

8-3.1 AUTHORITY AND PURPOSE

8-3.1.1 Authority

These regulations are adopted pursuant to the authority vested in the Town of Mocksville by its charter, the Session Laws, and the General Statutes of North Carolina, particularly Chapter 160A, Article 19, Part 3 and any special local legislation enacted by the General Assembly for the Town of Mocksville.

8-3.1.2 Purpose

The purposes of these regulations are to: promote the health, safety, morals, and general welfare of the community; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate and economic provision of public facilities and infrastructure; to conserve the value of buildings; and to encourage the most appropriate use of land throughout the corporate area and extraterritorial zoning jurisdiction, in accordance with adopted plans and policies.

8-3.1.3 Title

These regulations shall be known as The Zoning Ordinance of the Town of Mocksville, North Carolina, and may be cited as the "Zoning Ordinance." The maps referred to herein titled Official Zoning Maps, Mocksville, North Carolina may be cited as the "Zoning Maps."

8-3.1.4 Jurisdiction

These regulations govern the development and use of all land and structures within the corporate limits and the extraterritorial zoning jurisdiction of the Town of Mocksville.

8-3.1.5 Zoning Maps

The Town Board, upon the recommendation of the Planning Board, has adopted a series of Zoning Maps entitled "Official Zoning Maps, Town of Mocksville, NC" which are retained in the office of the town clerk. The Zoning Maps set out and delineate the zoning districts established in Article 3. The Zoning Maps and notations thereon are hereby designated, established, and incorporated as a part of these regulations and shall be as much a part of these regulations as if they were fully described herein.

8-3.1.6 Severability

If any section, specific provision, or standard of these regulations, including any zoning district boundary that now exists or may exist in the future, is found by a court of competent jurisdiction to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, standard, or district boundary of these regulations except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

8-3.1.7 Relation to Other Ordinances

If the provisions of this ordinance conflict with the provisions of any other validly enforceable ordinance(s), the most stringent provisions shall control.

8-3.1.8 Effective Date

These regulations shall become effective upon the date of their adoption by the Board of Commissioners of the Town of Mocksville.

8-3.2 APPLICABILITY OF ORDINANCE

8-3.2.1 Applicability.

No building, structure, or land shall be used, occupied, or altered; nor shall any building, structure, or part thereof be erected, constructed, reconstructed, moved, enlarged, or structurally altered; nor shall any changed use be established for any building, structure, or land, unless in conformity with the general provisions of this ordinance and the specific provisions for the district in which it is located, except as otherwise provided by these regulations.

8-3.2.2 Vested Development Rights.

- (A) **In general.** Any amendments, modifications, supplements, repeal or other changes in these regulations or the Zoning Maps shall not be applicable or enforceable without the consent of the owner with regard to buildings and uses:
- (1) For which a building permit has been issued prior to the effective date of the ordinance making the change so long as the permit remains valid and unexpired pursuant to G.S. 160A-418 and the building permit has not been revoked pursuant to G.S. 160A-422; or
 - (2) For which a zoning permit has been issued prior to the effective date of the ordinance making the change so long as the permit remains valid and unexpired pursuant to this article; or
 - (3) For which a vested right has been established and remains valid and unexpired pursuant to this section.
- (B) **Additional procedures for establishing a vested right.** A vested right to commence a planned development or use of property according to a site specific development plan shall be established upon approval of a special use permit, a conditional use permit, a special exception permit, or conditional zoning by the appropriate Town Board. The vested right thus established is subject to the terms and conditions of the site plan. Only those design elements shown on or made a part of the site plan or permit shall be vested.
- (C) **Term of a vested right.** A right, which has been vested by the Town of Mocksville, shall remain vested for a period of three years from date of approval. Modifications or amendments to an approved plan do not extend the period of vesting unless specifically so provided by the town board when it approves the modification or amendment. A vested right obtained under this sub-section is not a personal right, but shall attach to and run with the subject property. A right which has been vested under the provisions of this sub-section shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit has been issued except that:
- (1) When a vested development plan has been at least 50% completed by the end of the vesting period, the project as a whole shall be given two more years to complete development in conformance with the approved plan not to exceed a total vested period of five years; and
 - (2) Prior to the vested right terminating at the end of the three-year period, the owner of the property may petition the appropriate board for a one-time two-year extension of the vested right not to exceed a total vested period of five years. In its deliberations regarding the extension request, the board may consider, among other things: 1) the percentage of the project completed, 2) a demonstration by the petitioner of good faith efforts made towards project completion, 3) the reasons for the delay of project build-out, and 4) the compatibility of the planned development with current town plans and the surrounding landscape. The board may choose to extend the vested right for the entire project or only a portion of the project and may require one or more design features shown on the plan or incorporated in the permit to meet the current code.

- (D) **Declaration of a vested right upon voluntary annexation.** A petition for annexation filed with the town under G.S. 160A-31 or G.S. 160A-58.1 shall contain a signed statement declaring whether or not any zoning vested right with respect to the properties subject to the petition has been established. A statement that declares that no zoning vested right has been established under G.S. 160A-385.1 or G.S. 153A-344.1, or the failure to sign a statement declaring whether or not a zoning vested right has been established, shall be binding on the landowner and any such zoning vested right which may have existed shall be terminated.

8-3.3 ZONING DISTRICTS.

8-3.3.1 ZONING DISTRICTS ESTABLISHED.

(A) Types of zoning districts.

All areas within the zoning jurisdiction of the Town of Mocksville are hereby divided into zoning districts within which the use of land and water areas; the location, height, bulk, appearance and use of structures; the provision of parking and loading areas; and the provision of buffers and screening areas are regulated as herein provided. Zoning districts within the Town of Mocksville fall within one of the following three categories.

(1) General use zoning districts.

Each general use district category serves a different purpose and imposes its own set of requirements and restrictions on the use of land in addition to the general requirements and restrictions imposed on all land or uses within the zoning jurisdiction. A general use district may be layered with an overlay district, which is a special type of general use district.

(2) Conditional zoning districts.

- (a) Most conditional districts are established as parallel or counterpart districts to a general use district. In such cases, references in the zoning ordinance to the general use district shall be construed to also include the counterpart conditional district. In addition, there are several districts which exist only as conditional districts and do not have counterpart general use districts. Conditional districts, like general use districts, may be layered with overlay districts.
- (b) Each conditional district with a counterpart general use district is intended to accomplish the purposes of the counterpart district through the development of identified uses at a specific location in accordance with this Article. All regulations and uses which apply to a general use district also apply to the counterpart conditional district and no use shall be allowed in the conditional district that is not allowed in its counterpart general use district.
- (c) Additional conditions, which may be suggested by the petitioner as part of the rezoning process, shall be binding upon property within a conditional district in perpetuity or until the property is rezoned by the Town Board. Such conditions may include increased buffers, architectural features, access, parking, hours of operation, or any other feature of the development that is integral to meeting the spirit and intent of this ordinance or that serves to mitigate the impacts of the development on adjacent property or the community at large. Such conditions must be enforceable by the town, presented by the petitioner during the public hearing as part of the rezoning petition, and agreed to by the Town Board during the rezoning process.
- (d) This is a voluntary procedure which is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative or speculative proposals which may not be undertaken for some time. Therefore, the rezoning of land to a conditional zoning district is appropriate only in response to a firm development proposal.

(3) Overlay districts.

Overlay districts are established to provide for certain additional requirements, to permit uses not otherwise permitted in the underlying district, to prohibit uses allowed in the underlying district, or to establish special development requirements for uses permitted. Thus, where overlay districts exist and there is a conflict between the requirements and/or uses specified between the overlay and the underlying district, the standards of the overlay district shall prevail. Otherwise, the standards of the underlying district shall also be in effect for any area additionally zoned for an overlay district. A zoning map change either establishing or changing any overlay district shall be subject to the same procedures and requirements as any other zoning map change. In certain areas, two or more overlay districts may apply to the same parcel of land.

(B) Districts named.

District Abbreviation	District Name	Classification
OSR & OSR-CD	Open Space district	Residential
GR & GR-CD	General Residential district.....	Residential
NR & NR-CD	Neighborhood Residential district.....	Residential
NC & NC-CD	Neighborhood Center district.....	Mixed Use
TC & TC-CD	Town Center district	Mixed Use
HC & HC-CD	Highway Commercial district	Commercial
TND & TND-CD	Traditional Neighborhood Development district	Mixed Use
CI & CI-CD	Campus Institutional district	Mixed Use
CB & CB-CD	Campus Business district	Commercial
SP & SP-CD	Special Purpose district.....	Commercial
GI & GI-CD	General Industrial district.....	Industrial
FP	Floodplain district	Environmental
MH & MH-O-CD	Manufactured Home Overlay district.....	Residential
MF & MF-O-CD	Multi-family Overlay district	Residential
WS-O	Watershed Overlay district.....	Environmental

(C) Zoning district boundary interpretation.

- (1) Where district boundaries are shown within a street or alley right-of-way, railroad or utility line right-of-way, recorded easement, or navigable or non-navigable waterway, such boundaries shall be construed to be in the center of the right-of-way, easement, or waterway.
- (2) Where district boundaries are so indicated that they approximately follow lot lines, or town, city, or county borders, such lines shall be construed to be said district boundaries, unless otherwise indicated.
- (3) Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, highways, or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is shown, such distance shall be determined by use of the scale shown on the official Zoning Maps.

- (4) Where a district boundary line divides a single lot, each part of the lot shall be used in conformity with the standards established by these regulations for the district in which that part is located.
- (5) If, because of error or omission in the maps, any property within the jurisdiction of this ordinance is not shown as being in a zoning district, such property will be classified as OSR until changed by amendment.
- (6) When a zoning case file contains detailed, verifiable information regarding the boundary, that information will be used as the correct boundary location.
- (7) In instances where none of the above methods are sufficient to resolve the boundary location, the Board of Adjustment shall establish the boundary location.

8-3.3.2 GENERAL AND CONDITIONAL DISTRICTS.

(A) OPEN SPACE RESIDENTIAL DISTRICT (OSR and OSR-CD).

(1) Intent.

The Open Space Residential district is provided to encourage the development of compact residential neighborhoods that set aside significant natural vistas, parkland, and landscape features and other rural heritage features for permanent conservation. The density of development is regulated based upon the amount of open space which is preserved.

(2) Permitted uses.

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a “special” permit are listed in the TABLE OF USES in section 8-3.3.5.

(3) Dimensional requirements and supplemental standards.

- (a) Development in the Open Space Residential district shall meet the general dimensional requirements listed in section 8-3.3.4.
- (b) A minimum of 15% of the total area of all new subdivisions shall be set aside as permanent open space. No open space is required for development of existing lots of record.
- (c) Permitted density may be increased from 2 units per acre if open space is increased. For each 1% of open space exceeding the required 15%, the number of units in the project may be increased by 1% up to a maximum of 3 units per acre. For example, in a 100 acre development the following options are available:

Project Area	Overall Maximum Density in DU/A	Percent Open Space	Maximum Dwelling Units	Minimum Lot Size	Minimum Lot Width
100 Ac.	2.0	15%	200	N/A	N/A
100 Ac.	2.2	25%	220	N/A	N/A
100 Ac.	2.4	35%	240	N/A	N/A
100 Ac.	2.6	45%	260	N/A	N/A
100 Ac.	2.8	55%	280	N/A	N/A
100 Ac.	3.0	65%	300	N/A	N/A

(d) Open space shall meet the requirements of section 8-3.5.

(B) GENERAL RESIDENTIAL DISTRICT (GR and GR-CD).

(1) Intent.

The General Residential district is hereby created to permit the completion and conformity of conventional residential subdivisions already existing or approved in sketch plan form by the Mocksville Town Board prior to the effective date of these regulations or by the Davie County Board of Commissioners under the prior jurisdiction of the county. The application of the General Residential district is not intended for development projects in the Mocksville jurisdiction which were initiated after December 7, 1999 (the date of original adoption of this district).

(2) Permitted uses.

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a “special” permit are listed in the TABLE OF USES in section 8-3.3.5.

(3) Dimensional requirements and supplemental standards.

- (a) All lots shall meet the minimum dimensional requirements shown in section 8-3.3.4.
- (b) Development density, amount and location of open space, arrangement of streets and lots, yard dimensions, and access to existing roads shall be controlled by the most recently approved subdivision plan (sketch, preliminary, or plat). Any modifications to an approved subdivision plan shall maintain the density of the original plan.
- (c) Developments in the General Residential district which are approved but not yet built are permitted minor modifications through the administrative process; such developments, if redesigned, must conform to all of the requirements of this ordinance for the GR district or may petition for a district change according to Section 8-3.9.

(C) NEIGHBORHOOD RESIDENTIAL DISTRICT (NR and NR-CD).**(1) Intent.**

The Neighborhood Residential district is intended to provide for residential infill development surrounding the traditional town center and its logical extensions. A range of housing types is encouraged and it is envisioned that low-intensity business activity will accompany residential development and will be located in mixed use buildings designed and constructed at a residential scale.

(2) Permitted uses.

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a “special” permit are listed in the TABLE OF USES in section 8-3.3.5.

(3) Dimensional requirements and supplemental standards.

- (a) All lots shall meet the minimum dimensional requirements shown in section 8-3.3.4.

(D) NEIGHBORHOOD CENTER DISTRICT (NC and NC-CD).**(1) Intent.**

The Neighborhood Center district is provided to allow for the location of shops, services, small workplaces, civic and residential buildings central to a neighborhood or grouping of neighborhoods and within walking distance of dwellings.

(2) Permitted uses.

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a “special” permit are listed in the TABLE OF USES in section 8-3.3.5.

(3) Dimensional requirements and supplemental standards.

- (a) All lots shall meet the minimum dimensional requirements shown in section 8-3.3.4.
- (b) In major subdivisions and planned developments, the aggregate number of dwelling units contained in apartment buildings and mixed use buildings shall not exceed 50 percent of the total number of dwelling units in a project.
- (c) The maximum radius of a neighborhood center shall be ¼ mile.

(E) TOWN CENTER DISTRICT (TC and TC-CD).**(1) Intent.**

The Town Center district is established to encourage revitalization, reuse, and infill development in Mocksville’s traditional town center. A broad array of uses is expected in a pattern which integrates shops, restaurants, services, work places, civic uses, educational and religious facilities, and higher density housing in a compact, pedestrian-oriented environment. The district anchors the surrounding residential neighborhoods while also serving the broader community. The district is intended to accommodate a higher overall intensity of development required to support a revitalized downtown core. It is to be expected that the Town Center district will be expanded over time through the

zoning change process to meet growth in the demand for downtown facilities and services.

(2) Permitted uses.

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a “special” permit are listed in the TABLE OF USES in section 8-3.3.5.

(3) Dimensional requirements and supplemental standards.

All lots shall meet the minimum dimensional requirements shown in section 8-3.3.4.

(F) HIGHWAY COMMERCIAL DISTRICT (HC).

(1) Intent.

The Highway Commercial district is established to provide for auto-dependent uses in areas not amenable to easy pedestrian access. It is expected that the Highway Commercial district will serve not only the Mocksville Community, but the general region as well. Because of the scale and access requirements of uses in this category, they often cannot be integrated within the Town Center or Neighborhood Center districts.

(2) Permitted uses.

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a “special” permit are listed in the TABLE OF USES in section 8-3.3.5.

(3) Dimensional requirements and supplemental standards.

- (a) All lots shall meet the minimum dimensional requirements shown in section 8-3.3.4.
- (b) Any lot requested for rezoning to the Highway Commercial district shall be contiguous to an existing HC district or shall have direct access to a major thoroughfare.

(G) TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT (TND & TND-CD).

(1) Intent.

The Traditional Neighborhood Development district is established to provide for the development of new neighborhoods and the revitalization or extension of existing neighborhoods, which are structured upon a fine network of interconnecting pedestrian oriented streets and other public spaces. The characteristics of a TND development include a mixture of housing types and prices, prominently sited civic or community building(s), and stores, offices and workplaces that provide a balanced mix of activities. Church and pre-school/elementary school facilities are encouraged. Furthermore, a TND development has a recognizable center and clearly defined edges.

(2) Permitted uses.

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a “special” permit are listed in the TABLE OF USES in section 8-3.3.5.

(3) Dimensional requirements and supplemental standards.

- (a) All lots shall meet the minimum dimensional requirements shown in section 8-3.3.4. There is no minimum lot size for the TND district. Lot sizes shall be determined on a case-by-case basis and will depend on the design of the development and the types of uses proposed.
- (b) All TND projects shall be a minimum of thirty-five acres and a maximum of 200 acres in size. All proposals shall conform to these size requirements except that proposals for tracts of less than thirty-five acres adjoining existing TND developments or the Town Center district may be considered as long as they demonstrate that they are, in function and design, an extension of the existing TND or Town Center district and that the addition of the tract will not cause the overall size of the TND to exceed 200 acres.
- (c) The area of the TND shall be divided into blocks, streets, lots, and open space.
- (d) There shall be a substantial mix of housing types; however, no TND shall be comprised of more than 65% multi-family housing.
- (e) Similar land uses shall front across each street. Dissimilar categories shall abut at rear lot lines.
- (f) All neighborhoods within a TND development shall have identifiable centers and edges.
- (g) No residential development shall lie more than ¼ mile from retail facilities.
- (h) Civic buildings shall be given prominent sites throughout the development.
- (i) All uses shall be conducted completely within enclosed buildings, except that sidewalk sales, cafes, and open-air markets shall be permitted.
- (j) All streets and alleys shall terminate at other streets or alleys (i.e. cul-du-sacs and dead end streets shall not be permitted).
- (k) Each residential neighborhood shall contain at least one square, park or other form of open space no smaller than one acre and no greater than three acres. No portion of such neighborhood shall be more than 600 feet from such open space.
- (l) A minimum of 5% and a maximum of 15% of the gross land area of each neighborhood in the development shall be designated for office uses. A minimum of 1% of the land area of each neighborhood in the development shall be designated for civic uses (e.g. community buildings, meeting halls, libraries, post offices, schools, child care centers, clubhouses, religious buildings, recreational facilities, museums, town buildings and similar uses). A minimum of 2% and a maximum of 30% of each neighborhood in the development shall be designated for street level retail uses.

(H) CAMPUS INSTITUTIONAL DISTRICT (CI and CI-CD).**(1) Intent.**

The Campus Institutional district is established to provide for large institutional complexes which are already in place and for large new institutional complexes that, because of the scale of the buildings or the nature of the use, cannot be fully integrated into the fabric of the community. Such districts are intended primarily for existing institutions, as most new institutional projects can and should be designed to fit within the fabric of one of the other town districts. The Campus Institutional district is reserved for uses which require very large buildings and/or large parking and loading facilities such as hospitals and community colleges.

(2) Permitted uses.

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a “special” permit are listed in the TABLE OF USES in section 8-3.3.5.

(3) Dimensional requirements and supplemental standards.

- (a) All lots shall meet the minimum dimensional requirements shown in section 8-3.3.4.
- (b) The interior of new campus developments shall be laid out along a new or established street pattern and shall maintain well defined open space to give prominence to important structures and allow for assembly and pedestrian circulation.
- (c) Requests for rezonings to this district shall be for tracts or development sites of no less than fifteen acres in size.

(I) CAMPUS BUSINESS DISTRICT (CB and CB-CD).**(1) Intent.**

The Campus Business district is established to provide for large business, excluding retail, or light industrial parks which are already in place and for new business or light industrial complexes on large tracts that, because of the scale of the buildings or the nature of the use, cannot be easily integrated into one of the other zoning districts. The Campus Business district is reserved for uses which require very large buildings and/or large parking and loading facilities such as warehouse and distribution operations.

(2) Permitted uses.

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a “special” permit are listed in the TABLE OF USES in section 8-3.3.5.

(3) Dimensional requirements and supplemental standards.

- (a) All lots shall meet the minimum dimensional requirements shown in section 8-3.3.4.
- (b) The interior of new campus developments shall be laid out along a new or established street pattern and shall maintain well defined open space to give prominence to important structures and allow for assembly and pedestrian circulation.

- (c) Requests for rezonings to this district shall be for tracts or development sites of no less than fifteen acres in size.

(J) SPECIAL PURPOSE DISTRICT (SP and SP-CD).

(1) Intent.

The Special Purpose district is established to accommodate uses that may constitute health or safety hazards, have greater than average impacts on the environment, or diminish the use and enjoyment of nearby property by generation of noise, smoke, fumes, odors, glare, vibration, commercial vehicle traffic, or similar nuisances.

(2) Permitted uses.

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a “special” permit are listed in the TABLE OF USES in section 8-3.3.5.

(3) Dimensional requirements and supplemental standards.

All lots shall meet the minimum dimensional requirements shown in section 8-3.3.4.

(K) GENERAL INDUSTRIAL DISTRICT (GI and GI-CD).

(1) Intent.

The General Industrial district is established to accommodate traditional industrial uses on individual tracts of land and within coordinated industrial parks. Such uses may constitute health or safety hazards, have greater than average impacts on the environment, or diminish the use and enjoyment of nearby property by generation of noise, smoke, fumes, odors, glare, vibration, industrial vehicle traffic, or similar nuisances.

(2) Permitted uses.

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a “special” permit are listed in the TABLE OF USES in section 8-3.3.5.

(3) Dimensional requirements and supplemental standards.

All lots shall meet the minimum dimensional requirements shown in section 8-3.3.4.

(L) FLOODPLAIN DISTRICT (FP).

(1) Intent.

The Floodplain district is intended to provide for the maintenance and management of existing natural ecological and environmental resources and to protect public health and safety by preventing development which would increase the flood hazard potential and the likelihood of property damage due to flooding within the community. Only temporary uses are envisioned within this district.

(2) Permitted uses.

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a “special” permit are listed in the TABLE OF USES in section 8-3.3.5.

(3) Dimensional requirements and supplemental standards.

- (a) All lots shall meet the minimum dimensional requirements shown in section 8-3.3.4.
- (b) Only minimal development is allowed within this district. No development shall mar or disturb the ecological and environmental efficiency of the floodway, nor shall it disturb or re-grade slopes resulting in significant elevation or contour charges.
- (c) No building, in any conventional sense, is permitted within this district. Only structures, such as picnic shelters, backstops, soccer goals, goal posts, and signs, which will permit the free flow of water with minimal obstruction shall be permitted.

8-3.3.3 OVERLAY DISTRICTS.**(A) MANUFACTURED HOME OVERLAY DISTRICT (MH & MH-O-CD).****(1) Intent.**

The Manufactured Home Overlay district is established to provide for existing and proposed neighborhoods which include or are proposed to include manufactured homes. The requirements herein are intended to insure compatibility with existing housing stock by imposing supplemental design standards for manufactured housing. It supplements the range of residential types permitted in the underlying district.

(2) Permitted uses.

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a “special” permit are listed in the TABLE OF USES in section 8-3.3.5.

(3) Dimensional requirements and supplemental standards.

- (a) The Manufactured Home Overlay district may be applied to tracts zoned NR, GR, or OSR only. All lots shall meet the minimum dimensional requirements shown in section 8-3.3.4.
- (b) Existing manufactured home parks which are not subdivided into individual deeded lots may continue operation but may not be expanded except in conformance with this article and the subdivision regulations for Mocksville.
- (c) In proposed neighborhoods, homes shall be a minimum of fourteen feet wide and manufactured no earlier than 1984.
- (d) All proposed developments shall be a minimum of two acres and a maximum of twenty acres in size.

(B) MULTI-FAMILY OVERLAY DISTRICT (MF & MF-O-CD).**(1) Intent.**

The Multi-Family Overlay district is established to accommodate multi-family projects which due to their design and/or scale may not be compatible with existing single family residential neighborhoods. While multi-family developments are permitted by right in the OSR and NR districts subject to conditions which insure compatibility with existing

housing by means of scale, site design and architecture, larger apartment, condominium, and townhouse communities which do not as a whole integrate well into existing neighborhoods will require MF district zoning.

(2) Permitted uses.

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a “special” permit are listed in the TABLE OF USES in section 8-3.3.5.

(3) Dimensional requirements and supplemental standards.

- (a) The Multi-Family Overlay district may be applied to tracts zoned HC, NR, GR, or OSR only.
- (b) All lots shall meet the minimum dimensional requirements shown in section 8-3.3.4.

(C) WATERSHED OVERLAY DISTRICT (WS-O).

(1) Intent.

The Watershed Overlay district is hereby established to meet the requirements of G.S. 143-214.5 and 15A NCAC 02B.0104. The purpose of this district is to impose more restrictive development standards upstream from the drinking water supply than shall generally be imposed on land uses in the planning area. The intent is to maintain a development pattern which does not increase the pollution associated with urbanization. A WS IV classification has been applied to the South Yadkin watershed by the state and allows for a moderate to high land-use intensity pattern.

(2) Permitted uses.

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a “special” permit are listed in the TABLE OF USES in section 8-3.3.5.

(3) Dimensional requirements and supplemental standards.

- (a) Only new development activities that require a sedimentation and erosion control plan under state law are required to meet the provisions of this Article when located in the watershed overlay district.
- (b) All lots shall meet the minimum dimensional requirements shown in section 8-3.3.4.
- (c) The Watershed Overlay district regulations shall apply to land-use activities within the South Yadkin River Watershed as shown on the Zoning Map. The watershed boundary was drawn to avoid dividing tracts in single ownership so some parts of a tract may be outside the watershed or protected area. If a property owner can demonstrate that his land drains into another watershed not regulated by this Article, the zoning administrator can exempt that specific area from these watershed regulations.
- (d) Under no circumstances will development be permitted in the watershed district that violates the Water Supply Watershed Protection Rules as adopted by the EMC on 5/29/92 including all subsequent amendments.

- (e) All land use activities shall conform to the Watershed Overlay district regulations except that existing development, as defined for the purposes of this section, is not subject to the requirements of this section. Expansions to structures classified as existing development must meet the requirements of this district, however, the built upon area of the existing development is not required to be included in the density calculations.
- (f) A maximum of ten percent (10%) of Mocksville's portion of the watershed outside of the critical area, delineated on July 1, 1995, and any portion of the watershed outside of the critical area allocated by Davie County to Mocksville, may be developed with new residential and non-residential development and expansions to existing development of up to seventy percent (70%) built-upon surface area. (This shall be referred to as the 10/70 provision.) Each project must, to the maximum extent practicable, minimize built-upon surface area, direct storm water runoff away from surface waters and incorporate best management practices to minimize water quality impacts.
- (g) Clustering of development is allowed in the Watershed Overlay district under the following conditions:
 - (1) Minimum lot sizes are not applicable to single-family cluster development projects; however, the total number of lots in the development shall not exceed the number of lots allowed for this district.
 - (2) Total built-upon area shall not exceed the allowed maximum for the district.
 - (3) All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.
 - (4) The remainder of the tract not used for development shall remain in a permanent vegetated or natural state. Sufficient proof of permanent maintenance of open space shall be required prior to development approval by the town.
- (h) Stormwater runoff shall be transported by vegetated conveyances to the maximum extent practicable.
- (i) A minimum thirty foot vegetative stream buffer is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 scale (7.5 minute) topographic maps for all uses except agriculture, where agriculture is the primary use of a lot. Agricultural uses must maintain a minimum ten foot vegetated buffer, or equivalent control as determined by the Soil and Water Conservation Commission along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 scale (7.5 minute) topographic maps. Desirable artificial stream bank or shoreline stabilization is permitted.
- (j) No new development is allowed in the stream buffer. Water dependent structures or other structures, such as flagpoles, signs and security lights, which result in only minimal increases in impervious area, and public projects such as road crossings and greenways may be allowed where no practical alternative exists. These activities shall minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.

(4) Review Criteria

- a) The property under consideration shall be used for industrial, commercial, or mixed-use development. If the proposed development is for public or non-profit use, educational buildings or facilities, residential development, or otherwise serves a significant economic development purpose, the allocation may be approved if the development is determined to be in the best interest of the Town.
- b) The property under consideration shall be served by public water and public sewer to accommodate a densely developed site.
- c) The development proposed shall begin construction within twelve(12) calendar months of the approval of the watershed 10/70 allocation. In the event that construction has not commenced within twelve(12) months, the developer or property owner may apply for one(1) six month time extension. This extension may be granted by the Town only upon sufficient information, presented by the applicant, that practicable difficulties beyond the control of the applicant have resulted in a delay in the start of construction.

(5) Petition requirements.

A site plan shall be submitted showing the amount of pervious and impervious area proposed in the development, the location of all proposed buildings and uses on the property, the location, extent, and types of supporting facilities such as parking lots, driveways, and access streets, the timing of development, the location of landscaped and buffer areas, and the positioning of any other special purpose areas on the tract.

All petitions for the 10/70 provision shall be submitted to the town manager at least twenty-one days prior to the town council meeting at which such request shall be heard. In order to be considered by the town council, petitions shall include the following information:

- a) A completed application form.
- b) A sealed site plan including an accurate survey of the site drawn at a scale of no less than 1:200 indicating the following information:
 - 1) The project boundary and total square footage of the project site.
 - 2) The location, extent, percentage and total square footage of all existing and proposed impervious surface areas.
 - 3) The location, extent, and proposed ownership of all onsite and/or offsite pervious locations. If offsite, the application shall include a draft of the legal instrument conveying ownership of the land and a signed letter by the proposed owner that they understand and willingly accept the limitations, requirements and responsibilities that such ownership conveys. All open space areas shall meet the requirements of 8-3.5.3
 - 4) The location of all perennial and intermittent streams, as indicated on the most recent USGS 7.5 Minute Topographic Quadrangle, on the project site.
 - 5) The location of all boundaries of a regulated floodplain, as indicated by the Davie County GIS.
 - 6) The location and extent of all required buffer areas.

- 7) The location of all existing structures on the site.
- 8) The zoning on the project site and adjacent parcels of land.
- 9) In the absence of floodplain, perennial or intermittent streams on the project site, the site plan shall either: a) include a statement that no floodplain, perennial or intermittent streams, as defined by this ordinance, lie within 100 feet of the project boundary; or b) indicate the direction and distance to any such feature within 100 feet of the project boundary.

8-3.3.4 DIMENSIONAL REQUIREMENTS.

Table 1. General Requirements

District	Maximum Residential Density (units per acre)	Minimum Non-Residential Lot size (sq feet)	Minimum Lot Width (feet) ²	Lot Width to Depth Ratio ³ (minimum/maximum)	Minimum Public Street Frontage (feet)	Maximum Building Height (feet)
OSR	2 ¹	20,000	100	1:2/1:4	25 ⁴	35
GR	2	20,000	85 (residential only)	1:2/1:4	25	35
NR	4	none	50	None/1:4	25	35
TND	14	none	50	none	25	50
NC	8	none	50	None/1:4	25	50
TC	10	none	none	None/1:4	25	50
HC	10	none	50	1:2/1:4	25	50
CI	8	none	50	1:2/1:4	25	50
CB	8	none	50	1:2/1:4	25	60 ⁶
SP	8	none	50	1:2/1:4	25	60 ⁶
GI	none	none	50	1:2/1:4	25	60 ⁶
MH-O	10	none	same as the underlying district	1:2/1:4	25	same as the underlying district
MF-O	14	none	same as the underlying district	1:2/1:4	25	same as the underlying district
WS-O	2 ⁵	none	same as the underlying district	1:2/1:4	25	same as the underlying district
FP	none	n/a	n/a	1:2/1:4	25	25

¹ Lot size may be reduced to three units per acre if open space is increased. See district details.

² The Planning Director may waive this requirement for townhouse developments.

³ There is no minimum width to depth ratio for tracts ten acres or more in size.

⁴ Does not apply to Family Subdivisions.

⁵ May be increased to three units in areas without curb and gutter.

⁶ For structures exceeding this height, an additional setback shall be required equal to one foot for each two feet over the height limit.

Table 2. Setback Requirements

District	Principal Residential Structure Setbacks in Feet ¹ (min./max.)			Principal Non-Residential Structure Setbacks in Feet ¹ (min./max.)		
	Front	Side ²	Rear	Front	Side	Rear
OSR	40/none	15/none	30/none	40/none	15/none	30/none
GR	40/none	15/none	30/none	40/none	15/none	30/none
NR	10/none	5/none	20/none	10/none	5 ³ /none	30 ³ /none
TND ³	none	none	none	none	0/none	30/none
NC	10/none	5/none	20/none	10/none	5/none	30/none
TC	none	none	20/none	none	0/none	30/none
HC	10/none	5/none	20/none	20/45	10/125	30/none
CI	none	none	none	none	0/125	30/none
CB	none	none	none	20/45	10/125	30/none
SP ³	n/a	none	none	20/45	10/125	30/none
GI ³	20/none	none	none	40/none	20/none	50/none
MH-O	same as the underlying district			same as the underlying district		
MF-O	see district details for setback information			same as the underlying district		
WS-O	same as the underlying district			same as the underlying district		
FP	n/a			n/a		

¹ Except for the OSR and GR district setbacks, numbers shown are general ranges only.

² Minimum side yards abutting public streets shall be an additional ten feet in width.

³ Minimum rear and side setbacks shall be increased 20' if abutting a legal, conforming residential use.

8-3.3.5 TABLE OF USES.

The following table lists uses permitted in each zoning district by 1) issuance of a zoning permit from the zoning administrator with or without conditions, and 2) issuance of a special use permit (abbreviated S.U.P. in the legend included at the top of the table) from the Board of Adjustment. The table also denotes which districts certain uses are not permitted and where the uses permitted within an overlay district are determined by the uses permitted in the underlying district. For the purposes of interpreting the table, the zoning districts are abbreviated as listed in 8-3.3.1(B) and are repeated as follows:

District Abbreviation	District Name	Classification
OSR & OSR-CD	Open Space district	Residential
GR & GR-CD	General Residential district.....	Residential
NR & NR-CD	Neighborhood Residential district.....	Residential
NC & NC-CD	Neighborhood Center district.....	Mixed Use
TC & TC-CD	Town Center district	Mixed Use
HC & HC-CD	Highway Commercial district	Commercial
TND & TND-CD	Traditional Neighborhood Development district	Mixed Use
CI & CI-CD	Campus Institutional district	Mixed Use
CB & CB-CD	Campus Business district	Commercial
SP & SP-CD	Special Purpose district.....	Commercial
GI & GI-CD	General Industrial district.....	Industrial
FP	Floodplain district	Environmental
MH & MH-O-CD	Manufactured Home Overlay district.....	Residential
MF & MF-O-CD	Multi-family Overlay district	Residential
WS-O	Watershed Overlay district.....	Environmental

TABLE OF USES

P = Permit from Zoning Administrator	DISTRICTS																Land Use Code	Additional Conditions
S = S.U.P. from Board of Adjustment																		
P/C = Permit from Zoning Administrator; use must meet additional conditions																		
"-" = not permitted																		
"U" = uses determined by underlying district																		
USES	OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O			
Agricultural Uses																		
Agricultural industry	-	-	-	U	U	-	-	-	-	-	-	P/C	P/C	-	U	5	8-3.8.5	
Agriculture, bonafide farms, including processing or sale of products grown on the same zoning lot, excluding agricultural industry	P/C	-	-	U	U	-	-	-	-	-	-	P	P	P/C	P/C	1	8-3.8.6	
Agriculture implement sale, repair, rental or storage	P/C	-	-	U	U	-	-	-	-	P/C	-	P	P	-	U	3	8-3.8.7	
Livestock sales and auctions	-	-	-	U	U	-	-	-	-	-	-	P	P	-	U	3		
Commercial Uses																		
Adult establishments	-	-	-	U	U	-	-	-	-	P/C	-	P/C	P/C	-	U	2	8-3.8.4	
Amusements, commercial, indoor	-	-	-	U	U	P	P	P	-	P	-	P	P	-	U	2		
Amusements, commercial, outdoor	S	-	-	U	U	-	-	-	-	P/C	-	P/C	P/C	-	U	2	8-3.8.8	
Arts and crafts studio	S	-	S	U	U	P	P	P	-	P	-	-	P	-	U	2		
Automatic teller machine	-	-	-	U	U	P	P	P	P	P	P	P	P	-	U	2		
Banking and financial services	-	-	-	U	U	P	P	P	P	P	P	P	P	-	U	2		
Bed and breakfast establishment	P	P/C	P/C	U	U	P	P	P	-	P	-	-	-	-	U	2	8-3.8.10	
Broadcast studios (radio and television)	-	-	-	U	U	P	P	-	-	P	P	P	P	-	U	2		
Building materials supply	-	-	-	U	U	-	-	-	-	P/C	-	P	P	-	U	3	8-3.8.13	
Car wash, automatic	-	-	-	U	U	P/C	P/C	P/C	P/C	P	P	P	P	-	U	2	8-3.8.15	
Car wash, full service	-	-	-	U	U	-	-	-	-	P	-	P	P	-	U	2		
Car wash, industrial	-	-	-	U	U	-	-	-	-	P/C	-	P	P	-	U	2	8-3.8.16	
Car wash, self-service	-	-	-	U	U	P/C	P/C	P/C	-	P/C	-	P	P	-	U	2	8-3.8.17	
Club, private	-	-	-	U	U	-	P/C	P/C	-	P/C	-	-	-	-	U	2	8-3.8.22	
Construction vehicle sales, repair, leasing, maintenance, or storage	-	-	-	U	U	-	-	-	-	P/C	-	P	P	-	U	3	8-3.8.26	
Convenience store	-	-	-	U	U	P	P	P	-	P	P	P	P	-	U	2		
Drycleaning and laundry services	-	-	-	U	U	P	P	P	P	P	P	P	P	-	U	2		
Electronic Gaming Operations	-	-	-	U	U	-	-	-	-	P/C	-	-	-	-	U	1	8-3.8.76	
Farmers market	S	-	-	U	U	-	P	P	-	P	P	P	P	-	U	2	8-3.8.30	
Feed and seed stores	S	-	-	U	U	P	P	P	-	P	P	P	P	-	U	2		
Flea markets	-	-	-	U	U	-	-	-	-	S	-	S	S	-	U	2	8-3.8.30	
Food and beverage store	-	-	-	U	U	P	P	P	-	P	P	P	P	-	U	2		
Fuel dealer	-	-	-	U	U	-	P/C	P/C	P/C	P/C	P/C	P/C	P/C	-	U	3	8-3.8.14	
Gasoline station, large	-	-	-	U	U	-	-	-	-	P/C	P/C	P/C	P/C	-	U	2	8-3.8.33	

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"-" = not permitted																		
"U" = uses determined by underlying district																		
USES	RES.					MIXED				COM. & IND.				ENV.		WS-O		
	OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP				
Gasoline station, neighborhood	-	-	-	U	U	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	-	U	2	8-3.8.33	
General retail	-	-	-	U	U	P	P	P	-	P	P	P	P	-	U	2		
Heavy machinery sales, repair, leasing, maintenance or storage	-	-	-	U	U	-	-	-	-	P/C	-	P	P	-	U	3	8-3.8.26	
Home occupations	P/C	P/C	P/C	U	U	P/C	P/C	P/C	-	P	-	-	-	-	U	1	8-3.8.37	
Hotel	-	-	-	U	U	-	P	P	-	P	P	P	P	-	U	2		
Junk yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5		
Kennel	P/C	-	-	U	U	-	-	-	P	P	P	P	P	-	U	3	8-3.8.38	
Laundry and linen supply service	-	-	-	U	U	P	P	P	P	P	P	P	P	-	U	2		
Motel	-	-	-	U	U	-	-	P	-	P	P	P	P	-	U	2		
Motor vehicle paint or body shop	-	-	-	U	U	-	P	P	-	P	-	P	P	-	U	3		
Motor vehicle sales, rental and leasing	-	-	-	U	U	P/C	P/C	-	-	P/C	P	P	P	-	U	2	8-3.8.45	
Motor vehicle repair and maintenance	-	-	-	U	U	-	P/C	P	-	P	-	P	P	-	U	2	8-3.8.46	
Motor vehicle storage yard	-	-	-	U	U	-	-	-	-	S	-	P	S	-	U	3	8-3.8.47	
Nursery, lawn and garden supply store, retail	P/C	-	-	U	U	P/C	P/C	P	-	P	P	P	P	-	U	2	8-3.8.48	
Outdoor display and sales of merchandise	-	-	-	U	U	P/C	P/C	P/C	-	P/C	P/C	P/C	P/C	-	U	2	8-3.8.50	
Outdoor storage	-	-	-	U	U	-	-	-	-	-	-	P/C	P/C	-	U	3	8-3.8.51	
Parking lot or deck	-	-	-	U	U	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	-	U	2	8-3.8.52	
Pawn shop	-	-	-	U	U	P	P	-	-	P	-	P	P	-	U	2		
Planned Commercial Development	-	-	-	U	U	P	P	P	-	P	P	P	P	-	U	2	8-3.8.73	
Raceways and drag strips	-	-	-	U	U	-	-	-	-	-	-	S	-	-	U	5	8-3.8.55	
Restaurant, with drive-through service	-	-	-	U	U	-	-	-	-	P	P	P	P	-	U	2		
Restaurant, without drive-through service	-	-	-	U	U	P	P	P	-	P	P	P	P	-	U	2		
Retail, nonstore	-	-	-	U	U	P	P	P	P	P	P	P	P	-	U	2		
Retail store, large	-	-	-	U	U	-	-	-	-	P	P	-	P	-	U	3		
Retail store, small and medium	-	-	-	U	U	P	P	P	-	P	P	P	P	-	U	2		
Riding stables	P	-	-	U	U	-	-	-	-	-	-	-	-	-	U	2		
Shopping center, large	-	-	-	U	U	-	-	-	-	P	P	-	P	-	U	3		
Shopping center, medium	-	-	-	U	U	-	P	P	-	P	P	P	P	-	U	2		
Shopping center, small	-	-	-	U	U	P	P	P	-	P	P	P	P	-	U	2		
Shooting range (indoor)	-	-	-	U	U	-	-	-	S	P	P	P	P	-	U	2		
Shooting range (outdoor)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2		
Studios (art, dance, music, or photographic)	S	-	-	U	U	P	P	P	P	P	P	P	P	-	U	2		
Theater, indoor	-	-	-	U	U	P	P	P	P	P	P	P	P	-	U	2		
Theater, drive-in	-	-	-	U	U	-	-	-	-	P/C	-	P/C	P/C	-	U	2	8-3.8.69	
Veterinary services	S	-	-	U	U	P/C	P/C	P/C	P	P	P	P	P	-	U	2	8-3.8.71	
Industrial Uses																		

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USES	OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O		
Abattoirs	-	-	-	U	U	-	-	-	-	-	-	-	-	-	U	5	
Asphalt and concrete plant and contractors	-	-	-	U	U	-	-	-	-	-	-	S	S	-	U	4	
Auto wrecking yards, building material salvage yards, general salvage yards, scrap metal processing yards	-	-	-	U	U	-	-	-	-	-	-	S	-	-	U	5	
Building contractors, general	-	-	-	U	U	-	P/C	-	-	P/C	P/C	P	P	-	U	3	8-3.8.12
Building contractors, heavy	-	-	-	U	U	-	-	-	-	P/C	P/C	P	P	-	U	4	8-3.8.12
Bulk storage of petroleum products	-	-	-	U	U	-	-	-	-	-	-	S	-	-	U	5	8-3.8.14
Dry cleaning and laundry plants	-	-	-	U	U	-	-	-	-	-	-	P	P	-	U	5	
Feed and flour mills	-	-	-	U	U	-	-	-	-	-	-	P	P	-	U	5	
Laboratory (analytical, experimental testing, research and development)	-	-	-	U	U	-	-	-	P	P	P	P	P	-	U	3	
Laboratory, medical or dental	-	-	-	U	U	-	P	-	P	P	P	P	P	-	U	2	
Landfill, land clearing and inert debris	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	2	8-3.8.40
Landfill, construction and demolition	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	8-3.8.39
Landfill, sanitary	-	-	-	U	U	-	-	-	-	-	-	-	-	-	-	5	
Manufacturing A	-	-	-	U	U	-	-	-	-	-	P	P	P	-	U	3	
Manufacturing B	-	-	-	U	U	-	-	-	-	-	-	P	P	-	U	4	
Manufacturing C	-	-	-	U	U	-	-	-	-	-	-	S	S	-	U	5	
Meat packing plant	-	-	-	U	U	-	-	-	-	-	-	S	S	-	U	5	
Motor vehicle dismantling and wrecking yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5	
Planned Industrial Development	-	-	-	U	U	-	-	-	-	-	P	P	P	-	U	3	8-3.8.73
Printing or binding	-	-	-	U	U	S	P	-	-	P	P	P	P	-	U	3	
Quarries or other extractive industries	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5	
Saw mills	-	-	-	U	U	-	-	-	-	-	-	S	-	-	U	5	8-3.8.13
Storage and salvage yard	-	-	-	U	U	-	-	-	-	-	-	P/C	P/C	-	-	5	8-3.8.65
Terminal, freight	-	-	-	U	U	-	-	-	-	-	-	P/C	P/C	-	U	5	8-3.8.68
Tire recapping shops	-	-	-	U	U	-	-	-	-	-	-	P/C	P/C	-	U	5	8-3.8.70
Warehousing (excluding self-storage)	-	-	-	U	U	-	-	-	-	-	-	P	P	-	U	3	
Warehousing, self storage	-	-	-	U	U	-	P/C	-	-	P	-	P	P	-	U	3	
Waste incineration	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5	
Waste transfer station	-	-	-	U	U	-	-	-	-	-	-	S	S	-	U	5	8-3.8.72
Wholesale trade A	-	-	-	U	U	-	P	-	-	P	P	P	P	-	U	3	
Wholesale trade B	-	-	-	U	U	-	-	-	-	-	-	P	P	-	U	4	
Governmental And Institutional Uses																	
Amateur (Ham) Radio Antenna	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C			
Child care institution	P/C	-	-	U	U	P/C	P/C	P/C	P/C	P/C	P/C	-	-	-	U	2	8-3.8.19

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USES	OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O			
Church or religious institution, neighborhood scale	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	-	U	2	8-3.8.20.1	
Church or religious institution, community scale	P/C	-	-	U	U	P/C	P/C	P/C	P	P	P	P	P	-	U	3	8-3.8.20	
Civic, fraternal, cultural, and community facilities not otherwise listed	P/C	-	-	U	U	P	P	P	P	P	P	P	P	-	U	2	8-3.8.21	
Club or lodge, private non-profit	P	-	S	U	U	P	P	P	P	P	P	P	P	-	U	2	8-3.8.21	
College or university	P/C	-	S	U	U	P/C	P/C	P/C	P	P/C	P	P	P	-	U	2	8-3.8.24	
Community center	P/C	P/C	P/C	U	U	P/C	P/C	P/C	P	P/C	P	P	P	-	U	2	8-3.8.25	
Congregate care facility	P/C	P/C	P/C	U	U	P/C	P/C	P/C	P/C	P/C	P/C	-	-	-	U	2	8-3.8.49	
Correctional institution	S	-	-	U	U	-	-	-	-	S	S	S	S	-	U	5	8-3.8.27	
Daycare, center	P/C	-	S	U	U	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	-	U	2	8-3.8.19	
Daycare, large home	P/C	P/C	P/C	U	U	P/C	P/C	P/C	P/C	P/C	-	-	-	-	U	1	8-3.8.28	
Daycare, small home	P/C	P/C	P/C	U	U	P/C	P/C	P/C	P/C	P/C	-	-	-	-	U	1	8-3.8.28	
Emergency shelters	P	P	P	U	U	P	P	P	P	P	P	P	P	-	U	1		
Funeral home	-	-	S	U	U	P	P	P	P	P	P	P	P	-	U	2	8-3.8.32	
Government offices, courthouses, and similar governmental facilities not otherwise listed	P	P	P	U	U	P	P	P	P	P	P	P	P	-	U	2		
Group care facility	S	-	-	U	U	-	-	P	P	P	P	P	P	-	U	1		
Group home A	P/C	P/C	P/C	U	U	P/C	P/C	P/C	P	P	-	-	P	-	U	1	8-3.8.34	
Group home B	P/C	-	-	U	U	P/C	P/C	P/C	P	P	-	-	P	-	U	1	8-3.8.34	
Habilitation facility - A	P/C	-	P/C	U	U	P	P	P	P	P	-	P	P	-	U	2	8-3.8.35	
Habilitation facility - B	P/C	-	-	U	U	P	P	P	P	P	-	P	P	-	U	2	8-3.8.35	
Institutional uses, not otherwise listed	S	-	-	U	U	-	P	-	P	P	P	P	P	-	U	2		
Library, public	P	P	P	U	U	P	P	P	P	P	P	P	P	-	U	2		
Museum or art gallery	S	-	S	U	U	P	P	P	P	P	P	P	P	-	U	2		
Nursing care institution	P/C	P/C	P/C	U	U	P/C	P/C	P/C	P/C	P/C	P/C	-	-	-	U	2	8-3.8.49	
Post office	-	-	-	U	U	P	P	P	P	P	P	P	P	-	U	2		
Postal facility, neighborhood	P	P	P	U	U	P	P	P	P	P	P	P	P	-	U	2		
Progressive care community	P/C	P/C	P/C	U	U	P/C	P/C	P/C	P/C	P/C	P/C	-	P	-	U	2	8-3.8.54	
Public safety stations including police, fire, and rescue services	P	P	P	U	U	P	P	P	P	P	P	P	P	-	U	2		
Public works facility	S	-	-	U	U	-	P	-	P	P	P	P	P	-	U	2		
Schools, elementary and secondary, including school stadiums	P/C	P/C	P/C	U	U	P/C	P/C	P/C	P	P/C	P/C	P/C	P/C	-	U	2	8-3.8.62	
Schools, vocational or professional	P/C	-	S	U	U	P/C	P/C	P/C	P	P/C	P/C	P/C	P/C	-	U	2	8-3.8.63	
Small Wireless Cells meeting the standards of 8-3.8.66. (E)	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C		8-3.8.66	
Stealth Towers, Wireless Support Structures,	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C		8-3.8.66	

P = Permit from Zoning Administrator	DISTRICTS														Land Use Code	Additional Conditions
S = S.U.P. from Board of Adjustment																
P/C = Permit from Zoning Administrator; use must meet additional conditions																
"-" = not permitted																
"U" = uses determined by underlying district																
USES	RES.					MIXED				COM. & IND.				ENV.		
	OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O	
Antennas; Substantial Modifications more than 60 feet tall																
Towers, antennas owned or operated by a government agency for a government purpose	P	P	P	U	U	P	P	P	P	P	P	P	P	P	U	8-3.8.66
Towers, Wireless Support Structures, Antennas; Substantial Modifications more than 60 feet tall	S	-	-	U	U	-	-	-	P/C	P/C	P/C	P/C	P/C	-	U	2 8-3.8.66
Towers, Wireless Support Structures and antennas 60 feet tall or less	S	-	-	U	U	-	-	-	P/C	P/C	P/C	P/C	P/C	-	U	8-3.8.66
Utilities, above ground	P/C	P/C	P/C	U	U	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	U	1 8-3.8.1
Utilities, below ground	P	P	P	U	U	P	P	P	P	P	P	P	P	P	U	1
Solar Energy Generating Facility	S												P/C		1	8-3.8.75
Yard waste composting	P	-	-	U	U	-	-	-	P	P	P	P	P	P	U	2
Professional Office And Medical Uses																
Clinics	-	-	-	U	U	P	P	P	P	P	P	P	P	-	U	2
Health services, miscellaneous	-	-	-	U	U	-	P	P	P	P	P	P	P	-	U	2
Hospital	-	-	-	U	U	P	P	P	P	P	P	P	P	-	U	3
Medical and surgical offices	-	-	-	U	U	P	P	P	P	P	P	P	P	-	U	2
Offices, professional	-	-	-	U	U	P	P	P	P	P	P	P	P	-	U	2
Optical services	-	-	-	U	U	P	P	P	P	P	P	P	P	-	U	2
Orthopedic supply houses	-	-	-	U	U	P	P	P	P	P	P	P	P	-	U	2
Pharmacy	-	-	-	U	U	P	P	P	P	P	P	P	P	-	U	2
Recreational Uses																
Arenas	S	-	-	U	U	-	-	-	S	P	P	P	P	-	U	4 8-3.8.9
Assembly halls, coliseums, armories, ballrooms, reception halls and exhibition buildings	-	-	-	U	U	S	P	P	P	P	P	P	P	-	U	3 8-3.8.9
Golf course and driving range	S	S	S	U	U	P/C	-	P	P	P	P	P	P	-	U	3 8-3.8.56
Park and open space areas including athletic fields	P	P	P	U	U	P	P	P	P	P	P	P	P	P	U	1
Recreational facilities, public or private	P/C	S	S	U	U	P	P	P	P	P	P	P	P	P	U	2 8-3.8.56
Recreation services, indoor	S	-	-	U	U	P	P	P	P	P	P	P	P	-	U	2 8-3.8.57
Recreation services, outdoor	P/C	S	S	U	U	P/C	P/C	P	P	P	P	P	P	-	U	2 8-3.8.57
Recreational vehicle park	S	-	-	U	U	-	-	-	-	P	-	P	P	-	U	2
Residential Uses																
Accessory dwelling unit-attached	P/C	P/C	P/C	U	U	P/C	P/C	P/C	-	P/C	-	-	-	-	U	1 8-3.8.3
Accessory dwelling unit-detached	P/C	P/C	P/C	U	U	P/C	P/C	P/C	-	P/C	-	-	-	-	U	1 8-3.8.3
Boarding or rooming house for up to 3 boarders	P/C	P/C	P/C	U	U	P/C	P/C	P/C	-	P	-	-	-	-	U	1 8-3.8.11

P = Permit from Zoning Administrator	DISTRICTS															Land Use Code	Additional Conditions
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USES	RES.					MIXED				COM. & IND.				ENV.		Land Use Code	Additional Conditions
	OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O		
Boarding or rooming house for 4 to 6 boarders	-	-	-	U	U	P/C	P/C	P/C	-	P	-	-	-	-	U	1	8-3.8.11
Cluster subdivisions	P	S	P	U	U	P	P	P	-	P	-	-	-	-	U	1	8-3.8.23
Dormitory	P/C	-	S	U	U	P/C	P/C	P/C	P	P/C	P/C	P/C	P/C	-	U	2	8-3.8.29
Manufactured home, Class A or Class B	-	-	-	P/C	U	-	-	-	-	-	-	-	-	-	U	1	8-3.8.41
Manufactured home, temporary	P/C	P/C	P/C	U	U	P/C	-	P/C	P/C	P/C	-	-	-	-	U	1	8-3.8.42
Manufactured home park	-	-	-	P/C	U	-	-	-	-	-	-	-	-	-	U	2	8-3.8.43
Manufactured home subdivision	-	-	-	P/C	U	-	-	-	-	-	-	-	-	-	U	2	8-3.8.44
Residential building, duplex	P/C	P/C	P/C	U	U	P/C	P/C	P/C	-	P	-	-	-	-	U	1	8-3.8.59
Residential building, multi-family	-	-	-	U	P/C	P/C	P/C	P/C	-	P/C	-	-	-	-	U	2	8-3.8.60
Residential building, single family	P	P	P	U	U	P	P	P	-	P	-	-	-	-	U	1	
Residential building, townhouse	P/C	-	P/C	U	P/C	P/C	P/C	P/C	-	P	-	-	-	-	U	2	8-3.8.60
Service Uses																	
Cemetery	P/C	P/C	P/C	U	U	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	-	U	2	8-3.8.18
Personal services	-	-	-	U	U	P	P	P	-	P	P	P	P	-	U	2	
Services A, business	-	-	-	U	U	P	P	P	P	P	P	P	P	-	U	2	
Services B, business	-	-	-	U	U	-	-	-	-	P/C	-	P	P	-	U	3	8-3.8.64
Terminal, bus or taxi	-	-	-	U	U	-	P	P	-	P	-	P	-	-	U	3	
Miscellaneous Uses																	
Accessory communication antennae	P/C	P/C	P/C	U	U	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	-	U	1	8-3.8.2
Airports	-	-	-	U	U	-	-	-	-	-	-	S	S	-	U	4	
Fairgrounds	P/C	-	-	U	U	-	-	-	P/C	P	P	P/C	P	-	U	4	8-3.8.30
Hazardous waste management facility	-	-	-	U	U	-	-	-	-	-	-	-	-	-	-	5	
Heliport	-	-	-	U	U	-	-	-	-	P/C	-	P/C	P/C	-	U	1	8-3.8.36
Recycling and Salvage Operation	-	-	-	U	U	-	-	-	-	-	-	P/C	P/C	-	U	3	8-3.8.74
Recycling center	-	-	-	U	U	-	-	-	P	P/C	P/C	P/C	P/C	-	U	3	8-3.8.58
Temporary seasonal uses and structures, including seasonal markets	P/C	-	P/C	U	U	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	U	1	8-3.8.67

8-3.4 DESIGN STANDARDS.

