



Board of Commissioners

Work Session

**September 22, 2020**

**6:00 PM**

**AGENDA**

**This meeting may be viewed via livestream on the Town of Rolesville YouTube Channel: <https://www.youtube.com/user/townofrolesville>**

*This meeting is designed as a work session for board members to receive, review and discuss information prepared by staff. Only staff and board members are allowed to speak during this meeting, without express special permission. Citizens are reminded that there is an opportunity during the public comment period of regular board meetings occurring during the first Tuesday of each month for questions and concerns and citizens are welcome to contact the Mayor or board at other times by phone or email.*

<b><u>Item</u></b>	<b><u>Presenter</u></b>
1. Discussion on allowing golf cart usage on Town Streets.	Kelly Arnold/Chief Soto
2. Development Reimbursement Ordinance Introduction.	Dave Neill
3. Downtown Mixed-Use Text Amendment.	Kelly Klepper, Kimley-Horn
4. Review of Town Board Priorities for Unified Development Order (UDO) Rewrite.	Kelly Klepper, Kimley-Horn
5. Adjourn	



# Memo

**To:** Mayor Currin and Commissioners  
**From:** Kelly Arnold, Town Manager  
**Date:** September 22, 2020  
**Re:** Direction on Board Interest Regarding a Golf Cart Local Ordinance

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The purpose of this work session is for the Board to discuss interest in directing staff and Town Attorney to develop a draft local ordinance for purposes of operating a golf cart within Town limits. If there is interest, time would be scheduled in the future to review a draft ordinance.

This work session topic is scheduled by Mayor Currin based upon a recent request from residents of the Stonewater subdivision. In 2018, the Town Board also discussed interest in a local ordinance and determined at that time there was no interest.

Attached to this memo is an attempt to capture all existing information that has been reviewed by the Board since 2018. Information includes:

- Information that was provided previously for the 2018 work session.
- Information from Stonewater resident Ron Aplin which was sent to Town Board on August 7, 2020. This information was sent with the following e-mail:

*Good morning Mayor and Town Board,*

*Mr. Arnold advised that he sent over information from Chief Soto regarding previous discussions on golf cart usage. In an effort to be fully transparent, I would like to provide additional information and a few points of clarity for future discussion.*

- 1. The attachments above represent workable solutions from the Town of Wendell, Holly Springs and Benson. We believe these examples support the safety and operational requirements that can be integrated into a responsible solution.*
- 2. Specific areas of operation (community based) can be achieved with a good working relationship between the town and the community which is requesting the street use. For example; Stonewater can create a support group (residents) which can review all relevant requirements before submitting for approval. This would help relieve some of the resource burden and encourage community involvement.*

3. *At the last board meeting, discussions were had about supporting local business growth. This is a great means to engage with local businesses who could actually support the inspection process as a delegated professional and relieve any resource drain on town assets. Ex. Partnering with the Cart Company LLC to support safety inspections verses police resources.*
4. *The request is for a community based "street use" (not public roads) where we can travel to the community pool, central mail box area, visit with one another and teach driving safety to our children and have some fun in the process.*

*Our hope is that we can engage in a working solution to help develop the most practical approach to community based street use of golf carts. Several Stonewater residents are more than willing to serve in creating a framework for consideration that would alleviate any burdensome condition that may be perceived to exist. Thank you for your consideration and I look forward to the next steps.*

*Kind Regards,*

*Ron Aplin*

Recommendation

It is recommended that the Board determine interest to review a draft ordinance at a future Board meeting.



# Rolesville Police Department

Chief of Police Orlando Soto  
204 Southtown Circle • Rolesville, NC 27571  
Office (919) 556-7226 • Fax (919) 556-3728  
SERVICE \* ETHICS \* RESPECT \* VALUE \* EXCELLENCE

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## MEMORANDUM

**To:** Kelly Arnold, Town Manager

**From:** Orlando Soto, Chief of Police

**Date:** 10/01/2018

**Re:** Consideration of Proposed Golf Cart Ordinance

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The Rolesville Police Department was directed by the Town Board of Commissioners to conduct research on golf carts and the regulations that govern them to be legally and safely operated on the public roadways within the Rolesville Corporate Limits.

Through research conducted during this process, the Rolesville Police Department has accumulated data that suggests the operation of golf carts on public roadways within the Town of Rolesville may not be in the best interests of public safety. Golf carts are not designed to be operated on public streets, roads, and/or highways. These vehicles were specifically designed and manufactured for use and operation on a golf course or for recreational purposes. As such, allowing the operation of a golf cart on any roadway other than which it was originally purposed, creates an unnecessary risk for not only the operator and passengers, but also the larger population of the motoring public.

Certain municipalities within the State of North Carolina have enacted ordinances, which would allow the operation of golf carts on certain public roadways within their respective jurisdictions. Included in these ordinances are several requirements governing this use, including registration of the golf cart with the municipal government, liability insurance, operator restrictions, as well as safety features required by North Carolina state law, and ordinance enforcement guidelines. As a result, an ordinance would be needed to promote the health, safety, and welfare of persons operating golf carts within the Town and to protect the safety of their passengers and other users of the roadway. However, the creation, enforcement, and management of regulations enacted within the ordinance would ultimately fall under the responsibility of the Town, and not the State of North Carolina.

In an effort to satisfy the desires of the public to operate golf carts and similar vehicles on public roadways, the State of North Carolina adopted General Statute 20-121.1, which allows for the operation of low speed vehicles on certain public roadways. Under this statute, low speed vehicles, which could include golf carts, are required to be equipped with the minimum motor vehicle equipment appropriate for motor vehicle safety, as outlined by the U.S. Department of



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Transportation's Federal Motor Vehicle Safety Standards. This would allow golf carts to be retrofitted with modifications designed to classify a golf cart as a low speed vehicle, thereby alleviating the Town of the burdens associated with creating and enforcing a town ordinance already addressed under state law.

**§ 20 4.01. Definitions:** For the purpose of this section, the following words and phrases shall have the following meanings.

- (12b) Golf Cart: A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.
- (27g) Low speed vehicle: A four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but less than 25 miles per hour.

**§ 160A 300.6. Regulation of golf carts on streets, roads, and highways.**

- (a) Notwithstanding the provisions of G.S. 20 50 and G.S. 20 54, a city may, by ordinance, regulate the operation of golf carts, as defined in G.S. 20 4.01(12a), on any public street, road, or highway where the speed limit is 35 miles per hour or less within its municipal limits or on any property owned or leased by the city.
- (b) By ordinance, a city may require the registration of golf carts, charge a fee for the registration, specify who is authorized to operate golf carts, and specify the required equipment, load limits, and the hours and methods of operation of golf carts. No person less than 16 years of age may operate a golf cart on a public street, road, or highway. (2009 459, s. 3.)

**§ 20 121.1. Operation of a low speed vehicle on certain roadways.**

The operation of a low speed vehicle is authorized with the following restrictions:

- (1) A low speed vehicle may be operated only on streets and highways where the posted speed limit is 35 miles per hour or less. This does not prohibit a low speed vehicle from crossing a road or street at an intersection where the road or street being crossed has a posted speed limit of more than 35 miles per hour.
- (2) A low speed vehicle shall be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, windshield wipers, speedometer, seat belts, and a vehicle identification number.



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- (3) A low speed vehicle shall be registered and insured in accordance with G.S. 20 50 and G.S. 20 309.
- (4) The Department of Transportation may prohibit the operation of low speed vehicles on any road or highway if it determines that the prohibition is necessary in the interest of safety.
- (5) Low speed vehicles must comply with the safety standards in 49 C.F.R. § 571.500. (2001 356, s. 5.)

Enclosure: Model Ordinance Establishing a Golf Cart Ordinance

## **Model Ordinance of the County/Town/City, North Carolina Establishing a Golf Cart Ordinance**

The establishment of a golf cart ordinance is necessary to address the interests of public safety. Golf carts, are not designed or manufactured to be used on public streets, roads and highways, hereinafter “road(s),” and the County/Town/City in no way advocates or endorses their operation on roads. The County/Town/City, by regulating such operation is merely trying to address obvious safety issues, and adoption of this Ordinance is not to be relied upon as a determination that operation on roads is safe or advisable if done in accordance with this Ordinance. All persons who operate or ride upon carts on roads do so at their own risk and peril and must be observant of and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The County/Town/City has no liability under any theory of liability for permitting carts to be operated on roads under special legislation granted by the State Legislature. Any person who operates a cart must procure liability insurance sufficient to cover the risks involved in using a cart on the roads of the County/Town/City.

(A) **PURPOSE:** The purpose of this ordinance shall be to establish a Golf Cart Ordinance within the County/Town/City to promote the health, safety and welfare of persons operating cart(s) within the County/Town/City and to protect the safety of their passengers and other users of roads.

(B) **DEFINITIONS:** For the purpose of this section, the following words and phrases shall have the following meanings.

1. **Golf Cart:** A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 MPH. G.S. 20-4.01(12a).
2. **Driver’s License:** A valid license issued to operate a motor vehicle issued by North Carolina or any other state.
3. **Financial Responsibility:** Liability insurance coverage on a golf cart in an amount not less than required by North Carolina law for motor vehicles operated on public highways in the State of North Carolina.
4. **Operator:** Only persons over 16 years of age and holding a valid driver’s license may operate a golf cart on roads.

### **Section 1: Rules and Regulations**

This ordinance is to establish guidance in the interest of public safety. Golf carts hereinafter:

1. Golf carts shall not be operated on or alongside a public road or street with a posted speed limit greater than 35 miles per hour.
2. Golf carts may cross a road with a posted speed limit greater than 35 mph. However, once this segment of road has been transversed, the golf cart is still required to travel only on or along a roadway with a speed limit of 35 mph or less. Golf carts must cross in a manner that is the most direct route in order to decrease crossing distance, i.e. no riding along a road or crossing at an angle. Under no circumstance is a golf cart allowed to cross a control access facility other than at bridges which cross over or under a control access facility.
3. Any person who operates a golf cart must be responsible for all liability associated with operation of the golf cart and must have liability insurance coverage which will cover the use of a golf cart in an amount not less than required by North Carolina law for motor

vehicles operated on public highways in the State of North Carolina.

4. Any person who operates a golf cart must be at least sixteen (16) years of age or older. No person may operate a golf cart unless that person is licensed to drive upon the public streets, roads and highways of North Carolina and then, only in accordance with such valid driver's license. Golf cart operators must carry their driver's license on their person at all times while operating a golf cart on public roads.
5. Any person who operates a golf cart on public streets and roads must adhere to all applicable State and local laws, regulations and ordinances, including but not limited to those banning the possession and use of alcoholic beverages, and all other illegal drugs. In addition, no golf cart containing any open container of alcohol shall be operated on public roads.
6. The operator of the golf cart shall comply with all traffic rules and regulations adopted by the State of North Carolina and the County/Town/City which governs the operation of motor vehicles.
7. An operator may not allow the number of people in the golf cart at any one time to exceed the maximum capacity specified by the manufacturer. The operator shall not allow passengers to ride on any part of a golf cart not designed to carry passengers, such as the part of the golf cart designed to carry golf bags.
  - a. In no instance shall a golf cart be operated at a speed greater than 20 miles per hour. No golf cart may be operated at a speed greater than reasonable and prudent for the existing conditions.
8. Golf carts must be operated at the right edge of the roadway and must yield to all vehicular and pedestrian traffic.
9. Golf carts must park in designated spaces in such a manner that multiple golf carts can utilize the space. All parking rules and limits apply. No parking on sidewalks is allowed.
10. Golf carts must have basic equipment supplied by the manufacturer, including a vehicle identification or serial number. Such equipment must include all safety devices as installed by said manufacturer, including rear view mirror and a rear triangle reflector of the same type required by North Carolina law.
11. Golf carts with out lights may be operated only during daylight hours. Golf carts meeting the requirements set forth below may operate at any time:
  - a. Golf carts having two (2) operating headlights, one on each side of the front of the golf cart and two (2) operating tail lights, one on each side of the rear of the cart, all four (4) lights must be visible from a distance of 500 feet; and
  - b. If a mechanical turn signal indicator is not installed, then hand signals are required for turns.

## **Section 2: Registration, Inspection and Fee Prior to Usage**

1. All golf carts must complete a golf cart registration application and submit to County/Town/City Department for approval. Before driving on public roads, the operator of a golf cart must have a valid issued registration.

2. Each owner must have proof of ownership, and liability insurance, and a completed Waiver of Liability, releasing the County/State/Town/City from liability that may arise as a result of operation of a golf cart inside County/State/Town/City. These documents must be in the golf cart at all times while in operation on public roads.
3. All golf carts must meet the requirements or minimum standards of safety equipment as set forth above in this Ordinance.
4. All golf cart operators must present a valid driver/s license while operating a golf cart on a public road.
5. The registration sticker shall be valid for no more than (insert number here) year and must be visible on a golf cart operated on a public road.
6. Lost or Stolen Permit/Stickers are the responsibility of the owner and must be replaced before the golf cart is operated on a public road.

### **Section 3: Enforcement**

Violation of the provisions of this Ordinance shall constitute an infraction in accordance with Chapter 20 of the North Carolina General Statutes, the maximum penalty for which shall be (\$ insert dollar amount here)dollars.

## Operation of Golf Carts on Public Streets in North Carolina

### Legislation

#### GENERAL ASSEMBLY OF NORTH CAROLINA

#### SESSION 2009

#### SESSION LAW 2009-459

#### HOUSE BILL 121

#### AN ACT TO ALLOW ALL UNITS OF LOCAL GOVERNMENT TO REGULATE GOLF CARTS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 153A of the General Statutes is amended by adding a new section to read:

**"§ 153A-245. Regulation of golf carts on streets, roads, and highways.**

(a) Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, a county may, by ordinance, regulate the operation of golf carts, as defined in G.S. 20-4.01(12a), on any public street, road, or highway where the speed limit is 35 miles per hour or less within the county that is located in any unincorporated areas of the county or on any property owned or leased by the county.

(b) By ordinance, a county may require the registration of golf carts, charge a fee for the registration, specify who is authorized to operate golf carts, and specify the required equipment, load limits, and the hours and methods of operation of golf carts. No person less than 16 years of age may operate a golf cart on a public street, road, or highway."

**SECTION 2.** G.S. 160A-300.5 is repealed.

**SECTION 3.** Chapter 160A of the General Statutes is amended by adding a new section to read:

**"§ 160A-300.6. Regulation of golf carts on streets, roads, and highways.**

(a) Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, a city may, by ordinance, regulate the operation of golf carts, as defined in G.S. 20-4.01(12a), on any public street, road, or highway where the speed limit is 35 miles per hour or less within its municipal limits or on any property owned or leased by the city.

(b) By ordinance, a city may require the registration of golf carts, charge a fee for the registration, specify who is authorized to operate golf carts, and specify the required equipment, load limits, and the hours and methods of operation of golf carts. No person less than 16 years of age may operate a golf cart on a public street, road, or highway."

**SECTION 4.** Section 6 of S.L. 2001-356 is repealed.

**SECTION 5.** Section 1 of S.L. 2003-124, as amended by S.L. 2004-58, S.L. 2007-204, and S.L. 2007-259, reads as rewritten:

**"SECTION 1.** Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, the Towns of Beech Mountain, North Topsail Beach, and Seven Devils, and the City of Conover may, by ordinance, regulate the operation of golf carts and utility vehicles on any public street or road

within the City or Town. By ordinance, the City or Town may require the registration of golf carts and utility vehicles, specify the persons authorized to operate golf carts and utility vehicles, and specify required equipment, load limits, and the hours and methods of operation of the golf carts and utility vehicles."

**SECTION 6.** Section 1 of S.L. 2005-11, as amended by S.L. 2007-18, is repealed.

**SECTION 7.** Section 3 of S.L. 2005-11, as amended by S.L. 2006-149, S.L. 2006-152, and S.L. 2007-18, reads as rewritten:

"**SECTION 3.** Section 1 of this act applies only to the Towns of Benson, Bladenboro, Chadbourn, Clarkton, Elizabethtown, Four Oaks, Rose Hill and Tabor City. Section 2 of this act applies only to Moore County."

**SECTION 8.** Section 9.4 of the Charter for the Town of Cary, as enacted by Section 1 of S.L. 2005-117, is repealed.

**SECTION 9.** S.L. 2006-27, S.L. 2006-149, S.L. 2006-152, S.L. 2007-18, S.L. 2007-72, S.L. 2007-336, and S.L. 2008-71 are repealed.

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**SECTION 10.** Section 5.2 of the Charter for the Town of Whispering Pines, as enacted by Section 1 of S.L. 2008-105, is repealed.

**SECTION 11.** This act becomes effective October 1, 2009. A county may adopt an ordinance under G.S. 153A-245, and a city may adopt an ordinance under G.S. 160A-300.6 when this act becomes law, but the ordinances may not become effective prior to October 1, 2009. The repeal herein of any act does not affect the rights or liabilities of a local government that arose during the time the act was in effect, or under an ordinance adopted under such an act. If any county or city had adopted an ordinance under any act repealed by this act, and the ordinance would be permitted under G.S. 153A-245 or G.S. 160A-300.6 as enacted by this act, that ordinance shall remain in effect until amended or repealed by that county or city.

In the General Assembly read three times and ratified this the 30<sup>th</sup> day of July, 2009.

s/ Marc Basnight

President Pro Tempore of the Senate

s/ Joe Hackney

Speaker of the House of Representatives

s/ Beverly E. Perdue

Governor

Approved 12:26 p.m. this 7<sup>th</sup> day of August, 2009

## Low-Speed Vehicles

What is a low-speed vehicle and where can it be operated?

