

Land Development Ordinance (LDO) Round 1, approved December 7, 2021
Ordinance 2021-O-18
Case TA21-01

Additions are underlined and deletions are ~~struck through~~.

2.1.2. PLANNING BOARD

- A. **Purpose and Intent.** The Planning Board exercises its authority consistent with N.C. Gen. Stat. § 160D-301. The Planning Board shall have the ability to exercise the powers and duties granted under this LDO.
- B. **Powers and Duties.** Consistent with N.C. Gen. Stat. § 160D-301, the Planning Board:
1. Prepares, reviews, maintains, monitors, and periodically updates and recommends to the Board of Commissioners a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis.
 2. Facilitates and coordinates citizen engagement and participation in the planning process.
 3. Develops and recommends policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
 4. Advises the Board of Commissioners concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by N.C. Gen. Stat. § 160D-604.
 5. Exercises any functions in the administration and enforcement of various means for carrying out plans that the governing board may direct.
 6. Provides a preliminary forum for review of quasi-judicial decisions, provided that no part of the forum or recommendation may be used as a basis for the deciding board.
 7. Performs any other related duties that the Board of Commissioners may direct.
 8. The Planning Board shall review and recommend to the Board of Commissioners the following:
 - a. Rezoning (Zoning Map Amendment); and
 - b. Text Amendments (LDO)
 - c. Development Agreements
- C. **Membership.** Membership will comply with N.C. Gen. Stat. § 160D-302 and N.C. Gen. Stat. § 160D-307.

1. The Planning Board shall consist of seven members. Four members shall be citizens living within the corporate limits of the municipality, and three members shall be residents of the county living within the extraterritorial jurisdiction. The members residing within the municipality shall be appointed by the Board of Commissioners, and the members residing within the extraterritorial jurisdiction shall be appointed by the Board of County Commissioners upon receipt of a resolution from the Board of Commissioners requesting that those appointments be made. In the event the Board of County Commissioners fails to make the appointments requested within 90 days of receipt of the resolution, the Board of Commissioners shall make the appointments.
 2. Members' successors shall be appointed for terms of three years. Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term. Vacancies shall be filled by the legislative body responsible for the original appointment.
- D. **By-Laws and Rules of Procedure.** The Planning Board shall maintain by-laws which shall be updated once a year. By-laws shall be consistent with N.C. Gen. Stat. § 160D-308.
- E. **Conflicts of Interest.** The Planning Board shall abide by N.C. Gen. Stat. § 160D-109.
- F. **Oath.** Members of the Planning Board, before entering their duties, shall qualify by taking an oath as required by N.C. Gen. Stat. § 160D-309.
- G. **Voting Rights.** Members appointed from the extraterritorial jurisdiction shall have equal rights, privileges, and duties with the other members of the Planning Board, regardless of whether the matters at issue arise within the city or within the extraterritorial area.

2.1.3. BOARD OF ADJUSTMENT

- A. **A. Purpose and Intent.** The Board of Adjustment exercises its authority consistent with N.C. Gen. Stat. § 160D-302.
- B. **B. Powers and Duties.** The Board of Adjustment shall review and decide:
1. Appeals; and
 2. Variances.
- C. **Membership.** Membership will comply with N.C. Gen. Stat. § 160D-302 and N.C. Gen. Stat. § 160D-307.
1. The Board of Adjustment shall consist of five members. Three members shall be citizens living within the corporate limits of the municipality, and two members shall be residents of the county living within the extraterritorial jurisdiction. The members residing within the municipality shall be appointed by the Board of Commissioners, and the members residing within the extraterritorial jurisdiction shall be appointed by the Board of County Commissioners upon receipt of a resolution from the Board

of Commissioners requesting that those appointments be made. In the event the Board of County Commissioners fails to make the appointments requested within 90 days of receipt of the resolution, the Board of Commissioners shall make the appointments.

