacks.
- (g) Location and quantity of proposed convenience areas, such as: washrooms, laundries, recreation and utility areas.
- (h) Site data:
 - (1) Acreage in total tract
 - (2) Acreage in park for other land usage

- (3) Maximum number of mobile home spaces
- (i) Vicinity map showing the location of the park and surrounding land usage.
- (j) Names of adjoining property owners.
- (k) Method of surfacing roads within the park.

710.3 Submission of Final Plat. The final plat shall be reviewed by the Planning Board to determine if the final park plat is in accordance with the design standards as set forth in the preliminary mobile home park plat and approved by the Board of Commissioners. The final plat shall include, in addition to the requirements of the preliminary plat, the following:

- (a) Name of the park, name of the owner and developer
- (b) Street names
- (c) Other features of the park

710.4 Design Standards.

- 710.41 The area of the mobile home park site shall be a minimum of two (2) acres, and the park shall have a minimum of five mobile home spaces available at first occupancy.
- 710.42 All mobile homes shall be located on individual mobile home spaces. Each mobile home space shall contain at least 5,000 square feet of ground area.
- 710.43 Each mobile home space shall be designed so as to have a minimum of twenty-four (24) feet of yard space on the front or entrance of the mobile home to the lot line, ten (10) feet on the back of the lot line, ten (10) feet on the trailer hitch end to the lot line, and ten (10) feet on the opposite end of the lot line.
- 710.44 Off-street parking and loading shall be provided as required in Article IX of this ordinance.
- 710.45 Two way access streets within the site proposed shall have a pavement width of at least twenty (20) feet. One way access streets shall have a pavement width of no less than eighteen (18) feet. Permanent dead end streets or cul-de-sacs shall not exceed six hundred (600) feet in length unless necessitated by topography and shall be provided with a turn-around of at least eighty (80) feet in diameter. Streets shall intersect as nearly as possible at right angles, and no street shall intersect at less than sixty degrees. Streets and jogs of less than one hundred and fifty (150) feet shall not be allowed. All mobile home spaces shall have access to a street.
- 710.46 A mobile home park shall have direct access to a public street or road.

- 710.47 No parking bays shall be located with direct access to a public street or road.
- 710.48 No mobile home shall be located closer than thirty (30) feet to the exterior boundary of the park, or a bounding street right-of-way. Buildings used for laundry or recreation purposes shall be located no closer than forty (40) feet to the exterior boundary of the park or the right-of-way of a bounding street.
- 710.49 At least 200 square feet of recreation space for each mobile home space shall be reserved within each mobile home park as common recreation space for the residents of the park. Such areas shall, along with driveways and walkways, be adequately lighted for safety.
- 710.50 Each mobile home space shall be provided with an electrical outlet supplying at least 100-115/220-250 volts; 100 amperes shall be provided for each mobile home space.
- 710.51 Each mobile home space shall be improved to provide adequate support for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, sliding, rotation and overturning.
- (a) The mobile home stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the structure.
 - (b) The mobile home stand shall be provided with anchors and tie-downs such as cast-in-place concrete "dead men", screw augers, arrowhead anchors, or other devices securing the stability of the mobile home.
 - (c) Anchors and tie-downs shall be placed at least at each corner of the mobile home stand and each shall be able to sustain a minimum tensile strength of 2,800 pounds.

Section 711. Site Plan Requirements. All development activities within the jurisdiction of this Ordinance, with the exception of single-family residential shall be required to provide to the Planning Department a site plan for such new development. In instances where the development proposal consists of building(s) over ten thousand (10,000) square feet in area such plan shall be prepared by a professional draftsman, surveyor, architect, landscape architect, or professional engineer.

711.1 Information Required on Site Plan. Site plans shall be drawn to the followings standards and the following items shall be required to appear on or accompany all site plans submitted to Caldwell County as part of an application for a Zoning Compliance Permit:

- a. All site plans shall be drawn in engineering scale and appear on a sheet(s) no less than twenty-four (24) by thirty-six (36) inches in size;
- b. The plan shall be drawn so that the top of such drawing represents north;
- c. The plan must include the name, address and telephone number of the property owner and developer, if different, and all professionals associated with the project, i.e. surveyors, contractors, architects, and engineers;
- d. The location and layout of the parking design and vehicular traffic pattern(s), including internal and/or external access ways and acceleration and/or deceleration lanes;
- e. The layout and location of all required and voluntary buffering and landscaping;
- d. Site calculations and parcel data, including:
 - 1. Total acreage involved;
 - 2. Zoning, watershed, and floodplain classification(s);
 - 3. Total area disturbed;
 - 4. Total impervious area, both current and proposed;
 - 5. Required setbacks;
 - 6. The property lines of all parcels involved in the development project.
- e. Location, height, and size of all proposed signage.
- f. The location and dimensions of all drainage structures and stormwater facilities;
- g. Evidence shall be provided that demonstrates the project has or will meet all state and/or local requirements which pertain to erosion and sedimentation control;
- h. The delineation of any floodplain and/or watershed boundaries and the designation of each;
- i. Evidence the development proposal will comply with the requirements of the NCDOT in regards to connection to any and all state roadways;

- j. Location and size of all easements and/or rights-of-way;
- k. A vicinity map.
- l. Topographic contour lines of no less than two (2) foot intervals for projects with building(s) of greater than fifty thousand (50,000) square feet in size.

Section 712. Home Occupation. Home occupations may be established in a dwelling in any residential district. The following requirements shall apply in addition to all other applicable requirements of this ordinance for the residential district in which such uses are located.

- 712.1 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.
- 712.2 There shall be no customer traffic to and from the home from the hours of 9:00pm to 7:00am.
- 712.3 No accessory buildings or outside storage shall be used in connection with the home occupation.
- 712.4 Use of the dwelling for home occupation shall be limited to 25 percent of one floor of the principal building.
- 712.5 Only residents of the dwelling may be engaged in the home occupation.
- 712.6 No display of products shall be visible from the street and only products made on the premises may be sold on the premises.
- 712.7 No external alterations inconsistent with the residential use of the building shall be permitted, including the use of colors, materials, construction, lighting, signs (excepting those signs specifically exempted by the sign regulations) or the emission of sounds, noises, vibrations or glare.
- 712.8 No machinery that causes noises or other interferences in radio and television reception shall be allowed.
- 712.9 Only vehicles used as passenger vehicles shall be permitted in connection with the conduct of the home occupation.
- 712.10 No chemical, electrical or mechanical equipment that is not normally a part of domestic or household equipment shall be used primarily for commercial purposes, with the exception of office equipment used for professional purposes.

712.11 Tutoring, instruction, etc. shall be limited to four (4) students at one time.

712.12 The following are examples of permissible home occupations, provided that they meet all the requirements listed above:

- Architect, Engineer, Surveyor or other professional office.
- Bookkeeping, accounting or tax preparation.
- Computer programming.
- Dressmaking, sewing and tailoring.
- Graphic Artist.
- Hairstyling.
- Home crafts such as weaving, lapidary, potting.
- Home offices for administrative work which may include the use of personal computers, fax machines, telephones, digital scanners, filing systems and office furniture.
- Nursery schools for up to five (5) pupils.
- Painting, sculpturing and writing.
- Real estate.
- Telephone answering service.

712.13 A zoning permit must be obtained for a home occupation before any work begins. Every permitted home occupation shall be subject to yearly review for compliance with all applicable standards.

(Pages 93 Through 100 Are Reserved For Future Use)