### **North Carolina General Statutes say:**

§ 20-121.1. Operation of a low-speed vehicle on certain roadways.

The operation of a low-speed vehicle is authorized with the following restrictions:

- (1) A low-speed vehicle may be operated only on streets and highways where the posted speed limit is 35 miles per hour or less. This does not prohibit a low-speed vehicle from crossing a road or street at an intersection where the road or street being crossed has a posted speed limit of more than 35 miles per hour.
- (2) A low-speed vehicle shall be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, windshield wipers, speedometer, seat belts, and a vehicle identification number.
- (3) A low-speed vehicle shall be registered and insured in accordance with G.S. 20-50 and G.S. 20-309.
- (4) The Department of Transportation may prohibit the operation of low-speed vehicles on any road or highway if it determines that the prohibition is necessary in the interest of safety.
- (5) Low-speed vehicles must comply with the safety standards in 49 C.F.R. § 571.500. (2001-356, s. 5.)

### **The North Carolina Department of Motor Vehicles says:**

Low-speed vehicles may be operated only on streets and highways where the posted speed limit is 35 miles per hour or less. It may cross a road or street at an intersection with a posted speed higher than 35 mph. The low-speed vehicle must be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, windshield wipers, speedometer, seat belts and a vehicle identification number. It must be insured and registered.

## Requirements for Titling & Registration

- Inspection

An inspector's report confirming that the vehicle is equipped for road use and meets all DOT safety standards.

### **The U.S. Department of Transportation Federal Motor Vehicle Safety Standards says:**

#### §571.500 Standard No. 500; Low-speed vehicles.

- S1. Scope. This standard specifies requirements for low-speed vehicles.
- S2. Purpose. The purpose of this standard is to ensure that low-speed vehicles operated on the public streets, roads, and highways are equipped with the minimum motor vehicle equipment appropriate for motor vehicle safety.
- S3. Applicability. This standard applies to low-speed vehicles.
- S4. [Reserved.]
- S5. Requirements.
  - (a) When tested in accordance with test conditions in S6 and test procedures in S7, the maximum speed attainable in 1.6 km (1 mile) by each low-speed vehicle shall not more than 40 kilometers per hour (25 miles per hour).
  - (b) Each low-speed vehicle shall be equipped with:
    - (1) Headlamps,
    - (2) Front and rear turn signal lamps,
    - (3) Tail lamps,
    - (4) Stop lamps,
    - (5) Reflex reflectors: one red on each side as far to the rear as practicable, and one red on the rear,
    - (6) An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror,

(7) A parking brake,

(8) A windshield that conforms to the Federal motor vehicle safety standard on glazing materials (49 CFR 571.205).

(9) A VIN that conforms to the requirements of part 565 Vehicle Identification Number of this chapter, and

(10) A Type 1 or Type 2 seat belt assembly conforming to Sec. 571.209 of this part, Federal Motor Vehicle Safety Standard No. 209, Seat belt assemblies, installed at each designated seating position.

S6. General test conditions - Each vehicle must meet the performance limit specified in S5(a) under the following test conditions.

S6.1. Ambient conditions.

S6.1.1. Ambient temperature - The ambient temperature is any temperature between 0 °C (32 °F) and 40 °C (104 °F).

S6.1.2. Wind speed - The wind speed is not greater than 5 m/s (11.2 mph).

S6.2. Road test surface.

S6.2.1. Pavement friction - Unless otherwise specified, the road test surface produces a peak friction coefficient (PFC) of 0.9 when measured using a standard reference test tire that meets the specifications of American Society for Testing and Materials (ASTM) E1136, "Standard Specification for A Radial Standard Reference Test Tire," in accordance with ASTM Method E 1337-90, "Standard Test Method for Determining Longitudinal Peak Braking Coefficient of Paved Surfaces Using a Standard Reference Test Tire," at a speed of 64.4 km/h (40.0 mph), without water delivery (incorporated by reference; see 49 CFR 571.5).

S6.2.2. Gradient - The test surface has not more than a 1 percent gradient in the direction of testing and not more than a 2 percent gradient perpendicular to the direction of testing.

S6.2.3. Lane width - The lane width is not less than 3.5 m (11.5 ft).

S6.3. Vehicle conditions.

S6.3.1. The test weight for maximum speed is unloaded vehicle weight plus a mass of 78 kg (170 pounds), including driver and instrumentation.

- S6.3.2. No adjustment, repair or replacement of any component is allowed after the start of the first performance test.
  - S6.3.3. Tire inflation pressure. Cold inflation pressure is not more than the maximum permissible pressure molded on the tire sidewall.
  - S6.3.4. Break-in - The vehicle completes the manufacturer's recommended break-in agenda as a minimum condition prior to beginning the performance tests.
  - S6.3.5. Vehicle openings - All vehicle openings (doors, windows, hood, trunk, convertible top, cargo doors, etc.) are closed except as required for instrumentation purposes.
  - S6.3.6. Battery powered vehicles - Prior to beginning the performance tests, propulsion batteries are at the state of charge recommended by the manufacturer or, if the manufacturer has made no recommendation, at a state of charge of not less than 95 percent. No further charging of any propulsion battery is permissible.
- S7. Test procedure - Each vehicle must meet the performance limit specified in S5(a) under the following test procedure. The maximum speed performance is determined by measuring the maximum attainable vehicle speed at any point in a distance of 1.6 km (1.0 mile) from a standing start and repeated in the opposite direction within 30 minutes.

[63 FR 33216, June 17, 1998, as amended at 68 FR 43972, July 25, 2003]



## Can I register my Golf Cart?

No. N.C. General Statutes Chapter 20-54 (8) states that the Division shall refuse registration or issuance of a certificate of title or any transfer of registration if the vehicle is a golf cart or utility vehicle. A Golf Cart is defined in N.C. General Statutes Chapter 20-4.01 (12a) which states that a golf cart is a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.

## What is a Low Speed vehicle (LSV)?

N.C. General Statutes Chapter 20-4.01 (27) h. states that a low speed vehicle is a four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but less than 25 miles per hour.

## How much does it cost to license my LSV?

N.C. General Statutes Chapter 20-87 states that the fee for a low speed vehicle is the same as the fee for private passenger vehicles of not more than 15 passengers.

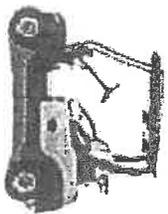
## Can I retrofit my golf cart to meet LSV requirements?

No. This can only be accomplished through a manufacturer that has been licensed by the National Highway Traffic Safety Administration (NHTSA) to build LSV. You can locate a licensed manufacturer through the NHTSA Website

## Are there any exceptions to where I can operate my golf cart?

Yes. Some municipalities have been authorized by the General Assembly to regulate the operation of golf carts and all terrain vehicles. You will need to contact your local government in your area to determine if they have been authorized. If authorized, what criteria is stipulated. This does not mean that N.C. D.M.V. can license or title your golf cart.

## Where can I operate my LSV and what equipment is required?



N.C. General Statutes Chapter 20-121.1 stipulates the operation of a low speed vehicle on certain roadways as well as required equipment. The operation of a low speed vehicle is authorized with the following restrictions:

- (1) A low-speed vehicle may be operated only on streets and highways where the posted speed limit is 35 miles per hour or less. This does not prohibit a low speed vehicle from crossing a road or street at an intersection where the road or street being crossed has a posted speed limit of more than 35 miles per hour.
- (2) A low-speed vehicle shall be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, windshield wipers, speedometer, seat belts, and a vehicle identification number.
- (3) A low-speed vehicle shall be registered and insured in accordance with G.S. 20-50 and G.S. 20-309.
- (4) The Department of Transportation may prohibit the operation of low speed vehicles on any road or highway if it determines that the prohibition is necessary in the interest of safety.
- (5) Low-speed vehicles must comply with the safety standards in 49 C.F.R. § 571.500.

For more information

[National Highway Traffic Safety Administration](http://www.nhtsa.gov)

[www.nhtsa.gov](http://www.nhtsa.gov)

## What exactly is 49 CFR 571.500?

It is Section 49 of the Code of Federal Regulations, Part 571.500 which specifies what equipment must be present and what the braking and crash test requirements are for LSV.

Standard No. 500: Low speed vehicles.

### Scope

This standard specifies requirements for low-speed vehicles.

### Purpose

The purpose of this standard is to ensure that low-speed vehicles operated on the public streets, roads, and highways are equipped with the minimum motor vehicle equipment appropriate for motor vehicle safety.

### Applicability

This standard applies to low-speed vehicles.

### Requirements

- (a) When tested in accordance with test conditions the maximum speed attainable in by each low speed vehicle shall not more than 40 kilometers per hour (25 miles per hour).
- (b) Each low-speed vehicle shall be equipped with:
  - (1) Headlamps
  - (2) Front and rear turn signal lamps
  - (3) Tail lamps
  - (4) Stop lamps
  - (5) Reflex reflectors: one red on each side as far to the rear as practicable, and one red on the rear.
  - (6) An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror.
  - (7) A parking brake.
  - (8) A windshield of AS-1 or AS-5 composition, that conforms to the American National Standard Institute's "Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways.
  - (9) A VIM that conforms to the requirements of part 565 Vehicle Identification Number
  - (10) A Type 1 or Type 2 seat belt assembly conforming to Federal Motor Vehicle Safety Standard No. 208. Seat belt assemblies, installed at each designated seating position.

**DUPLICATE**  
**07/11/2018**

STATE OF NORTH CAROLINA  
VEHICLE INSPECTION RECEIPT/STATEMENT

**SAFETY INSPECTION ONLY**

Classification: SI  
Electronic Authorization No.: 124  
Date: 07/06/2018

\*\*\*\*\*  
\* **PASSED** \*  
\*\*\*\*\*

Inspection Fee \$12.75  
E-Auth. Fee \$0.85  
Window Tinting Fee \$0.00  
Total Fees \$13.60

Make: GEM  
Year: 2005  
Engine Size (cc): 0  
Body Style: SEDAN  
VIN: ~~5TACR12475136500~~  
County: WAKE  
TIN Number: 720041258480

Vehicle Type: Light Duty  
Plate Number: E2917  
Odometer Reading: 10321  
Number of Cylinders: 0  
Type of Fuel: ELECTRIC  
Previous Odometer:  
Motor Vehicle Dealer Number:

See your vehicle's registration card for your next Inspection Due Date.

\*\*\*\*\*

Safety Equipment

Headlights	PASS
Parking Lights	PASS
Tail Lights	PASS
Beam Indicator Light/Switch	PASS
License Plate Light	PASS
Stop Light	PASS
Directional Signals	PASS
Horn	PASS
Windshield Wipers	PASS
Rear View Mirrors	PASS
Foot Brake	PASS
Emergency Brake	PASS
Steering Mechanism	PASS
Tires	PASS
Exhaust System	PASS
Clearance Lights	N/A
Reflectors	PASS
Window Tinting	N/A

Tampering Inspection

Catalytic Converter	N/A
Air Injection System	N/A
PCV Valve	N/A
Unleaded Gas Restrictor	N/A
Exhaust Gas Recirculation	N/A
Thermostatic Air Control	N/A
Fuel Evaporative Control	N/A
Oxygen Sensor	N/A
Gasoline Tank Cap	N/A

\*\*\*\*\*

Station Number: 21208  
Inspection Class: Safety  
Parts Exemption Number:

Analyzer Number: ED214320 Ver. 1102  
Receipt/Statement Number: 5776

Inspector-Mechanic \_\_\_\_\_  
EMILY SCHWENK

Owner's Repair Authorization \_\_\_\_\_

RETAIN THIS COPY FOR YOUR RECORDS



THE TOWN OF

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# Holly Springs

**Ordinance Number:** 16-06  
**Date Submitted:** April 5, 2016  
**Date Adopted:** April 5, 2016

**AN ORDINANCE OF THE HOLLY SPRINGS TOWN COUNCIL  
AMENDING THE HOLLY SPRINGS TOWN CODE TO ADD  
DIVISION 7 TO CHAPTER 12, ARTICLE VII, TRAFFIC, VEHICLES AND PARKING**

**BE IT ORDAINED** by the Holly Springs Town Council that the Holly Springs Town Code of Ordinances is amended as follows:

**PART 1:**

That Chapter 12, Article VII, Traffic, Vehicles and Parking, of the Holly Springs Town Code be amended by adding Division 7, Golf Carts, and sections as provided herein:

**DIVISION 7 – GOLF CARTS**

**Section 12-600. Operation of Golf Carts Permitted**

The operation of golf carts on the public streets, roads and highways with a posted speed limit of twenty five (25) mph or less within the town in compliance with the provisions of this article shall be permitted. However, it shall be unlawful to operate any golf cart that is not properly registered with and permitted by the town or to operate any golf cart at any place or in any manner not authorized herein.

(a) Definitions

- (1) Golf Cart. A vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour, which is in proper working order without modifications to the engine or motor.

(b) Exceptions. The operation of golf carts in the following circumstances is not subject to the provisions of this article:

- (1) The operation of golf carts on private property, with the consent of the owner;
- (2) The operation of golf carts within private, gated, or limited access communities, unless the streets of the community are dedicated for public use and maintained by the town;
- (3) The use of a golf cart in connection with a parade, a festival, or other special event provided the consent of the sponsor is obtained, the police department is notified, and provided the golf cart is only used during such event; and

- (4) The use of golf carts by town personnel, other governmental agencies, and/or public service agencies on official business.

**Sec. 12-601. - Registration and permit requirements.**

- (a) Registration and permit required. No golf cart may be operated on any public street, road, or public vehicular area within the town or on any property owned or leased by the town unless the golf cart has first been registered with the town and permitted as required herein. The registration and permit shall be renewed annually thereafter in accordance with the provisions of this article.
- (b) Application and permit. The owner shall complete an application provided by the town, and the golf cart shall be inspected by designated town staff for compliance with the provisions of this article prior to the issuance of an annual permit for the golf cart. To evidence the registration, the owner shall be issued a unique registration decal which shall be displayed on the rear of the golf cart. The town council may establish, and amend from time to time, an annual registration fee for golf carts.
- (c) Basic requirements. In order to register a golf cart, secure a permit, and lawfully operate a golf cart on the public streets, the owner, operator, and golf cart must meet the following basic requirements:
  - (1) The driver must be at least eighteen (18) years old and possess a valid driver's license;
  - (2) The owner must possess and maintain liability insurance in an amount not less than required by state law for traditional motor vehicles operated on a public highway in the state;
  - (3) The golf cart must be registered to a physical address in the town;
  - (4) The golf cart must not have been modified to exceed a speed of twenty (20) mph;  
and
  - (5) The golf cart must have an identifiable identification number.
  - (6) The owner shall have the golf cart inspected annually by a designated member of the police department to ensure: (i) the golf cart is in proper working order; (ii) does not contain any modifications to the engine or motor, and (iii) the required safety features listed below are on the golf cart and are in proper working order. Such inspections shall take place at a time and place designated by the police department after a request by the owner.
- (d) Required safety features. In order to register a golf cart and secure an annual permit, a golf cart must have the following safety features installed:
  - (1) Two (2) operating front headlights, visible from a distance of at least two hundred fifty (250) feet;
  - (2) Two (2) operating tail lights, with brake lights and turn signals, visible from a distance of at least two hundred fifty (250) feet;

- (3) A rear vision mirror;
  - (4) At least one (1) reflector per side;
  - (5) A parking brake;
  - (6) Seat belts for all seating positions on the golf cart;
  - (7) A windshield; and
  - (8) Must be limited to a maximum of three (3) rows of seats.
- (e) Acknowledgement. Prior to the issuance of an initial permit or annual renewal, the owner shall sign an acknowledgment that he/she has read and understands the provisions of this article, and that the duty to properly maintain the golf cart is a duty of the owner and no reliance may be made as to the fitness of the golf cart as a result of obtaining a permit from the town. The town shall set the fee for the initial permit and annual renewal in the town's budget ordinance fee schedule.
- (f) Disqualified vehicles. All-terrain vehicles, 4-wheel utility vehicles, go-karts, and other similar utility vehicles which are not manufactured for operation on a golf course, and/or a golf cart which has been modified so that it no longer meets the definition of golf cart may not be registered as a golf cart under this article nor shall such vehicles be operated on the public roads, streets, and highways within the town, unless such vehicles are registered and permitted under the motor vehicle laws of the state.

**Sec. 12-602. - Standards of operation.**

It is unlawful to operate a golf cart on a public street, road, or highway within the town unless the following requirements are met:

- (1) A golf cart must display a valid town-issued golf cart annual registration decal.
- (2) A golf cart may be operated on all town owned public streets and roads in the town. These are essentially neighborhood streets and exclude the main roads in town which are under control of the North Carolina Department of Transportation ("NCDOT"), i.e., roads containing an "S.R." number on the street sign.
- (3) No golf cart may be operated on an NCDOT road or right of way of said road. Golf carts may cross a NCDOT road only at a controlled intersection (i.e., a traffic signal or stop sign) while obeying traffic rules for that intersection.
- (4) No person may operate a golf cart unless that person is at least eighteen (18) years of age and is licensed to drive upon the streets, roads, and highways of the state and then, only in accordance with such driver's license. An operator of a golf cart must be a licensed driver as required by the laws of their home state. The operator must have the valid driver license in his/her possession while operating the golf cart. The operator must be a resident, property owner, authorized guest, or tenant of property with a physical address in the town.
- (5) The driver and passengers must be properly seated while the golf cart is in motion, with seat belts properly fastened, and may not be transported in a negligent manner. The seating capacity with seat belts shall not be exceeded.