- D. **By-Laws and Rules of Procedure.** The Board of Adjustment shall maintain by-laws which shall be updated once a year. By-laws shall be consistent with N.C. Gen. Stat. § 160D-308.
- E. **Decisions and Appeals.** Quasi-judicial (evidentiary) decisions shall be in accordance with N.C. Gen. Stat. § 160D-405 and 160D-406.
- F. **Conflicts of Interest.** The Board of Adjustment shall abide by N.C. Gen. Stat. § 160D-109.
- G. **Oath.** Members of the Board of Adjustment, before entering their duties, shall qualify by taking an oath as required by N.C. Gen. Stat. § 160D-309.
- H. **Voting Rights.** Members appointed from the extraterritorial jurisdiction shall have equal rights, privileges, and duties with the other members of the Board of Adjustment, regardless of whether the matters at issue arise within the city or within the extraterritorial area.

3.2.1. GENERAL COMMERCIAL (GC)

- C. Setback Reductions. Setback reductions of up to sixty-five (65) percent shall be allowed within the Main Street Corridor if all of the following are provided:
 - 1. Buildings and community gathering spaces define no less than two-thirds of street frontage;
 - 2. Vehicular surface areas are limited to no more than one-third of property frontage; and
 - 3. A minimum ten-foot wide sidewalk or multi-use trail is provided along Main Street.

In addition to the foregoing, at least two of the following shall be provided:

- 4. Enhanced landscaping, visible from the public right-of-way, that exceeds LDO standards by at least twenty-five (25) percent;
- 5. A privately maintained community gathering space or green space, at least one-thousand two hundred (1,200) square feet, that is publicly accessible;
- 6. Art installations visible from the public right-of-way.

3.4.2. ACTIVITY CENTER (AC)

- C. **Minimum Size.** An AC district development shall be a minimum ~~twenty five (25)~~ three (3) acres in size. A maximum fifty (50) percent of gross acreage can be dedicated to residential uses.

3.4.3. NEIGHBORHOOD CENTER (NC)

- C. **Minimum Size.** An NC district development shall ~~be a minimum twenty (20) acres in~~ [have no minimum](#) size. A maximum seventy-five (75) percent of gross acreage can be dedicated to residential uses.

4.2.3. PERMITTED AND SPECIAL USES IN WATERSHED OVERLAY

A. **Watershed Overlay:** Only the following uses are allowed in the Watershed Overlay:

1. Agricultural Uses.
2. Single Family Uses.
3. Assembly/Church.
4. Lodge or Private Club.
5. Family Care Facility.
6. Home Occupations.
7. Schools.
8. Day Care.
9. Medical Facility.
10. Parks/Public Recreation Facilities.
11. Minor and Major Utility.
12. Residential Care.
13. Signs
14. Uses and buildings customarily accessory to the above-permitted uses in accordance with Section 5.5 of this LDO.
15. Market and sales of produce and seasonal goods.
16. [Public Facilities.](#)

Table 5.1. Permitted Principal Use Table

Add [Public Facilities](#) under Civic Uses and identify as “[P](#)” in the following zoning districts: GC, CH, OP, GI, and BT.

Add “[P](#)” for “Recreation, Indoor” and Recreation, Outdoor” under the OP zoning district.

6.1.2. GENERAL STANDARDS

Note: The standards for temporary signs were copied from the previous Unified Development Ordinance (UDO) and will be re-visited with the next round of LDO amendments.

N. Temporary Signs. ~~Temporary signs may be permitted in any district for a maximum thirty (30) days. Temporary signs shall be limited to six (6) square feet.~~ The following temporary signs are permitted in addition to any allowed sign above and such temporary sign requires a sign permit.

