

**CHAPTER VIII: LAND USE**

Article

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**CHAPTER VIII: LAND USE  
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**§ 8-1.1 SCOPE OF PLANNING.**

Every action and program of every component of the town involves planning, in a broad sense of the term. For purposes of this article, the term is restricted to activities and programs involving physical, economic and social development of the town.  
(2003 Code, § 8-1.1) (Adopted 11-7-1989)

**§ 8-1.2 PLANNING AGENCIES.**

The following are designated as planning agencies assigned responsibilities under this article: the Town Board, the Planning Board and the Zoning Board of Adjustment.  
(2003 Code, § 8-1.2) (Adopted 11-7-1989)

**§ 8-1.3 TOWN BOARD.**

(A) In its legislative capacity, the Town Board adopts policies, ordinances and amendments; appropriates funds; approves acquisition, construction and disposition of public facilities; and oversees administration of the town.

(B) In its quasi-judicial or administrative capacity, it may issue special use permits under the zoning ordinance (G.S. § 160A-373), approve redevelopment plans (G.S. § 160A-513), serve as a redevelopment commission (G.S. § 160A-456, G.S. § 160A-505), and serve as a housing authority (G.S. § 160A-456, G.S. § 157-4.1).  
(2003 Code, § 8-1.3) (Adopted 11-7-1989)

**§ 8-1.4 TOWN PLANNING BOARD.**

The Planning Board of the town is created as provided in Chapter II of the town's code of ordinances and shall have the powers and duties as assigned therein.

(2003 Code, § 8-1.4)

**§ 8-1.5 TOWN PLANNER.**

Appointed by and under the direction of the Town Manager, the Town Planner shall assist the Town Manager, the Planning Board, Town Board and the Zoning Board of Adjustment, with studies, advice and preparation of plans.

(2003 Code, § 8-1.5) (Adopted 11-7-1989)

**CHAPTER VIII: LAND USE  
ARTICLE 2: SUBDIVISION REGULATIONS**

Section

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**§ 8-2.1 PURPOSE AND APPLICABILITY.**

(A) *Short title.* This article shall be known and may be cited as the “Mocksville Subdivision Ordinance” or “this article”.

(B) *Purpose.* The provisions of this article are adopted pursuant to the authority conferred by G.S. §§ 160A-371 through 160A-376 for the purpose of providing for the orderly development of the town and its environs by regulating the subdivision of land. The regulations contained herein are intended to coordinate proposed development with existing development and with officially adopted plans for future development of the town; to coordinate streets within subdivisions with existing or planned streets or with public facilities; to secure or protect adequate rights-of-way and easements for street or utility purposes including the dedication of rights-of-way pursuant to G.S. §§ 136-66.10 or 136-66.11; to secure adequate spaces for recreation areas; to provide for the distribution of population and traffic in a manner which shall avoid congestion and overcrowding and will create conditions essential to public health, safety and the general welfare; and to ensure the proper legal description, monumentation and recording of subdivided land.

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(C) *Jurisdiction.* The provisions of this article shall apply to all subdivision activities, as defined in § 8-2.2 of this article, within the corporate limits and the extraterritorial zoning jurisdiction of the town, as now or hereafter established. Any subdivision for which a preliminary plat has been approved by the county prior to becoming subject to the town's subdivision ordinance may, at the option of the developer, be developed in its entirety in accordance with the county subdivision ordinance. Any subdivision for which a preliminary plat has been submitted to the county, but not approved prior to becoming subject to the town's subdivision ordinance, shall comply with town ordinance standards.

(D) *Separability.* If any section, paragraph, subsection, clause or provision of this article is adjudged invalid by a court of competent jurisdiction, the adjudication will apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this article will be deemed valid and effective.

(E) *Compliance with article.* All plats for the subdivision of land must conform to the requirements of this article, and be submitted in accordance with the procedures and specifications established herein. The description by metes and bounds in an instrument of transfer or other document used in the process of selling or transferring land will not exempt the transaction from compliance with this article. No utility shall be extended nor any permit be issued by an administrative agent of the town for the construction of any building or other improvement upon any land for which a plat is required until the requirements of this article have been met and the final plat approved.

(F) *Effective date.* These regulations shall become effective upon the date of their adoption by the Board of Commissioners of the town.

(2003 Code, § 8-2.1) (Adopted 4-1-2003)

### § 8-2.2 DEFINITIONS AND RULES OF CONSTRUCTION.

(A) *Definitions.* As used in this article, the following terms will have the meanings indicated in this section.

**ALLEY.** A vehicular way used for providing service access along rear or side property lines of lots which are also served by one of the listed street types defined herein. An **ALLEY** may be accepted for public maintenance only if it serves a broad public function. **RESIDENTIAL ALLEYS** will generally remain private.

**APPEAL.** An action requesting reversal or modification of an interpretation or decision made by town staff or administrative agent in the application of these regulations.

**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 facade line on a street. The **BUILD-TO LINE** is established on the record plat (final plat).

**BUILDING FACE.** The dominant structural plane of the elevation of any side of a building. For example, the **BUILDING FACE** of a two-story dwelling with one-story porch is considered to be the two-story elevation of the structure.

***BUILDING SETBACK LINE.*** A line extending through a lot which is parallel to the front property line and between which and the line no building shall be erected.

***CLUSTER DEVELOPMENT.*** A tract of land planned and developed as an integral unit in a single development operation or a definitely programmed series of development operations, and in accordance with an approved site plan. The development on the tract is limited by overall density or intensity, rather than minimum lot dimensions.

***COLLECTOR STREET PLAN.*** The system of streets which indicates the conceptual network of primary connecting streets expected to connect arterials and/or provide access to public institutions within the town's planning area.

***CONSULTING ENGINEER.*** A state registered engineer appointed from time to time by the Town Board.

***DESIGNATED ADMINISTRATIVE AGENT (also DESIGNEE).*** A government agency or consulting professional who has been designated by the town's Board of Commissioners through contract or agreement to administer the subdivision ordinance.

***EASEMENT.*** A grant by the property owner for use by the public, a corporation or person(s) of a strip of land for specified purposes.

***LAND CLEARING AND INERT DEBRIS (LCID) LANDFILL.*** A landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other solid wastes meeting the standards of the state.

***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 the accessways, parking area, yards and open spaces required in these regulations.

***LOT, CORNER.*** A lot located at the intersection of two or more streets, or abutting a curved street or streets in a way that the front building line meets either side lot line at an interior angle of less than 135 degrees.

***LOT COVERAGE.*** The 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 or more public streets. A corner lot shall not be considered as having ***DOUBLE FRONTAGE*** unless it has frontage and access on three or more streets.

***LOT, INTERIOR.*** A lot other than a corner lot with frontage on only one street.

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**LOT, REVERSE FRONTAGE.** A lot having frontage on two 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.** A lot other than a corner lot with frontage on more than one street. 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.** The lot line which is opposite and most distant from the front lot line, except in the case of a triangular lot, a line ten 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 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.

**OPEN SPACE.** Land used for recreation, natural resource protection, amenities and 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.

**PLANNING AREA.** The land located within the boundaries of the most recently adopted Town Land Development Plan, and consistent generally with the town's extraterritorial jurisdiction (ETJ).

**PLANNING BOARD.** The Planning Board of the town.

**PLAT.** A surveyed map or plan of a parcel of land which is to be or has been subdivided.

**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 is it 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 or the state.

***STREET LINE.*** The outer boundary of a street right-of-way.

***STREET ORIENTATION.*** The direction of the architectural front facade of a building in relation to the street.

***STREET RIGHT-OF-WAY.*** Any public right-of-way set aside for public travel which is accepted or eligible to be accepted for maintenance by the state or the town or the 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; or has otherwise been established as a public street prior to the adoption of this article.

***SUBDIVISION.*** A subdivision will include all divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose (whether immediate or future) of sale or building development 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:

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- (a) The combination or recombination of portions of parcels platted and recorded prior to the effective date of this article, or portions of lots platted in compliance with this article after its effective date, where the total number of lots is not increased and the resultant lots are equal to the standards of this article and the appropriate zoning classification;
- (b) The division of land into parcels greater than ten acres where street right-of-way dedication or reservation is not 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 street right-of-way dedication or reservation is not involved and where the resultant lots are equal to or exceed the standards of the appropriate zoning classification;
- (e) The division of land into plots or lots for use as a cemetery; and
- (f) Proceedings to partition interests in lots or parcels pursuant to G.S. Ch. 46 (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 article.

***SUBDIVISION, MAJOR.*** A subdivision not otherwise exempt from these regulations that involves any of the following:

- (a) The creation of any new public street or street right-of-way or improvements to an existing street;
- (b) A future public school, park, greenway or open space site shown in any adopted plan or policy document;
- (c) The extension of any needed right-of-way or easement for the water or sewer system operated by the town;
- (d) The installation of drainage improvements through one or more lots to serve one or more other lots; and
- (e) The installation of a private wastewater treatment plant or a private water supply system for more than one lot or building site.

***SUBDIVISION, MINOR.*** A subdivision that is not otherwise exempt from the provisions of this article and that does not meet the criteria for the definition of a major subdivision.

***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.

**TOWN BOARD.** The Board of Commissioners of the town.

**TOWN MANAGER.** The Town Manager of the town.

**VARIANCE.** An action requesting consideration for relief from the strict enforcement of the standards of the ordinance where special circumstances or unusual considerations may exist on the parcel of land.

(B) *Rules of construction.* For the purposes of these regulations, the following rules of construction apply.

(1) These regulations will be construed to achieve the purposes for which they are adopted.

(2) In the event of any conflict in limitations, restrictions or standards applying to a project, the provision more consistent with the town’s zoning ordinance shall apply.

(3) The words “shall”, “must” and “will” are mandatory in nature, implying an obligation or duty to comply with the particular provision.

(4) The word “may” is permissive in nature except when used in the negative.

(5) References to “days” will always be construed to be business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.  
(2003 Code, § 8-2.2) (Adopted 4-1-2003)

**§ 8-2.3 DECISION MAKING AND ADMINISTRATIVE BODIES.**

(A) *Town staff.* In addition to any authority granted to the Planning Director by other ordinances of the town, the Planning Director and the employees under his or her direction, and the agent as may, from time to time, be designated by the Board of Commissioners to administer the subdivision ordinance (designee), will have the following duties in accordance with these regulations:

(1) To review all requests for subdivision within the town’s jurisdiction and decide whether the requests meet the requirements and intent of this article. If they do meet the requirements and intent, staff shall approve the request. If such do not meet the requirements and intent, staff shall deny the request;

(2) To review and provide comments on variance petitions;

(3) To maintain files and other public records related to the administration and enforcement of these regulations;

(4) To recommend and prepare amendments to the text of these regulations;

(5) To accept and file petitions for variances;

(6) To accept and file notices of appeal of an administrative interpretation or decision;

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(7) To interpret the provisions of these regulations;

(8) To coordinate all local, state and other appropriate agency review and comment on all subdivisions proposed under these regulations;

(9) To establish procedures as necessary and proper for the administration of their responsibilities under these regulations;

(10) To approve for recordation in the County Register of Deeds those divisions of land which, according to the definition of subdivision found in § 8-2.2, are not subject to the requirements of this article; and

(11) To approve for recordation in the County Register of Deeds those divisions of land, defined as limited subdivisions and minor subdivisions in § 8-2.2(A), which meet the standards of the subdivision ordinance and zoning ordinance.

(B) *Planning Board.*

(1) In addition to any authority granted to the Planning Board by other ordinances of the town, the Planning Board shall have the following powers and duties to be carried out in accordance with these regulations:

(a) To hear and make advisory recommendations on proposed amendments to the text of these regulations; to propose, as needed, amendments to change the text of these regulations;

(b) To hear and decide requests for variances from the standards of this article in accordance with the provisions of § 8-2.4; and

(c) To hear and decide requests for appeal from the interpretation of any provisions of this article by the town staff or designated administrative agent. The Planning Board may recommend reversal or modification of any action under appeal upon finding an error in the application of these regulations.