- (6) No golf cart may be operated at a speed greater than reasonable and prudent for the existing conditions, and in no instance at a speed greater than twenty (20) miles per hour.
- (7) No golf cart may be operated in a careless or reckless manner.
- (8) Golf carts must be operated in accordance with all applicable state and local traffic laws and ordinances, including all laws, regulations and ordinances pertaining to the possession and consumption of alcoholic beverages.
- (9) Golf carts are subject to the same parking regulations as traditional motor vehicles, and may only be parked in the same manner and in the same places designated for the parking of traditional motor vehicles.
- (10) Golf carts may only park in handicapped parking spaces if the driver has a valid handicapped placard or sticker and the same is clearly posted or displayed in the golf cart.
- (11) Golf carts may not be operated on any sidewalk, multi-use path, greenway or designated bicycle path, except for golf carts operated by governmental or public service agencies for official purposes.
- (12) Golf carts may not be used for the purpose of towing another cart, trailer or vehicle of any kind, including a person on roller skates, skateboard, or bicycle.
- (13) The possession of open containers of alcohol and/or consumption of alcohol by the driver and/or passengers of a golf cart is prohibited.
- (14) The operator of a golf cart shall yield the right-of-way to pedestrians and traditional motor vehicles.

**Sec. 12-603 - Penalties and remedies.**

- (a) Any person violating the motor vehicle laws of the state, which shall also apply to golf carts registered under this article, shall be subject to the penalties prescribed in state law for said violation, or for a civil remedy as described herein.
- (b) Any person who knowingly allows an underage driver to operate a golf cart shall be charged and subject to the penalties prescribed in state law for contributing to the delinquency of a minor, or for a civil remedy as described herein.
- (c) Any person violating the provisions of this article or failing to comply with any of its requirements may be charged criminally (as set forth under sections (a) and (b), above, or may at the discretion of the charging officer, be issued a civil citation and issued a fine according to Section 12-517.
- (d) The operation of a golf cart, including parking of a golf cart is subject to the requirements of Division 6 of this Chapter of the Town Code.

- (e) Operating a golf cart under the influence of an impairing substance (i.e., alcohol or drugs) on a public street or road is a violation of state law, and is punishable as provided therein. The charging officer does not have discretion to issue a civil citation for violation of this subsection.
- (f) The town may refuse to register and issue a permit for the operation of a golf cart, or may revoke a previously issued permit, if the registered golf cart and/or the owner of the golf cart is involved in three (3) or more violations of this article and/or violations of state law within a three-year time period. Said revocation and/or denial of a permit shall be effective for one (1) year.

**PART 2: REPEAL OF CONFLICTING ORDINANCES.** All ordinances or parts of the Code of the Town of Holly Springs conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

**PART 3. SEVERABILITY.** If any section, part of a section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

**PART 4. INCLUSION IN CODE.** It is the intention of the Town Council entered as hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the Town of Holly Springs, North Carolina; that the Section(s) of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section, or "Article" or other word.

**PART 5. EFFECTIVE DATE.** The provisions of this ordinance shall become effective immediately upon adoption in accordance with the laws of the State of North Carolina.

Adopted this, the 5th day of April, 2016.

**TOWN OF HOLLY SPRINGS**

  
\_\_\_\_\_  
Dick Sears, Mayor

Attested to:

  
\_\_\_\_\_  
Joni Powell, NCCMC, Town Clerk



# **TOWN OF BENSON - GOLF CART ORDINANCE**

## **Rules and Regulations**

Golf Carts may be operated on streets within the Town of Benson in accordance with the following rules and regulations:

- I. Golf Carts, and otherwise defined as Low Speed Vehicles, as defined by North Carolina General Statute 20-4.01(27)h, that are currently in compliance with ALL STATE LAWS related to their operation, registration, and insurance requirements, and are operated by licensed drivers will be exempt from this ordinance.
- II. Other Golf Carts and Low Speed Vehicles not in compliance with NC General Statutes that operate on a street or public vehicular area within the Town of Benson will be subject to an annual inspection by the Chief of Police, or his designee. After successfully completing the inspection process, the operator may receive a Town of Benson Golf Cart Permit/Sticker, which must be applied to the Golf Cart by the Chief of Police, or his designee, to insure that the Permit/Sticker is applied in the most conspicuous location on the Golf Cart.
- III. The inspection by the Chief of Police, or his designee, will cover the following safety requirements, and every Golf Cart operating on Town of Benson streets must have the following safety equipment:
  - a) Permits/Stickers will be issued to operators of ELECTRIC AND GAS POWERED GOLF CARTS.
  - b) Each owner must have proof of ownership, and a completed Waiver of Liability, releasing the Town of Benson, its employees, and affiliates from all liability that may arise as a result of operating a Golf Cart inside the Town of Benson. A current Waiver of Liability must be on file with the Town of Benson, and must be renewed annually.
  - c) All Golf Carts must meet the requirements or minimum standard of safety equipment, to wit: Rear View Mirror, Lap Belts and Child Restraints for use while the vehicle is in motion, and a Reflective "Slow Moving Vehicle" Sign Affixed on the Rear of the Golf Cart.
  - d) All golf cart operators must possess a valid driver's license, except any driver or operator 18 years of age or older with a medical or physical condition that prevents that individual from being able to obtain a valid North Carolina drivers license. The medical or physical condition must be evidenced with a professionally certified mental phobia or physical condition which, although it prevents them from driving a licensed motor vehicle, would not prevent the safe operation of a golf cart and said certification must be provided from a medical professional. Any driver or operator that is exempt from the requirement of a valid North Carolina license must still present and have on record and while operating a golf cart, a valid North Carolina Identification card.
  - e) Golf Carts, by design, are equipped to seat a certain number of passengers. Each Golf Cart differs in that it may accommodate 2 to 6 passengers, generally. This section is designed to regulate overcrowding or reckless operation of a Golf Cart; therefore no passengers are permitted to stand on a golf cart while it is in operation.
  - f) All operators must provide a minimum of liability insurance on any Golf Cart prior to inspection.

- g) Permits/Stickers will be issued annually, and are valid from July 1<sup>st</sup> of each year. The following fees shall apply:

1. Inspection by Police Department (Includes Permit/Sticker)	\$35.00 Annually
2. Re-Inspection by Police Department (If a Golf Cart fails the initial inspection)	\$10.00

- h) Lost or Stolen Permit/Stickers are the responsibility of the owner. A Police report must be filed in the event of a Lost or Stolen Permit/Sticker. The Chief of Police will have the discretion in determining whether a Permit/Sticker may be re-issued in this instance. If no record can be found of a previous application, or the receipt of a Permit/Sticker, the Chief of Police may direct the applicant to reapply, and also resubmit any and all fees necessary, before a replacement Permit/Sticker is issued.

IV. Any person who operates a Golf Cart in the Town of Benson, and fails to receive or properly display a Town of Benson Permit/Sticker will be subject to the state law requiring registration, insurance, and any other applicable laws, in addition to being in violation of this ordinance.

V. Golf Carts will be subject to the traffic laws of North Carolina:

- a) All operators must adhere to ALL LAWS that apply to normal vehicle operation, to wit: Stop Signs, Stop Lights, One-Way Streets, etc. All alcohol laws will also apply.
- b) Golf Carts will adhere to all traffic flow patterns, and will operate on the right side of the roadway.
- c) Golf Cart operators must yield the right of way to any overtaking vehicles.
- d) Golf Carts shall not be operated on sidewalks.
- e) Golf Carts shall not be operated on private property, without the permission and consent of the property owner.

VI. Golf Carts that are issued permits to operate under this ordinance may only be used from Sunrise to 30 minutes prior to Sunset. NO operation after 30 minutes prior to sunset is allowed.

VII. Liability Disclaimer - This ordinance is adopted to address the interests of public safety. Golf carts are not designed, or manufactured to be used on public streets, and the town in no way advocates or endorses their operation on public streets or roads. The town, by regulating such operation, is merely trying to address obvious safety issues, and adoption of this ordinance is not to be relied upon as a determination that operation on a public street or public vehicular area is safe or advisable, if done in accordance with this ordinance. All persons who operate or ride upon golf carts on public streets or public vehicular areas do so at their own risk and peril, and must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The town has no liability under any theory of liability, and the town assumes no liability, for permitting golf carts to be operated on the public streets and public vehicular areas, under special legislation granted by the state's legislature. Any person who operates a golf cart is responsible for procuring liability insurance sufficient to cover the risk involved in using a golf cart on the public streets and public vehicular areas of the town.

**Adoption**

The Golf Cart Ordinance shall be added as adopted by the Board of Commissioners to Title VII, the Traffic Code of the Town of Benson Ordinances. The new chapter will be Chapter 78 - Golf Cart Requirements / Restrictions.

**Penalty**

Whosoever shall violate any provision of this code for which no other penalty is provided, shall be upon conviction, guilty of a misdemeanor, and subject to a fine not to exceed \$50. Each day that any of the provisions of this code are violated shall constitute a separate offense.

(See Section 70.99 Penalty - Town of Benson Code of Ordinances)



## Golf Cart Registration Packet

Thoroughly reading the attached information packet will provide the owner with the background needed to both understand and complete the golf cart registration process. Included in this packet is a checklist to assist in the registration of your golf cart along with all needed forms. Also enclosed is a copy of the ordinance that provides for the proper operation of golf carts within Town. Registration will allow operation of the cart on most streets and roadways within the Town.

NOTE: Low Speed Vehicles as defined by and registered with the North Carolina Department of Motor Vehicles are **NOT** subject to this process. These vehicles are allowed to operate on the streets and roadways pursuant to North Carolina General Statute 20-121.1

### Checklist:

- Download application packet containing Registration Form, Liability Waiver, Inspection Form and Ordinance.
- Review and Complete Forms
- Pay registration fee at Town Hall and obtain copy of receipt.
- Contact Wendell Police Department to schedule an inspection (appt. may be scheduled by calling between 8:00-12:30 and 1:30-5:00). Inspections will be performed at the Police Department Monday thru Friday, excluding holidays.
- Assemble a packet that contains proof of ownership, liability insurance and a completed waiver of liability. This packet must be in the golf cart at all times while in operation on public roads.
- Bring registration packet, receipt of registration payment, and other required documentation to scheduled inspection along with golf cart. Note: If cart is not yet registered, it cannot be driven to the Police Department.
- Inspector reviews documentation and conducts inspection.
- Obtain permit after inspection. If the cart does not pass registration one re-inspection may occur within 30 days, otherwise the application is voided with no refund of fees.



# Golf Cart Registration Form

*(Please Print in Blue or Black Ink)*

Owner's Full Name: \_\_\_\_\_

Owner's Driver's License Number: \_\_\_\_\_ State: \_\_\_\_\_

Owner's Physical Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Owner's Mailing Address: \_\_\_\_\_

City \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone Number: Daytime: (\_\_\_\_) \_\_\_\_\_ Nighttime :(\_\_\_\_) \_\_\_\_\_

Make of Golf Cart: \_\_\_\_\_ Year Made \_\_\_\_\_

Color of Golf Cart: \_\_\_\_\_

Serial Number/VIN of Golf Cart: \_\_\_\_\_

### **Insurance Certification**

Under penalties of perjury, I declare this vehicle is insured with the company named below and I will maintain liability insurance throughout the registration period.

\_\_\_\_\_  
Name of Insurance Company and Policy Number  
(Attach Proof of Insurance for Golf Cart)

By signing this application below, the applicant acknowledges that he/she has read and understands the provisions of the Town of Wendell Code of Ordinances as it pertains to operation of golf carts and agrees to abide by all rules and regulations governing the operation of his/her golf cart. The applicant furthermore acknowledges and accepts that registration of the golf cart is non-transferable.

\_\_\_\_\_  
Owner's Signature Date

.....  
**For Town's Use Only**

Approved By Town of Wendell Police Officer (Print Name): \_\_\_\_\_

Permit Number: \_\_\_\_\_

Date Issued: \_\_\_\_\_

Signature



## Golf Cart Liability Waiver

I acknowledge that I have read, understand and agree to abide by the Wendell Code of Ordinances Chapter 24 Article V as it pertains to Golf Cart registration and operation in the Town of Wendell. I agree that I will obey all the rules and regulations set forth by the Town of Wendell concerning the operation of a golf cart within town limits. Furthermore, I have paid the registration fee for the cart and agree to additional assessments as may be required in support of this ordinance.

I acknowledge that I will assume all liability, and am fully responsible for the operation of the golf cart on the streets and roads in the Town of Wendell. I also acknowledge that the Town of Wendell, in providing this privilege, is in no way endorsing the operation of this cart on the streets and roads, and does not and will not assume any liability associated with the operation of the cart. I agree to indemnify and hold harmless the Town of Wendell for any and all liability arising from the use of this golf car/cart.

**I also understand that the Town of Wendell's interpretation of all the rules and regulations associated with the use of Golf Carts on its streets and roadways are final.**

Finally, I agree to insure that the permit sticker will remain attached to the driver's side of the cart at all times unless and until the cart is sold or otherwise permanently inoperable. If either of the two issues arises, the sticker will be removed and destroyed. Golf Cart Registration Permits are non-transferable either between golf carts or owners.

\_\_\_\_\_  
Owner's Printed Full Name as it appears on the Registration Form

Permit Number: \_\_\_\_\_  
(To be provided by issuing official )

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date



# Town of Wendell Code of Ordinances

## Chapter 24 Article V

### Golf Cart Related Ordinances

SECTION 1. NOW, THEREFORE BE IT ORDAINED by the Town Board of the Town of Wendell, North Carolina that Chapter 24 of the Wendell Code of Ordinances be amended to provide clear definition and guidance to ensure the safe operation of golf carts within the Town and to more specifically read as follows:

#### **Section 132-149. - Reserved**

#### **Article V**

#### **Sec. 150 – Definitions**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**GOLF CART** means a motor vehicle having not less than four wheels in contact with the ground and unmanned weight less than 1,300 pounds which is designed to be operated at not more than 20 miles per hour and is designed to carry golf equipment. This does not include vehicles known as all-terrain vehicles (ATVs), Utility Task Vehicles (UTVS) or go-carts.

**LOW SPEED VEHICLE** means a four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but less than 25 miles per hour.

**OPERATOR** means a person having a valid North Carolina non-provisional driver's license (or a recognized similar valid license from another state) who is driving the golf cart and has full control of its operation and passengers.

State Law reference — § 20-4.01. Definitions.

#### **Sec. 151 – Low Speed Vehicle**

Low Speed Vehicles, as defined under North Carolina General Statute 20-4.01 and as equipped and regulated under North Carolina General Statute 20-121.1 shall be operated under the applicable state statutes and shall not be subject to this ordinance.

State Law reference — § 20-4.01. Definitions and 20-121.1.



# Town of Wendell Code of Ordinances

## Chapter 24 Article V

### Golf Cart Related Ordinances

#### **Sec. 152 - Golf Cart Equipment**

Golf Carts approved for operation under this ordinance must be the size and shape that conforms to industry standards for manufactured golf carts. Additionally, the golf cart must be equipped with the following:

- (a) Identification or serial number,
- (b) An unobstructed rear-view mirror and left side mirror, or a wide angle cross bar rear-view mirror,
- (c) Operating headlight(s) on the front of the golf cart and operating tail light(s) on the back of the golf cart. All lights must be visible from a distance of 500 feet, and
- (d) Golf carts may have “lift kits” but no golf cart may be more than 22” high measured from the ground to the floorboard of the cart.

State Law reference — § 160A-300.6

#### **Sec. 153 – Insurance Requirements**

Every golf cart operated under this ordinance shall have in full force and effect, valid liability insurance sufficient to cover the risk involved in using a golf cart on the public streets and roadways. Valid liability coverage is that which is defined in North Carolina General Statute 20-279.21(b) as the minimum required.

State Law reference — § 160A-300.6

#### **Sec.154 – Liability**

Golf carts are not designed or manufactured to be used on public streets and the town in no way advocates or endorses their operation on public streets and roadways. The town, by regulating such operation, is trying to address safety issues, and adoption of this section is not to be relied upon as a determination that operating on public streets and roadways is safe or advisable if done in accordance with this section.

All persons who operate or ride upon golf carts on public streets do so at their own risk and peril, and must be observant of and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists and pedestrians.



# Town of Wendell Code of Ordinances

## Chapter 24 Article V

### Golf Cart Related Ordinances

The town has no liability under any theory of liability and the town assumes no liability for permitting golf carts to be operated on public streets and roadways.

State Law reference — § 160A-300.6

#### **Sec. 155 – Registration**

Operators of golf carts operated under this ordinance must have a valid registration decal issued by the Town of Wendell prior to operating on the roads. This registration decal must be obtained by the owner through submittal of a golf cart registration, a valid North Carolina Driver's License, proof of ownership and liability insurance and a waiver of liability to the Wendell Police department who will then schedule an inspection of the golf cart.

The cost for the registration shall be \$100.00 and will be payable to the Town at the time of registration. The registration shall be valid for no more than one year and is to be renewed annually at which time the owner shall submit the above documents and shall schedule the vehicle for a subsequent inspection. All renewals shall occur in the same month of the calendar year. Registration fees shall not be prorated.

(a)The registration decal must be displayed on the lower left corner of the windshield (driver's side) or, in the absence of the windshield, the left front fender so as to be easily visible by law enforcement personnel.

(b)Lost or Stolen Registration decals are the responsibility of the owner and must be replaced before the golf cart is operated on a public road. The cost of a replacement shall be \$20.00.

State Law reference — § 160A-300.