8-3.4.1 PURPOSE AND APPLICABILITY.

In order to insure that new development, renovations, and reconstructions are designed, sized, and sited to complement the area in which they are located and the character of the town in general; and to minimize traffic hazards and situations which endanger public safety; and to protect existing development and property values through the promotion of high standards of design and compatibility; and to provide for a high quality of life for our citizens by promoting a variety of housing styles, transportation choices, and well planned parks and open spaces; the following standards shall apply to all development in all zoning districts unless otherwise noted.

8-3.4.2 DESIGN STANDARDS FOR BUILDINGS.

A. Arcades, awnings, and canopies.

In order to promote the appropriate use of arcades, awnings, and canopies, the following standards shall apply to all arcades, awnings, and canopies on all buildings, unless otherwise noted.

A. Arcades, awnings, and canopies. <i>In order to promote the appropriate use of arcades, awnings, and canopies, the following standards shall apply to all arcades, awnings, and canopies on all buildings, unless otherwise noted.</i>		DISTRICTS														
		RES.					MIXED				COM. & IND.				ENV	
“X” means that the standard is required. “-” means that the standard is not required. “U” means that standards in the underlying district prevail.		OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O
(1)	Awnings and canopies, where provided, shall be placed at the top of window and door openings and shall relate to the shape of the top of the window or doorway.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	U
(2)	Awnings and canopies shall be made of canvas or similar material. Vinyl or metal awnings shall not be used unless they are constructed and designed to successfully mimic the style and appearance of canvas awnings or unless they are constructed of copper and designed as accent pieces for windows or doors.	-	-	-	U	U	-	X	-	-	-	-	-	-	-	U
(3)	No awning on any commercial, office, or institutional building, which encroaches on a sidewalk, shall extend out from the building more than two-thirds the width of the sidewalk or nine feet, whichever is less, nor shall it at any point be less than 7.5 feet above the sidewalk.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	U
(4)	Awnings and canopies shall be self-supporting from the wall; no supports shall rest on or interfere with the use of pedestrian walkways or streets.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	U
(5)	In no case shall any awning, canopy or arcade extend beyond the street curb or interfere with street trees or public utilities.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	U
(6)	Where provided, arcades shall cover the entire sidewalk from the building front to the sidewalk edge but shall not extend continuously from one building to the next.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	U
(7)	Where provided, arcades shall be designed as an integral part of the building and as such shall relate in design, placement, material, color, and scale to the building facade.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	U

B. Building height and width.

In order to define urban street space, foster compatibility between development sites, and to emphasize the downtown as the core of the community, the following standards shall apply to all buildings, unless otherwise noted.

B. Building height and width.		DISTRICTS														
		RES.					MIXED				COM. & IND.				ENV	
In order to define urban street space, foster compatibility between development sites, and to emphasize the downtown as the core of the community, the following standards shall apply to all buildings, unless otherwise noted.																
“X” means that the standard is required.		OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O
“-” means that the standard is not required.																
“U” means that standards in the underlying district prevail.																
(1)	Additions and new construction adjacent to the traditional town center should maintain the existing building wall pattern by extending the building front from side lot line to side lot line, except that an appropriate architectural wall or similar design feature may be used instead of a building extension.	-	-	-	U	U	-	X	-	-	-	-	-	-	-	U

C. Building presentation.

In order to have buildings that successfully address public streets and public places, the following standards shall apply to all buildings, unless otherwise noted.

C. Building presentation. <i>In order to have buildings that successfully address public streets and public places, the following standards shall apply to all buildings, unless otherwise noted.</i>		DISTRICTS														
		RES.					MIXED				COM. & IND.				ENV	
“X” means that the standard is required. “-” means that the standard is not required. “U” means that standards in the underlying district prevail.		OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O
(1)	Building façades shall be substantially parallel to the front property line except that: a) Corner buildings may be oriented to address the corner, and b) Buildings interior to a development site may be arranged to front a common courtyard, parking area, driveway, or private street.	X	X	X	X	X	X	X	X	X	X	X	X	-	X	U
(2)	All development sites shall front public streets, except in rural areas where private roads may serve up to five separate single family residential lots.	X	X	X	X	X	X	X	X	X	X	X	X	X	-	U
(3)	Each dwelling in a duplex located on a corner or through lot shall front a separate street whenever practicable except where access is restricted or where the town determines that access to an adjacent street is not desirable.	X	X	X	X	X	X	X	X	-	X	-	-	-	-	U
(4)	Any side of a non-residential building that is not intended to serve the public shall be screened from public view and the view of adjacent properties to the extent that all loading, storage, solid waste, maintenance equipment (brooms, mops, buckets, etc) and similar items are not visible to the public.	-	-	-	U	U	X	X	X	X	X	X	X	-	-	U
(5)	Any side of a building that faces an arterial or collector street shall be treated as a building façade.	-	-	X	U	X	X	X	X	X	X	-	-	-	-	U

D. Exterior materials.

In order to have buildings clad with a type, texture, and color of material that relates to natural material elements found in Davie County, and which respects our history and the area of town in which the building is located, the following standards shall apply to all building exteriors, unless otherwise noted.

“X” means that the standard is required. “-” means that the standard is not required. “U” means that standards in the underlying district prevail.		OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O
(1)	Additions and new construction shall use facing materials that are compatible in quality, color, texture, finish, and dimension to those common in the downtown area. Acceptable materials include, but may not be limited to, brick, stone (synthetic or natural), stucco or wood.	-	-	-	U	U	-	X	-	-	-	-	-	-	-	U
(2)	Under no circumstances shall metal or vinyl siding be used on any structure except that vinyl and aluminum imitation clapboard siding and shakes may be used as accent pieces on all floors above the ground level floor. <i>(This does not prohibit the use of durable metal or vinyl accent pieces or columns on street level surfaces when such are made to mimic traditional detailing (cornices, trim pieces, moldings, etc.))</i>	-	-	-	U	U	-	X	-	-	-	-	-	-	-	U
(3)	Large modular materials shall be avoided or used only as accent pieces on street fronting façades. <i>(Applies only to non-residential and non-industrial buildings.)</i>	X	X	X	X	X	X	X	X	X	X	X	X	X	-	U
(4)	Paint colors used on non-residential buildings shall be of low reflectance, subtle, neutral, or earth tone colors or shall relate to natural material colors found within the town generally or on neighboring historic buildings. Contrasting colors of brighter hues, including pastels, may be used to accent architectural details and entrances.	-	-	-	U	U	-	X	-	-	-	-	-	-	-	U
(5)	Roof and exterior wall colors shall be low-reflecting. <i>(This does not apply to single family homes or duplexes.)</i>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	U

E. Façades, windows, and roofs.

In order to have well designed façades that add to the town's architectural inventory and that provide visual interest to the pedestrian, the following standards shall apply to all façades, windows, and roofs.

		DISTRICTS														
		RES.					MIXED				COM. & IND.				ENV	
		OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O
“X” means that the standard is required.																
“-” means that the standard is not required.																
“U” means that standards in the underlying district prevail.																
(1)	New construction and additions to or remodeling of existing buildings in all commercial and mixed use zoning districts shall maintain a clear visual division between street level and any upper floors.	-	-	-	U	U	X	X	X	X	X	X	-	-	-	U

"X" means that the standard is required. "-" means that the standard is not required. "U" means that standards in the underlying district prevail.		OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O
(2)	Retail activities within buildings shall be oriented toward the street and have direct access from sidewalks through storefront entrances.	-	-	-	U	U	-	X	X	-	-	-	-	-	-	U
(3)	No publicly accessed building front shall remain unbroken (unpierced) by a window, architectural element, entrance or functional general access doorway for more than 100 feet. <i>(This standard shall not apply to industrial buildings located in the SP, CB, or GI districts. This does not apply to single family homes or duplexes.)</i>	-	-	-	U	U	X	X	X	X	X	X	X	X	-	U
(4)	The primary entrance to a building shall be architecturally and functionally designed on the front façade of the building facing the primary public street. <i>(This does not apply to single family homes or duplexes.)</i>	-	-	-	U	U	-	X	X	-	-	-	-	-	-	U
(5)	Building entrances shall be emphasized using design (massing), architectural features, and changes in the roofline. <i>(This does not apply to single family homes or duplexes.)</i>	-	-	-	U	U	X	X	X	X	X	X	-	-	-	U
(6)	No less than 50% of the horizontal distance of any building front shall be designed with arcades, windows, entrances, awnings, architectural elements including but not limited to pilasters, wall control joints, building appendages, screen walls, or changes in parapet wall heights. <i>(This standard does not apply to industrial buildings in the SP or CB districts. This does not apply to single family homes or duplexes.)</i>	-	-	-	U	U	X	X	X	X	X	X	X	X	-	U
(7)	Buildings with uses serving the public shall have recessed or covered doorways at each building front to shelter customers from the weather. <i>(This standard does not apply to industrial buildings in the SP or CB districts.)</i>	-	-	-	U	U	-	X	X	X	X	X	X	-	-	U
(8)	New construction and remodeling of existing buildings shall maintain the prevalent pattern and spacing of the windows and doorways on historic downtown buildings. <i>(This does not apply to single family homes or duplexes.)</i>	-	-	-	U	U	-	X	-	-	-	-	-	-	-	U
(9)	Windows on the street level front of commercial buildings shall constitute at least twenty percent and not more than fifty percent of the front façade. Windows on subsequent levels shall be a minimum of fifteen square feet each. <i>(This does not apply to single family homes or duplexes.)</i>	-	-	-	U	U	-	X	X	-	-	-	-	-	-	U
(10)	Display windows on commercial buildings shall be clear, transparent glass and shall not be lower than twelve inches above the sidewalk (including the lintel).	-	-	-	U	U	-	X	X	-	-	-	-	-	-	U
(11)	Frames and sashes for windows shall be of wood, vinyl, or pre-finished metal and shall have stone, brick, or cast concrete lintels and sills. <i>(This does not apply to single family homes or duplexes.)</i>	-	-	-	U	U	-	X	-	-	-	-	-	-	-	U

(12)	Window glass in non-residential buildings shall always be set back from the building face rather than flush.	-	-	-	U	U	-	X	X	-	-	-	-	-	-	U
(13)	Architectural embellishments that add visual interest to a façade or roof such as dormers, belvederes, masonry chimneys, cupolas, clock towers, and other similar elements are <i>encouraged</i> . (<i>This does not apply to single family homes or duplexes.</i>)	X	X	X	U	U	X	X	X	X	X	X	X	X	-	U

F. Location.

In order to use location as a means of encouraging compatibility of design and use on individual development sites and between zoning districts, the following standards shall apply to all lots, unless otherwise noted.

F. Location. In order to use location as a means of encouraging compatibility of design and use on individual development sites and between zoning districts, the following standards shall apply to all lots, unless otherwise noted.		DISTRICTS														
		RES.					MIXED				COM. & IND.				ENV	
“X” means that the standard is required. “-” means that the standard is not required. “U” means that standards in the underlying district prevail.		OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O
(1)	Multi-family, mixed use, nursing care, and progressive care community buildings containing dwellings shall be set back a minimum of fifteen feet from internal driveways and parking areas	X	X	X	X	U	X	X	X	X	X	-	-	-	-	U
(2)	A build-to line shall be established along all block fronts, including lots that front public spaces, in all new subdivisions. The build-to line shall be consistent across block fronts and shall comply with minimum setback requirements for the district. A minimum percentage build-out at the build-to line shall be established on the plan along all streets and public square frontages.	X	X	X	U	U	X	X	X	X	X	X	-	-	-	U

G. Residential design.

In order to promote thoughtful residential design that will result in the creation and maintenance of strong, vibrant neighborhoods, the following standards shall apply to all residential buildings, unless otherwise noted.

G. Residential design. In order to promote thoughtful residential design that will result in the creation and maintenance of strong, vibrant neighborhoods, the following standards shall apply to all residential buildings, unless otherwise noted.		DISTRICTS														
		RES.					MIXED				COM. & IND.				ENV	
		OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O
“X” means that the standard is required. “-” means that the standard is not required. “U” means that standards in the underlying district prevail.																
(1)	Decks and patios shall only be installed on the side or rear of the house. <i>(This shall not in any way affect handicap ramps or the use of decking materials in the creation of a traditional front porch. This does not apply to single family homes or duplexes.)</i>	X	X	X	X	X	X	X	X	-	-	-	-	-	-	U
(2)	Porches shall be permitted to extend up to five feet into a required front yard.	X	X	X	X	X	X	X	X	-	-	-	-	-	-	U
(3)	Garages and carports, if provided, shall be placed flush with or behind the front wall area of the principle structure on residential buildings located in the town center district or established historic districts within the town. If possible, garages shall be side or rear loading. <i>(This does not apply to single family homes or duplexes.)</i>	X	X	X	X	X	X	X	-	-	-	-	-	-	-	U
(4)	Garages and carports accessed by an alley shall be setback less than five feet or more than eighteen feet from the edge of pavement of the alleyway. <i>(This does not apply to single family homes or duplexes.)</i>	X	X	X	X	X	X	X	X	-	-	-	-	-	-	U

H. Size, scale, and compatibility of design.

In order to promote compatibility of design within the built environment while encouraging creativity and variety, the following standards shall apply to all buildings, unless otherwise noted.

H. Size, scale, and compatibility of design. In order to promote compatibility of design within the built environment while encouraging creativity and variety, the following standards shall apply to all buildings, unless otherwise noted.		DISTRICTS														
		RES.					MIXED				COM. & IND.				ENV	
“X” means that the standard is required. “-” means that the standard is not required. “U” means that standards in the underlying district prevail.		OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O
(1)	Large multi-family buildings shall be broken down in scale by exterior architectural features (e.g. by designing the façade to mimic the appearance of multiple contiguous buildings).	-	-	-	U	X	X	X	X	X	X	X	-	-	-	U
(2)	Building or store entrances in commercial and mixed use districts serving the public shall occur at least once every 150 feet along a building façade. <i>(This standard shall not apply to industrial buildings.)</i>	-	-	-	-	-	X	X	X	X	X	-	-	-	-	U
(3)	No single multi-family development shall contain more than 10 acres or 140 units.	X	-	X	U	X	X	X	X	-	X	-	-	-	-	U
(4)	Wall articulations (or breaks in the façade or roofline) shall be designed into all non-residential buildings not less than every 60 feet or more than every 160 feet along the building façade. <i>(This standard shall not apply to industrial buildings in the CB, SP, or GI districts. This does not apply to single family homes or duplexes.)</i>	-	-	-	-	-	X	X	X	X	X	X	X	X	-	U
(5)	Wall articulations (or breaks in the façade or roofline) shall be designed into all multi-family residential buildings not less than every 40 feet or more than every 10 feet along the building façade.	X	-	X	U	X	X	X	X	-	X	-	-	-	-	U

8-3.4.3 DESIGN STANDARDS FOR LOTS.**A. Lot size and configuration.**

The following standards shall apply to all lots, unless otherwise noted.

A. Lot size and configuration. <i>The following standards shall apply to all lots, unless otherwise noted.</i>		DISTRICTS														
		RES.					MIXED				COM. & IND.				ENV	
		OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O
“X” means that the standard is required. “-” means that the standard is not required. “U” means that standards in the underlying district prevail.																
(1)	Flag lots and zero frontage lots shall be permitted within single family subdivisions and industrial parks, including all phases, serving not more than five lots where a shared driveway or private street provides access as long as: (a) The building numbers served by the driveway/street are posted next to the public street and again where access to individual lots intersects the shared driveway/street, (b) A legally binding shared driveway and/or private street use and maintenance agreement is filed at the Register of Deeds of Davie County, and (c) The shared driveway or private road is shown, along with all appropriate and necessary easements, on a recorded plat and a note is attached thereto stipulating the use of the driveway and referencing any recorded agreements.	X	-	-	U	U	-	-	-	-	-	-	-	-	-	U
(2)	Flag lots and zero frontage lots shall be permitted to serve above ground utility sites.	X	X	X	U	U	X	X	X	X	X	X	X	X	X	U
(3)	All new lots shall meet the dimensional requirements listed in section 8-3.3.	X	X	X	U	U	X	X	X	X	X	X	X	X	X	X

B. Access.

The intent of these standards is to promote safe, convenient, and sufficient access to all properties by vehicles, pedestrians, and bicyclists. The following standards shall apply to all uses, unless otherwise noted.

B. Access. <i>The intent of these standards is to promote safe, convenient, and sufficient access to all properties by vehicles, pedestrians, and bicyclists. The following standards shall apply to all uses, unless otherwise noted.</i>		DISTRICTS													
		RES.					MIXED				COM. & IND.				ENV
		OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP
“X” means that the standard is required. “-” means that the standard is not required. “U” means that standards in the underlying district prevail.															
(1)	All vehicular access to a development containing multiple destinations (e.g. malls, strip centers, multiple building developments, etc.) shall be provided by means of a shared driveway, side street, or frontage road. <i>(This standard shall not apply to industrial buildings in the CB, SP, or GI districts.)</i>	-	-	-	-	X	X	X	X	X	X	X	X	-	U

"X" means that the standard is required. "-" means that the standard is not required. "U" means that standards in the underlying district prevail.		OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O
(2)	No new driveway on any development site, which accesses a major arterial or collector street with a posted speed limit in excess of 35 mph and an average daily traffic volume greater than 5000 vehicles per day, shall be created less than 80 feet from an existing driveway except where such prohibition would deny access to the property or where a safe sight distance cannot be achieved otherwise.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
(3)	No new driveway on any development site shall be created less than 80 feet from a street intersection except where such prohibition would deny access to the property or where a safe sight distance cannot be achieved otherwise.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
(4)	The approaches to loading and unloading areas in mixed use and commercial districts shall be designed to minimize conflict with onsite vehicular, pedestrian, and bicycle traffic and with adjacent residential uses.	-	-	-	U	U	X	X	X	X	X	X	X	-	-	U
(5)	Buildings with uses requiring public access shall provide the primary pedestrian access from the street front.	-	-	-	U	U	X	X	X	-	-	-	-	-	-	U
(6)	At least one driveway or other vehicular link shall be provided between adjacent mixed use and commercial properties, such as shops and offices, that require public access.	-	-	-	U	U	X	X	X	X	X	X	X	X	-	U
(7)	Driveways shall be paved with a minimum ten foot wide apron made of asphalt, concrete, or similar hard material suitable for driveway use which extends at least ten feet from the edge of the public street to prevent washout into the public street and to protect the edge of pavement.	X	X	X	U	U	-	-	-	-	-	-	-	X	-	U
(8)	Whenever practicable, driveways shall be aligned with driveways on the opposite side of the public street.	-	-	-	U	U	X	X	X	X	X	X	X	X	X	U
(9)	Shared driveways are <i>encouraged</i> .	X	X	X	U	U	X	X	X	X	X	X	X	X	X	U
(10)	Private roads that serve up to five single family detached residential lots may be permitted by the town on a case-by-case basis.	X	-	-	-	-	-	-	-	-	-	-	-	-	-	U
(11)	A multi-family, townhouse, commercial or industrial development site consisting of one or more legal lots of record which is developed under a coordinated, approved site specific plan may be permitted, on a case by case basis, to be served by a private street network and shall only be required to abut a public street along some portion of the development site the minimum distance of which shall be determined by the town to be adequate for public and emergency vehicle access but which shall not be less than thirty-five feet.	X	X	X	U	X	X	X	X	X	X	X	X	X	-	U

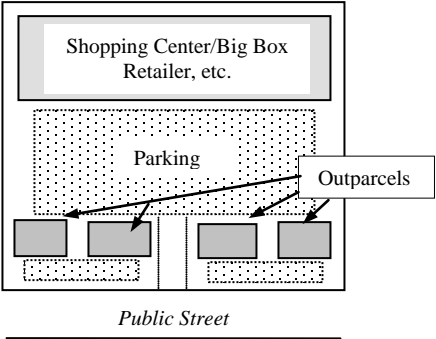
(12)	The number of driveway intersections along major arterial streets with a posted speed limit in excess of 35 mph and an average daily traffic volume greater than 5000 vehicles per day shall be minimized whenever practicable, but in no case shall there be more than one driveway per street frontage on a lot or development site except:																	
	(a) Where street frontage exceeds 700 feet there may be two driveways, and	X	X	X	U	U	X	X	X	X	X	X	X	X	X	X	-	U
	(b) Where street frontage exceeds 1200 feet, three such points may be allowed, but																	
	(c) Three driveways shall be the maximum allowable on any street frontage.																	

8-3.4.4 DESIGN STANDARDS FOR PARKING AND LOADING/UNLOADING AREAS.

In order to have safe, well designed parking areas that successfully accommodate the pedestrian and are subordinate in design and appearance to adjacent buildings, the following standards apply to all accessory and principle use parking lots in all districts unless otherwise noted.

A. Location.

A. Location.		DISTRICTS														
		RES.					MIXED				COM. & IND.				ENV	
		OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O
“X” means that the standard is required. “-” means that the standard is not required. “U” means that standards in the underlying district prevail.																
(1)	Parking shall be located primarily to the rear of the principle building and may be accessed from the front, side, or rear of the property. No more than two rows of parking shall be located between a primary façade and the street. <i>(This standard does not apply to retail stores, shopping centers, or industrial buildings in the CB, SP or GI districts.)</i>	-	-	-	-	-	X	-	-	X	-	X	X	X	-	U
(2)	Onsite parking shall be located primarily to the rear of the principle building and may be accessed from the front, side, or rear of the property. None of the parking provided shall be located between a primary façade and a public street.	-	-	-	-	X	-	X	X	-	-	-	-	-	-	U

(3)	<p>On multi-building development sites where the principle buildings are located close to the perimeter of the development site, parking may be permitted to be located in the front of any building which does not front a public street (such as an interior courtyard parking arrangement). On such sites, any street fronting portion of the development, whether for lease or sale, which is intended to provide screening between the public street and interior parking lot(s) but which has not yet been developed shall, in addition to outparcel landscaping requirements, be subject to the landscaping and screening requirements for parking lots adjacent to street frontages prior to issuance of a certificate of occupancy for any use on site after the interior parking lot is constructed. At the discretion of the planning director, such additional landscaping may be incorporated into the parking lot itself instead of the outparcel and may only be required for that portion of the lot which is exposed to the public street.</p> 																	
(4)	<p>Parking lots and parking garages shall not abut an intersection of arterial streets or occupy lots which terminate a vista (a distant view through or along a street or public space).</p>	-	-	-	-	X	X	X	X	-	X	-	-	-	-	-	-	U
(5)	<p>On-street parking directly in front of the zoning lot shall count toward fulfilling the parking requirement of that lot.</p>	-	-	-	-	X	X	X	-	-	-	-	-	-	-	-	-	U

B. Connectivity.

B. Connectivity.		DISTRICTS														
		RES.					MIXED				COM. & IND.				ENV	
“X” means that the standard is required. “-“ means that the standard is not required. “U” means that standards in the underlying district prevail.		OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O
(1)	New parking areas on adjacent non-residential and non-industrial lots shall be connected unless the town determines that topography or other natural features prevents it.	-	-	-	-	-	X	X	X	X	X	X	X	X	X	U
(2)	All off-street parking shall be served by interior circulation drives. No private off-street parking spaces shall directly connect to public streets.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	U

C. Paving.

C. Paving.		DISTRICTS														
		RES.					MIXED				COM. & IND.				ENV	
		OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O
“X” means that the standard is required. “-” means that the standard is not required. “U” means that standards in the underlying district prevail.																
(1)	All driveway and parking areas shall be paved with asphalt, concrete, or brick pavers except for areas used for overflow, special events, and peak parking. <i>(This standard does not apply to single family detached residential lots and shall only apply to that portion of an industrial lot that is used for and serves employee and/or visitor parking.)</i>	X	X	X	U	U	X	X	X	X	X	X	X	X	-	U
(2)	Any non-paved surface used for overflow, special events, and peak parking that cannot be maintained with healthy, living turf grass or similar ground cover shall be paved with asphalt, concrete, pervious pavement or brick pavers. <i>(This standard does not apply to single family detached residential lots.)</i>	X	X	X	U	U	X	X	X	X	X	X	X	X	-	U
(3)	Any non-paved surface used for parking or driveways on industrial sites shall be maintained with crushed rock, stone, gravel, or similar material.	-	-	-	U	U	X	X	X	X	X	X	X	X	-	U

D. Aisles.

D. Aisles.		DISTRICTS														
		RES.					MIXED				COM. & IND.				ENV	
		OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O
“X” means that the standard is required. “-” means that the standard is not required. “U” means that standards in the underlying district prevail.																
(1)	No more than two parking aisles (defined as a travel lane and the parking located on each side) shall abut. Otherwise, parking aisles shall be separated from each other by planted medians which may include pedestrian walkways. (See section 8-3.5 for landscaping requirements.) As an alternative for parking lots designed for any single large retail store or any shopping center containing 300 or more parking spaces, up to 4 parking aisles may abut provided the interior landscaping and design requirements for large parking lots are met within the parking lot excluding any perimeter, streetyard, internal driveway, required buffer, or other landscape area required by Section 8-3.5 Landscaping. The maximum distance between required landscape medians shall be no greater than 250 feet.	X	X	X	U	U	X	X	X	X	X	X	X	X	-	U
(2)	No more than fifteen(15) parking spaces shall be contiguous and adjoining in a single row of parking spaces except as provided for large parking lot landscaping and design in Section 8-3.5, Landscaping.	X	X	X	U	U	X	X	X	X	X	X	X	X	X	U
(3)	Aisles shall be a minimum of 24 feet in width if serving two-way traffic and a minimum of 12 feet in width if serving one-way traffic.	X	X	X	U	U	X	X	X	X	X	X	X	X	X	U
(4)	No parking aisle serving the general public that contains more than 10 parking spaces shall deadend. Any parking aisle that deadends shall be provided a suitable turnaround.	X	X	X	U	U	X	X	X	X	X	X	X	X	X	U

E. Spaces and loading/unloading areas.

		DISTRICTS														
		RES.					MIXED				COM. & IND.				ENV	
		OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O
“X” means that the standard is required. “-” means that the standard is not required. “U” means that standards in the underlying district prevail.																
(1)	Required parking shall be provided on-site or adjacent to the development site requiring the parking. Shared parking areas are encouraged and shall be permitted whenever the zoning administrator determines that the minimum parking requirements can be met for each use.	X	X	X	U	U	X	X	X	X	X	X	X	X	-	U
(2)	Parking spaces shall be clearly marked on the ground for all uses except single family detached residential.	X	X	X	U	U	X	X	X	X	X	X	X	X	X	U
(3)	No parking space shall measure less than nine feet in width and eighteen feet in length.	X	X	X	U	U	X	X	X	X	X	X	X	X	X	U
(4)	Parking shall be provided at the rate of one space per 500 square feet of gross floor area except for the following: (a) Office uses shall have at least one space per 300 gross square feet of building area. (b) Warehouse uses shall have at least one space per each employee on the shift with highest employment plus one space per each vehicle in business use. (c) Schools shall have at least one space per employee, one space per five students, and one space per each school bus kept on site. (d) Private parking is not required for uses located within the TC district. (e) Shopping centers shall have at least three spaces per 1,000 square feet of gross floor area. (f) Industrial uses shall have at least one space per 1,000 square feet of gross floor area. (g) Single family and duplex residential units shall have at least two spaces per unit. (h) Multi-family residential units shall have at least 1 1/2 spaces per unit. (i) Civic, social and fraternal organizations shall have at least 1 space per 250 square feet of gross floor area. (j) Auditoriums and places of public assembly shall have at least 1 space per 6 seats or 1 space per 50 square feet of gross floor area if no seats are provided.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	U

(5)	In addition to required parking spaces, drive-thru facilities shall provide a minimum of five stacking spaces per drive-thru facility, window, or bay, except for the following: (a) Fast food restaurants shall have an additional five stacking spaces. A minimum of five of the total stacking spaces shall be located at or prior to the ordering station. (b) Non-automated car washes shall only be required to have a minimum of two stacking spaces per bay, one of which is located for use as a dry down area. (c) Automated car washes shall be required to have an additional two stacking spaces per bay.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-	U
(6)	Stacking spaces shall be located entirely outside of a required driveway or parking aisle needed to access required parking spaces,	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-	X
(7)	Adequate onsite turnaround area shall be provided for all parking spaces.	X	X	X	U	U	X	X	X	X	X	X	X	X	X	X	U
(8)	Adequate onsite turnaround area shall be provided for all loading and unloading areas.	-	-	-	U	U	X	X	X	X	X	X	X	X	X	-	U

8-3.4.5 DESIGN STANDARDS FOR SERVICES AND UTILITIES.

In order to subordinate the appearance of services and utilities on individual sites and throughout the town's jurisdiction, the following standards shall apply to all services and utilities in all districts unless otherwise noted.

A. Mechanical equipment.

A. Mechanical equipment.		DISTRICTS														
		RES.					MIXED				COM. & IND.				ENV	
		OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O
“X” means that the standard is required. “-” means that the standard is not required. “U” means that standards in the underlying district prevail.																
(1)	Mechanical equipment at ground level shall be placed on the parking lot side of buildings away from public streets and buildings on adjacent sites, except for non-multi-family residential uses and industrial buildings in the SP and GI districts. All such equipment shall be substantially screened from public view.	X	X	X	X	X	X	X	X	X	X	X	X	X	-	X
(2)	Mechanical equipment and antennas located on rooftops shall be camouflaged as a normal architectural feature of the building, or hidden by a decorative cornice or parapet wall, as seen from the ground.	-	-	-	-	-	X	X	X	-	-	-	-	-	-	U

B. Utility lines and equipment.

B. Utility lines and equipment.		DISTRICTS														
		RES.					MIXED				COM. & IND.				ENV	
		OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O
“X” means that the standard is required. “-” means that the standard is not required. “U” means that standards in the underlying district prevail.																
(1)	All utility equipment (includes meters, boxes, valves, etc. but does not include overhead power lines, light poles, and similar equipment) shall be designed and located to be as inconspicuous as possible and shall not be located on the street-side of a principal structure, except industrial buildings located in the SP and GI districts.	-	-	-	-	-	X	X	X	X	X	X	X	X	-	U
(2)	All utility lines serving new development or subdivisions shall be placed underground whenever practicable.	X	X	X	U	U	X	X	X	X	X	X	X	X	X	U
(3)	Utilities shall run along alleys whenever practicable.	X	X	X	U	U	X	X	X	X	X	X	X	X	X	U

C. Trash, garbage, and recycling.

C. Trash, garbage, and recycling.		DISTRICTS														
		RES.					MIXED				COM. & IND.				ENV	
		OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O
“X” means that the standard is required. “-” means that the standard is not required. “U” means that standards in the underlying district prevail.																
(1)	All trash and recycling receptacles and storage areas shall be located away from public streets and screened entirely from public view.	-	-	-	-	X	X	X	X	X	X	X	X	X	X	U
(2)	All non-vegetative screening used to block public view of trash and recycling receptacles and storage areas shall be made of materials compatible in color and type to the principle structure(s) on the property.	-	-	-	-	X	X	X	X	X	X	X	X	-	X	U

D. Drive-thru windows and similar accessories.

D. Drive-thru windows and similar accessories.		DISTRICTS														
		RES.					MIXED				COM. & IND.				ENV	
		OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O
“X” means that the standard is required. “-” means that the standard is not required. “U” means that standards in the underlying district prevail.																
(1)	Drive–thru windows, freestanding ATMs, fuel pumps and similar devices shall only be placed in areas that will not interfere with the safe movement of pedestrians and vehicles in parking and driveway areas.	-	-	-	-	-	X	X	X	X	X	X	X	X	-	U
(2)	Drive–thru windows, freestanding ATMs, fuel pumps and similar devices shall not be placed between the primary façade of a building and the public street. <i>(This standards does not apply to industrial uses located in the GI and SP districts.)</i>	-	-	-	-	-	X	X	X	X	X	X	X	X	-	U
(3)	Drive-thru services are <i>discouraged</i> in the Town Center district. If provided, they shall be located to the rear or side of buildings away from public streets.	-	-	-	-	-	-	X	-	-	-	-	-	-	-	U

E. Engineered stormwater control facilities.

E. Engineered stormwater control facilities.		DISTRICTS														
		RES.					MIXED				COM. & IND.				ENV	
		OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O
“X” means that the standard is required. “-” means that the standard is not required. “U” means that standards in the underlying district prevail.																
(1)	All stormwater detention and/or retention ponds and basins shall be designed as an integral part of the development site and shall be aesthetically pleasing (e.g. neatly landscaped, well-maintained, vegetated slopes, decorative fencing if fencing is used, etc.).	-	-	-	-	-	X	X	X	X	X	X	X	X	-	U

8-3.4.6 DESIGN STANDARDS FOR NATURAL RESOURCE AREAS.

In order to protect our natural resources while continuing to support healthy economic growth, the following standards shall apply to all natural resource areas and features in all zoning districts unless otherwise noted.

		DISTRICTS														
		RES.					MIXED				COM. & IND.				ENV	
		OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O
“X” means that the standard is required. “-“ means that the standard is not required. “U” means that standards in the underlying district prevail.																
(1)	Piping or channeling creeks and streams shall be avoided whenever practicable.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
(2)	Natural landscapes and areas of mature trees, especially near creeks, streams, and lakes shall be protected during development.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
(3)	Naturalized stream banks shall be maintained whenever practicable. Rip rap and similar devices shall be avoided.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
(4)	Stream crossings by streets and trails shall be avoided unless necessary to provide or maintain connectivity.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
(5)	Open space systems shall be designed to incorporate and protect significant natural features whenever practicable.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

8-3.4.7 DESIGN STANDARDS FOR STREETS, SIDEWALKS, TRAILS, AND PEDESTRIAN PATHWAYS.

In order to have a safe, efficient, well connected street network and to promote a safe, efficient, integrated system of pedestrian facilities throughout the town's jurisdiction, the following standards shall apply to all streets, sidewalks, trails, and pedestrian pathways in all zoning districts unless otherwise noted.

A. Streets.

A. Streets.		DISTRICTS														
		RES.					MIXED				COM. & IND.				ENV	
		OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O
“X” means that the standard is required. “-” means that the standard is not required. “U” means that standards in the underlying district prevail.																
(1)	Cul-de-sacs shall be permitted only where necessary due to topography or other environmental conditions, and shall not be allowed to extend more than 1000 feet nor serve more than ten lots.	-	X	X	U	U	X	X	X	X	X	X	X	X	X	U

(2)	Streets shall interconnect where practicable.	-	X	X	U	U	X	X	X	-	X	-	-	-	-	U
(3)	Planted medians shall be constructed on new streets with four or more lanes.	X	X	X	U	U	X	X	X	X	X	X	X	X	X	U
(4)	All streets shall be designed and maintained for public access except for private streets approved by the town.	X	X	X	U	U	X	X	X	X	X	X	X	X	X	U
(5)	Local streets serving commercial and mixed use areas shall be designed to permit on-street parking where practicable.	X	X	X	U	U	X	X	X	X	-	-	-	-	-	U
(6)	Street design and location shall, whenever practicable, follow topographical changes to avoid excessive cuts and fills.	X	X	X	U	U	X	X	X	X	X	X	X	X	X	U
(7)	Streets shall be designed and located in such a way to avoid the destruction of significant trees and natural areas identified as part of a tree protection plan.	X	X	X	U	U	X	X	X	X	X	X	X	X	X	U
(8)	Street stubs with a suitable temporary turnaround shall be provided within developments adjacent to open land to provide for future connections where practicable.	X	X	X	U	U	X	X	X	X	X	X	X	X	X	U
(9)	Long segments of straight local streets shall be prevented by intersections designed to:															
	(a) Disperse traffic flow and reduce speeds, thereby eliminating the creation of <i>de facto</i> collector streets with high speed, high volume traffic; and	X	X	X	U	U	X	X	X	X	X	X	X	-	X	U
	(b) Terminate vistas with a significant natural feature, a building, a small park, or other public space.															

B. Sidewalks, trails, and pedestrian pathways.

B. Sidewalks, trails, and pedestrian pathways.		DISTRICTS														
		RES.					MIXED				COM. & IND.				ENV	
		OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O
“X” means that the standard is required. “-” means that the standard is not required. “U” means that standards in the underlying district prevail.																
(1)	Sidewalks shall be installed where indicated and to the specifications shown in the Town of Mocksville Sidewalk Plan.	X	X	X	U	U	X	X	X	X	X	X	X	X	X	U
	Sidewalks shall not be required if it is determined that the provision of such improvement will not provide needed linkages or connections to existing or planned pedestrian improvements.	X	X	X	U	U	X	X	X	X	X	X	X	X	X	U
	Sidewalks shall not be required in areas where it is determined to be a safety hazard to vehicular or pedestrian traffic.	X	X	X	U	U	X	X	X	X	X	X	X	X	X	U
	Sidewalks shall not be required on renovations or expansions where such work does not increase occupancy levels or intensity or use or modify existing parking areas, vehicular access or circulation patterns.	X	X	X	U	U	X	X	X	X	X	X	X	X	X	U
	When it is determined that the installation of a sidewalk is not required a five (5) foot easement shall be reserved for a future construction of the sidewalk.	X	X	X	U	U	X	X	X	X	X	X	X	X	X	U
(2)	Balconies, bay windows, arcades, and porches located on upper levels in mixed use districts, as well as their supports	-	-	-	-	-	X	X	X	X	-	-	-	-	-	U

	at ground level may encroach over the public sidewalk. An encroachment agreement shall be entered into by the property owner and the town prior to construction of any such appurtenance.																	
(3)	Trails shall be paved in concrete, asphalt, or any loose material that can be installed and maintained to meet <i>Americans with Disability Act</i> requirements. If loose material is used, a hard edge shall be provided to contain the material.	X	X	X	U	U	X	X	X	X	X	X	X	X	X	X	X	U
(4)	Sidewalks shall be paved with concrete, brick, or other durable material acceptable to the town.	X	X	X	U	U	X	X	X	X	X	X	X	X	X	X	X	U
(5)	Pedestrian crosswalks shall be incorporated into the design and construction of public and private streets in all mixed use and commercial districts wherever pedestrians are likely to cross the street (e.g. at intersections and mid block).	-	-	-	U	U	X	X	X	X	X	X	-	-	-	-	U	

8-3.4.8 DESIGN STANDARDS FOR LIGHTING.

In order to reduce light pollution and light trespass, the following standards shall apply to all lighting in all districts except on single family detached residential lots, unless otherwise noted.

		DISTRICTS														
		RES.					MIXED				COM. & IND.				ENV	
		OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O
“X” means that the standard is required. “-” means that the standard is not required. “U” means that standards in the underlying district prevail.																
(1)	Projections of light shall be confined to stay within property lines to prevent light trespass.	X	X	X	U	U	X	X	X	X	X	X	X	X	X	U
(2)	Light poles shall be limited to 30 feet in height.	-	-	-	U	U	-	-	-	-	X	X	X	X	-	U
(3)	All exterior lighting shall use cut-off type fixtures to minimize the component of light above horizontal (glare).	X	X	X	U	U	X	X	X	X	X	X	X	X	X	U
(4)	Emergency lighting, used by police, firefighting, or medical personnel, or at their direction, is exempt from all lighting requirements herein for as long as the emergency exists. Lighting installed for the purpose of public safety or security on publicly owned facilities is exempt from all lighting requirements herein to the extent deemed necessary by the Town Manager. Facilities may include schools, parks, public works and utilities, and other similar uses.	X	X	X	U	U	X	X	X	X	X	X	X	X	X	U

8-3.5 LANDSCAPING, FENCES AND WALLS, AND OPEN SPACE.

8-3.5.1 LANDSCAPING.

In order to maintain and enhance Mocksville's existing tree coverage, to promote careful landscaping of outdoor areas, to soften and enhance the manmade environment, and to promote the design and construction of appropriate walls and fences, the following standards shall apply in all zoning districts unless otherwise noted.

(A) General.

- (1) Commercial outparcels shall be landscaped while vacant to maintain an attractive appearance. Landscaping shall consist of turf grass, shrubs, trees, or any other vegetative cover that will secure the soil and create an attractive appearance.
- (2) All required plantings installed shall be nursery grown stock that is free from disease or growth problems and shall comply with the latest edition of the *American Standards for Nursery Stock*, published by the American Nurserymen's Association.
- (3) All required plantings shall be installed in a manner that insures the availability of sufficient soil and water for healthy growth and that is not intrusive to above and below ground utilities. All required plants are encouraged to be drought tolerant species.
- (4) Only landscaping and approved fences and walls shall be permitted within a required buffer or streetyard area, except that sidewalks and other pedestrian walkways, bicycle paths, aboveground utilities, drainageways, and approved signs shall be permitted where they do not comprise more than twenty percent of the total area of the required buffer or streetyard. Underground utilities are permitted wherever they do not interfere with the ability to provide the required buffer or streetyard area and landscaping.
- (5) Clustering and/or random spacing of plants and trees is encouraged to produce a natural appearance in the landscape, except where uniformity is required for opaque screening.
- (6) Landscaping, including berms, shall be installed and maintained so as not to interfere with the sight distance requirements of this article or the sight distance needs of drivers in parking areas and at entrance and exit locations.
- (7) Small trees are permitted to be substituted for required large trees whenever the larger tree would interfere with existing overhead utility lines.
- (8) Native species and related cultivars are encouraged.
- (9) Monoculture and over planting shall be avoided except that a single species of tree may be planted in formal parks or in conjunction with a streetscape plan.
- (10) Whenever trees are required (street yards, buffers, parking lots, etc.), a minimum of fifty percent shall be canopy trees, and a minimum of twenty percent shall be evergreen.
- (11) Whenever shrubs are required for screening, they shall be of a type that retains their foliage to within six inches of the ground on a year-round basis.
- (12) No more than thirty percent of all shrubs required shall be deciduous.
- (13) No required planting area shall contain less than 150 square feet and no planting area shall be less than eight feet in diameter around a required tree.

- (14) Parked vehicles may overhang a landscaped area no more than two and a half (2 ½) feet. Curbing or wheel stops shall be installed to insure no overhang or penetration of the landscaped area greater than 2 ½ feet. Landscaping, walls, fences, and any other material shall be so located to prevent its damage and/or destruction by overhanging vehicles.
- (15) The zoning administrator may approve revisions to a landscaping plan approved by the Town Board or Board of Adjustment in order to accommodate seasonal planting problems or a lack of plant availability as long as:
- (a) There is no reduction in the quantity of plant material.
 - (b) There is no significant change in the size or location of plant materials.
 - (c) The new plants are of the same general category and have the same general design characteristics as the materials being replaced.
- (16) Renovations or expansions to existing civic uses, churches, or similar non profit organizations where the expansion does not increase occupancy levels or intensity of use or modify existing parking areas, vehicular access or circulation patterns, shall be exempt from Landscaping Requirements.

(B) Plant size.

Type	Minimum Height at Maturity (ft)	Minimum Crown Spread at Maturity	Minimum Height at Planting	Minimum Caliper ¹ at Planting (in)	Minimum Spacing (on center)	Maximum Spacing (on center)
Large Tree	≥40	≥30 feet ²	8 feet	2	35 feet	50 feet
Small Tree	≥15	<30 feet ²	5 feet	1.5	15 feet	35 feet
Large Shrubs ³	3	24 inches	18 inches	⁴	24 inches	48 inches
Small Shrubs ³	1	18 inches	8 inches	⁵	12 inches	24 inches

¹ Caliper shall be measured six inches above the ground.

² The minimum crown spread of trees shall only apply to canopy trees.

³ Shrubs do not include ground covers.

⁴ Large shrubs shall be a minimum of 3 gallon container size.

⁵ Small shrubs shall be a minimum 2 gallon container size.

(C) Existing trees.

- (1) Except when necessary to provide access to a site or to insure the safety and security of people and property, any existing healthy trees that are eight inches or greater in caliper, located within a public right-of-way or undeveloped required yard shall be retained unless approved for removal during site plan review. In addition, every reasonable effort shall be made to protect and retain existing trees and shrubs not actually lying in planned roadways, drainageways, building foundation sites and construction activity areas.
- (2) Existing trees and shrubs shall count towards meeting the requirements of this section as long as such are: 1) free from disease or growth problems, 2) clearly shown on the site plan, 3) approved by the zoning administrator prior to development as meeting the intent of the landscaping requirements, 4) are not considered nuisance or noxious plants, and 5) are adequately protected during grading and development of the site.
- (3) Protective measures, as outlined below, shall be taken to minimize damage to existing trees and other vegetation to be retained.

- (a) Site plans shall show the location of trees and shrubs to be retained and the locations of protection fencing.
- (b) Prior to construction, grading or other land disturbing activity, protective barriers shall be placed around the root protection area of all trees and shrubs to be saved. For trees, the root protection area shall not be less than the drip line.
- (c) No soil disturbance or compaction, stock piling of soil or other construction materials, vehicular traffic, or storage of heavy equipment are allowed in the areas designated for protection.
- (d) Root pruning shall be kept to an absolute minimum.
- (e) Pruning of existing trees shall be done according to the National Arborists' Association Standards in a manner that preserves the character of the tree.
- (f) No ropes, signs, wires, electrical device or other material shall be secured or fastened around or through a tree or shrub designated for protection.
- (g) If a single tree or small group of trees of significant size are identified for protection, lightning protection measures are recommended to help insure their protection during storms.

(D) Landscaping installation and maintenance responsibility.

- (1) To insure compliance with this article and to encourage required vegetation to be installed during the appropriate season, a letter of compliance may be accepted by the town in lieu of installation prior to the issuance of a certificate of occupancy for the site. This letter shall be in the form of an affidavit signed by the property owner and shall:
 - (a) Acknowledge that such owner is aware of any landscaping and/or screening requirements which apply to the property, and
 - (b) Stipulate that he/she will comply with those requirements by a specific date within the next appropriate planting season, but in no case more than nine months after the date of the affidavit, unless otherwise approved by the zoning administrator, and
 - (c) Acknowledge that failure to comply with the provisions of this section within the time frame specified in the letter shall constitute a violation of this article which shall subject the property owner to any and all enforcement actions permitted by law.
- (2) All landscape materials required or committed voluntarily by the developer, whether used for screening, buffering, open space, streetyards, or other required landscaping areas shall be properly maintained by the property owner. Maintenance includes all actions necessary to keep landscaping materials healthy, neat and orderly in appearance, and free of litter and debris. Any landscaping lost or diseased shall be removed and replaced unless, in the opinion of the zoning administrator, the maturity of the remaining vegetation compensates for the loss of an individual shrub or tree, thereby causing the intent of the landscape standard to still be met without replacement.

(E) Berms.

The following standards shall apply to all berms.

- (1) No structures, including fences, shall be placed on a berm unless approved by the town as part of the landscaping requirements for a development site.

- (2) Berms installed as part of residential developments shall be held and maintained by a legally constituted homeowners association and shall not be used as part of any outdoor living space by adjacent property owners within the development.
- (3) Berms shall not be used for the display of vehicles or other merchandise, except that, when approved by the town, the berm and any other required landscaping area may be used as a display site for landscaping materials and plants for sale by an adjacent use.
- (4) If included in the landscape design, berms shall:
 - (a) Have a minimum height of eighteen inches, a minimum crown width of two feet, and a side slope with a width to height ratio of no greater than three to one (3:1) if less than four feet in height and a width to height ratio of no greater than four to one (4:1) if more than four feet in height. If berm slope is greater than three to one (3:1), slopes must be treated with groundcover or other plant material to eliminate erosion. If the height of the berm is greater than six feet, the side slopes shall be four to one (4:1).
 - (b) Be designed and constructed with an undulating appearance which mimics as much as is practicable a natural topographical feature of the site.
 - (c) Be substantially planted and covered with live vegetation. No berm shall consist entirely of turf grass, ground cover, mulch or similar material.
 - (d) Be fully installed, planted and stabilized prior to certification of zoning compliance.
 - (e) Be designed to prevent standing water or to impede the flow of stormwater from adjacent properties.

(F) Streetyards.

- (1) Streetyards shall be required in new non-residential developments along all arterial and collector streets whenever new development is approved or an existing use is expanded by more than twenty percent except that:
 - (a) Streetyards shall not be required in the TC district or in the town center area of TND districts.
 - (b) Along streets that are scheduled for widening by the town or the state in the near future which might affect the location of the right-of-way, the zoning administrator may allow the developer to delay all or a portion of the streetyard requirements. Whenever a delay is allowed, a letter of compliance pursuant to this section shall be required.
- (2) Where the location of permanent buildings on an existing site reduces the area available for a streetyard, streetyard requirements shall be met to the maximum extent practicable. Where implementation of the streetyard requirements on an existing site would require the removal of parking spaces, the zoning administrator may approve a reduction of up to twenty percent of the required parking spaces in order to make room for required landscaping.
- (3) Along streets that are well-forested or new streets that are to be maintained in a forested condition by the developer, the requirements of this section may be reduced or eliminated upon approval of the zoning administrator to minimize grading and enhance preservation of existing, mature trees.

- (4) All required streetyards shall be no less than eight feet in width at any point and average ten feet in width, as measured perpendicularly to the street, along the entire length of the property.
- (5) The planting schedule for streetyards shall be as follows:

Type	Minimum Number Per 100 Linear Feet
Large Trees	2
Small Trees	2

¹ Fractions generated by applying the minimum number of plants required per 100 linear feet to the actual linear footage of an area shall be rounded up to the nearest whole number. (For example, a fifty foot area would be required to have 1 large tree and 1 small tree)

- a) A combination of two (2) small trees and four (4) small shrubs per 100 feet may be used in lieu of planting large trees if the streetyard is increased to a minimum of 12 feet in width.
- (8) The area between trees and shrubs in a streetyard shall be completely filled in with perennials, annual flowers, ornamental grasses, turf grasses, a minimum of three inches of landscaping mulch, or a combination thereof.
- (9) Berms shall be permitted to augment required streetyard plantings as follows:
- (a) Shrubs may be reduced to a minimum of twelve inches in height at the time of planting if the combined height of the berm and the shrubs will be at least three feet in three years.
- (b) A minimum of fifty percent of all required trees and shrubs shall be planted along the street front portion of the berm.
- (c) If the berm is at least three feet in height, no shrubs are required.