1. Street banners. The Town Manager or his/her designee may issue a permit for the placement of a street banner in conjunction with a special event permit approved by the Board of Commissioners. The lowermost portion of the street banner shall not extend below 15 feet above the grade of the right-of-way. Street banners shall be limited in size 110 square feet per face. The applicant shall provide proof of coordination with the owner(s) of the pole(s) to which the banner will be attached and shall accept any and all liability associated with the street banner and its means of attachment. Street banners are to be maintained in connection with an approved special event. As such, a street banner may be hung no more than 15 days prior to the event, and shall be removed no later than 72 hours following the conclusion of the event. Such street banner is subject to an encroachment agreement or other license from the governmental authority having control of such right-of-way.
2. Construction site identification signs. Naming the project, developer, contractors, and others connected with the construction, sale or lease of structures, and related information, are permitted. Not more than one such sign may be erected per site, and it may not exceed 32 square feet in area or six feet in height. Permits for such signs shall be limited to 18 months, with an 18-month permit renewable option. Permits for such signs shall be limited to a maximum of three years which includes the original permit time period provided:
 - a. Such signs are not erected prior to development permit approval of the project identified;
 - b. That such permit has not expired and;
 - c. The signs are maintained in good condition and appearance as determined by the Planning Director.
 - d. Any such sign shall be removed within ten days after the issuance of the final occupancy permit or where a site, development permit approval has expired. A one-year permit renewal beyond the three-year maximum time period may be granted only in limited instances if the Planning Director finds conditions such as extreme financial hardships, changes in project ownership status, or similar issues are preventing the sale or completion of the project.
3. Special events signs. Signs or banners advertising special events must be on private property and shall not be permitted within public rights-of-way. Permits for such banners or signs shall be limited to 30 days and no more than three times each year. Any such banner or sign shall be removed within ten days after the event was advertised, and it shall not exceed 32 square feet in area or six feet in height.

4. Temporary Directional Signs. A temporary directional sign, provided to direct vehicular or pedestrian traffic to a location on premise or off-premise shall be permitted in any zoning district in accordance with the following standards:
- a. Sign Surface Area. A temporary directional sign shall not exceed six square feet.
 - b. Setback. In compliance with this Article, no sign shall be located in a public right-of-way. Further, temporary directional sign shall be located a minimum of five feet from the back of a sidewalk, or ten feet from the edge of pavement or back of curb where no sidewalk exists and shall not interfere with clear sight triangles at driveways or intersections.
 - c. Maximum Height. The maximum height of a temporary directional sign shall be 42 inches.
 - d. Duration of Display. Temporary directional sign shall be permitted from 5:00 p.m. on Friday through 9:00 a.m. on the following Monday. Where a sign is not erected in compliance with these provisions, such sign(s) is subject to forfeiture to the Town. The Town is not responsible for loss or damage to such signs.
 - e. Anchoring. A temporary directional sign shall be temporarily secured to prevent such sign from creating a hazard due to high winds or storms. It is the responsibility of the sign owner to secure such sign.
 - f. Maximum Quantity. No more than six temporary directional sign shall be permitted at any time.
 - g. Prohibited Use. Use of appurtenances with temporary directional sign is prohibited.
 - h. Permit expiration. Permits for such temporary directional sign shall be issued up to maximum of 12 months and shall expire on December 31 of each year. Permits for such signs shall be subject to an annual renewal beginning January 1 of each year as a new permit.
 - i. Sign Location. The provisions of this section shall only apply along the major streets or road maintained by the NC Department of Transportation and Town maintained, Granite Falls Blvd. All other areas not along these listed street shall be subject to the following:
 - i. Sign Surface Area. A temporary directional sign shall not exceed six square feet.
 - ii. Setback. In compliance with this Article, sign may be located in a public right-of-way of any Town maintain street. Further,

temporary directional sign shall be located a minimum of three feet from the back of any sidewalk, or from the edge of pavement or back of curb where no sidewalk exists and shall not interfere with clear sight triangles at driveways or intersections.

- iii. Maximum Height. The maximum height of a temporary directional sign shall be 42 inches.
 - iv. Prohibited Use. Use of appurtenances with temporary directional sign is prohibited.
5. The application for a permit under the above noted sections and the enjoyment of the rights to display signage pursuant to this section constitute an authorization by the owner of the sign that the Town may remove and destroy the sign if the owner fails to remove the sign within ten days of the expiration of the last permit issued for the sign. If the sign is located on private property, the application for the permit for the sign and the enjoyment of the right to display such signage constitutes authorization for the Town to enter upon such private property to remove the sign pursuant to the above noted sections.