#### **Sec. 156 - Inspection.**

No golf cart may be operated on any street or highway in the town without first passing an inspection which will be conducted prior to the issuance of a town registration decal.

Furthermore, no registration decal will be issued until the operator presents proof that the golf cart is fully insured, and the operator has a valid North Carolina driver's license or recognized valid driver's license from another state.



# Town of Wendell Code of Ordinances

## Chapter 24 Article V

### Golf Cart Related Ordinances

To pass the inspection for the town and to obtain a golf cart permit, the golf cart must have the following:

- (a) Operational headlight(s) and tail light(s);
- (b) Rubber or equivalent tires;
- (c) Operational steering gear, brakes, emergency or parking brake, rear-view mirror, adequately affixed driver seat(s);
- (d) Other requirements as set forth in Article V of this Section must be complied with.

State Law reference — § 160A-300.

#### **Sec. 157 - Operation.**

The following restrictions limiting the operation of golf carts in the town shall apply:

(1) Golf cart transportation is limited to those streets and highways within the town limits which have a posted speed limit of 35 miles per hour or less except as noted:

(a) Golf carts may not be operated on the following streets or roadways regardless of the speed limit:

- (1) Any portion of Wendell Blvd.
- (2) Any portion of US 231 (S. Selma Rd.)
- (3) Any portion of Wendell Falls Parkway.

(b) Golf carts may cross a road with a posted speed limit greater than 35 mph or one of the streets or roadways listed above. Golf carts must cross in a manner that is the most direct route in order to decrease crossing distance, i.e. no riding along a road or crossing at an angle.

(2) Golf carts must be operated at the right edge of the roadway unless lane usage is necessary to make turns or travel through intersections.

(3) Golf Carts must yield to all vehicular and pedestrian traffic.



# Town of Wendell Code of Ordinances

## Chapter 24 Article V

### Golf Cart Related Ordinances

(4) Golf carts must be parked in accordance with the laws and ordinances which apply to any parked vehicle in the town.

(5) Golf carts are prohibited from traveling upon or parking on any sidewalk or multi-purpose path within the town.

(6) Any person who operates a golf cart on public streets and roads must adhere to all applicable State and local laws, regulations and ordinances, including but not limited to those banning the possession and use of alcoholic beverages, and all other illegal drugs. In addition, no golf cart containing any open container of alcohol shall be operated on public roads.

(7) The operator of the golf cart shall comply with all traffic rules and regulations adopted by the State of North Carolina and the Town which governs the operation of motor vehicles.

(8) In no instance shall a golf cart be operated at a speed greater than 20 miles per hour. No golf cart may be operated at a speed greater than reasonable and prudent for the existing conditions.

(9) Golf carts are required to follow the rules and regulations of any other vehicle during special events and are not permitted to enter special event areas unless the golf cart is a part of the event and approved by the Chief of Police.

(10) No person shall operate a golf cart on a public street or highway in the town unless said person has a valid non-provisional North Carolina driver's license or a valid similar recognized, out-of-state license in accordance with North Carolina General Statute § 20-7. Golf cart operators must carry their driver's license on their person at all times while operating a golf cart on public roads.

(11) Only the number of people the golf cart is designed to seat may ride on a golf cart. Additionally, passengers shall not be carried on the part of a golf cart designed to carry golf bags.

(12) Operators of Golf Carts are required to ensure that all occupants under the age of 18 are secured within the golf cart through the use of an appropriate passenger restraint system.

(13) Each golf cart owner must have proof of ownership, liability insurance and a completed waiver of liability releasing the Town from liability that may arise as a result of operation of a golf cart inside the Town. These documents must be in the golf cart at all times while in operation on public roads.



# Town of Wendell Code of Ordinances

## Chapter 24 Article V

### Golf Cart Related Ordinances

(14) If mechanical front and rear turn signal indicators are not installed on the golf cart, then hand signals are required for turns and stops.

(15) The operator of the golf cart is mandated to use the headlight(s) and taillight(s), as defined in Section 152 of this article whenever the vehicle is operated during the period from dusk until dawn so as to maximize its visibility.

(16) Golf carts shall not be operated during inclement weather or when visibility is impaired by weather, smoke, fog or other conditions;

State Law reference — § 160A-300.6

#### **Sec.158 – Violations**

Any operator of a golf cart in violation of either this Section or the motor vehicle laws of the State of North Carolina shall be charged the same as any other driver of any registered vehicle in the state.

#### **Sec.159 – Penalties**

Violations of this Section or the motor vehicle laws of the State of North Carolina shall result in fines and penalties as described in this section for similar violations made with registered vehicles or in the case of violations of the motor vehicle laws of the State of North Carolina, the penalties shall be the same as those set by applicable state statute.

Additionally, violation of either this Section or the motor vehicle laws of the State of North Carolina through a particular registered golf cart may be grounds for the inability to renew the registration which shall be at the discretion of the Chief of Police.

**Disclaimer:** This ordinance, upon approval by the Town Board, shall be applicable to all persons who register and operate golf carts within the corporate limits of the Town of Wendell, until such time that the ordinance is altered, modified, or rescinded by the Town Board.



# Golf Cart Inspection Form

Owner Name: \_\_\_\_\_ Owner Phone #: \_\_\_\_\_

Owner Address: \_\_\_\_\_

Golf Cart Make: \_\_\_\_\_ Golf Cart Serial/VIN#: \_\_\_\_\_

Inspection Item	Pass	Fail	Comments
Registration Paid Receipt			
Valid Driver's License for Registered Owner			
In Force Liability Insurance			
Signed Waiver Form			
Headlight(s) visible from 500 feet, all operational.			
Tail light(s) visible from 500 feet, all operational			
Rear view mirror and left side mirror/ or wide angle cross bar rearview mirror			
No more than 22 inches high to the floor			
Rubber/equivalent tires			
Steering			
Brakes			
Emergency/Parking Brake			
Affixed Seat(s)			
Passenger Restraint System (if applicable)			

I certify that I have conducted an inspection of the above referenced vehicle and that the conditions of the inspection items are accurately reported:

\_\_\_\_\_  
Inspector's Printed Name

\_\_\_\_\_  
Inspection Date

\_\_\_\_\_  
Inspector's Signature

\_\_\_\_\_  
Permit Number

**TOWN OF ROLESVILLE  
MEETING OF THE  
TOWN BOARD**

**October 16, 2018**

**MINUTES**

<b>PRESENT:</b>	Frank Eagles, Mayor	Ronnie Currin, Mayor Pro Tem
	Jacky Wilson, Commissioner	Sheilah Sutton, Commissioner
	Paul Vilga, Commissioner	Michelle Young-Medley, Commissioner
	Kelly Arnold, Town Manager	Amy Stevens, Finance Officer
	Q Danny Johnson, Planning Director	J. G. Ferguson, Parks & Recreation Director
	Orlando Soto, Police Chief	David York, Town Attorney
	Robin Peyton, Town Clerk	

~ Regular Meeting ~

**CALL TO ORDER**

Mayor Eagles called the Regular Meeting to order at 7:00 p.m.

**BUSINESS**

Consideration of Preliminary Plat for Regency at Heritage

Planning Director Danny Johnson introduced Case S18-03: Administrative Review of a Preliminary Plat for Phase III of Regency at Heritage, a 14.72-acre tract for a proposed development of 27 single-family homes.

Discussion followed regarding access from Marshall Farm Street and Stonewater Subdivision as well as amenities to be offered. The Town Board consistently requests a pool and clubhouse be built in Rolesville subdivisions. As this development lies within two jurisdictions, the developer may be subject to other neighborhood HOAs to share their amenities.

Randy Jones with Pulte Homes took further questions from the board members. As a portion of the overall development lies within both Rolesville and Wake Forest, Mayor Eagles expressed concern regarding the Post Office that will ultimately serve the development, Rolesville or Wake Forest. The Mayor stated he is adamant that there be a Rolesville mail kiosk in the development.

Moved by Commissioner Wilson to table the matter and the plat be re-presented in a month after further research by the developer as to furnishing suitable amenities; seconded by Commissioner Sutton. Motion carried by unanimous vote.

Approve VC3 Contract for Town of Rolesville Website Development and Maintenance

Town Manager Kelly Arnold introduced the contract with VC3, the company chosen by a team of staff members to develop and maintain a new website for the Town of Rolesville. Staff is asking the board to approve the recommended contract.

Moved by Commissioner Vilga to approve the contract and authorize the Town Manager to execute the Master Services Agreement and Website Partnership Plan with VC3; seconded by Commissioner Sutton. Motion carried by unanimous vote.

NCLM Advocacy Goals Conference

Moved by Mayor Pro Tem Wilson to appoint Commissioner Sutton as voting delegate and Mayor Pro Tem Currin as

alternate voting delegate at the NCLM Advocacy Goals Conference.

Barrington Phase II Call for Public Hearing for November 6, 2018: Case SUP18-03

Moved by Commissioner Wilson to set a Public Hearing on Case SUP18-03: Barrington Phase II for November 6, 2018; seconded by Commissioner Sutton. Motion carried by unanimous vote.

**ADJOURN**

Moved by Commissioner Sutton to adjourn the regular meeting; seconded by Commissioner Wilson. Motion carried by unanimous vote. Regular Meeting adjourned at 7:40 p.m.

~ **WORK SESSION** ~

Mayor Eagles called the work session to order at 7:43 p.m. and read the following statement:

*I call the Town of Rolesville Board of Commissioners Work Session to order. I would like to welcome our citizens and guests to the meeting. This meeting is designed as a work session for board members to receive, review and discuss information prepared by staff. Only staff and board members are allowed to speak during this meeting, without express special permission. I will reminder citizens that there is an opportunity during the public comment period of each regular board meeting for questions and concerns and citizens are welcome to contact the Mayor or board at other times by phone or email.*

*At this time, I will ask our Town Manager to proceed with the business at hand.*

**BUSINESS**

Parks & Recreation Comprehensive Master Plan Findings Presentation

Rachel Cotter of McAdams, the developer of the Town of Rolesville Parks & Recreation Master Plan, provided a summary of findings in the process of the development. Remaining presentations to be provided on the draft recommendations before the Town Board after the beginning of 2019, then Planning Board and Parks & Recreation Advisory Board in February followed by a final presentation for adoption before the Town Board in March 2019.

Questions were posed as the population figures presented were inconsistent with the comprehensive plan, which is based upon current projections

Town Manager Kelly Arnold asked the board to begin consideration of requiring developers to provide an amenity in its plat approvals, and queried if that amenity would count in the total for facilities within the Parks & Recreation Master Plan. The board was asked to be prepared to discuss further in the future.

It was noted that facilities are defined as a building with a roof and walls, whereas picnic shelters would be defined as amenities in the plan.

Advisory Board Application and Appointment Process

Town Manager Kelly Arnold introduced a proposed process for term expirations and filling of vacancies on advisory boards. A discussion was held on term limits and a preference for a minimum one-year residency.

The board directed staff to research the Planning Board by-laws regarding term limits and include term limits in advisory board by-laws.

Commissioner Sutton, Commissioner Wilson and Mayor Eagles to make up the interview panel for the Planning Board. Commissioner Medley, Commissioner Vilga and Mayor Eagles to make up the interview panel for the Parks and Recreation Advisory Board. Staff to provide five or six questions to use in the interview process. Following the interviews, the Clerk

will submit a memo under the next scheduled meeting's consent agenda stating the interview panels' recommended candidates.

Community Center Use Policy for Non-Profits and Other Community Groups

Following discussion it was decided that proposed Community Center Use Policy Option 2 be implemented on a 6-month trial basis with an evaluation report to follow and those coming before be grandfathered. The new policy is to be advertised with instructions on applying.

Discussion of Golf Carts on Public Streets

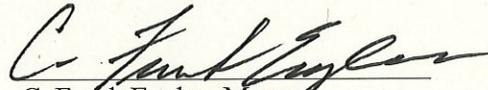
Police Chief Orlando Soto gave a comprehensive presentation on all aspects of allowing golf cart usage on streets. In conclusion, Chief Soto reported that usage of low-speed vehicles (those golf carts retrofitted to be *street legal*) were already addressed under North Carolina General Statutes.

Review of Habitat for Humanity Needs and Possible Town-Owned Land for Habitat Purposes

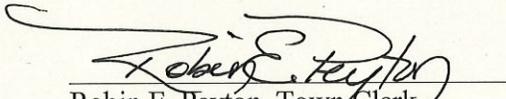
Town Manger Kelly Arnold reported on his communication with a Habitat for Humanity representative. It does not appear any of the town-owned properties are suitable. Commissioner Wilson asked the board members to be aware of any private landowners that may be amenable to their land being used for the Habitat for Humanity purposes, possibly purchased at a discount.

**ADJOURN**

Moved by Commissioner Sutton to adjourn; seconded by Commissioner Wilson. Motion carried by unanimous vote. The Work Session adjourned at 9:54 p.m.

  
C. Frank Eagles, Mayor

ATTEST:

  
Robin E. Peyton, Town Clerk



July 13, 2020

**Subject: Minutes from Stonewater Golf Cart Request**

Hello Gentleman,

Paul and I along with the community members of Stonewater want to thank you for your time and discussion today regarding the golf cart options for our community. Please find the below minutes that we took away from our discussions and appreciate any points that you find which may need clarification.

Meeting was opened with presentation of agenda topics and us thanking the Police Department for their support in helping our community and subdivision. Discussion went to the understanding of the police enforcement, which is very simple, General Statute of North Carolina in the absence of a town ordinance (which we do not have) is what the police are required to enforce.

Background to the initiating request back in 2018 where Chief Soto documented the pros / cons of establishing a golf cart ordinance, were presented along with basic data around injuries and accidents. This is where the discussion of liability insurance along with the minimum safety standards of blinkers, lights, seatbelts, and cart inspections by police were referenced in the towns of Wendell, Holly Springs, and Benson. In fact, Wendell has created an ordinance with a golf cart inspection checklist and inspection form which we believe can be leveraged for an effective solution.

This raised the point of police resources supporting a golf cart inspection and registration process where manpower resources are a challenge. We then had open conversation where potential solutions could be created in a cooperative manner once the proper requirements were implemented. Example: in some HOA structures, a subcommittee could be structured to pre-screen the approval process based upon a close working relationship with police. Similar to an ARC approval process for painting a house.

The next discussion points were presented regarding the "Street Use" verses the "Street Legal" where the presentation of two separate quotes of plus \$3500 were submitted as not a practical solution. Positions were taken that if that is the choice, we would be forced to liquidate verses pay tax revenue on a continuing basis for a community that has no access to other town amenities via allowed street use.

Open discussion then transitioned to what options exist for a community based, street use practice. Short answer, elected officials will need to take up the request that we send before them. The request should present our case, possible options, timing, and decision.

We closed the meeting with an understanding we would submit a request to Rolesville elected officials and cite this meeting as our basis for beginning the process.

Kind Regards,  
Ron Aplin & Paul Odland

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## M E M O R A N D U M

**TO:** Mayor and Town Commissioners  
**FROM:** David J. Neill, Town Attorney  
**DATE:** September 16, 2020  
**RE:** **Amendment to the Town Code – Reimbursement Agreements**

### Executive Summary.

North Carolina cities are authorized under a selection of different statutes to provide reimbursement to property owners and developers who enter into contracts with the municipality to construct improvements to public infrastructure beyond what normal development approvals would require. To enable this power, a city or town must first adopt an ordinance enacting this authority and may include procedures for entering into these “reimbursement agreements.” The ordinance enclosed would codify the Town’s power to enter into reimbursement agreements. This ordinance would appear to be an amendment to the Town Code.

### Ordinance Highlights:

- The term “public infrastructure” is defined broadly to provide maximum flexibility to the Town.
- The Town Manager or a designee would negotiate reimbursement agreements but approval of a reimbursement agreement would require approval by the Town Board.
- While reimbursement agreements normally require the property owner or developer to comply with public bidding requirements, for roadway projects where the Town’s cost is less than \$250,000, no bidding would be required.
- While reimbursement may be made from any legal source, reimbursement by providing a credit against impact fees otherwise due is expressly authorized
- This ordinance would be effective upon adoption.

### Form of Motion:

I move to adopt Ordinance # 2020-O-07 titled “An Ordinance to Invoke Authority and Adopt Procedures for Infrastructure Development Reimbursement Agreements.”

### Attachments:

Ordinance # 2020-O-07 (An Ordinance to Invoke Authority and Adopt Procedures for Infrastructure Development Reimbursement Agreements.)

**PROPOSAL TO AMEND THE CODE OF ORDINANCES**

**TOWN OF ROLESVILLE, NORTH CAROLINA**

**Ordinance No: 2020-O-07**

**AN ORDINANCE TO INVOKE AUTHORITY AND ADOPT PROCEDURES FOR INFRASTRUCTURE DEVELOPMENT REIMBURSEMENT AGREEMENTS**

**SECTION 1. Article V -- Public Works.**

- Addition
- Deletion
- Alteration

**Chapter 52. - REIMBURSEMENT AGREEMENTS**

**52.01 – Authority.**

This Chapter sets forth procedures and terms under which the Town may negotiate and approve reimbursement agreements and intersection and roadway improvement agreements. Additional authority for such agreements may exist elsewhere, and the provisions of this Chapter are intended to be supplementary to such authority. This Chapter is authorized by Chapter 160A, Sections 309 and 499 of the North Carolina General Statutes (hereafter N.C. Gen. Stat.) together with North Carolina Session Law 1987-996 Section 4. Town approval authority for agreements under this Chapter shall be governed by general Town contracting authorizations and delegations.