(2) In all of these matters, the Planning Board may recommend approval of the request, denial of the request, or approval of the request with conditions relating to the intent and standards of this article.

(C) *Town Board or designated administrative agent.* In addition to all other authority reserved to the Town Board by other ordinances, the Town Board shall have the following powers and responsibilities in accordance with these regulations: to hear and decide proposed amendments to the text of these regulations.

(2003 Code, § 8-2.3) (Adopted 4-1-2003)

**§ 8-2.4 APPEALS AND VARIANCES.**

(A) *Authority.* The Planning Board may recommend and the Town Board shall decide petitions for appeals from an interpretation or decision made by the town staff or designated administrative agent and

petitions for variances from the requirements of these regulations. Any reversal, modification or affirmation of an interpretation or any variance thus authorized will be entered in writing in the minutes of the Town Board with the justification set forth.

(B) *Initiation.* A petition for an appeal of an administrative interpretation or decision may be initiated by any person aggrieved or by any officer or department of the town. A petition for variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property.

(1) *Filing of notice of appeal.* A notice of appeal, in the form prescribed by the Planning Director, must be filed with the planning staff within ten days of the day an administrative interpretation or decision is issued. The notice filed with the planning staff must be accompanied by a non-refundable filing fee as established by the town's Board of Commissioners. Failure to timely file the notice and fee will constitute a waiver of any rights to appeal under this article. The filing of the notice will require the officer whose action is appealed to transmit to the Town Manager and Planning Director all administrative papers, records and other information regarding the subject matter of the appeal.

(2) *Standards for granting an appeal.* The Planning Board may decide to reverse or modify the decision or interpretation under appeal upon finding an error in the application of these regulations on the part of the officer rendering the decision or interpretation.

(C) *Filing of variance petition.* A petition for variance, in the form prescribed by the Planning Director, must be filed with the planning staff, accompanied by a non-refundable filing fee as established by the Town Board.

(D) *Standards for granting a variance.*

(1) Before granting a variance, the Planning Board must determine that:

(a) The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners of the property;

(b) The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties used for the same purposes;

(c) The relationship of the property to natural topography or to the nature of adjoining properties warrants relief from the standard in question; or

(d) The difficulty or hardship from the application of these regulations would prevent the owner from making a reasonable use of the property. The fact that the property could be utilized more profitably with the variance than without the variance will not be considered as grounds for granting the variance.

(2) The granting of a variance would permit the preservation of an historic structure or site, or a significant natural feature.

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(E) *Action by Planning Board.* The Planning Board may approve or deny the variance application, or approve with conditions relating to the intent and standards of the ordinance. The reasons that the Planning Board used to reach its decision shall be recorded in the minutes.

(F) *Rehearing.* When the Planning Board has denied any petition for a variance, it will not thereafter accept any other petition for the same variance affecting the same subdivision or any portion thereof, unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.

(G) *Effect of grant of variance.* After the approval of a variance by the Planning Board, the petitioner will be required to follow the procedures for preliminary and final plat approval in order to proceed with development of the subject property. All decisions made by administrative officers under those procedures will comply with the variance to these regulations granted to the petitioner by the Planning Board.

(2003 Code, § 8-2.4) (Adopted 4-1-2003)

**§ 8-2.5 AMENDMENTS.**

(A) The planning staff may from time to time and, at the request of the Town Board or Planning Board, shall prepare certain improvements to the text of the subdivision ordinance to correct errors, update or modify the requirements or otherwise improve the operation of the ordinance in regulating the subdivision of land.

(B) Amendments to this article may only be enacted pursuant to public notice and public hearing on the proposed amendments. Notice of the public hearing shall be published once per week for two successive weeks in a newspaper of general circulation in the town. The notice shall be first published not less than ten days, nor more than 25 days, prior to the date fixed for the hearing. The notice shall indicate the date, time and place of the hearing and shall include a statement of the substance of the proposed amendment.

(C) All text amendments must be referred to the Planning Board for a recommendation prior to final action by the elected officials. Failure of the Planning Board to act within 45 days following the public hearing will be deemed to constitute an affirmative recommendation on the proposed amendment. An action to defer a recommendation for cause will constitute an action for the purposes of this article.

(2003 Code, § 8-2.5) (Adopted 4-1-2003)

**§ 8-2.6 THE SUBDIVISION PROCESS.**

(A) *Compliance required.* After the effective date of this article, no plat of a subdivision of land subject to the jurisdiction of this article will be filed or recorded by the County Register of Deeds until it has been submitted to and approved by the town in accordance with these regulations. This applies to all subdivision activities included in the definition of subdivision, found in § 8-2.2.

(B) *General requirements.* The following statements provide general requirements and policies to be used in the design, review and approval of any subdivision under the jurisdiction of this article. Questions of interpretation of any of these provisions should be discussed with the Planning Director or

designated administrative agent at the earliest possible time in the development of a subdivision proposal.

(1) *Consistency with adopted public plans and policies.* All subdivision of land approved under these regulations shall be consistent with the most recently adopted public plans and policies for the area in which it is located. This includes general policy regarding development objectives for the area as well as specific policy or plans for public facilities such as streets, parks and open space, schools and other similar facilities. Plans and policies for the community are on file in the offices of the town.

(2) *Conformity.* All proposed subdivisions shall be planned so as to facilitate the most advantageous development of the entire neighboring area. In areas with established development, new subdivisions shall be planned to protect and enhance the stability, environment, health and character of neighboring areas. The geometry of streets and intersections and the location of street connections will be assessed to minimize the detrimental effects of high volume, high-speed neighborhood through traffic. This assessment will consider the location of large-scale traffic generating uses, as well as the adopted thoroughfare plan and the land development plan.

(3) *Access between adjoining properties.* To the maximum extent practicable, all streets shall connect to create a comprehensive network of public areas which allows free movement of automobiles, bicyclists and pedestrians.

(4) *Relation to topography.* In sloping terrain, streets will generally parallel the contours of the land insofar as practicable, to avoid steep grades and the concentration of surface storm water runoff. Variations are allowed to meet design objectives for the development and/or to calm vehicular speeds.

(5) *Mature trees and natural vegetation.* Streets and development sites shall be designed to protect and preserve, to the greatest extent practicable, stands of mature trees and other areas of significant natural vegetation. Minor adjustment of street alignment on the ground is permitted to achieve this objective, so long as standard drainage requirements continue to be met and the actual location of the street on the ground is reflected on the final plat or an amended final plat.

(6) *Access to parks, schools and the like.* Streets and sidewalks shall be designed to assure convenient access to parks, greenways, playgrounds, schools and other places of public assembly. Supplemental walkways not associated with streets may not be less than ten feet in width and may be required to be large enough to provide vehicular access for maintenance vehicles.

(7) *Discourage through traffic.* Methods to discourage high volume, high speed through traffic shall consider street geometry, intersection design and other traffic calming measures.

(8) *Relationship to railroad rights-of-way.* When a subdivision adjoins a railroad right-of-way, the subdivider may be required to arrange the street pattern to provide for future grade separation of street and railroad crossings.

(9) *Half streets.* Whenever an existing half street is adjacent to a tract of land to be subdivided, the other half of the street shall be platted within the tract. New half streets are prohibited, except when essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where it will be practicable to require the dedication of the other half when the adjoining property is subdivided.

(10) *Parallel streets along thoroughfares.* Where a tract of land to be subdivided adjoins a federal or state highway or a major arterial street, the subdivider may be required to provide a marginal access street parallel to the highway.

(11) *Public school and public park sites.* The subdivider shall determine if the tract of land to be subdivided appears in any adopted plan or policy document as a future public school, public park, greenway or open space site by contacting the appropriate agency. The subdivider shall provide certification to the Planning Director or designated administrative agent to indicate whether or not the area proposed to be subdivided includes any identified future public school or public park site. If no certification is provided, the Planning Director or designee shall make the determination by contacting the appropriate agencies. If the site(s) are included in the area to be subdivided, the Planning Director or designee will notify the appropriate agency of the proposed subdivision and its effect on the future public site. The appropriate agency must decide within 30 days if it wishes to reserve the site for future acquisition. If the site is not to be reserved, then the subdivision will be processed in the normal fashion. If the agency does wish to reserve the site, then the subdivision will not be approved without the reservation. The appropriate agency will have 18 months from the date of preliminary plat approval to acquire the site by purchase, receipt of a dedication or by initiating condemnation proceedings. If, at the end of the 18-month period, none of the actions listed above have commenced, the subdivider may consider the land free of any reservation.

(12) *Proposed street names.* Proposed street names shall be coordinated with the County Planning Department or other designee.

(13) *Easements.* Easements established to the width and in the locations required by the consulting engineer, Utility Department or the town shall be provided for open or piped storm drainage, sanitary sewers, water lines and other utilities. This requirement applies to the lines installed at the time of the development of the subdivision and to easements for the lines which may reasonably be expected to be installed in the future.

(14) *Proposed water and sewerage system.* The preliminary subdivision plan must be accompanied by satisfactory evidence as to the proposed method of providing potable water and a system of sanitary sewage collection and disposal.

(a) Where, at the time of preliminary plat approval, these systems are to be a part of the public water and sanitary sewerage system owned and operated by the town, the preliminary subdivision plan shall be accompanied by a complete set of construction plans for the proposed systems, prepared by a registered engineer, which shall be required to meet the standards established by the utility owner/operator for connection to the system upon completion and dedication.

(b) Where, at the time of preliminary plat approval, the proposed systems to serve more than one structure do not contemplate the use of facilities owned and operated by the town, the proposed systems must be reviewed and approved by the agency or agencies with jurisdiction over the approval. This shall also include, but not be limited to, review and approval by the town to establish that construction plans meet public utility standards for adequacy and compatibility with the public system(s) in order to provide for the future orderly development of the town. Whether the proposed system serves one structure or more than one structure, the developer must provide evidence prior to preliminary plat approval of the required discharge permit or a perk test for sewage disposal on each lot, whichever is

applicable. Where lots are to be served by septic tank systems, the preliminary plat and the final plat shall clearly label any lots which do not perk and for which a building permit shall not be issued until alternate sewage disposal methods are available to the lots. Prior to final plat approval, evidence must be provided that both the sewage and water system designs have been approved for construction. Prior to the issuance of any certificate of occupancy for any structure, evidence must be provided that both the water and sewer systems have been approved and are operational for the structures in question.

(c) Where local standards exceed those of state or federal agencies and where those standards may be enforced over those of state or federal agencies, then the town will coordinate all reviews for the standards. However, the approval of the proposed systems remains with the responsible agency or agencies, which may include the town.

(15) *Restrictions on the subdivision of land subject to flooding.* Lots that are subject to flooding shall not be established in subdivisions, except as provided in § 8-2.7(B)(6).

(C) *Sketch plan required for major subdivisions.* Prior to the filing of an application for approval of a major subdivision preliminary plan, a sketch plan shall be submitted to the Planning Director and any designated administrative agent for review. When submitted, this sketch plan shall be on a topographical map showing original contours at intervals of not less than four feet and existing tree lines. It shall show in sketch form the proposed layout of streets, lots and other features in relation to existing conditions. It shall also include the following information:

- (1) The boundary lines of the property being subdivided;
  - (2) Water courses on the land to be subdivided;
  - (3) The location, names and rights-of-way of any existing streets on or within 300 feet of the land to be subdivided;
  - (4) The location of all property lines which intersect the boundaries of the property being subdivided; the zoning district of each adjacent property;
  - (5) Rough finished grades, the location of proposed streets, lots, parks or other open spaces, reservations, building lines, street cross-sections, number and type of buildings and the location of any building restriction flood lines required by § 8-2.7(D)(6);
  - (6) Zoning information for the proposed project site;
  - (7) Proposed front, rear and side yard dimensions for each building type along each street type;
  - (8) For projects within a regulated watershed protection area, the location of required buffers, if applicable;
  - (9) The location of general buffers or screens required for the project area, as a whole;
  - (10) The scale of the plan, which shall not be smaller than 100 feet to the inch; north point; date;
- and

- (11) A small-scale vicinity map.