(G) Street trees.

- (1) Street trees shall be planted along both sides of all public streets in new residential developments.
- (2) Street trees shall be large canopy species and shall be planted at forty feet on center. At the time of planting, each tree shall be two inches or greater in diameter measured six feet above ground level, and each shall be a minimum of eight feet in height above grade. Small maturing trees planted a maximum of thirty feet on center may be used to meet street tree requirements only where overhead utility lines along existing streets prevent or interfere with the maturing of canopy trees.
- (3) The planting area for street trees shall be a minimum of five feet in width as measured perpendicularly from the street.
- (4) On any street for which a streetscape plan has been adopted by the Town Board, the streetscape plan shall control.
- (5) Along streets that are well-forested or new streets that are to be maintained in a forested condition by the developer, the requirements of this section may be reduced or eliminated upon approval of the zoning administrator to minimize grading and enhance preservation of existing, mature trees. Tree planting requirements may be modified where extreme topography would require excessive grading to meet the specific standards above.

(H) Parking lot landscaping.

- (1) The following standards shall apply to all new parking areas with twelve or more spaces and all expansions to existing parking areas which add twelve or more spaces, unless otherwise noted. In an expansion, only the area of expansion is required to be included in the calculation; however, the landscaping may be provided anywhere within the parking area.
- (2) Trees and shrubs shall be planted along all internal driveways as follows:

Type	Minimum Number Per 100 Linear Feet
Large Trees	1
Small Trees	2

¹ Fractions generated by applying the minimum number of plants required per 100 linear feet to the actual linear footage of an area shall be rounded up to the nearest whole number. (For example, a fifty foot area would be required to have 1 large tree and 1 small tree.)

- (3) The area between required trees and shrubs shall be completely filled in with perennials, annual flowers, ornamental grasses, turf grasses, a minimum of three inches of landscaping mulch, or a combination thereof.
- (4) No more than two parking aisles (defined as a travel lane and the parking located on each side) shall abut. Otherwise, parking aisles shall be separated from each other by planted medians which may include pedestrian walkways. No more than thirty parking spaces shall be contained within one parking aisle (i.e. there must be at least one landscape island on each side of a parking aisle every 15 parking spaces).
- (5) At least 5 percent of the interior of all parking areas where landscaping is required, excluding access drives, shall be landscaped. There shall be at least 1 large tree, 2 small trees and 5 large or 10 small shrubs for each 20 parking spaces. Parking lots with fewer than 20 spaces shall be required to plant at least 1 large tree, 2 small trees and 5 large or 10 small shrubs. Trees shall be spaced such that no parking space is more than 65 feet from the trunk of a canopy tree. Shrubs may be located in end planters and around the perimeter of the parking area but not in a required streetyard. All landscape islands and end planters in parking lots shall be completely filled-in with low-growing evergreen shrubs or drought resistant turf grasses.
 - a. Interior parking landscaping requirements for large trees may be omitted if streetyard and landscape buffer widths are increased by 50% and the remaining provisions of this section are met. It is the intent that this provision shall not apply to large scale parking lots.
- (6) Whenever parking areas abut streets, an opaque wall or fence a minimum of three feet in height shall be installed adjacent to or within a required streetyard or adjacent to a street right-of-way where no streetyard is required except that:
 - (a) A continuous hedge may be substituted for the wall or fence in any district, except in the TC district and the town center area of a TND district, as long as the hedge is a minimum of 18 inches in height at the time of planting, has the ability to achieve a height of two feet during its first full growing season; and
 - (b) A vegetated berm may be substituted for a portion of the wall, fence, or hedge, except in the TC district and the town center area of a TND district.

(7) Optional Interior Landscaping and Design for Large Parking Lots.

The following subsections are intended as an option for large parking lots containing 300 or more parking spaces where design flexibility is needed to accommodate the unusually high number of parking spaces required for large retail and shopping center development due to high vehicle to square foot floor area ratios. Additional design features are included.

- (a) In parking lots designed for any single large retail store or any shopping center containing 300 or more parking spaces, up to 4 parking aisles (defined as a travel lane and the parking located on each side) may abut provided the optional interior landscaping requirements of this section are met within the parking lot excluding any perimeter, streetyard, internal driveway, required buffer, or other landscape area required by Section 8-3.5 Landscaping. The maximum distance between required landscape medians shall be no greater than 250 feet.
- (b) No parking space shall be further than 65 feet from the trunk of a large tree. However, large trees are not required within 75 feet of the primary building façade or immediately adjacent to a handicap parking space.
- (c) Tree wells are encouraged along any portion of the building façade not planned for outdoor display, ingress/egress, or loading and unloading. Tree wells shall have a minimum dimension of 8 feet and contain at least one understory or small decorative tree.
- (d) Adequate corrals for shopping carts and other similar customer merchandise carts shall be provided throughout all large parking lots.
- (e) At least one distinctive pedestrian crosswalk shall be provided between the large parking lot and each main entrance to a large retail store or shopping center. A distinctive pedestrian crosswalk may consist of a raised speed table, speed bumps, textured paving surface or other low maintenance surface materials such as pavers, bricks or scored concrete installed in the drive lane located between the main entrances to the store and the parking lot. A distinctive crosswalk will be designed to enhance pedestrian safety and comfort as well as the attractiveness of the crosswalk. Traffic calming devices shall be required between the store front and the parking lot.

(8) Industrial Parking Areas

Parking areas that are located to the rear of a primary structure of an industrial use and is screened from public view shall meet the following:

- (a) Any parking areas shall meet the required setbacks for structures in the underlying zoning district.
- (b) The parking areas shall be exempt from interior landscaping and aisle requirements.
- (c) A Type C landscape buffer shall be required along the perimeter of such a parking area.

(I) Landscape buffers.

The purpose of a landscape buffer is to help provide transition between different types of land uses, to break up or soften the appearance of paved surfaces, and to provide the shade and greenery necessary to create a livable urban environment. Buffers shall be required as follows:

- (1) Buffers shall be required whenever new development is approved or an existing use is expanded by more than twenty percent except that:

- (a) Buffers shall not be required in the TC or TND district except to buffer lots zoned TC or TND from uses in adjacent districts as outlined in this section.
 - (b) Planting requirements in buffer areas may be altered on a case-by-case basis by the zoning administrator in locations where the required buffer is wholly or partially within an existing easement.
 - (c) Along areas that are scheduled for easement or right-of-way acquisition or expansion by the town or the state in the near future, the zoning administrator may allow a postponement of all or a portion of the buffer planting. Whenever postponement is allowed, a letter of compliance pursuant to this section shall be required.
 - (d) Buffers shall only be required for properties in an industrial park, business park, or commercial center when those properties abut the exterior boundary of the development.
- (2) There shall be four types of landscape buffers used within the town's jurisdiction, as described below:
- (a) Type A landscape buffer. A high density screen intended to substantially block visual contact between adjacent uses and create spatial separation.
 - (b) Type B landscape buffer. A medium density screen intended to substantially block visual contact between uses and create spatial separation.
 - (c) Type C landscape buffer. A low density screen intended to partially block visual contact between uses and create spatial separation.
 - (d) Type D landscape buffer. A peripheral planting strip intended to separate uses, provide vegetation in densely-developed areas and enhance the appearance of individual properties.
- (3) The type of landscape buffer required shall be determined by comparing the land use code for the proposed development to the land use code for adjacent uses. Each use permitted within the town's jurisdiction has been assigned a land use code to be used for this purpose which is shown in the Table of Uses (see section 8-3.3). Once the land use code has been determined, the following table shall guide landscape buffer requirements:

Land Use Code for Adjacent Uses						
Land Use Code for Proposed Use		1	2	3	4	5
	1	NA	NA	NA	NA	NA
	2	C	D	D	D	D
	3	C	C	D	D	D
	4	B	C	C	D	D
	5	A	B	C	C	D

- (4) Buffer details.
- (a) The Type A landscape buffer shall average 20 feet in width, but not be less than 10 feet in width at any point, and shall contain:
 - 1) 2 large trees per 100 linear feet
 - 2) 6 small trees per 100 linear feet

- 3) 10 large or 20 small shrubs or combination of large and small shrubs at the rate of 2 small shrubs to 1 large shrub to equal 10 large shrubs per 100 linear feet
- (b) The Type B landscape buffer shall average 15 feet in width, but shall not be less than 10 feet in width at any point, and shall contain:
 - 1) 2 large trees per 100 linear feet
 - 2) 4 small trees per 100 linear feet
 - 3) 7 large shrubs or 15 small shrubs or combination of large and small shrubs at the rate of 2 small shrubs to 1 large shrub to equal 7 large shrubs per 100 linear feet
- (c) The Type C landscape buffer shall average 12 feet in width, but shall not be less than eight feet in width at any point, and shall contain:
 - 1) 1 large tree per 100 linear feet
 - 2) 3 small trees per 100 linear feet
 - 3) 5 large shrubs or 10 small shrubs or combination of large and small shrubs at the rate of 2 small shrubs to 1 large shrub to equal 5 large shrubs per 100 linear feet
- (d) The Type D landscape buffer shall average eight feet in width, but shall not be less than five feet in width at any point, and shall contain:
 - 1) 1 large tree per 100 linear feet
 - 2) 2 small trees per 100 linear feet
- (5) Buffer width shall be measured perpendicularly to the property line.
- (6) Fractions. Fractions generated by applying the minimum number of plants required per 100 linear feet to the actual linear footage of an area shall be rounded up to the nearest whole number. (For example, a fifty foot Type C buffer area would be required to have 1 large tree and 2 small trees.)
- (7) Exceptions.
 - (a) Fences and walls of uniform design and material shall be allowed to replace required shrubbery in any landscape buffer when, in the opinion of the zoning administrator, such fence or wall will achieve the same effect as the shrubbery and will contribute positively to the overall design of the property.
 - (b) Buffer width requirements may be reduced by fifty percent, but in no case less than 10 feet in width, when a six foot continuous opaque fence, wall or berm is approved and constructed within the landscape buffer. A minimum of a six (6) foot tall continuous evergreen hedge shall be installed on the exterior side of the fence. The screening hedge shall consist of large evergreen shrubs planted not more than 7 feet on center. Shrubs shall be at least 3 feet in height and 5 gallon container size at planting.
 - (c) In the event unusual topography or elevation of a development site, the size of the parcel to be developed, the soil or sub-surface condition of the site would make strict adherence to the requirements of this part serve no meaningful purpose or would make it physically impossible to install and maintain the required buffer plantings, the zoning administrator may alter the requirements of this part as long as the existing features of the development site comply with the spirit and intent

herein. Such an alteration may occur only at the request of the property owner who shall submit a plan to the zoning administrator showing existing site features that would buffer or screen the proposed use and any additional buffer materials the property owner will plant or construct to buffer the proposed use.

(J) Alternative Landscape Design

In order to encourage creativity in landscape design, to more effectively create a buffer or screen, to address site issues such as topography or geological features, or to allow for more efficient irrigation or water use practices, the Mocksville Board of Adjustment may approve an alternative landscape design plan if it finds that the intent and spirit of Section 8-3.5.1 Landscaping is met. The requirements of Section 8-3.9.9 (b) Waiver of Architectural and Site Design Requirements, Major Waiver, shall be followed.

8-3.5.2 FENCES AND WALLS.

(A) General.

The following standards shall apply to all fences and walls in all zoning districts unless otherwise noted.

- (1) Fences and walls shall be maintained in good order.
- (2) Fences shall not contain advertising, signs, logos or other lettering unless expressly permitted by the zoning administrator.
- (3) Where a fence or wall is used as part of required screening, all required vegetation shall be planted on the exterior side of the fence or wall (exterior to the lot).
- (4) Fences and walls shall be installed and maintained so as not to interfere with the sight distance requirements of this article or the sight distance needs of drivers in parking areas and at entrance and exit locations.

(B) Material and design.

The following standards shall apply to all fences and walls in all zoning districts, unless otherwise noted.

- (1) Chain link and other wire material fences shall not be permitted in a front setback along any street except in the GI and SP districts except that such may be placed on the inside of a split rail or other wooden fence or is screened by vegetation. This standard shall not apply to publicly owned tennis courts and ballfields.
- (2) Security walls and fences shall be accompanied by vertical landscaping to screen the wall or fence from view except for uses located within the GI and SP districts where such uses do not abut a residential use or residentially zoned lot.
- (3) Razor wire, concertina wire, and similar high security fencing material shall not be used in any area unless substantially screened from public view and shall only be permitted in the CB, GI, and SP districts.
- (4) Barbed wire shall be permitted in the OSR district where it is accessory to a permitted agricultural use and in the CB, GI, and SP districts.
- (5) Electric fencing shall only be permitted in the OSR district where it is accessory to a permitted agricultural use.

- (6) Walls and fences used for landscaping or screening shall be constructed of masonry, stone, wood, vinyl or a material similar in composition and appearance as the principal building. Such walls and fences shall be opaque or shall be of a design approved by the zoning administrator.
- (7) Fences and walls within a development shall be compatible in design and material.
- (8) Unfinished concrete block walls shall not be permitted within any required yard.

(C) Height.

The following height limitations shall apply to all fences and walls unless otherwise required by this article.

- (1) In any residential or mixed use district, the maximum height of fences and walls shall be four feet above grade when located within a required yard adjacent to a public street and a maximum of six feet when located within any required side or rear yard not located adjacent to a public street.
- (2) In the HC and CB districts, the maximum height of fences and walls shall be four feet above grade when located within a required yard adjacent to a public street and a maximum of six feet when located within any required side or rear yard not located adjacent to a public street.
- (3) In the SP and GI districts, the maximum height of fences and walls shall be six feet above grade when located within a required yard adjacent to a public street and a maximum of eight feet when located within any required side or rear yard not located adjacent to a public street. However, screening walls may be constructed to a height which effectively screens mechanical equipment, loading docks and similar service equipment from public and private streets and property lines. Screening walls shall be constructed to architecturally match the principal building requiring service and utility equipment. Any such wall shall maintain a setback from the public right of way or property line equal to the height of the wall. Vertical landscaping shall be installed between the public street or property line and the wall to reach a mature height of at least 75% of the height of the screening wall.

8-3.5.3 OPEN SPACE.

(A) General.

In order to develop a system of quality open spaces and recreation areas throughout the town's jurisdiction, the following standards shall apply to all developments and all open space and recreation areas in all zoning districts unless otherwise noted.

- (1) In developments with twenty or more residential units, open space shall account for a minimum of fifteen percent of the total land area of the site. Open space shall include recreational areas, wooded areas, and environmental open space. Environmental open space is defined as any pervious area set aside for the protection, enhancement, or creation of water quality buffers, wildlife habitat, view corridors, flood hazard mitigation, or similar environmental features and may or may not include public access.
- (2) Public open space and recreation areas, except environmental open space, shall have direct access from public streets.
- (3) Public open space and recreation areas, except environmental open space, shall be visible and easily accessible.

- (4) Public open space and recreation areas, except environmental open space, shall have multiple points of entry.
- (5) All open space and recreation areas, except environmental open space, shall be well buffered from moving vehicles.
- (6) The land used for required open space and recreation areas, except environmental open space, shall have an average slope of 5% or less with no portion of the land exceeding a 15% slope.
- (7) Required open space and recreation areas may be publicly or privately owned. The planning, construction, and maintenance of privately owned facilities shall adhere to the following:
 - (a) Private open space intended to count towards the open space requirements of this section shall be held and maintained by a legally constituted homeowner's association. Public open space may be held by any unit of government or private non-profit organization created for such purposes that has been approved by the town board.
 - (b) High maintenance cost facilities such as swimming pools shall not be counted in determining compliance with the minimum open space and recreation area requirements of this chapter. Bridges along pedestrian and bicycle paths and similar high cost facilities shall not be permitted as an integral part of any required open space or recreational area unless no other feasible alternative exists.
 - (c) Each phase of a phased development shall meet the minimum requirements for open space and recreational areas. All plans for such developments shall demonstrate compliance for each phase. No certificates of occupancy shall be issued until all such required facilities have been installed by the developer and approved by the town.

(B) Alternative open space.

- (1) As an alternative to incorporating required open space on a development site, the developer has the option of:
 - (a) Requesting that the town permit the purchase of land lying within a planned public park or open space system within or immediately adjacent to the town's zoning jurisdiction and its dedication to the appropriate public authority, OR
 - (b) Requesting that the town accept fees in lieu of land dedication for the purpose of providing public open space

Such requests shall be heard and decided by the Town Board prior to subdivision or site plan approval.

- (2) Any request for alternative open space shall be accompanied by the following information:
 - (a) The amount of land required for open space dedication under this chapter.
 - (b) Detailed information about land proposed for purchase and public dedication including all of the following:
 - 1. The exact location (either a tax identification number or a metes and bounds description), size, and current assessed and appraised value of land proposed for purchase and public dedication.

2. The intended recipient of the dedication of land and evidence that the recipient (if other than the town) approves of the dedication.
 3. The proposed timing of the purchase and dedication.
- (c) If fees in lieu are proposed, the amount of fees offered.
- (d) An alternative plan for providing onsite open space as required by this chapter.
- (3) In considering a request for alternative open space, the Town Board may:
- (a) Approve the request without modification;
 - (b) Approve the request with modifications or conditions agreed to by the developer;
 - (c) Approve only a portion of the request, requiring a portion of the required open space to be included on the site of the proposed development; or
 - (d) Deny the request.

8-3.6.1 Introduction

Signs are one of the most noticeable visual elements along every city and county's commercial streets and highways. Signs communicate what a particular establishment offers. They also communicate something about the quality of the businesses and the image of the community in general. Together with other visual elements in the town's environment, signs can play a major role in how people perceive Mocksville's image. Well-designed signs that communicate their message clearly, without attempting to compete for attention with the road, will help create a more pleasing visual environment along the Town of Mocksville's streets. The goal of this ordinance is to attain a balance between proper levels of safety and to enhance the town's streetscapes with the addition of eye-catching visual design that helps identify businesses and their services.

Intent

To ensure that signage is designed and placed to complement the character of the town. To minimize the distractions and obstructions that contributes to traffic hazards and endangers public safety. To protect existing development and promote high standards of quality in new development by requiring appropriately designed, placed, and sized signage. To provide an effective guide for communicating identification through signage while preventing signs from dominating the visual appearance of the areas in which they are located. The following standards shall apply to all signs in all zoning districts unless otherwise noted.

Applicability

- (A) It shall be unlawful to construct, enlarge, modify, move or replace any sign or cause the same to be done, without first obtaining a zoning permit for such sign from the town.
- (B) Notwithstanding the above, changing or replacing the permanent copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign so as to render it in violation of this ordinance.

8-3.6.2 Sign Permit Required

Except as specifically excluded from the provisions of this ordinance, it shall be unlawful for any person to post, display, substantially change, or erect a sign within the Town of Mocksville Zoning jurisdiction without first having obtained a sign permit. For purposes of this ordinance, application for a sign permit and a building permit may be made simultaneously.

8-3.6.3 Building Permit Required

For any monument sign or any sign connected to electrical power, it shall be a violation of this ordinance to post, display, substantially change, or erect a sign in the Town of Mocksville without first having obtained a building permit. The applicant for a building permit shall submit application materials as specified in the Sign Application Package, including a sketch or print drawn to scale showing pertinent information such as wind loads and display materials in accordance with the Standard Building Code.

8-3.6.4 Sign Permit Fees

No sign permit shall be issued until the appropriate application has been filed and fees have been paid.

Please refer to Davie County Development Services for all applicable fees.

8-3.6.5 Sign Permit Expiration Date

A sign permit shall become null and void if the sign for which the permit was issued has not been completed within twelve (12) months after the date of issuance. No refunds will be made for a permit after the permit is issued. If later an individual desires to erect a sign at the same location, a new application for the sign must be processed and another fee paid in accordance with the fee schedule applicable at such time.

8-3.6.6 General Sign Design Guidelines

The following provisions shall apply to all signs.

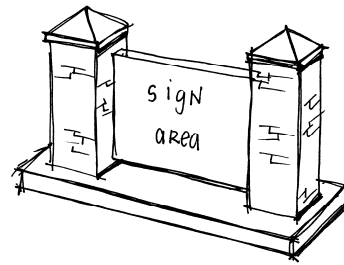
(A) Construction standards

- (1) All signs shall be constructed and installed in accordance with the applicable provisions of the North Carolina State Building Code.
- (2) All temporary signs shall be constructed of materials and printed on by inks capable of withstanding normal weather conditions.
- (3) All signs, except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this ordinance shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

(B) Obstructions prohibited. No sign shall be placed so as to obstruct the clear sight triangle at a street intersection nor shall any sign obstruct the view of motorists entering or leaving an off-street parking area.

(C) Relation to other building elements.

- (1) Signs shall relate in their placement and size to other building elements without obscuring building elements such as windows, cornices, or decorative details, except that signs may be placed on the inside of windows.
 - (2) Sign material, style and color shall compliment the building facade in terms of design, scale, color, and materials.
 - (3) Individual shop signs in a single storefront shall relate to each other in terms of design, size, color, placement on the building, and lettering style.
 - (4) Signs placed on the inside of window areas shall conceal no more than twenty-five percent of the area of the window on which the signs are located.
- (D) **Sign height computation.** Sign height shall be computed as the lower of: 1) existing grade prior to construction or 2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. The calculation of the height of any sign placed upon a berm or mound shall include the height of the berm or mound.
- (E) **Sign area computation.** The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.



- (F) **Sign area computation for multi-faced signs.** The sign area for a sign with multiple faces shall be computed by adding together the area of all sign faces visible from any one point. When a sign is composed of two or more sign faces

only one of which can be viewed from any one point, and when such sign faces are part of the same sign structure, the sign area shall be computed by the measurement of one of the faces.

- (G) **Maintenance of signs.** All signs shall be maintained in good structural and aesthetic condition. Deficiencies such as chipped paint, broken plastic, missing letters and exposed light bulbs shall be evidence of a lack of maintenance.
- (H) **Forfeiture of illegal signs placed on or over public property.** Any sign installed or placed on or over public property, except in conformance with the requirements of this article, shall be forfeited to the public and be subject to confiscation and disposal. In addition to other remedies provided by this article and the Town Code of Ordinances, the town shall have the right to recover from the sign owner and/or installer the full costs of removal and disposal of such sign.

8-3.6.7 Prohibited Signs

Notwithstanding section 8-3.6.15 and in addition thereto, the following signs, both permanent and temporary, are prohibited in all zoning districts:

- (A) Signs extending into the public right-of-way other than those expressly permitted by this article or otherwise approved by the town manager, if placed along public streets.
- (B) Roof signs.
- (C) Portable signs as defined in this ordinance (for example; trailer signs, balloon signs, etc).
- (D) Flashing, fluttering, swinging, wind activated, rotating signs not to include non-flashing time and/or temperature signs.
- (E) Any sign which obstructs the view of motorists, pedestrians, or cyclists using any street, sidewalk, bike path, or driveway, or which obstructs the approach to any street intersection or railroad crossing, or which interferes with the effectiveness of any traffic sign, device, or signal.
- (F) Illuminated or highly reflective signs which hamper the vision of motorists or cyclists.
- (G) Any sign which resembles traffic signals, traffic signs, or emergency vehicle lights and any other sign not erected by a public authority which may be erroneously construed as governmental signs or emergency warning signs.
- (H) Beacons, pennants, and strings of lights not permanently mounted to a rigid background, except those permitted as temporary signs.
- (I) Any sign which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air except for permitted window signs.
- (J) Any sign placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other structure or surface located on, over, or across any public street right-of-way or property unless expressly authorized by this article or the town manager.

- (K) Off-premises signs advertising adult establishments.
- (L) Off-premises signs on parcels of land which are zoned residential, used primarily for residential purposes, or which do not include an active permitted use as established by this article.
- (M) Inflatable devices or balloons. Any air- or gas-filled balloons or other similar devices, and permanent signs made of paper, cloth, or other nondurable materials, except as specifically approved by special permit in accordance with this ordinance.
- (N) Any Off-Premise Directional, Directory or Kiosk Sign that displays direction to business, uses, or attractions placed within the public right-of-way is prohibited unless the sign is erected and maintained by the town, State of North Carolina, or an agent of such.
- (O) High intensity search lights.
- (P) Pole Signs.
- (Q) Any object not defined in this ordinance as a legitimate sign displayed in a manner which is intended to attract attention to a site, product, or event.
- (R) Signs attached to trees.
- (S) Outdoor Neon Signs (indoor window signs that are neon are allowed, but must adhere to all window sign regulations.).
- (T) Backlit, internally illuminated awnings are prohibited.
- (U) Any sign made of temporary materials (paper, cardboard, etc...) or designed to advertise a temporary event (Grand Opening, sales, Going out of Business, New Subdivisions, etc...) that is freestanding or otherwise placed in the right-of-way or on another property owner's property.
- (V) Any sign not expressly permitted by this article.



Signs like the one above are strictly prohibited. These signs are temporary in nature, yet litter the landscape and in some cases can be dangerous to drivers.

- (W) Parking of Advertising Vehicles. No business shall park any vehicle or trailer on a public right-of-way, or public property, or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon, any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same premises or any other premise. This is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettering on a motor vehicle.

Delivery vehicles and business vehicles should be parked in the side or rear of the building.

Parking a vehicle in a street frontage area, like the one to the right, that has been designed to act as a sign, is strictly prohibited in the Town of Mocksville.



8-3.6.8 Sign Placement

The following provisions shall apply to the placement of all signs in all districts.

(A) In General.

- (1) Signs must be located entirely on private property, unless otherwise permitted by this article.
- (2) No sign, including its projections, may extend into or over an existing public right-of-way or within the clear sight triangle, unless expressly permitted by this article.
- (3) Signs should be designed to relate to the architectural features of the building on which they are located and create visual continuity with other storefronts on the same or adjacent buildings.
- (4) Signs should be placed at or near the public entrance to a building or main parking area to indicate the most direct access to the business.
- (5) Signs should be placed consistent with the proportions of the building's façade. For example, a particular sign may fit well on an upper, more basic wall, but would overpower and obstruct the finer detail of a lower storefront area. A sign appropriate near the building's entry may look tiny and out of place above the ground level.
- (6) Signs should not be located so that they cover or interrupt the architectural details or ornamentation of a building's façade.
- (7) Signs should not project above the edge of the rooflines and should not obstruct windows and/or doorways.
- (8) The location and extent of signs and advertising should not obstruct scenic views.

(B) Temporary signs

- (1) Temporary signs shall be located on private property unless expressly permitted by this article to be posted on public property.
- (2) All temporary signs shall be anchored, attached, or otherwise affixed to a structure or support so that the sign cannot be easily dislodged by strong winds or heavy rains.

(C) Specific Sign Placement Guidelines

- (1) Changeable copy and electronic message boards may be used as wall signs if deemed appropriate by the Town of Mocksville Board of Commissioners.
- (2) Signs on awnings are limited to ground floor and second floor uses only.
- (3) Directory Signs should be posted at corners of (or along) interior driveways, sidewalks and parking lots and on exterior walls only.
- (4) Suspended signs must be placed directly in front of store entrance.
- (5) Wall mounted signs shall not extend above the eave or parapet of any building.
- (6) A wall sign should be located where the architectural features or details of the building suggest a location, size, or shape for the sign. The best location for a wall sign is generally a band or blank area between the first and second floors of a building.
- (7) Window signs should be primarily individual letters placed on the interior surface of the window and intended to be viewed from outside.
- (8) All parts of freestanding signs must be set back a minimum of five feet from the property line or road/street right of way.
- (9) No freestanding sign shall be located closer than fifteen feet from another structure on the same zoning lot.
- (10) Freestanding signs for primary advertisement shall be limited to monument or ground signs.
- (11) The base of every freestanding sign shall be landscaped with plant materials, including, but not limited to ground covers, perennials and shrubs. The size of the planted landscaped area shall be determined by multiplying the height of the sign by the width of the sign divided by two (2), but in no case shall the planted area be less than fifty (50) square feet.

8-3.6.9 Sign Materials

- Sign materials should be selected with consideration for the architectural design of the building's façade. Sign materials should complement the materials on the façade and should contribute to the legibility of the sign.
- Sign materials should be very durable. Paper and cloth signs are not suitable for outside because they deteriorate quickly. When wood is used, it should be properly sealed to keep moisture from soaking into the wood and causing the sign's lettering to deteriorate.
- The following sign materials are encouraged for the Town of Mocksville:
 - Wood (carved, sandblasted, etched, properly sealed and painted, or stained)
 - Metal (formed, etched, cast, engraved, and properly primed and painted or factory coated to protect against erosion)
 - Masonry (brick, concrete, stucco, etc)
 - Fiberglass
 - Plastic

8-3.6.10 Sign Illumination

- (1) Neon, argon and similar lighting fixtures shall not be used anywhere on the exterior of a building; however, such signs if non-flashing and non-moving may be mounted on the inside of store windows.
 - (2) Signs shall only be lighted with indirect light sources (e.g. backlighting); knockout signs are encouraged
 - (3) All illuminated signs shall be installed in accordance with the applicable provisions of the North Carolina State Electrical Code and all detached signs shall be illuminated by an underground electrical source.
- If the sign can be illuminated by an indirect source of light, this is usually the best arrangement because the sign will appear to be better integrated with the building's architecture. Light fixtures supported in front of the sign cast light on the sign and generally a portion of the building as well. Indirect lighting emphasizes the continuity of the building's surface and signs become an integral part of the façade. Conversely, internally illuminated cabinet signs where only the sign face is illuminated tend to stand out and not appear integrated with the building's façade.
 - Individually illuminated letters, either internally illuminated or back-lighted solid letters (reverse channel), are a preferred alternative to internally illuminated plastic-faced cabinet signs. Signs comprised of individual letters will be better integrated with the building because they use the building's façade as their background.
 - If internally illuminated cabinet signs are used, their sign panels should be opaque so that when illuminated only the lettering, not the background, is illuminated. The background or field should have a non-gloss, non-reflective finish.
 - Electrical transformer boxes and raceways should be concealed from public view. If a raceway cannot be mounted internally behind the finished exterior wall, the exposed metal surfaces of the raceway should be finished to match the background wall, or integrated into the overall design of the sign.
 - If raceways are necessary, they should be as thin and narrow as possible and should never extend in width or height beyond the area of the sign's lettering or graphics.

- All exposed conduit and junction boxes should be appropriately concealed from public view.
- Use of energy-efficient, high intensity discharge lamps are encouraged.

8-3.6.11 Design Guidelines for Specific Sign Types

(A) **Permanent signs permitted without a Permit.** Notwithstanding section 8-3.6.11 and in addition thereto, the following permanent signs shall be permitted without a zoning permit.

- (1) Off-premises public sign kiosks or directory signs that display a directory of businesses, uses, or attractions may be placed within the public right-of-way provided that the sign kiosk or directory sign is erected and maintained by the town or state or an agent of such.
- (2) Historical markers, civic signs, regulatory signs, public interest signs, and warning signs erected and maintained by the town or state or an agent of such.
- (3) Incidental signs (Section 8-3.6.11.6).
- (4) Flags on permanent poles. (Height Restriction 8-3.6.11.5)
- (5) Any sign not legible or easily noticeable from public property or a public right-of-way and obviously not intended to attract the attention of the public.
- (6) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
- (7) Traffic control signs on private property, the face of which meet Department of Transportation standards and which contain no commercial message of any kind.
- (8) On-Premise Directional Signs that navigate customers through parking area, sidewalk networks and building campuses. Signs may not exceed four feet in height or six square feet in area, unless such sign is a monument sign in which case it shall not exceed nine square feet in sign area.

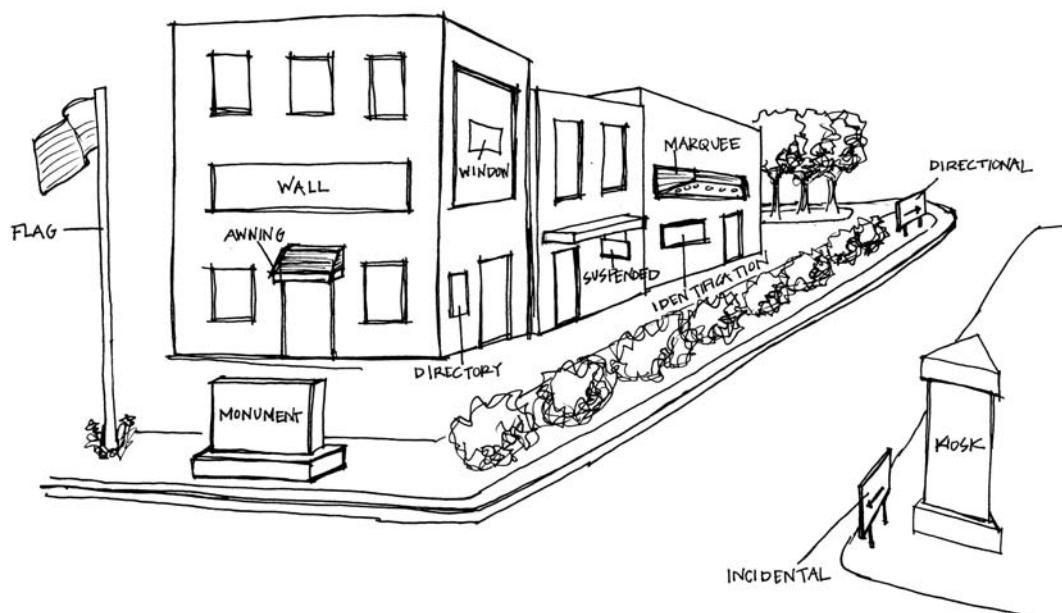
By keeping Directional Signs Short and Clear, the message is received and unnecessary signs do not clutter the landscape.

Arrows are usually always necessary to point the recipient in the right direction.



(B) **Permanent signs requiring a permit.** Notwithstanding section 8-3.6.15 and in addition thereto, the following permanent signs shall be permitted upon the issuance of a valid zoning permit.

- (1) Any sign not expressly listed as permitted without a permit shall require the issuance of a valid zoning permit prior to installation. Refer to 8-3.6.11.1 through 8-3.6.11.14.



8-3.6.11.1 Canopy Signs

Permit Required: Yes

Zoning Districts Allowed:

Neighborhood Center, Town Center, Highway Commercial, Traditional Neighborhood Development, Campus Institutional, Campus Business, Special Purpose, and General Industrial.

Sign Height Requirements: Not Applicable

Number of Signs Permitted:

Maximum of One (1) for each side of the building facing the public right-of-way.

If Umbrellas are present in an outdoor area, an additional two (2) signs per umbrella are allowed.

Sign Area Requirements:

All signs, logos, emblems or otherwise shall not exceed Ten Percent (10%) of Canopy or Awning altogether and are only allowed in locations facing the public right-of-way.

Two (2) signs together shall not exceed 10% of umbrella's overall area.



- 2) The canopy for this restaurant is appropriate because the lettering is located in the correct place and takes up the correct amount of space.
- 3) The canopies for this restaurant would be inappropriate in the Town of Mocksville because there is more than the allowed amount of signs.

- 1) In the picture below, the restaurant used an umbrella to place additional smaller signs in a convenient outside location.





Additional Requirements:

- Letter color should be compatible with the awning and the building color scheme.
- The shape, design, and color of the awnings must be carefully designed to coordinate with, and not dominate, the architectural style of the building. Where multiple awnings are used on the building, the design and color of the sign awnings should be consistent with all other awnings.
- Backlit, internally illuminated awnings are prohibited.
- Only permanent signs that are an integral part of the canopy or awning should be used. To avoid having to replace awnings or paint out previous tenant signs when a new tenant moves in, the use of replaceable valances should be considered.
- Awning signs should be applied directly on the awning. The use of adhesive or press lettering is strongly discouraged.
- Gas Canopies. Signs shall be allowed on the canopy of a gas station at one per street front or development entrance. Signage on the canopy shall not exceed 10% of the overall area and may include logos, gas prices or any other identifying emblem.

8-3.6.11.2 Contiguous Signs (including Wall Signs, Projecting Signs, Figurative Signs)

Permit Required: Yes.

Zoning Districts Allowed:

Neighborhood Center, Town Center, Highway Commercial, Traditional Neighborhood Development, Campus Institutional, Campus Business, Special Purpose, and General Industrial Districts.

Sign Height Requirements:

Not applicable.

Number of Signs Permitted:

Maximum of One (1) per street front or development entrance in the Neighborhood Center, Town Center, Highway Commercial, Traditional Neighborhood Development, Campus Institutional, Campus Business, General Industrial and Special Purpose Districts.

Sign Area Requirements:

Shall not exceed twenty-five (25%) percent of the wall area of the façade on which it is located.

Projecting Signs cannot extend more than one-third ($1/3$) of the width of the sidewalk in front of it.

**Additional Requirements:**

- Wall signs should not project from the surface upon which they are attached more than that required for construction purposes and in no case more than 6 inches.
- Wall signs and “ghost” signs painted directly on a structure may be appropriate in some cases. While generally not appropriate on historic structures (unless being renovated on an existing building), these types of signs often lend an air of age and authenticity.
- New wall signs for individual businesses in a shopping center should be placed consistent with the location of signs for other businesses in the center. This will establish visual continuity among storefronts and create a unified appearance for the center.
- For new and remodeled shopping centers, a comprehensive sign program for all signs in the center should be developed. The use of small, pedestrian-oriented signs is strongly encouraged.
- Projecting signs should be used for ground floor uses only. On a multi-storied building, the sign should be suspended between the bottom of the second story windowsills and the top of the doors or windows of the first story. On a one-story building, the top of the sign should be in line with the lowest point of the roof.
- The scale of projecting signs should not detract from the architectural character of the building.

- Projecting signs should be hung at a 90-degree angle from the face of the building.



This is an appropriate use of a Projecting Sign. The sign is attached using a discreet iron bracket; the sign is the correct size and states only the name of the business located there.

- Sign supports and brackets should be compatible with the design and scale of the sign and the architectural design of the building. Decorative iron and wood brackets are encouraged.
- Internal illumination of projecting signs is strongly discouraged.
- Signs, which advertise the occupant business through the use of graphic or crafted symbols, such as shoes, keys, glasses, or books, are encouraged. Figurative signs may be incorporated into any of the allowable sign types identified above.

8-3.6.11.3 Directory Signs

Permit Required: Yes

Zoning Districts Allowed:

Neighborhood Center, Town Center, Highway Commercial, Traditional Neighborhood Development, Campus Institutional, Campus Business, Special Purpose, General Industrial, and Floodplain Districts.

Sign Height Requirements:

Maximum of Four (4) feet in the Neighborhood Center District.

Maximum of Six (6) feet in the Campus Institutional, Campus Business, Special Purpose, General Industrial, and Floodplain Districts.

Maximum of Eight (8) feet in the Town Center, Highway Commercial, Traditional Neighborhood Development Districts.

Number of Signs Permitted:

Maximum of One (1) in the Neighborhood Center, Town Center, Traditional Neighborhood Development, Special Purpose, and Floodplain Districts.

Maximum of Two (2) in the Highway Commercial, Campus Institutional, Campus Business, and General Industrial Districts.

Sign Area Requirements:

Maximum of Twenty-Four (24) Square Feet.

Additional Requirements:

- Signs should include some form of identification (logo, name, etc), arrow and directions only.
- Keep lettering clear, simple and concise.

8-3.6.11.4 Flag Signs/Pennant Signs

Permit Required: No, except in the Floodplain District.

Zoning Districts Allowed:

Open Space Residential, General Residential, Neighborhood Residential, Neighborhood Center, Town Center, Highway Commercial, Traditional Neighborhood Development, Campus Institutional, Campus Business, Special Purpose, General Industrial, and Floodplain Districts.

Sign Height Requirements:

Shall not exceed twice the maximum building height permitted or 40 feet, whichever is less.

Number of Signs Permitted:

Maximum of Four (4)

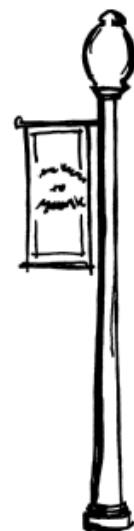
Sign Area Requirements:

Not Applicable.

Flags can appear in the form of a regular flag flown with an American and/or State flag (below), or they can appear in a banner form (right).



Mocksville



8-3.6.11.5 Incidental Signs

Permit Required: No

Zoning Districts Allowed:

Open Space Residential, General Residential, Neighborhood Residential, Neighborhood Center, Town Center, Highway Commercial, Traditional Neighborhood Development, Campus Institutional, Campus Business, Special Purpose, General Industrial, and Floodplain Districts.

Sign Height Requirements:

Maximum of Two (2) Feet.

Number of Signs Permitted:

Not Applicable.

Sign Area Requirements:

Maximum of Two (2) Square Feet.

Additional Requirements:

Not Applicable.

8-3.6.11.6 Identification Signs

Permit Required: Yes

Zoning Districts Allowed:

Open Space Residential, General Residential, Neighborhood Residential, Neighborhood Center, Town Center, Highway Commercial, Traditional Neighborhood Development, Campus Institutional, Campus Business, Special Purpose, General Industrial, and Floodplain Districts.

Sign Height Requirements:

Maximum of Two (2) feet for Freestanding Identification Signs.

Number of Signs Permitted:

Maximum of Two (2).

Sign Area Requirements:

Maximum of Two (2) Square Feet in the Open Space Residential, General Residential, Neighborhood Residential, Neighborhood Center, Town Center, and Traditional Neighborhood Development Districts.

Maximum of Four (4) Square Feet in the Highway Commercial, Campus Institutional, Campus Business, Special Purpose, General Industrial and Floodplain Districts.

Additional Requirements:

Not Applicable.

8-3.6.11.7 Kiosk Signs

Permit Required: Yes.

Zoning Districts Allowed:

Neighborhood Center, Town Center, Highway Commercial, Traditional Neighborhood Development, Campus Institutional, Campus Business, Special Purpose, General Industrial, and Floodplain Districts.

Sign Height Requirements:

Maximum of Six (6) feet in the Neighborhood Center, Campus Institutional, Campus Business, Special Purpose, General Industrial, and Floodplain Districts.

Maximum of Eight (8) feet in the Town Center, Highway Commercial, and Traditional Neighborhood Development Districts.

Number of Signs Permitted:

Maximum of One (1).

Sign Area Requirements:

Maximum of Twenty-Four (24) Square Feet.

Additional Requirements:

- Kiosk Signs must be placed in an on-premises and centrally located area.
- Signs should state the names and locations of businesses only.

8-3.6.11.8 Marquee Signs

Permit Required: Yes

Zoning Districts Allowed:

Town Center and Highway Commercial Districts.

Sign Height Requirements:

Shall not extend above or below Marquee Surface.

Number of Signs Permitted:

Maximum of One (1).

Sign Area Requirements:

Shall not exceed Seventy-five (75%) percent of the size of the marquee.

Additional Requirements:

Not Applicable.

8-3.6.11.9 Monument Signs

Permit Required: Yes

Zoning Districts Allowed:

Open Space Residential, General Residential, Neighborhood Residential, Neighborhood Center, Town Center, Highway Commercial, Traditional Neighborhood Development, Campus Institutional, Campus Business, Special Purpose, General Industrial, and Floodplain Districts.

Sign Height Requirements:

Maximum of Four (4) feet in the Open Space Residential, General Residential, Neighborhood Residential, Neighborhood Center, Town Center, Traditional Neighborhood Development, Campus Institutional, Campus Business, Special Purpose, General Industrial, and Floodplain Districts.

Maximum of Eight (8) feet in the Highway Commercial District.

The example to the right is a standard monument sign with interior lighting that illuminates the entire sign area at night. The base is made of masonry and all electrical devices that are related to the operation of the sign are well hidden from sight.

**Number of Signs Permitted:**

Maximum of One (1) per street front or development entrance.

Sign Area Requirements:

Maximum of Twenty-four (24) Square Feet in the Open Space Residential, General Residential, Neighborhood Residential, Neighborhood Center, Town Center, and Floodplain Districts.

Maximum of Thirty-two (32) Square Feet in the Highway Commercial, Traditional Neighborhood Development, Campus Institutional, Campus Business, Special Purpose and General Industrial Districts.

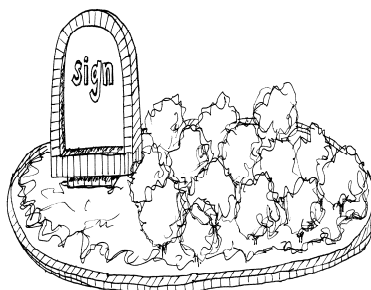
Additional Requirements:

- Monument signs may be internally illuminated, however, the sign copy should be the only portion of the sign face that is illuminated. The sign background or field should be opaque with a non-gloss, non-reflective finish. Signs with individual back-lit letters, or stenciled panels with three dimensional push-through graphics are encouraged.
- The sign area and height of the sign should be in proportion to the site and surrounding buildings. Signs should not be overly large so as to be a dominant feature of the site.
- Monument signs should be placed perpendicular to the street.



Monument Sign should have a masonry base and, if desired, sides. This Monument Sign is a good example of using the proper materials.

- Monument signs should be placed so that sight lines at entry driveways and circulation aisles are not blocked.
- Monument signs should be designed to create visual interest and compliment their surroundings. Monument signs should incorporate architectural elements, details, and articulation as follows:
 - Provide architectural elements on the sides and top to frame the sign pane(s). Use columns, pilaster, cornices, and similar details to provide design interest.
 - Incorporate materials and colors into the sign support structures to match or be compatible with materials and colors of the development the sign serves so it does not appear out of scale with its adjacent building(s).
- Monument signs shall incorporate landscaping at their base.



- Landscaping around monument signs should be designed to ensure the long-term readability of the sign.



The above photo shows an appropriate example of proper landscaping around and below a Monument Sign. The plants of choice here are low-lying and do not block the lettering of the sign.



The above photo shows an inappropriate example of landscaping around a Monument Sign. The plants of choice used here have grown taller than the lettering of the sign and it is now hard to see.

- Changeable copy and electronic message boards are allowed in nonresidential districts, for nonresidential uses and Planned Developments, and for places of worship and institutional uses in any district.
 - (i) Schools and churches are permitted one freestanding sign containing a maximum display area 24 square feet, and one changeable copy electronic message sign, which does not exceed 24 square feet in display area, provided that total sign height does not exceed eight feet above ground level;

Proper Example of a Changeable Copy sign used by a popular restaurant to display a new product.



Changeable Copy signs placed on a wall are inappropriate unless the Town of Mocksville deems it appropriate.

Additional Requirements:

Electronic Message Boards shall be limited to text displays and subject to the following requirements:

- (a) Electronic message boards may scroll.
- (b) Electronic message boards may display text with either occulting lights or fixed lights.
- (c) The transition from one image to the next must be accomplished in one second or less.
- (d) Electronic message boards must be equipped with automatic dimming technology that automatically adjusts the display's brightness based on ambient light conditions.
- (e) Automatic timers and dimmers shall be required;
 - (1) Hours that electronic message board must be turned off or remain static between 9:00 pm-6:00 am, if located within 100 feet to a conforming residential dwelling. This measurement shall be from the nearest base of the sign to the nearest point of the primary dwelling structure.
 - (2) Only date, time, temperature is allowed to be displayed during this time.
- (f) There can only be one (1) message at a time on the sign.
- (g) Advertising messages or information shall remain in a fixed, static position for a minimum of 3 (3) three seconds.

- (h) The sign shall not exceed a maximum illumination of 7,500 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between 9:00 pm-6:00 am, as measured from the sign's face at maximum brightness
- (I) The electronic message sign must be physically attached to the primary sign;

8-3.6.11.10 Planned Development Signs

Permit Required: Yes.

Zoning Districts Allowed:

Open Space Residential, General Residential, Neighborhood Residential, Neighborhood Center, Town Center, Highway Commercial, Traditional Neighborhood Development, Campus Institutional, Campus Business, Special Purpose and General Industrial Districts.

Sign Height Requirements:

Maximum of Eight (8) Feet in the Open Space Residential, General Residential, Neighborhood Residential, Neighborhood Center, Town Center, Traditional Neighborhood Development, Campus Institutional Districts.

Maximum of Fifteen (15) Feet in the Highway Commercial, Campus Business, Special Purpose and General Industrial Districts.

Number of Signs Permitted:

Maximum of One (1) per street front or development entrance.

Sign Area Requirements:

Maximum of Twenty-four (24) Square Feet in the Open Space Residential, General Residential, Neighborhood Residential, Neighborhood Center, Town Center, Traditional Neighborhood Development, Campus Institutional Districts.

In the Highway Commercial, Campus Business, Special Purpose and General Industrial Districts; shall not exceed 1 square foot of sign area per 1000 square feet of building floor area within the planned development as defined by the site plan up to a maximum sign area of 300 square feet for all planned development signs. The 300 square feet total may be in one or more signs but there shall be no more than 3 such planned development signs. No single business or location shall exceed more than 1/3 of the total sign area on any planned development signs.

Additional Requirements:

Not applicable.

8-3.6.11.11 Suspended Signs

Permit Required: Yes.

Zoning Districts Allowed:

Neighborhood Center, Town Center, Highway Commercial and Traditional Neighborhood Development Districts.

Sign Height Requirements:

- Suspended Signs height must be in accordance with the State of North Carolina Building Code. If there are no requirements for a prospective site, signs should hang no lower than at least seven (7) feet above the ground.

Number of Signs Permitted:

Maximum of One (1) per store front.

Sign Area Requirements:

Shall not exceed ½ the size of the nearest window or door on the same building or façade.

Additional Requirements:

None.

8-3.6.11.12 Temporary Signs (including Real Estate Signs & Construction Signs)

- (A) **Temporary signs permitted without a permit.** The following temporary signs are permitted without a zoning permit in all zoning districts, but shall be in conformance with all other requirements of this ordinance.
- (1) Temporary freestanding signs placed in, but not obstructing, the public right-of-way during downtown festivals and street events are permitted in the Town Center District. Such signs shall be displayed only on the day of the event and only during the hours of the event.
 - (2) Sign boards placed on the sidewalk in the town center district during business hours shall be permitted as long as they do not obstruct the public sidewalk or hinder its use in any way by pedestrians or handicapped persons.
 - (3) Temporary cross-street banners for community events shall be permitted if approved by the Town Manager and installed by town personnel, according to policies established by the town board.
 - (4) Campaign or election signs shall be permitted provided that:
 - (a) Individual signs shall not exceed sixteen square feet in area nor six feet in height.
 - (b) All signs shall be removed within seven days after the election for which they were made.
 - (c) No signs shall be permitted in the public right-of-way.

- (5) Real estate signs, excluding temporary development signs provided that:
- (a) Signs advertising all residential lots, buildings, units, or spaces for sale or for lease shall not exceed six square feet in area nor four feet in height. Rider signs not exceeding a total of two square feet in sign face area shall be permitted in addition to the six square feet.
 - (b) Signs advertising all non-residential lots, buildings, units, or spaces for sale or for lease shall not exceed one square foot of sign area for every five linear feet of frontage of the advertised property, up to a maximum sign face area of thirty-two square feet. Such signs shall not exceed a maximum height of six feet.
 - (c) Only one sign per street front of the advertised property shall be erected.
 - (d) Properties having a continuous frontage in excess of 850 linear feet may be allowed an additional sign so long as such sign is no closer than 500 feet from another real estate sign on the same property.
 - (e) Signs shall not be illuminated.
 - (f) Signs shall be removed within seven days after the sale is closed or rent or lease transaction finalized.
- (6) Construction signs, other than Temporary Planned Development Signs, are permitted provided that:
- (a) Signs located on residential lots, excluding multi-family sites, shall not exceed six square feet in area. Rider signs not exceeding two square feet in area shall be permitted in addition to the six square feet. The maximum height of such signs shall be 6 feet.
 - (b) Signs for all multi-family development sites and non-residential uses shall not exceed one square foot for every five linear feet of frontage of property under construction, up to a maximum sign face area of thirty-two square feet. Such signs shall not exceed a maximum height of six feet.
 - (c) Signs are confined to the site of construction.
 - (d) Only one sign per street front of the property under construction shall be erected.
 - (e) Signs shall not be illuminated.
 - (f) Signs shall be removed within seven days after the completion of the project.

- (7) Temporary farm products signs are permitted provided that:
- (a) Signs are located on the premises where the products are sold.
 - (b) Signs advertise products produced onsite only.
 - (c) Signs shall not exceed thirty-two square feet in area nor six feet in height.
 - (d) Only one sign shall be erected.
 - (e) Signs shall be removed within seven days of the termination of sale activities.
- (8) Temporary special event signs or banners for religious, charitable, civic, fraternal, or similar organizations, are permitted provided that:
- (a) Signs shall not exceed thirty-two square feet in area nor 6 feet in height.
 - (b) Signs shall be erected no sooner than fourteen days before and removed seven days after the event.
- (9) Public service and advertising signs in association with athletic fields attached to the interior face of any fence which encloses or partially encloses an athletic playing field upon the property of a school or public park subject to the following conditions:
- (a) No sign face area shall be visible from any public street nor from any abutting property in a residential or mixed use district.
 - (b) No sign shall extend above the top of the enclosing fence.
 - (c) The property owner or an authorized representative shall provide the town with a signed statement granting permission for signs to be displayed and assuming responsibility for management of the signs as well as the appropriate removal and disposal of damaged or obsolete signs.
- (10) Temporary directional signs within a planned development, but not visible from the road(s) fronting the overall development, shall be permitted so long as such signs do not exceed 12 square feet in sign area, 6 feet in height, and are removed upon completion of the portion of the project to which the signs are giving direction.
- (11) Holiday lights and decorations.
- (12) Any sign not legible or easily noticeable from public property or a public right-of-way and obviously not intended to attract the attention of the public.