**52.02 - Municipal Infrastructure Reimbursement Agreements**

The Town may approve municipal infrastructure reimbursement agreements with private developers and property owners for the design and construction of municipal infrastructure that is included on the Town's capital improvement plan and serves the developer or property owner. For the purpose of this Chapter, “municipal infrastructure” includes, without limitation, public streets, bridges, traffic control devices, greenways, bikeways, water treatment facilities, wastewater treatment facilities, on and off-street surface and underground stormwater drainage devices and lines and culverts, public buildings, water lines and related facilities, and sanitary sewer lines and related facilities. The Town Manager, or designee, may negotiate municipal infrastructure reimbursement agreements with private developers and property owners in accordance with this Chapter and applicable policies and procedures. In negotiating such agreements, the Town shall require that the private developer or property owner’s compliance with the requirements of N.C. Gen. Stat. §§ 143-128.2 and -129 relating to public advertising and bidding requirements which would be applicable if the municipal infrastructure construction contract had been awarded by the Town. [Authority: N.C. Gen. Stat. § 160A-499.]

**52.03 - Intersection and Roadway Improvement Agreements**

The Town may approve intersection and roadway improvement agreements with a developer or property owner, or with a private party who is under contract with the developer or property owner, for public intersection or roadway improvements that are

adjacent or ancillary to a private land development project. The Town Manager, or designee, may negotiate intersection and roadway improvement agreements with a developer or property owner (or private party under contract with the developer or property owner) in accordance with this Chapter and applicable policies and procedures. In approving such agreements, the Town shall first determine (a) that the public cost will not exceed the estimated cost of providing for such improvements through either eligible force account qualified labor or through a public contract let pursuant to Article 8 of Chapter 143 of the North Carolina General Statutes; and (b) that the coordination of separately constructed public intersection or roadway improvements would be impracticable. Notwithstanding the foregoing, such intersection and roadway improvement agreements shall not be subject to the provisions of Article 8 of Chapter 143 if the public cost will not exceed two hundred fifty thousand dollars (\$250,000). [Authority: N.C. Gen. Stat. § 160A-309.]

**52.04 – Reimbursement Funding and Impact Fee Credits**

Reimbursements under a municipal infrastructure reimbursement agreement or intersection and roadway improvement agreement may be paid from any lawful source. Without limiting the foregoing, the Town may provide reimbursement by fee credits against required fees when a developer or property owner installs improvements of a type that generally would be paid for by the Town out of a capital reserve account funded by impact fees. [Authority: N.C. Gen. Stat. § 160A-309; -499; and S.L. 1987-996 § 4.]

**SECTION 2:** This amendment to the Code of Ordinances shall be effective upon its adoption.

Adopted this, the \_\_\_\_ day of \_\_\_\_\_ 2020 by the Town of Rolesville Board of Commissioners.

\_\_\_\_\_  
Ronnie I. Currin  
Town of Rolesville Mayor

**CERTIFICATION**

I, Robin E. Peyton, Town Clerk for the Town of Rolesville, North Carolina, do hereby certify the foregoing to be a true copy of an ordinance duly adopted at the meeting of the Town Board of Commissioners held on this, the \_\_\_\_ day of \_\_\_\_\_ 2020.

In witness whereof, I have hereunto set my hand and caused the seal of the town of Rolesville to be affixed this \_\_\_\_ day of \_\_\_\_\_ 2020.

[Seal]

\_\_\_\_\_  
Robin E. Peyton  
Town of Rolesville Clerk



## MEMORANDUM

DATE: September 15, 2020  
TO: Kelly Arnold, Town of Rolesville  
Mical McFarland  
Danny Johnson  
FROM: Kelley Klepper, AICP, Kimley-Horn and Associates  
Jonathan Whitehurst, AICP  
Allison Fluitt, P.E.  
James Ehrmann, AICP  
RE: Rolesville UDO Update

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Consistent with the direction of the Town as part of the last virtual public review on August 25, 2020, the Kimley-Horn team has prepared the following update and summary information. This Memorandum, along with the attached documents, summarizes key components of the Unified Development Ordinance (UDO) including:

1. Update on the proposed Town Center (TC) district;
  2. Updated Annotated Table of Contents with recommendation of “groupings” of UDO topics for Board consideration and direction moving forward; and
  3. Updated Schedule
- 

### 1. Update on Proposed Town Center (TC) District

The updated UDO is proposed to contain mixed-use districts that will allow for a mixture of uses in a single development, horizontally and or vertically. The current UDO allows for mixed use, (i.e., Town Center) as an overlay. The updated UDO will continue to allow for traditional single use districts, but will also recognize the importance of compact, urban forms of development with a mixture of uses. The TC district will be one of these mixed-use districts and because of its unique nature as a “town center” and to allow for a flexible mixture of uses, the TC district is proposed as a stand-alone zoning district (not an overlay) to include additional design and development standards which focus on the form of buildings and not just uses. These design and development standards will help to ensure the TC district features development that provide more compact, walkable, urban forms which allow residents to live, work and play in a single space with increased focus on the development including parking, building placement, gathering spaces, etc. To accommodate immediate development interest in the town center, it is proposed to strike Article 7.4: Town Center Overlay District, of the current UDO and replace it with amendments to the current UDO. **See attached Proposed Town Center Amendment.**

## 2. Updated Annotated Table of Contents and Recommended Groups (by topic)

UDO's contain a variety of topics and standards generally organized around a specific (recommended) format. UDO's are inherently complex as there are topics that are dependent on the development of other sections concurrently or that "build on" the efforts of previous sections (i.e., zoning districts, use tables, use definitions). However, there are also sections which can be developed as stand-alone sections as they are not generally dependent on other items (i.e., parking, signage, landscape and buffering, tree preservation).

For the purposes of this discussion and utilizing the recommended TOC (including summary descriptions of each section/sub-section), the following Subject/Topic Groups are recommended (note, 1 = higher priority, initial update / review, 3 = lower priority, to be undertaken later in the UDO update process). **See attached Rolesville UDO – Recommend Groups and Table of Contents (matrix)**

 <b>ROLESVILLE UDO - Recommended Groups</b>			
<i>The following UDO topics are based on the recommended Table of Contents including the reorganization of the Town's current UDO</i>			
SECTION	GROUPING		
	Group 1	Group 2	Group 3
<b>UDO</b>			
1. INTRODUCTION			3
2. ADMINISTRATION			3
3. ZONING DISTRICTS		2	
3.1. GENERAL USE DISTRICTS		2	
3.2. CONDITIONAL ZONING DISTRICTS		2	
3.3. SPECIAL DISTRICTS		2	
3.4. MIXED-USE DISTRICTS	1 and 2 (Note: TC Update = 1)		

The Annotated Table of Contents outlines the recommended re-ordering of existing UDO sections/sub-sections including the addition of new information. For example, the current UDO includes Article 10 Parking and Loading Requirements as a stand-alone Article; however, the proposed UDO recommends incorporating the parking and loading standards into Article 6 which addresses Design & Development Standards including signs, landscaping, parking, fences, lighting, complete streets, etc.

## **6. DESIGN AND DEVELOPMENT STANDARDS**

### **6.1. MEASUREMENT STANDARDS**

### **6.2. SIGNS**

### **6.3. LANDSCAPING, BUFFERING AND COMPATIBILITY**

### **6.4. PARKING AND LOADING**

### **6.5. FENCES AND WALLS**

### **6.6. LIGHTING**

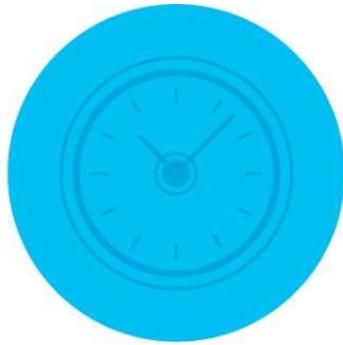
### **6.7. ACCESS AND CIRCULATION**

### **6.8. COMPLETE STREETS**

### **6.9. NON-RESIDENTIAL DESIGN STANDARDS**

### **3. Schedule**

The attached schedule identifies the key components of the UDO update including potential time frames for preparation and review of the recommended groups identified in #2 above (2. Updated Annotated Table of Contents and Recommended Groups (by topic) . This schedule realizes the statutory time frames established by Part 160-D. **See attached Rolesville UDO Schedule.**



# ROLESVILLE NEXT

Unified Development Ordinance Update

## PROPOSED TOWN CENTER UDO TEXT AMENDMENTS

*Prepared By:*  
**Kimley-Horn and Associates**



TEXT CHANGE  
AMEND UNIFIED DEVELOPMENT ORDINANCE

Editorial Background: The Town's current Town Center standards are adopted within the UDO as an Overlay District as compared to a "standard" zoning district. The standards specific to the Overlay are currently found in UDO Article 7 Overlay District Standards, Section 7.4. Due to current development interest and the schedule for the completion of the revised UDO, the Town is proposing a UDO Text Amendment addressing specifically the Town Center while the rest of the UDO is being revised.

More specifically, the Town is recommending Article 7.4 of the Unified Development Ordinance be stricken in its entirety and the following underlined amendments are proposed. Note, additional sections and portions of the UDO will be proposed for amendment subsequently; however, the below will allow the proposed development to proceed while keeping with the spirit and intent of not only the existing TC Overlay District but also the standards being developed for the revised UDO.

Amendment summary (Note, the Sections listed below reference the Town's current UDO):

- Amend Section 2.1(2). Board of Commissioners
- Create Section 4.1.1. Mixed-Use District – Town Center (TC)
- Amend Section 5.1. Table of Permitted Uses
- Create Section 5.11. Town Center (TC) Standards
- Amend Section 9.14.1. Masonry Ordinance, Applicability
- Create 10.1.11. Town Center Parking Requirements
- Create Section 14.13. Town Center Landscaping, Buffering And Compatibility
- Create Section 16.4. Town Center District Standards Definitions

## 2.1 BOARD OF COMMISSIONERS

2.1(2) To review, hear, consider and approve, approve with conditions, or disapprove as appropriate:

- (a) The adoption of an ordinance to amend the Rolesville Official Zoning Map (rezoning); provided, however, the final action by the Town Commissioners shall include the adoption of a statement describing whether its action is consistent with the Comprehensive Plan and any other applicable town-adopted plan(s) and explaining why the Commissioners considers the action taken to be reasonable and in the public interest).
- (b) Applications for special use permits.
- (c) Applications for site plans.
- (d) Applications for master subdivision plans.
- (e) Applications for preliminary subdivision plats.
- (f) Alternative Parking Plans (See Section 10.1.11).
- (g) Design Alternatives, where permitted in this UDO.

#### **4.1.1 MIXED-USE DISTRICT – TOWN CENTER (TC)**

- A. **Purpose and Intent.** The Town of Rolesville recognizes the importance of compact and urban forms of development centered on a mix of uses, residential and nonresidential, with specific design and development related standards. The Town's adopted comprehensive plan identifies recommended mixed-use neighborhoods, including the Town Center area, each with its representative and unique standards. Standards applicable to development within the Town Center (TC) shall apply to all parcels designated as Town Center (TC) on the Official Zoning Map. Standards are defined in Section 5.11.

DRAFT

### 5.1 TABLE OF PERMITTED USES

Uses allowed in the districts named in this ordinance shall be in accordance with the following table in which "x" signifies that the use is permitted as of right, "s" indicates that the use is a special use which requires approval of the Town Board of Commissioners, and a blank indicates that the use is not permitted in that zoning district. Uses allowed in Special Use Districts shall be in accordance with Section 5.3.

	R80W	R40W	R1	R1-2	R1-D	R2	R2-D	R3	RMH	RuMH	UMH	C	CO	CH	OP	I	TC
Above ground storage of petroleum products (NFPA rules may apply)													S	S		S	
Adult day care															S		
Adult entertainment																S	
Amusement, recreation, and sporting goods manufacturing																X	
Animal hospital or veterinary clinic												X	X	S			<u>X</u>
Animal service facility												S	S	S		S	<u>S</u>
Art, dance, or photo studios												S	S	S	S		<u>X</u>
Automobile carwash (use of recycled water only and UDO Article 8 standards)													S	S			

ROLESVILLE UDO: TOWN CENTER DISTRICT UDO TEXT AMENDMENTS

Automobile detailing												X	X	S			
Automobile parts and accessories manufacturing																X	
Automobile repair garages (UDO Article 8)												S	X	S			
Automobile service stations												S	S	S			
Banks												X	X	S	X		<u>X</u>
Bar/tavern/nightclub												S	S	S			<u>S</u>
Barber and Beauty shops												X	X	S	X		<u>X</u>
Bed, breakfast, & tourist home																S	
Bedding and carpet manufacturing																X	
Bottling and canning plant																X	
Building materials sales																X	
Business machine manufacturing																X	
Churches & places of worship	X	X	X		X	X	X		X								
Clothing manufacturing																X	
Clubs (civic & fraternal)	X	X	X		X	X	X		X								<u>X</u>

ROLESVILLE UDO: TOWN CENTER DISTRICT UDO TEXT AMENDMENTS

Commercial commissary												S	S	S		S	<u>S</u>
Conservation development	S	S	S	S	S	S	X		S								
Construction offices and equipment storage																X	
Dwelling - single family	X	X	X	X	X	X	X		X	X	X		S	S			<u>X</u>
Dwelling - two family					X		X		X								<u>X</u>
Dwelling - multi family					S	S	S	S									<u>X</u>
Dwelling - manufactured home									X	X	X						
Dwelling - manufactured home park									X		S						
Drugs, medicines, and cosmetic manufacturing																X	
Eating establishment												X	X	S			<u>X</u>
Eating establishment-no drive thru															X		<u>X</u>
Electronic equipment manufacturing																X	
Electronic gaming operation (see 8.3.10 for												S	S	S			

ROLESVILLE UDO: TOWN CENTER DISTRICT UDO TEXT AMENDMENTS

additional standards)																	
Event venue												S	S	S	S	S	<u>S</u>
Farm machinery assembly, repair, and sales																X	
Farming and trucking	X	X	X		X	X	X		X	X	X						
Food truck												X	X	S		X	<u>X</u>
Food truck uses												X	X	S		X	<u>X</u>
Fitness center												S	S	S	S		<u>S</u>
Funeral home and crematory												X	X	S	X		
Furniture manufacturing																X	
Golf courses and driving range													S	S			
Governmental facilities	S	S	S	S	S	S	S		S	S	S	X	X	S	X		<u>X</u>
Group care homes (defined by §168 for handicap persons, UDO Articles 3 and 16)	X	X	X	X	X	X	X		X	X	X						
Group housing projects (UDO Article 8.3)			S			S	S	S									
Hardware and housewares manufacturing																X	

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Home occupations	x	x	x		x	x	x	x	x	x	x		x	S			<u>x</u>
Kindergartens, nurseries, day cares	x	x	x		x	x	x		x			x	x	S	x		
Laundromat (use of recycled water only)												S	S	S			<u>S</u>
Leather product manufacturing (not including the manufacturing of leather)																x	
Library												x	x	S	x		<u>x</u>
Lodging or boarding of transients provided not more than 50 percent of gross floor area is used	x	x	x		x	x	x		x								<u>S</u>
Market and sales of produce and seasonal goods	S	S	S									S	S				<u>S</u>
Medical clinic												x	x	S	x		<u>x</u>
Monument manufacturing																x	
Offices for business and professional service												x	x	S	x	x	<u>x</u>
Paper products manufacturing (not including the																x	

ROLESVILLE UDO: TOWN CENTER DISTRICT UDO TEXT AMENDMENTS

manufacture of paper)																	
Parking lots for vehicles												X	X	S	X		<u>X</u>
Plastic product manufacturing																X	
Printing, graphics, or copy centers												X	X	S		X	<u>S</u>
Public recreational parks & centers	X	X	X	X	X	X	X	S	X	X	X						<u>X</u>
Private recreation facilities part of subdivision or HOA	X	X	X	X	X	X	X		X	X	X						<u>X</u>
Retailing establishments (excluding vehicle sales lots)												X	X	S	S		<u>X</u>
Research laboratories																X	
Rest homes, nursing centers, and assisted living facilities			X		X	X	X	S							S		<u>S</u>
Site specific development plans (associated with §160A-385.1)	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S	<u>S</u>
Schools (public and private)	X	X	X		X	X	X		X	X	X		X	S			<u>S</u>

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Shopping centers (provided use is listed within this table)												X	X	S			<u>X</u>
Signs	X	X	X	X	X	X	X	X	X	X	X	X	X	S	X	X	<u>X</u>
Storage (provided not visible from street and opaque wall/fence with height of six feet)																X	
Storage (provided not visible from street)												X	X	S	X		<u>S</u>
Uses and buildings customarily accessory to the permitted use (UDO Article 5.5)												X	X	S	X	X	<u>X</u>
Uses in accessory buildings (UDO Article 5.5)	X	X	X	X	X	X	X	S	X	X	X	X	X	S	X	X	<u>X</u>
Temporary uses (with development standards)			S		S	S	S	S	S	S	S	S	S	S	S	X	<u>S</u>
Textiles and cordage manufacturing																X	
Vehicle sales lots (parking areas for vehicles are paved with asphalt or concrete)													X	S			

ROLESVILLE UDO: TOWN CENTER DISTRICT UDO TEXT AMENDMENTS

Wrecker service and vehicle storage														S	S		S	

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## 5.11. TOWN CENTER (TC) STANDARDS

- A. **Standards.** District development standards are defined for the TC district via a district development standards table and apply to all properties within the TC district.
- B. **Measurement of Development Standards.** The measurement of development standards included within the TC district are defined in various Sections of this UDO. Each standard within the district development standards table provides a reference to the applicable Section where measurements of the standard are provided. Design alternatives may be requested consistent with Section 2.1(2).
- C. **Permitted Uses.** Uses permitted shall be as identified in Table 5.1: Table of Permitted Uses.
- D. **TC District Development Table.** District development standards are defined for the TC district via Table 5.11: TC District Development Standards.