Table 6.2.2.2. Required Perimeter Buffer by District

Replace the second “**RM**” with “**MH**”.

6.8. DESIGN STANDARDS

6.8.1 PURPOSE, INTENT AND APPLICABILITY

C. **Exemptions.** The standards of this section shall not apply to the following:

- ~~1. New non-residential buildings less than five-thousand (5,000) square feet.~~
- 1. Development located in the Industrial zoning district (see Section 6.8.7: Industrial Design Standards).
- 2. Conversion of a building from one (1) permitted principal use to another permitted principal use.

6.9. ADMINISTRATIVE MINOR MODIFICATIONS

A. **Changes.** After a development approval has been issued, no deviations from the terms of the application or the development approval may be made. Notwithstanding the foregoing, the Land Development Administrator may approve the following minor modifications to development approvals by administrative action:

- 1. Minor adjustments to the reconfiguring of parking design if number of parking spaces remain the same and internal traffic patterns of the parking areas remain substantially the same;

2. [Minor adjustments for changing landscape material and arrangements to the extent remaining in compliance with LDO standards and any express conditions of a development approval;](#)
3. [Minor adjustments to the location of streets, sidewalks, and lot boundary lines to account for discovered field conditions of rock, topography, riparian areas, or wetlands, which would make the original design impracticable;](#)
4. [Minor adjustments to residential development phasing lines that do not affect \(i\) any express conditions of a development approval; or \(ii\) the timing for construction of development amenities](#)
5. **(New from Planning Board)** [Minor adjustments to mail kiosk locations based on postal service issues or field conditions of rock, topography, riparian areas, or wetlands, which would make the original design impracticable.](#)

11.7. DEFINITIONS

M

[Main Street Corridor: For the purposes of General Commercial \(GC\) setback reductions, the Main Street Corridor includes South Main Street between Highway 401 and Young Street and is measured three hundred feet \(300'\) in each direction from the Main Street centerline.](#)

P

[Public facilities: A facility housing government offices, shops, maintenance and repair centers, equipment, and outdoor storage yards.](#)

APPENDIX A – LDO HANDBOOK

2.3. REZONING (ZONING MAP AMENDMENT)

Step 1: Optional Pre-Application Conference

Step 2: Application Submittal

Step 3: Staff Review

[Step 4: Neighborhood Meeting](#)

Step ~~4~~5: PB Public Meeting

Step ~~5~~6: BOC Legislative Hearing

Step ~~6~~7: BOC Decision and Notification of Decision

- D. **Neighborhood Meeting.** [The purpose of a Neighborhood Meeting is to be transparent and allow the public to be involved in planning processes. These meetings allow citizens to hear from applicants and review proposals before they are considered by the Planning Board and Board of Commissioners. The Neighborhood Meeting also gives the applicant the opportunity to adjust proposals prior to a case being considered by the Planning Board and Board of Commissioners. An Applicant shall conduct a Neighborhood Meeting prior to the first meeting of the Planning Board at which the application will be considered. Requirements of the meeting are as follows:](#)

1. The Neighborhood Meeting shall be held at a municipal facility or at a location within close proximity to the subject property.
2. The owners of all property within 200 feet on all sides of the subject property (not to include street right-of-way) shall be notified of the Neighborhood Meeting by first class mail. Such notification shall be postmarked not fewer than ten (10) days prior to the date of the meeting.
3. The applicant shall deliver to the Planning Department a letter certifying the list of names, mailing address and Wake County Parcel Identification Numbers of all properties notified of the meeting.
4. A notice of the pending proposal and Neighborhood Meeting information shall be presented to the Planning Department to be posted within seven days before the time meeting:
 - i. In a prominent location in Town Hall; and
 - ii. On the Town of Rolesville website.
5. The Neighborhood meeting will be held on a week day.
6. The applicant will run and manage the meeting making efforts to inform the public of the applicant's intentions.
7. The applicant shall provide to the Planning Department a list of meeting attendees and minutes at least ten (10) days prior to the first meeting of the Planning Board at which the application will be considered.