(D) *Sketch plan also required for minor subdivisions.* In order to facilitate the review and approval of a minor subdivision for which a preliminary plat is not required, a sketch plan must be submitted to the Planning Director and any designated administrative agent, who will advise the applicant of any deficiencies that must be corrected prior to submission of the final plat.

(E) *Review of major subdivision sketch plan.* Upon submission, the Planning Director and any designated administrative agent shall have 21 working days to review and comment on the sketch plan. A technically deficient sketch plan shall be returned to the subdivider with comments.

(F) *Preliminary plat requirements.* The preliminary subdivision plat shall be drawn to the following specifications and shall contain or be accompanied by the information listed below. No processing or review of a preliminary plat will proceed without all of the information listed:

(1) The boundary of the area to be subdivided and the location within the area, or contiguous to it, of any existing streets, railroad line, water courses, easements or other significant features of the tract;

(2) The location, size, elevations of existing sanitary sewers, storm drains, and culverts within the tract and immediately adjacent thereto;

(3) Original contours, including tree lines, shown at intervals of not less than four feet for the entire area to be subdivided and extended into adjoining property for a distance of 300 feet at all points where street rights-of-way connect to the adjoining property. These contours shall be referenced to mean sea level datum established by the U.S. Coast and Geodetic Survey. Proposed contours for the full width of all street rights-of-way, along open drainage channels and in all other portions of the subdivision where extensive grading is proposed must be shown. These requirements shall not apply where the size of the subdivision and the topography make the information unnecessary;

(4) The location of proposed streets, alleys, easements, lots, parks or other open spaces, reservations, other property lines, front build-to lines and rear and side yard dimensions for each lot, street dimensions, tentative building locations and the location of any building restriction flood lines required by § 8-2.7(D)(6);

(5) The location of all proposed storm drains and appurtenances with grades, inverts and sizes indicated, together with a map of the drainage area or areas tributary to the proposed storm drains, a copy of the data used in determining the sizes of drainage pipes and structures, and the building restriction floodline and flood protection elevation for each lot subject to flooding, as defined in § 8-2.7(D)(6);

(6) The name of the subdivision; the name and signature of the owner or the owner's duly authorized agent; the name of the surveyor, engineer or designer; the names of proposed streets; the names of adjoining subdivisions or property owners. The name assigned to the subdivision and the names assigned to streets at this time will be used throughout the review and approval process for preliminary and final plats and may not be changed without approval of the Planning Director and or designated administrative agent;

(7) The scale of the plan which shall not be smaller than 100 feet to the inch, north point, date;

(8) Typical cross sections of internal or abutting streets showing width, sidewalk and planting details and proposed construction of roadways;

(9) Proposed profiles of roadways. Where a proposed street is an extension of an existing street the profile shall be extended to include 300 feet of the existing roadway and storm drains, if present, and a cross section of the existing street shall be shown. Where a proposed street within the subdivision abuts a tract of land that adjoins the subdivision and where the street may be expected to extend into the adjoining tract of land, the profile shall be extended to include 300 feet of the adjoining tract;

(10) The proposed method of water supply and sewer disposal;

(11) A small-scale vicinity map showing the location of the subdivision with respect to adjacent streets and properties;

(12) The location of any existing LCID landfills on the site and the location of any proposed LCID landfills on the site;

(13) A timetable for estimated project completion of the area covered by the preliminary plan;

(14) The zoning district(s) in which the project is located;

(15) For projects in the Watershed Overlay District, the calculated built-upon area permitted for each building lot, taking into account permanently preserved open space, is required; and

(16) For subdivisions within which open space is required, a draft of the documents by which irrevocable preservation of open space shall be assured.

*(G) Procedures for approval.*

*(1) Preliminary plat; submission and approval.*

(a) A preliminary plat of the proposed subdivision developed in accordance with the specifications set forth in subsection (F) above must be submitted to the Planning Director or designated administrative agent. The plan shall be accompanied by an application in duplicate signed by the owner or his or her duly authorized agent on application forms to be furnished by the Planning Director or designated administrative agent. At the time of submission, the applicant will be advised as to the number of copies of the plan and related data required in subsection (F). The application for preliminary plat approval shall be accompanied by the appropriate development review fee(s) as established by the Board of Commissioners.

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(b) The Planning Director or designee shall have 30 working days to review and take action on the preliminary plat. If subsequent corrections or changes to the initial preliminary plat are necessary, the reviewer shall have 20 working days to review and take action on any revised plan. The preliminary plat time limits listed above do not apply to plans for which no sketch plan has been submitted, nor to plans which contain any proposed school, park, greenway or other public facility for which reservation is required. The applicant may consent to an extension of any of the time limits.

(c) Upon determination by the Planning Director or designee and the Town Engineer, or other engineering agent designated by the Town Board to review subdivision plans, that the preliminary plat is complete, correct and in compliance with subsection (F) above as submitted, or has been resubmitted and found complete and correct, the plan shall be approved. If the preliminary plat is different from the approved sketch plan, the Planning Director or staff under his or her direction is authorized to approve the plan, approve with conditions or deny the plan.

(d) The town reserves the right to approve, disapprove in whole or in part, or condition its approval of the whole or any of its parts upon the requirements of this article as may be necessary for the health, safety and general welfare, and to achieve compliance with subsection (F) above. If a preliminary plat is disapproved, the Planning Director shall furnish a written notice of the denial and the reasons for the denial upon request of the applicant. An administrative disapproval may be appealed in accordance with the provisions of § 8-2.4.

(2) *Exceptions: when preliminary plat not required.*

(a) The required preliminary plat may be waived by the Planning Director or designee for subdivisions defined as minor subdivisions in § 8-2.2 of these regulations; provided that:

1. A minor subdivision sketch plan has received approval;
2. A plat of the tract being subdivided, accompanied by two applications signed by the owner or his or her duly authorized agent has been filed with the Planning Director or designee, and the required fee submitted; and
3. The subdivider has provided topographic information to determine flood elevations whenever the property proposed to be subdivided, or re-subdivided, is traversed by or adjacent to a known water course.

(b) However, whenever a preliminary plat is waived by the town, a final plat must be prepared and recorded as provided in subsection (H) below.

(3) *Effect of approval of preliminary plat.* An approved preliminary plat will be valid for a period of three years from the date of approval. If no work in furtherance of the plan except grading on the site has commenced within the three-year period, the preliminary plat approval will become null and void and a new application will be required to develop the site. If work on the site in furtherance of the plan has commenced, and the work involves any utility installations or street improvements, except grading, the plan will remain valid and in force.

(4) *Release of grading permit.* Preliminary plat approval is required for the issuance of a grading permit for any grading work on the site for the installation of any improvements in furtherance of the development. Once the preliminary plat is approved, further approvals under this provision are not required for grading permits for individual sites within the development, so long as grading conforms to the approved preliminary plan.

(5) *Final plat; submission and approval.*

(a) Upon approval of the preliminary subdivision plan, the subdivider may proceed to comply with the other requirements of this article, and the preparation of the final subdivision plat. The final plat may include all or only a portion of the subdivision as proposed and approved on the preliminary subdivision plan; provided that, all required improvements to any existing or new streets shown on the preliminary plat within the boundaries of the final plat have been provided for or been assured by the posting of a surety as provided for in § 8-2.8(K) prior to any final plat approval.

(b) The final subdivision plat must be developed in accordance with the specifications set forth in subsection (H) below. The official plat or plats, together with copies thereof sufficient for distribution, shall be presented for approval to the Planning Director or designated administrative agent for review. The plat shall be accompanied by an application for final plat approval, submitted in duplicate and signed by the owner and/or his or her duly authorized agent. The town shall have 30 working days to review and comment on the final plat.

(c) Staff shall approve, disapprove, approve with conditions or deny the approval of the final plat.

(d) If a final plat is disapproved, the Planning Director shall furnish a written notice of the denial and the reasons for the denial upon request of the applicant. An administrative disapproval may be appealed in accordance with the provisions of § 8-2.4.

(e) Upon approval, the final plat will be noted approved and shall be recorded in the office of the Register of Deeds for the county.

(H) *Final plat requirements.* The final plat will be prepared by a registered surveyor and must be drawn to scale not smaller than 100 feet equals one inch and must contain the following information:

(1) The exact boundary of the tract of land being subdivided, showing clearly the disposition of all portions of the tract;

(2) (a) The lines and names of all streets, alley lines, lot lines, lot and block numbers, front build-to line and side and rear yard dimensions for each lot, easements, reservations and areas dedicated to public purposes with notes stating their purposes. In addition, on-site LCID landfills must be shown on the final plat and on deed(s) for affected lot(s). Also, the plat for all lots subject to flooding shall include a statement as follows:

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“This lot is subject to flooding during heavy rainfall and the construction of buildings or structures below the flood protection elevation of \_\_\_\_\_ is prohibited, as further described by § 8-2.7(D)(6) of this article. Plats for multiple lots may include the flood protection elevations in tabular form.”

(b) In areas where the floodway regulations are applicable, the following statement shall be inscribed on the plat:

“Any construction or use within the areas delineated by Floodway Fringe District boundary line and Floodway District encroachment line is subject to the restrictions imposed by floodway regulations.”

(c) For subdivisions within which open space is required, a designation on the plat denoting the area of preservation and the limitations on its use and a reference to the recorded documents by which irrevocable preservation of open space shall be assured. A copy of the documents shall also be provided to the Planning Department.

(d) Any amendment to a previously approved final plat must note in writing on the amended plat the nature and extent of the changes and the deed or plat book and page number where previously recorded.

(3) Sufficient data to determine readily and reproduce accurately on the ground the location, bearing and length of every street and alley line, lot line, building line, easements required hereunder or of record in the county or ascertainable by physical inspection of the property, and boundary lines of reserved or dedicated areas. All linear dimensions shall be in feet and hundredths thereof. The maximum allowable error of linear closure shall not be in excess of 1:10,000. In closed traverses the sum of the measured angles shall vary with the theoretical sum by a difference not greater than an average of seven and one-half seconds per angle, or the sum of the total shall not differ from the theoretical sum by more than 90 seconds, whichever is smaller;

(4) Sufficient data to determine readily and reproduce accurately on the ground the location and extent of rural and/or urban open space to be preserved, the method of preservation and any limits on use. In addition, the subdivider shall provide to the town’s planning staff a copy of any covenants and restrictions governing disposition and use of preserved open space;

(5) “As built” drawings and plans of all water system, sewer system and storm drainage system facilities. The plans shall show all easements and rights-of-way to demonstrate that the facilities are properly placed. These drawings need not be placed on the final plat but must be submitted at the time of request for final plat approval or release of any surety for required improvements, whichever comes later;

(6) “As built” cross-sections of each town street type used in the development. The cross-sections shall show improvements in the public rights-of-way and in any easement associated with the detail of the street. Features to be shown will usually include: travel lanes, parking lanes (if any), curb and gutter (or ditch), planting strip, sidewalk, utility allocation. These drawings need not be placed on the final plat, but must be submitted at the time of request for final plat approval or release of any surety for required improvements, whichever comes later;

(7) For projects in the Watershed Overlay District, the calculated built-upon area permitted for each building lot, taking into account permanently preserved open space;

(8) The name of the township in which the subdivision is located, the name of the subdivision, the zoning district, the name of the owner, the name, registration number and seal of the registered surveyor under whose supervision the plat was prepared, the date of the plat and north point, with indication of whether the north point is true, magnetic or grid, and a small vicinity map showing the location of the subdivision with respect to adjacent streets and properties;

(9) Control corners and permanent markers with adequate and sufficient description to enable a surveyor to locate the control corners or markers shall be shown on the plat. One or more corners shall be designated as control corners, and shall establish two or more street center lines or off-set lines within or on the street right-of-way lines to be permanently monumented at intersecting center line or offset lines, points of curvature or other control points, which monuments shall also be designated as control corners. In addition to the above, control corners must be established along the rear property lines of lots with a minimum of two per block located along a common line. Coordinates must be computed from the State Plane Rectangular Coordinate System, as extended therefrom; provided, a control monument is within 2,000 feet of the subdivision. The corners of all lots and parcels must be marked with iron pins driven flush with the ground. The iron pins must be placed where lot boundaries intersect railroad and public street rights-of-way;

(10) The following signed certificates (lettered or stamped) shall appear on each copy of the final plat submitted by the subdivider.