ROLESVILLE UDO: TOWN CENTER DISTRICT UDO TEXT AMENDMENTS

Table 5.11. TC District Development Standards

<u>STANDARDS</u>		<u>TC REQUIREMENTS</u>
<u>Building Height (See Section 16.4)</u>		<u>Min: Two Stories</u> <u>Max: Three Stories (By Right)</u> <u>Five Stories Permitted By Design Alternative, Reviewed By Board Of Commissioners</u> <u>Maximum 60 Feet In Height With An Interior Sprinkler Or Fire Suppression System Is Required. If No Sprinkler Or Fire Suppression System Is Provided, The Building Shall Not Exceed 35 Feet in Height</u> <u>Building Heights Above Three Stories Require Additional Compatibility Standards Per Section 16.4</u>
<u>Density</u>		<u>20 Units/Acre (Single-Use Residential Building)</u> <u>(No Density Standard For Upper Story Residential When Part Of A Mixed-Use Building, And / Or Live-Work Unit)</u>
<u>Building Placement (see Section 16.4)</u> <u>(min/max)*1 *2 *3 *4</u> <u>see also Streetwalls</u>	<u>Front/Street</u>	<u>0'/20'</u>
	<u>Side</u>	<u>0'/15'</u>
	<u>Rear</u>	<u>0'/45'</u>
<u>Lot (See Section 16.4)</u>	<u>Length (min)</u>	<u>50'</u>
	<u>Width (min)</u>	<u>25'</u>
	<u>Coverage (min/max)</u>	<u>25% / 100%</u>
<u>Frontage (See Section 16.4)</u>	<u>% Requirement</u>	<u>50%</u>
	<u>Active Use Areas</u>	<u>Permitted; Maximum Length: 25' or 75% of Building Frontage (Whichever is Less)</u> <u>Maximum AUA Depth: 10'</u>
	<u>Encroachments (Upper Story Only; Only Where Clear Of Public Utilities)</u>	<u>Maximum Length: 50% of Building Frontage</u> <u>Maximum Encroachment: 6'</u> <u>Minimum Clearance: 8'</u> <u>Balconies, Awnings, And Porches Are Permitted Encroachments</u>
	<u>Entrances</u>	<u>Front (Primary Street-Facing); Corner Lots May Orient Entrances To The Corner Or Provide An Additional Entrance Oriented To The Secondary Street)</u>
<u>Landscaping (See Section 14.13)</u>		<u>Property Perimeter, Parking Perimeter And Vehicle Use Areas) And Service Areas; Foundation Plantings</u> <u>Permitted Open Space Types: Green, Commons, Square, Plaza</u>

<b><u>Building and Site Design</u></b>	
<u>Architectural Standards (see Section 16.4)</u>	<p><u>Minimum 40% Transparency For The Ground Floor, Minimum 35% For Upper Floors</u></p> <p><u>Maximum 30 Square Feet Blank Wall Area</u></p> <p><u>Blank Walls Not Permitted Facing Any Public Street Frontage Or Traditional Zoning District</u></p>
<u>Maximum Single-Use/Building size (excluding residential only structures)</u>	<p><u>35,000 Square Feet</u></p> <p><u>No Size Limits For Mixed-Use Buildings</u></p>
<u>Maximum Blank Wall (see Section 16.4)</u>	<p><u>Maximum 50 Square Feet Blank Wall Area Or 15% Of The Total Wall Area</u></p> <p><u>A Maximum 25' In Length Without A Compliant Design Feature</u></p>
<u>Minimum Transparency % (by story) (see Section 16.4)</u>	<p><u>40% Transparency On First Story, 35% Transparency For Each Story Above</u></p>
<u>Drive-Through Locations</u>	<p><u>Side Or Rear Only; Not Adjacent To The Primary Street</u></p>
<u>Street Walls Required (see Section 16.4) *5</u>	<p><u>Drive-Throughs</u></p> <p><u>Parking Areas (Excluding On-Street Parking) Fronting Public Streets</u></p> <p><u>May Be Utilized To Meet The Building Frontage Requirements</u></p>
<u>Rooflines *6</u>	<p><u>Only Flat And Gable Roofs Are Permitted; Parapets May Extend 36" Above The Roofline; Mansard Roofs Are Prohibited</u></p>

Table 5.11. Additional Standards:

\*1 = Subject to Compatibility/Perimeter Standards provided in Section 14.13.3.

\*2 = Measured from the edge of the public right-of-way or existing public sidewalk if not located within the right-of-way.

\*3 = Building placement dimensions may be varied administratively, by the Planning Director.

\*4 = An administrative exception may be granted for side building placement that utilize fire-rated separation walls within 10 feet of side property lines, per compliance with 601 NCSBC-2018, Table 601 and Table 602.

\*5 = Streetwalls shall be constructed of brick, masonry, stone, wrought iron, or other solid decorative materials. Wood, fencing, and chain link are prohibited materials for a streetwall. Streetwalls shall be a minimum of three (3) feet and a maximum of four (four) feet in height. Breaks in streetwalls are permitted to allow for pedestrian or vehicular access, recessed storefront entrance, plazas, or for tree protection. On corner parcels, the corner of the building may be recessed from the front and side property lines on a diagonal. A design alternative, reviewed by the Board of Commissioners, may be requested for a continuous hedge. Streetwalls or combination of streetwalls and canopy trees (no hedge or opaque walls) are required where buildings do not front a public ROW.

\*6 = Building rooflines that face a street shall not exceed a linear distance of 35 feet without the introduction of a physical articulation of no less than one (1) foot in the vertical direction.

## 9.14 MASONRY ORDINANCE

### 9.14.1 APPLICABILITY

- A. The requirement for brick exterior wall construction shall apply to any non-residential structure that is approved after the effective date of this Ordinance. Development within the Town Center district shall be exempt from the masonry ordinance.

## 10.1 OFF-STREET PARKING REQUIREMENTS

**10.1.11 TOWN CENTER PARKING REQUIREMENTS.** The following shall be the allowable range of off-street parking spaces provided for uses within the Town Center District. The following standards shall be applied to uses, as illustrated on a concept plan, site plan or similar document.

<u>USES</u>	<u>NUMBER OF REQUIRED OFF-STREET PARKING SPACES</u>	
	<u>MINIMUM REQUIRED</u>	<u>MAXIMUM ALLOWED</u>
<u>MIXED-USE RESIDENTIAL</u>	<u>One and one-quarter space per dwelling unit*<sup>1</sup></u>	<u>Two and one-half spaces per dwelling unit</u>
<u>MIXED-USE NONRESIDENTIAL</u>	<u>Two and one-half spaces for each 1,000 square feet of gross floor area</u>	<u>Five spaces for each 1,000 square feet of gross floor area</u>
<u>Notes</u>		
<u>*1: Includes guest parking</u>		

- A. **Town Center Parking.** It is understood that due to its nature, the TC district shall allow for lower off-street parking requirements than traditional zoning districts. Parking within this district may allow for on-street parking, parking structures, and alternative parking plans. The numbers above assume a mixed-use development. For developments not of a mixed-use nature, the standard parking rates per Section 10.1.10 shall apply.

1. **On-Street Parking.** Up to ten percent of the required off-street parking may be provided through on-street parking. On-street parking shall be located within 1,000 feet walking distance of the building for which it is used, along an improved path, sidewalk, or similar constructed facility, and maybe counted toward the required off-street parking requirements.

2. **Parking Structures.** Parking structures may be permitted but shall require approval by the Board of Commissioners as part of a site plan per the review process defined in Section 2.1 and the standards defined in Section 14.2.1.
  
3. **Alternative Parking Plan (APP).** An applicant may propose an alternative parking plan (APP) if off-street parking requirements cannot be met. The Board of Commissioners shall accept an APP in place of the parking requirements for a proposed use, only if the below requirements are met:
  - a. A parking study must be submitted that is prepared by a registered Professional Engineer or Certified Land Use Planner.
  
  - b. The study must include the size, type, and proposed use(s) of the development; anticipated peak parking; anticipated normal parking amounts; and a narrative and data as to why the parking requirements of the proposed development are unique in nature.
  
  - c. An APP shall be granted only where the narrative and data provided by the registered Professional Engineer or Certified Land Use Planner clarify the need for the APP, the context of the APP, consequences of the APP, and that the APP will not constitute a public nuisance or detriment to the Town, including but not limited to parking in non-designated areas, blocking of traffic, restriction of access (both vehicular and pedestrian), and public safety.

## 14.13 TOWN CENTER LANDSCAPING, BUFFERING, AND COMPATIBILITY

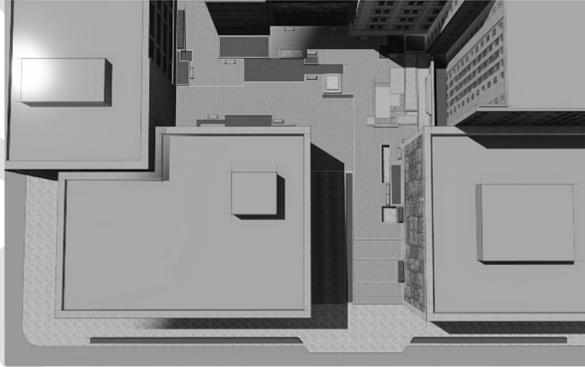
### 14.13.1 TOWN CENTER OPEN SPACE

- A. **Intent.** Open space provides and serves the Town Center (TC) district with active and passive recreational opportunities. Open space shall be provided at all levels to ensure an appropriate mix. Stormwater management practices, such as storage and retention facilities, may be integrated into open space types and utilized to meet stormwater requirements for surrounding parcels per this Section.
- B. **Stormwater Features.** Stormwater features may be designed as formal or natural amenities with additional uses other than stormwater management, such as an amphitheater, sports field, or a pond as part of the landscape design. Where stormwater features are used for open space purposes of this Section, stormwater features shall not be fenced and shall not impede public use of the land they occupy. Stormwater features may be counted towards a percent of the required open space based on the criteria noted in Table 14.13.1.2.
- C. **Open Space Size/Acreage.** For the purposes of this Section, open space sizes are identified in Table 14.13.1.1. The sizes may be modified by a design alternative, approved by the Board of Commissioners based on the location, facilities / amenities provided, or similar. The following shall apply:
1. Mixed-Use and Non-Residential Development: Shall set aside ten (10) percent of the total development as open spaces uses.
  2. Residential Development: Shall set aside one (1) acre for each fifty (50) residential units provided.
- D. **Additional Open Space Standard.** Development or redevelopment shall provide the following: Development shall provide one or more of the open space sizes and corresponding open space types meeting the set-aside standards above. For development greater than ten (10) acres, at least one (1) medium and at least one (1) large open space size type shall be provided. This standard may be modified by a design alternative, approved by the Board of Commissioners based on the type and size of the open space proposed, provided there is no decrease in open space provided. Open space types and requirements are identified in Table 14.13.1.1 and Table 14.13.1.2.

Table 14.13.1.1. Open Space (Size/Acreage)

<u>Open Space Size</u>	<u>Acreage (range)</u>
<u>Small</u>	<u>0.25 – 1.5</u>
<u>Medium</u>	<u>1.5 – 5.0</u>
<u>Large</u>	<u>5 or greater</u>

Table 14.13.1.2. Open Space Types

<b>Open Space Type</b>	<b>Illustrative</b>
<p><b><u>Plaza</u></b>  <b><u>Description:</u></b>  <b><u>Plazas are generally small to medium scale; serves as a gathering place for civic, social, and commercial purposes. The Plaza may contain a greater amount of impervious coverage than any other open space type. Typically located in the front or sides of a building or group of buildings; plazas may not be located in the rear of the building or property except as approved as part of a zoning permit.</u></b></p> <p><b><u>Components:</u></b>  <b><u>Size: Small, Medium</u></b></p> <p><b><u>Features: Shade structures, seating/benches, tables, including gaming tables; Special features, such as fountains and public art, are encouraged.</u></b></p>	

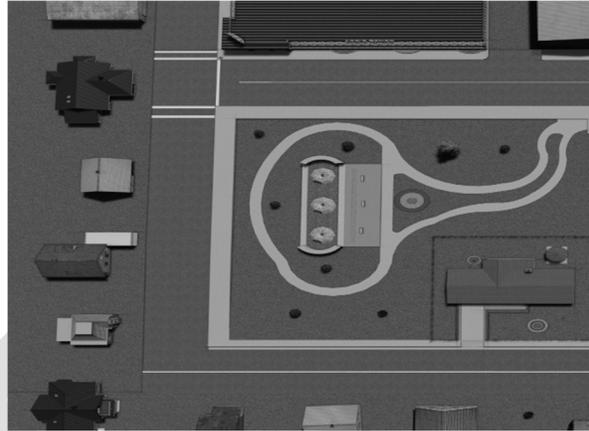
**Pocket Park****Description:**

**Pocket parks are generally small in scale; primarily landscaped active or passive recreation and gathering space within a one-quarter mile walking distance of a majority of residents.**

**Components:**

**Size: Small**

**Features: Shade structures, gazebo, seating areas, multi-purpose lawn space, playground/play space, trail; may also be formed around and include an environmental feature such as a stream, creek, or wetland.**

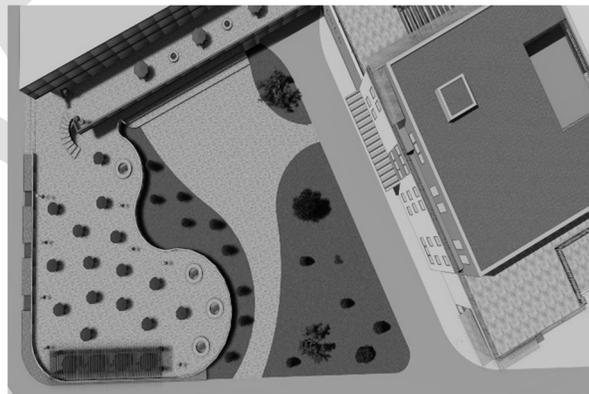
**Square****Description:**

**Squares are small to medium in scale; serve as a more formal open space for gathering for civic, social, and commercial purposes. Squares are bordered by a vehicular right-of-way (public and/or private), which, together with building frontages, creates its definition and boundaries.**

**Components:**

**Size: Small, Medium**

**Features: Shade structures, gazebo, seating areas, multi-purpose lawn space, playground/play space, sidewalks, or other pedestrian facilities.**



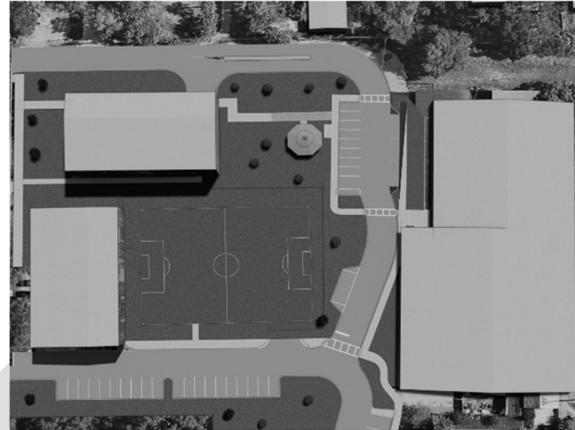
**Green****Description:**

**Greens are generally small to medium scale; provide more informal spaces supporting active or passive recreation for neighborhood residents within walking distance. Typically bounded by streets and/or the fronts of buildings.**

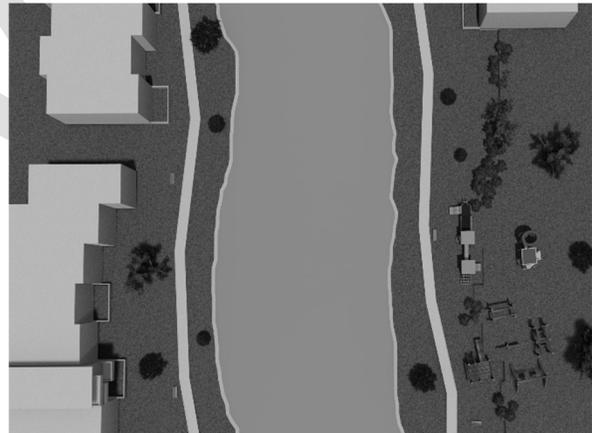
**Components:**

**Size: Small, Medium**

**Features: Shade structures, gazebo, seating areas, multi-purpose lawn space, playground/play space, limited/small scale recreational facilities.**

**Linear Park****Description:**

**Linear parks are presumed to be medium to large scale; may also be referred to and used as a greenway; may be formalized based on its function (i.e., multimodal trail/connectivity), typically follow a natural feature including but not limited to a stream, wetland system, or man-made feature natural feature; may also follow streets. Linear Parks may connect other open spaces as well as neighborhoods.**

**Components:**

**Size: Medium, Large**

**Features: Walking trails, sidewalks, environmental features (wetlands, creeks,**

streams), shade structures, gazebo, seating areas, multi-purpose lawn space, playground/play space. Human-made lakes and stormwater features are included in this type; however, they must be publicly accessible with a trail or sidewalk. A maximum of 25% of the area of human-made lakes and stormwater features can be counted as open space.

### Neighborhood Park

#### Description:

Neighborhood parks are generally medium to large scale; provides formal and/or informal active and passive recreational activities to residents and the community.

#### Components:

Size: Medium, Large

Features: Shade structures, gazebo, seating areas, multi-purpose/sports fields, pools and splash pads, great lawn playground/play space, natural environments, and plantings.

Human-made lakes and stormwater features are included in this type; however, they must be publicly accessible with a trail or sidewalk. A maximum of 25% of the area of human-made lakes and stormwater features can be counted as open space.



### **14.13.2 TOWN CENTER BUFFERING**

- A. **Intent.** Perimeter Buffer areas shall consist of a landscaped buffer intended to mitigate and screen the property from adjacent properties and public right-of-way.
- B. **Perimeter Buffer Area Standards.** This Section describes minimum perimeter buffering standards for the TC district. A perimeter buffer (i.e. buffer) area is determined exclusive of any required yard; however, perimeter buffers may be located in required yards. Buffer areas must be located within the outer perimeter of the lot, parallel to and extending to the lot line. Buffers are located and measured from the property line. No buildings, structures, principal or accessory uses are allowed in the buffer. Only the items identified in this Section are permitted within the buffer.
- C. **Location.** Perimeter buffers begin at the common property line, immediately abutting the adjacent property. Where there is a perimeter easement (such as a drainage or utility easement) that does not allow for the installation of the buffer, then the required buffer shall be placed as close to the property line, adjacent to the easement, as possible.
- D. **Permitted Items Within Buffers.** Required and additional plant materials, fences, walls, and berms are permitted in a buffer.
- E. **Plant Material.** Required plant material, including ground cover and lawn grasses, shall be planted within the buffer. Plant material may be planted parallel to the buffer perimeter or may be meandered for aesthetic purposes. Required plant material may not be clustered and shall be planted in accordance with this Section and Article 14: Landscape and Appearance Standards. Buffers may incorporate greater width and additional plant materials. Perimeter buffer types standards are defined and illustrated in this Section.
- F. **Fences and Walls.** Required fences and walls shall be installed in accordance with Section 14.6.9: Existing Vegetation, Fences, Walls, and Berms. Required fences and walls shall be inside the buffer, not along the outer perimeter and boundary line. Required plant material shall be installed in front of any required fence, so the required plant material is completely visible from the adjacent property or right-of-way.

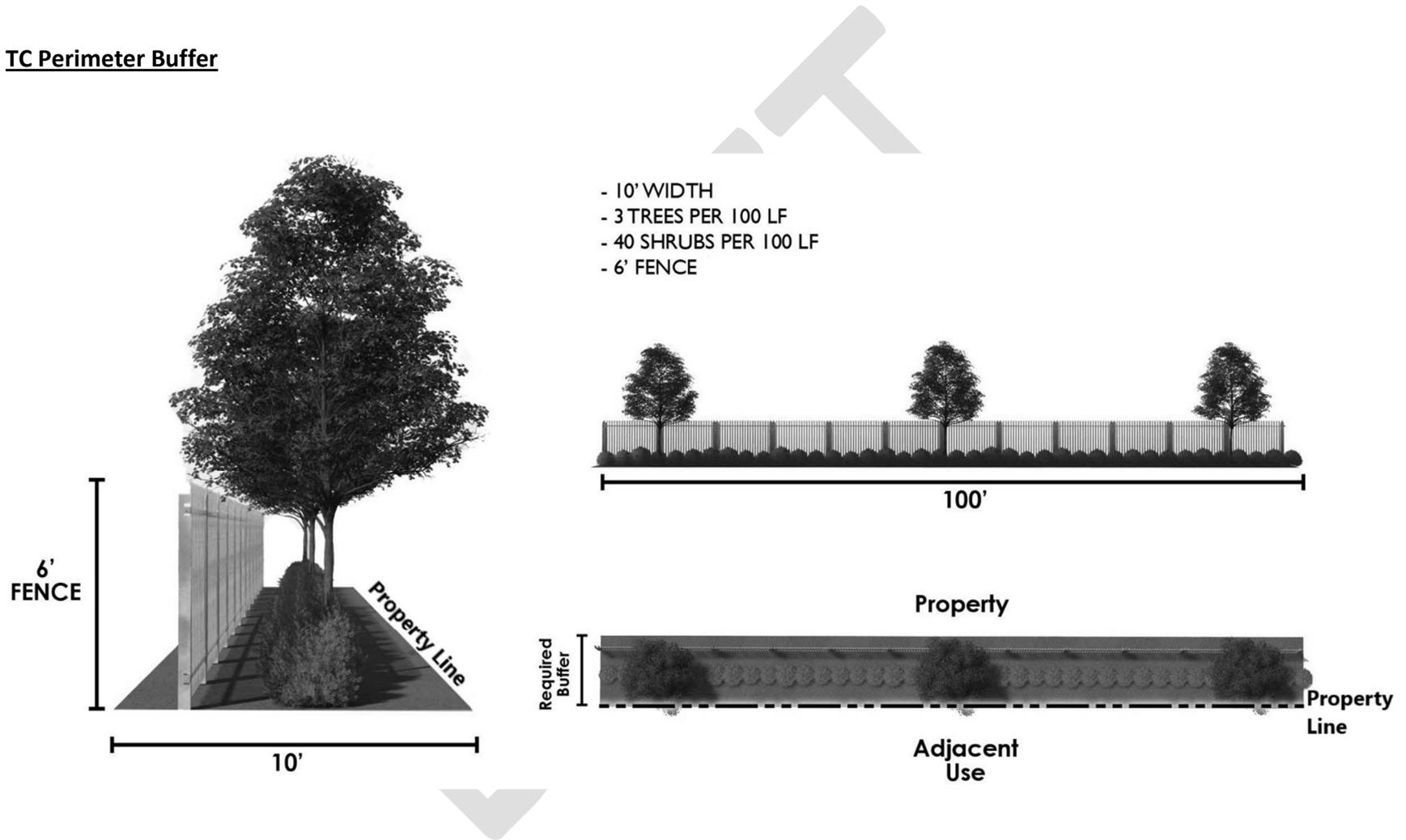
**Perimeter Buffer Types.** The TC district shall require the minimum perimeter buffer defined in Table 14.13.2.

Table 14.13.2. TC Perimeter Buffer Type Table

<u>Standard</u>	<u>Measurement</u>
<u>Minimum Width</u>	<u>10'</u>
<u>Minimum Canopy Trees</u>	<u>3</u>
<u>Minimum Understory Trees</u>	<u>N/R</u>
<u>Minimum Shrubs</u>	<u>40</u>
<u>Minimum Fence</u>	<u>6'</u>
<u>Minimum Wall</u>	<u>N/R</u>
<u>Minimum Berm</u>	<u>N/R</u>
<p><b>Key:</b></p> <ul style="list-style-type: none"> <li>• <u>N/R = Not Required</u></li> </ul> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• <u>Measurements provided are per 100 linear feet.</u></li> <li>• <u>Fences and walls are measured in height consistent with this UDO.</u></li> <li>• <u>Trees and plants may not be clustered to achieve requirements; a maximum allowable 10' gap may be permitted.</u></li> <li>• <u>Minimum shrubs may be double staggered.</u></li> <li>• <u>Canopy trees may be on both sides of a wall as long as a minimum one-half of the required canopy trees are in front.</u></li> <li>• <u>Required parking area buffers and standard buffers between lots are still required in addition to required buffer types per Article 14.</u></li> </ul>	

**TC Perimeter Buffer Illustration.** The following image shows an example of a TC perimeter buffer. The image is for illustrative purposes only.

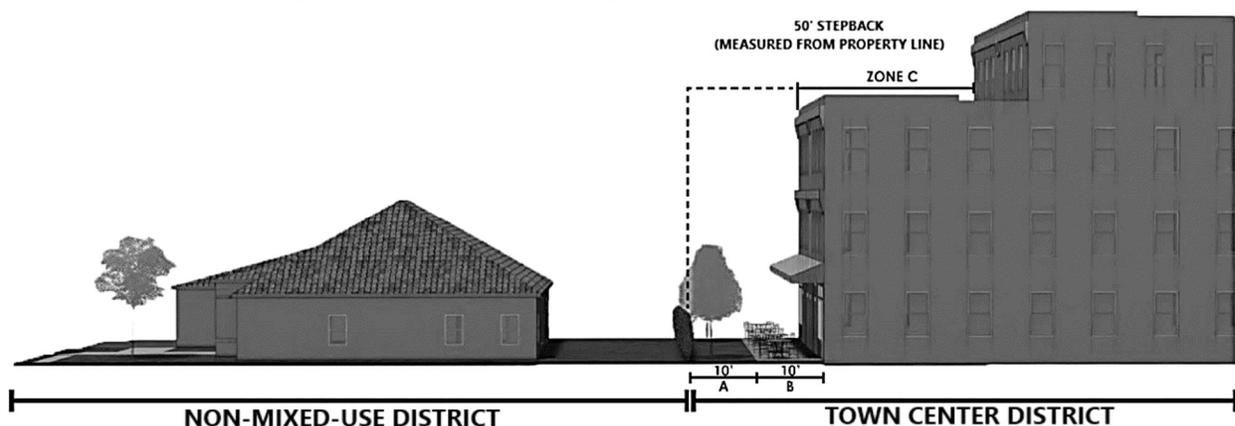
**TC Perimeter Buffer**



### 14.13.3 TOWN CENTER COMPATIBILITY

- A. **Compatibility Standards.** Recognizing that mixed-use districts feature a unique mixture of uses and that the TC district abuts non-mixed-use districts, this Section intends to promote compatibility between these districts. Note: These standards apply to those uses and buildings located at the perimeter of the TC district and not internal to the district. There are no additional buffering requirements if a public right-of-way of at least 50' in width separates the uses. This Section identifies "compatibility transition areas" which are intended to provide greater predictability by minimizing potential incompatibilities. The area of compatibility transition areas shall be provided within the TC district. The standards/dimensions provided in this Section may be modified as part of a design alternative, approved by the Board of Commissioners, provided that the intent of this Section is retained. Furthermore, the standards in this Section may be modified based on the type of lot in which the standard is being applied (i.e., shallow lot).
- B. **Compatibility Transition Areas.** Figure 14.13.3 illustrates the locations of the TC district "compatibility transition areas", and a non-mixed-use district. Note: The dimensions noted in these figures are for illustrative purposes only; the specific dimensions and requirements for each area are provided in the following Sections.
- A = "Buffer"
  - B = "Use Restriction"
  - C = "Height and Form"

Fig. 14.13.3. Compatibility Transition Areas Graphic



**A: Buffer**

- a. **Intent.** Consists of a landscaped buffer intended to buffer and screen the non-mixed-use district from the TC district. No buildings, structures, principal or accessory uses are allowed in the buffer other than permitted in this subsection.
- b. **Location.** It begins at the common property line, immediately abutting the TC district boundary line and the adjacent property.
- c. **Width.** Consists of a minimum 10' landscaped buffer, with 1 canopy tree per 30 linear feet of the boundary line, and a 4' tall continuous hedge or 3' tall knee wall located at the property boundary line. A 6' tall masonry wall may be substituted for the hedge and knee wall as part of a design alternative, approved by the Board of Commissioners. The minimum 10' landscaped buffer shall be maintained.
- d. **Permitted Uses**
  - i. Landscaping
  - ii. Open spaces (plazas, parks, commons)
  - iii. Swales, low-impact/ bioretention facilities.
- e. **Design and Installation**
  - i. Required landscaping in a buffer yard must meet the design and installation requirements of Article 14.

**B: Use Restriction**

- a. **Intent.** Compatibility Transition Area B shall be occupied by open areas and/or low intensity uses, such as surface parking, alleys, landscaping, active use areas, outdoor dining, and limited service-related structures. Primary uses and accessory uses shall not be permitted in Area B unless expressly permitted in this subsection. If no uses are proposed within Area B, Area B may be combined with Area A for an expanded buffer / green space, including parks, plazas, or similar open spaces.
- b. **Location.** It begins at the edge of the protective yard of Area A and extends towards Area C and / or the primary structure(s).
- c. **Width.** Shall be a minimum of 10 feet in width.
- d. **Permitted Uses/Activities:**
  - i. Yard - 1 tree every 30 linear feet.
  - ii. Garden, park, open space.
  - iii. Outdoor dining.
  - iv. Path, walkway, sidewalk, multi-use recreational trail.

**C: Height and Form**

- a. **Intent.** Provided to mitigate potential visual nuisances that height may bring and is intended to restrict the height and form of development to decrease the potential impact of new mixed-use multi-story structures on traditional zoning use districts.
- b. **Location.** It begins at the edge of Area B and extends inward.

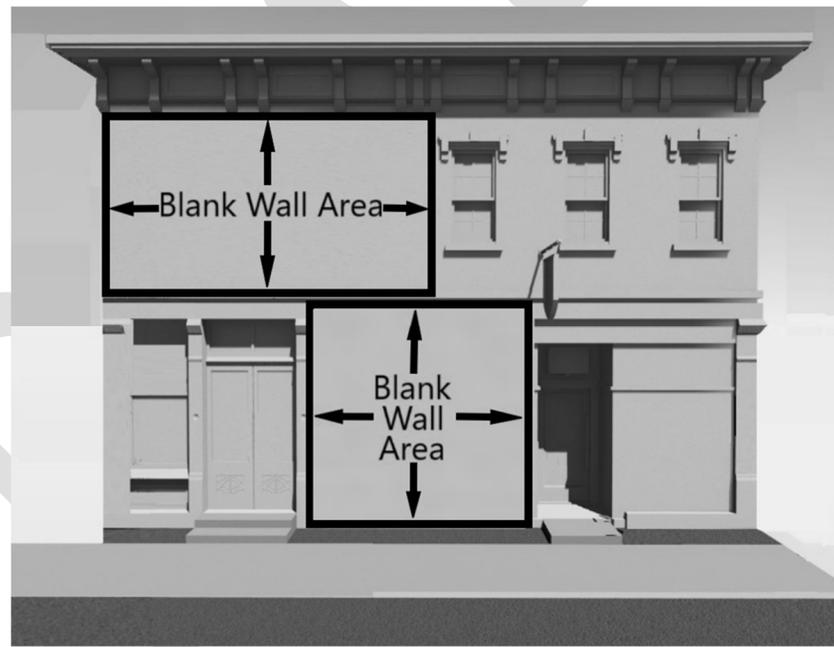
- c. **Width.** Measures, from the property line, a minimum of 20' inward (subject to the widths of Area A and B). No structure shall be placed within Area A and B except through a design alternative, approved by the Board of Commissioners Area C permits the by-right height.
- C. **Form Standards.** The sides and rear facade of the building that faces the general use district shall meet the architectural requirements of Section 5.11: Town Center (TC) Standards, with respect to windows, architectural features, and transparency requirements.
- D. **Shallow Lots.** Recognizing that existing lots of record may not meet the proposed lot standards and/or potentially further inhibit and potentially limit a property's development, special considerations may be applied as part of a zoning permit and a corresponding design alternative, approved by the Board of Commissioners. An existing lot of record less than 100 feet in depth may apply a 0.5x Ratio Effect Compatibility Scale to the Area A, Area B, and Area C standards. The Board of Commissioners, through a design alternative, may allow the combination of Area A and Area B Permitted Uses and Activities within the reduced Area widths. Design alternatives proposing a reduction of Area A, Area B, and or Area C standards of the Ratio Effect Compatibility Scale must provide at a minimum a 10 foot Area A including the required canopy trees with a 6' tall opaque masonry wall and be approved by the Board of Commissioners.

## **16.4 TOWN CENTER DISTRICT STANDARDS DEFINITIONS**

The following standards are specific to the Town Center district within the Town of Rolesville. Due to the nature of mixed-use districts, which implement elements of form-based codes, the development standards in this Section have been adopted herein.

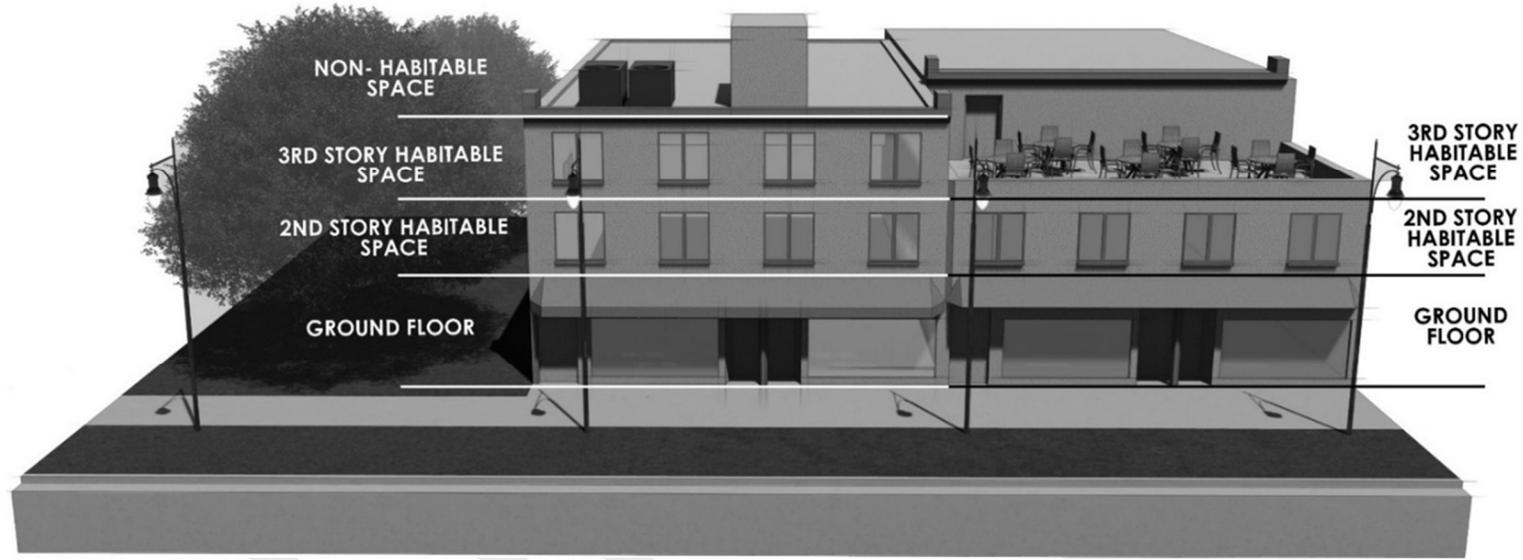
**BLANK WALL AREA.** Blank Wall Area shall refer to portions of an exterior façade that does not include windows, doors, columns, pilasters, architectural features greater than one (1) foot in-depth, or a substantial material change and is displayed. Paint shall not be considered a significant material change. Blank wall area applies in both a vertical and horizontal direction of the building façade and applies to ground floors and upper floors.

Figure 16.4.1. Blank Wall Area



**BUILDING HEIGHT:** Building Height shall be defined by stories rather than exclusively expressed in feet within the TC district. However, each story shall also have maximum height limitations described in feet. Height is limited to a maximum story allowance in Section 5.11: Town Center (TC) Standards.

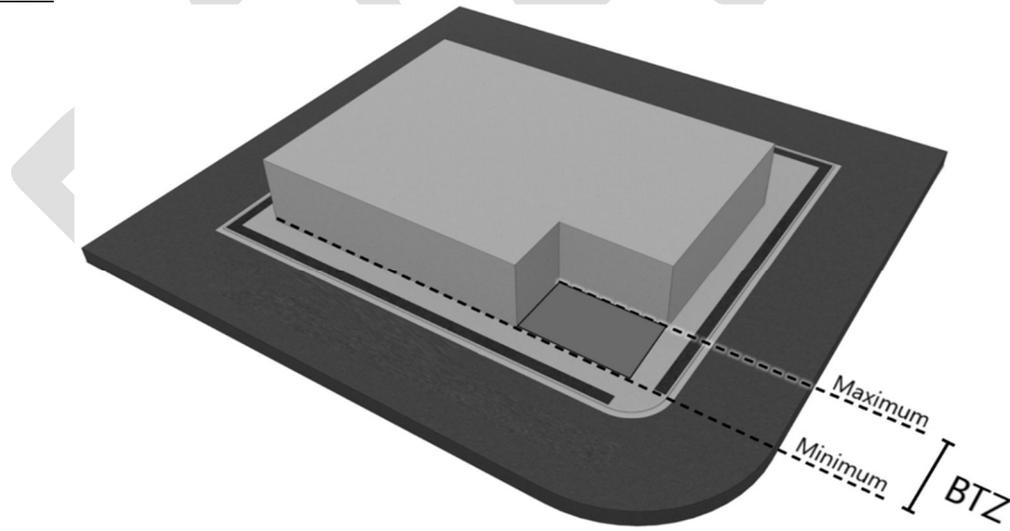
Figure 16.4.2. Building Height



**BUILDING HEIGHT STORY:** To calculate the height of a story, the ground floor (i.e., first story) of a structure shall be a maximum of 15 feet. Additional stories shall be a maximum of 12 feet for each individual story. Building heights are limited through Section 5.11: Town Center (TC) Standards. To allow for a wide variety of building designs, requests to modify the allowable height of stories, so long as the maximum permitted height of the structure is not exceeded, may be permitted through a design alternative. Stories are understood to also include the habitable space of a building, excluding rooflines, architectural features, or similar. If there is habitable space on the rooftop of a structure (i.e. an active eating area, pool, or rooftop lounge), this shall constitute a story as defined in this UDO. Non-habitable rooftop architectural elements such as cornices, porch roofs, turrets, towers, or dormers and are limited to ten (10) feet in height. Non-habitable rooftop structures, such as structures used for sheltering mechanical and electrical equipment, tanks, elevators, and related machinery, shall be limited to fifteen (15) feet in height, not including base floor elevation (B.F.E.).

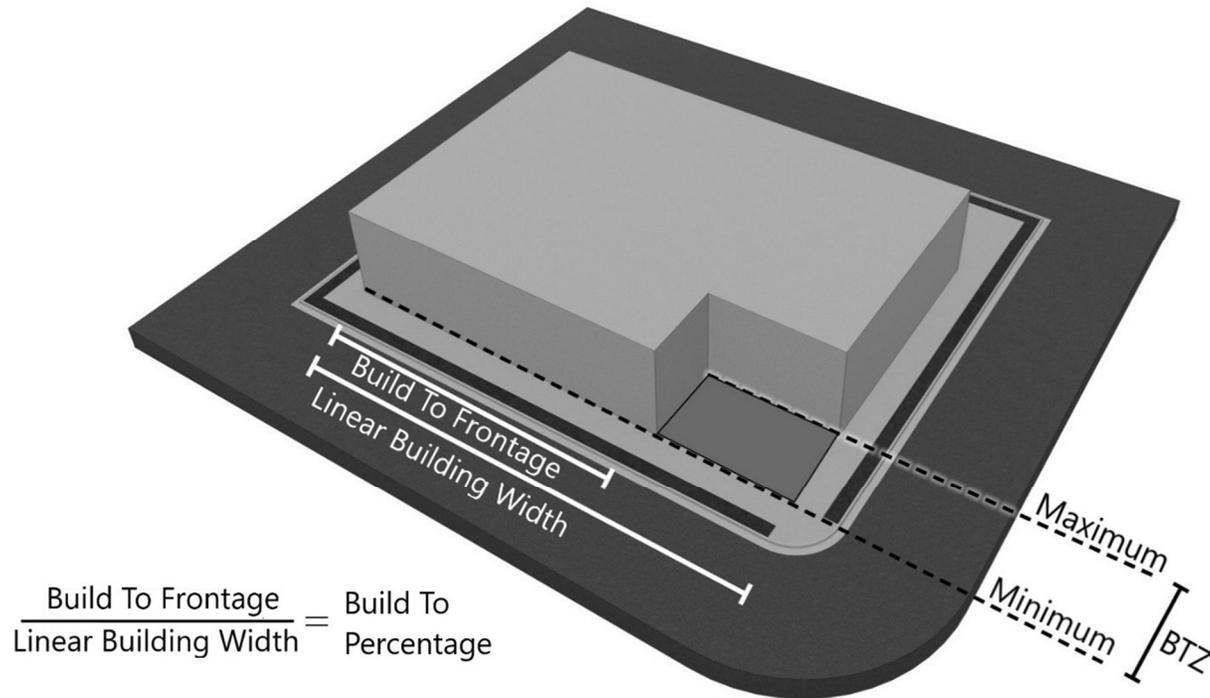
**BUILDING PLACEMENT:** Building Placement shall define standards for building placement in the form of a Build-To Zone (BTZ). The BTZ shall include a range of distances, expressed as a minimum and maximum setback, and as the range at which construction of a building façade is to occur on the lot, running parallel to the property line, ensuring a uniform façade along the street. The BTZ requirements shall include a front/street, side, and rear.

Figure 16.4.3. Building Placement



**FRONTAGE (BUILD TO PERCENTAGE):** Frontage, also referred to as the Build To Percentage (% Requirement), indicates the percentage of the width of the building in relationship to the width of the lot. Frontage dictates what percentage of the linear distance of the façade of a building must be located along the lot width. Active use areas refer to those areas along a frontage that may provide for active uses such as a forecourt, courtyards, outdoor dining, merchandise display, and shared gardens. Active use areas may be used to achieve frontage requirements.

Figure 16.4.4. Frontage



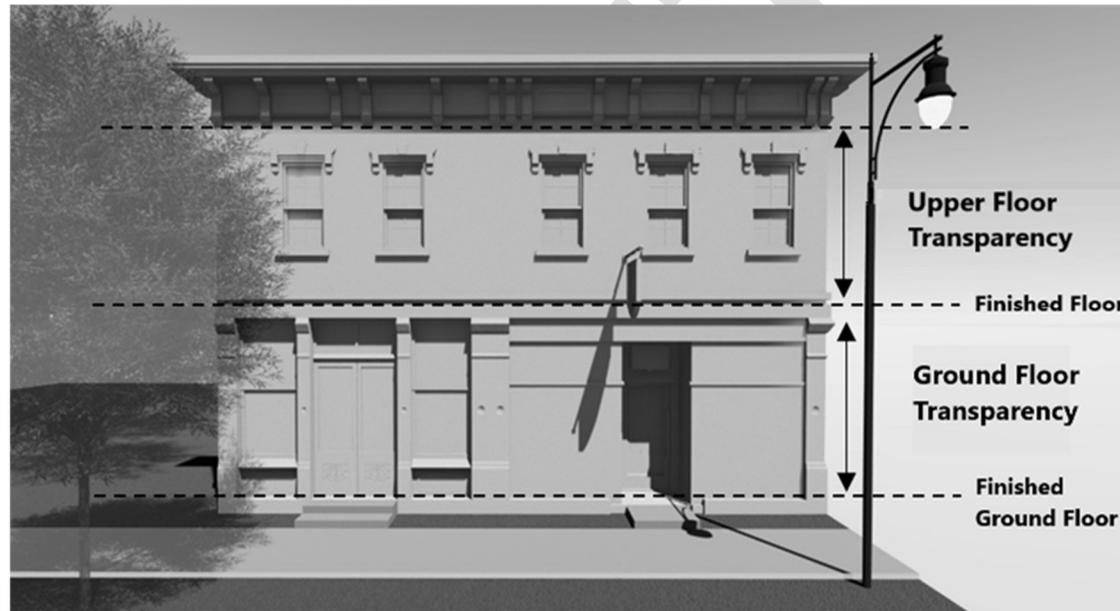
**STREETWALLS:** A streetwall is a consistent and continuous wall that runs parallel to a building and/or property line, along rights-of-way, or incompatible adjacent uses. Streetwalls provide scale and definition to adjacent rights-of-way and civic spaces.

Figure 16.4.5. Streetwalls



**TRANSPARENCY AREA:** Transparency Area requirements promote visually appealing building facades. Transparency is the minimum percentage of windows and doors that must make up a ground floor (first story) or upper story façade. A minimum transparency percentage is required for each story of a structure.

Figure 16.4.6. Transparency Area





## ROLESVILLE UDO - Recommended Groups

The following UDO topics are based on the recommended Table of Contents including the reorganization of the Town's current UDO

SECTION	GROUPING			BOARD RECOMMENDATION
	Group 1	Group 2	Group 3	
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3.1. GENERAL USE DISTRICTS		2		
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3.4. MIXED-USE DISTRICTS	1 and 2 (Note: TC Update = 1)			
4. OVERLAYS				
4.1. FLOOD DAMAGE PREVENTION OVERLAY			3	
4.2. SPECIAL HIGHWAY OVERLAY		2		
4.3. WATERSHED OVERLAYS		2		
5. USES				
5.1. PRINCIPAL USES		2		
5.2. ACCESSORY USES		2		
5.3. MISCELLANEOUS USES		2		
5.4. TEMPORARY USES		2		
5.5. USE TABLE		2		
6. DESIGN AND DEVELOPMENT STANDARDS				
6.1. MEASUREMENT STANDARDS	1 and 2 (due to TC standards)			
6.2. SIGNS	1			
6.3. LANDSCAPING, BUFFERING AND COMPATIBILITY	1			
6.3.1. Open Space	1			
6.3.2. Buffering	1			
6.3.3. Mixed-Use Perimeter Compatibility	1			
6.3.4. Landscaping	1			
6.4. PARKING AND LOADING	1			
6.5. FENCES AND WALLS	1			
6.6. LIGHTING	1			
6.7. COMPLETE STREETS		2		
6.8. NON-RESIDENTIAL DESIGN STANDARDS		2		
7. SPECIAL STANDARDS				
7.1. TELECOMMUNICATION			3	
7.2. ELECTRONIC GAMING OPERATIONS			3	
8. TRAFFIC IMPACT			3	
9. SUBDIVISION REGULATIONS			2 and 3	
10. NONCONFORMITIES			3	
11. GENERAL DEFINITIONS			3	

**ADDITIONAL ITEMS:**

ZONING MAP  
 TC AMENDMENT WORK  
 R3 AMENDMENT

August 25th, 2020  
 July 24th, 2020

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## **4.3. SPECIAL HIGHWAY OVERLAY DISTRICT**

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- Section 4.4.2. District Regulating Map
- Section 4.4.3. District Development Standards



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## Additional Information - Parking

Parking has been identified as a primary topic of discussion and understanding within the UDO update as the recommended UDO introduces modified parking rates as well as parking maximums. For example, the proposed UDO recommends providing standards that projects must meet but not exceed.

Parking standards within a UDO is an important component as it controls the (1) amount of parking and (2) location for specific uses typically based on the Use Table. Currently, the Town's parking standards are included in Article 10 and includes the minimum standards for listed uses as well as the design (size, markings, lighting, etc.).

Parking standards typically include off-street (parking provided on the development/project site; sometimes referred to as on-site), on-street (parking along the roadway/right-of-way), and off-site (parking provided on a separate piece of property, another property; may be referred to as remote parking). Most UDO's also include provisions for "shared" parking provisions which allow developments/projects to utilize all or portions of the parking for multiple uses.

Specific to the Town's UDO update, the proposed TC district proposes an update to the Town's standards including adding a provision for (1) maximum parking standards and (2) allowance for an alternative parking plan. The alternative parking provisions allow applicants to submit for modified parking standards, which would need to be approved by the Board of Commissioners.

**See below "The Parking Question – Too Much or Too Little?"**

10.1 OFF-STREET PARKING REQUIREMENTS		
<b>10.1.11 TOWN CENTER PARKING REQUIREMENTS.</b> The following shall be the allowable range of off-street parking spaces provided for uses within the Town Center District. The following standards shall be applied to uses, as illustrated on a concept plan, site plan or similar document.		
USES	NUMBER OF REQUIRED OFF-STREET PARKING SPACES	
	MINIMUM REQUIRED	MAXIMUM ALLOWED
MIXED-USE RESIDENTIAL	One and one-quarter space per dwelling unit* <sup>1</sup>	Two and one-half spaces per dwelling unit
MIXED-USE NONRESIDENTIAL	Two and one-half spaces for each 1,000 square feet of gross floor area	Five spaces for each 1,000 square feet of gross floor area
Notes		
*1: Includes guest parking		

### *The Parking Question – Too Much or Too Little?*

The Town's ability to ensure that residents, businesses and visitors have safe and convenient access to parking within the Town's "downtown" area (i.e., Town Center) is a key component to the Town's overall livability and economic viability. Parking is generally one of the first activities that residents, employees and visitors engage in at a destination. Downtowns/Town Centers that have convenient and adequate parking are generally more economically viable than the ones that provide inefficient parking facilities. There is an economic disadvantage to providing too much parking as there is with too little parking. Providing optimal parking which is convenient, safe and efficiently utilizes valuable commercial space can enhance the economic vitality and livability of a downtown. It is important to understand the relationships between the property and the amount of parking effectively needed to serve the property in a cost-effective, environmentally sensitive approach.

*Too Much Parking.* Providing too much parking can negatively impact the economic viability of the downtown as it consumes valuable land that could be otherwise used for economic development. Providing too much parking is also counterproductive to the Town's multi-modal/transit oriented goals (in progress). Further, the oversupply of parking is costly to the Town, as an unused parking lot essentially limits valuable land that could be used for generating tax revenue. It can also result in increased costs (per parking space) as well as increased stormwater runoff.

*Too Little Parking.* On the other hand, providing too little parking in the absence of alternative modes of transportation can also hinder economic development. Property owners seeking to develop or redevelop their property may have a difficult time obtaining financing due to the lack of adequate parking to serve their site. Furthermore, if significantly reduced parking requirements are allowed in the absence of viable parking alternatives or modes of transportation, property owners may experience a decrease in business activity, parking may intrude into adjoining neighborhoods, and or cause excessive circulation while patrons search for an available space.



## Memorandum

**TO:** Mayor, Board of Commissioners, Planning Board  
**FROM:** Julie Spriggs, GISP, CFM, CZO, Planner II  
**DATE:** September 15, 2020  
**RE:** Unified Development Ordinance Steering Committee

The Town of Rolesville is embarking on an update to the Unified Development Ordinance (UDO). The UDO is the Town's technical planning document that regulates the land use/processes including zoning, parking, signage, open spaces, and design & development standards. The UDO has a targeted adoption date of July 1, 2021.

The Town has identified a Steering Committee as a representative group of technical staff and community members. This committee will help review and provide guidance to Town staff as well as the Planning Board and Board of Commissioners as the UDO is developed. The role of the Steering Committee is to act as the eyes and ears of the community, provide comments and guidance on the documents, and serve as the sounding board before the formal adoption process. The committee does not have a formal vote toward ultimate approval and/or adoption, but the group will help influence the direction of the project through its technical review.

Town staff is proposing an eleven-member Steering Committee composed of the following:

- Mayor
- 2 members from the Board of Commissioners
- 2 members from the Planning Board
- 1 representative from the Chamber of Commerce
- 1 representative from the Home Builders Association of Raleigh-Wake County
- 4 members at large with a preference of professional or technical experience such as developers, engineers, land surveyors
  - The Board of Commissioners may use their discretion in either appointing or asking for volunteers for these four seats on the committee