(13) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.

(B) **Temporary signs requiring a permit.** Temporary signs permitted upon issuance of a valid zoning permit shall be limited as follows:

(1) Temporary banners in commercial and mixed use districts, provided:

- (a) Only one banner per establishment shall be allowed at a time.
- (b) All banners shall be attached in total to a building wall or permanent canopy extending from a building.



A Temporary Sign like the one above is only allowed for two weeks and must have a valid sign permit applied for before posting.

- (c) No paper banners shall be allowed.
 - (d) Banners shall be erected for a period not to exceed two weeks.
 - (e) No more than six such signs per establishment shall be erected within a calendar year.
 - (f) No banner shall extend above the second occupied floor level of a building.
- (2) Temporary Planned Development Signs are permitted provided that:
- (a) Only one primary sign and two secondary signs shall be allowed per street front of development.



- (b) The maximum sign face area of a primary sign shall not exceed thirty-two square feet; height of freestanding signs shall not exceed six feet.
 - (c) The maximum sign face area of secondary signs shall not exceed twelve square feet; height of freestanding signs shall not exceed six feet.
 - (d) Only one permit shall be required for all temporary planned development signs for each planned development. Permits shall be valid until a project is completed or two years, whichever comes first. Completion shall be evidenced by the issuance of all certificates of occupancy for a development by the Building Inspections Department. If a project is not completed in two years, a new permit must be obtained. However, in no instance shall more than three permits be issued for a development. All secondary signs shall be removed when the first permit issued expires.
- (3) Temporary off-premise signs or banners for special community events, open to the general public and sponsored by non-commercial civic, charitable, community, or similar organizations, provided:
- (a) Temporary signs shall be located outside of the public right-of-way or at least eleven feet from the edge of any public street if the right-of-way cannot be determined.
 - (b) Every temporary off-premise sign or banner shall be separated by a distance of 400 feet from any other such temporary off-premise sign on the same side of a street, and by a distance of 200 feet from any other sign on the opposite side of a street.
 - (c) Nothing in this provision shall be construed to authorize the posting of such signs or banners upon trees, utility poles, traffic control signs, lights or devices in any place or manner prohibited by the provisions herein, nor on private property without written consent of the owner.

- (4) Any temporary sign not expressly permitted without a permit by this section.

8-3.6.11.13 Window Signs

Permit Required: No.

Zoning Districts Allowed:

Open Space Residential, General Residential, Neighborhood Residential, Neighborhood Center, Town Center, Highway Commercial, Traditional Neighborhood Development, Campus Institutional, Campus Business, Special Purpose and General Industrial Districts.

Number of Signs Permitted:

Not Applicable.

Sign Area Requirements:

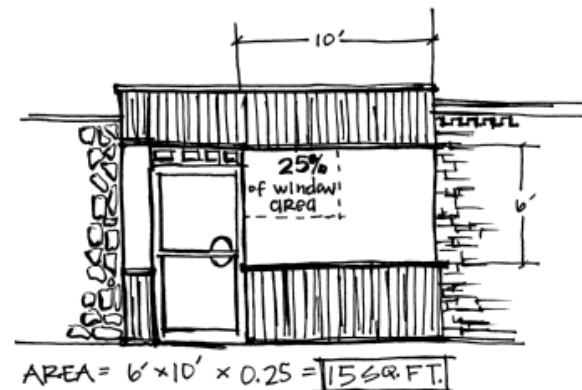
Shall not exceed twenty-five (25%) percent of the window area.



Window Signs should be simple and maintain the general transparency of the window.

Additional Requirements:

- The text or sign copy of a window sign should be limited to the business name, and brief messages identifying the product or service (e.g. “maternity wear” or “attorney”), or pertinent information (e.g. “reservations required”).



8-3.6.11.14 Civic Signs

Permit Required: No

Zoning Districts Allowed:

- Open Space Residential, General Residential, Neighborhood Residential, Neighborhood Center, Town Center, Highway Commercial, Traditional Neighborhood Development, Campus Institutional, Campus Business, Special Purpose, General Industrial, and Floodplain Districts.

Sign Height Requirements:

- Maximum height of six (6) feet in Open Space Residential, General Residential, Neighborhood Residential, Neighborhood Center, Town Center, Traditional Neighborhood Development, Campus Institutional, Campus Business, Special Purpose, General Industrial, and Floodplain Districts.
- Maximum of eight (8) feet in the Highway Commercial District.

Numbers of Signs Permitted:

- Maximum of one (1) per street front, development entrance or sign easement.

Sign Area Requirements:

- Maximum of thirty-two (32) square feet.

Additional Requirements:

- Any changeable face portion shall not exceed 40% of the sign face.
- Signage advertising day of events may be placed no sooner than 6pm the day before and must be removed by 8pm the day after.

8-3.6.12 Non-Conforming Signs

The lawful use of a permanent sign existing at the time of the adoption of this ordinance may be continued in non-conformance with the requirements of this ordinance, except that the non-conforming sign shall not be enlarged, altered, modified, improved or rebuilt. A non-conforming sign may be repaired to the extent necessary to maintain it in a safe condition and neat and orderly appearance. A change in the advertising message on the sign shall not constitute an alteration or modification of the sign.

No structural repair or change in shape, size or design shall be permitted except to make a non-conforming sign comply with all requirements of this ordinance or to render the sign structurally sound. Routine maintenance and changing of copy shall be permitted as long as such maintenance or changing of copy does not result in or change the shape, size, or design of the sign.

A non-conforming sign structure may not be replaced by another non-conforming sign structure, except where changed conditions beyond the control of the owner warrant the signs repair.

8-3.6.13 Exempt Signs

The following types of signs are exempt from the requirements of this ordinance unless otherwise expressly prohibited under Sec. 8-3.6.7. However, all of these signs shall abide by the requirements as specified in Sec. 8-3.6.11.

- (1) Signs for the sole purpose of displaying street numbers as may be required by other ordinances and other signs required by law.
- (2) Signs erected by, or on the order of, a public officer in the performance of his duty including but not limited to public notices, safety signs, danger signs, trespassing signs, traffic and street signs, memorial plaques and signs of historical interest.
- (3) Signs on private property prohibiting trespassing in accordance with state law.
- (4) Any sign not visible from public thoroughfares or any sign within a business, office, mall, or totally enclosed area.
- (5) One official sign per road frontage, as required by the State of North Carolina, identifying vehicle emissions inspection stations licensed by the State of North Carolina.
- (6) Signage on courtesy benches, trash receptacles, newspaper boxes, automated teller kiosks and phone booths, not exceeding 8 square feet of sign area and not located within the required front yard setback for the zoning district. Limited to one bench sign and one trash receptacle sign per lot.
- (7) Signage on coin-operated beverage dispensers, limited to three (3) per lot and not located within the required front yard setback for the zoning district.

8-3.6.14 Weekend Signs

Weekend signs shall be allowed without the necessity of obtaining a permit, subject to the following requirements:

- (a) Such signs shall be allowed only on Fridays from 12:00 p.m. through Sundays until 6:00 p.m.
- (b) No more than one (1) weekend sign shall be allowed on any given lot.
- (c) No such sign shall be located on any public right-of-way, and it must be on private property with the consent of the property owner.
- (d) Signs shall not exceed a maximum area of six (6) square feet each.
- (e) For identification purposes the owner of said sign shall stamp or write legibly its name and contact information, on the backside or in a corner of the sign.
- (f) In order to confirm legitimacy of sign placement, the owner of every weekend sign shall stamp or write legibly on the backside or corner of the sign the name of the property owner providing authorization for placement of the sign and a telephone number of that property owner.
- (g) Such signs shall not be illuminated.
- (h) The minimum fine for placement of a weekend sign in contravention of this ordinance shall be \$100.00.
 - (i) For purposes of prosecuting this chapter, it is hereby established that if the subject matter of a wrongfully placed weekend sign is a business, individual or entity subject to identification, then a rebuttable presumption exists that the business, individual or entity so identified caused the sign to be so placed and is subject to citation.

8-3.6.15 Removal of Discontinued Signs

It is the intent of this Section to establish reasonable time periods for the removal of discontinued signs. For purposes of this Section, all signs pertaining to a business, service, institution, industry, or other activity that ceases operations shall be deemed to be discontinued signs. For purposes of this Section, "ceases operations" shall be interpreted literally and to include cases where there is substantial evidence that a business or activity has vacated the building or grounds; provided, further, that this

Section shall not apply to any case where a business or activity is temporarily suspended and there is evidence that the business or activity will resume operations within a specifically designated period. It shall be the responsibility of the property owner, the operator of a business or activity discontinuing a lease if any, and the leasehold manager if any, for ensuring compliance with the provisions of this Section and each owner, operator, or manager shall be considered individually responsible for compliance with this Section.

- A) All discontinued signs, with the exception of pole signs and monument signs, shall be removed within ten (10) days from the date of discontinuance. The town may permit an extension of this removal period only in cases where special equipment is needed to remove the sign and removal of the structure cannot reasonably be arranged by the sign owner within the ten (10) day time period.
- B) All discontinued signs that meet the definition of a pole sign shall be removed within sixty (60) days from the date of discontinuance. The town may permit one thirty (30) day extension of this removal period only in cases where special equipment is needed to remove the sign or sign structures, and removal of the structure cannot reasonably be arranged by the sign owner within the sixty (60) day time period.
- C) This Section shall not apply to the structure of a monument sign, provided that it might reasonably be used by a future tenant or property owner, complies with the provisions of this Article, and is maintained in good condition; provided further, that the following shall be met:
 - 1) If a discontinued monument sign contains an message panel that is removable from the monument structure without disassembling the monument, then within thirty (30) days of the date of discontinuance said panel shall be removed and the portion of the monument structure that previously held the message panel shall be covered with durable cloth or canvas to avoid the appearance of blight, until such time as a new sign permit is applied for and granted and an approved sign panel is installed in said monument.
 - 2) If a discontinued monument sign contains a sign copy area that is not removable without disassembling the monument, then said sign copy area shall be modified (e.g., painted over) or covered with durable cloth or canvas so that the sign copy pertaining to the business or activity discontinued is no longer visible, until such time as a new sign permit is applied for and granted and approved sign copy is affixed on the sign copy area of said monument.

8-3.6.16 Removal of Signs Not Maintained

All signs shall be maintained by the property owner in good condition so as to present a neat and orderly appearance. The Town of Mocksville may remove, or cause to be removed, after notice any sign which shows gross neglect, becomes dilapidated, or in the opinion of the Code Enforcement Officer poses a threat to public safety. The Town of Mocksville or his designee will give the owner forty-five (45) days written notice to correct the deficiencies or to remove the sign or signs, except signs which pose a threat to public safety which shall be removed. If the owner refuses to correct the deficiencies or remove the sign, Town of Mocksville or his designee will have the sign removed at the expense of the owner.

8-3.6.17 Enforcement

This ordinance shall be administered and enforced by the Town of Mocksville or his or her designee. In case any sign is proposed to be erected, constructed, altered, converted, or used in violation of any provision of this ordinance, the Town of Mocksville may, in addition to other remedies, and after notice to the appropriate person, issue a citation for violation of the Town ordinance thereby requiring the presence of the violator in magistrate court; institute the filing of a petition for an injunction, or other appropriate action or proceeding to prevent such unlawful erection, construction, alteration, conversion, or use to correct or abate such violation. Additionally, the Town of Mocksville may have the sign removed at the expense of the owner and may issue a citation for violation of the Town ordinance to the agent that placed the sign, as well as those parties responsible for directing the agent, including the person or business owner whose name, message, and/or address, and/or telephone number appears on the sign. Any sign located within a public street right-of-way may be removed immediately by the Town without warning or notice to the sign owner.

8-3.7 GENERAL REGULATIONS

8-3.7.1 CONFORMITY REQUIRED.

No person may use, occupy, or sell any land, structure, or building or authorize or allow the use, occupancy, or sale of any land, structure, or building under his control except in accordance with all of the applicable provisions of this article. For the purpose of this section, the use or occupancy of structures and buildings shall relate to anything and everything that is done to, on, or in the land, structures, or buildings.

8-3.7.2 STREET FRONTAGE REQUIRED.

Any lot on which a building (or buildings) is to be erected or use is to be established shall abut a public street with the following exceptions:

- (A) Any lot for which a residential use has been legally established prior to the effective date of this ordinance in accordance with provisions permitting establishment of use on a lot served by a private and exclusive recorded easement of at least 15 feet in width connecting said lot to a public street, may be used as if it abutted a street, provided that it is served by a driveway located on said easement.
- (B) Any lot for which a non-residential use has been legally established prior to the effective date of this ordinance in accordance with provisions permitting establishment of use on a lot served by a private, exclusive recorded easement of at least 15 feet in width connecting said lot to a public street, may be construed in the same manner as a lot abutting a street provided that it is served with a driveway built to appropriate standards located on the permanent, recorded easement.
- (C) A site specific development plan may be considered for approval in the TC, NC, NR, OSR, and TND-O districts where residential and/or non-residential structures front upon a private courtyard, carriageway, or pedestrian way, where adequate access by emergency vehicles is maintained by way of a rear alley and where the off-street placement of uses does not diminish the orientation of building fronts on the public street.
- (D) A site specific development plan may be considered for approval in the Campus Districts to permit interior lot access by private drives so long as business and emergency access is furnished to all interior building sites, and proposed buildings at the perimeter of the campus front upon public street(s). See the Campus Districts.
- (E) A development site consisting of one or more legal lots of record which is developed under a coordinated, approved site specific plan and which is accessed solely by driveways shall only be required to abut a public street along some portion of the development site the minimum distance of which shall be determined by the town to be adequate for public and emergency vehicle access but which shall not be less than thirty-five feet.
- (F) A multi-family, townhouse, condominium, or industrial development site consisting of one or more legal lots of record which is developed under a coordinated, approved site specific plan may be permitted, on a case by case basis, to be served by a private street network and shall only be required to abut a public street along some portion of the development site the minimum distance of which shall be determined by the town to be adequate for public and emergency vehicle access but which shall not be less than thirty-five feet.

8-3.7.3 ONE PRINCIPAL BUILDING PER LOT; EXCEPTIONS.

Only one principal building and its customary accessory building(s) may be erected on any lot, except that multiple buildings may be erected on a single lot as permitted by use and district regulations.

8-3.7.4 LOT SIZE.

No building lot (development site), even though it may consist of one or more adjacent lots of record, shall be reduced in size such that the requirements for building and lot type cannot be met, or the performance standards for spacing of structures, building mass and scale, and street frontage relationships cannot be respected. This prohibition shall not be construed to prevent the purchase, dedication, or condemnation of narrow strips of land for public utilities or street or sidewalk right-of-way purposes.

8-3.7.5 YARD DESIGNATION.

- (A) On lots which abut more than one street, the front of the lot shall be parallel to the more prominent street. Exceptions may be made to this rule by the zoning administrator based upon the arrangement of existing and proposed streets and drives and the orientation of buildings on adjoining lots. Where neither street is more prominent than the other, the zoning administrator shall decide which street shall be the front based upon these same criteria.
- (B) Where multiple buildings are permitted on a single lot of record, each building shall generally front upon a pedestrian oriented street, either external or internal to the development; side and rear yard designations shall be determined on the basis of building orientation.
- (C) On irregularly shaped lots, the location of required front, side, and rear yards will be determined by the zoning administrator. The determination will be based on the spirit and intent of this ordinance to achieve an appropriate spacing of buildings and orientation to the street(s).

8-3.7.6 THROUGH LOTS.

If both the front and rear yards of a lot abut public streets, then the rear building line shall respect the alignment of buildings on the back street while the front building line shall respect the alignment of buildings on the fronting street.

8-3.7.7 HEIGHT LIMITATION EXCEPTIONS.

- (A) The height limitations of this section shall not apply to steeples, flagpoles, chimneys, water tanks, public utility poles and lines, skylights, roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building, and any device used to screen such structures and equipment.
- (B) Telecommunication towers, where permitted, may exceed the height limit for structures when erected in accordance with this article.
- (C) When adjacent to a lot or lots located in a residential district, any part of a non-residential structure which extends above the height limit shall, at a minimum, be separated from adjacent residential lots by a distance equal to its height measured from the ground.

8-3.7.8 STRUCTURES AND USES LIMITED IN YARDS.

- (A) No principal building or structure shall be located within any required setback or yard.
- (B) No principal building or structure shall be located within any required buffer or screen.
- (C) Permitted fences and walls, security gates, paths, walkways, mailboxes, utility poles, lighting fixtures, patios at grade, and similar features may be located in a required yard, so long as the sight triangle on corner lots is protected.
- (D) Permitted signs may be located in an established front or side yard abutting a public street.

- (E) Off-street parking areas, maneuvering areas for parking, and loading areas are prohibited in required yards. This restriction shall not apply to:
 - (1) A driveway which crosses a required yard to provide access from a public street to a parking area; or
 - (2) Driveways and parking areas for a detached or duplex residential dwelling; or
 - (3) Plazas associated with civic buildings or campus quadrangles that have been designed and approved for occasional use as secondary parking areas; or
 - (4) Yards included within specific streetscape plans adopted by the Town Board in which the plans include limited parking and access in adjacent yards; or
 - (5) Front yards in the Highway Commercial district which meet the requirements for front parking.
- (F) Subordinate structures attached to single family homes, such as decks, garages, porches, utility rooms, and similar features may extend into the required rear yard up to 25% of its depth, and may cover up to 20% of its area. Such extensions may not exceed 50% of the width of the dwelling at the rear building line.
- (G) Above-ground sewer backflow prevention devices are expressly prohibited in the established front yards of buildings.

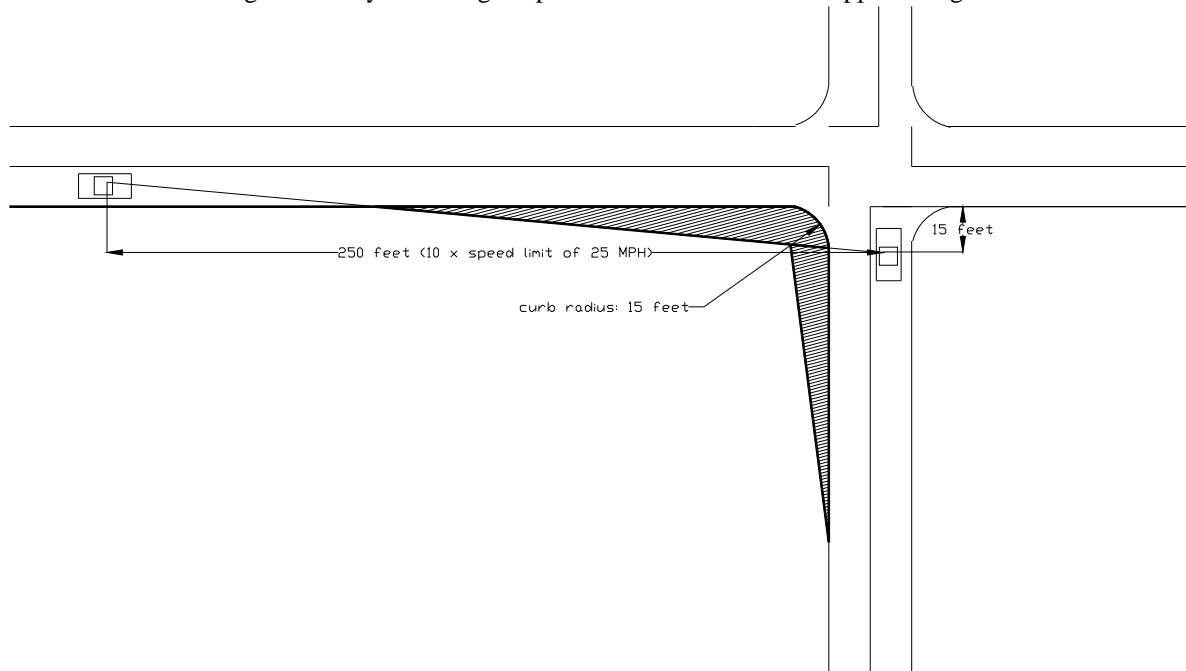
8-3.7.9 ACCESSORY STRUCTURES AND USES.

- (A) In no event shall "accessory use" or "accessory structure "be construed to authorize a use or structure not otherwise permitted in the district in which the principal use is located.
- (B) No accessory structure shall be located within a required front or side yard. Accessory buildings shall be limited to the rear yard of a lot containing a principal building. These buildings shall not be located within five feet of a rear lot line. Where permitted, accessory dwellings may be located no closer than 5 feet to an abutting mid-block alley, nor closer than 15 feet to an abutting property line.
 - (1) Accessory buildings may be located in the front of side yard provided the lot is used for single-family purposes and is greater than one (1) acre in size (area). In such a case, the residential accessory building shall be set back from the road right of way a minimum of one hundred (100) feet and twenty-five (25) feet from any other lot line.
- (C) Accessory uses and structures that are clearly related to and incidental to the permitted principal use or structure on the lot are permitted in all districts.
- (D) Fences and walls shall be permitted without a permit as follows:
 - (1) In a residential, mixed use, or commercial district, a fence or wall in the established front yard of a building shall be a minimum of two feet in height and a maximum of five feet in height. Decorative caps or spires which extend above the highest horizontal member of the fence shall not be included in the measurement of height.
 - (2) In a residential or mixed use district, a fence or wall in an established rear or side yard which abuts a street or alley may not exceed six feet in height unless placed more than five feet inside the property boundary.

- (3) In a commercial district, fences of chain link or similar material placed in an established yard which abuts a residential or mixed use district shall provide a semi-opaque vegetative screen on the exterior side of the fence.
- (E) Petroleum storage, accessory to a permitted principal use or building is permitted.
- (F) Temporary buildings and storage of materials are permitted, provided that the use is in conjunction with the construction of a building on the same lot or on an adjacent lot; the temporary uses shall be terminated upon completion of construction.

8-3.7.10 CLEAR SIGHT TRIANGLE AT STREET INTERSECTIONS.

- (A) A clear view at each corner of an intersection shall be maintained by establishing an unobstructed "sight triangle." The extent of the required sight triangle varies according to the speed limit of streets forming the intersection. For streets signed 35 MPH or greater, the area to be clear of view obstructions at unsignalized intersections is generally to be the triangular area formed by the point of intersection of street right-of-way lines and a point located along each right-of-way line at a distance of 35 feet from the point of intersection. For intersecting streets signed for less than 35 MPH, the shaded area in the figure below illustrates the area which must, in most instances, be clear of obstructions to driver visibility at unsignalized intersections. As indicated, the clear sight triangle will vary according to speed limit for traffic on the approaching street.



- (B) No planting, structure, sign, fence, wall, man-made berm, or other obstruction to vision shall be installed, constructed, set out, or maintained so as to obstruct cross-visibility in the sight triangle between 30 inches and 72 inches above the level of the center of the street intersection.
- (C) The limitations of this section may be modified by the zoning administrator in the instances noted below, so long as adequate visibility is maintained relative to intended speed limit:
 - (1) Existing natural grades;
 - (2) Trees trimmed such that no limbs or foliage extend into the area between 30 and 72 inches above the level of the adjacent intersection;

- (3) Fire hydrants, public utility poles, street markers, government signs, electrical junction boxes, and traffic control devices;
- (4) Buildings located in the Town Center district, the Neighborhood Center district, or the commercial centers of TND districts;
- (5) The approved and intentional use of traffic calming techniques to reduce speed; these include, but are not limited to: a series of hill crests, neckdowns, intersection diverters, and curb bulbs.

8-3.7.11 BUILDING SEPARATION.

All detached principle structures in all districts shall preserve a minimum building separation of ten feet. The requirement of the district or the existing pattern of building spacing along a street may require a greater separation or the provision of specified side yards.

8-3.7.12 STANDARDS FOR CONSTRUCTION; DEVELOPER RESPONSIBILITY.

Where standards and responsibility for infrastructure construction, including but not limited to streets, sidewalks, and landscaping, are specified in this document the Town of Mocksville town standards shall control.

8-3.7.13 DRIVEWAYS.

- (A) No driveway or other point of access to the street shall be constructed, relocated, or altered unless the driveway has been approved by the Town of Mocksville.
- (B) For development projects composed of multiple buildings and lots, access to the pre-existing public street system shall be determined by the location of proposed intersecting streets, topography, and other general site characteristics. No parcel of land which is a functional part of the overall development, even though it may be removed by the developer from the rest of the project area by subdivision or by metes and bounds description, shall be permitted to have driveway access to the public streets bounding the project area.

8-3.7.14 MEASURING SETBACKS ALONG CERTAIN STREETS.

- (A) Pursuant to North Carolina General Statutes 160A-306, the setback requirements for any lot which abuts a street as classified below shall be measured from the proposed right-of-way line as listed if the existing right-of-way is of lesser width.

Street Classification	Distance from Street Center Line to "Proposed Right of-Way Line".
Freeway or Expressway	125 feet
Major Arterial	50 feet
Minor Arterial	35 feet
Major Collector	30 feet
Minor Collector	30 feet

- (B) Whenever the proposed right-of-way is greater than the existing right-of-way along a particular street segment, the yard area established under the guidelines above can be used for any purpose allowed by the particular zoning district, except buildings and other permanent uses which are prohibited in the required yard. Required parking, if not able to be provided elsewhere on the lot, shall be considered a permanent use of the lot. At the time that the proposed right-of-way is dedicated or otherwise acquired for roadway purposes, the property owner shall be responsible for

the removal of any uses from the right-of-way that would not otherwise be permitted. The property owner shall have one year from the date of right-of-way acquisition to remove any such uses.

- (C) The area between the existing right-of-way and the proposed right-of-way line may not be used to satisfy any minimum open space, lot size, or pervious surface requirement, or any other minimum requirements imposed by this article.
- (D) The standards within this section shall not apply to any lot within in the Town Center district.
- (E) An affected property owner shall have the right to appeal transitional yard or setback requirements to the Board of Adjustment for variance or modification as they apply to a particular piece of property. The Board of Adjustment may vary or modify these requirements upon a showing that:
 - (1) The peculiar nature of the property results in practical difficulties or unnecessary hardships that impede carrying out the strict letter of the requirements, and
 - (2) The property will not yield a reasonable return or cannot be put to reasonable use unless relief is granted, and
 - (3) Balancing the public interest in enforcing the setback requirements and the interest of the owner, the grant of relief is required by considerations of justice and equity.
- (F) In granting relief, the Board of Adjustment may impose reasonable and appropriate conditions and safeguards to protect the interests of neighboring properties. The Board of Adjustment's decision shall be subject to review by the superior court by proceedings in the nature of certiorari in accordance with N.C.G.S. 160A-388 (e).

8-3.7.15 NEGATIVE ACCESS EASEMENTS.

Private negative access easements in which no driveway or other vehicle or pedestrian access is permitted to a lot from an adjacent public street, shall be prohibited, except those easements required by the town to limit driveways on existing public streets.

8-3.7.16 NONCONFORMITIES.

- (A) Purpose and applicability. The purpose of this article is to regulate and limit the continued existence of uses and structures that were established prior to the effective date of these regulations and that do not conform to these regulations. Any nonconformity created by a change in the text of these regulations or by the reclassification of property shall be regulated by the provisions of this chapter. The "effective date" referenced below shall be the date the text of these regulations or the Zoning Map is amended to render a particular use, structure, or lot nonconforming. Many nonconformities may continue, but the provisions of this chapter are designed to curtail substantial investment in nonconformities, and to bring about their eventual improvement or elimination.
- (B) Nonconforming uses.
 - (1) Nonconforming uses of land or structures may continue only in accordance with the provisions of this section.
 - (2) A nonconforming use shall not be expanded.
 - (3) A nonconforming use shall not be changed to any other use unless the new use conforms to the standards of the zoning district in which it is located. Once a nonconforming use is changed to a conforming use, a nonconforming use shall not be re-established.

- (4) Where a nonconforming use is discontinued or abandoned for a period of 180 days, then the use shall not be re-established or resumed and any subsequent use of the land or structure shall conform to the requirements of these regulations.
- (5) No structural changes shall be made in any structure occupied by a nonconforming use except as follows:
 - (a) Those structural changes ordered by an authorized official in order to insure the safety of the structure shall be permitted.
 - (b) Maintenance and repairs to keep a structure in sound condition shall be permitted.
 - (c) Structural changes necessary to convert the nonconforming use to a conforming use shall be permitted.
 - (d) An existing nonconforming residential structure may be enlarged or altered provided that no additional dwelling units result therefrom. Any such enlargement or alterations shall be in compliance with all yard requirements of the district and/or use.
 - (e) The structure and its accompanying use may be moved to another location on the lot so long as the structure meets all applicable requirements of the district.
- (C) Nonconforming structures.
 - (1) A nonconforming structure, devoted to a use permitted in the zoning district in which it is located, may continue only in accordance with the provisions of this section.
 - (2) Normal repair and maintenance may be performed to allow the continuation of a nonconforming structure.
 - (3) Any nonconforming structure may be enlarged if the expansion does not increase the non-conformity.
 - (4) A nonconforming structure shall not be moved unless it thereafter conforms to the standards of the zoning district in which it is located.
 - (5) A nonconforming structure, destroyed or damaged so that more than twenty-five percent of the value of such structure remains, may be repaired or restored if a building permit for the repair or restoration is issued within six months of the date of the damage. A nonconforming structure, destroyed or damaged so that no more than twenty-five percent of its value remains, may be repaired or restored only if the structure conforms to the standards of these regulations for the zoning district in which it is located. The extent of damage or destruction shall be determined by comparing the estimated cost of repair or restoration with the current assessed tax value.
 - (6) A nonconforming structure shall not be replaced with another nonconforming structure regardless of the degree of nonconformity.

- a) Where a legal nonconforming Class A or B type manufactured home is located in the Open Space Residential OSR zoning district, it may be replaced in the same location with the same class and same or newer year model home or a Class A and same or newer year model home that meets the requirements of 8-3.8.41.
- (D) Nonconforming vacant lots.
 - (1) Except as provided in section (2) below, a nonconforming vacant lot may be used for any of the uses permitted by these regulations in the zoning district in which it is located, provided that the use meets all yard, parking, and screening requirements of this ordinance for the zoning district in which it is located.
 - (2) If two or more adjacent, nonconforming, unimproved lots are held in single ownership, such lots shall be considered to be a single building lot for the purposes of this article. If the combination results in the creation of a building lot that is more than one-and-one half times the width and area required in the zoning district, then the two lots may be legally resubdivided into two lots of equal width and area both of which may be developed under the authority of section (1) above.
- (E) Additional requirement for nonconforming accessory uses and structures. No nonconforming accessory use or accessory structure shall continue after the principal use or structure is terminated by abandonment, discontinuance, damage, or destruction unless such accessory use or accessory structure thereafter is made to conform to the standards for the zoning district in which it is located.
- (F) Additional requirements for manufactured home parks.
 - (1) Nonconforming manufactured home parks may not be expanded or increased in size which shall include adding spaces to the park;
 - (2) When a site at a nonconforming manufactured home park is vacated, another manufactured home may not be placed on that site;
- (G) Changes of tenancy and/or ownership. There may be a change in tenancy or ownership of an existing nonconforming use or structure, provided there is no change in the nature or character of such nonconforming use or structure except as provided herein and all other applicable requirements of this article are met (e.g. parking, screening, landscaping, etc.).

8-3.7.17 BUILDING TYPE.

- (A) Manufactured housing shall not be used as permanent structures except in the MH district.
- (B) Modular buildings shall not be used as permanent structures unless such are placed on a permanent masonry foundation and meet all of the other design standards for buildings in the district in which they are located.

8-3.7.18 SWIMMING POOLS.

Swimming pools located on any site, including single family residential sites, shall be:

- (A) Located in a side or rear yard only.
- (B) Located a minimum of twenty feet from any property line.

- (C) Completely enclosed by a fence or wall no less than four feet and no more than eight feet in height above grade as measured on the side of the fence or wall which faces away from the swimming pool. This fence or wall shall enclose the pool itself and may include any other additional portions of the lot. All fence or wall openings into the pool area shall be equipped with a gate that opens outward away from the pool and shall be self-closing and have a self-latching device. *(See section 8-3.5.2 for additional fence requirements.)*

8-3.8 ADDITIONAL CONDITIONS FOR CERTAIN USES

Note: These conditions apply only to uses "Permitted with Conditions" or by "Special Use Permit" in the applicable zoning district as shown in 8-3.3.5, Table of Uses.

8-3.8.1 ABOVE GROUND UTILITIES.

- (A) Utility distribution lines, which deliver service to the end user from a substation fed by a transmission line providing service to an area larger than the individual parcel or project area, shall be installed underground, unless subsurface conditions make underground installation not possible or practical.
- (B) Facilities used for the operation of above ground utilities shall, whenever possible, be located on interior properties rather than on properties aligned with other lots that have continuous street frontage.
- (C) Areas around water towers, water and wastewater treatment facilities, substations, and power plants shall be enclosed by a fence, not easily climbable, at least six feet in height. The fence shall be located at least twenty feet from any public street right-of-way and abutting property line and shall be planted on the exterior side with a semi-opaque vegetative screen with expected height of at least six feet at maturity.

8-3.8.2 ACCESSORY COMMUNICATION ANTENNAE.

8-3.8.3 ACCESSORY DWELLING UNIT, ATTACHED OR DETACHED.

An accessory dwelling may be attached, within, or separate from the principal dwelling.

- (A) The principal use of the lot shall be residential and the principle structure on the lot shall be a residential building (single family, duplex, multi-family, or townhouse).
- (B) No more than one accessory dwelling shall be permitted on a single lot of record in conjunction with the principal dwelling unit.
- (C) The accessory dwelling shall be owned by the same person as the principal dwelling.
- (D) The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling unless the accessory dwelling is accessed from a rear alley and the principal dwelling is accessed from a street. A corner lot may be served by a separate driveway if approved by Davie County Development Services and/or NCDOT.
- (E) A detached accessory dwelling shall be no greater in size than 1100 square feet or 75% of the living area of the principal dwelling and may have no more than two bedrooms; the structure may be a dwelling only or may combine a dwelling with garage, workshop, studio, or similar accessory use.
- (F) An accessory dwelling unit shall be a minimum of 600 square feet.
- (G) A detached accessory dwelling shall be located in the rear yard.
- (H) The owner of the accessory dwelling shall live on the parcel containing the accessory dwelling.
- (I) A manufactured home shall not be used as an accessory dwelling unit.

8-3.8.4 ADULT ESTABLISHMENTS.

- (A) No adult establishment shall be located within 1,000 feet (determined by a straight line and not street distance) of the closest boundary line of any residential zoning district, or of any point on the closest property line of any church, school, day care, public park, residence or playground as measured by a horizontal straight line distance from the closest point on the closest boundary line of the property occupied by the adult establishment.
- (B) No adult establishment shall be located within 1,000 feet (determined by a straight line and not street distance) of any other adult establishment as measured by a horizontal, straight line distance from the closest point on the closest boundary line of the property occupied by each.
- (C) No more than one adult establishment may be located within the same structure.
- (D) Mini-motion picture booths shall be constructed without doors, and shall orient the customer entrance of each booth toward the principal sales counter.
- (E) Patrons of adult establishments shall be separated from entertainers, performers or entertainment employees by a minimum of six (6) feet.
- (F) All performers or entertainment employees of adult establishments shall perform on and be limited to an elevated stage or platform, elevated from the main floor by at least three (3) feet.
- (G) No printed material, slide, video, photograph, written text, live show, or other visual presentation shall be visible to the public or an adjacent property or use, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the establishment.
- (H) A licensed manager shall be on duty at all times
- (I) Law enforcement personnel shall be given access to all public areas of the establishment at all times.
- (J) An Adult Establishment shall not locate within a non-conforming structure or non-conforming property.
- (K) The gross floor area of any Adult Establishment shall not exceed five thousand (5,000) square feet and all business related activity shall be conducted within the building.
- (L) Enclosed or fenced parking shall be prohibited.

8-3.8.5 AGRICULTURAL INDUSTRY.

- (A) There shall be a separation of no less than 250 feet between structures housing the agricultural industry and the closest point of any property located in a residential district or developed for residential or mixed use purposes.
- (B) The use shall be located on a lot containing no less than ten acres.
- (C) Agricultural uses shall maintain a minimum ten foot vegetated buffer, or equivalent control as determined by the Soil and Water Conservation Commission along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 scale (7.5 minute) topographic maps.

8-3.8.6 AGRICULTURE, BONAFIDE FARMS.

- (A) Agricultural uses must maintain a minimum ten foot vegetated buffer, or equivalent control as determined by the Soil and Water Conservation Commission along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 scale (7.5 minute) topographic maps.

8-3.8.7 AGRICULTURE IMPLEMENT SALES AND SERVICE.

- (A) Outdoor storage, display and sales of agricultural supply items and materials, implements and equipment are permitted except (i) such shall not be located in the Front Yard of the principle use as the term Front Yard is defined in the Zoning Ordinance or (ii) as limited in subsections (B) through (C) below.
- (B) Outdoor storage and displays shall not occur within forty (40) feet of a residential use or residentially zoned property.
- (C) Outdoor display and sales of merchandise accessory to a principle use shall not:
 - (1) Be located in any public street right of way;
 - (2) Block the entrance to any building;
 - (3) Be placed in any front yard or side yard abutting a Town street; and
 - (4) Display merchandise higher than any fence within which the merchandise is enclosed.

8-3.8.8 AMUSEMENTS, COMMERCIAL, OUTDOOR.

- (A) Outdoor amusement facilities shall be separated by an opaque screen from any abutting property located in a residential or mixed use district;
- (B) No permanently established amusement facilities, such as miniature golf courses, skateboard courses, or mechanical rides shall be located within 200 feet of the closest point of any abutting property located in a residential district;
- (C) Hours of operation shall be no earlier than 8:00 a.m. and no later than 12:00 midnight

8-3.8.9 ARENAS; ASSEMBLY HALLS, COLISEUMS, ARMORIES, BALLROOMS, RECEPTION HALLS, AND EXHIBITION BUILDINGS.

- (A) The facility shall have direct access to a major arterial.
- (B) All facilities shall be located at least one hundred linear feet from any lot line and 300 linear feet from a residential district.

8-3.8.10 BED AND BREAKFAST ESTABLISHMENT.

- (A) The establishment shall not serve food or drink to the general public for pay.
- (B) The establishment may serve breakfast, lunch and dinner or a combination of all or some of these three meals to registered guests of the home.
- (C) The price of breakfast shall be included in the room rate.
- (D) The establishment shall be the permanent residence of the owner of the establishment.
- (E) In any residential zoning district, no more than two off-street parking spaces shall be provided in the front yard and overnight guest accommodations shall be in the principal structure only.
- (F) Off-street parking in the side and rear yards shall be screened in accordance with parking lot landscaping and screening requirements. Parking shall be placed on the lot in a manner designed to have the least physical impact on adjoining residential uses.
- (G) Employment shall not exceed two full time employees in addition to the owner(s).

8-3.8.11 BOARDING OR ROOMING HOUSE.

- (A) The house shall be the permanent residence of the owner of the establishment.
- (B) In any residential zoning district, no more than two off-street parking spaces shall be provided in the front yard.
- (C) Off-street parking in the side and rear yards shall be screened in accordance with parking lot landscaping and screening requirements. Parking shall be placed on the lot in a manner designed to have the least physical impact on adjoining residential uses.

8-3.8.12 BUILDING CONTRACTORS, GENERAL; HEAVY.

- (A) All outdoor storage of non-passenger vehicles and building materials shall be kept at least 100 linear feet from any adjacent residential use and shall be located in a side or rear yard only. This

setback requirement may be reduced to 50 feet if the outdoor storage area is enclosed by a solid fence of 6 minimum feet with approval from the Planning Director.

- (B) No outdoor equipment or materials shall be visible to the public.
- (C) Any materials within a fenced area shall not be stacked higher than the fence.

8-3.8.13 BUILDING MATERIALS SUPPLY; SAW MILLS.

- (A) All outdoor storage of logs, lumber and building materials shall be kept at least 100 linear feet from any adjacent residential lot.
- (B) Storage of logs, lumber and building materials shall be located in a side or rear yard only.

8-3.8.14 BULK STORAGE OF PETROLEUM PRODUCTS; FUEL DEALERS.

- (A) All storage tanks and loading facilities will be located at least 100 feet from any exterior property line.
- (B) Vehicle access to the use shall be provided by way of a major or minor thoroughfare, or a commercial street directly intersecting a thoroughfare.

8-3.8.15 CAR WASH, AUTOMATIC.

- (A) The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.
- (B) Car washes, vacuums, and similar service devices shall be a minimum of twenty feet from the nearest portion of an adjacent residential zoning district or residential use.
- (C) Car washes accessory to a principle use shall be located in the side or rear yard only.

8-3.8.16 CAR WASH, INDUSTRIAL.

- (A) The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.
- (B) Car washes, vacuums, and similar service devices shall be a minimum of twenty feet from the nearest portion of an adjacent residential zoning district or residential use.
- (C) Car washes accessory to a principle use shall be located in the rear yard only.

8-3.8.17 CAR WASH, SELF-SERVICE.

- (A) The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.
- (B) Car washes, vacuums, and similar service devices shall be a minimum of twenty feet from the nearest portion of an adjacent residential zoning district or residential use.

8-3.8.18 CEMETERY.

- (A) Tombstones, crypts, monuments and mausoleums must be located at least twenty-five feet from any street right-of-way line or abutting property. Greater setbacks shall be observed if otherwise required by the zoning district in which it is located. Gravesites shall also be set back at least twenty feet from any side or rear lot lines in cemeteries (or cemetery expansions).
- (B) Sales of crypts shall be allowed as an accessory use on premises (for cemeteries as a principal use only). No building in conjunction with such sales shall be located closer than twenty feet from any side lot line abutting a residential district and forty feet from any such rear lot line.
- (C) Notwithstanding any other provisions of this article , a minimum of three (3) acres shall be needed for any cemetery being developed as a principal use.

8-3.8.19 CHILDCARE INSTITUTION; DAYCARE CENTER.

- (A) Outdoor play and/or recreation areas shall be located behind the front building line in the rear yard or side yard only. If located in the side yard, a minimum side yard setback of ten (10) feet shall be observed. On corner or through lots, a minimum twenty (20) foot setback as measured from the abutting street right-of-way line shall be required.
- (B) All outdoor play and recreation areas shall be surrounded by a fence or wall at least four (4) feet in height.
- (C) Outdoor activities are limited to the fenced area between 8:00 A.M. and 10:00 P.M.
- (D) At least one off-street passenger loading/unloading space separate from required parking shall be provided for each twenty people enrolled. Adequate onsite turnaround area shall be provided for all loading/unloading and parking spaces.
- (E) Uses designed to accommodate more than 30 children shall have a minimum lot size of one acre.
- (F) Child care facilities shall comply with other conditions as required by the Board of Adjustment to insure compatibility with surrounding properties.

8-3.8.20 CHURCH OR RELIGIOUS INSTITUTION, COMMUNITY SCALE.

- (A) Exterior lighting shall be directed or screened so as to protect the privacy of the private living areas and associated open spaces of adjacent residential properties.
- (B) Convents, rectories, parsonages or similar uses may be placed on the site as accessory uses.
- (C) Accessory uses such as church offices, religious bookstores serving the immediate congregation, parking lots, family life centers, multi-purpose facilities, outdoor recreational facilities, and day care centers on the same site or sites contiguous to the principal use shall be permitted. Similar uses on non-contiguous sites or on a site separated from the principal use by a public street shall be considered principal uses in their own right and be regulated as such.
- (D) Church accessory uses which are not permitted as principal uses in a district shall adhere to the following restrictions:
 - (1) no merchandise or merchandise display shall be visible from outside the building;
 - (2) no business or identification sign pertaining to the accessory uses shall be visible from outside the building;
- (E) Except as noted in section (C) above, accessory uses not permitted as principal uses (including television stations, radio stations, printing presses, or sports complexes) are prohibited.
- (F) Direct access to the site shall be provided by a major or minor thoroughfare, as depicted on the most up-to-date version of the Thoroughfare Plan.
- (G) The minimum site area shall be three acres.

8-3.8.20.1 CHURCH OR RELIGIOUS INSTITUTION, NEIGHBORHOOD SCALE

- (A) Accessory uses such as church offices, parking lots, family life centers, multi-purpose facilities, outdoor recreational facilities, and day care centers on the same site or sites contiguous to the principal use shall be permitted.

8-3.8.21 CIVIC, FRATERNAL, CULTURAL, AND COMMUNITY FACILITIES, NOT OTHERWISE LISTED; PRIVATE NON-PROFIT CLUB OR LODGE.

- (A) Such use has direct access to an arterial or collector street.
- (B) No active part of the site (buildings, parking, recreational areas, etc.) are permitted within fifty feet of an adjacent single family residential use.
- (C) An auditorium or assembly hall is only permitted provided that:
 - (1) Such use is permitted as a principle use in the district, or
 - (2) Such use is limited to a seating capacity of no more than 150 people.

8-3.8.22 CLUBS, PRIVATE.

- (A) Private clubs shall be open to members of the club and their guests only.
- (B) Hours of operation shall be no earlier than 10:00 A.M. and no later than 1 A.M. when the use abuts a residential use or a residentially zoned lot. This restriction shall not apply where such use is separated from a residential use or a residentially zoned lot by a major arterial street.

- (C) Outdoor seating areas shall not be permitted adjacent to a public street or within 250 feet of a residential use or a residentially zoned lot.
- (D) Outdoor entertainment areas, except areas devoted strictly to seating, shall not be permitted.
- (E) Music, loud speakers, and similar noise devices shall not be permitted outdoors. Noise emanating from the club shall not exceed ambient noise levels in the surrounding area at a distance of more than 100 feet from any point of the property containing the club.

8-3.8.23 CLUSTER SUBDIVISIONS.

- (A) All lots within the development shall be accessed solely by interior streets, except that lots used for permitted non-residential uses may have driveway access to adjacent streets if approved by the town.
- (B) No non-residential use in the development shall be permitted within 150 feet of the perimeter of the development site unless the adjacent zoning district permits such use.
- (C) The overall density of the cluster subdivision shall not exceed that of a non-clustered subdivision. Land “saved” by clustering shall be dedicated for open space according to the requirements of section 8-3.5.

8-3.8.24 COLLEGE OR UNIVERSITY.

- (A) Schools shall be located on streets sized to accommodate normal traffic volumes of existing uses plus the additional traffic projected to be generated by the school(s).
- (B) Accessory and incidental buildings shall be placed within established rear yards and side yards that do not abut a street.
- (C) Where chain link and similar fencing material are installed in an established yard abutting a street, such fencing shall be planted on the exterior side with evergreen shrubs minimum three feet in height (expected height at maturity minimum six feet), six feet on center at installation.

8-3.8.25 COMMUNITY CENTER.

- (A) Any community center having a seating capacity in excess of five-hundred (500) persons shall have direct access to a major or minor arterial.

8-3.8.26 CONSTRUCTION VEHICLE AND HEAVY MACHINERY SALES, REPAIR, LEASING, MAINTENANCE, AND STORAGE.

Outdoor storage of construction vehicles and heavy machinery associated with sales, repair, leasing, maintenance and storage operations shall be permitted according to the following standards:

- (A) Where permitted as an accessory use in conjunction with a building, the area of storage shall not be placed in any established yard abutting a street.
- (B) Where permitted as a principal use on a lot, the area of storage shall be no closer than forty feet from an abutting street right-of-way.
- (C) The area of outdoor storage shall be screened from view from the street(s) and from all abutting properties by an opaque screen; wherever security fencing is desired, it shall be placed on the interior side of the opaque screen.

8-3.8.27 CORRECTIONAL INSTITUTIONS.

- (A) The principal structure and any accessory use or structure (excluding property boundary fencing) shall be located at least 500 feet from any property located in a residential district or mixed use district.
- (B) Property boundary fencing shall not employ barbed wire, razor wire, electrical fencing, or similar materials where abutting property located in a residential or mixed use district.
- (C) Security fencing shall be provided an opaque screen on the exterior of fencing wherever it is adjacent to a street or property in a residential or mixed use district.
- (D) The use shall be located on a lot of at least 10 acres if the facility has beds for more than 100 inmates.
- (E) The use will be located on a lot of at least five acres if the facility has beds for 100 or fewer inmates.

8-3.8.28 DAY CARE HOME, LARGE AND SMALL.

- (A) A day care home must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained.
- (B) No outdoor play shall be permitted after dark and care shall not be provided on a twenty-four hour basis.
- (C) The facility shall be staffed by persons residing in the dwelling in which the day care is located except that up to one non-resident may report to work at a daycare home.
- (D) The day care shall be located in a structure originally constructed as and designed for a single-family dwelling which shall be the principal structure on the lot. The structure shall not be altered in any manner which diminishes its value as a single-family dwelling or which changes its exterior residential character.
- (E) The owner of the daycare home shall reside on premises.

8-3.8.29 DORMITORY.

- (A) In any residential zoning district, no more than two off-street parking spaces shall be provided in the front yard.
- (B) Off-street parking in the side and rear yards shall be screened in accordance with parking lot landscaping and screening requirements. Parking shall be placed on the lot in a manner designed to have the least physical impact on adjoining residential uses.

8-3.8.30 FAIRGROUNDS, FLEA MARKETS, AND FARMERS MARKETS.

- (A) Direct access to the site shall be provided by a major or minor arterial.
- (B) For outdoor flea markets only, the lot shall be at least 300 linear feet from any lot located in a residential district.

8-3.8.31 FREIGHT TERMINALS.

- (A) The area designated for truck parking shall be located no closer than forty feet from an abutting street right-of-way.
- (B) The area of truck parking shall be screened from view from the street(s) and from all abutting properties by an opaque screen; wherever security fencing is desired, it shall be placed on the interior side of the screening materials.
- (C) The use shall be located on or have direct access to a major or minor arterial; truck terminals shall not be sited such that collector streets are regularly traversed to access the larger capacity road.

8-3.8.32 FUNERAL HOMES.

- (A) The proposed funeral home shall provide a semi-opaque screen, where abutting property located in a residential district or a residential use in a commercial or mixed-use district.

8-3.8.33 GASOLINE STATION, LARGE; NEIGHBORHOOD.

- (A) Hours of operation shall be no earlier than 6:00 A.M. and no later than midnight when this use abuts a residential use or a residentially zoned lot. This restriction shall not apply where such use is separated from a residential use or a residentially zoned lot by a major arterial street.
- (B) Any accessory motor vehicle repair service shall store any wrecked, partially dismantled, or inoperative vehicles located on-site in an enclosed building or in a separate motor vehicle storage yard which meets the requirements of this article for outdoor storage.
- (C) The overnight storage of all merchandise and vehicles shall be indoors and all repair work and similar activities shall be conducted entirely within enclosed structures.
- (D) All fuel pumps shall be located a minimum of twenty feet from any adjacent property line.
- (E) All fuel pumps and canopies shall be located in the side or rear yard only. On corner lots, fuel pumps and canopies located in side yards shall be on the side of the principle structure located away from the street intersection.

8-3.8.34 GROUP HOMES, A OR B.

- (A) The zoning lot on which the group home or care facility is proposed shall not be located within a one-half (1/2) mile radius of a zoning lot containing another such facility.

8-3.8.35 HABILITATION FACILITY, A OR B.

- (A) Outdoor activity areas shall be located behind the front building line in the rear yard or side yard only. If located in the side yard, a minimum side yard setback of ten feet shall be observed. On corner or through lots, a minimum twenty foot setback as measured from the abutting street right-of-way line shall be required.
- (B) All outdoor activity areas shall be surrounded by a fence or wall at least four feet in height.
- (C) Outdoor activities shall be permitted only between the hours of 8:00 A.M. and 10:00 P.M.
- (D) At least one off-street passenger loading/unloading space separate from required parking shall be provided for each twenty people enrolled.

8-3.8.36 HELIPORT.

- (A) Non-emergency use (i.e., uses other than for public safety or medical purposes) of private heliports between the hours of 10:00 P.M. and 6:00 A.M. is prohibited.
- (B) Landing pads for on-grade heliports shall be set back a minimum of one hundred (100) feet from any property line and four hundred (400) feet from buildings used for residential purposes, public or private schools, hospitals, or public parks. These distance requirements may be reduced one foot for each one foot of the elevation above ground level for elevated helistops.
- (C) The helistop or heliport landing area shall be constructed of a material free of dust and loose particles which may be blown about by the down blast of the helicopter rotor.
- (D) Lighting is to be provided according to Federal Aviation Administration requirements and is to be oriented as much as possible away from adjacent uses.
- (E) An on-ground helistop shall be surrounded by a fence or other barrier which prohibits access except at controlled access points. Adequate access for fire and other emergency vehicles shall be provided to on-ground sites.

8-3.8.37 HOME OCCUPATION.