(a) *Certificate of ownership and dedication.*

I hereby certify that I am the owner of the property shown and described hereon and that I hereby adopt this plan of subdivision with my free consent, and dedicate all streets, alleys, walks, parks and other sites and easements to public or private use as noted. Furthermore, I dedicate all sewer lines and all water lines to the Town of Mocksville, if applicable.

\_\_\_\_\_ Date

\_\_\_\_\_ Owner(s)

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(b) *Certificate of approval for recording.* Final written approval by the Planning Director or staff, under his or her direction, must be entered on the plat for recording. Changes or amendments to an approved final plat which already bears the written approval prior to recording the plat constitutes a violation of this article. A copy of the sealed and recorded final plat must be delivered to the Town Planning Department within five days of recording.

I hereby certify that the subdivision plat shown heron has been found to comply with the subdivision regulations for Mocksville, North Carolina, and that this plat has been approved for recording in the office of the Register of Deeds of Davie County.

\_\_\_\_\_ Date

\_\_\_\_\_ Owner(s)

(c) *Certificate of survey and accuracy.*

I, \_\_\_\_\_, certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book \_\_\_, Line \_\_\_, Page \_\_\_, etc.) (other); that the error of closure as calculated by latitudes and departure is 1: \_\_\_; that the boundaries not surveyed are shown as broken lines plotted from information found in Book \_\_\_, Page \_\_\_; that this map was prepared in accordance with G.S. § 47-30 as amended. Witness my hand and seal this \_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_ Registered Land Surveyor

\_\_\_\_\_ License or Registration Number

(I) *Plats already established by survey and record.*

(1) Plats already established by survey and recorded in the County Register of Deeds office prior to the effective date of this article will be eligible for development and other administrative permits without complying with the requirements of this article, but must be developed in accordance with the provisions of the subdivision ordinance in effect at the time of the approval.

(2) A subdivision for which a preliminary plat has been approved and remains valid, but for which a final plat has not been recorded in the County Register of Deeds prior to 12-7-1999 shall be approved for recording without complying with the requirements of this article if final plats conform to the requirements of the subdivision ordinance in effect at the time of preliminary plat approval. The subdivision will be inspected and must be developed in accordance with the provisions of the subdivision ordinance in effect at the time of preliminary plat approval.  
(2003 Code, § 8-2.6) (Adopted 4-1-2003)

**§ 8-2.7 SUBDIVISION DEVELOPMENT REQUIREMENTS.**

(A) *Design standards for streets.* For town maintained streets, the State Department of Transportation, Division of Highways, *Traditional Neighborhood Development (TND)* guidelines, August 2000, as amended, shall serve as a minimum guideline for design. In addition, standards as set

forth in the town’s zoning ordinance and this article of the subdivision regulations shall control. The town may impose additional standards or waive one or more required standards whenever, in its opinion, the standards are necessary to ensure public safety and the integrity of the public street system or, conversely, the waiver of the standards will not result in a degradation of public safety or the integrity of the public street system.

(B) *Design standards for alleys.* For alleys, whether public or private, the State Department of Transportation, Division of Highways, *Traditional Neighborhood Development* (TND) guidelines, August 2000, as amended, shall serve as a minimum guideline for design. In addition, standards as set forth in the town’s Zoning Ordinance and this article of the subdivision regulations shall control. The town may impose additional standards or waive one or more required standards whenever, in its opinion, the standards are necessary to ensure public safety and the integrity of the public street system or, conversely, the waiver of the standards will not result in a degradation of public safety or the integrity of the public street system.

(C) *Additional standards for streets and alleys.*

(1) *Right-of-way required.*

(a) Minimum right-of-way by street classification.

<i>Street Type</i>	<i>Feet</i>
Collector (Class V)	60
Commercial arterial (Class III-C)	150
Freeway or expressway (Class I)	250—350
Limited access arterial (Class II)	200
Major arterial (Class III)	100
Minor arterial (Class IV)	70
Town street	Varies

(b) These standards represent the normally required rights-of-way for state standard streets. Additional right-of-way may be necessary in the area of interchanges, intersections, cut/fill areas or areas where horizontal or vertical alignments must be improved and will be determined on a case-by-case basis. When a subdivider elects to establish a roadway divided with a center strip or median, the right-of-way width must be at least the proposed width of the center strip or median, plus 62 feet.

(c) Along existing streets, neither right-of-way dedication, nor reservation, is required unless:

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1. An existing street has a right-of-way less than 60 feet wide and will provide access to the subdivision, in which case a right-of-way up to 30 feet on each side of the center line may be required to be dedicated; or

2. An existing street will provide access to the subdivision and volume of traffic projected to be generated by the subdivision necessitates intersection and/or other improvement(s), in which case dedication of right-of-way sufficient for the subdivision developer to make intersection and/or other improvements to serve the subdivision may be required.

(d) The Town Board, after consulting applicable plans and programs and appropriate county, state and/or federal officials, is responsible for classifying streets or segments thereof within the zoning and subdivision jurisdiction of the town.

(2) *Freeways/expressways (new)*. Whenever a tract of land to be subdivided includes any part of the right-of-way of a planned freeway or extension of a freeway, as shown on the adopted thoroughfare plan, and whenever a right-of-way has been further defined by acceptable locational procedures sufficient to identify properties to be affected, the right-of-way for the freeway must be reserved, platted in the location and to the width specified in the plan, and remain undeveloped pending future acquisition by the state or other governmental unit. The subdivider is responsible for the reservation of the right-of-way in accordance with the provisions of this section. The entire right-of-way must be shown as such on the final plat. All measurements involving minimum lot standards under this article and under the zoning ordinance will be made at the edge of the full right-of-way.

(3) *Arterial street right-of-way (new streets)*. Whenever a tract of land to be subdivided includes any part of a planned arterial or extension of an existing arterial street shown on the adopted thoroughfare plan, and whenever a right-of-way for such a street has been further defined by acceptable locational procedures sufficient to identify properties to be affected, a right-of-way for the arterial street must be platted in the location and to the width specified in the plan. The subdivider is responsible for the dedication and/or reservation of the right-of-way in accordance with the provisions of this section. The entire right-of-way (that which has been reserved and that which has been dedicated) must be shown as such on the final plat. All measurements involving minimum lot standards under this article and under the zoning ordinance will be made at the edge of the full right-of-way.

(4) *Cul-de-sacs*. Cul-de-sacs (streets designed to be permanently closed at one end), may not be longer than 250 feet and must be terminated by a vehicular turnaround design as accepted by the town; provided, however, that, this requirement may be waived where topographical or other unusual conditions exist.

(5) *Street off-sets*. Where there is an off-set in the alignment of a street across an intersection, the off-set of the center lines shall not be less than 300 feet for arterials. Off-sets for other street types will be determined based upon projected traffic volumes and the applicability of traffic calming measures.

(6) *Block lengths and widths.* Block lengths and widths shall comply with the town's zoning ordinance.

(D) *Design standards for lots.*

(1) *Frontage on street.* Each lot shall have frontage on a street as required by the town's zoning ordinance.

(2) *Side lines.* Side lot lines shall, as nearly as practicable, be at right angles or radial to street lines. Where side lot lines intersect at the rear of the lot, the angle of intersection shall not be less than 60 degrees.

(3) *Lot sizes.* Lot dimensions and yard dimensions are controlled by the town's zoning ordinance.

(4) *Building lines.* Building lines shall be established on all lots in residential subdivisions and shall be determined on the basis of zoning district and classification of any abutting streets, existing or planned, in accordance with the town's zoning ordinance.

(5) *Driveway connections.* Prior to the construction of any driveway or other connection within the right-of-way of a public street, a permit must be secured from the State Department of Transportation or the town, for a state or a local road respectively. However, in a residential major subdivision, access to individual lots from streets constructed as part of the subdivision shall be reviewed and approved at the time each building permit is issued and individual driveway permits will not be required on a lot by lot basis.

(6) *Lots subject to flooding.*

(a) The town will determine which lots are subject to significant flooding, which will include those lots along any significant water course, whether or not the stream is enclosed with pipes or culverts, and may also include areas where it can reasonably be expected that significant overland flow of storm water or flooding will occur. If any part of a proposed lot is subject to flooding, the subdivider shall make a determination of the crest elevation of the flood expected to be equaled or exceeded, on the average, of one time in 100 years (the "100-year flood") in accordance with generally accepted engineering practice, which is to be submitted with the seal and signature of a professional engineer to the town. This determination must reflect the actual conditions imposed by the completed subdivision and must give due consideration to the effects of urbanization and obstructions.

(b) No proposed building lot that is wholly or partly subject to flooding shall be approved unless there is established on the final plat a line representing an actual contour, as determined by field survey, at an elevation one foot above the 100-year flood crest. The line shall be known and identified on the final plat as the "building restriction floodline". In addition, a "flood protection elevation" for each lot subject to flooding shall be noted on the lot plan as determined by the Town Engineer based on the building restriction floodline, or for lots upstream of street crossings, the low elevation of the street plus one foot, whichever is greater.

(c) All habitable buildings or structures shall be located outside the "building restriction floodline", or the lowest usable and functional part of the structure shall not be below the flood protection

elevation. **USABLE AND FUNCTIONAL PART OF THE STRUCTURE** shall be defined as being inclusive of living areas, basements, sunken dens, basement utility rooms, crawlspaces, attached carports and mechanical appurtenances such as furnaces, air conditioners, water pumps, electrical conduits and wiring, but shall not include water lines or sanitary sewer traps, piping and clean-outs; provided, openings serving the structure are above the flood protection elevation.

(d) Where only a portion of a proposed lot is subject to flooding, as defined herein, the lot may be approved only if there will be available for building a usable lot area of not less than 1,200 square feet. The usable lot area shall be determined by deducting from the total lot area the area of all yards and setbacks required by the applicable zoning district regulations and any remaining area of the lot lying below the building restriction floodline.

(e) During the construction of a subdivision, the developer shall maintain the streambed of each stream, creek or backwash channel contiguous to the subdivision in an unobstructed state and shall remove from the channel and bank of the stream all debris resulting from the land development process, including logs, timber, junk and other accumulations of a nature that would, in time of flood, clog or dam the passage of waters in their downstream course. Installation of appropriately sized storm water drains, culverts, bridges or erosion control devices will not be construed as obstructions in the stream. In areas of the county that are covered by the provisions of the floodway regulations, the floodway regulations will supersede the provisions of this article regarding land within the regulated floodplain.  
(2003 Code, § 8-2.7) (Adopted 4-1-2003)

## § 8-2.8 REQUIRED WORK ON THE GROUND.

### (A) *Standards and specifications.*

(1) Unless specifically noted, before any final plat of a subdivision is eligible for final approval, and before any street is accepted for maintenance by the town or the State Department of Transportation, minimum improvements (including drainage and soil erosion) must have been completed by the developer and approved by the town, or other designated engineer, in accordance with state or town standards whichever applies. Minimum improvements not completed and approved must be bonded in accordance with the provisions of subsection (K) below prior to final plat approval.

(2) The intent of the specifications set out in this article is to prescribe minimum requirements for storm drainage and street improvements to be undertaken by the developer. Satisfactory completion of these improvements, attested by approval of the town, will qualify streets in the town to be accepted for maintenance by the town, and streets in the extraterritorial jurisdiction to be accepted for maintenance by the town upon annexation or, in the case of state-standard streets, to be considered for maintenance by the state.