A home occupation is permitted accessory to any dwelling unit (except manufactured housing) in accordance with the following requirements:

- (A) The home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling.
- (B) A home occupation conducted in an accessory structure shall be housed only in a garage or other accessory structure typically associated with a dwelling.
- (C) The use shall employ no more than one person who is not a resident of the dwelling.
- (D) A home occupation housed within the dwelling shall occupy no more than twenty-five percent of the total floor area of the dwelling.
- (E) There shall be no visible outside display of stock in trade which is sold on the premises.
- (F) There shall be no outdoor storage or visible evidence of equipment or materials used in the home occupation, excepting equipment or materials of a type and quantity that could reasonably be associated with the principal residential use.
- (G) Operation of the home occupation shall not be visible from any dwelling on an adjacent lot, nor from a street.
- (H) Only vehicles used primarily as passenger vehicles will be permitted in connection with the conduct of the home occupation.
- (I) The home occupation shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisances outside the dwelling or accessory structure housing the home occupation.
- (J) Home occupations shall be limited to those uses which do not draw clients to the dwelling on a regular basis.

- (K) Outdoor kilns used for the firing of pottery shall be provided with a semi-opaque screen to obstruct the view from the street and from adjacent properties located in residential districts, shall have a secured work area, and shall be a minimum of 10 feet from abutting property lines.
- (L) No advertising signs shall be permitted.

8-3.8.38 KENNEL.

- (A) Any structure which houses animals which is not fully enclosed shall be located at least one hundred feet from any lot line and 250 feet from a residential or mixed use district.
- (B) Any run located partially or wholly outdoors shall be located at least one hundred feet from any lot line and 250 feet from a residential or mixed use district.
- (C) A maximum of twelve dogs shall be permitted in outside runs.

8-3.8.39 LANDFILL, CONSTRUCTION AND DEMOLITION.

- (A) The actual fill area shall be located at least 300 linear feet from any pre-existing principal residential structure and at least fifty feet from any lot line. All other structures and facilities (except access driveways) associated with the landfill shall be located at least 100 linear feet from any lot line.
- (B) Direct access to the site shall be provided by major or minor arterials only.
- (C) All access driveways which serve the site for ingress or egress shall be wide enough to accommodate two lanes of traffic.
- (D) Access to the site shall be controlled with gates, fences, or other suitable devices to prevent unregulated dumping.

8-3.8.40 LANDFILL, LAND CLEARING AND INERT DEBRIS (LCID).

- (A) Onsite facilities.
 - (1) Fill activity must comply with all applicable Federal, State, and Local Laws, ordinances, rules, and regulations, including but not limited to zoning restrictions, flood plain restrictions, wetland restrictions, mining restrictions, and sedimentation and erosion control regulations.
 - (2) Any on-site LCID landfill must obtain a permit from and comply with the standards of Davie County and the State of North Carolina.
 - (3) Fill activity is prohibited in the 100 yr floodplain and any wetland as defined in the Clean Water Act, Section 404(b).
 - (4) Fill activity is prohibited within a drainage way unless the drainage is piped in accordance with approved plans.
 - (5) Fill activity is prohibited within any utility easement.
 - (6) The owner of a landfill for the on-site disposal of land clearing and inert debris shall file a certified copy of a record plat of the property on which the landfill is located in the Davie County Register of Deeds' Office. This record plat shall accurately show the location of the landfill and the record owner of the land on which the landfill is situated.

- (7) Driveway access to the facility must be paved and must directly connect to a major or minor arterial, collector street or a minor non-residential street.
- (8) All unpaved areas shall be maintained in a manner which prevents dust from leaving the property.
- (9) Any such landfill must be closed in an approved fashion within six months of completion of construction or within twelve months of cessation of construction, if the development project has not been completed.
- (10) The location of any such landfill must be indicated on the preliminary subdivision plan and the final subdivision plat. Further, any parcel or lot which contains any part of any such landfill must have notification of the existence and extent of the landfill recorded as part of the deed for the lot or parcel.
- (11) No portion of any such landfill may be located within seventy-five feet of any property line which constitutes the external boundary of the project. This includes structures, equipment storage, parking areas and fill areas, except that access drives may cross this area.
- (12) A type D buffer shall be provided at the exterior property lines and drive of the LCID site. Buffer requirements may be adjusted as necessary to insure adequate protection of public health and the environment.
- (13) The approved Land Clearing and Inert Debris Landfill permit or notification form issued by the North Carolina Department of Environment Natural Resources, Division of Solid Waste Management shall be presented prior to the commencement of fill activity.

(B) Off-site facilities (not located on active development sites).

- (1) Fill activity must comply with all applicable Federal, State, and Local Laws, ordinances, rules, and regulations, including but not limited to zoning restrictions, flood plain restrictions, wetland restrictions, mining restrictions, and sedimentation and erosion control regulations. (NCAC 15A.13B .0560-.0566)
- (2) Fill activity is prohibited in the 100 yr floodplain and any wetland as defined in the Clean Water Act, Section 404(b).
- (3) Fill activity is prohibited within a drainage way unless the drainage is piped in accordance with approved plans.
- (4) Fill activity is prohibited within any utility easement
- (5) The owner of a landfill for the on-site disposal of land clearing and inert debris shall file a certified copy of a record plat of the property on which the landfill is located in the Davie County Register of Deeds' Office. This record plat shall accurately show the location of the landfill and the record owner of the land on which the landfill is situated.
- (6) Any facility which would operate for more than twenty-four months from the time that activity begins shall not be permitted.
- (7) No portion of any such landfill may be located within seventy-five feet of any exterior property line. This includes structures, equipment storage, parking areas, and fill areas; access drives may cross this area but may not be placed laterally through this area.

- (8) The actual fill area must be located at least 300 feet from any existing residential structure and at least 300 feet from any existing or former off-site LCID or demolition landfill.
- (9) Driveway access to the facility must be paved and must directly connect to a major or minor arterial, collector street, or minor non residential street.
- (10) All unpaved areas shall be maintained in a manner which prevents dust from leaving the property.
- (11) Vehicular and pedestrian access to the site shall be controlled; the site must be closed and secured during hours when filling activities are not under way.
- (12) Use of the site for any purpose is limited to the hours of 7:00 a.m. until 6:00 p.m. Monday through Saturday, if the site adjoins or is across the street from property located in a residential district.
- (13) No filling of any kind is allowed in a regulated flood plain or floodway fringe.
- (14) A type D buffer shall be provided at exterior property lines of the LCID site. Buffer requirements may be adjusted as necessary to insure adequate protection of public health and the environment.
- (15) The landfill operator shall be responsible for removal of any and all debris, dirt, or other materials which fall from trucks entering or leaving the landfill from all adjoining streets on at least a weekly basis. Failure to comply constitutes a violation of this article and may constitute grounds for revocation of the operating permit.
- (16) All driveways which serve the site must be wide enough to accommodate two-way traffic at all times and an area on the site must be provided to accommodate vehicles entering the site so that no traffic waiting to enter the site will be backed up on any public right-of-way.
- (17) A surety bond or irrevocable letter of credit in an amount to be determined by the Town Manager, in consultation with the consulting engineer, must be provided to insure that any active landfill area will be closed in an approved fashion. The amount of the bond will be based upon the maximum acreage expected to be in use at any given time. No more than 25% of the total area to be filled may be actively used at any one time.
- (18) A reclamation plan shall be provided to show how the site will be reclaimed upon the closing of the LCID landfill.
- (19) The approved Land Clearing and Inert Debris Landfill permit or notification form issued by the North Carolina Department of Environment and Natural Resources, Division of Solid Waste Management shall be presented prior to the commencement of fill activity.

8-3.8.41 MANUFACTURED HOME, CLASS A OR B.

- (A) All homes shall be oriented to insure that the longer side is parallel, or as close as possible to the centerline of the public roadway, unless otherwise approved by the zoning administrator.
- (B) A permanent porch shall be placed on the front of each home which measures at least six feet in width and a minimum of twenty-four square feet in area.

8-3.8.42 MANUFACTURED HOME, TEMPORARY.

- (A) Temporary manufactured homes shall only be permitted for reasons of personal hardship defined as:
 - (1) A short-term medical emergency within the immediate family.
 - (2) Cases of fire or destruction of a primary residence requiring temporary relocation.
- (B) Homes shall be permitted for a period not to exceed twenty-four months.
- (C) All homes shall be placed on the lot in harmony with existing site-built structures.
- (D) All homes shall have their entire perimeter enclosed from the ground to the bottom of the structure with material manufactured for this purpose in accordance with standards set by the State of North Carolina Regulations for Manufactured/Mobile Homes. Examples of commonly recognized building materials suitable for use as underpinning shall include, but not be limited to, the following list: brick masonry, concrete block masonry; natural or synthetic stone masonry; or vinyl. Assemblies, products and materials manufactured expressly for the purpose of underpinning shall be installed in accordance with the manufacturers' specifications.
- (E) The towing tongue shall be removed, under skirted or screened with shrubbery. Such shrubbery shall be of a height to insure a total visual barrier of the towing apparatus and maintained.
- (F) The home shall be placed in a side or rear yard only but shall not be located in a side yard that abuts a public street. The home shall meet all setbacks for accessory structures in the district where located.

8-3.8.43 MANUFACTURED HOME PARK.

- (A) Manufactured home parks shall be located on a minimum two acre tract (with a minimum of three manufactured home spaces).
- (B) Each park shall provide at least two parking spaces per home. Parking spaces shall be at least feet from adjacent home spaces.
- (C) A manufactured home shall be sited so that: 1) it is located at least twenty-five feet from adjacent homes and 2) a minimum five foot setback from adjacent home spaces is maintained.
- (D) Each manufactured home park shall have located at its entrance, perpendicular to the public road, a permanent non-lighted sign not to exceed sixteen square feet and not less than twelve square feet, indicating the park name in a minimum of six inch letters on both sides of the sign.
- (E) Each proposed home space in a manufactured home park shall be clearly marked by a permanent home space number sign or marker. The home space number shall be of a size (numbers shall be at least three inches high), reflectivity and color, and in a location which is readily identifiable by emergency personnel and inspectors. All home space numbers shall be consistent within a park and must be approved by the town.
- (F) Home spaces shall be properly staked.
- (G) All homes shall have their entire perimeter enclosed from the ground to the bottom of the structure with material manufactured for this purpose in accordance with standards set by the State of North Carolina Regulations for Manufactured/Mobile Homes. Examples of commonly recognized building materials suitable for use as underpinning shall include, but not be limited to, the following list: brick masonry, concrete block masonry; natural or synthetic stone masonry; or

vinyl. Assemblies, products and materials manufactured expressly for the purpose of underpinning shall be installed in accordance with the manufacturers' specifications.

- (H) The towing tongue shall be removed, under skirted or screened with shrubbery. Such shrubbery shall be of a height to insure a total visual barrier of the towing apparatus and maintained.
- (I) All manufactured homes located adjacent to public streets shall be oriented to insure that the longer side is parallel, or as close as possible to the centerline of the public roadway, unless otherwise approved by the zoning administrator.
- (J) Each park containing ten or more home spaces shall provide at least one specifically designated passive recreational area equaling at least 200 square feet per home space.
- (K) A permanent porch shall be placed on the front of each home which measures at least six feet in width and a minimum of twenty-four square feet in area.

8-3.8.44 MANUFACTURED HOME SUBDIVISION.

- (A) All lots shall be arranged and all homes oriented to insure that the longer side is parallel, or as close as possible to the centerline of the public roadway, unless otherwise approved by the zoning administrator.
- (B) Only Class A manufactured homes are permitted in manufactured home subdivisions.

8-3.8.45 MOTOR VEHICLE SALES, RENTAL, AND LEASING.

- (A) Motor vehicle sales, lease, and rental lots shall front on a major or minor arterial. Drive-in service windows and service processing, stacking and circulation lanes are prohibited in the established front setback of the principal building and within 75 feet of the right-of-way in a principal building's side yard that abuts a major or minor thoroughfare. On-site stacking lanes for drive-in service windows shall be a minimum of 200 feet in length if accessed directly from a thoroughfare or minimum of 100 feet if accessed directly from a street of lesser capacity.
- (B) All signs on the site shall conform to the standards of this article. Non-conforming signs, if present anywhere on the site, shall be removed prior to issuance of a change of use permit, issuance of grading permit, or commencement of new construction on the site.
- (C) Vehicles for sale or lease may be displayed in the established front yard under the following conditions:
 - (1) All new display areas must be paved with a decorative paving material; and
 - (2) No vehicle shall be displayed within fifteen feet of the street right-of-way; and
 - (3) A strip averaging eight feet in width, but in no case less than five feet in width, located in the area of the lot between the street right-of-way and the vehicle display area shall be heavily landscaped with evergreen shrubs and flowering plants which are suitable for this climate and the growing conditions present on the site. A recommended plant list for shrubs is available from the Davie County Planning Department. This strip shall be immediately adjacent to the vehicle display area. The number of plantings may be reduced if used in conjunction with and placed on the street side of an opaque, decorative wall at least 2.5 feet in height. This requirement is in addition to any other screening requirements established by this article.
- (D) Outdoor storage of vehicles in process of repair and vehicles for sale or lease that are in the process of dealer preparation for buyer/lessee pick up are permitted as follows:

- (1) Such storage areas are exempt from the interior landscaping requirements for parking lots. However, the perimeter landscaping requirements of parking lots shall apply to such storage areas.
- (2) Such storage areas may only be located behind the principal building and/or its accessory buildings, and shall not be placed within 100 feet of any property line that abuts a thoroughfare or local public street.
- (E) Businesses are prohibited from using amplified speaker/public address systems except within fully enclosed building(s).
- (F) Outdoor lighting shall meet all of the following requirements:
 - (1) The maximum height for lighting (pole mounted and wall mounted) shall be twenty feet, including the base/mounting fixture; and
 - (2) Floodlights are not permitted for parking lot illumination; and
 - (3) Lighting shall be directed downward and light spillover minimized with the use of hoods and similar devices; and
 - (4) Lighting fixtures that produce glare visible from adjacent property(s) and public rights-of-way are prohibited.
- (G) No vehicle sales/lease lot located within the Neighborhood Center district shall exceed one acre in size.

8-3.8.46 MOTOR VEHICLE REPAIR AND MAINTENANCE.

- (A) The lot containing such use shall be located at least 200 feet from any residential use or residentially zoned lot.
- (B) A motor vehicle repair, service, body or paint shop which has wrecked, partially dismantled, or inoperative vehicles located on-site shall store these vehicles in an enclosed building or in a separate motor vehicle storage yard which meets the requirements of this article for such yards.

8-3.8.47 MOTOR VEHICLE STORAGE YARD.

- (A) A motor vehicle storage yard created or expanded after the adoption date of this article shall have an enclosed storage area not exceeding one acre.
- (B) No repair work shall be done on motor vehicles while stored in the storage yard. No parts or other articles may be removed from the vehicles except for security purposes, nor shall any parts or articles be sold. The sale of whole vehicles shall be permitted only to satisfy a mechanics lien or by order of a law enforcement agency.
- (C) Fencing shall be set back a minimum of ten feet from public street rights-of-way.
- (D) Vertical stacking of motor vehicles is prohibited.
- (E) Any gasoline, oil, or other materials spilled or collected on site shall be contained and disposed of in accordance with state and federal laws.
- (F) Tractor trailers, tankers and/or any vehicle carrying a hazardous material shall be stored only in motor vehicle storage yards located in the SP or GI districts. A motor vehicle storage yard which

stores a tanker which has contained a hazardous substance shall be enclosed by a minimum six foot high fence which shall be locked during non-operation hours. In addition, a spill containment structure certified by a registered professional engineer as being adequate for spill containment is required. No tanker shall be stored closer than 300 feet from any residential zoning district or lot containing a legal conforming residential use.

8-3.8.48 NURSERY, LAWN AND GARDEN SUPPLY STORE, RETAIL.

- (A) Up to two storage containers/trailers are permitted to be placed on the lot.
- (B) Where permitted as a principal use on a lot, the area of storage for live plants shall be no closer than ten feet from an abutting street right-of-way and the area of storage for all other items shall be no closer than forty feet from an abutting street right-of-way.

8-3.8.49 NURSING CARE INSTITUTIONS AND CONGREGATE CARE FACILITIES.

- (A) Any facility which is licensed to have more than fifty residents shall maintain a side setback of at least twenty feet and a rear setback of at least forty feet when the side or rear yard is in or abuts a residential district.
- (B) Driveway access to accessory structures shall be through the main entrance to the facility.
- (C) Accessory structures shall be arranged to provide for adequate on-site vehicular and pedestrian traffic.
- (D) Any portion of a building, which contains living areas, shall be set back a minimum of fifteen feet from internal driveways and parking areas. This standard shall only apply to the living areas of buildings which contain a mixture of uses such as offices, storage and living areas.
- (E) Any building greater than 10,000 square feet or 1 story in height shall be a minimum of 50 feet from any adjoining property lines and include a Type A buffer. The setback shall be increased 5 feet for each additional 5,000 square feet over 10,000 square feet and increased 10 feet for each story above 1 when the building is adjacent to a residentially zoned lot.
- (F) Acceptable materials for additions and new construction include wood, brick, stone, stucco, vinyl, and similar materials designed to give the exterior a residential appearance. Under no circumstances shall metal siding, not intended to mimic traditional wood siding used on residential structures, or unfinished concrete block be permitted.

8-3.8.50 OUTDOOR DISPLAY AND SALES OF MERCHANDISE.

All display and sales of merchandise shall be conducted completely within enclosed buildings, except where expressly permitted below:

- (A) Outdoor seating for restaurants provided that such:
 - (1) Shall not be located in any street right-of-way;
 - (2) Shall be permitted only along the business' tenant bay or storefront façade; and,
 - (3) Shall not block the entrance to the business or building.
- (B) Outdoor display or sales of merchandise accessory to a principle use provided:
 - (1) Shall not be located in any public street right-of-way;

- (2) Shall be permitted only along the business' tenant bay or storefront façade;
- (3) Shall not block the entrance to the business or building;
- (4) Shall not exceed ten percent of the gross floor area of each non-related and separately operated use;
- (5) The display area shall be shown on the site plan prior to a Certificate of Occupancy.

8-3.8.51 OUTDOOR STORAGE.

- (A) Items must be placed within an enclosed building or approved outdoor storage area at the end of each business day.
- (B) Up to two storage trailers are permitted to be placed on a single lot or in conjunction with a single principal use.
- (C) Only vehicles and equipment awaiting or in process of repair which are not visibly damaged or are not used or intended to be used as “parts” vehicles shall be permitted.
- (D) Where permitted as an accessory use in conjunction with a building, the area of storage shall not be placed in any front yard or side yard abutting a street.
- (E) Where permitted as a principal use on a lot, the area of storage shall be no closer than twenty-five feet from an abutting street right-of-way.
- (F) All areas established for outdoor storage, including security fencing of such areas, shall be screened from view from the public street(s) and from all abutting properties by an opaque screen a minimum of six feet in height.

8-3.8.52 PARKING LOT OR DECK.

Parking lots and decks not accessory to a building on the same development site shall meet all requirements elsewhere herein for such uses, except that

- (A) Parking lots may be constructed up to the prevailing established setback line in developed areas or the required setback line in undeveloped areas. In developed areas the prevailing setback line shall be determined by existing structures lying within 300 feet in either direction on the same side of the same street as the proposed parking lot. If the proposed parking lot lies at a street intersection, the prevailing established setback shall be determined for both the fronting street and any abutting side street in the same manner.
- (B) Parking decks shall, to the maximum extent practicable, meet the design standards for buildings.

8-3.8.54 PROGRESSIVE CARE COMMUNITY.

- (A) Accessory buildings shall only include accessory dwellings containing no more than four dwelling units, recreation centers and similar facilities, dining halls, and maintenance buildings. All other buildings shall be principal buildings the use of which shall be for congregate or nursing care.
- (B) Driveway access to accessory structures shall be through the main entrance to the community.
- (C) Structures shall be arranged to provide for adequate on-site vehicular and pedestrian traffic.
- (D) Paved walkways shall be provided between accessory dwellings, the principal building, and all common facilities such as dining halls and recreation centers.
- (E) All lease/sale arrangements for accessory dwellings shall be under the direct control of the management company responsible for the progressive care community.
- (F) Principal and accessory buildings shall be predominately designed and constructed with architectural features common to residential structures including, but not limited to, the following features: roof pitch, facade material, and size, type and placement of windows and doors. Acceptable materials for additions and new construction include wood, brick, stone, stucco, vinyl, and similar materials designed to give the exterior a residential appearance. Under no circumstances shall metal siding, not intended to mimic traditional wood siding, or unfinished concrete block be permitted.
- (G) Any building greater than 10,000 square feet or 1 story in height shall be a minimum of 50 feet from any adjoining property lines and include a Type A buffer. The setback shall be increased 5 feet for each additional 5,000 square feet over 10,000 square feet and increased 10 feet for each story above 1 when the building is adjacent to a residentially zoned lot.
- (H) No site shall have a density greater than ten units per acre for accessory residential dwellings. For the purposes of calculating density all land lying underneath and within twenty feet of any congregate care or nursing care facility and all loading/unloading, garbage collection, and parking areas associated with congregate care or nursing care facilities shall be excluded from the total acreage.
- (I) A minimum of five acres shall be required. All land used for the progressive care community shall be contiguous and shall not be divided or transected by public roads, private roads granting easement(s) to tracts of land not included within the community, or natural features which would visually and functionally divide the development, including, but not limited to, preventing the free flow of pedestrian and vehicular traffic.
- (J) All structures are limited in occupancy to persons aged sixty-two years or older, the physically handicapped, and their spouses except for rooms or units occupied by resident staff personnel performing duties directly related to the operation of the facility.

8-3.8.55 RACEWAYS AND DRAG STRIPS.

- (A) The use shall be located on a lot of at least forty acres.
- (B) Vehicular access to the use shall be provided only by way of a major or minor arterial.
- (C) A minimum separation of 100 feet, fully vegetated, shall be provided between the fenced use area and any abutting property line.
- (D) Existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties.
- (E) The site shall be screened from the street(s) by a masonry wall or a solid wood fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; if security fencing of chain link or similar material is provided, it shall be placed on the interior side of the vegetation and wall or fence.
- (F) Hours of operation shall be no earlier than 8:00 a.m. Monday to Saturday or 12:00 p.m. Sunday, and no later than 11:00 p.m.

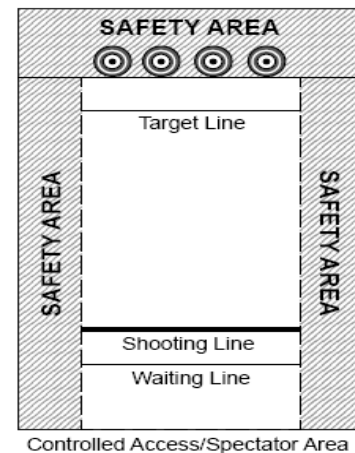
8-3.8.56 RECREATIONAL FACILITIES, GOLF COURSES, AND DRIVING RANGES.

- (A) Hours of operation of public or private recreational facilities, golf courses, and driving ranges will be no earlier than 6:00 a.m. and no later than 11:00 p.m. for uses located in or abutting a residential district.
- (B) All outdoor swimming facilities shall be located at least one-hundred (100) feet from any adjoining residentially zoned lot.
- (C) Private recreational facilities located in a residential zoning district shall be open to members of the club and their guests only.
- (D) Membership in private recreational facilities located in residential zoning districts shall be open to residents of the immediate area only.

8-3.8.57 RECREATION SERVICES, INDOORS AND OUTDOORS.

- (A) Service areas will be separated by an opaque screen from the view from any street and from abutting properties.
- (B) Chain link and similar fencing materials, if used, shall be planted on exterior side with evergreen shrubs minimum 3 feet in height and 6 feet on center at installation.
- (C) Outdoor lighting associated with outdoor recreational facilities shall not shine directly into yards of a residential use nor into the windows of a residential structure.
- (D) Outdoor speaker systems shall not be permitted.
- (E) Hours of operation shall be no earlier than 6:00 a.m. and no later than 11:00 p.m.
- (F) Recreation Services, outdoors-- **Recreational Sportsman Range**
 - 1. A "sportsman range" is any shooting match or contest in which powder burning shot guns/bow and arrow are used and prizes are awarded for marksmanship in which the general public is invited to participate.

2. No sportsman range shall be conducted without meeting the following:
3. Only shotguns may be used (#9 shot or smaller).
4. All shooting shall be directed away from homes and streets.
5. The design of the turkey shoot target area shall be reviewed and approved by the Mocksville Police Department.
6. Prior to the operation of any "sportsman range" a license must be first acquired from the Mocksville Police Department. A license shall be issued only after a written application is completed and filed with the department stating the name, age and address of the applicant and whether or not the applicant has ever been convicted of a felony. No license shall be issued to a minor or to a person who has been convicted of a felony.
7. A vegetated berm or opaque fence shall enclose the firing area, which is a minimum of 8 ft in height to prevent the public view of the activity.
8. Back stops shall be constructed of material that will allow the shot to penetrate but not pass through.
9. Back stops shall be maintained at a height of four (4) feet above the target.
10. All sportsman ranges shall be established with the firing line to the target area perpendicular to and a minimum of 100 feet to a road right of way.
11. Firing stations/line shall be located a minimum of 250 feet from any "residential lot line", unless all firing would occur within a completely enclosed resistant building.
12. A 50 ft safety area shall be established around the target area. This area shall be clearly marked to prevent entry within this area.
13. All back stops shall be constructed a minimum of 500 feet from a residence.
14. There shall be 2 parking spaces provided per target/shooting station.
15. A sportsman range may operate only on Fridays and Saturdays in the months of November and December and be limited to operate on two additional weeks throughout the year.
16. Hours of Operation: Friday 5:00 pm to 9:00 pm
 Saturday 1:00 pm to 6:00 pm
17. An outdoor sportsman range shall be properly posted from the street and along the property boundary every 500 feet.



8-3.8.58 RECYCLING CENTER.

- (A) A fifty foot side and rear yard buffer shall be required for any site which abuts a residential or mixed use district.
- (B) No outdoor storage of goods to be recycled shall be permitted. All such materials shall be enclosed within bins, buildings, or storage containers.

8-3.8.59 RESIDENTIAL BUILDING, DUPLEX.

Duplexes are permitted on corner or through lots in any residential or mixed use district according to the following standards:

- (A) The entrances to each unit may face different streets.
- (B) The dwelling shall meet the minimum front yard setback from both streets upon which a unit faces.
- (C) The lot shall have at least 1.5 times the minimum lot area, if any, for the district in which it is located.

8-3.8.60 RESIDENTIAL BUILDING, MULTI-FAMILY; TOWNHOUSE.

- (A) **Standards for multi-family and townhouse developments in all districts.**
 - (1) Primary access to the development site shall be from a state or town maintained street. The developer may be required to provide turn lanes and other off-site transportation improvements to insure safe and adequate access.
 - (2) When located within 100 feet of a parcel zoned OSR, NR, or GR but not MF, the design and appearance of multi-family dwellings must have similar massing, height, roof pitch, and architectural features – including front porches; cornice lines; horizontal lines of windows; and architectural embellishments, such as: shutters, dormers, belvederes, chimneys, etc., to create, to the maximum extent practicable, the appearance of single-family dwellings.
 - (3) On small infill development sites in the OSR, GR, and NR districts, multi-family buildings shall be designed to blend in with surrounding single-family residential buildings to the maximum extent practicable with regards to building design, setbacks, driveway and garage design and location, porches, and sidewalks.
 - (4) Site designs shall create a sense of “neighborhood” which includes:
 - (a) An internal vehicular circulation system reflective of a single-family residential street system shall be used, as opposed to looped systems, whenever practicable, whenever the proposed development includes private streets or drives.
 - (b) Buildings shall be sited with front entrances and porches oriented toward streets, drives, and plazas, rather than clustered around parking lots.
 - (c) Parking lots shall be located behind buildings or screened from view from internal streets, except where it is deemed appropriate to use a parking lot as a buffer from an arterial street or where such parking area will directly abut a

property line exterior to the development site when located in the OSR or NR districts.

- (d) Walkways shall connect all buildings with parking areas, play areas, clubhouses, and existing public sidewalks adjacent to the development site.
 - (e) Plazas, clubhouses, pools, and recreational facilities shall be centrally located, when provided.
- (5) Building designs that create variety and do not look monotonous if replicated throughout the development shall be required. Such designs shall include the following:
- (a) Side and rear building elevations, garages, carports, and all accessory structures shall have the same level of design, aesthetic quality, and architectural detailing.
 - (b) Porches, varied rooflines, and varied façade depths shall be provided to create variety and individuality of each dwelling within the building.
 - (c) Windows and projecting wall surfaces shall be used to break up larger wall surfaces, establish visual interest and provide visibility of the street and other public spaces encouraging social interaction.
 - (d) Protective entry courts, common vestibules, covered breeze ways, or enclosed stair halls shall be used to reduce the number of visible doors, unless designed in a row house or townhouse manner oriented toward the street.
 - (e) Garages shall be designed to be integrated with the building design or sited so as to avoid long monotonous rows of garage doors and building walls. Garages shall be oriented so that they do not visually dominate the building façade or the streetscape.

(B) Standards for multi-family and townhouse developments located within the MF district.

- (1) Open space shall account for a minimum of twenty-five percent of the total land area of the development site (Note: Watershed regulations may require more pervious coverage.) For the purpose of this section, open space may include wooded areas, yards, playgrounds, and other active recreation space.
- (2) Private active recreation space shall be provided for all complexes containing more than twenty dwelling units at the rate of 100 square feet per dwelling unit. Such space may also count towards the unobstructed open space requirements outlined in subsection (C) above. Recreation space shall be designed to reduce any impact of night lighting or noise on nearby dwelling units located on or adjacent to the site. Said areas shall be developed and maintained in a neat and orderly condition in order to provide a safe, healthful, and attractive living environment. Common recreational areas shall be easily accessible by pedestrian walkways so they can be conveniently and safely reached and used. Furthermore, common recreational areas shall be constructed on substantially flat (no more than 5% grade) land which is well drained and otherwise capable of serving the purposes intended. No streets, access easements, rights-of-way, parking areas, or required buffer shall be used or counted towards the required recreational space.

(C) Standards for multi-family and townhouse developments located within the OSR and NR districts.

- (1) All buildings shall be constructed to mimic single family or duplex residential dwellings in design, materials, and orientation to the street to the maximum extent practicable.

- (2) No more than four units per building shall be permitted.
- (3) The entrances to each unit in the building may face different streets.
- (4) The building shall meet the minimum front yard setback from each street upon which a unit faces and shall meet all other applicable setbacks for the district in which it is located.
- (5) Open space shall account for 30% of the total land area of the site. Such space shall be used to provide active recreational facilities for the site
- (6) Any front or side yard offstreet parking shall be designed in scale and appearance to mimic parking for single family or duplex residential dwellings.
- (7) Common parking facilities shall be screened from the property line exterior to the development site and shall not be visible to adjacent single family parcels. Such parking facilities shall not be designed for more than twelve parking spaces and shall not be closer than one hundred feet to another such parking facility.
- (8) A Type B Buffer shall be required to be planted along the perimeter of the site.

8-3.8.61 SANITARY LANDFILL.

- (A) The use shall be located on a lot of at least 50 acres.
- (B) All land filling operations and off-street parking and service areas shall be separated by a 100 foot buffer from all adjacent properties and shielded from view of a public street by an opaque screen.
- (C) No structure or land filling operation will be located within 100 feet of any property line nor within 200 feet of abutting property located in a residential district or developed for residential or mixed use.
- (D) Vehicular access to the proposed use shall be provided by an arterial.
- (E) There shall be a general timetable indicating the development phases and projected life expectancy of the landfill.
- (F) There shall be a detailed plan for the re-use of the property, after landfill operations cease that is not in conflict with the objectives of the most detailed plan approved for the area.

8-3.8.62 SCHOOLS, ELEMENTARY AND SECONDARY, INCLUDING SCHOOL STADIUMS.

- (A) Accessory and incidental buildings shall be placed within established rear yards and side yards that do not abut a street.
- (B) Where chain link and similar fencing material are installed in an established yard abutting a street, such fencing shall be planted on the exterior side with evergreen shrubs minimum three feet in height (expected height at maturity minimum six feet), six feet on center at installation.
- (C) Schools shall be located on streets sized to accommodate traffic volumes of background uses plus the additional traffic projected to be generated by the school(s).
- (D) Senior high schools shall be on a lot which abuts an arterial and primary vehicular access shall be provided from the arterial.

8-3.8.63 SCHOOLS, VOCATIONAL AND PROFESSIONAL.

- (A) Schools shall be located on streets sized to accommodate traffic volumes of background uses plus the additional traffic projected to be generated by the school(s).
- (B) Accessory and incidental buildings shall be placed within established rear yards and side yards that do not abut a street.
- (C) Where chain link and similar fencing material are installed in an established yard abutting a street, such fencing shall be planted on the exterior side with evergreen shrubs minimum three feet in height (expected height at maturity minimum six feet), six feet on center at installation.
- (D) Truck driving schools shall be allowed as an accessory use to a Vocational or Professional School.

8-3.8.64 SERVICES B, BUSINESS.

- (A) All storage, repair and maintenance of equipment shall occur inside an enclosed building or shall be restricted to the rear yard and screened entirely from the view of adjacent lots and public streets.

8-3.8.65 STORAGE AND SALVAGE YARDS.

- (A) No dismantling, disassembling, salvaging, wrecking, or processing operation on the premises shall be carried on between the hours of 9:00 P.M. and 7:00 A.M.
- (B) Any gasoline, oil, or other materials spilled or collected on the site shall be contained and disposed of in accordance with state and federal laws.

8-3.8.66 TELECOMMUNICATION TOWERS.

- (A) Purpose and Intent. The purpose of this section to facilitate the deployment of necessary telecommunication services that are the least visibly intrusive type of installation that is not proven to be commercially or technologically impracticable and that will effectively prohibit the applicant from accomplishing its intended goal(s).
- (B) Siting Hierarchy and Preferences
The following list indicates the Town's preferences for facility locations, in descending order of preference:
 - Antennae co-location on an existing tower;
 - Concealed (stealth) Antennae on Existing Building / Structure
 - New concealed (stealth) tower fifty (50) feet in height or less
 - Building Mounted Antennae
 - Small Wireless Collocation meeting standards of sub-section (E) below. _
 - Small and Micro Wireless Facilities
 - New concealed (stealth) Wireless Facilities over fifty feet in height
 - Building-Mounted Wireless Support Structure with Antennae
 - New Freestanding Non-Stealth Wireless Facilities (monopoles).
- (C.) What Information the Town May Consider in Evaluating Applications.
 1. When considering applications for wireless facilities, the Town shall comply with the requirements of G.S. Chapt. 160A, Art. 19, Part 3E, "Wireless Telecommunications Facilities," the Telecommunications Act of 1996, as amended (specifically 47 U.S.C. § 332 and § 1455), and the Reports and Orders of the Federal Communications Commission, including 09-99 and 14-153.

2. When considering a permit application for a wireless facility, the Town shall not require information about and the permit-issuing authority shall not consider the following:
 - a) An applicant's business decisions about its designed service;
 - b) Customer demand for an applicant's service;
 - c) The quality of an applicant's service to or from a site;
 - d) The radio frequency emissions that will be produced by the facility.
3. When considering an application for a wireless facility that requires a special use permit, the permit issuing authority may consider the following:
 - a) Issues pertaining to public safety, aesthetics, landscaping, structural design, setbacks, and fall zones;
 - b) Information or materials directly related to an identified public safety, zoning or other land development issue, including evidence that no existing or previously approved structure can reasonably be used for the antenna placement instead of the construction of a new tower; that residential, historic, and designated scenic areas cannot be served from outside the area; or that the proposed height of a new tower or initial antenna placement or a proposed height increase of a modified tower (wireless support facility), replacement tower, or collocation is necessary to provide the applicant's designed service; and
 - c) For permit applications for new wireless facilities, whether it is reasonably feasible to collocate new antennas and equipment on an existing structure or structures within the applicant's search ring. Collocation on an existing structure is not reasonably feasible if the applicant shows by verifiable technical evidence that the collocation is technically or commercially impractical or the owner of the existing structure is unwilling to enter into a contract for such use at fair market value.

(D.) Additional Approval Standards and Processes.

1. For All Wireless Telecommunication Facilities

a) Abandonment (1) Wireless services providers are required to remove an abandoned wireless facility within 180 days of abandonment. Should the wireless services provider fail to timely remove the abandoned wireless facility, the Town may cause such wireless facility to be removed and may recover the actual cost of such removal, including legal fees, if any, from the wireless services provider. For purposes of this subsection, a wireless facility shall be deemed abandoned at the earlier of the date that the wireless services provider indicates that it is abandoning such facility or the date that is 180 days after the date that such wireless facility ceases to transmit a signal, unless the wireless services provider gives the Town reasonable evidence that it is diligently working to place such wireless facility back in service.

(2) This section applies to rights-of-way controlled by the N.C. Dept. of Transportation and the Town.

b) Prior to erecting a telecommunications tower or antenna or accessory communication facility or installing same on any structure, any builder, user, carrier and the like, shall submit documentation that the telecommunications tower or antenna or Accessory communication facility will meet the American National Standards Institute (ANSI) standards and applicable Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) regulations and comply with all other federal, state and local laws and regulations.

- c) Replacement or alteration of non-conforming telecommunications towers or antenna. Non-conforming telecommunications towers or antennae or accessory communication facility shall be treated the same as any other non-conforming use under this article
 - d) Color and lighting. The entire wireless telecommunications facility must be aesthetically compatible with its environment. If not stealth facilities, towers should be of a color that will blend with the surroundings. Example: brown/green/gray. Telecommunications towers, antennae and accessory communication facilities shall not be artificially lighted, except where otherwise required by the FAA, FCC or other federal or state agencies. Where the agencies allow a choice between painting the tower or installing lighting, painting shall be the choice selected.
2. Stealth Antenna; Stealth Wireless Telecommunications facilities
 - a) Security fencing shall not be required for accessory communication facilities.
 - b) Stealth Wireless Support Structures located within non-residential zoning districts shall have a minimum setback from the base of the wireless support structure to the lot boundaries equal to 80% of the height of the wireless support structure or equal to the minimum structure setback otherwise required by this article, whichever is greater.
 - c) Setback in residential districts. The stealth antenna and wireless support structure shall be setback the distance required for the use being mimicked. For example, an antenna discussed as a steeple shall be set back the distance required for churches.
 3. Monopoles Greater than 50 Feet in Height
 - a) No new wireless telecommunication facilities may be established if there is space available on an existing communications tower within the geographic area that the proposed tower is to serve.
 - b) No equipment, mobile or immobile, not used in direct support of the transmission or relay facility shall be stored or parked on the site unless repairs to the facility are being made.
 - c) An opaque screen expected to reach a minimum of eight feet in height at maturity shall be planted around the perimeter of the area occupied by the tower, security fencing and auxiliary uses such as parking. In addition, existing on-site trees and other vegetation shall be preserved to the extent practicable to maintain the entire site of the tower (including any anchoring devices) in its pre-construction appearance.
 - d) If a wireless support structure is located on a lot adjacent to a lot or lots located in a Residential or Mixed-Use District, it must be located at least 200% of the total constructed structure height from all property lines adjacent to the Residential or Mixed-Use District(s).
 - e) The maximum height of a wireless support structure shall be 180 feet.
 - f) Wireless support structures shall be of a monopole construction (lattice and guyed towers shall not be permitted).
 - g) No signs or logos of any type shall be allowed on any telecommunications tower at any time.
 - h) Security fencing. There shall be minimum eight-foot high fence installed and maintained by the owner of the wireless telecommunications facility around the perimeter of the wireless support structure compound.
 - i) Setbacks in non-residential zoning districts. Except as provided in sub-section d) above, all wireless support structures located within non-residential zoning districts shall have a minimum setback from the base of the wireless support structure to the lot boundaries equal to 80% of the height of the wireless support structure or equal to the minimum structure setback otherwise required by this article, whichever is greater.
 4. Streamlined Process for Collocation Applications. Qualified applications for the collocation of wireless facilities shall be entitled to streamlined processing. Streamlined processing means that the application shall be reviewed for conformance with applicable site plan and State Building code requirements but that shall not otherwise be subject to zoning application requirements or public hearing requirements. Streamlined processing shall be completed

within forty-five (45) days of the town's receipt of a completed application. The Town shall provide written notice that an application is incomplete within thirty (30) days of the receipt of the application. (See Table 2 below for more deadlines.) To qualify for streamlined processing, the new facility shall either:

- a) Not exceed the number of wireless facilities previously approved for the wireless support structure on which the collocation is proposed and meet all the other requirements of the original approval; or
- b) Meet the following requirements:
 - 1) The collocation does not increase the overall height and width of the tower or wireless support structure to which the wireless facilities are to be attached;
 - 2) The collocation does not increase the ground space area approved in the site plan for equipment enclosures and ancillary facilities;
 - 3) The wireless telecommunications facilities in the proposed collocation comply with applicable regulations, restrictions, or conditions, if any, applied to the initial wireless facilities placed on the tower or other wireless support structure;
 - 4) The additional wireless facilities comply with all federal, State and local safety requirements; and
 - 5) The collocation does not exceed the applicable weight limits for the wireless support structure; or
 - 6) The collocation is not a substantial modification.

(E.) Exception for Small and/or Micro Wireless Facilities:

- 1) The streamlined process described in sub-section (D) (1) above is available for small/micro wireless facilities meeting the definitions in Section 8-3.10.3 if the facilities (i) meet the height requirement of Table 1 and are located (ii) in Town-owned rights-of-way or (iii) outside of the rights-of-way on property that is not zoned Historic District, General Residential, or Neighborhood Residential.

Table 1: Small Wireless Facility Height Requirements

<i>New, modified or replacement utility pole Town utility pole (Height in Feet)</i>	<i>Height of small wireless facility above utility pole, wireless support structure or Town utility pole</i>	<i>Total Height (in feet)</i>
50 above ground level	10 feet	60

EXCEPTION for properties zoned Historic District, General Residential or Neighborhood Residential, where utilities are underground: New modified or replacement utility poles, Town utility poles and wireless support structures may be no taller than 40 feet.

- 2) Exception to Sub-section (E)(1) for Small and/or Micro Wireless Facilities, above: For facilities meeting the requirements of sub-section (E) 1 above, no application, permit or fee is required under the zoning ordinance for:
 - (i). Routine Maintenance or
 - (ii). The replacement of small wireless facilities with small wireless facilities or
 - (iii). Installation, placement, maintenance or replacement of micro wireless facilities that are suspended between existing utility poles or Town utility poles or

(iv) Communication services providers authorized to occupy Town rights-of-way who are paying taxes under N.C. Gen. Stat. §§ 105-164.4 (a) (4c) or (6).

- 3) Town may deny an application for a Small Wireless Facility only on the basis that it does not meet any of the following:
- (i) the Town's applicable codes;
 - (ii) local code provisions or regulations that concern public safety, objective design standards for decorative utility poles, town utility poles, or reasonable and nondiscriminatory stealth and concealment requirements, including screening or landscaping for ground-mounted equipment;
 - (iii) public safety and reasonable spacing requirements concerning the location of ground-mounted equipment in a right-of-way; or
 - (iv) the requirements of any Historic District.

4) The application for a Small Wireless Facility must include a sworn, notarized attestation that the small wireless facilities collocated on utility poles, Town utility poles, or wireless support structures shall be:

- (i) Activated for use by a wireless services provider to provide service no later than one year from the permit issuance date, and
- (ii) Collocation shall commence within six months of the permit issuance date, and
- (iii) If not, the permit may be revoked.

- 5) Applicants for Small Wireless Facilities may file a consolidated application for no more than 25 separate facilities and receive a permit for the collocation of all the small wireless facilities meeting the requirements of this Ordinance. Town may remove small wireless facility collocations from a consolidated application and treat separately small wireless facility collocations:
- (i) for which incomplete information has been provided or
 - (ii) that are denied.

The Town may issue a separate permit for each collocation that is approved.

- 6) Applications for small wireless facilities to be located in Town rights-of-way shall meet the requirements of Chapter IX, Streets and Sidewalks.

(F) Schedule for Permit Review

(1) Table 2 Permit Review Schedules

Facility Requested	Time to Deem Application Complete (days)	Time to Decision After Application is Complete (days)	Total Time to Decide (days)
Collocation	45	45	90
Small / micro wireless Collocation	30	45	75
New Wireless Facility, Substantial Modification or Small / Micro wireless facility (not a collocation)	90	150	150

- (2) Section 8-3.8.5, Table of Uses shall identify the type of permit required by zoning district. All complete applications shall follow the procedural requirements of the Development Ordinance subject to the following exception.

- i. A request for a Special Use permit will automatically be placed on the agenda for the Board of Adjustment such that the 150-day shot clock may be satisfied.

8-3.8.67 TEMPORARY SEASONAL USES AND STRUCTURES, INCLUDING SEASONAL MARKETS.

The establishment of temporary sales lots for farmers markets, Christmas trees, and other seasonal agricultural products, plus related goods, are permitted for up to a maximum of three months upon the issuance of a temporary use permit by the zoning administrator. The following conditions shall apply.

- (A) The storage of goods in or sale of goods from trailer(s) on the site shall be prohibited.
- (B) The use may only be located on a vacant lot or on a lot occupied by a nonresidential use.
- (C) Off-street parking may be provided behind or to the side of the established use, but not forward of the required front setback.
- (D) On-site parking may be provided on a dust-free, pervious surface area and need not comply with additional paving requirements.

8-3.8.68 TERMINAL, FREIGHT.

- (A) The area designated for truck parking and/or container storage (including trailer storage) shall be located no closer than fifty feet from public street right-of-way and no closer than 250 feet from a residential use or residentially zoned lot unless separated by an arterial street or railroad right-of-way.
- (B) Truck parking areas are exempt from parking lot landscaping requirements but shall be substantially screened from view from public streets and from all abutting non-industrial properties by an opaque screen; wherever security fencing is desired, it shall be placed on the interior side of the screening materials.
- (C) The use shall be located on or directly accessible to a major or minor arterial, freeway, or railroad right-of-way. Terminals shall not be sited such that collector or neighborhood streets are regularly traversed to access a larger capacity road or railroad.

8-3.8.69 THEATER, DRIVE-IN.

- (A) No part of the theater screen, projection booth or other building shall be located closer than 500 feet to any residential or mixed use district or closer than fifty feet to any property line or public right-of-way.
- (B) No parking space shall be located closer than 100 feet to any residential district.
- (C) The theater screen shall be placed perpendicular to a public street
- (D) Onsite stacking space shall be provided for a minimum of ten vehicles awaiting admission.

8-3.8.70 TIRE RECAPPING.

- (A) Up to two storage trailers are permitted in conjunction with the use.
- (B) The area of storage shall not be placed in any front yard or side yard abutting a street.
- (C) The area of storage shall be no closer than forty feet from an abutting street right-of-way.

- (D) All areas established for outdoor storage, including security fencing of such areas, shall be screened from view from any adjacent residential use or residentially zoned lot by an opaque screen a minimum of six feet in height.

8-3.8.71 VETERINARY SERVICES.

- (A) Any structure which houses animals which is not fully enclosed shall be located at least one hundred feet from any lot line and 250 feet from a residential use or lot located within a residential or mixed use district.
- (B) Any run located partially or wholly outdoors shall be located at least one hundred feet from any lot line and 250 feet from a residential use or lot located within a residential or mixed use district.

8-3.8.72 WASTE TRANSFER STATION.

- (A) Recyclable materials from residential sources shall be limited to tires, scrap metal such as lawnmowers and play equipment; white goods such as refrigerators, clothes dryers and stoves; lead acid batteries; motor oil; cardboard; and other recyclables of residential origin.
- (B) The area of active use must be enclosed by a fence, not easily climbable, from six to seven feet in height, and the fence must be located at least 20 feet from the public street right-of-way and 100 feet from abutting property lines.
- (C) A minimum separation of 100 feet, fully vegetated, shall be provided between the fenced use area and any abutting property line; existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties.
- (D) The site shall be screened from the street(s) by a screen composed of a masonry wall or a solid fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; security fencing shall be placed on the interior side of the vegetation and wall or fence.
- (E) The active use areas of the site shall be separated by a 100 foot buffer from all adjacent properties and shielded by an opaque screen from all public streets.
- (F) That active use portions of the site will be entirely fenced with non-climbable fencing material to a height of at least six feet, which shall be installed on the interior of the buffer and screen.
- (G) No active area will be located within 100 feet of any property line nor within 200 feet of abutting property located in a residential district or developed for residential, institutional, or mixed use.
- (H) Vehicular access to the proposed use will not be provided by a minor collector or neighborhood street, and access roads to the site will connect directly to a designated arterial.

8-3.8.73 PLANNED DEVELOPMENT, COMMERCIAL OR INDUSTRIAL.

- (A) A Planned Development shall require the submittal of a Level 2 site plan as required by 8-3.9.3(H) as well as a Preliminary Subdivision plat in accordance with the Subdivision Regulations. A Final Subdivision plat shall be approved and recorded for any phase of the development prior to the issuance of any zoning or building permits to construct any principle buildings within the development. Final Subdivision plats shall meet the requirements of the Subdivision Regulations. Any re-division of approved and platted lots within the Planned Development is subject to plat review and approval.

- (B) Building setbacks may be reduced within the Planned Development to allow for zero lot line buildings. All required minimum setbacks shall be maintained from a defined outer boundary of the Planned Development as shown on the site plan and subdivision plan.
- (C) Individual outparcels and lease lots for freestanding individual principle uses shall maintain the building setbacks within the Planned Development of the zoning district where the Planned Development is located.
- (D) Front, side, and rear yards shall be established by the site plan and shown on all subdivision plats for each lot within the development.
- (E) Shared parking shall be permitted within the development. Appropriate legal documents(e.g. covenants, conditions, and restrictions, etc...) establishing the shared use and access for parking, loading, and driveways shall be submitted with the final subdivision plat.
- (F) Planned Developments shall be subject to review by the Technical Review Committee at the discretion of the Town Manager.
- (G) All utility, road, and site infrastructure plans shall be reviewed by the appropriate Town Staff to determine consistency with adopted policies and future plans of the Town. Site improvements are the responsibility of the developer unless the Town finds it is in their best interest to provide any portion of necessary improvements.
- (H) A Planned Development shall consist of a minimum of five (5) acres of contiguous land area not separated by existing public streets or public bodies of water.
- (I) All other applicable zoning requirements shall apply within the development.

8-3.8.74 RECYCLING AND SALVAGE OPERATION

- A) A fifty foot side and rear yard buffer shall be required for any site which abuts a residential or mixed use district.
- B) All access/drives and parking lots are required to be paved with asphalt or concrete.
- C) Site shall accommodate all traffic to site; parking or stacking of vehicles on side of street shall be prohibited.
- D) No outdoor storage of goods to be recycled shall be permitted. All such materials shall be enclosed within bins, buildings, or storage containers.
- E) Hours of Operation, no processing operation on the premises shall be carried on between hours of 9:00 pm and 7:00 am Monday thru Saturday.
- F) Open Burning. Open burning is prohibited.
- G) Hazardous Materials. Any gasoline, oil, or other materials spilled or collected on the site shall be contained and disposed of in accordance with State and Federal laws.

8-3.8.75 SOLAR ENERGY GENERATING FACILITY

1. Solar energy generation structure shall not exceed a height of fifteen (15) feet.
2. All equipment producing noise or sound shall be setback one hundred (100) feet from any property line if located adjacent to any residential dwelling unit. If the facility is on a working farm where the primary residential structure of the farm is on an adjacent lot then this 100' setback will not apply to this primary residential structure.

3. All facilities located in the GI zoning district shall meet the setbacks of the underlying zoning district.
4. All storage must be located indoors. No outdoor storage shall be allowed.
5. The facility shall be enclosed with a security fence with a minimum height of eight (8) feet.
6. A Type D buffer shall be required. The buffer shall be located adjacent to the property line and between the property line and the fence.
7. No lighting shall be directed onto adjacent property. Flood lights or other high-intensity lighting shall be prohibited.
8. The solar facility shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.
9. A site plan, drawn and stamped by a North Carolina licensed surveyor or engineer, shall be submitted showing the following: The location and dimensions of all proposed areas for the placement of solar panels, screening/fencing and related improvements; Any preexisting structures on the same lot; and principal structures on other properties that would affect the placement of solar panels; Parking and access areas; Location of any proposed solar access easements. Location where wiring is brought together for interconnection to system components and/or the local utility power grid and the location of the disconnect switch. Any proposed new structures; and any other relevant elements as requested by Staff.
10. It shall be the responsibility of the owner to remove all obsolete or unused systems within twelve (12) months of cessation of operations. A decommissioning plan shall be submitted with the permit application. It shall be signed by the party responsible for decommission and the landowner (if different) addressing the following.
 - a. Defined conditions upon which decommission will be initiated (i.e. end of land lease, no power production for 12 months, etc.)
 - b. Removal of all non-utility owned equipment, conduit, structures, fencing, roads and foundations.
 - c. Restoration of property to conditions prior to the development of the Facility.
 - d. The timeframe for completion of decommission activities.
 - e. Description of any agreement (i.e. lease) with landowner regarding decommissions.
 - f. The party responsible for decommissioning.
 - g. Plans for updating the decommissioning plan.
 - h. Before final electrical inspection, the applicant shall provide evidence that the decommissioning plan was recorded with the Register of Deeds.
11. The Planning Director shall be provided copies of any lease agreement, solar access easement, and a plan for removal of the system/equipment. All other applicable local and state approvals shall be submitted as part of the Special Use Permit or Zoning Permit.
12. The owner or future owner of the property on which a solar energy generating facility is installed assumes all risk associated with diminished performance of said system caused by any present or future adjacent structure or landscaping that may interfere with the system's ability to produce power at its rated capacity, regardless of when that adjacent structure or landscaping is constructed or installed.
13. Facilities are exempt from parking requirements if there is not a building component.

14. No more than 75% of a solar generating facility tract of property may be covered with panels.
15. Facilities shall be maintained and in good working condition and be free from debris and nuisances.
16. Any other conditions found necessary by Staff or the Board of Adjustment to meet the standards of the Ordinance.

8-3.8.76 ELECTRONIC GAMING OPERATIONS

A zoning permit will be issued by the zoning administrator if the application is complete and all of the following requirements are met:

1. If food or beverage is served, the establishment must meet the requirements of the Davie County Health Department, including any and all necessary permits and/or licenses.
2. The establishment must be a minimum of one thousand (1,000) feet from any schools, day care, religious institution, park and building being used as a dwelling.
3. The establishment must be a minimum of one-half (1/2) mile from any other establishment engaged in an electronic gaming operations business.
4. For the purposes of this subsection and 8-3.8.76(c), the distance shall be measured in a straight line from the closest point between the building housing the electronic gaming operation and the building housing the dwelling or other electronic gaming operation.
5. Electronic gaming operations are prohibited in or as part of any check cashing facility.
6. All games rooms/tables/devices shall be operated only on the ground floor of a building.
7. No screens, curtains, blinds, partitions or other obstructions shall be placed between the windows or the entrance to the room where the electronic gaming is played and the rear wall of the room. A clear view of the interior from the entrance to the rear of the room must be maintained at all times.
8. No partitions forming rooms, stalls or other enclosures where the public congregates shall be permitted; provided, however, that, this shall not be construed so as to prohibit the maintenance of closets used exclusively for storage purposes, or of toilets.
9. There shall not be permitted or maintained any open or secret connections through doors, windows, trap doors, hidden doors, panels, stairways or other devices with any place where electronic gaming is.

8-3.8.77 WAREHOUSING, SELF STORAGE

- A. Self-storage warehouse spaces shall be used for storage only. No space shall be leased for any other purpose.
- B. All storage shall be located within the building and outside storage of any type, including the outside storage of moving vans, vehicles and boats shall not be permitted.
- C. All driveways and parking areas between and around buildings shall be paved with asphalt or concrete.
- D. Storage units shall not be visible off site and access to individual storage units shall be from corridors internal to the building.

8-3.9 ADMINISTRATION

8-3.9.1 THE STAFF.

- (A) **The zoning administrator.** The zoning administrator shall have the following powers and duties to be carried out in accordance with these regulations which include, but are not limited to:

To serve as staff to the Town Board, the Planning Board, and the Board of Adjustment with regard to their functions under these regulations, and to inform such bodies of all facts and information at their disposal with respect to applications for amendments to the text of these regulations, amendments to the Zoning Maps, appeals, variances, permit requests, and any other matters brought before them under this article.

To maintain the text of these regulations and the Zoning Maps.

To maintain development review files and other public records related to the administration and enforcement of these regulations.

To review applications for zoning permits filed under these regulations.

To recommend and comment on proposed amendments to these regulations and to the Zoning Maps.

To establish such rules of procedure and permit application forms as are necessary and proper for the administration of their responsibilities under these regulations.

To determine street classifications not otherwise specified on the adopted *Town of Mocksville Thoroughfare Plan*.

To administer the water supply watershed protection regulations contained herein including the following additional duties:

To serve as staff to the Board of Adjustment when it is serving in its capacity as the Watershed Review Board.

To submit copies of all amendments upon adoption to the Supervisor of the Classification and Standards Group, Water Quality Section, Division of Water Quality.

To keep records of variances granted to the watershed regulations. This record shall be submitted to the Supervisor of the Classification and Standards Group, Water Quality Section, Division of Water Quality on or before January 1 of the following year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

To keep records of the town's utilization of the 10/70 provision, including any acreage allocated by Davie County to Mocksville. Such records shall include the total acres of non-critical area eligible to be developed under the 10/70 provision, and individual records for each project showing the following information: location, acres, site plan, use, and total allocation of the 10/70.

To monitor land use activities in the watershed to identify situations that may threaten water quality. The zoning administrator shall report these situations to the agency with direct regulatory responsibility for these activities.

- (B) **The zoning enforcement officer.** The zoning enforcement officer is charged with enforcing the provisions of the zoning regulations as set out herein except for enforcement duties specifically assigned to the zoning administrator. If the zoning enforcement officer shall find that any of the provisions of this article are being violated, he shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and order that necessary actions be taken to correct the deficiency. He shall order discontinuance of illegal uses of land, buildings, or structures, removal of illegal buildings or structures, or of illegal additions, alterations or structural changes, discontinuance of any illegal work being done and shall take any other action authorized by this article to insure its compliance.
- (C) **The technical review committee.** The technical review committee shall be appointed by the town manager and shall meet when needed to discuss land use issues and to review development proposals. The recommendations of the committee shall be forwarded to review boards by the zoning administrator for their consideration in making decisions regarding rezonings, special use permits, special exception permits and any other issue related to land use and development as governed by this article within the zoning jurisdiction of the town.
- (D) **The town manager.** The town manager shall appoint the zoning administrator, the zoning enforcement officer, and the technical review committee and shall have the authority to exercise any and all duties and authorities assigned to such.

8-3.9.2 THE BOARDS.

- (A) **The Planning Board.** The Planning Board shall have the duties prescribed by the *Town of Mocksville Code of Ordinances*. In summary, those duties related to this article include, but may not be limited to, the following:
 - (1) To review and from time to time initiate changes to this article.
 - (2) To review and make recommendations on applications for changes to this article or the zoning maps.
 - (3) To review and make recommendations on any permit application to be heard by the Town Board.
 - (4) Members of the planning board shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
 - (5) To serve as the local watershed review board as authorized and prescribed in 15A NCAC 02B and these regulations.
- (B) **The Board of Adjustment.**
 - (1) Establishment. The Board of Adjustment of the Town of Mocksville shall consist of five regular members and two alternate members appointed by the Town Board and two extraterritorial members appointed by the Board of Commissioners of Davie County.
 - (2) Powers and Duties. The Board of Adjustment shall have the following powers and duties:
 - (a) To hear and decide appeals according to the procedures of this section, where it is alleged there is an error in any order, decision, determination, or interpretation

made by the zoning administrator or zoning enforcement officer in the administration and enforcement of this article.

- (b) To grant variances from the terms of this article according to the standards and procedures prescribed herein.
 - (c) To grant special use permits for certain uses as specified in the table of uses.
 - (d) To grant special exception permits for certain uses which request a major waiver from one or more of the development standards required by this article.
 - (e) A member of the board or any other body exercising the functions of a board of adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.
- (3) Members from within the town limits. Each member and alternate shall be appointed by the Town Board for a term of three years. In appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the Town Board may appoint certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time. The expiration date for each term shall be the 30th day of June of the year in which said term is to expire and the term of office of the succeeding member shall begin on the 1st day of July. If the original members are appointed such that their terms of office begin prior to a July 1 date, such terms of original members shall be extended by the period of time between their appointment and June 30 of the year of their appointment, it being the intent that original members shall serve terms of one, two, or three years plus a period of time between their initial appointments and June 30 of the year of their initial appointment. A member shall be eligible for reappointment at the end of his expired term for any position on the board for which he is qualified. For purposes of this section, original appointments refer to members and alternates appointed upon first establishment of the Board of Adjustment, and also to members and alternates appointed to newly created seats upon any expansion of the Board of Adjustment.
- (4) Extraterritorial members. Extraterritorial members shall have all of the obligations and duties of the other members of the Board of Adjustment, including rights to vote on all matters coming before the board. Each extraterritorial member shall be appointed for a period of three years. Expiration dates for each term, initially and thereafter, shall be the 30th day of June of the year in which said term is to expire and the term of office of the succeeding member shall begin on the 1st day of July; provided further that if the original members are appointed such that their terms of office begin prior to a July 1 date, such terms of original members shall be extended by the period of time between their appointment and June 30 of the year of their appointment. Eligibility for reappointment shall be determined by the procedures and policies established by the Board of Commissioners of Davie County.
- (5) Meetings. All meetings of the Board of Adjustment shall be held at a regular place and time and shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, an

indication of such fact. Final disposition of permits, appeals or variances shall be recorded in the minutes, indicating the reasons of the board therefore, all of which shall become a part of the public record.

- (6) **Quorum.** No final action shall be taken on any matter unless a quorum is present. For the purposes of granting variances a quorum shall be 4/5ths of the full membership of the board. For the purposes of conducting other business related to the function of the board, such as adopting or amending rules of procedure or approving the agenda, appeals and Special Use Permits a quorum shall be a simple majority of the full membership of the board. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered 'members of the board' for calculation of the requisite supermajority if there are no qualified alternates available to take the place of such members. Alternate members, while attending any regular or special meeting of the Board and serving in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member, shall have and exercise all the powers and duties of such regular member so absent.
- (7) **Rehearing and appeals from a decision of the Board of Adjustment.**
 - (a) **Rehearing.** An application for a rehearing shall be made in the same manner as provided for an original appeal within a period of fifteen (15) days after the board's decision has been filed with the town manager or his designee. In addition, specific information to enable the Board of Adjustment to determine whether or not there has been a substantial change in facts, evidence, or conditions of the case, shall be presented in writing or graphically. A rehearing shall be denied by the board, if, in its judgment, such change in facts, evidence or conditions has not been proven. In the event that the board finds that a rehearing is warranted, it shall thereupon proceed in the same manner as for the original hearing.
 - (b) **Waiting period required.** Upon the denial of an original application or adverse ruling on appeal, or upon the denial of an application for which a rehearing has been conducted, whichever is applicable, a similar application may not be filed for a period of one year after the date of denial of the original application.
 - (c) **Appeals.** Any person or persons, jointly or severally, aggrieved by any decision of the board, may, within thirty days after the board's decision, but not thereafter, present to a court of competent jurisdiction a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality, whereupon such decision of the board shall be subject to review by Superior Court proceedings in the nature of certiorari as provided by law.

(C) **The board of commissioners.** The Town Board of commissioners shall have the following duties related to this article:

- (1) To review and from time to time initiate changes to this article.
- (2) To decide upon any application or request for amendment to this article or the zoning maps.
- (3) To take any other action not delegated to the Planning Board or Board of Adjustment as the board may deem desirable and necessary to implement the provisions of this article.

- (4) A member shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

8-3.9.3 PERMITS.

- (A) **Permit required.** No building or land shall hereafter be used or occupied and no building or structure shall be erected, expanded or moved until a zoning permit as required by this article shall have been issued. The form and content of such permit, when not expressly set out in this article, shall be determined by the zoning administrator and may include any information required for the applicant to demonstrate an intent to comply with the zoning regulations. Zoning permit forms shall be available at the office of the zoning administrator.
- (B) **Permit type.** Permits shall be required for any use by right, unless specifically exempted by this article, special uses, and special exceptions.
- (C) **Expiration of permit.** Any zoning permit issued by the zoning administrator shall become null and void after a period of six months from the date of issuance of the permit unless a valid building permit has been issued for the work authorized by the permit or, if a building permit is not required, substantial work has not begun. Once a zoning permit has expired, construction on the property in question cannot proceed until a new zoning permit has been issued.
- (D) **Condition of approval.** Zoning permits issued on the basis of site plans, architectural renderings, landscaping plans, and other information submitted as part of the zoning permit application process authorize only the use, arrangement, construction, and change set forth in such approved plans and applications. Use, arrangement, construction, or change that differ from that authorized by the permit shall be deemed a violation of this article.
- (E) **Right of appeal.** If a request for a zoning permit from the zoning administrator is disapproved or if a ruling of the zoning enforcement officer is questioned, the aggrieved party may appeal such ruling to the Board of Adjustment in accordance with section 8-3.9.5.
- (F) **Site plan required.** Site plans shall be required as part of the application process for any of the following:
 - (1) New structures.
 - (2) Expansions to existing structures.
 - (3) Any new use not contained within an existing building except:
 - (a) Agricultural uses which do not involve the construction of buildings, containment pens for livestock, swine, or poultry, or the construction of sediment or animal waste lagoons;
 - (b) Temporary or seasonal uses unless the zoning administrator cannot otherwise determine compliance with parking or screening requirements.
 - (4) Any change in impervious surface area on lots located within a watershed overlay district.
 - (5) Any significant change in required landscaping or buffer areas.
- (G) **Level 1 site plan requirements.** A level 1 site plan shall be required for any single family or duplex residential use, any use located outside of a watershed overlay district that has a land use

code of 1, any change to an existing use located within a watershed overlay district that does not affect the land, any renovation or expansion to a civic use, church, or similar non profit organization where the scope of work does not increase occupancy levels or intensity of use or modify existing parking areas or circulation areas, and any other situation determined by the zoning administrator or review board to require such a plan. A level 1 site plan does not require the seal of a professional engineer, architect, landscape architect, or surveyor but shall consist of the following elements, except that the zoning administrator has the authority to waive any application requirement where the proposed type or scale of use makes that information unnecessary or impractical.

- (1) Graphic materials required for plans. Level 1 site plans shall be sketched on a map of the property that is drawn to scale.
- (2) Conditions on the site. Level 1 site plans shall show existing and proposed features of the site including proposed changes to existing features. Such features shall include, but shall not be limited to, the following:
 - (a) The date the plan was drafted along with the name, address and phone number of the preparer.
 - (b) The zoning classification of the subject property and all immediately adjacent properties.
 - (c) Property lines, lot dimensions, and total acreage.
 - (d) The location and extent of rights-of-way and easements.
 - (e) The location and type of natural water features (e.g. streams, ponds, rivers, wetlands, etc).
 - (f) The location and dimensions of driveways.
 - (g) The approximate location and dimension of structures including signs.
 - (h) The location and dimension of parking lots/areas and internal circulation drives.
 - (i) The location and dimension of private streets.
 - (j) The approximate location and dimensions of landscaping, buffering, screening, fences, and walls.
 - (k) Septic tank systems and wells (including dimensions of each).
 - (l) The approximate location of significant trees (those eight inches or greater in caliper when measured six inches above grade).

(H) Level 2 site plan requirements. A level 2 site plan shall be required for any use with a land use code of 2, 3, 4 or 5, any project resulting in a change in impervious surface area within a watershed district except for single family and duplex residential development, and any other situation determined by the zoning administrator or review board to require such a plan. A level 2 site plan shall require the seal of a professional engineer, architect, or landscape architect, except that surveyors may also seal plans for projects that do not include any engineering stormwater control structures. A level 2 site plan shall consist of the following elements:

- (1) Graphic materials required for plans. Site plans shall be drawn to scale on a map of the property. A scale shall be used which insures that all features are legible. All level 2 site plans shall include the following detail:
 - (a) A location map that shows the project in relation to the larger planning area.
 - (b) The name of the applicant.
 - (c) The name of the development.
 - (d) A north arrow.
 - (e) A legend.
 - (f) A scale, including a bar scale.
- (2) Conditions on the site. Level 2 site plans shall show existing and proposed features of the site including proposed changes to existing features. Such features shall include, but shall not be limited to, the following:
 - (a) Natural, historic, and open space features.
 1. Natural cover (wood, pastureland, etc.).
 2. Streams, ponds or rivers.
 3. Historic sites.
 4. Fragile environmental areas.
 5. The approximate location of significant trees (those eight inches or greater in caliper when measured six inches above grade)
 6. Contour lines shown as dotted lines at no more than five (5) foot intervals (this may be modified by zoning administrator depending upon topography).
 7. The location, size, and dimensions of all recreational areas and areas intended to remain as permanent open space, clearly indicating whether such open space areas are intended to be offered for dedication to the public.
 - (b) Man-made features.
 1. Parking and loading areas.
 2. Public and private streets and alleys, including planned points of ingress and egress.
 3. Stormwater structures and conveyances, including all engineered stormwater control structures required to meet state mandated water supply watershed protection regulations.
 4. Utilities, including water, sewer, electric, power, and telephone.

5. The location and dimensions of all structures, including freestanding signs.
6. Dimensions and layout of parking and loading areas.
7. A lighting plan.
8. All sidewalks, trails, and pedestrian paths.
9. The location and dimensions of all landscaping, berms, fences, walls, screening, and buffering.

(c) Legal Features.

1. The zoning of the property and adjacent properties, including zoning district lines. *(Note: some uses may require identification of zoning district designations as much as 1,000 feet from the proposed development site. Please consult section 8-3.8 of this article entitled Additional Conditions, regarding the proposed use, or contact the zoning administrator for more information.)*
2. Property lines.
3. Project phase lines.
4. Street rights-of-way.
5. Utility easements (including water, sewer, electric, power, stormwater, and telephone).
6. Lot dimensions.

- (I) **Design and landscaping information required.** Whenever a proposed project would be subject to one or more of the design standards, landscaping or fencing/wall requirements of this article, architectural renderings sealed by an architect and site plans sealed by an engineer, landscape architect, or surveyor that are prepared in sufficient detail at a sufficient scale to determine compliance with relevant sections of this article shall be required as part of a complete application, except that the zoning administrator or review board may exempt minor modifications that do not require such renderings or plans to demonstrate an intent to comply with the regulations.
- (J) **Sign detail required.** Whenever a new sign or change in existing sign would require the issuance of a permit, detailed designs showing all relevant information required to determine compliance with the sign regulations shall be required as part of a complete application.
- (K) **Other requirements.** In addition to information required in this subsection, other information or documents deemed relevant by the zoning administrator or review board shall be required, such as evidence of approval of sedimentation and erosion control plans, prior to issuance of a zoning permit.
- (L) **Permits for uses by right and uses with conditions.** A permit for a use by right and a use with conditions shall be obtained from the zoning administrator. Applications for a permit shall be made on a form provided by the zoning administrator.

- (M) **Permits for special uses.** Permits for special uses shall be obtained from the Board of Adjustment. Applications for a special use permit shall be made on a form provided by the zoning administrator.
- (N) **Permits for special exceptions.** Permits for special exceptions shall be obtained from the Board of Adjustment. Applications for a special exception permit shall be made on a form provided by the zoning administrator.

8-3.9.4 SPECIAL USE PERMITS.

- (A) **Permit required.** No zoning or building permit shall be issued until a special use permit for the requested use has been approved by the Board of Adjustment.
- (B) **Applicants.** A request for a special use permit will be considered only if requested by the owner of the property in question or an authorized agent of the property owner.
- (C) **Applications.** Applications for all special use permits or amendments to any approved special use permit must be filed with the zoning administrator. Applications which are not complete shall be returned to the applicant, with a notation of the deficiencies in the application. The zoning administrator has the authority to waive any application requirements where the type of use or scale of proposal makes that information unnecessary or impractical. A complete application will include all of the following:
 - (1) A completed application form signed by all of the property owners of the area proposed for the permit, or a completed application form signed by the developer along with an affidavit signed by all property owners giving the applicant the permission to pursue the permit and to bind the property to the proposal and to conditions which the board might impose.
 - (2) A complete explanation of the proposed use(s) of the property.
 - (3) A level 2 site plan.
 - (4) A preliminary subdivision plat which meets all of the requirements of the subdivision ordinance when subdivision of the land is proposed.
 - (5) Documentation containing facts which will be used to support the petition, including but not limited to deed restrictions, letter of sufficiency regarding public water and sewer, proposed homeowners association documents, and appropriate county and state approvals.
 - (6) All appropriate fees.
 - (7) A complete listing of all owners of adjacent property, their addresses, and tax identification numbers.
 - (8) A synopsis or overview of the project, including information relevant to use, density, lot layout, housing type, planned amenities, and the like.
 - (9) Any other information deemed by the zoning administrator to be necessary for sufficient review of the application.

(D) Staff review.

- (1) Sketch plan. Prior to submission of the complete application, all subdivision developers are required to submit a sketch plan for staff review. Preparation and review of the sketch plan shall conform to the requirements of the Town of Mocksville Subdivision Regulations.
- (2) Applications. All applications for special use permit shall be reviewed by the zoning administrator and the technical review committee prior to Board of Adjustment review. The zoning administrator shall determine the number of copies to be submitted by the applicant to insure that there are sufficient copies to send to the board, the technical review committee, and all other appropriate agencies for review and comment. The applicant shall submit a completed application no later than fifteen working days prior to the board meeting at which the application is to be heard. If the application is found to be incomplete or the development is found to be in conflict with the requirements of this section, the developer shall be notified and the application rejected.
- (3) Cooperation. The developer is strongly encouraged to work closely with staff and neighboring property owners before and during the application and review process to minimize delays and address concerns which may arise in the review process.

(E) Board of Adjustment action.

- (1) Review. The Board of Adjustment shall review the application to determine compliance with this article and all applicable regulations within the town's planning jurisdiction. When deciding special use permits, the Board of Adjustment shall follow quasi-judicial procedures.
- (2) Required general findings. No special use permit shall be approved by the Board of Adjustment unless the following general findings of fact are made concerning the proposed special use:
 - (a) The use will not materially endanger the public health or safety if located, designed, and proposed to be operated according to the plan submitted.
 - (b) The use complies with all regulations and standards of this article.
 - (c) The use will not substantially injure the value of adjoining property or the use is a public necessity.
 - (d) The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located.
 - (e) Public water and sewer service are available in adequate capacity, if needed.
 - (f) That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area in which it is located.
 - (g) No change in permitted uses may be authorized by the variance.

(F) Withdrawal or amendment of a special use permit application. An application for a special use permit may be withdrawn or amended as follows:

- (1) A petition filed according to this section may be withdrawn by the petitioner at any time up to the scheduling of the date of the public hearing on the petition.
- (2) If the petitioner wishes to withdraw the petition after the scheduling of the public hearing, the petitioner may file a request to withdraw with the zoning administrator. On the date scheduled for the hearing, the Board of Adjustment may approve the request for withdrawal if it finds that there are substantial circumstances favoring the withdrawal and that the withdrawal will not be detrimental to the interests of citizens affected by the petition.
- (3) Once the petition has been filed, the petitioner shall not be allowed to amend it except by request to the zoning administrator no later than three weeks prior to the scheduled public hearing date. No changes to the petition shall be accepted in the intervening weeks prior to the public hearing. No changes to the petition shall be made at the hearing, except that changes proposed by the petitioner, Board of Adjustment and other interested parties may be presented at the hearing and considered by the Board of Adjustment during their deliberations.
- (4) If the Board of Adjustment deems any amendment to be a substantial change to the petition, it shall defer action on the petition for thirty days to allow interested parties the opportunity to comment on the amendment to the petition.
- (5) If the Board of Adjustment deems any amendment to be an intensification of the petition, it shall call for a new public hearing.

(G) Hearing.

- (1) A special use permit hearing will be conducted as a quasi-judicial hearing before the Board of Adjustment.
- (2) The applicant has the burden of producing competent, material, and substantial evidence establishing that:
 - (a) The proposed special use will comply with all of the lot, size, yard, and other standards of this article except as may be amended through an approved variance or special exception permit.
 - (b) The proposed special use will comply with all general and specific standards required by the appropriate section of this article for the issuance of a special use permit for this use.

(H) Decision. In considering an application for a special use permit, the Board of Adjustment may attach reasonable and appropriate conditions and safeguards to the location, nature, and extent of the proposed use and its relationship to surrounding property, for the purpose of insuring that the conditions of permit approval will be complied with and any potentially injurious effect of the special use on adjoining properties, the character of the neighborhood, or the health, safety, and general welfare of the community will be minimized. Such conditions may relate to parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, intensity of site development, the timing of development, and other matters the Board of Adjustment may find appropriate or the applicant may propose. The applicant will have a reasonable opportunity to consider and respond to any additional conditions or requirements prior to final action by the Board of Adjustment.

(I) Effect of approval. An approved application for a special use permit and all conditions which may be attached to the approval are binding on the property. All subsequent development and use

of the property shall be in conformance with the special use permit and all plans, specifications, and conditions unless such are amended or the permit terminated by the Board of Adjustment.

(J) Effect of denial.

- (1) If an application for a special use permit is denied by the Board of Adjustment, a reapplication for that special use on that property shall not be made within one year of the date of denial.
- (2) The Board of Adjustment may allow re-submission of the application within the one-year restricted period, however, if it determines that, since the date of action on the prior application, one of the following criteria has been met:
 - (a) The Town Board has adopted a new or amended plan for the area that changes public policy regarding how the subject property and/or the general area affected by the special use permit should be developed; or
 - (b) Construction or expansion of a road, water line, sewer line, or other infrastructure has occurred or is to occur in such a time frame as to serve the property and comfortably accommodate the type and intensity of development which would be allowed under the proposed special use permit; or
 - (c) There has been a substantial change in conditions or circumstances, outside the control of the applicant, which justifies waiver of the one-year restriction on resubmission of a special use permit application for the property; this shall not include a change in the ownership of the subject property nor a change in the scale or features of the development proposed in the prior application.

(K) Amendment to an approved special use permit.

- (1) Any major change to a development approved by special use permit shall require an amendment to the special use permit by the Board of Adjustment. Any proposed change in use, increase in density or intensity, decrease in open space and common recreational facilities, substantial change in the location of uses or streets from what is shown on the approved plans, any change in a condition imposed on the use by the Board of Adjustment, or any other change the zoning administrator determines is significant shall be deemed a major change requiring an amendment to the special use permit. Factors to be considered by the zoning administrator in determining if a change is substantial include, but are not limited to, the extent of the change, the expected impact on adjacent properties, and the impact on offsite streets and other public infrastructure. Otherwise, minor changes to a permit may be approved by the zoning administrator.
- (2) The owner of property which is subject to an approved special use permit may petition for an amendment of the special use permit and accompanying conditions by following the procedures applicable to initiation of new special use permits.
- (3) Evidence presented at the hearing on the proposed amendment will be limited to the effect of the proposal on the original special use permit, any plans or conditions which were a part of the original special use permit, and the present standards and requirements in this zoning ordinance.

(L) Appeals. Any petition for review by Superior Court shall be filed with the Clerk Of Superior Court within thirty days after a written copy of the decision of the Board of Adjustment is filed in the office of the zoning administrator or is delivered to every aggrieved party who has filed a

written request for such copy with the clerk at the time of the hearing of the case, whichever is later.

(M) Recognition of previously approved conditional/special use permits. Conditional or special use permits which have been previously granted by the Board of Adjustment of the Town of Mocksville and conditional or special use permits previously granted by the Davie County Board of Adjustment will be recognized for building permit and other administrative purposes during the period of time the project was vested by the ordinance under which it was approved. After the vesting period, if construction of the development has not begun or there is no valid building permit in effect for the property, the conditional or special use permit will be considered null and void.

(N) Revocation of a special use permit.

- (1) If at any time the zoning administrator determines that construction inconsistent with the approved special use permit is occurring within the development, he shall cause to be issued a stop work order on such construction, and he shall notify the responsible parties of the violation who will immediately cease and desist further work on the project. If the nonconforming construction is not brought into compliance with the permit or the applicant has not filed an appeal with the Board of Adjustment within thirty days, the zoning administrator may initiate a revocation of the special use permit. The zoning administrator may also act to suspend the issuance of any additional building permits within the development if he has reason to believe that such construction will not be in conformance with the approved permit or such construction will increase or reinforce the degree of nonconformance.
- (2) If the nonconformance involves a completed, unoccupied building, no certificate of occupancy shall be granted for such building until the violation is corrected. If the nonconformance involves initial construction or provision of any of the public facilities, open space, required landscaping, or similar common features of the approved permit, no building permits or certificates of occupancy will be issued within the development until the violation is corrected or a new special use permit has been granted by the Board of Adjustment.
- (3) Action to revoke a permit shall be taken by the Board of Adjustment after receiving a request from staff. Such a request shall be in writing and shall declare that the applicant and all property owners within the development, as recorded at the register of deeds office, have been notified at least ten days before the meeting of the pending action and the date, time, and place of the Board of Adjustment meeting at which the request will be made. Said applicant and property owners shall have the right to appear before the Board of Adjustment at said meeting and show cause why the Board of Adjustment should not revoke the permit. Notification shall be deemed given when written notice is sent by first class mail to the property owner at the address shown on the most recent property tax records and one or more signs are posted in prominent locations on the subject site reasonably calculated to give notice of the action.

(O) Expiration of a special use permit.

- (1) Approval of a special use permit shall confer upon the developer all vested rights as set forth in this article.
- (2) In order for a special use permit to remain in effect for a particular development, a valid building permit must be issued for construction within the time period vested. If at any time after this date, construction has not been completed and no valid building permits are outstanding for construction within the development, the special use permit shall

expire. No further construction may occur within the development until a new special use permit has been issued by the Board of Adjustment. Application for a new special use permit shall follow the procedures outlined in this section.

8-3.9.5 APPEALS.

- (A) The Board of Adjustment shall hear and decide appeals from any order, requirement, decision, or determination made by the zoning administrator or zoning enforcement officer pertaining to this article.
- (B) An appeal may be taken by any person aggrieved by any order, requirement, decision or determination made by the zoning administrator or zoning enforcement officer. An appeal to the Board of Adjustment shall be made within ten days of the order, requirement, decision, or determination made by the zoning administrator or zoning enforcement officer.
- (C) An appeal, specifying the grounds thereof, shall be filed with the zoning administrator on a form provided by the zoning administrator. Once an appeal is filed, the zoning administrator shall forthwith transmit all papers with reference to the case to the Board of Adjustment.
- (D) The Board of Adjustment may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination with reference to the appeal.

8-3.9.6 VARIANCES.

- (A) When practical difficulties or unnecessary hardships would result from carrying out the strict letter of this article, the Board of Adjustment shall have the power to vary or modify any of the regulations or provisions of this article relating to the use, construction or alteration of buildings or structures or the use of the land, except those specifically related to water supply watershed requirements, so the spirit of the article shall be observed, public safety and welfare secured, and substantial justice done. For variances to the requirements of a water supply watershed overlay district, see section 8-3.9.8.
- (B) Anyone requesting a variance shall file such with the zoning administrator on a form provided by the zoning administrator. Applications shall be filed at least ten days prior to the Board of Adjustment meeting at which it will be heard. After filing, the request shall be heard at the next available Board of Adjustment meeting.
- (C) The Board of Adjustment, in considering an application for a variance, shall give due consideration to the following:
 - (1) No nonconforming use of land or structures in the same district, and no permitted use of land or structures in other districts shall be considered grounds for the granting of a variance.
 - (2) The request for a variance for a use that is expressly, or by inference, prohibited in the district involved shall not be granted.
 - (3) The fact that property may be utilized more profitably will not be considered in granting a variance
- (D) The Board of Adjustment, before granting a variance, shall make all of the following findings:

- (1) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the article. This shall be construed to mean:
 - (a) If the property owner complies with the provisions of this article, he can secure no reasonable return from, nor make reasonable use of, his property;
 - (b) The hardship results from the application of the requirements of this article;
 - (c) The hardship is suffered by the applicant's property;
 - (d) The hardship is not the result of the applicant's own actions;
 - (e) The hardship is peculiar to the applicant's property.
 - (2) That the variance is in harmony with the general purpose and intent of the article and preserves its spirit.
 - (3) That in granting of the variance, the public safety and welfare have been assured and substantial justice has been done.
 - (4) That the reasons set forth in the application justify the granting of a variance, and that the variance is the minimum one that will make possible the reasonable use of land or structures.
- (E) The Board of Adjustment, in granting a variance, may prescribe appropriate conditions and safeguards in conformity with this article. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of this article.

8-3.9.7 AMENDMENTS.

- (A) **Authority.** The Town Board shall have the authority to amend the zoning text and maps as follows, except that amendments to this text which affect one or more watershed requirements shall also follow the procedures outlined in 8-3.9.8 for amendments.
- (B) **Initiation.** Any amendment to the zoning text or map, except for the classification of property to a conditional district may be initiated by:
 - (1) The Town Board or the Planning Board.
 - (2) The property owner(s), upon filing an official petition including a complete application.
 - (3) A petitioner other than a board or property owner.
- (C) **Application for a text amendment.** A petition for amendment to the text of this article shall consist of:
 - (1) A completed application form.
 - (2) A written justification for the requested amendment including consistency of the proposal with town planning policies.
 - (3) All appropriate fees.
 - (4) Any other information deemed necessary by the zoning administrator or review board.

(D) Application for a map amendment. A petition for amendment to the Zoning Map shall consist of:

- (1) A completed application form.
- (2) A list of adjoining properties including tax parcel numbers and the name and address of each owner. For the purposes of this section, adjoining property owners shall include owners of properties lying within 100 feet of the subject property if located across a public or private street.
- (3) A map of the parcel and its relationship to the general area in which it is located.
- (4) All appropriate fees.
- (5) Any other information deemed necessary by the zoning administrator or review board.

(E) Conditional district rezonings.

- (1) Initiation. The reclassification of property to a conditional district may be initiated only by the property owner(s), or an agent authorized by affidavit to act on the owner's behalf.
- (2) Petition. A request for rezoning to a conditional district shall include an official petition consisting of the following:
 - (a) A completed application form.
 - (b) A list of adjoining properties including tax parcel numbers and the name and address of each owner. For the purposes of this section, adjoining property owners shall include owners of properties lying within 100 feet of the subject property if located across a public or private street.
 - (c) A map of the parcel and its relationship to the general area in which it is located.
 - (d) All appropriate fees.
 - (e) A level 2 site plan.
 - (f) A written description or notation on the map explaining the proposed use of all land and structures, including the number of residential units or the total square footage of any nonresidential development.
 - (g) Any other information deemed necessary by the zoning administrator or review board.
- (3) Conditions. Prior to the action on the proposed amendment (which may also include a period after the public hearing) any Planning Board or Town Board member (or any group of members not comprising a majority of such board) may meet with the petitioner to discuss the proposed plan and suggest features to be included in the rezoning proposal. The specifics of the plan may be negotiated to address community issues or concerns and to insure that the spirit and intent of this ordinance are preserved. During the public hearing, the Town Board may suggest additional features to be included or reflected in the proposal prior to taking action on the request, but only those that are mutually approved by the town and the petitioner may be incorporated into the zoning regulations or permit requirements.

- (4) When development not begun within three years. The property owner shall commence construction in accordance with the approved development plan within three years after the rezoning. If the Planning Board determines that construction has not commenced in accordance with the plan within such time period, it may, at its discretion, recommend to the Town Board that the town rezone the property to an appropriate general-use zoning district.
- (F) **Copies.** The zoning administrator shall determine the number of copies of each petition and other required documentation to be submitted by the petitioner so that copies may be circulated to all appropriate staff, agencies, and boards for review and comment.
- (G) **Withdrawal or amendment of petition.**
 - (1) A petition filed according to this section may be withdrawn by the petitioner at any time up to the scheduling, by the Town Board, of the date of the public hearing on the petition.
 - (2) If the petitioner wishes to withdraw the petition after the scheduling of the public hearing, the petitioner may file a request to withdraw with the town clerk. On the date scheduled for the hearing, the Town Board may approve the request for withdrawal if it finds that there are substantial circumstances favoring the withdrawal and that the withdrawal will not be detrimental to the interests of citizens affected by the petition.
 - (3) Once the petition has been filed, the petitioner shall not be allowed to amend it except by request to the zoning administrator no later than three weeks prior to the scheduled public hearing date. No changes to the petition shall be accepted in the intervening weeks prior to the public hearing. No changes to the petition shall be made at the hearing, although potential changes proposed by the petitioner, Planning Board, Town Board, and other interested parties may be presented at the hearing and considered by the Planning Board and Town Board during their deliberations.
 - (4) If the Town Board deems any amendment to be a substantial change to the petition, it shall defer action on the petition for thirty days to allow interested parties the opportunity to comment on the amendment to the petition.
 - (5) If the Town Board deems any amendment to be an intensification of the petition, it shall call a new public hearing.
- (H) **Protest petitions.**
 - (1) Written protest against an amendment to the zoning classification of property, excepting amendments which initially zone property added to the territorial coverage of the ordinance, shall require a favorable vote of three fourths of all members of the Town Board under the following conditions:
 - a) If written protests are submitted by the owners of twenty percent or more of the area of the lots included in a proposed change; or
 - b) If written protests are submitted by the owners of five (5) percent of a 100-foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the

absence of evidence to the contrary, the city may rely on the county tax listing to determine the “owners” of potentially qualifying areas.

- c) Vacant positions on the council and members who are excused from voting shall not be considered members of the council for calculation of the requisite supermajority.
- d) The foregoing provisions concerning protests shall be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise, or to an amendment to an adopted (i) special use district, (ii) conditional district, (iii) if the amendment does not change the types of uses that are permitted within the district or increases the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the special use district or conditional district.

(2) To be valid and effective, protest letters shall:

- a) Be presented in writing; and
- b) Contain the signature(s) and address(s) of the protesting property owner(s); and
- c) State that the signer does protest the proposed amendment; and
- d) Be received by the town clerk at least two working days, excluding Saturdays, Sundays, and legal holidays before the date established for a public hearing on the proposed amendment, in order to establish the sufficiency and accuracy of the petition.
- e) A person who has signed a protest petition may withdraw his or her name from the petition at any time prior to the vote on the proposed zoning amendment. Only those protest petitions that the qualifying standards set forth in G.S. 160A-385 at the time of the vote on the zoning amendment shall trigger the supermajority voting requirement.

(I) Hearing.

- (1) The Town Board may refuse to call for a public hearing on any petition for amendment to the zoning text or Zoning Map if, in the board’s opinion, such petition lacks merit.
- (2) Notice of public hearings required under these regulations shall be in accordance with the North Carolina General Statutes.
- (3) Notice of any request for a change in the Zoning Map shall state that the Planning Board and Town Board may consider the application of any of the zoning districts to the property, not just the classification requested.
- (4) Conduct of Public Hearing.
 - (a) No amendment shall be adopted until after the Town Board has held a public hearing on the proposed amendment.
 - (b) The hearing shall be conducted in accordance with rules and procedures established by the Mayor and Town Board.
 - (c) When presenting a petition for the reclassification of property to a general-use district, as opposed to a conditional zoning district, the petitioner shall refrain

from using any graphic materials or descriptions of the proposed use or development site design, except for those which would apply to any use or development site design permitted in the requested district.

(J) Recommendation and decision.

- (1) No proposed amendment shall be approved unless it is first submitted to the Planning Board for a recommendation. If the Planning Board does not make a recommendation to approve, approve with conditions, deny, or defer a decision on the proposed amendment within thirty-one calendar days after the petition has been referred to it, then the Planning Board shall be considered to have recommended deferral for additional deliberation. The petition, along with the recommendation of the Planning Board, shall be placed on the agenda of the Town Board at its next regular zoning meeting.
- (2) The Town Board, after receiving the recommendation of the Planning Board, shall within a reasonable time either reject the proposed amendment or approve the proposed amendment, with or without modifications.
- (3) In considering any petition to reclassify property the Planning Board in its recommendation and the Town Board in its decision shall consider all of the following:
 - (a) Whether the proposed reclassification is consistent with the purposes, goals, objectives, and policies of adopted plans for the area.
 - (b) Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property.
 - (c) The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, hospitals and medical services, schools, stormwater drainage systems, water supplies, and wastewater and refuse disposal.
 - (d) Whether the proposed reclassification will adversely affect a known archaeological, environmental, historical, or cultural resource.
- (4) When considering a petition to reclassify property to a general-use district, the Planning Board and the Town Board shall not evaluate the petition based on any specific proposal for the use of the property or design of the site.
- (5) In approving an amendment to reclassify property to a general-use district or, with the consent of the petitioner, to a conditional district, the Town Board may change the existing classification of the property, or any part of the property covered by the petition, to the classification requested or to any other classification or classifications permitted by this article.
- (6) The Town Board may modify any proposed text amendment upon adoption of an ordinance enacting the amendment, without the withdrawal or modification of the petition or further public hearings, when, in the opinion of the board, such a change would not require a separate public hearing.
- (7) The Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is available. The Planning Board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a

proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

- (8) A statement analyzing the reasonableness of the proposed rezoning shall be prepared for each petition for a rezoning to a conditional use district or other small-scale rezoning.
- (9) Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with the adopted Land Use Plan and explaining why the board considers the action taken to be reasonable and in the public interest.

(K) Effect of the denial of a petition.

- (1) A petition for the reclassification of property that has been denied in whole or in part, shall not be re-submitted within one year of the date of the Town Board's action on the original petition.
- (2) The Town Board may, however, allow re-submission of a petition within the one-year restricted period if it determines that, since the date of action on the prior petition, one of the following criteria has been met:
 - (a) There has been a similar change in the zoning district classification of an adjacent property.
 - (b) The Town Board has adopted a new or amended plan for the area that changes public policy regarding how the property affected by the amendment should be developed.
 - (c) Construction or expansion of a road, water line, sewer line, or other infrastructure has occurred or is to occur in such a time frame as to serve the property and comfortably accommodate the intensity of development allowed under the proposed classification.
 - (d) There has been a substantial change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one-year restriction on a new petition. This shall not include a change in the ownership of the subject property nor, in the case of a petition for reclassification to a conditional or overlay district, a change in the scale or features of the development proposed in the prior petition.

8-3.9.8 WATERSHED AMENDMENTS AND VARIANCES.

- (A) **Amendments.** All amendments to the watershed regulations shall be heard as regular amendments to this article. However, under no circumstances shall the town amend, supplement or change the watershed regulations so as to cause these regulations to violate the watershed protection rules as adopted by the N.C. Environmental Management Commission. All amendments shall be filed with the N.C. Division of Water Quality, N.C. Division of Environmental Health, and the N.C. Division of Community Assistance.

(B) Watershed Variances.

- (1) The Board of Adjustment shall handle minor variances to the watershed requirements in the same manner as regular zoning variances.

- (2) If a major variance (see definition) is requested, the Planning Board shall, after making a favorable decision to grant the request, prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include all of the following:
 - (1) The variance application.
 - (2) The hearing notices.
 - (3) The evidence presented.
 - (4) Motions, offers of proof, objections to evidence and rulings on them.
 - (5) Proposed findings and exceptions.
 - (6) The proposed decision including all conditions proposed to be added to the permit.
- (3) The information shall be sent to the N.C. Environmental Management Commission for its review. The EMC shall review the preliminary record and determine whether or not: (1) the request qualifies as a major variance, (2) the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and (3) the variance, if granted, will not result in a serious threat to the water supply. Based on its findings, the EMC shall approve the variance as proposed or approve the proposed variance with conditions and stipulations, or disapprove the variance. The EMC shall prepare a decision and send it to the Board of Adjustment. The Planning Board shall prepare a final decision based on the decision of the EMC.
- (4) The zoning administrator shall notify any jurisdictions within the watershed of a proposed variance to the watershed regulations. Local governments may submit any comments to the zoning administrator before the public hearing by the Planning Board.

8-3.9.9 WAIVER OF ARCHITECTURAL AND SITE DESIGN REQUIREMENTS.

In order to encourage creative design, to avoid undue hardship, and to expedite the zoning approval process for developments within the town, a *waiver* of any of the architectural or site design requirements contained within this article may be approved as follows.

- (A) **Minor waiver.** The zoning administrator is authorized to grant a minor waiver from the standards of this article subject to the following:
 - (1) Any request for a waiver of a standard set forth in the ordinance including, but not necessarily limited to, height requirements and limitation, yard requirements, parking requirements, screening or buffer requirements, planting requirements, ratio requirements, density requirements, spacing requirements, and signage requirements, landscaping material, building design, and parking lot layout shall be granted only after the applicant has demonstrated that:
 - (a) The deviation was a result of unique conditions of the property, OR
 - (b) The deviation will result in a project that is at least equal to or better than what would be accomplished under the strict application of this article.
 - (2) Before granting a minor waiver the zoning administrator shall reasonably determine that granting the waiver:

- (a) Does not and will not violate the spirit and intent of the ordinance, and
 - (b) Does not and will not adversely affect the rights of other property owners in any material manner.
 - (3) A minor waiver may not deviate by more than ten percent from any of the measurable standards of this article.
 - (4) The authority given to the zoning administrator to grant such waivers shall be construed to be permissive and not mandatory and the zoning administrator may decline to make such waiver. In the event this occurs, the applicant shall have the right to request a special exception permit from the Board of Adjustment granting a major waiver to these requirements.
 - (5) Nothing in this section shall be construed as limiting the zoning administrator's duties and rights under this article, or an applicant's right to appeal the decision of the zoning administrator to the Board of Adjustment.
- (B) Major waiver.** The Board of Adjustment is authorized to grant a major waiver from the standards of this article through the issuance of a special exception permit. Application and issuance of such permits shall be governed as follows.
- (1) Applicants. A request for a special exception permit will be considered only if requested by the owner of the property in question or an authorized agent of the property owner.
 - (2) Applications. Applications for all special exception permits or amendments to any approved special exception permit must be filed with the zoning administrator. Applications which are not complete shall be returned to the applicant, with a notation of the deficiencies in the application. A complete application will include all of the following:
 - (a) A completed application form signed by all of the property owners of the property or land proposed for the permit, or a completed application form signed by the developer along with an affidavit signed by all property owners giving the applicant the permission to pursue the permit and to bind the property to the proposal and to conditions which the board might impose.
 - (b) A complete explanation of the purpose and extent of the requested waiver including sealed site plans and architectural renderings when applicable or requested by the zoning administrator or the Board of Adjustment.
 - (c) Documentation containing facts which will be used to support the petition, including but not limited to deed restrictions, proposed homeowners association documents, and statements from adjacent property owners (where applicable).
 - (d) All appropriate fees.
 - (e) A complete listing of all owners of adjacent property, their addresses, and tax identification numbers.
 - (f) Any other information deemed by the zoning administrator or the Board of Adjustment to be necessary for sufficient review of the application.
 - (3) Staff review. All applications for a special exception permit shall be reviewed by the zoning administrator and, where necessary, the technical review committee prior to

Board of Adjustment review. The zoning administrator shall determine the number of copies to be submitted by the petitioner to insure that there are sufficient copies to send to the board, the technical review committee, and all other appropriate agencies for review and comment. The applicant shall submit a completed application no later than fifteen working days prior to the board meeting at which the petition is to be heard. If the application is found to be incomplete, the developer shall be notified and the petition rejected.

- (4) Cooperation. The developer is strongly encouraged to work closely with staff and neighboring property owners before and during the application and review process to minimize delays and address concerns which may arise.
- (5) Board review. The Board of Adjustment shall review the application for a waiver in the context of the spirit and intent of the requirements of this article; existing, proposed, and planned development in the immediate area; similar properties and situations in other areas of the town's jurisdiction; and all other applicable regulations affecting the property.
- (6) Required general findings. No special exception permit shall be approved by the Board of Adjustment unless the following general findings of fact are made concerning the proposed special use:
 - (a) The proposed development represents a design in site and/or architecture which will result in a development that is equivalent to or superior to that achievable under the applicable regulations,
 - (b) The proposed development will be compatible with and will not substantially injure the value of adjoining property,
 - (c) The proposed development is consistent with the intent of this article.
- (7) Withdrawal or amendment of a special exception permit application. An application for a special exception permit may be withdrawn or amended as follows:
 - (a) A petition filed according to this section may be withdrawn by the petitioner at any time up to the scheduling of the date of the public hearing on the petition.
 - (b) If the petitioner wishes to withdraw the petition after the scheduling of the public hearing, the petitioner may file a request to withdraw with the zoning administrator. On the date scheduled for the hearing, the Board of Adjustment may approve the request for withdrawal if it finds that there are substantial circumstances favoring the withdrawal and that the withdrawal will not be detrimental to the interests of citizens affected by the petition.
 - (c) Once the petition has been filed, the petitioner shall not be allowed to amend it except by request to the zoning administrator no later than three weeks prior to the scheduled public hearing date. No changes to the petition shall be accepted in the intervening weeks prior to the public hearing. No changes to the petition shall be made at the hearing, although potential changes proposed by the petitioner, Board of Adjustment and other interested parties may be presented at the hearing and considered by the Board of Adjustment during their deliberations.

- (d) If the Board of Adjustment deems any amendment to be a substantial change to the petition, it shall defer action on the petition for thirty days to allow interested parties the opportunity to comment on the amendment to the petition.
 - (e) If the Board of Adjustment deems any amendment to be an intensification of the petition, it shall call for a new public hearing.
- (8) Hearing.
 - (a) A special exception permit hearing will be conducted as a quasi-judicial hearing before the Board of Adjustment.
 - (b) The applicant has the burden of producing competent, material, and substantial evidence in support of the application.
- (9) Decision. In considering an application for a special exception permit, the Board of Adjustment may attach reasonable and appropriate conditions and safeguards to the location, nature, and extent of the proposed use and its relation to surrounding property, for the purpose of insuring that the conditions of permit approval will be complied with and any potentially injurious effect of the special use on adjoining properties, the character of the neighborhood, or the health, safety, and general welfare of the community will be minimized. Such conditions may relate to parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, intensity of site development, the timing of development, and other matters the Board of Adjustment may find appropriate or the applicant may propose. The applicant will have a reasonable opportunity to consider and respond to any additional conditions or requirements prior to final action by the Board of Adjustment.
- (10) Effect of approval. An approved application for a special exception permit and all conditions which may be attached thereto are binding on the property.
- (11) Amendment to an approved special exception permit.
 - (a) Any change to a development approved by special exception permit shall require an amendment to the special exception permit by the Board of Adjustment.
 - (b) The owner of property which is subject to an approved special exception permit may petition for an amendment of the special exception permit and accompanying conditions by following the procedures applicable to initiation of new special exception permits.
 - (c) Evidence presented at the hearing on the proposed amendment will be limited to the effect of the proposal on the original special exception permit, any plans or conditions which were a part of the original special exception permit, and the present standards and requirements in this article.
- (12) Appeals. Any petition for review by Superior Court shall be filed with the Clerk Of Superior Court within thirty days after a written copy of the decision of the Board of Adjustment is filed in the office of the zoning administrator or is delivered to every aggrieved party who has filed a written request for such copy with the clerk at the time of the hearing of the case, whichever is later.
- (13) Revocation of a special exception permit.

- (a) A special exception permit may be revoked by the Board of Adjustment if it determines that the applicant is exceeding the authority granted by the permit or fails to meet the conditions attached thereto.
 - (b) Action to revoke a permit shall be taken by the Board of Adjustment after receiving a request from staff. Such a request shall be in writing and shall declare that the applicant and all property owners within the development, as recorded at the register of deeds office, have been notified at least ten days before the meeting of the pending action and the date, time, and place of the Board of Adjustment meeting at which the request will be made. Said applicant and property owners shall have the right to appear before the Board of Adjustment at said meeting and show cause why the Board of Adjustment should not revoke the permit. Notification shall be deemed given when written notice is sent by first class mail to the property owner at the address shown on the most recent property tax records and one or more signs are posted in prominent locations on the subject site reasonably calculated to give notice of the action.
- (14) Expiration of a special exception permit.
- (a) Approval of a special exception permit shall confer upon the developer all vested rights as set forth in this article.
 - (b) In order for a special exception permit to remain in effect for a particular development, a valid building permit must be issued for construction within the time period vested. If at any time after this date, construction has not been completed and no valid building permits are outstanding for construction within the development, the special exception permit shall expire. No further construction may occur within the development until a new special exception permit has been issued by the Board of Adjustment. Application for a new special exception permit shall follow the procedures outlined in this section.

8-3.9.10 ENFORCEMENT.

Whenever there is a violation of this article, the zoning administrator and/or zoning enforcement officer may take any or all of the following actions to stop such violation.

- (A) **Permit revocation.** The zoning administrator may revoke any zoning permit issued by staff after written notification to the permit holder when violations of this ordinance have occurred, when false statements or misrepresentations were made in securing the permit, work is being or has been done in substantial departure from the approved application or plan, or a permit has been mistakenly issued in violation of this ordinance.
- (B) **Stop work orders.** Whenever a building, structure or part thereof is being constructed, demolished, renovated, altered, or repaired in substantial violation of any applicable provision of this ordinance, the zoning administrator and/or zoning enforcement officer may order the specific part of the work that is in violation, or would be when the work is completed, to be immediately stopped. The stop work order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation and the action(s) necessary to lawfully resume work.
- (C) **Civil penalties.**

- (1) In addition to the other remedies cited in this ordinance for the enforcement of its provisions, and pursuant to NC General Statute 160A-175, the regulations and standards of this ordinance may be enforced through the issuance of civil penalties by the zoning administrator and/or zoning enforcement officer.
 - (2) Subsequent citations for the same violation may be issued by the zoning administrator and/or zoning enforcement officer if the offender does not pay the citation (except as otherwise provided in a warning situation) after it has been issued unless the offender has sought an appeal to the decision of the zoning administrator through the Board of Adjustment. Once the ten-day warning period has expired, each day which the violation continues shall subject the violator to additional citations to be issued by the zoning administrator.
 - (3) The following penalties are hereby established:
 - (a) Warning Citation ----- Correct Violation Within 10 Days
 - (b) First Citation ----- \$50.00
 - (c) Second Citation for Same Offense ----- \$100.00
 - (d) Third and Subsequent Citations for Same Offense - \$500.00
 - (4) If the offender fails to pay the civil penalties within three days after having been cited, the town may recover the penalties in a civil action in the nature of debt.
- (D) **Criminal penalties.** Any person, firm or corporation convicted of violating the provisions of this ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined an amount not to exceed \$500 and/or imprisoned for a period not to exceed thirty days. Each day of violation shall be considered a separate offense, provided that the violation of this ordinance is not corrected within thirty days after notice of said violation is given.
- (E) **Equitable remedy.** The zoning administrator and/or zoning enforcement officer may apply to a court of competent jurisdiction for any appropriate equitable remedy to enforce the provisions of this ordinance. It is not a defense to the zoning administrator's application for equitable relief that there are other remedies provided under general law or this ordinance.
- (F) **Injunction.** Enforcement of the provisions of this ordinance may also be achieved by injunction. When a violation occurs, the zoning administrator and/or zoning enforcement officer may, either before or after the institution of other authorized action, apply to the appropriate division of the General Court for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.
- (G) **Order of abatement.** In addition to an injunction, the zoning administrator may apply for and the court may enter into an order of abatement as part of the judgment in the case. An order of abatement may direct any of the following actions:
- (1) Buildings or other structures on the property be closed, demolished, or removed;
 - (2) Fixtures, furniture or other moveable property be moved or removed entirely;
 - (3) Improvements, alterations, modifications or repairs be made; or

- (4) Any other action be taken that is necessary to bring the property into compliance with this ordinance.