(B) *Street improvement responsibility.* In order to facilitate the provision of street rights-of-way and necessary improvements, the following sections establish responsibilities for the installation of streets and related improvements for each class of street.

#### (1) *Freeways or expressway.*

##### (a) *New freeways or expressways.*

1. *Right-of-way*. Entire width reserved by developer for future acquisition; provided, the certification in subsection (C) below can be made; and

2. *Improvements*. Installed by public.

(b) *Existing freeways or expressways*. No right-of-way or improvements required of developer.

(2) *Major arterials*.

(a) *Right-of-way*. For new major arterial streets, the developer is responsible for the dedication of up to 100 feet of right-of-way 50 feet on each side of the center line. Along existing major arterial streets, any development which requires specific improvements of the street to meet vehicular and/or pedestrian access needs of the particular development must dedicate the right-of-way necessary to accommodate those improvements; and

(b) *Improvements*. Installed by the public in accordance with a schedule of public street improvements, except on existing streets where specific improvements are required to meet vehicular and/or traffic needs of the particular development in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is programmed and funded, the developer may be relieved of the actual construction, but remains liable for the costs of the improvements for which he or she would otherwise be responsible. The developer has the option, after consultation with the Town Manager, to construct all or a portion of a new or extended street if the developer wants to make use of the street for access to the development. Development along new major arterial streets or extensions of major arterial streets must limit access points to public streets or specifically approved street type entrances.

(3) *Minor arterial*.

(a) *Right-of-way*. For new minor arterial streets, the developer is responsible for the dedication of up to 70 feet of right-of-way, 35 feet each side of the center line. Along existing Class IV streets any development which requires improvements of the street to meet vehicular and/or pedestrian access needs of the particular development must dedicate the right-of-way necessary to accommodate those improvements; and

(b) *Improvements*. Installed by the public in accordance with a schedule of public street improvements, except where specific improvements are required to meet the vehicular and/or pedestrian access needs of the particular development in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is programmed and funded, the developer may be relieved of the actual construction, but remains liable for the costs of the improvements for which he or she would otherwise be liable. The developer has the option, after consultation with the Town Manager, to construct all or a portion of a new or extended street if the developer wants to make use of the street for access to the development. Development along new minor arterial streets or extensions of minor arterial streets must limit access points to public streets or specifically approved street type entrances.

(4) *Major and minor collector*.

(a) *Right-of-way*. Dedicated by the developer; and

(b) *Improvement*. Constructed by the developer.

(5) *Town streets*.

(a) *Right-of-way*. Dedicated by the developer; and

(b) *Improvements*. Constructed by the developer.

(6) *Compliance*. All public streets must be constructed to comply with all applicable town or state requirements. Public improvements will be made in accordance with adopted plans, programs and budgets. It shall not be expected that the occurrence of development will result in the immediate installation of public street improvements by the public sector unless those improvements are scheduled and funded in accordance with public policies and programs.

(7) *Minimum standards*. Minimum standards for private streets shall be as set forth by the State Department of Transportation with respect to horizontal and vertical geometry, sight distance, materials and quality of construction. The minimum street width shall be 20 feet from paving edge to paving edge. Street design and final construction quality shall be certified by a professional engineer or professional land surveyor licensed to practice in the state. Geotechnical reports indicating subgrade competence shall be provided with the street certification.

(C) *Responsibility for state roads*. No dedication or reservation of right-of-way for a new street or highway within a corridor for a street or highway on a plan established and adopted pursuant to G.S. § 136-66.2 for a street or highway that is included in the Department of Transportation's "Transportation Improvement Program" will be required by the provisions of this article unless and until the Town Manager has determined and certified in writing that:

(1) The dedication or reservation does not result in the deprivation of a reasonable use of the original tract; and

(2) The dedication or reservation is either reasonably related to the traffic generated by the proposed subdivision or use of the land remaining in the original tract, or the impact of the dedication or reservation is mitigated by measures provided in this article. For these purposes, the term **ORIGINAL TRACT** will mean all contiguous land owned by the applicant. The ability of the applicant to transfer density credits attributable to the dedicated right-of-way to contiguous land owned by the applicant is deemed to be a measure which mitigates the impact of the dedication or reservation.

(D) *Drainage*.

(1) Storm drainage adequate to accommodate a ten-year storm must be provided throughout the subdivision by means of storm drainage pipe or properly graded channels or natural drainage. Where adequate storm drainage has been provided by means of approved storm drainage pipe and the necessary easements to provide access to the drainage facilities, in accordance with the standards of the town, and has been dedicated and accepted or otherwise conveyed to the town, the town will assume the responsibility for maintenance of the drainage pipe. Where adequate storm drainage has been provided

by means of properly graded channels or ditches, the maintenance thereof will remain the responsibility of the property owner and must be so noted on the final plat and on deeds for the affected lots.

(2) In addition to drainage improvements as required by this section, the subdivider may provide for storm water detention to serve the entire subdivision as part of the drainage plan to be approved by the town. For the purposes of this article, the subdivision shall include the streets, sidewalks, driveways, rooftops and other impervious surfaces proposed to be constructed upon completion of the subdivision.

(E) *Curb and gutter.* Curb and gutter are required on all arterial and collector streets, with the exception of rural street applications. Standard (raised) curb and gutter must be constructed on all arterial and commercial streets, and on town streets or portions of town streets which serve primarily urban functions, such as that of the workplace or the shopping district. Standard curb and gutter is recommended for curb and gutter installations on all street types. However, valley (mountable) curb and gutter may be used in lieu of standard curb and gutter on collector streets.

(F) *Sidewalk.*

(1) Five-foot wide sidewalks are required as indicated by the town's sidewalk plan.

(2) Location. Approval of sidewalk construction plans must be obtained from the town as part of the subdivision review process. The town will review and comment on the location of the required facilities at the time of plan review. Except in unusual circumstances, sidewalks may not be located less than five feet, but preferably seven to ten feet, from the back of the curb or edge of pavement when no curb and gutter is required. If existing public street right-of-way is not available, the developer will be required to construct the sidewalk outside the street right-of-way on a permanent easement. While in most instances a sidewalk will be placed parallel to and off-set from the curb line, developers are encouraged and expected to meander sidewalks to preserve existing trees of significance. Adjustments may be made in the field to accommodate the circumstances.

(G) *Street trees.* The developer shall install street trees in accordance with the requirements of the town's zoning ordinance.

(H) *Street lights.* Street lighting will be installed in each new subdivision pursuant to a street lighting plan which shall be submitted to the Town Manager for approval. This shall be the responsibility of the developer. Street lights compatible in height and scale with the streetscape are strongly recommended, but in any case shall comply with minimum standards for lighting set forth in the town's zoning ordinance.

(I) *Street signs and barricades.*

(1) Standard street markers must be installed by the developer at one corner of all street intersections, including private streets, before any certificates of occupancy may be issued for buildings or residences along those streets. The design, material, location and installation of the signs must be in accordance with standards specified by the town unless an alternative design is approved. Alternatives to the standard design for street markers may be submitted by the developer for consideration by the Town Board. If an alternative design is approved by the Town Board, responsibility for the installation, maintenance and replacement of non-standard street markers remains with the developer and

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subsequently with the homeowners. If maintenance and replacement of non-standard street markers is not provided by the developer or homeowners, the town shall install standard street markers as replacements are needed. All standard street markers will be maintained and replaced by the town once initial installation has been completed by the developer.

(2) Barricades must be installed at the end of all dead-end streets, except cul-de-sac streets, which have been improved with a permanent turnaround, as required by this article. Design, material and installation of the barricades must be in accordance with the town's standards.

(J) *No service unless street accepted/approved.* No department, officer, agent or employee of the town will accept for maintenance, lay out, open, improve, grade, pave or light any streets or authorize the laying of water mains, sewers, electrical service extensions or other facilities or utilities in any street within the town unless:

(1) The street has been accepted or opened as, or has otherwise received the legal status of, a public street prior to the effective date of this article;

(2) For any new street, the street corresponds in its location and lines with a street shown on a preliminary subdivision plan, tentatively approved by the Town Manager or designated administrative agent;

(3) The street has been accepted as a public street by a vote of a majority of all the members of the Town Board or by the state;

(4) The street has been accepted as a public street by the state; or

(5) The street is an approved private street built in conformance with the provisions of all applicable ordinances.

(K) *Modification of requirements; bond.*

(1) In subdivisions adjoining already established streets that have been accepted for maintenance by the State Department of Transportation, the requirements of this section will apply as hereinafter provided; those requirements that would necessitate the general removal and reconstruction of established permanent pavements will not be applicable; where the adjoining established street is a part of the State Department of Transportation's street system, the adjoining street must be improved in accordance with either the requirements of this section and the requirements of the town or the State Department of Transportation, whichever establishes the higher standard.

(2) Plats for new lots fronting on already dedicated or established streets or roads that have not been accepted for maintenance by the Town Board or the State Department of Transportation or which have been accepted for maintenance by the State Department of Transportation, but have not been improved with a paved roadway, will be eligible for final approval when the requirements of this section have been complied with as closely as may be reasonably required considering the existing condition of the road, the extent of area to be platted and the cost of required improvements in relation to the comparative benefits to accrue to the subdivider and the other owners of property on both sides of the street or road.

(3) Where the improvements required by this article have not been completed prior to the submission of the final subdivision plat for approval, the approval of the plat will be subject to the owner filing a surety bond or an irrevocable letter of credit with the Town Manager or designated agency, in an amount to be determined by the Town Manager in consultation with the town's consulting engineer, and affected agencies such as the Department of Environmental Health, with sureties satisfactory to the Town Manager in order to guarantee the installation of the required improvements, allowing credit for improvements completed prior to the submission of the final plat. For landscaping required by this subdivision ordinance, the developer shall provide a contractor's estimate for provision and installation of the landscaping, the estimate shall be reviewed for adequacy, and a surety bond or irrevocable letter of credit sufficient to guarantee the provision and installation of required landscaping shall also be filed in the manner provided above. Upon completion of the improvements and the submission of "as built" drawings, written notice thereof must be given by the subdivider to the town. The Town Manager will arrange for an inspection of the improvements and, if found satisfactory, will within 30 days of the date of the notification authorize in writing the release of the security given, subject to the warranty requirement below.

(4) Maintenance guarantee. All improvements required by this article shall be guaranteed against defects in workmanship and materials by the subdivider for a period of one year from the date of the filing of the final plat or the date of the completion of the improvement, whichever is later. The subdivider shall file with the Town Manager a maintenance bond with adequate sureties in an amount determined by the Town Manager or consulting engineer to be sufficient to assure proper maintenance and repair of the improvements for the one-year warranty period.

(L) *Inspection.*

(1) The town must be notified two days in advance of the work to be started so that an authorized representative of the town or other responsible agency may be assigned to make any and all necessary inspections of the work performed.

(2) The inspector must be allowed access to all parts of the work and must be furnished with every reasonable facility to ascertain whether or not the work as performed is in compliance with the specifications.

(3) No materials may be placed, nor any work performed, except in the presence of the inspector without special permission of the appropriate agency. The inspection, however, does not relieve the contractor from any obligation to perform all of the work strictly in accordance with the specifications.

(4) In the case of any disputes arising as to the material furnished or the manner of performing the work, the inspector will have authority to reject materials or suspend work until the question or issue can be referred to and decided by the appropriate agency. The contractor must remove any work or material condemned as unsatisfactory by the inspector and must rebuild and replace the work or material to the standard required by the specifications, all at his or her own expense.

(2003 Code, § 8-2.8) (Amended 10-17-2002)

**§ 8-2.9 ENFORCEMENT.**

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(A) After the effective date of this article, a plat of a subdivision within the jurisdiction of this article which is filed or recorded in the office of the Register of Deeds of the county without the approval of the town will be null and void for purposes of this article.

(B) Any person who, being the owner or the agent of the owner of any land located within the area of jurisdiction of this article, subdivides land in violation of this article, or transfers or sells land by reference to, exhibition of or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this article and recorded in the office of the Register of Deeds of the county shall, upon conviction, be guilty of a misdemeanor which shall be punishable by a fine not to exceed \$500, or imprisonment for not more than 30 days for each and every offense. The town through the Town Attorney may enjoin the transfer or sale by action for injunction. All administrative actions relating to the land, including the issuance of any grading, construction, building or occupancy permit will be suspended. This article will not affect the sale or transfer of any land, a plat of which was recorded prior to the effective date of this article.

(C) In order to properly enforce the provisions of the subdivision regulations as stated in this article prior to the beginning of any construction, reconstruction, use or alteration of any land, building or structure, the appropriate permit must be obtained from the Planning Department. No permit will be issued unless there has been a determination made that the proposed use, building or structure complies with the requirements of this article.

(2003 Code, § 8-2.9) (Adopted 4-1-2003)

**§ 8-2.10 APPLICATION AND PROCESSING FEES.**

(A) Fees for the submittal of preliminary and/or final subdivision plats shall be established, and from time to time revised, by the Board of Commissioners of the town and shall be collected when a subdivision application is submitted. Fees shall be collected by the Town Manager, employees under his or her direction, or an administrative agent designated by the Board of Commissioners to administer the subdivision ordinance.

(B) Fees for variances and appeals of administrative decisions or interpretations shall be in accordance with the fee schedule established by the town's Board of Commissioners and shall be collected by the Town Manager or employees under his or her direction at the time a variance or appeal is submitted.

(2003 Code, § 8-2.10) (Adopted 4-1-2003)

**CHAPTER VIII: LAND USE**  
**ARTICLE 3: ZONING**

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## **§ 8-3.1 AUTHORITY AND PURPOSE.**

### **§ 8-3.1.1 Authority.**

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

(2003 Code, § 8-3.1.1) (Updated 2009)

### **§ 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.

(2003 Code, § 8-3.1.2) (Updated 2009)

### **§ 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” or “this article”. The maps referred to herein titled “Official Zoning Maps, Mocksville, North Carolina” may be cited as the “Zoning Maps”.

(2003 Code, § 8-3.1.3) (Updated 2009)

### **§ 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.

(2003 Code, § 8-3.1.4) (Updated 2009)

### **§ 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 herein. 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.

(2003 Code, § 8-3.1.5) (Updated 2009)

**§ 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. (2003 Code, § 8-3.1.6) (Updated 2009)

**§ 8-3.1.7 Relation to Other Ordinances.**

If the provisions of this article conflict with the provisions of any other validly enforceable ordinance(s), the most stringent provisions shall control. (2003 Code, § 8-3.1.7) (Updated 2009)

**§ 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. (2003 Code, § 8-3.1.8) (Updated 2009)

**§ 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 article and the specific provisions for the district in which it is located, except as otherwise provided by these regulations. (2003 Code, § 8-3.2.1) (Updated 2009)

**§ 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;

(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, 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 subsection 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 subsection 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.

(a) 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.

(b) 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.

(2003 Code, § 8-3.2.2) (Updated 2009)

### § 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 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 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. The 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 article or that serves to mitigate the impacts of the development on adjacent property or the community at large. The 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.

**Mocksville - Land Use***(B) Districts named.*

<i>District Abbreviation</i>	<i>District Name</i>	<i>Classification</i>
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, the 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, the lines shall be construed to be the 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, the district boundaries shall be construed as being parallel thereto and at the distance therefrom as indicated on the zoning map. If no distance is shown, the 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 article is not shown as being in a zoning district, the 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.  
(2003 Code, § 8-3.3.1) (Updated 2009)

**§ 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 § 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 § 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 two 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 three units per acre. For example, in a 100-acre development, the following options are available:

<i>Project Area</i>	<i>Overall Maximum Density in DU/A</i>	<i>Percent Open Space</i>	<i>Maximum Dwelling Units</i>	<i>Minimum Lot Size</i>	<i>Minimum Lot Width</i>
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

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<i>Project Area</i>	<i>Overall Maximum Density in DU/A</i>	<i>Percent Open Space</i>	<i>Maximum Dwelling Units</i>	<i>Minimum Lot Size</i>	<i>Minimum Lot Width</i>
100 Ac.	3.0	65%	300	N/A	N/A

(d) Open space shall meet the requirements of § 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 Town Board prior to the effective date of these regulations or by the 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 town's jurisdiction which were initiated after 12-7-1999 (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 § 8-3.3.5.

(3) *Dimensional requirements and supplemental standards.*

(a) All lots shall meet the minimum dimensional requirements shown in § 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; the developments, if redesigned, must conform to all of the requirements of this article for the GR District or may petition for a district change according to § 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 § 8-3.3.5.

(3) *Dimensional requirements and supplemental standards.* All lots shall meet the minimum dimensional requirements shown in § 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 § 8-3.3.5.

(3) *Dimensional requirements and supplemental standards.*

(a) All lots shall meet the minimum dimensional requirements shown in § 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% of the total number of dwelling units in a project.

(c) The maximum radius of a neighborhood center shall be one-fourth 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 the 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 § 8-3.3.5.

(3) *Dimensional requirements and supplemental standards.* All lots shall meet the minimum dimensional requirements shown in § 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 town’s 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 § 8-3.3.5.

(3) *Dimensional requirements and supplemental standards.*

**Mocksville - Land Use**

(a) All lots shall meet the minimum dimensional requirements shown in § 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 and 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 § 8-3.3.5.

(3) *Dimensional requirements and supplemental standards.*

(a) All lots shall meet the minimum dimensional requirements shown in § 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 35 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 35 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 one-fourth 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 the neighborhood shall be more than 600 feet from the 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. The 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 § 8-3.3.5.

*(3) Dimensional requirements and supplemental standards.*

(a) All lots shall meet the minimum dimensional requirements shown in § 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 § 8-3.3.5.

(3) *Dimensional requirements and supplemental standards.*

(a) All lots shall meet the minimum dimensional requirements shown in § 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 15 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 § 8-3.3.5.

(3) *Dimensional requirements and supplemental standards.* All lots shall meet the minimum dimensional requirements shown in § 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. The 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 § 8-3.3.5.

(3) *Dimensional requirements and supplemental standards.* All lots shall meet the minimum dimensional requirements shown in § 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 § 8-3.3.5.

(3) *Dimensional requirements and supplemental standards.*

(a) All lots shall meet the minimum dimensional requirements shown in § 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.

(2003 Code, § 8-3.3.2) (Updated 2009)

**§ 8-3.3.3 Overlay Districts.**

(A) *Manufactured Home Overlay District (MH and 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 ensure 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 § 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 § 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 the town.

(c) In proposed neighborhoods, homes shall be a minimum of 14 feet wide and manufactured no earlier than 1984.

(d) All proposed developments shall be a minimum of two acres and a maximum of 20 acres in size.

(B) *Multi-family Overlay District (MF and 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 ensure 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 § 8-3.3.5.

(3) *Dimensional requirements and supplemental standards.*

(a) The Multi-Family Overlay District may be applied to tracts zoned NR, GR or OSR only.

(b) All lots shall meet the minimum dimensional requirements shown in § 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 § 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 § 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 5-29-1992 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 10% of the town's portion of the watershed outside of the critical area, delineated on 7-1-1995 and any portion of the watershed outside of the critical area allocated by the county to the town, may be developed with new residential and non-residential development and expansions to existing development of up to 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 storm water runoff impact to the receiving waters and minimize concentrated storm water 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) Storm water runoff shall be transported by vegetated conveyances to the maximum extent practicable.

(i) A minimum 30-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 storm water 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 12 calendar months of the approval of the watershed 10/70 allocation. In the event that construction has not commenced within 12 months, the developer or property owner may apply for one 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) 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.

(b) All petitions for the 10/70 provision shall be submitted to the Town Manager at least 21 days prior to the Town Council meeting at which the request shall be heard. In order to be considered by the Town Council, petitions shall include the following information:

1. A completed application form; and
2. 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:
  - a. The project boundary and total square footage of the project site;
  - b. The location, extent, percentage and total square footage of all existing and proposed impervious surface areas;
  - c. The location, extent and proposed ownership of all on-site and/or off-site pervious locations. If off-site, 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 the ownership conveys. All open space areas shall meet the requirements of § 8-3.5.3;
  - d. The location of all perennial and intermittent streams, as indicated on the most recent U.S.G.S. 7.5 Minute Topographic Quadrangle, on the project site;
  - e. The location of all boundaries of a regulated floodplain, as indicated by the county GIS;
  - f. The location and extent of all required buffer areas;

- g. The location of all existing structures on the site;
  - h. The zoning on the project site and adjacent parcels of land; and
  - i. In the absence of floodplain, perennial or intermittent streams on the project site, the site plan shall either:
    - i. Include a statement that no floodplain, perennial or intermittent streams, as defined by this article, lie within 100 feet of the project boundary; or
    - ii. Indicate the direction and distance to any such feature within 100 feet of the project boundary.
- (2003 Code, § 8-3.3.3) (Updated 2009)

**§ 8-3.3.4 Dimensional Requirements.**

(A) *Table 1. General Requirements.*

<i>District</i>	<i>Maximum Residential Density (units per acre)</i>	<i>Minimum Non-Residential Lot size square feet)</i>	<i>Minimum Lot Width (feet)<sup>2</sup></i>	<i>Lot Width to Depth Ratio<sup>3</sup> (minimum/maximum)</i>	<i>Minimum Public Street Frontage (feet)</i>	<i>Maximum Building Height (feet)</i>
OSR	21	20,000	100	1:2/1:4	25 <sup>4</sup>	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	8	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 <sup>6</sup>
SP	8	none	50	1:2/1:4	25	60 <sup>6</sup>
GI	none	none	50	1:2/1:4	25	60 <sup>6</sup>
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

## Mocksville - Land Use

<i>District</i>	<i>Maximum Residential Density (units per acre)</i>	<i>Minimum Non-Residential Lot size square feet)</i>	<i>Minimum Lot Width (feet)<sup>2</sup></i>	<i>Lot Width to Depth Ratio<sup>3</sup></i> <i>(minimum/maximum)</i>	<i>Minimum Public Street Frontage (feet)</i>	<i>Maximum Building Height (feet)</i>
WS-O	2 <sup>5</sup>	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
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**NOTES TO TABLE:**

- 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.

(B) Table 2. Setback Requirements.

District	Principal Residential Structure Setbacks in Feet <sup>1</sup> (min./max.)			Principal Non-Residential Structure Setbacks in Feet <sup>1</sup> (min./max.)		
	Front	Side <sup>2</sup>	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	<sup>53</sup> /none	30 <sup>3</sup> /none
TND <sup>3</sup>	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
SP3	n/a	none	none	20/45	10/125	30/none
GI3	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
<p>1 Except for the OSR and GR District setbacks, numbers shown are general ranges only.</p> <p>2 Minimum side yards abutting public streets shall be an additional ten feet in width.</p> <p>3 Minimum rear and side setbacks shall be increased 20 feet if abutting a legal, conforming residential use.</p>		

(2003 Code, § 8-3.3.4) (Updated 2009)

### § 8-3.3.5 Table of Uses.

(A) 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.

(B) 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.