8-3.10 RULES OF CONSTRUCTION, INTERPRETATION, AND DEFINITIONS

8-3.10.1 RULES OF CONSTRUCTION.

For the purposes of these regulations, the following rules of construction apply.

- (A) Interpretations shall be guided by statements of intent.
- (B) The term “this ordinance” shall refer to the *Town of Mocksville Zoning Ordinance*.
- (C) The words “shall”, “must”, and “will” are mandatory, implying an obligation or duty to comply with the particular provision.
- (D) The word “may” is permissive, except when the context of the particular use is negative, then it is mandatory (e.g. “may not”).
- (E) The word “should,” whether used in the positive or the negative, is a suggested guideline.
- (F) References to “days” will always be construed to be business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.
- (G) For purposes of interpreting this ordinance, certain words, concepts, and ideas are defined in 8-3.10.3. Except as defined herein, all other words used in this ordinance shall have their everyday dictionary definition.
- (H) Words used in the present tense include the future tense and words used in the future tense include the present tense.
- (I) Words used in the singular number include the plural and words used in the plural number include the singular.
- (J) The word “person” includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.
- (K) The word “lot” includes the word “plot”, “parcel” or “tract.”
- (L) The word “building” includes the word “structure” and the word “structure” includes the word “building.”
- (M) The words “used” or “occupied” as applied to any land or building shall be construed to include the words “intended,” “arranged” or “designed” to be used or occupied.
- (N) Words used in the masculine gender include the feminine gender.
- (O) The word “street” includes the words road, avenue, place, way, drive, lane, boulevard, highway, and any other facility principally designed for motor vehicle traffic, except an alley or an easement solely for utilities or pedestrians.
- (P) The terms “Town Board” and “Board of Commissioners” shall mean the Town Board of Commissioners of the Town of Mocksville, North Carolina.
- (Q) The term “Planning Board” shall mean the Planning Board of the Town of Mocksville, North Carolina.

- (R) The term “Zoning Administrator” shall mean the zoning administrator of the town of Mocksville, North Carolina.
- (S) The term “Subdivision Administrator” shall mean the subdivision administrator of the town of Mocksville, North Carolina.
- (T) The term “Manager” or “Town Manager” shall mean the town manager of the town of Mocksville, North Carolina.
- (U) The term “Board of Adjustment” shall mean the Board of Adjustment of the town of Mocksville, North Carolina.”
- (V) The term “State” shall mean the state of North Carolina.
- (W) Any reference to a section shall mean a section of *The Town of Mocksville Zoning Ordinance*, unless otherwise specified.

8-3.10.2. INTERPRETATION.

- (A) Zoning Boundaries. Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the Zoning Administrator shall employ the following rules of interpretation.
 - (1) Where the Zoning Maps show a boundary line located within a street or alley right-of-way, railroad or utility line right-of-way, easement or waterway, it shall be considered to be in the center of the right-of-way, easement or waterway. If the actual location of such right-of-way, easement or waterway varies slightly from the location as shown on the Zoning Maps, then the actual location shall control.
 - (2) Where the Zoning Maps show a district boundary to approximately coincide with a property line or city, town or county border, the property line or border shall be considered to be the district boundary, unless otherwise indicated on.
 - (3) Where the Zoning Maps show a district boundary to not coincide or approximately coincide with any street, alley, railroad, waterway or property line, and no dimensions are shown, the location of the boundary shall be determined by use of the scale appearing on the Zoning Maps.
 - (4) If, because of error or omission in the Zoning Maps, any property within the jurisdiction of this ordinance is not shown as currently being in a zoning district, such property will be classified as OSR, until changed by amendment.
 - (5) Where district boundaries appear to parallel to the center line of streets, easements or rights-of-way, such district boundaries shall be construed to be parallel thereto and at such a distance therefrom as is indicated on the Zoning Maps.
 - (6) The Zoning Administrator shall decide the exact location of zoning district boundary lines when a question arises concerning boundary lines shown on the Zoning Maps. This decision may be appealed to the Zoning Board of Adjustment.
- (B) Split Tracts and Fractional Requirements. The Zoning Administrator shall employ the following rules with respect to split tracts and fractional requirements:
 - (1) Where a district boundary line divides a lot or tract in single ownership, the district requirements for the least restricted portion of such lot or tract shall be extended to apply to the whole, provided such extensions shall not include any part of a lot or tract more

than thirty-five (35) feet beyond the district boundary line. The term “least restrictive” shall refer to all zoning restrictions except lot or tract size.

- (2) When any requirement of this ordinance results in a fraction of a dwelling unit or other measurement, that fraction will be disregarded and the nearest lower whole number shall apply.
- (3) Whenever a density calculation for a legal lot of record results in less than one (1) dwelling unit being permitted, one (1) dwelling unit will be permitted subject to the remaining provisions of this ordinance.

(C) General Rules of Conflict.

- (1) In the event of a conflict between the text of this ordinance and any caption, figure, illustration, or table included herein, the text of this ordinance shall control.
- (2) In the event there is a conflict in limitations, requirements or standards applying to any individual use or structure, the more stringent or restrictive provision shall apply.

(D) Distance Measurements.

Distance separations are required for many uses in this ordinance. Unless otherwise specified, the following rules shall apply in determining such measurements:

- (1) Where lot separation is required, measurements shall be made from lot line to lot line using the shortest straight-line distance between lots.
- (2) Where separation between a building, structure, parking area, buffer, driveway or similar feature on a development site and any other feature on the same or abutting site is required or is part of a regulation contained herein, such separation shall be measured between the closest points on the feature using the shortest straight-line distance between the two.

8-3.10.3 DEFINITIONS.

For the purpose of interpreting this ordinance, certain words and terms used in this ordinance are defined as follows. Except as defined herein, all other words used in this ordinance shall have their usual, customary dictionary meaning.

ABANDONED. A use shall be deemed to be abandoned when 1) the use is physically and objectively discontinued [other than in association with the settlement of an estate or for any use which is seasonal in nature]; or 2) the premises are devoted to another use; or 3) the characteristic equipment and furnishings of a nonconforming nonresidential use have been physically removed from the premises and have not been replaced by the same or similar equipment within 30 days. All of the above events are considered abandonment, regardless of the intent of the owner, lessee or occupant and regardless of any circumstances beyond the control of such parties that prevent continuation of the use.

ABATTOIRS. A facility used for slaughtering and processing of animals, and the refining of their byproducts.

ACCESSORY DWELLING UNIT. See *dwelling unit, accessory*.

ACCESSORY STRUCTURE. See *structure, accessory*.

ACCESSORY USE. See *use, accessory*.

ADAPTIVE REUSE. The rehabilitation, reconstruction or renovation of existing buildings or structures for any use other than its current use.

ABUTTING PROPERTIES. Having common property boundaries or lot lines which are not separated by a street, alley, or other vehicular right-of-way such as a railroad.

ACCESSORY COMMUNICATION ANTENNAE. An antennae configuration that is attached to a building, water tower, or other existing structure where the communication facility is customarily incidental to the main or principal building or structure.

ACCESSORY STRUCTURE OR USE. A use or structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. The structure must meet the North Carolina State Building Code. This term shall include swimming pools, satellite dishes, and pre-constructed buildings, which are built specifically for storage and/or other accessory uses.

ADJACENT. This term shall mean anything that is contiguous or abutting with the assumption that railroads, roads, and other rights-of-way do not exist.

ADULT ESTABLISHMENT. Any principal or accessory structure or use of land which meets the definition of adult establishment as set forth in G.S. 14-202.10 et.seq. and the Mocksville Code of Ordinances, but excluding massage therapy.

AGRICULTURAL INDUSTRY. Commercial poultry or swine production, cattle or swine feed lots, fur bearing animal farms, commercial plant production (not retail nurseries) on more than two acres, commercial fish or poultry hatcheries, and other similar activities.

AIRPORT. Landing fields, parking and service facilities, passenger and baggage terminals, and related facilities for the operation, service, fueling, repair, storage, charter, sales, and rental of aircraft. The word aircraft shall include fixed-wing as well as rotary-wing craft.

ALLEY. A service way providing a secondary means of public access to abutting property.

ALTERATION. A change in the size, configuration, or location of a structure; or a change in the use of a structure or lot from a previously approved or legally existing use.

AMENDMENT. Any change by the Town Board to the text of these regulations or the official zoning maps.

AMATEUR RADIO ANTENNA. Any tower and/or antenna owned and operated by an amateur radio operator for "amateur service," as that term is defined by 47 C.F.R. § 97.3(a)(4). Said towers and antennas must be used only for noncommercial purposes and must be fifty (50) feet tall or less. For the purposes of this chapter, any antenna not meeting this definition shall be deemed a "Wireless Telecommunications Facility." This use does not include towers and antennas owned or operated by a government agency.

AMORTIZATION. A provision requiring a non-conformance to either become conforming or be removed within a set period of time, otherwise known as the amortization period.

AMUSEMENT, COMMERCIAL INDOOR. Any business establishment which is primarily engaged in providing an amusement activity such as a video arcade, billiard parlor, skating rink or similar activity as a principal use to the general public, but does not include indoor motion picture theaters.

AMUSEMENT, COMMERCIAL OUTDOOR. Any business establishment which is primarily engaged in providing an amusement activity such as a miniature golf course, skateboard course, water slide, mechanical ride, par 3 golf course, golf driving range, or go-cart course, fish ranch, or similar activity to the

general public, but does not include outdoor motion picture theaters, raceways, drag strips, or motorcycle courses.

ANTENNA. Communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.

ANTENNA ELEMENT REPLACEMENT shall mean the replacement of any part or all an antenna or antenna array with a model of the same manufacturer and model type or close specification.

APPLICABLE CODES. The N.C. State Building Code uniform fire, building, electrical, plumbing or mechanical codes adopted by a recognized national code organization together with State, Davie County or Town of Mocksville amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons.

APPLICANT. Any person seeking approval under these regulations for any form of development or use of land.

ARCHITECT. A person licensed to practice architecture in the State of North Carolina.

ARENA. A structure or facility designed and intended to be used primarily for athletic events and containing seating for spectators of those events, but not including a raceway or drag strip.

ARTIFICIAL OBSTRUCTION. Any object or material which is not a natural obstruction, including any which, while not a significant obstruction in itself, is capable of accumulating debris and thereby reducing the flood-carrying capacity of a stream.

ARTS AND CRAFTS STUDIO. The creation of objects in a studio, made one at a time, by hand. Such creation includes, but is not limited to, woodworking, tinsmithing, silversmithing, pottery throwing, glass blowing, painting, weaving, caning, metal working, and sculpting.

ASPHALT AND CONCRETE PLANT AND CONTRACTORS. A facility preparing asphalt and/or concrete mixtures for street and driveway paving, including contractors engaged in asphalt and/or cement work. This definition includes only those uses in the following NAICS group(s):

2357 Concrete Contractors
324121 Asphalt Paving Mixture and Block Manufacturing

AUTOMATIC TELLER MACHINE. A type of banking and financial services with automated or self-service banking features with no staff or personnel provided.

AUTOMOTIVE REPAIR. See Motor Vehicle Repair and Maintenance.

AWNING. A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not a canopy.

BANKING AND FINANCIAL SERVICES. A facility engaged in deposit banking or extending credit in the form of loans. This definition includes only those uses in the following NAICS group(s):

5221 Depository Credit Intermediation
5222 Nondepository Credit Intermediation

BASE STATION. A station at a specific site authorized to communicate with mobiles stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies, and other associated electronics.

BED AND BREAKFAST ESTABLISHMENT. An owner-occupied residential building providing rooms for temporary overnight lodging and meal(s) for more than three but not more than eight guests on a paying basis.

BERM. An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

BEST MANAGEMENT PRACTICES (BMPs). (Applies only to the Watershed Overlay District) A structural or non-structural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.

BEST MANAGEMENT PRACTICES, NON-STRUCTURAL. Non-structural BMPs are non-engineered methods used to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.

BEST MANAGEMENT PRACTICES, STRUCTURAL. Structural BMPs are engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from the water supply.

BOARDING OR ROOMING HOUSE. An owner-occupied dwelling, or part thereof, in which lodging is provided to more than three but not more than eight paying guests on a weekly or longer basis and where the rooms rented neither individually nor collectively constitute separate dwelling units.

BROADCAST STUDIO. An establishment primarily engaged in providing two-way radio/telephone communication services, telephone voice and data communications, telegraph services, radio and television broadcasting, or cable and other pay television services, but excluding those uses classified as utilities. This definition includes only those uses in the following NAICS group(s)

5131 Radio & Television Broadcasting

BUFFER. (See also Screening.) A strip of land with natural or planted vegetation, located between a structure or use and a side or rear property line, intended to spatially separate and visually obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

BUILD-TO LINE. A line extending through a lot which is generally parallel to the front property line and marks the location from which the principle vertical plane of the front building elevation must be erected; intended to create an even building façade line on a street. The build-to line is established on the record plat (final plat).

BUILDING. A temporary or permanent structure having a roof supported by columns or walls and which can be used for the shelter, housing, or enclosure of persons, animals, or goods.

BUILDING AREA. The area of a zoning lot remaining after the minimum setback requirements of this ordinance have been satisfied.

BUILDING CONTRACTORS, GENERAL. An establishment providing general contracting and/or building construction services for residential, farm, industrial, or commercial uses, and which typically does not involve outdoor storage of machinery or equipment. This definition includes only those uses in the following NAICS group(s)

2351 Plumbing, Heating, Air-Conditioning Contractors
 2352 Painting and Wall Covering Contractors
 2353 Electrical Contractors
 2354 Masonry, Drywall, Insulation and Tile Contractors
 2355 Carpentry and Floor Contractors
 2356 Roofing, Siding, and Sheet Metal Contractors

- 23592 Glass and Glazing Contractors
- 23595 Building Equipment and Other Machinery Installation Contractors
- 23599 All Other Special Trade Contractors

BUILDING CONTRACTORS, HEAVY. An establishment providing general contracting and/or building construction services other than for buildings, such as highways and streets, bridges, sewers, and flood control projects, and which may involve outdoor storage of machinery or equipment. This definition includes only those uses in the following NAICS group(s):

- 2341 Highway, Street, Bridge, and Tunnel Construction Contractors
- 23491 Water, Sewer, Pipeline Construction Contractors
- 23591 Structural Steel Erection Contractors
- 23593 Excavation Contractors
- 23594 Wrecking and Demolition Contractors

BUILDING FOOTPRINT. The outline of the total area covered by a building's exterior walls at the ground level.

BUILDING HEIGHT. See Height, Building.

BUILDING LINES. Lines that are tangent to the exterior surface of buildings or structures, or the surfaces of cantilevered projections therefrom, parallel to front, side, and rear lot lines, and referred to as front, side, and rear building lines, respectively.

BUILDING MATERIALS SUPPLY. An establishment engaged in selling lumber and a general line of building materials and hardware to the public. This definition includes only those uses in the following NAICS group(s)

- 4441 Building Materials and Supplies Dealer (Retail)

BUILDING PRESENTATION. The direction of the architectural front façade of a building in relation to the street or public space.

BUILDING, PRINCIPAL. A building in which the principal use of the lot is conducted. In any residential district any structure containing a dwelling unit shall be deemed to be a principal building on the lot on which it is located.

BUILDING SITE. (See also Development.) An area of land or property where development is undertaken.

BUILDING WALL. The entire surface area, including windows and doors, of an exterior wall of a building. For the purposes of this ordinance, the area of a wall will be calculated for only the first three stories, or 45 feet in height of a building, whichever is less.

BUILT-UPON AREA. (Applies only to the Watershed Overlay District) Built-upon areas shall include that portion of a development project and/or lots that are covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), etc. (NOTE: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

BULK STORAGE OF PETROLEUM PRODUCTS (TANK FARMS). The storage on a zoning lot of two thousand five hundred (2,500) gallons water capacity or more of flammable liquid, or two thousand (2,000) gallons water capacity or more of flammable gas, excluding "Storage tanks, above ground" and "fuel dealers" as defined herein. This definition includes all uses listed in the following NAICS group(s):

- 4227 Petroleum and Petroleum Products Wholesalers

BUS / TRANSIT SHELTER. A freestanding structure less than 100 square feet, located on a bus transit route, which is designed to accommodate embarking and disembarking bus transit passengers.

CALIPER. The diameter measurement of a tree-trunk.

CAMPGROUND. See Recreational Vehicle Park.

CANOPY. A structure, either detached from or attached to and extending from the enclosed portion of a building, and used principally to provide shelter in connection with activities conducted in the principal building.

CANOPY TREE. A species of tree which normally grows to a mature height of thirty-five feet or more with a minimum mature crown width of thirty feet and meets the specifications of the *American Standards for Nursery Stock published by the American Association of Nurserymen*.

CARPORT. A roofed structure enclosed on not more than two sides and used for the parking of motor vehicles.

CAR WASH, AUTOMATIC. An unattended, automated, mechanical facility for the washing of automobiles, small recreational vehicles, and light trucks wherein the customer remains in the vehicle during the service.

CAR WASH, FULL SERVICE. An attended facility wherein the customer pays for the labor, materials, and equipment necessary to wash or otherwise clean an automobile, small recreational vehicle, or light truck. This type of car wash may or may not be partially automated. Typically, the customer does not remain in the vehicle during the service.

CAR WASH, INDUSTRIAL. Mechanical facilities for the washing, vacuuming, and waxing of large automobiles and heavy machinery.

CAR WASH, SELF SERVICE. A car wash wherein the customer provides labor and where no self-propelled wash racks are provided.

CEMETERY. Land and facilities, including offices and chapels, used for the burial of the dead.

CEMETERY, LICENSED. Land and facilities used for burial of the dead meeting the requirements of a perpetual care cemetery under State law. Such a facility includes any burial ground, mausoleum, or columbarium operated by a cemetery company and meeting licensing requirements of the State.

CERTIFICATE OF COMPLIANCE. A certificate issued by the Zoning Administrator setting forth that a lot, building, structure, or use complies with the Zoning Ordinance and that the same may be used for the purposes stated therein.

CERTIFICATE OF OCCUPANCY. A certificate issued by the Building Inspector setting forth that a building, structure, or use complies with all North Carolina State building codes in effect within the town's jurisdiction.

CHANGE OF USE. A change in the use of a structure or land for which a certificate of compliance is required.

CHILD CARE INSTITUTION. A facility providing residential and nonresidential care for thirteen (13) or more children under the age of twenty-one (21), who are handicapped or who are without the benefit of parents who can provide for those children's basic physical, emotional, educational, spiritual, and/or other special needs.

CHURCH OR RELIGIOUS INSTITUTION. A facility of a church, temple, synagogue, or other non-profit religious organization operated for worship and which may include religious training or study.

CHURCH OR RELIGIOUS INSTITUTION - COMMUNITY SCALE. A church or religious institution in which the seating capacity in the sanctuary or main activity area is greater than six hundred (600) persons.

CHURCH OR RELIGIOUS INSTITUTION - NEIGHBORHOOD SCALE. A church or religious institution in which the seating capacity in the sanctuary or main activity area is six hundred (600) persons or less.

CLINIC. An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, psychologists, social workers, or other medical personnel and are not lodged overnight.

CLINIC, VETERINARY. See “Veterinary services.”

CLUB OR LODGE, PRIVATE NON-PROFIT. A building or land used for the activities of a non-profit private club or social organization and not adjacent to, operated as, or in connection with a public tavern, cafe, or other place open to the public.

CLUB, PRIVATE. A for profit establishment as defined in N.C.G.S. 18B-1000 (5) which holds an ABC permit from the State of North Carolina.

CLUSTER DEVELOPMENT. The grouping of buildings and built-upon areas in order to conserve and/or protect natural resources and to provide for innovation in the design of a development project.

CLUSTER HOUSING. A development pattern where the dwelling units are grouped or “clustered” on a density basis for the total land area of the development, rather than spread evenly throughout the site on a lot by lot basis. A cluster housing development includes permanent open space and greenways usually owned and maintained by a homeowner’s association or developer.

COLLECTOR STREET. See Street, Collector.

COLLEGE OR UNIVERSITY. An institution of higher education offering undergraduate and/or graduate degrees.

CO-LOCATION. The placement, installation, maintenance, modification, operation or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, town utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities.

COMMUNITY CENTER. A building used for recreational, social, educational, and cultural activities, open to the public and usually owned and operated by a public or nonprofit group or agency.

COMMERCIAL COMMUNICATION TOWER. See “telecommunication tower.”

COMMUNICATIONS FACILITY. The set of equipment and network components, including wires and cables and associated facilities used by a communications service provider to provide communications service.

COMMUNICATIONS SERVICE. Cable service as defined in 47 U.S.C. § 522(6) (The one-way transmission to subscribers of video programming, or other programming service and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service), and information service as defined in 47 U.S.C. § 153(24) (The term “information service” means the offering of a capability for generating, acquiring, storing, transforming, processing,

retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service), and telecommunications service as defined in 47 U.S.C. § 153(53) (The term “telecommunications service” means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.), or wireless services.

COMMUNICATIONS SERVICE PROVIDER. A cable operator as defined in “Communications Service” and 47 U.S.C. § 522(5); a provider of information service, as defined in “Communications Service” and 47 U.S.C. § 153(24); a telecommunications carrier, as defined in “Communications Service” and in 47 U.S.C. § 153(51); or a wireless provider.

CONGREGATE CARE FACILITY. A licensed multi-unit facility which provides housing, part-time medical care, shared food preparation and dining areas, and recreational facilities, as well as significant social facilities to meet the needs of the elderly. Congregate care facilities do not include nursing care institutions or similar institutions devoted primarily to the care of the chronically ill or incurable.

CONSTRUCTION, START OF. The first placement of a structure, including a manufactured home, on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work at the point of placing the foundation, or beyond the state of excavation or the placement of a manufactured home on a foundation. This definition does not include the installation of streets or walkways nor does it include the installation of temporary buildings on the property, such as garages, sheds, or trailers, not part of the main structure nor occupied as dwelling units.

CONTIGUOUS AREA. Any area which abuts directly on a subject property or is separated from the subject property by a street or the right-of-way of a railroad or other utility or public service corporation.

CONVENIENCE STORE. Any retail establishment offering for sale gasoline, diesel fuel, kerosene, automotive products, prepackaged food products, household items, and/or other goods commonly associated with the same and having a gross floor area of less than five thousand (5,000) square feet.

CONVENTIONAL SUBDIVISION. A subdivision which complies with the standard lot dimensions of Section 6 of the Mocksville Zoning Ordinance and the development standards found in Sections 7.000 and 8.000 of the Mocksville Subdivision Ordinance.

CORNER LOT. See Lot, Corner.

CORRECTIONAL INSTITUTION. A jail or other institutional facility used to confine and provide treatment or rehabilitation to violators of criminal laws, including facilities for persons who are participating in supervised work-release programs, whether such facilities provide confinement for all of each 24 hour period or only a portion thereof; but not including temporary holding facilities that are accessory to a police station.

CRITICAL ROOT ZONE. The area under a tree, which includes all land within the drip-line of the tree. The drip-line is measured by a vertical line extending from the outermost portion of a tree’s canopy to the ground.

CUL-DE-SAC. See “Street, Minor.”

CULTURAL FACILITY. An indoor or outdoor theater, auditorium, or other building or structure designed, intended, or used primarily for musical, dance, dramatic, or other live performances, or a museum or gallery operated primarily for the display, rather than the sale, of works of art.

DAY CARE. Any child or adult care arrangement for three or more individuals who receive care away from their primary residence by persons other than their parents, children, grandparents, aunts, uncles,

brothers, sisters, first cousins, nieces, nephews, guardians, or full-time custodians, where care is provided on a regular basis at least once per week for more than four but less than twenty-four hours per day.

DAY CARE CENTER. A day care facility in which day care is provided for thirteen or more children when any child is preschool-age, or sixteen or more other children and/or adults.

DAY CARE HOME, LARGE. A facility in which day care is provided for six to twelve preschool-age children or up to fifteen other children and/or adults.

DAY CARE HOME, SMALL. An operation in which day care is provided for up to five preschool-age children, or up to eight other children and/or adults.

DECIDUOUS. A plant or tree with foliage that is shed annually.

DEED RESTRICTION. A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the county register of deeds. Also known as a restrictive covenant.

DENSITY, GROSS RESIDENTIAL. The number of residential dwelling units per acre of land, determined by dividing the number of dwelling units by the total number of acres in the parcel to be developed.

DENTAL LABORATORY. See Medical or Dental Laboratory.

DETENTION STRUCTURE. A permanent structure designed for the temporary storage of stormwater runoff in order to reduce the peak rate of discharge from a site.

DEVELOPER. Any person actively engaged in the development of land. See "applicant."

DEVELOPMENT. The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the subdividing of land into two or more parcels.

- (A) Except as provided in subsection (C) hereof, for the purposes of these regulations, the following activities or uses shall be considered "development:"
 - (1) The reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water;
 - (2) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land;
 - (3) Alteration of the shore or bank of a pond, lake, river, or other waterway;
 - (4) Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land;
 - (5) Clearing of land, including clearing or removal of vegetation and including any significant disturbance of vegetation or soil manipulation; or
 - (6) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
- (B) "Development" includes all other activity customarily associated with it. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity when part of other operations or activities is not development. Reference to particular operations is not intended to limit the generality of this definition.

- (C) For the purposes of these regulations the following operations or uses shall not be considered "development;" some may, however, require a zoning permit:
- (1) Work involving the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the color or decoration of the exterior of the structure or interior alterations that do not change the use for which the structure was constructed;
 - (2) Work involving the maintenance or replacement of existing landscaped areas and existing rights-of-way;
 - (3) A change in use of land or structure from a use within a specified category of use to another use in the same category;
 - (4) A change in the ownership or form of ownership of any parcel or structure;
 - (5) The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land unless otherwise specifically required bylaw; or
 - (6) The clearing of survey cuts or other paths of less than four feet in width.

DEVELOPMENT SITE. See building site.

DISH ANTENNA. A dish antenna, which is also referred to as an earth station, is defined as an accessory structure that includes the following: (i) An antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources; (ii) A low-noise amplifier, which is situated at the focal point of the receiving component and whose purpose is to magnify the transfer signals; and (iii) A coaxial cable whose purpose is to carry the signals into the interior of a building.

DISTURBED AREA. An area subject to erosion due to the removal of vegetative cover and/or earthmoving activities.

DORMITORY. A building containing bathroom facilities available for common use by the residents of the building, which is occupied or intended to be occupied as the dwelling for more than six persons who are not related by blood, marriage, or adoption but who are enrolled in, affiliated with, or employed by the same educational, religious, or health institution and which is co-located with and subordinate to such institution. "Dormitory" shall not include a boarding house, motel, hotel, group home, or health institution.

DOUBLE FRONTAGE LOT. See Lot, Double Frontage.

DRIVE-THROUGH SERVICE WINDOW. A customer service facility located within the principal structure as an accessory to an office or retail establishment which is intended to enable the customer to transact business with a sales or service representative located within the principal structure without exiting the motor vehicle.

DRY CLEANING AND LAUNDRY PLANTS. A building, portion of a building, or premises used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersions in volatile solvents including, but not limited to petroleum distillates, and/or chlorinated hydrocarbons and any process incidental thereto. This definition includes only those uses in the following NAICS group(s)

8123 Drycleaning and Laundry Services

DRY CLEANING AND LAUNDRY SERVICES. A building, portion of a building, or premises used for the collection and distribution of dry-cleaning or the cleaning of fabrics, textiles, wearing apparel, or

articles of any sort without the immersion of such articles in volatile solvents including, but not limited to petroleum distillates, and/or chlorinated hydrocarbons and any process incidental thereto. It is intended that uses in this category shall not pose a significant threat to the health and safety of the public or adjacent uses and that such may legally discharge all liquid waste into a public sanitary sewer or private septic system.

DWELLING UNIT. A room or combination of rooms designed for year-round habitation, containing a bathroom and kitchen facilities, and designed for or used as a permanent residence by at least one family.

DWELLING UNIT, ACCESSORY, ATTACHED. A second dwelling unit connected to or located within three (3) feet of a residential building, which is restricted in area, purpose and occupancy in accordance with this ordinance.

DWELLING UNIT, ACCESSORY, DETACHED. A dwelling unit located within an accessory structure, which is located more than three (3) feet from the principal structure and is restricted in area, purpose and occupancy in accordance with this ordinance.

DWELLING UNIT, EFFICIENCY. A dwelling unit in which the sleeping and living areas are contained in the same room.

EASEMENT. A grant of one or more of the property rights for a specific purpose by the property owner to, or for the use by, the public or another person.

EASEMENT, NEGATIVE ACCESS. An easement, which allows no driveway or other vehicles, access to a lot from an adjacent public street.

EASEMENT, SIGHT. An easement, which grants the right to maintain unobstructed view across property, located at a street intersection.

ELECTRONIC GAMING OPERATION. Any business enterprise whether as a primary or accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether the value of such distribution is determined by electronic games played or by predetermined odds. Electronic gaming operations may include but are not limited to, internet cafes, internet sweepstakes, electronic gaming machines/operations, or cyber cafes. This does not include any lottery approved by the State of North Carolina or any nonprofit operation that is otherwise lawful under State law (for example, church or civic organization fundraisers).

ELIGIBLE FACILITIES REQUEST. A request for a modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.

EMERGENCY SHELTER. A facility providing temporary housing for one or more individuals who are temporarily or permanently homeless due to disaster, evacuation or other similar civil emergency.

ENGINEER. A person licensed to practice engineering in the State of North Carolina.

EQUIPMENT COMPOUND. An area surrounding or near the base of a wireless support structure within which a wireless facility is located.

EVERGREEN. A plant or tree with foliage that persists year-round.

EXHIBITION BUILDING. A structure or facility designed, intended, or used primarily for public gatherings, indoor exhibitions, galleries, or conventions.

EXISTING DEVELOPMENT. (Applies only to the Watershed Overlay District) Existing development means projects that are built or projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of the amendment incorporating Water Supply Watershed Regulations into the Mocksville Zoning Ordinance based on at least one of the following criteria:

- (A) Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or
- (B) Having an outstanding valid building permit; or
- (C) Having an approved site specific or phased development plan under the provisions of Section 2.2.2.

For projects that require a state permit, such as landfills, NPDES wastewater discharges, land application of residuals and road construction activities, existing development shall be defined as those projects that are built or those projects for which a state permit was issued prior to August 3, 1992.

EXISTING LOT OF RECORD. (Applies only to the Watershed Overlay District) A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

EXPANSION OF AN EXISTING ANTENNA ARRAY shall mean the addition of an antenna or antenna array with a new manufacturer and/or model type and/or increases the bandwidth of the antenna or antenna array.

EXTERIOR FEATURES. The architectural style, general design, and general arrangement of the exterior of a structure, including the kind, texture, and color of building materials, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures, and including the landscaping and natural features of the parcel containing the structure.

FAÇADE. The exterior wall of a building extending from grade to the top of the parapet, wall, or eaves that is exposed to public view.

FAIRGROUNDS. An area of land use including, but not limited to: agricultural related office buildings, animal judging shows, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, and theaters.

FAMILY. An individual, or two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit; or a group of not more than six persons not related by blood, marriage, or adoption living together as a single housekeeping unit, and such domestic servants as are employed on the same premises. A family may include five (5) or fewer foster children placed in a family foster home licensed by the State of North Carolina. The term *family* shall not be construed to include any group of persons living together as a fraternal, sororal, social, honorary, or professional organization.

FAMILY SUBDIVISION. (Applies only to the Watershed Overlay District) A division of a tract of land (a) to convey the resulting parcels, with the exception of parcels retained by the grantor, to a relative or relatives as a gift or for nominal consideration, but only if no more than one parcel is conveyed by the grantor from the tract to any one relative; or (b) to divide land from a common ancestor among tenants in common, all of whom inherited by intestacy or by will.

FARM PRODUCT SALES. Seasonal sale of farm products raised on the premises where products are sold only as an accessory to an agricultural use.

FARMER'S MARKET. The seasonal selling or offering for sale at retail of vegetables or produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables.

FARMHOUSE CLUSTER. A rural subdivision for up to six house lots accessed by a private drive.

FEED AND FLOUR MILL. Establishments primarily engaged in milling flour or meal from grains (except rice) or vegetables, and/or milling flour and preparing flour mixes or dough.

FEED AND SEED STORE. Establishments primarily engaged in the retail sale of supplies directly related to the day to day activities of agricultural production.

FENCE OR WALL, OPAQUE. A vertical structure constructed of masonry, concrete, metal, or wooden material which does not allow light to pass through.

FENESTRATION. The design and positioning of windows and doors in a building or structure.

FLAG. A piece of durable fabric of distinctive design attached to a permanent pole, that is used as a symbol or decorative feature which represents a country, state, or other political subdivision.

FLAMMABLE FUEL STORAGE (BELOW GROUND). The storage of flammable or other hazardous liquids at a below grade location in compliance with applicable State laws.

FLEA MARKET. An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open facilities or temporary structures.

FLOOD. A temporary rise in stream flow or stage that results in water over topping stream banks and inundating areas adjacent to the watercourse.

FLOOD BOUNDARY AND FLOODWAY MAP. An official map on which the Federal Emergency Management Agency has delineated both the floodway and floodway fringe areas. Said maps also contain cross section information relevant to both the floodway and floodway fringe areas with data available in official reports supplied by the Federal Emergency Management Agency.

FLOODPLAIN, ONE HUNDRED YEAR. The channel and area abutting a watercourse, which would be covered with water during a one-hundred year flood as designated by reports and data provided by the Federal Emergency Management Agency and as shown on the *Zoning Map*.

FLOODPLAIN, FIVE HUNDRED YEAR. The channel and area abutting a watercourse, which would be covered with water during a five-hundred year flood as designated by reports and data provided by the Federal Emergency Management Agency.

FLOODWAY. The portion of the channel and floodplain of a stream designated by Federal Emergency Management Agency reports and data as adequate to provide passage for the one-hundred year flood, without increasing the elevation of that flood at any point by more than one foot.

FLOODWAY FRINGE. An area lying outside the floodway, but within the floodplain.

FLOOR. The top surface of an enclosed area in a building (including the basement) such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

FLOOR AREA. The sum of the gross horizontal areas of each floor of the principal building, and any accessory buildings or structures, measured from the exterior walls or from the center line of party walls. The term does not include any area used exclusively for the surface parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space.

FLOOR AREA RATIO (FAR). The total floor area of the building or buildings on a lot or parcel divided by the gross area of the lot or parcel.

FOOD AND BEVERAGE STORE. An establishment primarily engaged in selling food or beverages for home preparation and consumption off premises. This definition includes only those uses in the following NAICS group(s)

445 Food and Beverage Stores

FREEWAY OR EXPRESSWAY. A divided highway with full control of access and grade separation of all intersections.

FRONT LOT LINE. See Lot Line, Front.

FRONT YARD. See Yard, Front.

FRONTAGE, LOT. The lot boundary which coincides with a public street or space.

FRONTAGE, BUILDING. The façade of a structure facing the street.

FRONTAGE BUILDOUT. The portion of lot frontage which has a building or wall running parallel to it.

FUEL DEALER. An establishment primarily engaged in the retail sale of fuel oil (excluding retail sale of motor fuels), bottled gas, coal, wood, or other fuels. This definition includes only those uses in the following NAICS group(s)

45431 Direct Selling Establishments, Fuel Dealers

FUNERAL HOME. An establishment engaged in undertaking services, such as preparing the human dead for burial and in arranging and managing funerals. This definition includes crematories and mortuaries. This definition includes only those uses in the following NAICS group(s)

8122 Death Care Services

GARAGE, PRIVATE (RESIDENTIAL). A building housing not more than the number of vehicles in use by the family occupying the main structure to which the private garage is attached or detached and in which space may be used for an incidental home occupation.

GASOLINE STATION, LARGE. A retail establishment which primarily sells gasoline to the public and which may include a convenience store, garages for passenger vehicle repair with associated vehicle storage areas, and an automatic carwash as accessory uses.

GASOLINE STATION, NEIGHBORHOOD. A retail establishment which primarily sells gasoline to non-commercial vehicle operators, having no more than two canopies and eight separate pumping stations, and providing only minor passenger vehicle repairs.

GENERAL RETAIL. See retail, general.

GOLF COURSE. An area designed for golf, including a Par 3 golf course, having at least nine holes, each with a tee, fairway, and green, and may have one or more hazards. A clubhouse, pool and other facilities associated with a country club built around a golf course are considered part of the golf course.

GOLF DRIVING RANGE. An open air golf practice facility.

GOVERNMENT OFFICES. The offices of the executive, legislative, judicial, administrative and regulatory branches of federal, state and local governments. This definition includes only those uses in the following NAICS group(s)

92 Public Administration

GRADE. The elevation of the land or land which is level at a specific point.

GRADE, EXISTING. The elevation along the ground surface of a site as recorded in topographic mapping at two (2) foot or four (4) foot contour intervals, on file in the office of the Planning Department, or as surveyed and mapped at a contour interval of not more than four (4) feet, by a licensed surveyor.

GRADE, FINISHED. The elevation at the top of the ground, walk, or terrace where the ground, walk, or terrace intersects the exterior walls of a structure or the vertical supports of a sign.

GREENWAY. A linear open space along a natural or constructed corridor, which may be used for pedestrian or bicycle passage. Greenways often link areas of activity, such as parks, cultural features, or historic sites with each other and with populated areas.

GROUND COVER. Any plant material that reaches an average height of not more than twelve (12) inches.

GROUND LEVEL. For floodway purposes, the existing average elevation of the land.

GROUND SIGN. See Sign, Ground Mounted.

GROUP CARE FACILITY. A transitional housing facility for more than twenty residents, licensed by the State of North Carolina and operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board, personal care and rehabilitation services while persons receive therapy and/or counseling for one or more of the following purposes:

- (A) To assist them to recuperate from the effects of or refrain from the use of drugs or alcohol;
- (B) To provide emergency and temporary shelter for persons in distress such as runaway children and battered individuals; and,
- (C) To provide shelter and support for older adults and persons who are handicapped. A Group Care Facility shall not serve primarily as an alternative to incarceration. Such facilities may have accessory uses conducted on the premises, including but not limited to, schooling of residents, training programs in occupational fields, and production of goods and crafts to be sold off-premises.

GROUP HOME A. A transitional housing facility with support and supervisory personnel licensed by the State of North Carolina and operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board, personal care and rehabilitation services in a supportive family environment for not more than six (6) residents, exclusive of supervisory personnel, including but not limited to, handicapped persons, older adults, foster children, and abused individuals. This use shall include Family Care Homes, as defined in North Carolina General Statute 168-21. This use shall not serve primarily as an alternative to incarceration, shall not include individuals who are dangerous to others, as defined in North Carolina General Statute 122C-3(11)b, and shall not include persons living together as a fraternal, sororal, social, honorary, or professional organization.

GROUP HOME B. A transitional housing facility with support and supervisory personnel licensed by the State of North Carolina and operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board, personal care and rehabilitation services in a supportive family environment for not more than twelve (12) residents, exclusive of supervisory personnel,

including but not limited to handicapped persons, older adults, foster children, and abused individuals. This unit shall not serve primarily as an alternative to incarceration, shall not include individuals who are dangerous to others, as defined in North Carolina General Statute 122C-3(11)b, and shall not include persons living together as a fraternal, sororal, social, honorary, or professional organization.

HABILITATION FACILITY A. Any facility in which one to eight handicapped persons receive habilitation services, rehabilitation services or engage in recreational activities, regardless of whether these services and activities are therapeutic or educational in nature. These facilities are licensed by the State of North Carolina and do not provide room and board. This definition does not include the principal uses *Schools, Elementary or Schools, Secondary*. These facilities are intended to serve handicapped persons as defined in State law, in accordance with rights provided by applicable laws.

HABILITATION FACILITY B. Any facility in which more than eight handicapped persons receive habilitation services, rehabilitation services or engage in recreational activities, regardless of whether these services and activities are therapeutic or educational in nature. These facilities are licensed by the State of North Carolina and do not provide room and board. This definition does not include the principal uses *Schools, Elementary or Schools, Secondary*. These facilities are intended to serve handicapped persons as defined in State law, in accordance with rights provided by applicable laws.

HANDICAPPED PERSON. A person with a physical or mental impairment which substantially limits one or more of such person's life activities; a record of having such impairment; or being regarded as having such an impairment. This definition does not include current illegal use of or addiction to a controlled substance. This definition includes Willie M. children, but does not include persons who are dangerous to others as defined by G.S. 122C-3.11(b).

HAZARDOUS MATERIAL. Any substance listed as such in the Superfund Amendments and Reauthorization Act (SARA) Section 302, Extremely Hazardous Substances; the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Hazardous Substances; Section 311 of the Clean Water Act (CWA) (oil and hazardous substances); or any solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

- (A) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or,
- (B) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

HAZARDOUS MATERIALS TREATMENT FACILITY. A building, structure or use of land devoted, or intended to be devoted, primarily to changing by any method, technique or process, including incineration or neutralization, the physical, chemical, or biological character of any hazardous material so as to neutralize such material or render it non-hazardous, safer for transport, amenable for recovery, amenable for storage or reduced in bulk. Such a use may also contain temporary storage facilities normally associated with these operations and of sufficient size to conduct a commercially feasible operation. However, under no circumstances is a hazardous materials treatment facility to be construed to be any of the following:

- (A) A facility which manufactures hazardous materials from component non-hazardous materials;
- (B) A facility or location for the long term or perpetual storage of hazardous materials; or
- (C) A facility for the treatment of hazardous materials which is clearly subordinate, incidental and related to the principal structure, building or use of land and is located on the same lot as the principal structure, building or use.

HAZARDOUS SUBSTANCE. Any chemical defined as a physical hazard or a health hazard under standards of North Carolina Administrative Code 7C.0101(a)(105). Physical hazards include, but are not limited to, chemicals, which are combustible, explosive, flammable, and reactive. Health hazards include, but are not limited to, chemical, which are carcinogens, toxins, corrosives, or irritants.

HAZARDOUS WASTE MANAGEMENT FACILITY. Any commercial hazardous waste facility which accepts hazardous waste from the general public or from another person for a fee, but does not include any facility owned or operated by a generator of hazardous waste solely for its own use. A hazardous waste facility means a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste. This definition includes hazardous materials treatment facilities as defined herein.

HEALTH SERVICES, MISCELLANEOUS. This class of use includes outpatient care centers such as kidney dialysis centers, blood banks, birth control clinics, mental health and drug treatment centers, and similar uses. This definition includes only those uses in the following NAICS group(s)

- 6214 Outpatient Care Centers
- 6215 Medical and Diagnostic Laboratories
- 62199 All Other Ambulatory Health Care Services

HEIGHT, BUILDING. The vertical distance measured from the average elevation of the finished grade of all sides of a building, measured at the midpoint of each side, to the topmost elevation of the roof or to the topmost projection of the building above any roof, including parapet walls. Enclosed penthouses or equipment rooms are considered a part of the building and included in the calculation of building height.

HELICOPTER LANDING PAD. The designated takeoff and landing area from which helicopter departures and approaches are intended to originate or terminate.

HELIPORT. A helicopter terminal facility for general public transportation with support facilities. The word *heliport* shall mean an area on the ground used by helicopters, which may include, in addition to the landing pad, passenger and cargo facilities, maintenance, overhaul, fueling, service and storage facilities, tie-down areas, hangars, parking and other necessary buildings and open spaces. The term *heliport* includes the terms *heliports* and *public-use heliport* used in Federal Aviation Administration publications.

HELISTOP. A limited use helicopter terminal facility that is clearly subordinate to a related business, institution, or other operation. The word *helistop* shall mean an area, either on the ground or on a building, and shall include the landing pad used by helicopters for the purpose of picking up or discharging passengers or cargo, routine maintenance facilities, parking area, fuel pumping facilities (only if such activity is approved by the appropriate agencies), and storage or hangar facilities, but no other accessory facilities. The term *helistop* includes the terms *private-use heliport* and *personal-use heliport* contained in Federal Aviation Administration publications, except for the limitations on the facility as noted in this definition.

HOME OCCUPATIONS. A business, profession, occupation, or trade which is conducted within a residential building or accessory structure for the economic gain or support of a resident of the dwelling, and which is incidental and secondary to the residential use of the building.

HOSPITAL. A facility providing medical, psychiatric, or surgical services for sick or injured persons, including emergency treatment, diagnostic services, training, research, and administration. This definition includes only those uses in the following NAICS group(s)

- 622 Hospitals

HOTEL. A building containing more than four individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception

services. Hotels may or may not provide onsite parking and access to hotel rooms is generally provided through interior hallways.

IMPERVIOUS SURFACE COVER. Any structure or material which significantly reduces or prevents natural absorption of stormwater into the soil. Impervious surface cover includes any built upon area including, but not limited to, buildings or other structures with roofs, sidewalks, driveways, parking lots, streets, and any concrete, stone, brick, asphalt, or gravel surface. For purposes of calculating impervious surface coverage requirements pursuant to the *Zoning Ordinance*, wooden slatted decks and the water area of a swimming pool are considered pervious.

IMPROVEMENT. Any structure or constructed feature not included under the definition of structure.

INDEPENDENT LIVING FACILITY. An unlicensed facility providing living arrangements for the elderly and their spouses in single family, duplex, or multi-family units designed to allow a predominately independent lifestyle within the framework of a larger, unified, health maintenance environment.

INFILL DEVELOPMENT. The construction of a building on a vacant parcel located in a predominately built up area.

JAIL. A building, and all accessory uses and structures, used to confine, house, and supervise persons who are serving terms of imprisonment for violations of criminal laws or who are awaiting trial for alleged violations of criminal laws, but not including temporary holding facilities that are accessory to a police station and not including any housing or other facilities for persons who are participating in work-release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

JUNKYARD. The use of more than 600 square feet of the area of any lot for the storage, keeping, or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles, machinery or parts thereof regardless of whether such material is for sale.

KENNEL. A use or structure intended and used for the breeding or accommodation of small domestic animals for sale and/or for the training or overnight boarding of animals for persons other than the owner of the lot. This definition shall not include a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.

LANDFILL, CONSTRUCTION AND DEMOLITION. A landfill which accepts construction or demolition debris or waste including solid waste from construction, remodeling, repair or demolition operations on pavement, buildings, or other structures.

LANDFILL, LAND CLEARING AND INERT DEBRIS (LCID). A landfill that is limited to receiving land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash.

LANDFILL, SANITARY. A facility for the disposal of all types of solid wastes, excluding hazardous wastes or toxic substances.

LANDSCAPING. The installation and maintenance of trees, shrubs, plant materials, and/or ground cover, including grass, mulch, decorative stone and similar materials, but excluding bare soil, uncultivated vegetation, impervious pavement materials, and gravel.

LARGE MATURING TREE. A tree whose height is greater than 35 feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen. See also canopy tree.

LANDSCAPE ARCHITECT. A person licensed to practice landscape architecture in the State of North Carolina.

LAUNDRY AND LINEN SUPPLY SERVICE. Establishments primarily engaged in supplying laundered items, such as table and bed linens, towels, diapers, and types of uniforms.

LIBRARY, PUBLIC. A publicly operated facility housing a collection of books, magazines, audio and video tapes, or other material for use by the general public.

LINEAR FRONTAGE. The length of a property abutting a public right-of-way from one side lot line to another.

LIVESTOCK SALES AND AUCTIONS. A commercial establishment where livestock are collected for sale or auction.

LOGO. A business trademark or symbol.

LOT. A parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such accessways, parking area, yards, and open spaces required in these regulations.

LOT, ADJACENT. See adjacent property.

LOT, CORNER. A lot located at the intersection of two or more streets, or abutting a curved street or streets in such a way that the front building line meets either side lot line at an interior angle of less than 135 degrees.

LOT COVERAGE. That portion of the lot area, expressed as a percent that is covered by impervious surface cover.

LOT, DOUBLE FRONTAGE. A lot having frontage and access on two (2) or more public streets. A corner lot shall not be considered as having double frontage unless it has frontage and access on three (3) or more streets.

LOT, INTERIOR. A lot other than a corner lot with frontage on only one street.

LOT, REVERSE FRONTAGE. A lot having frontage on two (2) or more streets, one of which is a minor or less important street in the community, the access to which is restricted to the minor street.

LOT, THROUGH. See lot, double frontage.

LOT LINE. A line or series of connected line segments bounding a lot.

LOT LINE, FRONT. The line which separates the lot from a street right-of-way. Corner lots shall have only one front lot line.

LOT LINE, INTERIOR. A side lot line, which separates one lot from another lot.

LOT LINE, REAR. That lot line which is opposite and most distant from the front lot line, except in the case of a triangular lot, a line ten (10) feet in length, entirely within the lot, parallel to, and at the maximum distance from the front lot line, or a chord thereof if the front lot line is curved, shall be considered as the rear lot line for purposes of determining the required rear yard. In cases where neither of these conditions is applicable, the Zoning Administrator shall designate the rear lot line.

LOT LINE, SIDE. A lot line other than a front or rear lot line.

LOT OF RECORD. A lot described by plat or by metes and bounds which has been recorded in the office of the Davie County Register of Deeds.

LOT WIDTH. The horizontal distance between the side lot lines at the building setback line as measured along a straight line parallel to the front lot line or parallel to the chord thereof.

LOT, ZONING. A parcel or contiguous parcels of land which is indicated by the owner at the time of application for a building or zoning permit as being that land which is proposed for development under a single development plan.

MAINTAINED EASEMENT. A recorded right of way made of crushed gravel, pavement, or graded and cleared of brush, so as to permit access by vehicles.

MANUFACTURED HOME. A dwelling unit that: (1) is not constructed in accordance with the standards of the North Carolina State Building Code for one- and two-family dwellings; (2) is composed of one (1) or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; and, (3) exceeds forty (40) feet in length and eight (8) feet in width.

MANUFACTURED HOME, CLASS A. A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria, the intent of which is to insure that a Class A manufactured home, when installed, shall have substantially the appearance of an onsite, conventionally built, single family dwelling:

- (A) The manufactured home has a length not exceeding four (4) times its width, with the length measured along the longest axis and width measured at the narrowest part of the other axis.
- (B) The manufactured home has a minimum of one thousand (1000) square feet of enclosed heated living area.
- (C) The pitch of the roof of the manufactured home has a minimum vertical rise of two and two-tenths (2.2) feet for each twelve (12) feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction.
- (D) All roof structures shall provide an eave projection of no less than six (6) inches, which may include a gutter.
- (E) The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding whose reflectivity does not exceed that of gloss white paint, wood, or hardboard comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.
- (F) The home is placed on a permanent masonry foundation, not to include unfinished concrete block. The foundation wall shall be continuous and unpierced except for ventilation as required by the State of North Carolina Regulations for Manufactured/Mobile Homes.
- (G) The towing tongue shall be removed upon final placement of unit.

MANUFACTURED HOME, CLASS B. A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, but which does not meet the definition of a Class A manufactured home.

MANUFACTURED HOME PARK. A development site, whether a single parcel or multiple contiguous parcels, containing spaces leased or intended to be leased for occupancy by manufactured homes used as

residential dwellings regardless of whether such homes are provided as part of the lease and including all uses accessory to the residential use. This definition shall not include manufactured home sales lots on which unoccupied manufactured homes are parked for the purpose of inspection and sale.

MANUFACTURED HOME SPACE. The land in a manufactured home park allotted to or designated for the accommodation of one manufactured home.

MANUFACTURED HOME SUBDIVISION. Any parcel of land which is subdivided, with utilities extended for the installation or placement of manufactured homes.

MANUFACTURING A. A manufacturing establishment primarily engaged in the fabrication or assembly of products from pre-structured materials or components. Because of the nature of its operations and products, Manufacturing A produces little or no noise, odor, vibration, glare, and/or air and water pollution, and, therefore, has minimal impact on surrounding properties. This definition may include the uses in the following NAICS group(s):

- 3149 Other Textile Product Mills
- 315 Apparel Manufacturing
- 335991 Motorcycle, Bicycle and Parts Manufacturing
- 3369 Other Transportation Equipment
- 3399 Other Miscellaneous Manufacturing

MANUFACTURING B. A manufacturing establishment primarily engaged in the manufacture of foodstuffs, textiles, electrical components or tobacco products, and the fabrication of wood, leather, paper, water or plastic products. Because of the nature of its operations and products, Manufacturing B could impact immediately adjoining properties due to noise, odor, vibration, glare, and/or air and water pollution. This definition may include the uses in the following NAICS group(s):

- 3119 Other Food Manufacturing
- 3122 Tobacco Manufacturing
- 313 Textile Mills
- 3169 Other Leather and Allied Product Manufacturing
- 3219 Other Wood Product Manufacturing
- 322 Paper Manufacturing
- 3231 Printing and Related Support Activities
- 3261 Plastics Product Manufacturing
- 3341 Computer and Peripheral Equipment Manufacturing
- 3342 Communications Equipment Manufacturing
- 3343 Audio and Video Equipment
- 3344 Semiconductor and other electronic component manufacturing
- 3351 Electric Lighting Equipment Manufacturing
- 3353 Electrical Equipment Manufacturing
- 337 Furniture and Related Products Manufacturing
- 3391 Medical Equipment and Supplies Manufacturing
- 3133 Textile and Fabric Finishing and Fabric Coating Mills
- 3161 Leather and Hide Tanning and Finishing
- 321114 Wood Preservation
- 3212 Veneer, Plywood, and Engineered Wood Product Manufacturing
- 3271 Clay Product and Refractory Manufacturing
- 3272 Glass and Glass Product Manufacturing
- 3273 Cement and Concrete Product Manufacturing
- 3279 Other Nonmetallic Mineral Product Manufacturing
- 3333 Commercial and Service Industry Machinery Manufacturing
- 3353 Electrical Equipment Manufacturing
- 3369 Other Transportation Equipment Manufacturing
- 3262 Rubber Product Manufacturing

- 3254 Pharmaceutical and Medicine Manufacturing
- 3121 Beverage Manufacturing

MANUFACTURING C. A manufacturing establishment primarily engaged in the processing and manufacturing of materials or products not otherwise classified under Manufacturing A, Manufacturing B, or other use defined in this section. Manufacturing C includes the processing and manufacturing of products from extracted or raw materials, the assembly of large or heavy machinery, and the storing or using of flammable, explosive, hazardous, or toxic materials in the manufacturing processes. Because of the nature of its operations and products, Manufacturing C may impact surrounding properties due to noise, odor, vibration, glare, and/or air and water pollution. This definition may include the uses in the following NAICS group(s):

- 3221 Pulp, Paper and Paper Board Mills
- 3241 Petroleum and Coal Products Manufacturing
- 3259 Other Chemical Product and Preparation Manufacturing
- 331 Primary Metal Manufacturing
- 3329 Other Fabricated Metal Product Manufacturing
- 3359 Other Equipment and Component Manufacturing
- 3261 Tire Manufacturing

MASSAGE AND BODY WORK THERAPY. Any massage or body work therapy as defined by the North Carolina Massage and Bodywork Therapy Practice Act, G.S. 90-621 et.seq., provided by a person licensed as provided therein to perform such therapy.

MASSING. The shape and form a building or assemblage of buildings assumes through architectural design.

MEAN SEA LEVEL. The National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on the Flood Insurance Rate Maps for Davie County are referenced.

MEAT PACKING PLANT. An establishment primarily engaged in the slaughtering of cattle, hogs, sheep, lambs, and calves for meat to be sold or to be used on the same premises in canning, cooking, curing, and freezing, and in making sausage, lard, and other products. The definition includes all uses in the following NAICS group(s):

- 3116 Animal Slaughtering and Processing

MEDICAL OR DENTAL LABORATORY. An establishment primarily engaged in providing professional analytic or diagnostic services to the medical profession, or to the patient, on direction of a physician; or an establishment primarily engaged in making dentures, artificial teeth, and orthodontic appliances to order for the dental profession. This definition includes only those uses in the following NAICS group(s):

- 6215 Medical and Diagnostic Laboratories
- 3391 Medical Equipment and Supplies Manufacturing

MEDICAL AND SURGICAL OFFICES. An establishment primarily engaged in furnishing medical and surgical services to individuals and licensed for such practice by the State. This definition includes only those uses in the following NAICS group(s):

- 6211 Offices of Physicians
- 6212 Offices of Dentists
- 6213 Offices of Other Health Practitioners

MICRO WIRELESS FACILITY. A small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

MIXED USE BUILDING. The combination of both commercial and residential uses within a single building of two or more stories, wherein at least 50% of the heated floor area contains residential dwelling unit(s).

MIXED USE DEVELOPMENT. A planned development where two or more use categories (commercial, residential, industrial, institutional, etc.) are incorporated on a single development site.

MOBILE HOME. See Manufactured Home.

MOBILE HOME PARK. See Manufactured Home Park.

MOBILE HOME SUBDIVISION. See Manufactured Home Subdivision.

MODULAR HOME. A dwelling unit which is constructed in compliance with the North Carolina State Building Code and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation or other acceptable means established by the North Carolina State Building Code.

MOTEL. A building containing more than four individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services. Motels provide on-site parking and access to most rooms is provided directly from a parking area.

MOTOR VEHICLE. Any vehicle which is self-propelled and every vehicle designated to run upon the highways which is pulled by a self-propelled vehicle. For purposes of this definition, the term *motor vehicle* shall not include vehicles or implements used in farming or construction but shall include all forms of motorized watercraft.

MOTOR VEHICLE, INOPERATIVE. A motor vehicle which meets at least one of the following criteria:

- (A) Vehicle is presently unable to satisfy the vehicle inspection standards of the State of North Carolina, regardless of whether said vehicle possesses a currently valid inspection certificate;
- (B) Vehicle lacks a current inspection certificate, or displays an expired certificate;
- (C) Vehicle is partially dismantled or wrecked;
- (D) Vehicle cannot be self-propelled or move in the manner in which it originally was intended to move; or,
- (E) Vehicle has expired license plate or is unlicensed.

MOTOR VEHICLE BODY OR PAINT SHOP. An establishment primarily engaged in body work, painting, or customizing of automobiles or other motor vehicles. This definition includes only those uses in the following NAICS group(s):

81112 Automotive Body, Paint, Interior and Glass Repair

MOTOR VEHICLE DISMANTLING AND WRECKING YARD. Any open area of more than two hundred (200) square feet used for storing or dismantling inoperative motor vehicles. This definition includes only those uses in the following NAICS group(s):

- 4211 Motor Vehicle and Motor Vehicle Parts and Supplies Wholesaler
- 4219 Miscellaneous Durable Goods Wholesalers

MOTOR VEHICLE REPAIR AND MAINTENANCE. An establishment engaged in providing mechanical automotive maintenance and repair, such as engine repair, exhaust system replacement and transmission repair, and/or providing other related services, such as upholstery or glass replacement. This use includes service stations but does not include body work or painting. This definition includes only those uses in the following NAICS group(s):

- 8111 Automotive Repair and Maintenance
- 81112 Automotive Body, Paint, Interior and Glass Repair

MOTOR VEHICLE SALES, RENTAL AND LEASING. Any use where automobiles, other motor vehicles, or manufactured homes are stored and/or displayed for the purpose of sale or lease as an entire or complete unit. This definition includes only those uses in the following NAICS group(s):

- 4411 Automobile Dealers
- 4412 Other Motor Vehicle Dealers
- 45393 Manufactured (Mobile) Home Dealers
- 5321 Automotive Equipment Rental and Leasing

MOTOR VEHICLE STORAGE YARD. An outdoor area for the storage of more than one wrecked, damaged, or inoperative motor vehicle awaiting insurance adjustment, major body work, or other repair, or other disposition. This definition does not include Motor Vehicle Parts, Used, NAICS group 5015, and Waste Materials, NAICS group 5093.

MULTIPLE BUILDING SITE. A group of two or more nonresidential buildings established on a single development tract, having unified design of buildings and coordinated organization of open space, parking, and service areas.

MULTIFAMILY. See Residential Building, Multifamily.

MUSEUM OR ART GALLERY. A structure used for the display and preservation of paintings, sculpture, and other constructed or natural objects illustrating human or natural history. This definition includes only those uses in the following NAICS group(s):

- 7121 Museums, Historical Sites and Similar Institutions

NAICS. North American Industry Classification System, 1997.

NATURAL OBSTRUCTION. Any rock, tree, gravel, or similar natural matter which is an obstruction and has been located within the floodway by a non-human cause.

NEIGHBORHOOD RECREATION AREA. Public or private tennis, basketball or other courts, swimming pools or similar indoor and/or outdoor uses that are operated on a fee or membership basis primarily for the use of persons who reside in a specific area or neighborhood in which the facility is located. Neighborhood recreation areas may include accessory uses such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

NIT. A unit measure of luminance or brightness equal to one candela per square meter, measured perpendicular to the rays of the source

NONCONFORMING LOT. Any lot of record which does not meet the dimensional requirements established in these regulations as adopted or amended.

NONCONFORMING STRUCTURE. Any structure which does not comply with all of the standards and regulations of this ordinance as adopted or amended.

NONCONFORMING USE. Any use of land or buildings which does not comply with all of the regulations of this ordinance as adopted or amended.

NONRESIDENTIAL DEVELOPMENT. All development other than residential development, agriculture and silviculture.

NONSTORE RETAIL. See retail, nonstore.

NURSERY, LAWN AND GARDEN SUPPLY STORE, RETAIL. An establishment primarily engaged in the retail sale of trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools, and other garden supplies to the general public. These establishments primarily sell products purchased from others, but may sell some plants, which are grown at the establishment. This definition includes only those uses in the following NAICS group(s)

4442 Lawn and Garden Equipment and Supplies Store

NURSING CARE INSTITUTION. A licensed healthcare facility, however named, governmental or non-governmental, which provides in-patient care to six or more non-related persons for whom planned and continued medical or nursing attention, or both, are indicated in contrast to the occasional or incidental care provided in congregate care facilities. A nursing care institution may be designed and marketed specifically for the elderly, physically handicapped, or both, but not specifically for mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)(b).

OFF-STREET PARKING. Parking which occurs on a lot and not on a street or other public right of way.

OFFICE. A use or structure in which business or professional services are conducted or rendered.

OFFICE, MISCELLANEOUS. Office uses not specifically listed and defined elsewhere in this ordinance as a principal use.

OFFICES, PROFESSIONAL. See Professional Offices.

OPEN SPACE. Land used for recreation, natural resource protection, amenities, protection of important rural and town vistas and/or buffer yards. Open space may include, but is not limited to, lawns, walkways, active recreation areas, playgrounds, wooded areas, and greenways.

OPEN SPACE, COMMON. Open space within a development not in individually owned lots, which is designated and intended for the common use or enjoyment of the residents of the development or the public at large.

OPTICAL SERVICES. An establishment where health practitioners engage in the practice of optometry by providing patients with eye examinations to determine visual acuity or the presence of visual problems. Optical services also include the prescription and sale of such products as eye glasses, contacts, or other instruments intended to enhance visual perception.

ORTHOPEDIC SUPPLY HOUSES. A place where prosthetic appliances, surgical dressings, crutches, surgical sutures, and personal industrial safety devices are prepared and distributed.

OUTDOOR DISPLAY, RETAIL. An establishment primarily engaged in selling motor vehicles, trucks, manufactured homes, recreational vehicles, boats, or other large items, which require outdoor display. This definition includes only those uses in the following NAICS group(s):

- 4539 Other Miscellaneous Store Retailers
- 4411 Automobile Dealers
- 4412 Other Motor Vehicle Dealers

OUTDOOR LIGHTING. Any light source that is installed or mounted outside of an enclosed building, but not including street lights installed or maintained along public or private streets.

OUTDOOR STORAGE AREA. Any area which contains trash collection areas or dumpsters, open air docks, outdoor storage of bulk materials and/or parts, or areas regularly used for outdoor repair areas or service stations, but excluding temporary construction and related activities and closed bay docks.

OUTPARCEL. A separately leased or owned lot developed apart from but linked functionally to a larger development site.

OWNER. Any full or part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal title to the whole or to part of a structure or parcel of land.

PACKAGE SEWER TREATMENT PLANT. A pre-fabricated set of devices used in the storage, treatment and ultimate discharge or reclamation of sanitary sewer or industrial wastes of a liquid nature.

PARAPET WALL. A building wall which extends to or above a flat roofed platform or building roof.

PARCEL. See lot.

PARK. Any land owned by the public and open for use by the general public for active or passive recreational purposes or as a refuge for wildlife.

PARK, NEIGHBORHOOD. A town or county owned park intended to serve the recreational needs of people living or working within a one-half mile radius of the park.

PARK, REGIONAL. A town or county owned park intended to serve the recreational needs of all residents of the town and perhaps a large portion of the county with activities and natural features not included in most other types of parks, and often based on a specific natural feature or scenic or recreational opportunity.

PARKING, LOT OR DECK. A principal or accessory use of a zoning lot with or without a parking structure for use as a place for the temporary or long-term parking of motor vehicles.

PAWN OR PAWN TRANSACTION. A written bailment of personal property as security for debt, redeemable on certain terms within one hundred-eighty days, unless renewed, and with an implied power of sale on default.

PAWNBROKER. A person engaged in the business of lending money on the security of pledged goods and who may also purchase merchandise for resale from dealers and traders.

PAWNSHOP. The location at which, or the premises in which, a pawnbroker regularly conducts business.

PEDESTRIAN ORIENTED DEVELOPMENT. Any development type which accommodates the needs of the pedestrian. Such development will have parking to the side or rear of a building, will mix uses and provide them in proximity to one another, will allow the pedestrian the option of accomplishing certain trips without automobile use, and will provide a variety of interesting and detailed streetscapes which equally balance the need of the pedestrian and car.

PERENNIAL STREAM. A stream or creek containing a continuous natural flow of water throughout the year except possibly under exceptionally dry conditions and identified on 7.5 minute United States Geological Survey Quadrangle Maps by solid blue lines.

PERSONAL SERVICES. An establishment primarily engaged in providing a service(s) to individuals such as a beauty and/or barber shop, a dry-cleaning establishment, advertising, or computer services but shall not include any use which may be defined as adult entertainment. Personal Services include the following list of uses:

- 81143 Footwear and Leather Goods Repair
- 8121 Personal Care Services
- 8123 Dry Cleaning and Laundry Services, excluding Dry Cleaning and Laundry Plants
- 8129 Other Professional Services except 81293
- 5617 Services to Buildings and Dwellings
- 5419 Other Professional, Scientific and Technical Services except 54194 Veterinary Services

PERVIOUS SURFACE COVER. A surface cover that presents an opportunity for precipitation to infiltrate into the ground.

PHARMACY. A place where drugs and medicines are prepared and dispensed by prescription from a hospital, medical or dental clinic.

PLANTING YARD. Area where required plantings are located.

PLAT. A surveyed map or plan of a parcel of land which is to be, or has been subdivided.

PLAZA. An urban open space, constructed entirely or largely of hard-surfaced paving blocks, stone, brick, or similar materials, framed on at least two sides by the vertical rise of building walls; occasionally framed by closely planted large maturing trees in lieu of buildings. May be used for occasional parking in front of a civic or public building.

PLANNED DEVELOPMENT. An area of a minimum contiguous size, as specified herein, to be planned, developed, operated, and maintained according to approved plans as a single entity and containing one or more structures with appurtenant common areas.

PLANNED COMMERCIAL DEVELOPMENT. A Planned Development consisting primarily of retail, service, commercial or office uses, or a combination of such uses, and appurtenant common areas and accessory uses incidental to the principle uses within the development.

PLANNED INDUSTRIAL DEVELOPMENT. A Planned Development consisting primarily of industrial uses but which may also include retail service and recreational uses to accommodate employees of the principle industrial uses within the development.

POST OFFICE. A facility or structure used for the collection, sorting, and distribution of mail within several zip code areas, having retail services for the general public, such as stamps, postcards, or postal insurance.

POSTAL FACILITY, NEIGHBORHOOD. A facility that has: distribution boxes (cluster boxes) and collection services for the general public; no mail carriers or retail services; and, is located in a neighborhood where most of the users are within walking distance of the facility.

PREMISES. See lot.

PRINCIPAL BUILDING OR STRUCTURE. A building or structure containing the principal use of the lot.

PRINCIPAL USE. The primary purpose or function that a lot serves or is proposed to serve.

PROCESSING FACILITY. A building or an enclosed space used for the collection and processing of recyclable material or for the purpose of re-preparation of materials for efficient shipment.

PROFESSIONAL OFFICES. An establishment primarily engaged in providing: engineering, architectural, and surveying services; accounting, auditing, and bookkeeping services; public relations services; legal services; real estate services; the services of insurance agents, brokers and carriers; the services of security and commodity brokers; and the services of bank holding companies. This definition includes only those uses in the following NAICS group(s):

5111 Newspaper, Periodical, Book, and Database Publishers
 5615 Travel Arrangement and Reservation Services
 5231 Securities and Commodity Contracts Intermediation and Brokerage
 5241 Insurance Carriers
 5242 Agencies, Brokerages, and other insurance related activities
 5312 Offices or Real Estate Agents and Brokers
 5511 Management of Companies and Enterprises
 5418 Advertising and Related Services (except 54184 Display Advertising)
 5614 Credit Reporting and Collection Agencies
 5416 Management, Scientific and Technical Consulting Services
 5415 Computer System Design and Related Services
 5112 Software Publishers
 5415 Computer System Design and Related Service
 5411 Legal Services
 5413 Architectural, Engineering and Related Services
 5412 Accounting, Tax Preparation, Bookkeeping, and Payroll Services
 5418 Advertising and Related Services

PROGRESSIVE CARE COMMUNITY. An area of land including one or more buildings under unified management, planned and developed as a unit to provide for the traditional residency and care of the elderly in a full range of living and care arrangements which includes at least two of the following: independent living and care, congregate care, or nursing care institutions.

PROJECT AREA. Any area of land and/or water, regardless of the number of individual parcels contained therein, on which development is proposed under these regulations. See development.

PROJECTING SIGN. See Sign, Projecting.

PROPOSED RIGHT-OF-WAY LINE. The margin of a thoroughfare's right-of-way at its ultimate intended width, determined by (1) the thoroughfare's classification and (2) dimensional requirements or location criteria as established in the Subdivision ordinance.

PROTEST PETITION. A petition, authorized by State law, submitted to the City Council by adjacent property owners in opposition to a proposed zoning amendment.

PUBLIC. Under the control or responsibility of the Town Board of Commissioners on behalf of the general population, rather than individual or private control.

PUBLIC WORKS FACILITY. All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the N.C. Utilities Commission.

QUARRY. An operation for the dredging, digging, extraction, mining, or quarrying of stone, sand, gravel, or minerals for commercial purposes.

REDEVELOPMENT. The demolition and reconstruction of a building or a portion of a building.

REAL ESTATE SIGN. See Sign, Real Estate.

REAR LOT LINE. See Lot Line, Rear.

REAR YARD. See Yard, Rear.

RECREATIONAL FACILITY, PUBLIC. An area or facility designed to meet the demand for active recreation, including play fields, ball diamonds, parks with picnic and playground equipment, golf courses, tennis courts, swimming pools, tot lots and similar uses, available to the public and under the management or control of a public agency.

RECREATION SERVICES, INDOOR. Establishments engaged in providing indoor recreation services. Such may include public or private health or exercise clubs, tennis or other racquet courts, swimming pools, YMCA's, YWCA's or similar uses which are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Indoor recreation "structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use. This definition includes only those uses in the following NAICS group(s):

- 7139 Dance Studios, Schools and Halls
- 6116 Other Schools and Institutions
- 7111 Performing Arts Companies
- 711 Performing Arts, Spectator Sports, and Related Industries
- 71394 Fitness and Recreational Sports Center

RECREATION SERVICES, OUTDOOR. Establishments engaged in providing outdoor recreation services such as public or private golf courses, country clubs, swimming pools, tennis courts, ball fields and ball courts which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Outdoor recreation "shall include any accessory uses, such as snack bars, pro shops, and club houses which are designed and intended primarily for the use of patrons of the principal recreational use. This definition includes only those uses in the following NAICS group(s):

- 7139 Other Amusement and Recreation Industries (excluding Sportsman ranges, i.e.: archery, turkey shoots)
- 7112 Spectator Sports

RECREATIONAL VEHICLE. A vehicle type accommodation, other than a manufactured home, designed as temporary accommodations for travel, vacation, or recreational purposes, which is propelled by its own motive power or is mounted on or drawn by another vehicle.

RECREATIONAL VEHICLE PARK AND CAMPGROUND. Any lot or parcel of land used or intended to be used for the accommodation of two or more recreational vehicles or non-vehicle campers for transient dwelling purposes.

RECYCLING CENTER. A facility at which recovered household resources, such as newspapers, glassware, and metal and aluminum cans, are collected, stored, flattened, crushed, or bundled within a completely enclosed building. This use does not include Motor Vehicle Parts, Used, SIC group 5015, which is listed as a separate use.

RECYCLING AND SALVAGE OPERATION. Places of business or public facilities for the collection or processing of recyclable materials which has been separated at the source, including but not limited to metals, glass, plastic, paper, appliances, or white metals within a completely enclosed building. Appliances and white metals shall be limited to twenty-five (25) percent of the floor area devoted to storage of

recyclable materials but not more than four hundred (400) square feet. Recycling and salvage operations exclude automobile wrecking yards, junk yards, and the collection of refuse or hazardous materials except recyclable batteries, paint, oil, or antifreeze limited to one thousand (1000) gallons of each fluid. Recycling and salvage operations may process only source separated recyclable materials for efficient shipping or to an end-user's specifications by baling, bunching, crushing, smashing, separation, shredding, or similar action.

RESIDENTIAL BUILDING. A building which contains one or more dwelling units.

RESIDENTIAL BUILDING, DUPLEX. A residential building which contains two (2) dwelling units and which occupies one zoning lot.

RESIDENTIAL BUILDING, MULTI-FAMILY. A residential building which contains three (3) or more dwelling units. This definition includes condominiums and apartment complexes but does not include townhouses.

RESIDENTIAL BUILDING, SINGLE FAMILY. A residential building which contains one dwelling unit and which occupies its own zoning lot. This term includes modular housing units.

RESIDENTIAL BUILDING, TOWNHOUSE. A residential building which contains three (3) or more dwelling units where each unit occupies a separate lot of record.

RESTAURANT (WITH DRIVE-THROUGH SERVICE). An establishment which delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

RESTAURANT (WITHOUT DRIVE-THROUGH SERVICE). An establishment, which serves prepared food and beverages primarily to customers seated at tables or counters located within the building or designated outdoor seating areas. This includes cafes, tea rooms, and outdoor cafes.

RETAIL, GENERAL. An establishment primarily engaged in selling goods to the public. This definition includes only those uses in the following NAICS group(s)

- 44131 Automotive Parts and Accessories Stores (indoor sales only)
- 442 Furniture and Home Furnishings Stores
- 443 Electronics and Appliance Stores
- 44413 Hardware stores
- 446 Health and Personal Care Stores
- 448 Clothing and Clothing Accessories Stores
- 451 Sporting Goods, Hobby, Book, and Music Stores
- 452 General Merchandise Stores
- 453 Miscellaneous Store Retailers

RETAIL, NONSTORE. A use that retails merchandise using nonstore methods, such as the broadcasting and publishing of direct-response advertising, direct solicitation, and electronic shopping. This definition includes only those uses in the following NAICS group(s)

- 4541 Electronic Shopping and Mail-Order Houses
- 4542 Vending Machine Operators
- 4543 Direct Selling Establishments (excluding onsite fuel storage)

RETAIL STORE, LARGE. A single retail or wholesale use which occupies no less than 65,000 square feet of gross floor area, typically requires high parking to building area ratios and has a regional sales

market. Such stores include but are not limited to membership warehouse clubs that emphasize bulk sales, discount stores, and department stores.

RETAIL STORE, MEDIUM. A single retail or wholesale use which occupies between 25,000 and 65,000 square feet of gross floor area, typically requires moderate parking to building area ratios and has a local sales market.

RETAIL STORE, SMALL. A single retail or wholesale use which occupies less than 25,000 square feet of gross floor area, typically requires low parking to building area ratios and has a local or neighborhood sales market.

RIDING STABLES. An establishment where horses are boarded and cared for, where instruction in riding, jumping, and showing is offered, or where horses may be hired for riding.

RIGHT-OF-WAY. The legal right of public passage, especially vehicular, over land.

ROOF LINE. The highest point of a flat roof or mansard roof, and the lowest point of a pitched roof, excluding any minor projections or ornamentation.

ROOF PITCH. A comparison of the vertical rise to the horizontal run of a roof structure above a building.

ROOF SIGN. See Sign, Roof.

ROOMING HOUSE. See Boarding or Rooming House.

ROOT PROTECTION ZONE. Generally 18 to 24 inches deep at a distance from the trunk equal to one-half of its height or to its drip line, whichever is greater.

ROUTINE MAINTENANCE. Activities associated with regular and general upkeep of transmission equipment, including the replacement of existing wireless facilities with wireless facilities of the same size.

SANITARY LANDFILL. See Landfill, Sanitary.

SATELLITE DISH. A type of receive-only antenna, which is dish-shaped and is used to receive satellite signals, primarily television transmissions.

SAWMILL. A facility where logs are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

SEARCH RING. The area within which a wireless support facility or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.

SENSITIVE AREA. An area not suitable for development which includes the occupancy of animal and plant habitats that are rare and valuable due to their special role in an ecosystem, which could be disturbed by human activities and development. These areas are known to include wetlands, floodplains, and geologically hazardous sites.

SERVICE ROAD. A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

SCHOOL, ELEMENTARY AND SECONDARY. A public or private school providing instruction to students in kindergarten through grade twelve (12).

SCHOOL, PRIVATE. A structure used primarily by and for any two (2) or more age or grade levels not operated by the public school system, but registered with the North Carolina Department of Public Instruction. Any school for children age six (6) or under not meeting these requirements shall be considered a day care facility for purposes of this ordinance.

SCHOOL, PUBLIC. A structure used primarily by and for any two (2) or more age or grade levels in grades kindergarten through twelve (12) and operated by the public school system or approved by the North Carolina Department of Public Instruction as meeting the requirements of State law. Any school for children age six (6) or under not meeting these requirements shall be considered a day care facility for purposes of this ordinance.

SCHOOL, VOCATIONAL OR PROFESSIONAL. A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or elementary or secondary school.

SCREENING. A fence, wall, hedge, landscaping, buffer area or any combination of these provided to visually shield or obscure one abutting or nearby structure or use from another.

SERVICES A, BUSINESS. An establishment primarily engaged in providing a service(s) to businesses and to a lesser extent, individuals. All merchandise and rental equipment is stored inside enclosed buildings. Business Services A includes the following list of uses (including NAICS groups and all subcategories not elsewhere listed):

- 5414 Specialized Design Services
- 56141 Document Prep Services
- 5322 Consumer Goods Rental
- 5414 Computer Systems Design and Related Services
- 5614 Business Support Services

SERVICES B, BUSINESS. An establishment primarily engaged in providing services to commercial and business establishments. Operations may include large scale facilities and storage of merchandise and equipment outside enclosed buildings. Business Services B includes the following list of uses (including related NAICS groups and all subcategories not elsewhere listed):

- 8123 Dry Cleaning and Laundry Services
- 5418 Advertising and Related Services
- 5617 Services to Buildings and Dwellings
- 5323 General Rental Centers
- 8113 Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance
- 8114 Personal and Household Goods Repair and Maintenance

SERVICES, PERSONAL. See Personal Services.

SERVICE STATION. See Gasoline Station.

SETBACK. The minimum required horizontal distance between a structure and the lot line or street centerline.

SETBACK, ESTABLISHED. The setback established by existing structures along a block front.

SETBACK, REQUIRED. The setback required by this ordinance.

SHADE TREE. Usually a deciduous tree, rarely an evergreen, planted primarily for its high crown of foliage or overhead canopy.

SHOOTING RANGE, INDOOR. The use of a completely enclosed structure for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

SHOOTING RANGE, OUTDOOR. The use of land for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

SHOPPING CENTER. A building or group of buildings with two or more uses, either connected or freestanding, which is designed with common parking, pedestrian movement, ingress and egress, and used for the sale of merchandise or services to the public. Shopping centers shall be construed to include all out-parcels, whether or not developed, and shall permit any permitted within the zoning district in which it is located except for those uses that require outdoor storage.

SHOPPING CENTER, LARGE. A shopping center totaling sixty-five thousand (65,000) square feet or more of gross floor area.

SHOPPING CENTER, MEDIUM. A shopping center containing between 25,000 and 65,000 square feet of gross floor area.

SHOPPING CENTER, SMALL. A shopping center totaling twenty-five thousand (25,000) square feet or less of gross floor area.

SHRUB. A woody, branching plant of relatively low height.

SIGHT DISTANCE TRIANGLE. The triangular area formed by the point of intersection of two street right-of-way lines and a point located along each right-of-way line at a distance of thirty-five feet from the point of intersection.

SIGHT EASEMENT. See Easement, Sight.

SIGN. Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

SIGN AREA. The area of a sign face.

SIGN FACE. That part of the sign that is or can be used to identify, advertise, or communicate information or that is used to attract the attention of the public for any purpose. This definition includes any frame, structural member, or other part of the sign when such is designed or used, including the use of color or lighting, to attract the attention of the public.

SIGN HEIGHT. The distance from the base of the sign at normal grade to the top of the highest attached component of the sign, as detailed in section 8-3.6.

SIGN STRUCTURE. The frame supporting a freestanding sign, wall sign, projecting sign, suspended sign, portable sign, marquee sign, or roof sign and poles or supports used to elevate or support the frame.

SIGN, ANIMATED. Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

SIGN, BANNER (OUTDOOR ADVERTISING). A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentation applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, religious, educational, or corporate organizations.

SIGN, BEACON. Any sign with one or more beams directed into the atmosphere or directed at one or more points not on the same zoning lot as the light source; also, any light with one or more beams that rotate or move.

SIGN, BILLBOARD. A type of off-premises sign, generally, but not always, consisting of a rigidly assembled sign, display, or devise, that is affixed to the ground or to a building, the primary purpose of which is to display advertising posters.

SIGN, CAMPAIGN OR ELECTION. A sign that advertises a candidate or issue to be voted upon on a definite election day.

SIGN, CANOPY (AWNING). Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area, excluding a marquee (see **SIGN, MARQUEE**).

SIGN, CHANGEABLE COPY. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the remaining face or the surface of the sign.

SIGN, CIVIC.

A monument style sign including noncommercial information of interest that may or may not be associated with a particular location for municipal and civic club institutions that is erected and maintained by the town or state or an agent of such

SIGN, CONSTRUCTION. A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

SIGN, COPY. Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign face.

SIGN, DIRECTIONAL OR INSTRUCTIONAL. An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "Parking", "One-Way", "Warning," "No Trespassing," or similar direction or instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

SIGN, DIRECTORY. A sign other than an identification sign, listing the names, uses, or locations of the various businesses or activities conducted within a building or group of buildings that is centrally located and intended to provide direction

SIGN, ELECTION. Any sign that advertises a candidate or an issue which is to be voted on in a local, state, or federal election process.

SIGN, ELECTRONIC MESSAGE BOARD. A sign, or portion of a sign, that displays an electronic image and/or video, which may or may not include text. Such signs include any sign, or portion of a sign, that uses changing lights to form a sign message or messages or uses electronic means to change the sign message. Electronic message boards include but are not limited to signs also known as Electronic Reader Boards, Electronic Message Center Signs, Tri-Panel Message Systems, and Commercial Electronic-Variable Message Signs (CEVMS). Electronic Message Signs are not considered flashing signs.

SIGN, FLAG. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

SIGN, FLASHING. A sign that uses an intermittent or flashing light source to attract attention.

SIGN, FREESTANDING. Any sign supported by structures or supports that are placed on, or anchored in the ground and that are independent from any building or other structure.

SIGN, GOVERNMENT. Any temporary or permanent sign erected and maintained for any governmental purposes.

SIGN, GROUND MOUNTED. A sign which extends from the ground or which has a support which places the bottom thereof less than 3 feet from the ground.

SIGN, INCIDENTAL. A sign, generally informational, that has a purpose secondary to the use of the zoning lot on which it is to be located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives which are free of any commercial, advertising, or similarly unrelated message.

SIGN, IDENTIFICATION. A sign which displays only the name, address, and/or crest, insignia, trademark, occupation or profession of an occupant, or the name of any building on the premises.

SIGN, KIOSK. A freestanding sign consisting of three to five sides that lists names of businesses located on a property, in a building, or within the immediate area.

SIGN, MARQUEE. Any sign attached to, in any manner, a marquee. For purposes of this definition, a marquee is defined as a permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

SIGN, MEMORIAL OR PLAQUE. A sign designating the name of a building and/or date of erection and other items such as architect, contractor, or others involved in the building's creation, cut into or attached to a building surface.

SIGN, MONUMENT. A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or solid structural features other than support poles where the base of the sign is on the ground or no more than twelve inches above the adjacent grade.

SIGN, OFF-PREMISES. A sign that directs attention to a business, commodity, or service, conducted, sold, or offered at a location other than the premises on which the sign is erected.

SIGN, ON-PREMISES. A sign that directs attention to a business, commodity, or service, that is conducted, sold, or offered on the premises on which the sign is erected.

SIGN, PENNANT. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

SIGN, PERMANENT BANNER. Any banner constructed of lightweight fabric or similar material that is permanently mounted to a building by a permanent frame., excluding flags (see SIGN, FLAG).

SIGN, PLANNED DEVELOPMENT. A directory sign placed at a major entrance to a planned development which may list the name of the development as well as the businesses or locations within the development. A planned development sign shall consist only of monument signs and shall not include pole, pylon, or other non-monument freestanding signs.

SIGN, PORTABLE. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs converted to A or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

SIGN, PROJECTING. Any wall sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

SIGN, REAL ESTATE. A sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

SIGN, RESIDENTIAL. Any sign located in a district zoned for residential uses.

SIGN, ROOF. Any sign erected and constructed wholly or partially on or over the roof or parapet of a building.

SIGN, SUSPENDED. A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

SIGN, TEMPORARY. A sign which is not permanently installed in the ground or affixed to any structure or building.

SIGN, WALL. Any sign attached to a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, and which is supported by such wall.

SIGN, WINDOW. Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

SIGNIFICANT TREE. Any tree other than a pine tree with a caliper of 18 inches or more.

SINGLE FAMILY DWELLING. See Residential Building, Single Family.

SITE PLAN. A scaled plan showing uses and structures proposed for a parcel of land as required by this ordinance, which includes lot lines, streets, building sites and buildings, reserved open space, major landscape features (natural and manmade), and the location of proposed utility lines when applicable in addition to other features which may be required by this ordinance.

SMALL MATURING TREES. A tree whose height is less than 35 feet at maturity and meets the specifications of "American Standards for Nursery Stock" published by the American Association of Nurserymen.

SMALL WIRELESS FACILITY. A wireless facility that meets both of the following qualifications: (1) Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all its exposed elements, if enclosed, could fit within an enclosure of no more than six cubic feet. (2) All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet. For purposes of this subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.

SOLAR ENERGY GENERATING FACILITY. A solar collection system that generates electricity from sunlight to a wholesale electricity beneficiary. These solar farms shall consist of a minimum of three (3) individual panels which are in assembly of solar cell to generate electricity. The energy beneficiary(ies) shall not be located on the energy facility site. This definition does not include solar devices for single family homes or any solar devices which are an accessory to a primary use. Modifications to an existing Solar Energy Generating Facility that increases the Facility's areas by more than 5% of the original footprint or changes the solar panel type (e.g. photovoltaic to solar thermal) shall be subjected to the requirements of this use. This definition includes only those uses in the following NAICS group(s):

221114 Solar Electric Power Generation

SOLID WASTE. Any hazardous or non-hazardous garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, agricultural, and land clearing operations. This term does not include the following:

- (A) Fowl and animal fecal waste;
- (B) Solid or dissolved material in any of the following:
 - (1) Domestic sewage, and sludge generated by the treatment thereof, in sanitary sewage disposal systems which have a design capacity of more than 3,000 gallons or which discharge effluents to the surface waters,
 - (2) Irrigation return flows; or
 - (3) Wastewater discharges, and the sludge incidental thereto and generated by the treatment thereof, which are point sources subject to permits granted under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Sec. 1251 et seq.) and permits granted under G.S. 143-215.1 by the Environmental Management Commission;
- (C) Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the North Carolina General Statutes;
- (D) Any radioactive material as defined by the North Carolina Radiation Protection Act (G.S. 104E-1 through 104E-23); or
- (E) Mining refuse covered by the North Carolina Mining Act (G.S. 74-46 through 74-68), and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290).

STEALTH OR CONCEALED WIRELESS FACILITY. A wireless support facility due to design or appearance, hides, obscures or conceals the presence of the wireless support facility. Examples include, steeples, bell towers and silos.

STORAGE AND SALVAGE YARD. The use of land for outdoor storage of machinery, construction equipment, construction supplies, used building materials, scrap metal, and similar items. This definition does not include motor vehicle storage yard, motor vehicle dismantling operations, or junkyards.

STORAGE TANKS, ABOVE GROUND. Storage tanks located above ground which are accessory to industries or businesses in their operations and are used to store chemicals, fuels, water, and other liquids and materials.

STORAGE TANK, WATER. A standpipe or elevated tank used to store a supply of water or to maintain equal pressure on a water system.

STORY. That part of a building or structure above ground level between a floor and the floor or roof next above. A mezzanine shall be considered a story if it exceeds one-third of the area of the floor immediately below. A penthouse shall be considered a story if it exceeds one-third of the area of the roof.

STREAM BUFFER. An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The stream buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

STREET. A right-of-way for vehicular travel.

STREET, ARTERIAL. A federal and/or state highway designed primarily for the movement of large volumes of vehicular traffic from one area or region to another; a thoroughfare. Also referred to as a major thoroughfare.

STREET, COLLECTOR. A public way designed primarily to connect minor streets with arterial streets and/or to provide direct connection between two or more arterial streets and which may be designed to carry significant volumes of vehicular traffic having neither origin nor destination on the street.

STREET, MINOR RESIDENTIAL. Those streets whose primary function is to provide direct access to residential property.

STREET, MINOR NON-RESIDENTIAL. Those streets whose primary function is to provide direct access to commercial-industrial property.

STREET, CUL-DE-SAC. A short minor street having one end open to traffic and the other permanently terminated by a vehicular turnaround.

STREET, RURAL. A street designed for and located in non-urban and non-urbanizing areas as classified by the town.

STREET, URBAN. A street designed for and located in urban or urbanizing areas as classified by the town.

STREET, PARALLEL FRONTAGE ROAD. A public or private street adjoining or parallel to an arterial street designed to provide access to abutting property in place of the arterial.

STREET, PRIVATE. An interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to parking and service areas; it is not maintained nor intended to be maintained by the public.

STREET, PUBLIC. A right-of-way or fee simple tract of land which has been set aside for public travel, dedicated to the public by the recording of a subdivision plat, built to public street standards, and eligible for maintenance by either the Town of Mocksville or the State of North Carolina.

STREET LINE. The outer boundary of a street right-of-way.

STREET ORIENTATION. See Building Presentation.

STREET RIGHT-OF-WAY. Street right-of-way shall mean any public right-of-way set aside for public travel which is accepted or eligible to be accepted for maintenance by the State of North Carolina or the Town of Mocksville or Davie County, if so authorized; or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by the Town of Mocksville; or has otherwise been established as a public street prior to the adoption of this ordinance.

STREET VISTA. A view framed by buildings at the termination of the axis of a thoroughfare or large neighborhood street.

STREET PLANTING YARD. The area of land along the front property line parallel to a right-of-way reserved for tree planting and landscaping. Also called street tree planting easement.

STREETSCAPE. An area within a street's right-of-way that may contain sidewalks, street furniture, landscaping or trees, and similar features.

STRUCTURE. Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes,

but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, and similar accessory construction; however, it does not include landscape features such as ornamental pools, planting boxes, sculpture, birdbaths, open terraces, at-grade bridges and walkways, at-grade slab patios, driveways, small non-permanent shelters for pets, playhouses, open stairs, recreational equipment, flagpoles, underground fallout shelters, air-conditioning compressors, pump houses, wells, mailboxes, outdoor fireplaces, burial vaults, or cemetery marker monuments.

STRUCTURE, ACCESSORY. A structure detached from a principal building on the same zoning lot, the use of which is customarily incidental to the principal building. This includes freestanding satellite dishes, any other devices that access satellites, and amateur radio antennae.

STRUCTURE, DETACHED. For purposes of determining setback requirements for accessory structures, a structure, which is separated from an adjacent structure by at least three (3) feet, as measured from any part of the structures.

STUDIOS. A working place or place of study for a painter, sculptor, photographer, dancer or person engaged in a similar artistic pursuit. This definition includes only those uses in the following NAICS group(s):

541430 Art studios, commercial

611610 Dance studios

541922 Photography studios, commercial

541921 Photography studios, portrait

SUBDIVIDER. Any person, firm, corporation, or entity who subdivides or develops any land deemed to be a subdivision as herein defined.

SUBDIVISION. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition:

- (A) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the *Town of Mocksville Subdivision Regulations*;
- (B) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved;
- (C) The public acquisition by purchase of strips of land for the widening or opening of streets or the location of public utility rights-of-way;
- (D) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the *Town of Mocksville Subdivision Regulations*;
- (E) The division of land into plots or lots for use as a cemetery; and
- (F) Subdivisions resulting from proceedings to partition interests in lots or parcels pursuant to Chapter 46 of the North Carolina General Statutes (or any successor statute) resulting in the division of a lot or parcel into two or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this ordinance or the *Town of Mocksville Subdivision Regulations*.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds 50 percent of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage occurred giving rise to the repair or reconstruction. "Substantial improvement" shall not include, however, any repair or improvement required to bring the structure into compliance with existing state or town code specifications necessary to insure safe habitation of the structure.

SUBSTANTIAL MODIFICATION. The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below

(i). Increasing the existing vertical height of the structure by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.

(ii) Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance.

(iii.) Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

SURVEYOR. A person licensed to practice surveying in the State of North Carolina.

TEMPORARY STRUCTURE. A building placed on a lot for a specific purpose which is to be removed within a specified time period. Examples of temporary structures are monitoring stations, mobile classrooms, construction trailers and guard houses, and produce stands.

TERMINAL, BUS OR TAXI. A facility for the storage, maintenance, and dispatch of buses or taxi, and associated customer ticketing and waiting areas. This definition includes only those uses in the following NAICS group(s):

485 Transit and Ground Passenger Transportation

TERMINAL, FREIGHT. Any facility for handling freight, with or without storage and maintenance facilities. This definition includes only those uses in the following NAICS group(s):

492 Couriers and Messengers

48849 Other Support Activities for Road Transportation

TESTING AND RESEARCH LABORATORY. An establishment primarily engaged in commercial research and providing testing services such as calibration and certification of instruments, food testing services, forensic laboratories, metallurgical testing, and industrial X-ray inspection services, etc. This definition includes only those uses in the following NAICS group(s)

5417 Scientific Research and Development Services

THEATER, DRIVE-IN. An establishment for the outdoor viewing of motion pictures by patrons while in motor vehicles. This definition includes only those uses in the following NAICS group(s)

512132 Drive-In Motion Picture Theaters

THEATER, INDOOR. An establishment for the indoor viewing of motion pictures by patrons. This definition includes only those uses in the following NAICS group(s)

512131 Motion Picture Theaters (except Drive-Ins)

THOROUGHFARE. See Street, Arterial.

THOROUGHFARE PLAN. The most recent map adopted by the Town Board which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck, and transit transportation.

TIRE RECAPPING SHOPS. Establishments primarily engaged in repairing, re-treading, and rebuilding tires from natural or synthetic rubber. This definition includes only those uses in the following NAICS group(s):

326212 Tire Retreading

TOWNHOUSE. See Residential Building, Townhouse.

TOWN RIGHT-OF-WAY. A right-of-way owned, leased, or operated by a town, including any public street or alley that is not a part of the State highway system.

TOWN UTILITY POLE. A pole owned by a town in the town right-of-way that provides lighting, traffic control, or a similar function.

TRADITIONAL NEIGHBORHOOD. A traditional neighborhood is one that incorporates design principles that produce compact, mixed use, pedestrian scaled communities designed to:

- (A) Promote independence of movement for the elderly and young by bringing many activities of daily living within walking distance.
- (B) Reduce traffic congestion and road construction costs by reducing number and length of car trips.
- (C) Use or allow for future use of alternative forms of transportation by organizing appropriate building densities.
- (D) Improve security of public spaces organized to stimulate informal surveillance by residents and business operators.
- (E) Enhance the sense of community and improve security through the provision of a range of housing types and workplaces in proximity to one another.
- (F) Provide accessible places for public assembly and civic engagement by identification of suitable sites for civic buildings.

TRANSITIONAL SETBACK OR YARD. That area, if any, along a thoroughfare, which lies between (a) the minimum setback or yard line for the zoning district measured from the existing street right-of-way line and (b) the minimum setback or yard line measured from the Proposed Right-of-Way Line.

TRANSITIONAL USE. A permitted use or structure that, by nature, level of activity, or physical scale, acts as a transition or intermediate use between two or more incompatible uses.

TREE. A large, woody plant having one or more self-supporting stems or trunks and numerous branches. May be classified as deciduous or evergreen.

UNDERSTORY TREE. A species of tree which normally grows to a mature height of fifteen (15) to thirty-five (35) feet in height and meets the specifications of the *American Standards for Nursery Stock* published by the American Association of Nurseryman.

UNIVERSITY, COLLEGE AND JUNIOR COLLEGE. A use, whether privately-owned or publicly-owned, providing academic education beyond the high school level.

USE, ACCESSORY. A use or activity which is customarily incidental to a specific principal use, and which is located on the same zoning lot as the associated principal use.

USE, PRINCIPAL. The primary or predominant use of any lot or parcel.

USE, TEMPORARY. A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

USGS. United States Geological Survey.

UTILITY POLE. A structure that is designed for and used to carry lines, cables, wires, lighting facilities or small wireless facilities for telephone, cable television, or electricity, or to provide lighting or wireless services.

UTILITIES. Facilities of any agency which, under public franchise or ownership, provides the general public with electricity, gas, oil, water, sewage, electronic sign, or rail transportation. The term *utility* shall not be construed to include the following: corporate or general offices; storage or service buildings or yards; gas or oil processing, manufacturing or storage facilities; transmission towers; or postal facilities.

UTILITIES SERVICE AREA. An area, which contains any surface, mounted heating, ventilation, or air conditioning equipment or freestanding above ground devices, such as utility boxes, booster boxes, switch gear, and transformers, which are part of an underground utilities system:

- (A) Private utility service area - an area, on private property, which contains privately owned utility structures for the exclusive service of the premises where they are installed; or,
- (B) Public utility service area - an area, on either private or public property, which contains utility structure owned by a utility for the service of one or more premises, but excluding utility substations.

VARIANCE. Relief from the requirements of this ordinance granted by the Board of Adjustment.

VESTED RIGHT (ZONING). A right established pursuant to the provisions of this ordinance to undertake and complete the development and use of property.

VETERINARY SERVICES. Any facility used for the purpose of giving licensed medical treatment to animals or pets and any other customarily incidental treatment of the animals, such as grooming, boarding, or selling of pet supplies. This definition includes only those uses in the following NAICS group(s):

- 54194 Veterinary Services
- 81291 Pet Care Services (except Veterinary)

WALL SIGN. See Sign, Wall.

WAREHOUSING. Establishments primarily engaged in the warehousing and storage of general merchandise, refrigerated goods, and farm products. This definition includes only those uses in the following NAICS group(s)

- 4931 Warehousing and Storage

WAREHOUSING, SELF STORAGE. Establishments primarily engaged in the rental or leasing of mini-warehouses and self-storage units. This definition includes only those uses in the following NAICS group(s)

- 531130 Warehousing, self storage

WASTE INCINERATOR. A site with one or more facilities that use thermal combustion processes to destroy or alter the character or composition of waste products, not including hazardous waste management facilities.

WASTE TRANSFER STATION. A fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site.

WATER DEPENDENT STRUCTURES. Those structures for which the use requires access or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

WATER SUPPLY WATERSHED. An area from which water drains to a point of impoundment, and the water is then used principally as a source for a public water supply.

WATER TOWER. A water storage tank, a standpipe, or an elevated tank situated on a support structure originally constructed for use as a reservoir or facility to store or deliver water.

WATERSHED. The entire land area contributing surface drainage into a specific stream, creek, lake or other body of water.

WATERSHED BUFFER. A natural or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized, and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

WATERSHED CRITICAL AREA. The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed(whichever comes first); or one-half mile upstream from the intake located directly in the stream or river(run of the river), or the ridge line of the watershed(whichever comes first).

WATERSHED PROTECTED AREA. The area adjoining and upstream of the Critical Areas and encompassing the remainder of the watershed where risk of water quality degradation from pollution is less than in the Critical Area.

WHOLESALE TRADE A. An establishment primarily engaged in selling durable and non-durable goods to retailers; to industrial, commercial, institutional, farm, construction contractors; or for professional business uses; or to other wholesalers. Merchandise is stored inside enclosed buildings. Activities including physically assembling, sorting, and grading goods in large lots and breaking bulk lots for redistribution in smaller lots are conducted inside enclosed buildings in such a way as to have a minimal impact on surrounding properties. Operations with over twenty-five percent (25%) of sales to retail customers require the appropriate retail zoning district. This definition includes only those uses in the following NAICS group(s):

- 42112 Motor Vehicle Supplies and New Parts Wholesalers
- 4212 Furniture and Home Furnishing Wholesalers
- 4213 Lumber and Other Construction Materials Wholesalers
- 4214 Professional and Commercial Equipment and Supplies Wholesaler
- 4216 Electrical Goods Wholesalers
- 4217 Hardware, Plumbing and Heating Equipment and Supplies Wholesalers
- 4219 Miscellaneous Durable Goods Wholesalers
- 4221 Paper and Paper Products Wholesalers
- 4222 Drugs and Druggists Sundries Wholesalers

- 4223 Apparel, Piece Goods and Notions Wholesalers
- 4224 Grocery and Related Products Wholesalers
- 4228 Beer, Wine and Distilled Alcoholic Beverage Wholesalers
- 4229 Miscellaneous Non-durable Goods Wholesalers (except 422910 Farm Supplies Wholesalers)

WHOLESALE TRADE B. An establishment primarily engaged in selling durable and non durable goods to retailers; to industrial, commercial, institutional, farm, construction contractors; or to professional business uses; or to other wholesalers. Merchandise may be stored outside or inside enclosed buildings. Activities including physically assembling, sorting, and grading goods in large lots, and breaking bulk lots for redistribution in smaller lots may be conducted outside enclosed buildings. Operations with over twenty-five (25%) of sales to retail customers require the appropriate retail zoning district. This definition includes only those uses in the following NAICS group(s):

- 4211 Motor Vehicle and Motor Vehicle Parts and Supplies Wholesalers (except 42114 Motor Vehicle Parts Used Wholesalers)
- 4215 Metal and Mineral (excluding Petroleum Wholesalers)
- 4218 Machinery, Equipment and Supplies Wholesalers
- 4225 Farm Product Raw Material Wholesalers
- 4226 Chemical and Allied Products Wholesalers
- 422910 Farm Supplies Wholesalers

WIRELESS INFRASTRUCTURE PROVIDER. Any person with a certificate to provide telecommunications service in the State who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures for small wireless facilities but that does not provide wireless services.

WIRELESS SERVICES. Any services, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using wireless facilities.

WIRELESS SERVICES PROVIDER. A person who provides wireless services.

WIRELESS SUPPORT STRUCTURE. A new or existing structure, such as a monopole, lattice tower, or guyed tower, that is designed to support or capable of supporting wireless telecommunications facilities. A utility pole is not a wireless support structure.

WIRELESS FACILITY. Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term shall not include any of the following:

- I. The structure or improvements on, under, within, or adjacent to which the equipment is collocated.
- II. Wireline backhaul facilities.
- III. Coaxial or fiber-optic cable that is between wireless structures or utility poles or city utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.
- IV. Amateur radio antennas See also, G.S. § 160A-400.51. See also the definition of “Amateur Radio Antenna”.

WORKING DAY. Any day on which the offices of the Town of Mocksville are officially open, not including Saturdays, Sundays, and other holidays designated by the Town Board.

YARD. Any area of land located between a lot line and a required setback line. The minimum depth of a yard shall be determined by horizontal measurement at a right angle from the applicable lot line.

YARD, FRONT. The yard extending across the full width of the lot and lying between the front lot line and the front setback line as required in this ordinance.

YARD, INTERIOR SIDE. The yard extending along the length of the lot between the required front yard and the required rear yard, and between the side lot line and the side building setback line, as required in this ordinance, provided that the side lot line is not adjacent to a public street right-of-way.

YARD, REAR. The yard extending across the full width of the lot and lying between the rear lot line and the rear building setback line as required in this ordinance.

YARD, STREET SIDE. The yard extending along the length of the lot between the required front yard and the required rear yard adjacent to a public right-of-way or private access easement, and between the side lot line and the side building setback line as required in this ordinance.

ZERO LOT LINE. The location of a building on a lot in such a manner that one of the building's sides rests directly on a lot line.

ZONING LOT. See Lot, Zoning.