<i>District Abbreviation</i>	<i>District Name</i>	<i>Classification</i>
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

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	Districts															Land Use Code	Additional Conditions
	Res.					Mixed				Com. & Ind.				Env.			
	OSR	GR	NR	MH-O	MF-O	NC	TC	TND	CI	HC	CB	SP	GI	FP	WS-O		
<b>Agricultural Uses</b>																	
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	
<b>Commercial Uses</b>																	
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

## Mocksville - Land Use

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	
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	-	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
Gasoline station, neighborhood	-	-	-	U	U	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	-	U	2	8-3.8.52							
Pawn shop	-	-	-	U	U	-	-	-	-	P/C	-	P	-	-	U	2	8-3.8.53
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

## Mocksville - Land Use

Industrial Uses																	
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	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	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	-	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	
<b>Governmental and Institutional Uses</b>																	
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
Church or religious institution, neighborhood scale	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	-	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

Mocksville - Land Use

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
Telecommunication tower	S	-	-	U	U	-	-	-	P/C	P/C	P/C	P/C	P/C	-	U	2	8-3.8.66
Utilities, above ground	P/C	P/C	P/C	U	U	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	
Yard waste composting	P	-	-	U	U	-	-	-	P	P	P	P	P	P	U	2	
<b>Professional Office and Medical Uses</b>																	
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	

<b>Recreational Uses</b>																	
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	
<b>Residential Uses</b>																	
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
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	P/C	-	P/C	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

## Mocksville - Land Use

Service Uses																		
Cemetery	P/C	P/C	P/C	U	U	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	-	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	U	1	8-3.8.67									

(2003 Code, § 8-3.3.5) (Updated 2009)

### § 8-3.4 DESIGN STANDARDS.

#### § 8-3.4.1 Purpose and Applicability.

In order to ensure 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.

(2003 Code, § 8-3.4.1) (Updated 2009)

#### § 8-3.4.2 Design Standards for Buildings.

X — means that the standard is required

- — means that the standard is not required

U — means that standards in the underlying District prevail



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(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.

	<i>Res.</i>					<i>Mixed</i>				<i>Com. &amp; Ind.</i>				<i>Env</i>	
	OSR	GR	NR	MH-O	MF-O	NC	TC	TN-D	CI	HC	CB	SP	GI	FP	WS-O
(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.

	<i>Res.</i>					<i>Mixed</i>				<i>Com. &amp; Ind.</i>				<i>Env</i>	
	OSR	GR	NR	MH-O	MF-O	NC	TC	TN-D	CI	HC	CB	SP	GI	FP	WS-O
(1) Building facades 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



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	<i>Res.</i>					<i>Mixed</i>				<i>Com. &amp; Ind.</i>				<i>Env</i>	
	OSR	GR	NR	MH-O	MF-O	NC	TC	TN-D	CI	HC	CB	SP	GI	FP	WS-O
(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.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	U

(E) *Facades, windows and roofs.* In order to have well designed facades that add to the town’s architectural inventory and that provide visual interest to the pedestrian, the following standards shall apply to all facades, windows and roofs.

	<i>Res.</i>					<i>Mixed</i>				<i>Com. &amp; Ind.</i>				<i>Env</i>	
	OSR	GR	NR	MH-O	MF-O	NC	TC	TN-D	CI	HC	CB	SP	GI	FP	WS-O
(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
(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. (This standard shall not apply to industrial buildings located in the SP, CB or GI Districts.)	-	-	-	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 facade of the building facing the primary public street.	-	-	-	U	U	-	X	X	-	-	-	-	-	-	U
(5) Building entrances shall be emphasized using design (massing), architectural features and changes in the roofline.	-	-	-	U	U	X	X	X	X	X	X	-	-	-	U

	<i>Res.</i>					<i>Mixed</i>				<i>Com. &amp; Ind.</i>				<i>Env</i>	
	OSR	GR	NR	MH-O	MF-O	NC	TC	TN-D	CI	HC	CB	SP	GI	FP	WS-O
(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. (This standard does not apply to industrial buildings in the SP or CB Districts.)	-	-	-	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. (This standard does not apply to industrial buildings in the SP or CB Districts.)	-	-	-	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.	-	-	-	U	U	-	X	-	-	-	-	-	-	-	U
(9) Windows on the street level front of commercial buildings shall constitute at least 20% and not more than 50% of the front facade. Windows on subsequent levels shall be a minimum of fifteen square feet each.	-	-	-	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.	-	-	-	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 facade or roof such as dormers, belvederes, masonry chimneys, cupolas, clock towers and other similar elements are encouraged.	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.

	<i>RES.</i>	<i>MIXED</i>	<i>COM. &amp; IND.</i>	<i>ENV</i>
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	OSR	GR	NR	MH-O	MF-O	NC	TC	TN-D	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.

	<i>Res.</i>					<i>Mixed</i>				<i>Com. &amp; Ind.</i>				<i>Env</i>	
	OSR	GR	NR	MH-O	MF-O	NC	TC	TN-D	CI	HC	CB	SP	GI	FP	WS-O
(1) Decks and patios shall only be installed on the side or rear of the house. (This shall not in any way affect handicap ramps or the use of decking materials in the creation of a traditional front porch.)	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.	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 18 feet from the edge of pavement of the alleyway. (Applies to all residential buildings in all zoning districts.)	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.

	<i>Res.</i>					<i>Mixed</i>					<i>Com. &amp; Ind.</i>				<i>Env</i>	
	OSR	GR	NR	MH- D	MF- D	NC	TC	TN D	CI	HC	CB	SP	GI	FP	WS- C	
(1) Large multi-family buildings shall be broken down in scale by exterior architectural features (e.g. by designing the facade 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 facade. (This standard shall not apply to industrial buildings.)	-	-	-	-	-	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 facade 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 facade. (This standard shall not apply to industrial buildings in the CB, SP or GI Districts.)	-	-	-	-	-	X	X	X	X	X	X	X	X	-	U	
(5) Wall articulations (or breaks in the facade 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 facade.	X	-	X	U	X	X	X	X	-	X	-	-	-	-	U	

(2003 Code, § 8-3.4.2) (Updated 2009)



(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.

	<i>Res.</i>					<i>Mixed</i>					<i>Com. &amp; Ind.</i>				<i>Env</i>	
	OSR	GR	NR	MH-D	MF-D	NC	TC	TN-D	CI	HC	CB	SP	GI	FP	WS-C	
(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. (This standard shall not apply to industrial buildings in the CB, SP or GI Districts.)	-	-	-	-	X	X	X	X	X	X	X	X	X	-	U	
(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 the 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 the 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 on-site 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	

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(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 encouraged.	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 35 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  (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.	X	X	X	U	U	X	X	X	X	X	X	X	X	-	U

**§ 8-3.4.4 Design Standards for Parking and Loading/Unloading Areas.**

X — means that the standard is required

- — means that the standard is not required

U — means that standards in the underlying District prevail

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.*

	<i>Res.</i>					<i>Mixed</i>					<i>Com. &amp; Ind.</i>				<i>Env</i>	
	OSR	GR	NR	MH-D	MF-D	NC	TC	TN-D	CI	HC	CB	SP	GI	FP	WS-C	
(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 facade and the street. (This standard does not apply to retail stores, shopping centers or industrial buildings in the CB, SP or GI Districts.)	-	-	-	-	-	X	-	-	X	-	X	X	X	-	U	
(2) On-site 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 facade and a public street.	-	-	-	-	X	-	X	X	-	-	-	-	-	-	U	



	<i>Res.</i>					<i>Mixed</i>				<i>Com. &amp; Ind.</i>				<i>Env</i>	
	OSR	GR	NR	MH-O	MF-O	NC	TC	TN-D	CI	HC	CB	SP	GI	FP	WS-O
(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.*

	<i>Res.</i>					<i>Mixed</i>				<i>Com. &amp; Ind.</i>				<i>Env</i>	
	OSR	GR	NR	MH-O	MF-O	NC	TC	TN-D	CI	HC	CB	SP	GI	FP	WS-O
(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. (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.)	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. (This standard does not apply to single-family detached residential lots.)	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.*

	<i>RES.</i>					<i>MIXED</i>				<i>COM. &amp; IND.</i>				<i>ENV</i>	
	OSR	GR	NR	MH-O	MF-O	NC	TC	TN-D	CI	HC	CB	SP	GI	FP	WS-O





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	<i>Res.</i>					<i>Mixed</i>				<i>Com. &amp; Ind.</i>				<i>Env</i>	
	OSR	GR	NR	MH-O	MF-O	NC	TC	TN-D	CI	HC	CB	SP	GI	FP	WS-O
(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	-	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
(7) Adequate on-site turnaround area shall be provided for all parking spaces.	X	X	X	U	U	X	X	X	X	X	X	X	X	X	U
(8) Adequate on-site turnaround area shall be provided for all loading and unloading areas.	-	-	-	U	U	X	X	X	X	X	X	X	X	-	U

(2003 Code, § 8-3.4.4) (Updated 2009)

**§ 8-3.4.5 Design Standards for Services and Utilities.**

X — means that the standard is required

- — means that the standard is not required

U — means that standards in the underlying District prevail

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.





(E) *Engineered storm water control facilities.*

	<i>Res.</i>					<i>Mixed</i>				<i>Com. &amp; Ind.</i>				<i>Env</i>	
	<i>OSR</i>	<i>GR</i>	<i>NR</i>	<i>MH-O</i>	<i>MF-O</i>	<i>NC</i>	<i>TC</i>	<i>TND</i>	<i>CI</i>	<i>HC</i>	<i>CB</i>	<i>SP</i>	<i>GI</i>	<i>FP</i>	<i>WS-O</i>
(1) All storm water 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

(2003 Code, § 8-3.4.5) (Updated 2009)

**§ 8-3.4.6 Design Standards for Natural Resource Areas.**

- X — means that the standard is required
- — means that the standard is not required
- U — means that standards in the underlying District prevail

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.

	<i>Res.</i>					<i>Mixed</i>				<i>Com. &amp; Ind.</i>				<i>Env</i>	
	<i>OSR</i>	<i>GR</i>	<i>NR</i>	<i>MH-O</i>	<i>MF-O</i>	<i>NC</i>	<i>TC</i>	<i>TND</i>	<i>CI</i>	<i>HC</i>	<i>CB</i>	<i>SP</i>	<i>GI</i>	<i>FP</i>	<i>WS-O</i>
(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

(2003 Code, § 8-3.4.6) (Updated 2009)

**§ 8-3.4.7 Design Standards for Streets, Sidewalks, Trails and Pedestrian Pathways.**

- X — means that the standard is required
- — means that the standard is not required



	Res.					Mixed				Com. & Ind.				Env	
	OSR	GR	NR	MH-O	MF-O	NC	TC	TN-D	CI	HC	CB	SP	GI	FP	WS-O
(9) Long segments of straight local streets shall be prevented by intersections designed to:	X	X	X	U	U	X	X	X	X	X	X	X	-	X	U
(a) Disperse traffic flow and reduce speeds, thereby eliminating the creation of de facto collector streets with high speed, high volume traffic; and															
(b) Terminate vistas with a significant natural feature, a building, a small park or other public space.															

(B) Sidewalks, trails and pedestrian pathways.

	Res.					Mixed				Com. & Ind.				Env	
	OSR	GR	NR	MH-O	MF-O	NC	TC	TN-D	CI	HC	CB	SP	GI	FP	WS-O
(1) Sidewalks shall be installed where indicated and to the specifications shown in the town's 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 the 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 the 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 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 appurtenance.	-	-	-	-	-	X	X	X	X	-	-	-	-	-	U

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	<i>Res.</i>					<i>Mixed</i>				<i>Com. &amp; Ind.</i>				<i>Env</i>	
	OSR	GR	NR	MH-O	MF-O	NC	TC	TN-D	CI	HC	CB	SP	GI	FP	WS-O
(3) Trails shall be paved in concrete, asphalt or any loose material that can be installed and maintained to meet Americans with Disability Act 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	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	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

(2003 Code, § 8-3.4.7) (Updated 2009)

**§ 8-3.4.8 Design Standards for Lighting.**

- X — means that the standard is required
- — means that the standard is not required
- U — means that standards in the underlying District prevail

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.

	<i>RES.</i>					<i>MIXED</i>					<i>COM. &amp; IND.</i>				<i>ENV</i>	
	OSR	GR	NR	MH- C	MF- C	NC	TC	TN D	CI	HC	CB	SP	GI	FP	WS- C	
(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	

(2003 Code, § 8-3.4.8) (Updated 2009)

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

**§ 8-3.5.1 Landscaping.**

In order to maintain and enhance the town’s existing tree coverage, to promote careful landscaping of outdoor areas, to soften and enhance the human-made 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 ensures 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 20% 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 50% shall be canopy trees and a minimum of 20% 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 30% 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 feet. Curbing or wheel stops shall be installed to ensure no overhang or penetration of the landscaped area greater than two and one-half 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; and

(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.*

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

**NOTES TO TABLE:**

- 1 Caliper shall be measured 6 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 ensure 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:

- (a) Free from disease or growth problems;
- (b) Clearly shown on the site plan;

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(c) Approved by the Zoning Administrator prior to development as meeting the intent of the landscaping requirements;

(d) Are not considered nuisance or noxious plants; and

(e) 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 ensure their protection during storms.

(D) *Landscaping installation and maintenance responsibility.*

(1) To ensure 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 the owner is aware of any landscaping and/or screening requirements which apply to the property;

(b) Stipulate that he or 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 storm water 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 20%, except that:

(a) Streetyards shall not be required in the TC District or in the town center area of TND Districts; and

(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 20% 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:

<i>Type</i>	<i>Minimum Number Per 100 Linear Feet</i>
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 50-foot area would be required to have 1 large tree and 1 small tree.)

(6) 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 50-foot area would be required to have one large tree and one small tree.)

(7) A combination of two small trees and four 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 12 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 50% 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 40 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 30 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 12 or more spaces and all expansions to existing parking areas which add 12 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:

<i>Type</i>	<i>Minimum Number Per 100 Linear Feet</i>
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 30 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% of the interior of all parking areas where landscaping is required, excluding access drives, shall be landscaped. There shall be at least one large tree, two small trees and five large or ten small shrubs for each 20 parking spaces. Parking lots with fewer than 20 spaces shall be required to plant at least one large tree, two small trees and five large or ten 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. 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 four 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 § 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 facade or immediately adjacent to a handicap parking space.

(c) Tree wells are encouraged along any portion of the building facade not planned for outdoor display, ingress/egress or loading and unloading. Tree wells shall have a minimum dimension of eight 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.

(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:

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(1) Buffers shall be required whenever new development is approved or an existing use is expanded by more than 20%, 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; and

(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 § 8-3.3). Once the land use code has been determined, the following table shall guide landscape buffer requirements:

<i>Land Use Code for Proposed Use</i>	<i>Land Use Code for Adjacent Uses</i>				
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
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 ten feet in width at any point and shall contain:

1. Two large trees per 100 linear feet;
2. Six small trees per 100 linear feet; and
3. Ten large or 20 small shrubs or combination of large and small shrubs at the rate of two small shrubs to one large shrub to equal ten large shrubs per 100 linear feet.

(b) The Type B landscape buffer shall average 15 feet in width, but shall not be less than ten feet in width at any point and shall contain:

1. Two large trees per 100 linear feet;
2. Four small trees per 100 linear feet; and
3. Seven large shrubs or 15 small shrubs or combination of large and small shrubs at the rate of two small shrubs to one large shrub to equal seven 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. One large tree per 100 linear feet;
2. Three small trees per 100 linear feet; and
3. Five large shrubs or ten small shrubs or combination of large and small shrubs at the rate of two small shrubs to one large shrub to equal five 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. One large tree per 100 linear feet; and
2. Two 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 50-foot Type C buffer area would be required to have one large tree and two 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, the 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 50%, but in no case less than ten 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-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 seven feet on center. Shrubs shall be at least three feet in height and five-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 Town Board of Adjustment may approve an alternative landscape design plan if it finds that the intent and spirit of § 8-3.5.1, Landscaping, is met. The requirements of § 8-3.9.9(B), Waiver of Architectural and Site Design Requirements, Major Waiver, shall be followed.

(2003 Code, § 8-3.5.1) (Updated 2009)

### **§ 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 the 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. The 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.

(2003 Code, § 8-3.5.2) (Updated 2009)

### § 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 20 or more residential units, open space shall account for a minimum of 15% 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 the developments shall demonstrate compliance for each phase. No certificates of occupancy shall be issued until all the 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. The 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; and

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 on-site 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.

(2003 Code, § 8-3.5.3) (Updated 2009)

## **§ 8-3.6 SIGNS.**

### **§ 8-3.6.1 Introduction.**

(A) *General.* 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 the town'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's streets. The goal of this article 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.

(B) *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.

#### *(C) Applicability.*

(1) 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 the sign from the town.

(2) 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 article.

(2003 Code, § 8-3.6.1) (Updated 2009)

### **§ 8-3.6.2 Sign Permit Required.**

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

(2003 Code, § 8-3.6.2) (Updated 2009)

### **§ 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 article to post, display, substantially change or erect a sign in the town 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.

(2003 Code, § 8-3.6.3) (Updated 2009)

#### **§ 8-3.6.4 Sign Permit Fees.**

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

(B) Please refer to county development services for all applicable fees.

(2003 Code, § 8-3.6.4) (Updated 2009)

#### **§ 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 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.

(2003 Code, § 8-3.6.5) (Updated 2009)

#### **§ 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 article 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.

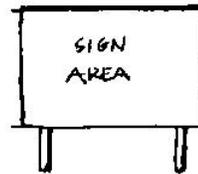
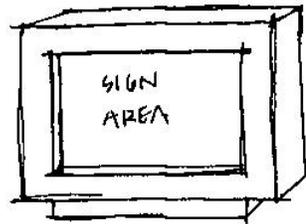
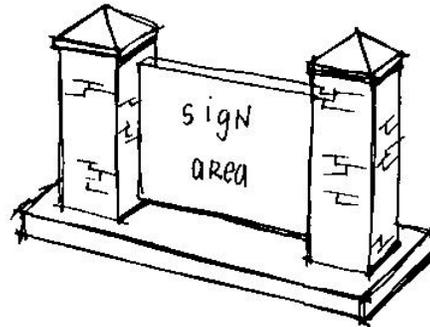
(4) Signs placed on the inside of window areas shall conceal no more than 25% of the area of the window on which the signs are located.

(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 the 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 the 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 the sign.

(2003 Code, § 8-3.6.6) (Updated 2009)

### § 8-3.6.7 Prohibited Signs.

Notwithstanding § 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 article (for example; trailer signs, balloon signs and the like);

(D) Flashing, fluttering, swinging, wind activated, rotating or other animated 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 non-durable materials, except as specifically approved by special permit in accordance with this article;

(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 article 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 and the like) or designed to advertise a temporary event (grand opening, sales, going out of business, new subdivisions and the like.) 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; and



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.



(2003 Code, § 8-3.6.7) (Updated 2009)

### § 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 facade. 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 facade.

(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 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 15 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, but in no case shall the planted area be less than 50 square feet.

(2003 Code, § 8-3.6.8) (Updated 2009)

#### **§ 8-3.6.9 Sign Materials.**

(A) Sign materials should be selected with consideration for the architectural design of the building's facade. Sign materials should complement the materials on the facade and should contribute to the legibility of the sign.

(B) 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.

(C) The following sign materials are encouraged for the town:

(1) Wood (carved, sandblasted, etched, properly sealed and painted or stained);

(2) Metal (formed, etched, cast, engraved and properly primed and painted or factory coated to protect against erosion);

(3) Masonry (brick, concrete, stucco and the like);

(4) Fiberglass; and

(5) Plastic.

(2003 Code, § 8-3.6.9) (Updated 2009)

#### **§ 8-3.6.10 Sign Illumination.**

(A) Neon, argon and similar lighting fixtures shall not be used anywhere on the exterior of a building; however, the signs if non-flashing and non-moving may be mounted on the inside of store windows.

(B) Signs shall only be lighted with indirect light sources (e.g., backlighting); knockout signs are encouraged

(C) 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.

(D) 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 facade. Conversely, internally illuminated cabinet signs where only the sign face is illuminated tend to stand out and not appear integrated with the building's facade.

(E) 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 facade as their background.

(F) 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.

(G) 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.

(H) 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.

(I) All exposed conduit and junction boxes should be appropriately concealed from public view.

(J) Use of energy-efficient, high intensity discharge lamps are encouraged.  
(2003 Code, § 8-3.6.10) (Updated 2009)

#### **§ 8-3.6.11 Design Guidelines for Specific Sign Types.**

(A) *Permanent signs permitted without a permit.* Notwithstanding § 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, regulatory signs, public interest signs and warning signs erected and maintained by the town or state or an agent of such;

(3) Incidental signs (§ 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; and

(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 the sign is a monument sign in which case it shall not exceed nine square feet in sign area.

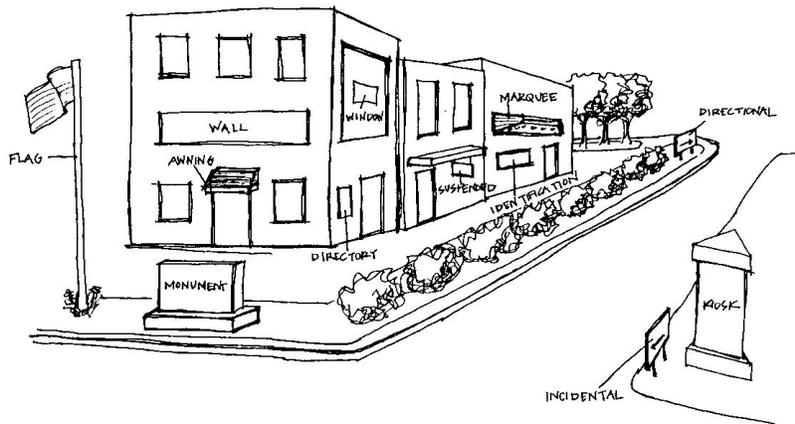
By keeping Directional Signs Short and Clear, the message is received and unnecessary signs do not clutter the landscape.

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



(B) *Permanent signs requiring a permit.* Notwithstanding § 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 8-3.6.11.13.



(2003 Code, § 8-3.6.11) (Updated 2009)

**§ 8-3.6.11.1 Canopy Signs.**

(A) Permit required: no.

(B) Zoning Districts allowed:

- (1) Neighborhood Center;
- (2) Town Center;
- (3) Highway Commercial;
- (4) Traditional Neighborhood Development;
- (5) Campus Institutional;
- (6) Campus Business;
- (7) Special Purpose; and

(8) General Industrial.

(C) Sign height requirements: not applicable.

(D) Number of signs permitted:

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

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

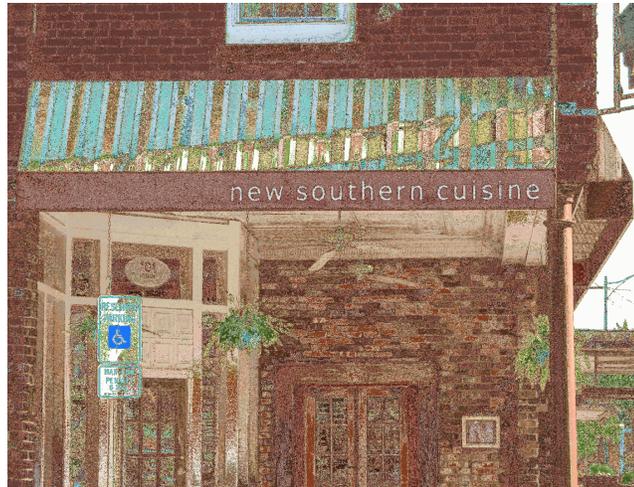
(E) Sign area requirements:

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

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

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





The canopy for this restaurant is appropriate because the lettering is located in the correct place and takes up the correct amount of space.



The canopies for this restaurant would be inappropriate in the Town of Mocksville because there is more than the allowed amount of signs.

(F) Additional requirements:

- (1) Letter color should be compatible with the awning and the building color scheme.

(2) 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.

(3) Backlit, internally illuminated awnings are prohibited.

(4) 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.

(5) Awning signs should be applied directly on the awning. The use of adhesive or press lettering is strongly discouraged.

(2003 Code, § 8-3.6.11.1) (Updated 2009)

#### **§ 8-3.6.11.2 Contiguous Signs.**

(A) Permit required: yes.

(B) Zoning Districts allowed: