

1. CALL TO ORDER

- a. Pledge of Allegiance
- b. Invocation
- c. Approval of Minutes
 - i. Approval of June 22, 2026 Planning Board Minutes

2. REGULAR AGENDA

- a. Main Street Project Update - Scott Miles, Town Engineer
- b. TA-26-0006 & REZ-26-0004 Downtown Overlay District
- c. TA-26-0007 Review and Decision-Making Bodies
- d. TA-26-0009 Minor Subdivision Lot Frontage Exception

3. COMMUNICATIONS

- a. Planning Director's Report
 - i. Planning Board Bylaws Update
- b. Town Attorney's Report
- c. Other Business

4. ADJOURN



Planning Board Meeting
June 22, 2026 - 7:00 PM
502 Southtown Circle, Rolesville, NC 27571

MINUTES

PRESENT: Mike Moss, Chair
Donnie Lawrence, Vice-Chair
Frank Pearce, Board Member
Mindy Barham, Board Member
Jim Schwartz, Board Member
Timberly Southerland, Deputy Town Attorney
Stephen Wensman, Planning Director
Sharon Hope, Administrative Support Specialist

Absent: Tisha Lowe, Board Member
Brian Kennedy, Board Member

A. CALL TO ORDER

Chair Moss called the meeting to order at 7:00 p.m.

A.1. PLEDGE OF ALLEGIANCE

The Board collectively recited the Pledge of Allegiance.

A.2. INVOCATION

Chair Moss delivered the invocation.

A.3. APPROVAL OF MAY 18, 2026, MEETING MINUTES

Moved by Board Member Pearce and Seconded by Vice Chair Lawrence. Motion to approve the minutes of the May 18, 2026, meeting was carried with a 5-0 vote, 5 voted aye (Moss, Lawrence, Pearce, Barham, Schwartz), 0 voted nay.

B. REGULAR AGENDA

B.1. Rezoning REZ-25-06 (REZ-25-0001) – WakeMed

Planning Director Stephen Wensman introduced the rezoning for the WakeMed campus to be located at 4801 Burlington Mills Road, a 31-acre site. Current zoning is Residential Low (RL), and the applicant proposes commercial highway conditional Zoning (CH-CZ) with a proposed use as Hospital. Mr. Wensman provided a sketch plan showing future access to the Granite Falls Boulevard corridor, proposed buffers, and alternate future access to Burlington Mills Road. WakeMed has conditions of approval including the following:

- A List of prohibited principal uses
- Development shall be in substantial conformance with the concept site plan
- No more than 40,000 sf of gross floor area for any nonresidential use

- 150-foot minimum building setback from adjoining properties in Barrington Subdivision
- Maximum building height shall be 55'
- Perimeter buffer in line with Barrington Hall Drive shall be a minimum of 50'
- A 50' undisturbed buffer required along common property line with Barrington Townhome open space lot

The Rolesville 2050 Comprehensive Plan identifies subject properties as Civic and Commercial Center; the land use guidance is supportive of this land use. Rolesville's Community Transportation plan identifies thoroughfare recommendations as:

- Burlington Mills Road: 4-lane divided section with curb & gutter, bike lanes, and sidewalks
- Granite Falls Boulevard: 2-lane section with two-way left turn lane, curb & gutter, bike lanes, and sidewalks
- Greenway and bike Plans show side paths on both road frontages

Stantec, the town's transportation consultant, performed a TIA looking at the site as fully built out and including 1,550 weekday trips. Staff recommends approval of REZ-25-06 finding that hospital use, along with conditions of approval, meet both the civic and commercial land use categories as well as the concept site plan illustrating the side paths and bike lanes along Burlington Mills Road frontage is consistent with the comprehensive plan. Additionally, the town has a \$5 million budget to complete Granite Falls Boulevard. Mr. Wensman stated that the applicant is present and has a presentation. Chairman Moss called for questions for Staff. Vice-Chair Lawrence asked if Granite Falls Boulevard would be completed before this project starts, and Mr. Wensman answered by stating that Granite Falls Boulevard will be completed in conjunction with the project.

Chair Moss called for the applicant to make their presentation. Mr. Toby Coleman, attorney with Smith, Anderson, 150 Fayetteville St., Suite 2800, Raleigh, NC 27601, gave a presentation regarding the rezoning request for the health plex. The health plex will provide:

- A 24/7/365 full-service Emergency Department servicing adults and pediatrics
- 12 private treatment rooms
- Imaging Services
- Lab services
- A designated ambulance area
- Care where 90% of patients are treated and sent home
- Local access to emergency care close to home

Mr. Coleman brought a team of people available to answer both operational questions about the facility as well as questions about the plan: Tom Cavender and Andi Curtis with WakeMed, Richard Brown and Richard Adams with Kimley-Horn. The Barrington subdivision is to the East of the currently vacant property. Rolesville Middle School is to the south and across the road from the site. A planned portion of Granite Falls Boulevard will go through the property. The \$5 million portion of Granite Falls Boulevard that the Town will finance is in the Barrington subdivision. Two neighborhood meetings have been held, and the applicant proposes zoning conditions in response to Barrington residents' concerns:

- 150' minimum setback
- 50' wide landscaped buffers between Barrington and new facility
- 55' building height limit
- Limit approved development to 40,000 sf (approx. size of planned Health plex)

Additionally, Mr. Coleman stated that WakeMed will place the facility as far west as possible and WakeMed has a building size limit as they don't intend to build other buildings on the site. Fifty patients are expected per day with 80-90 percent of patients arriving by private vehicle thus limiting ambulance traffic. Mr. Coleman further showed a WakeMed Hub and Spoke network explaining the Rolesville Health plex' place

in the WakeMed service care network. Mr. Coleman also discussed traffic impact and discussed a WakeMed policy that ambulances don't always have to use their lights and sirens given the nature of this facility. Construction should take 12-15 months, and various events will be held at opening. Mr. Coleman and Chair Moss called for questions. Board Member Schwartz asked about future development on the site. Mr. Coleman confirmed that residential construction is not allowed on the site and that future development on the site is not authorized as a part of this rezoning, only for the up-to-40,000 sf health plex. Per question from Chair Moss, Mr. Coleman confirmed that future development will have to come back before the Planning Board and Board of Commissioners. Mr. Wensman stated that this is a conditional zoning and the project must be built according to the concept plan; there are no other developments on the concept plan. Chair Moss asked a question about the future intersection of Burlington Mills Road and Granite Falls Boulevard, and Richard Adams, Traffic Engineer, stated there is no detailed design for that intersection yet and is currently anticipated to be built as a T-intersection; however, that is a NCDOT decision. Board Member Barham asked how many employees would be onsite, and the answer was 75-80 over three shifts.

Chair Moss called for questions from the Public.

- Toni Kenion, 520 Barrington Hall Dr., Rolesville: concerned with whether this proposal is consistent with the planning process, land use policies and long-term vision that Rolesville has adopted. Rolesville's planning documents emphasize thoughtful growth, compatibility between land uses, protection of neighborhood characteristics, safe transportation networks, infrastructure capacity and preserving the qualities that make Rolesville unique as we continue to grow. Ms. Kenion questioned if this particular use of this particular space is compatible. She feels this is a big change from Civic use to Commercial Highway use. Ms. Kenion is concerned regarding safety on Granite Falls Boulevard and choosing this location next to residential.
- William Johnson, 532 Barrington Hall Dr., Rolesville: objects to this specific zoning for this specific parcel for this purpose. He believes this zoning is incompatible with residential zoning and neighborhood proximity. A 24/7 medical facility with 50 patients per day plus staff, visitors, sirens, and bright parking lots as well as infrastructure and traffic congestion will violate the community peace and quiet. He is concerned that people driving quickly down Granite Falls Boulevard and elsewhere in the neighborhood will create unsafe conditions for neighborhood children, and he has environmental and site concerns such as 12 months of blasting disruption and excavation safety. Mr. Johnson feels that this land use is inconsistent with the long-term vision and planning for Rolesville. He states that there is no evidence of an exhaustive search for a different site for this facility, and he expressed concerns regarding the ease that this rezoning provides for future development.
- Adam Williams, 400 Lindsays Run, Rolesville: worries about the logistics – the slides show an overhead view rather than an eye-level view which does not show how the roads curve and how the land is graded. He feels that the current Granite Falls Road is too narrow for this plan, and he is concerned about traffic congestion.
- Leonard Kenion, 520 Barrington Hall Dr., Rolesville: the proximity of his backyard and others to the WakeMed building site affect the property values. He feels that the new traffic pattern will present a safety hazard, especially at the time of Middle School dismissal, and he worries about the homeless population treated and released at this WakeMed Health plex. He suggests that this is not the right location for the WakeMed Health plex in Rolesville.
- Tina Williams, 400 Lindsays Run, Rolesville: concerned about additional traffic logistics and children's safety. She feels this is not a good location for the WakeMed Health plex.

Chair Moss called for other speakers or questions for Staff or Planning Board. Board Member Barham asked the developer which other sites were considered. Tom Cavender, Vice President of Facilities for WakeMed, 3000 New Bern Avenue, Raleigh, stated that in 2023 WakeMed looked at two sites east of Highway 401 but could not gain necessary road frontage before selecting the current site. Chair Moss asked Planning Staff about the road design for Granite Falls Boulevard regarding the stop at Barrington Drive. Mr. Wensman answered that plans are currently being updated. WakeMed will fund the portion of Granite Falls Boulevard that is on their property, and the Town of Rolesville has a \$5,000,000.00 budget to complete the project on their property. Board Member Schwartz asked about barrier types with concerns regarding the 15' barrier versus 55' building height and the lighting; suggesting directional lighting.

Attorney Coleman stated that mitigation for these concerns includes a minimum 150' building setback that will reduce height impact and includes a condition that WakeMed will exceed the required Buffer to provide a minimum 50' width landscape buffer along Barrington Hall subdivision. The LDO requires strict directional lighting. Board Member Schwartz noted that the flat road would be part of the 150' building setback and will not provide a sufficient barrier. Richard Brown with Kimley-Horn clarified that the additional buffer width is on the zoning boundary along Barrington Hall subdivision. The north side of Granite Falls Boulevard will include an undisturbed buffer consisting of a mature forest of trees. A field south of the proposed Granite Falls Boulevard includes a 50' wide buffer, and WakeMed will enhance the planting standard and will add to the existing fence. WakeMed will comply with Street-yard standards for proposed Granite Falls Boulevard. Board Member Schwartz commented that due to the road eliminating the buffer, that the well-lit parking lot and front entrance will need enough light buffer for neighbors, and that WakeMed needs to provide a buffer, berm or wall for this area. Chair Moss asked for supplemental planning around that area. Attorney Coleman stated that WakeMed will work with staff to address this concern. Vice-Chair Lawrence suggested that movement of the building to the west and possibly placement of the drop-off to the other side of the building would alleviate some concerns with agreeing comment from Board Member Schwartz. Mr. Cavender commented that the main entrance is represented by the red circle (in the center of the building drawing), and the ambulance entry is represented by the blue circle (closer to Barrington Hall Subdivision). Board Member Schwartz commented that would be worse for Barrington Hall residents. The Ambulance Porte Cochere (Canopy) will have down lights per Mr. Cavender, but WakeMed will work with the Town regarding a buffer area. Chair Moss called for questions. Vice Chair Schwartz asked that the emergency entrance be moved to the other side of the building. Chair Moss called for questions and/or discussion. Hearing none, Chair Moss called for a Motion.

Moved by Board Member Pearce and Seconded by Board Member Schwartz. Motion to recommend to the Town Board of Commissioners Approval of Zoning Map Amendment request REZ-25-06 (REZ-25-0001) – WakeMed with conditions:

- that Granite Falls Boulevard must be finished before facility opening,
- that additional buffering will be addressed, and
- that developer will investigate separation and shelter from lighting and noises in the location from the ambulance area to Granite Falls Boulevard and adjacent housing

based on consistency with Rolesville's Comprehensive Plan and recommended approval by town staff. The Motion was carried by a 5-0 vote, 5 voted aye (Moss, Pearce, Barham, Lawrence, Schwartz), and 0 voted nay.

Board Member Pearce stated that Granite Falls Boulevard was originally built to serve traffic from the West Young Street area to 401 without navigation through downtown Rolesville, and that it is dangerous for children to play in a public street. Chair Moss stated that the matter will next be heard from the Town Board of Commissioners.

C. COMMUNICATIONS

C.1. Planning Director's Report

Chair Moss called for the Planning Director's Report. Mr. Wensman stated there was no Planning Director's Report and he would answer questions about development in town. There were no questions

C.2. Town Attorney's Report

Chair Moss called for the Town Attorney's Report. Deputy Town Attorney Southerland had nothing to report.

C.3. Other Business

Chair Moss called for other business. Board Member Schwartz stated that road lines were repainted at the crossing from East Young to Rolesville Road and could be better improved (a topic from the April 2026 Planning Board meeting). Vice-Chair Lawrence stated that NCDOT directs restriping. Board Member Pearce asked if the Planning Board could make a recommendation to the Town of Rolesville regarding this issue, and Deputy Town Attorney Southerland commented that the Board could give a recommendation or make a Motion to add this as a future agenda item. Board Member Schwartz, Chair Moss and Vice-Chair Lawrence made additional comments. Chair Moss suggested that the Planning Board should collaborate with Planning Staff for a visual to go with the Motion. Mr. Wensman suggested he could have Town Engineer, Scott Miles, speak to the Main Street project. Chair Moss agreed this would be appropriate and should be brought to the next meeting.

C.4. Adjournment

Hearing no other business, Chair Moss requested a Motion for Adjournment.

A motion to adjourn was made by Vice Chair Lawrence and Seconded by Board Member Barham. The motion was carried by a 5-0 vote, 5 voted aye (Moss, Lawrence, Pearce, Barham, Schwartz), 0 voted nay. The meeting was adjourned at 8:09 p.m.

Mike Moss
Planning Board Chair

Sharon S. Hope
Administrative Support Specialist

Memo

To: The Planning Board
From: Stephen Wensman, Planning Director
Date: Meeting Held July 27, 2026
Re: TA-26-0006 – Downtown Overlay District & REZ-26-0004 Official Zoning Map Update for Downtown Overlay District

Background

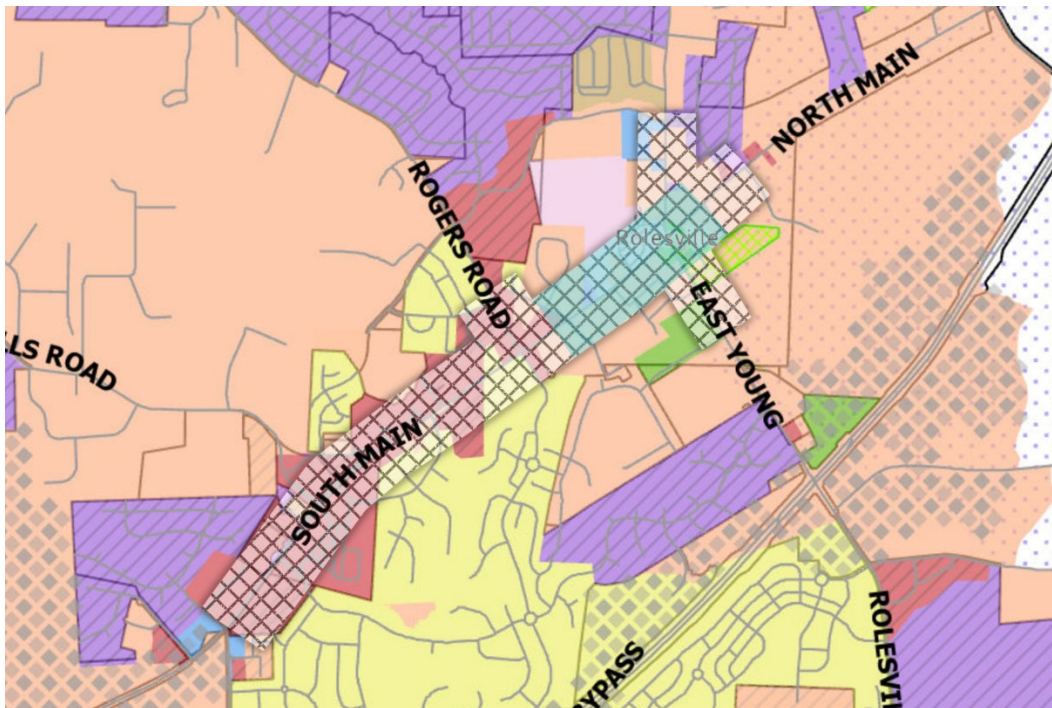
This staff-initiated Text Amendment is a response to direction from the Town Board of Commissioners to prepare a Downtown Overlay District as well as collaboration with the Rolesville Downtown Development Association.

Proposed Text Amendment Language

Proposed text amendment language is included in the attached **LDO Section 4. Overlay Districts**. Please see new Section 4.3. Downtown Overlay District. (Other minor technical/clean up text amendments are found in Sections 4.1. Special Highway Overlay and 4.2. Watershed Overlay.)

REZ-26-0004

A Rezoning/Map Amendment is required to include the boundaries of the Downtown Overlay District on Rolesville's Official Zoning Map.



Downtown Overlay District shown in cross hatch pattern with Core Area shown in light teal

Comprehensive Plan Consistency

The Rolesville 2050 Comprehensive Plan Focus Areas include looking at challenges and opportunities as they relate to:

- Transportation,
- Economic Development,
- Housing & Land Use, and
- Parks, Recreation, & Community Character.

Having clear and effective development regulations has the potential to support all the Focus Areas in Rolesville's Comprehensive Plan. In addition, TA-26-0006 implements the Comprehensive Plan Big Idea 7 to develop a Downtown Overlay District to address infill design, architectural standards, and more within the community's core.

Staff Recommendation

Staff recommends approval of TA-26-0006 – Downtown Overlay due to consistency with the Comprehensive Plan.

Proposed Motions

1. Motion to recommend (*approval or denial*) of **TA-26-0006 – Downtown Overlay District**, to the Town Board of Commissioners, because it is (consistent or inconsistent) with the Comprehensive Plan. (Please include examples of consistency or inconsistency.)
2. Motion to recommend (*approval or denial*) of **REZ-26-0004 – Official Zoning Map Update for the Downtown Overlay District**, to the Town Board of Commissioners, because it is (consistent or inconsistent) with the Comprehensive Plan. (Please include examples of consistency or inconsistency.)

Attachment

LDO Section 4 Overlay Districts with proposed text amendments

4. OVERLAYS

4.1. SPECIAL HIGHWAY OVERLAY DISTRICT FOR THE U.S. 401 BYPASS (SHOD)

4.1.1. INTRODUCTORY PROVISIONS

- A. **Purpose.** The purpose of this section is to maintain the long-term safety and mobility function of the proposed U.S. 401 Bypass (R-2814); to limit the number of conflict points and thereby, reduce the need for additional crossover locations and traffic signals; to promote improved pedestrian and vehicular circulation; to encourage land assembly and the most desirable use of land in accordance with the Town of Rolesville Community Plan; to encourage designs which produce a desirable relationship between individual buildings; and to control visibility obstructions and clutter.
- B. **Applicability.** The Special Highway Overlay District (hereby known as SHOD) shall be an overlay over existing underlying districts as shown on the official zoning map and as such, the provisions (development standards, access, and internal circulation) of the SHOD shall serve as a supplement to the underlying district regulations and provisions. Where there is any conflict between provisions or requirements between the SHOD or the underlying zoning districts, the more restrictive shall apply.
- C. **Boundaries.** The SHOD boundaries shall be established on the official zoning map of the Town of Rolesville and are hereby as part of the proposed U.S. 401 Bypass route as presented by the North Carolina Department of Transportation under project number R-2814. The development standards within this section shall apply to all property with frontage of the approved corridor existing from Louisburg Road to NC 96. If a parcel of land has any part within the twenty-five (25) feet buffer of this proposed road, all structures and site design elements listed within this ordinance shall pertain to the entire property. The official map of the U.S. 401 Bypass route corridor shall be located and maintained by the Land Development Administrator.
- D. **Exemptions.** The development standards herein shall apply to all property types within the SHOD except for the following:
 - 1. Residential uses and bona-fide farm uses and related uses located on individual parcels of land that are not part of a subdivision, commercial, or industrial development.

2. Property that has been developed prior to the effective date of this ordinance.

4.1.2. DEVELOPMENT STANDARDS

- A. **Development Standards.** In addition to the existing development standards within this LDO, the additional standards of this section shall apply in all underlying zoning districts within the SHOD.
- B. **Facades.** All structures must have façades that shall either be of brick, fiber cement board, metal, glass, or stone. No other façade materials shall be installed unless otherwise approved by the Town Board of Commissioners.
- C. **Roof.** All structures must have roofing made of asphalt, slate, rubber membrane, or metal.
- D. **Mechanical Equipment.**
 1. **Ground Equipment.** All mechanical equipment located on the ground shall be screened with a façade similar in color and material as the exterior of the primary structure. The height of the screening wall shall be no less than the highest point of the mechanical equipment being screened. All access points to the mechanical equipment shall be serviced by gates made of either metal or a composite material. Wooden gates will not be permitted.
 2. **Roof Equipment.** All mechanical equipment located on the roof shall be screened with a parapet or low wall with a façade in similar color as the exterior of the building it is located on. The height of the screening wall shall be no less than the highest point of the mechanical equipment being screened.
- E. **Dumpster and Waste Disposal Equipment.** All dumpsters and waste disposal equipment shall be screened with a façade similar in color and material as the exterior of the primary structure. The height of the screening wall shall be no less than the highest point of the dumpster or waste disposal equipment being screened. All access points to the dumpster and waste disposal equipment shall be serviced by opaque screened gates made of either metal or a composite material. Wooden gates will not be permitted.
- F. **Location of Primary Buildings on the Property.** All buildings are encouraged not to have the service area (dumpsters, loading docks, and the like) side of the building face any public road.
- G. **Landscaping.**

1. **Grasses.** Drought tolerant grasses (Bermuda, zoysia, and the like) are encouraged to be sowed or laid down in turf areas.
 - 51 **Berms.** In transitional areas where there are adjacent residential uses that exist, berms and swales shall be required. Such berms shall have a slope no greater than a 2:1 slope and shall not be over 48 inches in height measured from the ground up. All berms shall be landscaped and may be counted when meeting landscape buffering setback requirements¹
 - 61 **Tree Survey.** On parcels of land greater than ten acres in size at the time ~~the~~ ~~time~~ an application is submitted, a tree survey shall be submitted that was performed by a certified landscape architect or arborist. This tree survey shall note all trees with a six (6) feet or greater circumference. The size of a parcel of land shall be calculated by the existing acreage when the development review application is submitted¹
 4. **Maintenance of Landscaping.** All vegetation planted shall be bonded for 125 percent of the cost of materials and installation for the first two years after site construction completion.
- H. **Stormwater Devices.** All retention and detention ponds not subject to recreational use shall be landscaped with a five (5) feet thick vegetative buffer. This buffer shall be of vegetation planted at maturity and shall be opaque in nature. The buffer shall also consist of a fence that is similar in color ~~as to~~ the exterior of the primary structure. If the fence is a chain linked ~~ed~~ fence, then it shall be of the PVC coated variety.
- I. **Utilities.** All existing and new above-ground electrical, telephone, and cable utility lines shall be placed underground. All improvements to existing and new utilities when crossing public or private roads shall also be placed underground.
- J. **On-Site Parking.**
1. **Connectivity.** Connectivity via service roads and cross access agreements to adjacent properties is required.
 2. **Markings.** All parking lot, safety, and directional markings within parking areas and public or private roads shall be ~~of the~~ thermo-stripe material paint.
 3. The overnight parking of all motor vehicles (including over the road tractors, trailers, recreational vehicles, and the like) is prohibited. Signs stating prohibiting overnight parking shall be erected at the entrance of the property at the cost of the property owner.

- K. **Energy and Environmental Design.** The design of all structures is encouraged to meet LEED (Leadership in Energy and Environmental Design) standards.

4.2. WATERSHED OVERLAY

4.2.1. INTRODUCTORY PROVISIONS

- A. **Purpose.** The Watershed Overlay shall cover the WS-II Balance of Watershed Area for the Little River Watershed within Rolesville's zoning jurisdiction.

In order to maintain a predominantly undeveloped land use intensity pattern, single-family residential uses shall be allowed at a maximum of one (1) dwelling unit per 40,000 square feet. All other residential and non-residential development, if allowed, shall be allowed a maximum of twelve (12) percent built-upon area on a project by project basis. Exceptions to the density and built-upon area requirements for residential and non-residential uses may be made for those uses permitted as a Special Intensity Allocation (SIA) as defined in Section 4.2.2 below.

The Rolesville Planning Board is to assure compliance with this section. Variances to this section are to be considered and decided upon by the Rolesville Board of Adjustment. Duties and responsibilities of the Board of Adjustment are defined in Section 2.1.3: Board of Adjustment, of this LDO.

There shall be no development or filling in the 100-year floodplain, with the exception of utilities and infrastructure, as determined by the town. Roads in the 100-year floodplain are to be elevated to the 100-year flood elevation.

4.2.2. SPECIAL INTENSITY AREAS

- A. In the Watershed Overlay, new and expansions to existing residential and non-residential permitted uses may occupy up to ten (10) percent of the balance of the watershed areas in Rolesville's jurisdiction as delineated on July 1, 1993, with a seventy (70) percent built upon area when approved by the Board of Commissioners as a Special Intensity Allocation (SIA). The Rolesville Board of Commissioners is authorized to approve SIAs consistent with the provisions of this section. Projects must minimize built-upon surface area, direct stormwater away from surface waters and incorporate Best

Management Practices to minimize water quality impacts. Non-discharging landfills and residual application sites if allowed are allowed in the WS-II Balance of Watershed.

4.2.3. PERMITTED AND SPECIAL USES IN WATERSHED OVERLAY.

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

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

4.2.4. PROHIBITED USES

A. All uses not listed above in 4.2.3 of this section are prohibited in all the Watershed Overlay. Discharging landfills are explicitly prohibited.

4.2.5. SUBDIVISION APPLICATION AND REVIEW PROCESS

- A. As a minimum, all proposed subdivisions shall be processed and reviewed as specified in this LDO. For subdivision with the Watershed Overlay, the Land Development Administrator (LDA) will review the proposed subdivision to ~~assure~~ensure compliance with provisions of this section prior to forwarding the preliminary plat for approval.
- B. Approval shall be indicated on all copies of the preliminary and final plat, consistent with typical subdivision certificate procedure.
- C. If the subdivision is disapproved or approved conditionally, the reasons for such action shall be stated in writing for the applicant ~~and entered in the minutes~~. The owner/developer may make changes and submit a revised plan that shall constitute a separate request for the purposes of review.
- D. The plat shall be recorded within thirty (30) days of final approval. The owner/developer shall provide the LDA with evidence the plat has been recorded with the Register of Deeds within five (5) working days.

4.2.6. DENSITY AND BUILT-UPON LIMITS

- A. **Single Family Residential Non-Special Intensity Allocation (SIA).** Development shall not exceed one (1) dwelling unit per 40,000 square feet in the Watershed Overlay. No residential lot shall be less than 40,000 square feet in the Watershed Overlay, unless located in a conservation subdivision.
- B. **Single Family Residential Special Intensity Allocation (SIA).** Ten (10) percent of the balance of the watershed may be developed for residential uses to seventy (70) percent built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract upon which the project is to be developed.
- C. **Non-Single Family Residential and Non-Residential.** Non-single family residential and non-residential development shall not exceed twelve (12) percent built-upon area on a project by project basis except that up to ten (10) percent of the balance of the watershed may be developed for nonresidential uses to seventy (70) percent built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract upon which the project is to be developed.

4.2.7. DIMENSIONAL REQUIREMENTS

Table 4.2.7.1 Residential Uses in the Watershed Overlay

Residential Uses in the Watershed Overlay

Minimum lot area in square feet: 40,000	In SIA: 15,000
Minimum lot width in feet: 110	In SIA: 85
Minimum lot depth in feet: 150	In SIA: 110
Minimum required yards in feet:	In SIA:
Front: 30	Front: 30
Side: 20*	Side: 12*
Corner: 25	Corner: 17
Rear: 30	Rear: 25
Maximum height in feet: 35	In SIA: 35
Maximum lot coverage in percent:	
36 for single-family residential	

Table 4.2.7.2. Nonresidential Uses in the Watershed Overlay

Nonresidential Uses in the Watershed Overlay

Minimum lot area in square feet	40,000
Minimum lot width in feet:	100
Minimum lot depth in feet:	150
Minimum required yards in feet:	
Front:	30
Side:	15
Corner:	20
Rear:	20

Table 4.2.7.3. Manufactured Homes in the Watershed Overlay

Manufactured Homes in the Watershed Overlay

Minimum lot area in square feet	40,000
Minimum lot width in feet:	110
Minimum lot depth in feet:	150
Minimum required yards in feet:	
Front:	30
Side:	20
Corner:	25
Rear:	30
Maximum lot coverage in percent	12 for a total of the mobile home and all accessory structures

4.2.8. CONSERVATION SUBDIVISIONS

- A. Conservation subdivisions are permitted in accordance with the provisions of Section 6.3: Conservation Subdivision. Lot standards may differ in conservation subdivisions.

4.2.9. STREAM PROTECTION BUFFERS AND RIPARIAN BUFFER AREAS REQUIRED

- A. **Applicability.** Stream protection buffers and riparian protection buffers are required in accordance with the requirements in this section. Any activities allowed in the buffer should minimize built-upon surface area, direct runoff away from the surface water and maximize the utilization of stormwater best management practices.
- B. **Purpose and Intent.** Stream protection buffers provide strips of natural vegetation that remove pollutants from stormwater runoff before they reach streams or watercourses that eventually drain into a water supply water source. They do so by allowing infiltration of runoff and filtration of pollutants through the ground and soil, slowing runoff flow to allow settling and deposition of pollutants, and providing vegetation that absorbs pollutants through root systems. In addition, these natural buffers preserve habitat for both prolific and endangered wildlife and plant species. Plant and wildlife preservation ensures a diverse ecosystem. Finally, stream protection buffers provide scenic areas for human recreation and enjoyment. The provision of vegetated, undisturbed buffers serves to preserve and protect the quality of our streams and watercourses; to preserve and protect the drinking water sources for our downstream neighbors; to preserve and protect habitat to wildlife and plants; and to preserve and protect natural areas for the human recreation and stress relief
- C. **Standards.** Along each side of a stream shown as a blue line on the most recent edition of USGS 1:24,000 (7.5) minute scale topographic maps, a 100-foot wide buffer area shall be provided. The 100-foot wide buffer shall be measured perpendicular to the river, stream or watercourse bank. The buffer shall be divided into two sections, as follows:
 - 1. **Stream Protection Buffer, Section 1.** Section 1 shall be defined as that area that begins at the stream bank and extends outward fifty (50) feet. Stream protection buffer, section 1, shall be undisturbed except for the following activities, which shall be allowed:

- a. Archeological activities, provided any vegetation removed is restored with vegetation of comparable assimilative capacity;
- b. Bridges, provided no alternative to their location in the buffer exists;
- c. Dam Maintenance activities;
- d. Drainage ditches roadside ditches and stormwater outfalls, provided that:
 - i. No reasonable alternative to their location in the buffer exists; and
 - ii. Stormwater management is installed to control nitrogen and attenuate flow before the conveyance discharges through the buffer;
- e. Driveway and road (public and private) crossings provided:
 - i. No reasonable alternative to their location in the buffer (including opportunities for shared driveways) exists; and
 - ii. The driveway crosses the buffer at an angle as close to ninety (90) degrees as possible; and
 - iii. Side slopes do not exceed a 2:1 (horizontal to vertical) ratio (bridging and/or retaining walls may be used to meet this and the disturbance width standard); and
 - iv. All culverts are designed and constructed for the 25-year storm event
- f. Utility lines, provided:
 - i. No reasonable alternative to their location in the buffer; and
 - ii. A line crossing the buffer is combined with other permitted buffer crossings, where practicable;
 - iii. Vegetative root systems and stumps from cut trees are retained;
 - iv. No rip-rap rock is used unless necessary to stabilize a pole or tower; and
 - v. Active measurements are taken after construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer; and
 - vi. Mats are used to minimize soil disturbance; and

- vii. Construction activities minimize the removal of woody vegetation, the extent of disturbed area and the during which areas remain in a disturbed state; and
 - viii. Cables are installed by vibratory plow or trenching; and
 - ix. Trenches are backfilled with the excavated material immediately following the installation.
 - g. Removal of previously installed debris or filled, provided:
 - i. Diffuse flow is maintained; and
 - ii. Any vegetation removed is restored with vegetation of comparable assimilative capacity.
 - h. Scientific studies and stream gauging;
 - i. Stormwater management ponds, provided:
 - i. No alternative to their location in the buffer exists; and
 - ii. A new vegetated buffer meeting the purpose and requirements of this ordinance, as determined by the Town Manager on a case by case basis, is installed around the pond.
 - j. Stream Restoration;
 - k. Stream bank stabilization;
 - l. Temporary in-stream sediment and erosion control measures for work within a stream channel; and
 - m. Wetland Restoration.
2. **Stream Protection Buffer, Section 2.** Section 2 shall be defined as the area that begins at the outer-edge of the one hundred (100) feet buffer and extends toward the stream for a distance of fifty (50) feet. Stream protection buffer, section 2, shall be undisturbed except as is necessary to install or preserve stable vegetated area. that may be graded and revegetated for use as a lawn or landscaped area. Stream protection buffer, section 2 may be disturbed as follows:
- a. Lawn and landscaped areas;

- b. (Archeological activities, provided any vegetation removed is restored with vegetation of comparable assimilative capacity;
- c. Bridges, provided no alternative to their location in the buffer exists;
- d. Dam Maintenance activities;
- e. Drainage ditches roadside ditches and stormwater outfalls, provided that:
 - i. No reasonable alternative to their location in the buffer exists; and
 - ii. Stormwater management is installed to control nitrogen and attenuate flow before the conveyance discharges through the buffer;
- f. Driveway and road (public and private) crossings provided:
 - i. No reasonable alternative to their location in the buffer (including opportunities for shared driveways) exists; and
 - ii. The driveway crosses the buffer at an angle as close to 90 degrees as possible; and
 - iii. Side slopes do not exceed a 2:1 (horizontal to vertical) ratio (bridging and/or retaining walls may be used to meet this and the disturbance width standard); and
 - iv. All culverts are designed and constructed for the 25-year storm event
- g. Utility lines, provided:
 - i. No reasonable alternative to their location in the buffer; and
 - ii. A line crossing the buffer is combined with other permitted buffer crossings, where practicable; and
 - iii. Woody vegetation is removed by hand (no land grubbing or grading); and
 - iv. Vegetative root systems and stumps from cut trees are retained; and
 - v. No rip-rap rock is used unless necessary to stabilize a pole or tower; and

- vi. Active measurements are taken after construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer; and
 - vii. Mats are used to minimize soil disturbance; and
 - viii. Construction activities minimize the removal of woody vegetation, the extent of disturbed area and the during which areas remain in a disturbed state; and
 - ix. Cables are installed by vibratory plow or trenching; and
 - x. Trenches are backfilled with the excavated material immediately following the installation.
- h. Removal of previously installed debris or filled, provided:
- i. Diffuse flow is maintained; and
 - ii. Any vegetation removed is restored with vegetation of comparable assimilative capacity.
- i. Scientific studies and stream gauging;
- j. Stormwater management ponds, provided:
- i. No alternative to their location in the buffer exists; and
 - ii. A new vegetated buffer meeting the purpose and requirements of this ordinance, as determined by the Town Manager on a case by case basis, is installed around the pond.
- k. Stream Restoration;
- l. Stream bank stabilization;
- m. Temporary in-stream sediment and erosion control measures for work within a stream channel;
- n. Wetland Restoration;
- o. Pedestrian, bikeway, equestrian, golf cart, and other recreation trails (public or private) provided:
- i. A trail crossing the buffer is combined with another permitted buffer crossing where practical; and
 - ii. A trail crossing the buffer does so at an angle as close to 90 degrees as possible; and

- iii. Trails running linearly within the buffer shall be located where possible in the outer twenty (20) feet of the buffer and in no instance shall be closer than fifty (50) feet to the edge of a river, stream, or watercourse.
- 3. Buffer areas shall be included in recorded lots and used to satisfy minimum lot sizes, provided that stream buffers are clearly delineated on the plat and that a note is included on each plat that contains a lot which includes any portion of a Stream Buffer as follows:
 WARNING! DO NOT DISTURB STREAM PROTECTION BUFFERS: This lot includes a stream buffer. Disturbance within the buffer area is regulated by the Town of Rolesville. Contact the Town of Rolesville Planning Department before entering or disturbing the buffer area in any manner. Unauthorized disturbance of the buffer area will result in financial penalties. In addition, this buffer may be governed by the State of North Carolina under the Neuse River Rules. Please contact the North Carolina Department of Environmental Quality (DEQ) for additional information.
- D. **Conflict with Other Applicable Laws or Regulations.** In the event of conflict with other applicable laws or regulations, the more restrictive regulation shall govern. Note: streams may require both Stream Buffers and Neuse River Riparian Buffers. Stream Buffers and Neuse River Buffers may exist concurrently in the same location.
- E. **Previously Approved Projects.** The town recognizes that some property owners have already expended substantial funds in submitting for site plan, subdivisions, special use permits and other town approvals. Projects that were in the review process as evidenced by the submittal of at least a completed application accepted by the Planning Department for a site plan, subdivision, special use permit or building permit, before March 16, 2004 will be exempt from the requirements of this section.

4.2.10. RULES GOVERNING THE INTERPRETATION OF WATERSHED OVERLAY AREA BOUNDARIES.

- A. Where uncertainty exists as to the boundaries of the watershed area as shown on the zoning or watershed map, see Section 11.2: Interpretation.

4.2.11 EXISTING DEVELOPMENT

- A. **Exception to Applicability.** Existing development, as defined in this section, is not subject to the watershed requirements of this section. Expansions to structures classified as existing development must meet the requirements of this section. However, the built upon area of the existing development is not required to be included in the density and/or built upon calculations.
- B. If a non-conforming lot of record is not contiguous to any other lot owned by the same party, then that lot of record shall not be subject to the development restrictions of the water supply watershed provisions of this section if it is developed for single-family residential purposes.
- C. Any existing development as defined in this section may be continued and maintained subject to the provisions of this section. Expansion to structures classified as existing development must meet the requirements of Section 4.2.2. However, the built-upon area of existing development is not required to be included in the density calculations.
- D. **Reconstruction of Buildings or Built-upon Areas.** Any existing building or built-upon area not in conformance with the restrictions of this subsection that has been damaged or removed may, if otherwise in conformance with this section, be reconstructed if the total amount of space devoted to the built-upon area is not increased.

4.2.12. PUBLIC HEALTH REGULATIONS

- A. **Public Health in General.** No activity, situation, structure, or land use shall be allowed within the watershed which poses a threat to water quality and the public health, safety, and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash, or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and hazardous materials; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.
- B. **Abatement**
 - 1. The LDA shall monitor land use activities within the watershed areas that may pose a threat to water quality.

2. The LDA shall report all findings to the Town Manager. The LDA may consult with any public agency or official and request recommendation.
3. When the LDA finds a threat to water quality and public health, safety, and welfare, they shall institute any appropriate action or proceeding to restrain, correct, or abate the condition and/or violation.

4.2.13. RECORD AND NOTIFICATION

- A. The LDA shall keep records of all amendments to this subsection and shall provide copies of all such amendments upon adoption to the Division of Water Resources.
- B. The LDA shall keep records of the jurisdiction's utilization of Special Intensity Allocations (SIAs). Records shall include the total acres of non-critical watershed area, total acres eligible to be developed under this option, (212 acres), [NOTE: per letter received from N.C. Division of Water Quality] total acres approved for this development option, and individual records for each project with the following information: location, acres, site plan, use, stormwater management plan as applicable and inventory of hazardous substances as applicable.
- C. The LDA shall keep a record of variances to this subsection. This record shall be submitted to the Local Government Assistance Unit of the NC Division of Water Quality on an annual basis, on or before January 1st of each year, and shall provide a description of each project receiving a variance and the reason for granting the variance.

4.2.14. AMENDMENTS

- A. All amendments to the watershed provisions of this section must be filed with N.C. Division of Water Resources, Environmental Health Section of the Division of Public Health, and N.C. Division of Community Assistance.

4.2.15. VARIANCES

- A. The Board of Adjustment shall have the power to authorize, in specific cases, minor variances from the terms of the watershed provisions of this section and hold hearings on major variances to the terms of the watershed provisions of this section. In addition to the normal variance requirements, the following provisions shall apply:
 1. The preliminary record shall be sent to the Environmental Management Commission for its review as follows:

- a. If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and (2) the variance, if granted, will not result in a serious threat to the water supply, then the Commission shall approve the variance as proposed or approve the proposed variance with conditions and stipulations. The Commission shall prepare a Commission decision and send it to the Board of Adjustment. If the Commission approves the variance as proposed, the Board shall prepare a final decision granting the proposed variance. If the Commission approves the variance with conditions and stipulations, the Board shall prepare a final decision including such conditions and stipulations, granting the proposed variance.
- b. If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure a reasonable return from or make a practical use of the property without the variance or (2) the variance, if granted, will result in a serious threat to the water supply, then the Commission shall deny approval of the variance as proposed. The Commission shall prepare a Commission decision and send it to the Board of Adjustment. The Board shall prepare a final decision denying the variance as proposed.

4.3. DOWNTOWN OVERLAY

4.3.1. INTRODUCTORY PROVISIONS

- A. **Purpose.** The purpose and intent of the Downtown Overlay District (“DOD”) is to have new development exhibit the characteristics of a traditional small town North Carolina downtown. The Overlay identifies the design and zoning standards that define the attributes of a downtown and proposes the following standards to establish Rolesville’s downtown. These standards emphasize existing patterns/best planning practices and include building orientation, parking, perimeter and street buffers, setbacks, and similar. For single family detached housing, multifamily and nonresidential uses, this also includes pedestrian scale signage, façade patterns, street level façades, and window patterns.
- B. **Applicability.** The DOD shall be an overlay over existing underlying districts as shown on the official zoning map and as such, the provisions (development standards, access, and internal circulation) of the DOD shall serve as a supplement to the underlying district regulations and provisions. Where there is any conflict between provisions or requirements between the DOD or the underlying zoning, the more restrictive shall apply.
- C. **Boundaries.** The DOD boundary and the Core Area within the DOD boundary are shown on the official zoning map.
- D. **Exemptions.** No provision or requirement of the DOD shall be applied to property such that (i) the development density of the property is less dense than was allowed under the land’s previous usage; (ii) the permitted uses specified in the underlying district of the property are reduced to fewer uses than were allowed prior to the adoption of the DOD; or (iii) a nonconformity is created on any land not situated in a residential zoning district, including any nonconforming use, nonconforming structure, nonconforming improvement, or nonconforming site element.

4.3.2. PERMITTED AND SPECIAL USES IN DOWNTOWN OVERLAY.

B. **Downtown Overlay:** Only the following uses are permitted or special uses in the DOD and only to the extent they are permitted or special uses within the underlying zoning district:

1. Dwelling, Single Family Attached
2. Dwelling, Double Family
3. Dwelling, Multiple Family
4. Dwelling, Upper Story Unit.
5. Family Care Facility.
6. Live-Work Unit
7. State Licensed Group Homes
8. Assembly/Church
9. Cultural Facility
10. Day Care
11. Government Facility
12. Lodge or Private Club
13. Parks/Public Recreation Facilities
14. Preserved Open Space
15. Social Services
16. Bank
17. Bars and Nightclubs
18. Breweries and Distilleries
19. Commercial Parking
20. Eating Establishment

21. Event Center
22. Gas Station
23. Lodging
24. Recreation, Indoor
25. Recreation, Outdoor
26. Retail Sales and Services
27. Animal Care
28. Dental Facility
29. Medical Facility
30. Professional Office
31. Urgent Care
32. Artisanal Manufacturing
33. Minor Utility
34. Major Utility
35. Water Storage Tower

4.3.3. PROHIBITED USES

- A. All uses not listed above in 4.3.2 of this section are prohibited in the DOD.

4.3.4. DESIGN STANDARDS

- A. **Building Orientation.** Both residential and non-residential buildings shall face North Main Street, South Main Street, East Young Street, West Young Streets or Rogers Road. Architectural features shall also address the street frontage.
- B. **Parking.** All parking spaces shall be located at the side or rear of the primary structure. Alternate Parking Plans (APPs) may be used for shared parking and/or up to a fifty percent (50%) reduction in otherwise required parking spaces.

- C. **Perimeter Buffers.** Properties with the DOD are exempt from Section 6.2.2.1. Perimeter Buffers.
- D. **Street Buffers.** Properties within the DOD are exempt from Section 6.2.2.2. Street Buffers. If a building is set back from the public right-of-way more than fifteen (15) feet, then landscaping, fencing or architectural features shall maintain the street building edge.
- E. **Setbacks.**
 - 1. Front and corner setbacks shall not exceed twenty feet (20').
 - 2. Side setbacks are not required.
 - 3. All other setbacks shall be in accordance with the underlying zoning district.
- F. **Drive-Throughs.** Drive-through windows shall not face North Main Street, South Main Street, East Young Street, West Young Street, or Rogers Road and are prohibited in the Core Downtown Area.
- G. **Vegetation Preservation.** Properties within the DOD are exempt from Section 6.2.4.5. Vegetation Preservation.

Memo

To: The Planning Board
From: The Planning Department
Date: Meeting Held July 27, 2026
Re: TA-26-0007 – Review and Decision-Making Bodies

Background

The purpose of Text Amendment TA-26-0007 is to correct technical errors related to powers and duties of the Board of Commissioners, Planning Board, and Board of Adjustment in LDO Section 2 Review and Decision-Making Bodies and in Appendix A – LDO Handbook.

Proposed Text Amendment Language

The proposed text for LDO Section 2 Review and Decision-Making Bodies and Appendix A – LDO Handbook is shown in **bold blue and underlined**. Deletions are shown in ~~red strikethrough~~. Marked-up LDO Section 2 and Appendix A are included as attachments to this report.

Comprehensive Plan Consistency

The Rolesville 2050 Comprehensive Plan Focus Areas include looking at challenges and opportunities as they relate to:

- Transportation,
- Economic Development,
- Land Use & Housing, and
- Parks, Recreation, & Community Character.

Having clear and effective development regulations has the potential to support all the Focus Areas in Rolesville's Comprehensive Plan.

Proposed Motion

Motion to recommend (approval or denial) of **TA-26-0007 – Review and Decision-Making Bodies**, to the Town Board of Commissioners, because it is (consistent or inconsistent) with the Comprehensive Plan. (Please include examples of consistency or inconsistency.)

2. REVIEW AND DECISION-MAKING BODIES

2.1. REVIEW AND DECISION-MAKING BODIES

2.1.1. BOARD OF COMMISSIONERS (TOWN BOARD)

A. Powers and Duties.

1. To review, hear, consider, and approve, approve with conditions, or disapprove (as applicable) the following:

- a. Annexation
- b. Development Agreement
- c. Rezoning (Zoning Map Amendment)
- d. Text Amendment (LDO)
- ~~e. Special Use Permit~~
- ~~f. Vested Rights Certificate/Determination~~
- ~~g. Major Subdivision Preliminary Plat~~
- ~~h. Design Alternatives (in TC district)~~

2. To take any other power or duty not delegated to the Planning Board, Board of Adjustment, Town Manager, Land Development Administrator, or other town staff, as the Board of Commissioners may deem desirable and necessary to implement the provisions of this LDO.

- B. **Conflicts of Interest.** The Board of Commissioners shall abide by N.C. Gen. Stat. § 160D-109.

- C. **Oath.** Members of the Board of Commissioners, before entering their duties, shall qualify by taking an oath as required by N.C. Gen. Stat. § 160D-309.

2.1.2. PLANNING BOARD

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

C. **Membership.** Membership will comply with N.C. Gen. Stat. § 160D-302 and N.C. Gen. Stat. § 160D-307.

1. The Planning Board shall consist of seven members. Four members shall be citizens living within the corporate limits of the municipality, and three members shall be residents of the county living within the extraterritorial jurisdiction. The members residing within the municipality shall be appointed by the Board of Commissioners, and the members residing within the extraterritorial jurisdiction shall be appointed by the Board of County Commissioners upon receipt of a resolution from the Board of Commissioners requesting that those appointments be made. In the event the Board of County Commissioners fails to make the appointments requested within 90 days of receipt of the resolution, the Board of Commissioners shall make the appointments.
2. Members' successors shall be appointed for terms of three years. Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term. Vacancies shall be filled by the legislative body responsible for the original appointment.

D. **By-Laws and Rules of Procedure.** The Planning Board shall maintain by-laws which shall be updated once a year. By-laws shall be consistent with N.C. Gen. Stat. § 160D-308.

E. **Conflicts of Interest.** The Planning Board shall abide by N.C. Gen. Stat. § 160D-109.

F. **Oath.** Members of the Planning Board, before entering their duties, shall qualify by taking an oath as required by N.C. Gen. Stat. § 160D-309.

G. **Voting Rights.** Members appointed from the extraterritorial jurisdiction shall have equal rights, privileges, and duties with the other members of the Planning Board, regardless of whether the matters at issue arise within the city or within the extraterritorial area.

2.1.3. BOARD OF ADJUSTMENT

A. **Purpose and Intent.** The Board of Adjustment exercises its authority consistent with N.C. Gen. Stat. § 160D-302.

B. **Powers and Duties.** The Board of Adjustment shall review and decide:

1. Appeals; ~~and~~
 2. Special Use Permits;
 3. Variances;
 4. Vested Rights; and
 5. Design Alternatives (for building height and in TC district)
- C. **Membership.** Membership will comply with N.C. Gen. Stat. § 160D-302 and N.C. Gen. Stat. § 160D-307.
1. The Board of Adjustment shall consist of five members. Three members shall be citizens living within the corporate limits of the municipality, and two members shall be residents of the county living within the extraterritorial jurisdiction. The members residing within the municipality shall be appointed by the Board of Commissioners, and the members residing within the extraterritorial jurisdiction shall be appointed by the Board of County Commissioners upon receipt of a resolution from the Board of Commissioners requesting that those appointments be made. In the event the Board of County Commissioners fails to make the appointments requested within 90 days of receipt of the resolution, the Board of Commissioners shall make the appointments.
- D. **By-Laws and Rules of Procedure.** The Board of Adjustment shall maintain by-laws which shall be updated once a year. By-laws shall be consistent with N.C. Gen. Stat. § 160D-308.
- E. **Decisions and Appeals.** Quasi-judicial (evidentiary) decisions shall be in accordance with N.C. Gen. Stat. § 160D-405 and 160D-406.
- F. **Conflicts of Interest.** The Board of Adjustment shall abide by N.C. Gen. Stat. § 160D-109.
- G. **Oath.** Members of the Board of Adjustment, before entering their duties, shall qualify by taking an oath as required by N.C. Gen. Stat. § 160D-309.
- H. **Voting Rights.** Members appointed from the extraterritorial jurisdiction shall have equal rights, privileges, and duties with the other members of the Board of Adjustment,

regardless of whether the matters at issue arise within the city or within the extraterritorial area.

2.1.4. TOWN MANAGER

- A. **Powers and Duties.** The Town Manager is a town employee responsible for administering and managing the various responsibilities of the town per the Board of Commissioners. In the event the Land Development Administrator position is vacant, the duties specified for the Land Development Administrator shall be carried out by the Town Manager.

2.1.5. TECHNICAL REVIEW COMMITTEE (TRC)

- A. **Purpose and Intent.** The Technical Review Committee shall exercise their duties and power per this LDO. The Technical Review Committee, referred to in this LDO as the “TRC”, is an administrative body consisting of the various staff departments related to development at the town. The TRC consists of departments or outside agencies needed to review and analyze the various review procedures detailed in this LDO and the Land Development Ordinance Handbook.
- B. **Conflicts of Interest.** The Technical Review Committee shall abide by N.C. Gen. Stat. § 160D-109.

2.1.6. LAND DEVELOPMENT ADMINISTRATOR (LDA)

- A. **Purpose and Intent.** The Land Development Administrator, referred to in this LDO as the “LDA” shall exercise their duties and power per this LDO. The LDA shall be responsible for all administrative planning roles within this LDO. The Planning Director shall serve as the Land Development Administrator.
- B. **Powers and Duties.** The LDA, or their designee(s), shall be responsible for:
1. Administration and coordination of the town's planning program, including supervising planning studies and reports, assembling data, preparing maps, maintaining an information system, developing planning policy, and implementing the community planning process.
 2. Providing staff support and technical assistance to the Board of Commissioners, Planning Board, and Board of Adjustment.

3. Providing liaison information and technical assistance to citizens, community groups, other governments, the development community, and other stakeholders.
 4. Administration of land use controls such as those contained in this LDO, and their technical maintenance.
 5. Enforcement of the provisions of this LDO.
 - ~~6. The LDA may approve modifications as per LDO Section 6.9. Administrative Minor Modifications. Review of modifications that do not involve a change in uses permitted, or a decrease in the density of overall development, may be reviewed and approved administratively by the LDA.~~
 7. Other duties as assigned by the Town Manager.
- C. **Conflicts of Interest.** The Land Development Administrator shall abide by N.C. Gen. Stat. § 160D-109.

2.2. REVIEW PROCEDURES

- A. **Land Development Ordinance Handbook.** All review procedures for processes delineated in this LDO shall be contained in Appendix A: Land Development Ordinance Handbook (Handbook). ~~The Handbook may be requested from the Planning Department.~~ All review procedures shall be in accordance with the handbook, ~~town code,~~ and state and federal law.
- B. **Notification Requirements.** All notification requirements will be followed in accordance with N.C. Gen. Stat. § 160D unless additional requirements are otherwise noted in the Handbook.

2.3. VESTED RIGHTS

- A. **Purpose.** N.C. Gen. Stat. § 160D-108 and 108.1 recognize that local government approval of development typically follows significant investment in site evaluation, planning, development costs, consultant fees, and related expenses, and to establish a clear procedure for an applicant to receive reasonable certainty, stability, and fairness in the development regulation process to secure the reasonable expectations of

landowners, and foster cooperation between the public and private sectors in land use planning and development regulation. These provisions strike an appropriate balance between private expectations and the public interest.

- B. **Permit Choice.** Permit choice is permitted per N.C. Gen. Stat. § 160D-108(b).
- C. **Process to Claim a Vested Right.** A person claiming a statutory or common law vested right may submit information in accordance with N.C. Gen. Stat. § 160D-108(h) and the establishment of a vested right is defined in N.C. Gen. Stat. § 160D-108.1(b).

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APPENDIX A - LAND DEVELOPMENT ORDINANCE HANDBOOK

1. GENERAL PROVISIONS

1.1. PURPOSE AND INTENT

- A. The purpose of Appendix A - Land Development Ordinance Handbook (referred to throughout as “LDO Handbook”, “The Handbook”, or “Handbook”) to identify procedures for filing and processing applications for development approval within the Town of Rolesville, in accordance with the required standards of the Land Development Ordinance (LDO) of the Town of Rolesville. This handbook is a tool for staff of the Town of Rolesville and is designed to allow users to determine the steps involved to obtain development approval.

1.2. GENERAL PROCEDURES

- A. No development of land, building, or structure is permitted unless all applicable approvals are issued in accordance with this handbook and the standards of the LDO. Development approvals from the Town are required for all development, unless otherwise exempted, to ensure compliance with the LDO, Comprehensive Plan, other Town plans and adopted codes, plans, standards, and applicable laws. This handbook describes procedural elements for development approval processes.

1.3. APPROVALS REQUIRED

- A. Except as specifically exempted by North Carolina General Statutes or other applicable laws, the use of property may not be substantially changed nor may any clearing, grading, or excavation be commenced and buildings or other structures may not be constructed, erected, moved, or substantially altered except in accordance with and pursuant to the standards of the Town of Rolesville’s Land Development Ordinance and the process requirements of this handbook.
- B. All development shall comply with such approved plans and specifications, as well as the provisions of the LDO except where otherwise modified (i.e., through a variance,

design alternative or similar approval by the Town). Approvals, as identified in Section 1.4 below, authorize specified activities; however, the intended use may not be established, no building may be occupied, and in the case of subdivisions no lots may be sold until all the requirements of this LDO, and any other (additional) requirements imposed pursuant to approval have been met.

1.4. CATEGORIES OF DEVELOPMENT APPROVALS – LEGISLATIVE, EVIDENTIARY, ADMINISTRATIVE

- A. **Legislative Development Approvals.** Legislative approvals require approval by the Town of Rolesville Board of Commissioners (“BOC”). A ~~public~~legislative hearing is required, and the procedural requirements of an evidentiary hearing do not apply.
- B. **Evidentiary Development Approval.** Evidentiary (quasi-judicial) approvals involve the application of a discretionary standard of the LDO to an application. These approvals require an evidentiary hearing, and procedural due process requirements apply. Evidentiary approvals shall comply with the provisions of N.C. Gen. Stat. § 160D-406.
- C. **Administrative Approval.** A ~~public~~legislative hearing is not required for administrative approvals; however, administrative approvals require input from the Technical Review Committee (“TRC”).

1.5. AUTHORIZING USE

- A. Subject to TRC comments, the LDO Administrator may authorize the use or the occupancy of buildings prior to development completion only if:
 - 1. The applicant provides security satisfactory to the Planning Director that is sufficient to ensure that all approval requirements will be fulfilled by a specified date not to exceed twelve (12) months as determined by the Planning Director; and
 - 2. The security shall be sufficient to ensure compliance and be approved by the Town Attorney prior to the Planning Director authorizing the intended use or occupancy.
- B. The authorization identified in this section is limited to the following:
 - 1. The authorized use or occupancy is consistent with an approved phasing plan;
 - 2. Through a temporary certificate of occupancy (permitted when, because of weather conditions or other factors beyond the control of the applicant, exclusive of financial hardship, it would be unreasonable to require the

- applicant to comply with all the requirements of this LDO prior to commencing the intended use of the property or occupying any buildings);
- 3. When the Town Board of Commissioners imposes additional requirements pursuant to special use permits or the applicant proposes to install amenities beyond those required by this LDO; or
- 4. When the developer is selling only undeveloped lots after final plat approval and acceptance of surety or improvements.

1.6. APPLICATION REQUIREMENTS

- A. Requests for any development process defined in this handbook shall be made on applications provided by the Planning Department. The term application is understood to include all materials identified in the submittal requirements including application, instructions, plans, studies, and analysis, filing fees, and any additional information required in the review and processing of a specific project.
- B. Applications shall only be accepted from a landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. Easement holders may also apply for approval for such development as authorized by the easement. Development approvals made pursuant to this handbook and the LDO attach to and run with the land.

1.7. PROCESSING OF APPLICATIONS

- A. Once an application is deemed consistent with Section 1.12 by the Planning Department, the Land Development Administrator (LDA) and/or their designee shall review the application and forward the application to all required review bodies.

1.8. CONTINUANCE

- A. The applicant and LDA may mutually agree for a continuance or extension of any time limit provided for in this handbook.
- B. If the LDA receives a written request less than seven (7) days prior to a ~~public~~[legislative](#) hearing in which the application is scheduled to be heard, the applicant is not entitled to an automatic continuance. The hearing body shall consider the request and may grant approval of a continuance upon demonstration of good cause (by the applicant).

- C. If an applicant receives a continuance, the applicant shall reimburse the Town for all advertising costs associated with the ~~public~~legislative hearing.

1.9. WITHDRAWALS

- A. An applicant may withdraw an application at any time. A written notice shall be provided to the LDA for a withdrawal.
- B. If the LDA receives notice of the applicant's written withdrawal statement following public notice, fees and costs will not be refunded, or credit applied to any subsequent applications.

1.10. DENIALS

- A. If an application requiring a ~~public~~legislative hearing is denied, an application proposing substantially the same development on all or part of the same land shall not be submitted within six (6) months after the date of denial unless the decision-making body waives this time limit in accordance with subsection 2 below. Only one request for a waiver of this time limit may be submitted during the period.
- B. The owner of land that is the subject of an application that was denied as set out in subsection 1 above, or the owner's authorized agent, may submit a written request for waiver of the time limit established in subsection 1 above, along with a fee to defray the cost of processing the request, to the LDA, who shall transmit the request to the decision-making body. The decision-making body may grant a waiver of the time limit based on one or more of the following:
 - 1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application that might reasonably affect the application of the relevant review standards to the development proposed in the application;
 - 2. New or additional information is available that was not available at the time of review that might reasonably affect the application of the relevant review standards to the development proposed in the application; or
 - 3. The new application proposed to be submitted is not substantially the same as the prior application.

1.11. PRE-APPLICATION MEETINGS

- A. The purpose of a pre-application meeting is to provide an opportunity for the applicant to meet with Town staff to learn about the submittal requirements, procedures, and standards applicable to a particular development application.
- B. The pre-application meeting also provides an opportunity for staff to become familiar with the proposed project and offer preliminary comments about the scope of the proposed development, as it relates to the standards of the LDO.
- C. Comments and information provided during the pre-application meeting are deemed to be advisory in nature and not binding upon the staff.
- D. The pre-application meeting is not required but is encouraged.

1.12. COMPLETENESS REVIEWS

- A. Applications shall include all required items before being deemed as complete by the LDA.
- B. A complete application shall contain, at minimum all information and materials as required for submittal of the particular type of application; Provide the number of copies required for application submittal; Is signed by the person with the authority to file the application; Is legible and printed to scale (as may be required by staff); Includes information in sufficient detail to evaluate whether or not the application complies with the applicable review standards of the LDO; and the appropriate fee is submitted for the particular type of application.
- C. Additional information may be required by any other regional, state, or federal entity.
- D. Completeness review of an application is intended to determine whether preliminary information required for submission is sufficient to allow further technical review and is not a decision as to whether the application complies with the provisions and standards of the LDO.
- E. The LDA may process an application without all required information at the risk of the applicant that the decision-making body may require the information prior to acting on the application. A written statement by the applicant shall be provided to the LDA acknowledging this risk.
- F. Although the Town has primary responsibility for regulation of land development within the Town's jurisdiction, there exist several aspects of development that may

be subject to regulation by regional, state, or federal entities. Approval by the Town does not waive any other entity's requirements.

- G. If any application is deemed incomplete, the LDA shall specify to the applicant what information is still required. The applicant may resubmit the application with the required information or may appeal the LDA's decision to the Board of Adjustment.

1.13. FORMAL REVIEWS

- A. After staff deems an application complete, the application shall be considered as officially submitted. Staff shall begin a formal review of the application.
- B. The application shall be distributed to all appropriate review bodies within the Town, consistent with the requirements of the specific process.
- C. Each appropriate review body shall review and comment on the application. If any deficiencies exist, planning staff shall contact the applicant and inform them of said deficiencies. The applicant shall be provided with an opportunity to discuss any deficiencies and resubmit any required information in the form of a resubmittal.
- D. Upon receiving all required information, the appropriate review body shall deem the application complete through formal review. The application shall be forwarded to the appropriate review body for consideration. If the application is administrative, it shall be approved by the appropriate staff.

1.14. CONDITIONS OF APPROVAL

- A. Conditions of approval shall comply with the following:
 - 1. Conditions of approval are limited to a conditional rezoning and evidentiary processes;
 - 2. Conditions of approval shall be limited to conditions necessary to ensure compliance with the LDO, or to prevent or mitigate adverse effects from the proposed development on neighboring land; and
 - 3. Any condition of approval shall be set forth in any official notice of decision or permit approval.

1.15. DEVELOPMENT PROCESSES SUMMARY TABLE

- A. Table 1.15 provides a summary of the development processes included in this handbook.

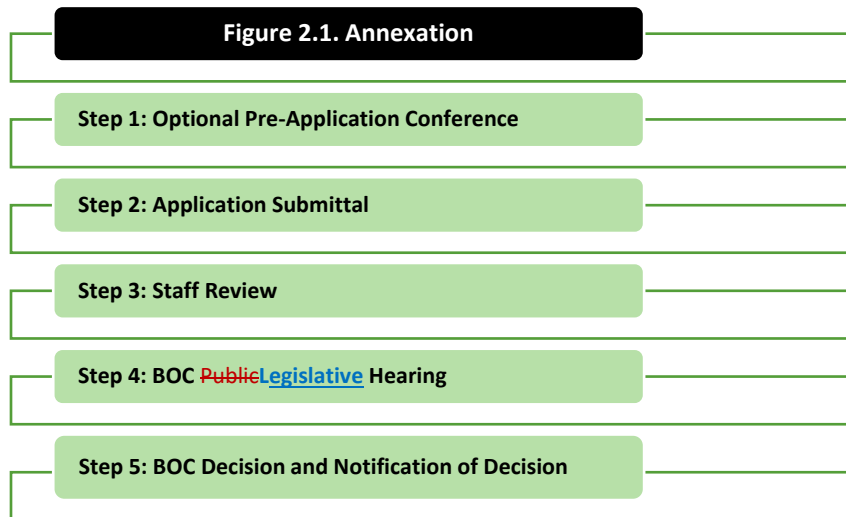
TABLE 1.15 – DEVELOPMENT PROCESSES SUMMARY TABLE

REVIEW PROCESS	SECTION	LDA	BOA	PB	BOC	
LEGISLATIVE PROCESSES						
Annexation	2.1	R			D	
Development Agreement	2.2	R		RR	D	
Rezoning (Zoning Map Amendment)	2.3	R		RR	D	
Text Amendment	2.4	R		RR	D	
EVIDENTIARY PROCESSES						
Appeals	3.1	R	D			
Special Use Permit	3.2	R	D			
Variance	3.3	R	D			
Vested Rights Certificate/Determination	3.4	R			D	
ADMINISTRATIVE PROCESSES						
Major Subdivision Preliminary Plat	4.1	D				
Construction Infrastructure Drawings	4.2	D				
Minor Subdivision Final Plat	4.3	D				
Major Subdivision Final Plat	4.4	D				
Site Development Plan	4.5	D				
Zoning Permit	4.6	D				
KEY: R = REVIEW, RR = REVIEW AND RECOMMEND, D = FINAL DECISION LDA = LAND DEVELOPMENT ADMINISTRATOR BOA = BOARD OF ADJUSTMENT PB = PLANNING BOARD BOC = BOARD OF COMMISSIONERS						

2. LEGISLATIVE PROCESSES

Legislative Processes
Annexation
Development Agreement
Rezoning (Zoning Map Amendment)
Text Amendments

2.1. ANNEXATION



A. **Purpose.** The purpose of an annexation request is to annex or incorporate lands into the Town of Rolesville in accordance with N.C. Gen. Stat. § 160D-202. The annexation process in this handbook pertains only to annexation by petition, or voluntary annexations.

B. **Application.**

1. The owner of property, or one having financial or close interest in the property with the written consent of the owner, may institute an annexation request.
2. Annexations shall be reviewed and approved in a ~~public~~legislative hearing by the BOC and meet all applicable common application procedures.
3. If the annexation request submitted to the Planning Department does not conform to all applicable regulations, the applicant shall resubmit the plans to the Planning Department for redistribution and review.

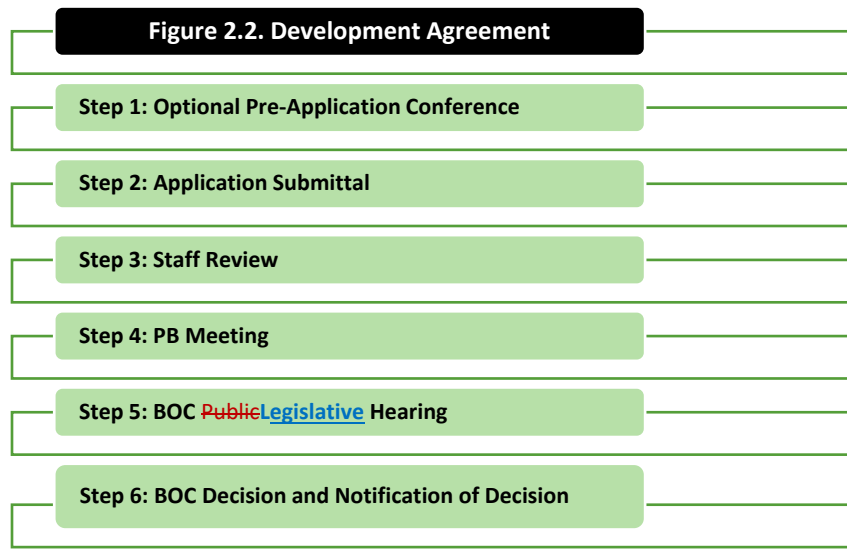
C. **Review Process.**

1. The application shall be reviewed for consistency with the regulations of the LDO and any other relevant Town ordinances and adopted plans.
2. A staff report (if applicable) and application shall be provided to the BOC in their ~~public~~legislative hearing review.
3. The BOC shall direct the clerk to schedule a hearing.

D. Board of Commissioners ~~Public~~Legislative Hearing.

1. The BOC will review the proposed request under legislative discretion.
2. The BOC shall vote for approval of the annexation request or vote to deny the request.
3. If annexed, the area, owners and occupants are subject to the same debts, laws, ordinances, and regulations as other areas of the Town.

2.2. DEVELOPMENT AGREEMENT



A. Purpose.

1. The purpose of a development agreement, consistent with N.C. Gen. Stat. § 160D, Article 10, is to allow a process for the establishment and review of large-scale, multi-phased development projects with an expected build out date of several years.
2. Development agreements are intended to provide the Town and developers of land regulatory certainty and a schedule of development.
3. This certainty and schedule allow developers and the Town to coordinate public facilities to serve the development.

B. Application.

1. A development agreement shall be submitted ~~on a form~~ as designated by the Town and include the appropriate filing fee.
2. The application shall be reviewed in a public meeting by the PB and a ~~public~~legislative hearing by the BOC and meet all applicable common application procedures.

C. Review Process.

1. Development agreements shall occur through a ~~public~~legislative hearing process and shall be reviewed by the LDA for consistency with the regulations of the LDO and any other relevant Town ordinances and adopted plans.
2. A staff report by the Planning Department shall be provided to the PB and BOC.

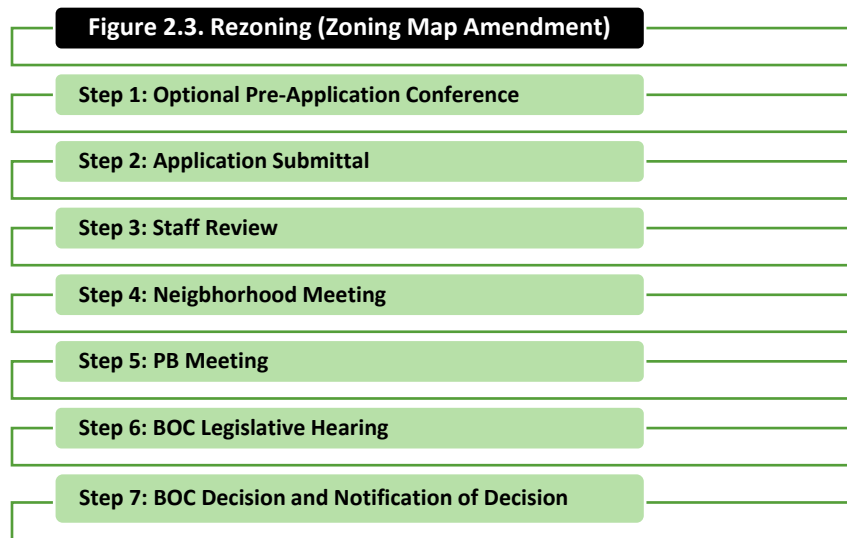
D. Planning Board Meeting.

1. The PB will review the proposed request.
2. The PB shall vote to recommend approval of the request to BOC or vote to recommend denial of the request to BOC and provide a consistency statement.

E. BOC ~~Public~~Legislative Hearing.

1. The BOC will review the proposed request under legislative discretion, taking into consideration all relevant comments from Town staff.
2. The BOC shall vote for approval of the request or vote to deny the request.
3. The BOC may add additional requirements or modify the proposed language with the consent of the applicant.
4. The BOC may approve the development agreement as requested, adopt a revised amendment, or deny the amendment.
5. The BOC shall provide a brief statement describing whether the action is consistent or inconsistent with approved plans.

2.3. REZONING (ZONING MAP AMENDMENT)



A. **Purpose.** Rezoning allows an applicant to modify the zoning of a property and amend the zoning map. This process may allow an applicant to revise the zoning map to change the zoning district classification applicable to a particular parcel, portion of a parcel, or group of parcels. There are two (2) types of rezoning authorized by this LDO: General Rezoning and Conditional Rezoning.

1. **General Rezoning.** A general rezoning reclassifies land to a base zoning district and subjects future development in the district to all the development regulations applicable to that zoning district.
2. **Conditional Rezoning.** A conditional rezoning reclassifies land to a conditional zoning district that is parallel to a base zoning district. Consistent with the definition provided in N.C. Gen. Stat. § 160D-102, this rezoning is defined as a legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment. This type of rezoning subjects future development in the district to the same development regulations applicable to the parallel base district except as modified by conditions. A conditional rezoning shall comply with the below standards:
 - a. Are proposed and/or agreed upon by the owner(s) of the land;
 - b. Incorporate any proposed modifications to use, intensity, or development standards applicable in the parallel base district; and
 - c. Are limited to conditions that address conformance of the allowable development and use of the rezoning site with Town regulations and

adopted plans and impacts reasonably expected to be generated by the allowable development or use of the site.

- d. A site plan may be approved as part of a conditional zoning. If it is incorporated as a condition in conditional zoning, it is part of that legislative decision. If it is required and approved as part of an administrative or evidentiary decision, it is a development approval.
- e. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to Town ordinances, or the impacts reasonably expected to be generated by the development or use of the site.

B. Application.

1. A rezoning application shall be submitted ~~on a form~~ as designated by the Town and include the appropriate filing fee.
2. If the request is a conditional rezoning, the application may propose conditions in the form of text, site plans, and maps.
3. An application for a general rezoning may be amended to a conditional rezoning application before the ~~public~~legislative hearing.

C. Review Process.

1. Rezoning applications shall occur through a ~~public~~legislative hearing process and shall be reviewed by the LDA and TRC for consistency with the regulations of the LDO and any other relevant Town ordinances and adopted plans.
2. A staff report by the Planning Department shall be provided to the PB and BOC.

D. Neighborhood Meeting.

The purpose of a Neighborhood Meeting is to be transparent and allow the public to be involved in planning processes. These meetings allow citizens to hear from applicants and review proposals before they are considered by the Planning Board and Board of Commissioners. The Neighborhood Meeting also gives the applicant the opportunity to adjust proposals prior to a case being considered by the Planning Board and Board of Commissioners. An Applicant shall conduct a Neighborhood Meeting between the first and second review by the TRC and prior to the first

meeting of the Planning Board at which the application will be considered.

Requirements of the meeting are as follows:

1. The Neighborhood Meeting shall be held at a location within the Town's planning jurisdiction.
2. The owners of all property within five hundred (500) feet on all sides of the subject property (not to include street rights-of-way of less than one hundred (100) feet in width) shall be notified of the Neighborhood Meeting by first class mail. In addition, the owners of property within two hundred (200) feet of any roadway improvements and/or utility improvements associated with an application shall be similarly notified. Homeowners' Associations shall also be notified if residential properties on a Neighborhood Meeting mailing list are included in such an Association. Such notification shall be postmarked not more than twenty five (25) days and not fewer than ten (10) days prior to the date of the meeting.
3. The applicant shall deliver to the Planning Department a letter certifying the list of names, mailing address and Wake County Parcel Identification Numbers of all properties notified of the meeting.
4. A notice of the pending proposal and Neighborhood Meeting information shall be presented to the Planning Department to be posted by staff within seven days before the meeting:
 - i. In a prominent location in Town Hall; and
 - ii. On the Town of Rolesville website.
5. The Neighborhood Meeting will be held on a weekday.
6. The applicant will run and manage the meeting making efforts to inform the public of the applicant's intentions.
7. The applicant shall provide to the Planning Department a list of meeting attendees and minutes at least ten (10) days prior to the first meeting of the Planning Board at which the application will be considered.

E. Planning Board Meeting.

1. The PB will review the proposed request.
2. The PB shall make a recommendation that addresses whether the proposed rezoning application is consistent with the Comprehensive Plan.

3. The PB shall vote to recommend approval of the request to BOC or vote to recommend denial of the request to BOC and provide a consistency statement.

F. BOC Legislative Hearing.

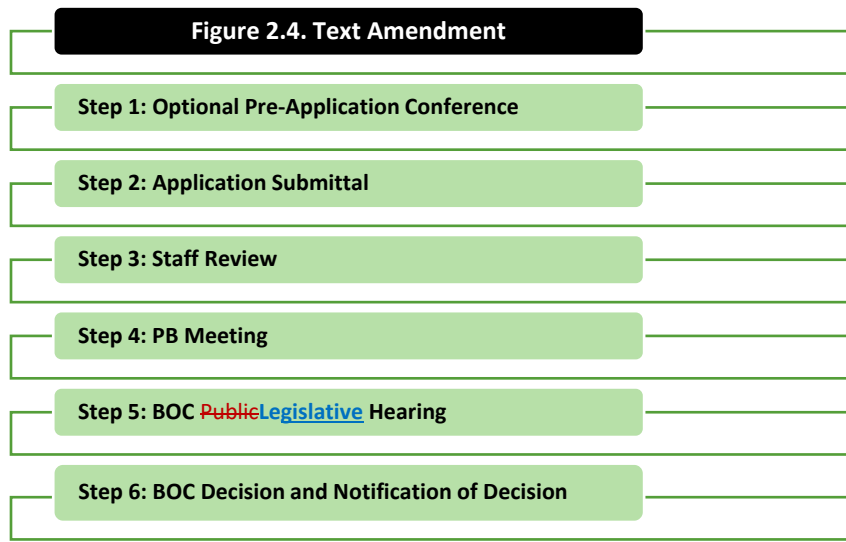
1. The BOC will review the proposed request under legislative discretion, taking into consideration all relevant comments from Town staff and the PB.
2. The owners of all property within five hundred (500) feet on all sides of the subject property (not to include street rights-of-way of less than one hundred (100) feet in width) shall be notified of the Legislative Hearing by first class mail. In addition, the owners of property within two hundred (200) feet of any roadway improvements and/or utility improvements associated with an application shall be similarly notified. Homeowners' Associations shall also be notified if residential properties on a Legislative Hearing mailing list are included in such an Association. Such notification shall be postmarked not more than twenty five (25) days and not fewer than ten (10) days prior to the date of the meeting.
3. The BOC shall vote on a decision which shall either approve or deny the application.
4. If a conditional rezoning, the BOC may add additional conditions or modify proposed language with consent of the applicant.
5. A brief statement describing whether the action is consistent or inconsistent with approved plans.
6. If approved, the rezoning application shall reclassify the zoning of the site to the approved zoning district.

G. Rezoning Review Standards. The BOC may consider as applicable the following review standards for a rezoning:

1. Is the application consistent with the Comprehensive Plan and other applicable adopted Town plans;
2. Is the application in conflict with any provision of the LDO or the Town Code of Ordinances;
3. Does the application correct any errors in the existing zoning present at the time it was adopted;

4. Does the application allow uses that are compatible with existing and allowed uses on surrounding land;
5. Would the application ensure efficient development within the Town, including the capacity and safety of the street network, public facilities, and other similar considerations;
6. Would the application result in a logical and orderly development pattern; and
7. Would the application result in adverse impacts on water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
8. If a conditional rezoning, the BOC may also consider if the conditional rezoning addresses the impacts reasonably expected to be generated by the development or use of the site, can reasonably be implemented and enforced for the subject property, and if it will mitigate specific issues that would likely result if the subject property were zoned to accommodate all the uses and the minimum standards of the corresponding general zoning district.

2.4. TEXT AMENDMENT



A. Purpose.

1. The text amendment process allows for changes to be made to the text of the LDO and include the appropriate filing fee.
2. This process may allow for the Town, BOC, or any person owning land in the Town or having a financial or other interest in land in the Town to amend the text of the LDO.

B. Application.

1. The application shall be submitted ~~on a form~~ as designated by the Town.
2. The application shall be reviewed by the PB and approved following a ~~public~~legislative hearing by the BOC and meet all applicable common application procedures.

C. Review Process.

1. Text amendment applications shall occur through a ~~public~~legislative hearing process and shall be reviewed by the LDA for consistency with the regulations of the LDO, comprehensive plan, and any other relevant Town ordinances and adopted plans.
2. A staff report by the Planning Department shall be provided to the PB and BOC.

D. Planning Board Meeting.

1. The PB shall consider the text amendment request and make a recommendation on the application to the BOC.

2. The PB shall vote to recommend approval of the request to BOC or vote to recommend denial of the request to BOC and provide a consistency statement.

E. BOC ~~Public~~Legislative Hearing.

1. The BOC will review the proposed request under legislative discretion, taking into consideration all relevant comments from Town staff and the PB.
2. The BOC shall vote for approval of the request or vote to deny the request.
3. The BOC may add additional requirements or modify the proposed language with the consent of the applicant.
4. The BOC may approve the development agreement as requested, adopt a revised amendment, or deny the amendment.
5. A brief statement describing whether the action is consistent or inconsistent with approved plans.

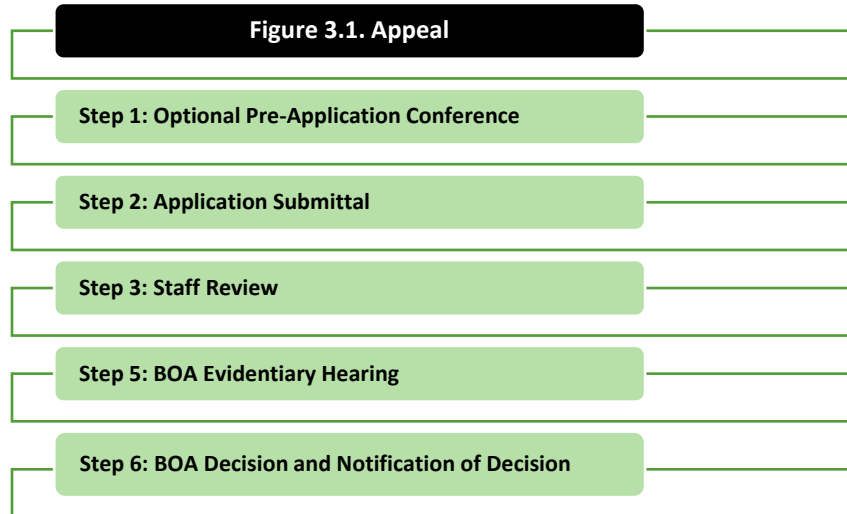
F. Text Amendment Review Standards. The BOC may consider as applicable the following review standards for a text amendment:

1. Whether the proposed amendment is consistent with the comprehensive plan and other applicable adopted Town plans;
2. Whether the proposed amendment conflicts with any standard of the LDO, Comprehensive Plan, and/or the Town Code;
3. Whether there are changed conditions that require a text amendment;
4. Whether the proposed amendment addresses a demonstrated need within the community;
5. Whether the proposed amendment is consistent with the purpose and intent of the zoning districts of the LDO, would improve compatibility among uses, ensure efficient development within the Town, and addresses a standard that is inadequate for development in the LDO; and
6. Whether the proposed amendment would negatively affect health, safety, and welfare of the Town.

3. EVIDENTIARY PROCESSES

Evidentiary Processes
Appeal
Special Use Permit
Variance/Design Alternative
Vested Rights Certificate/Determination

3.1. APPEAL



A. Purpose.

1. The purpose of the appeal process is to allow any party that is aggrieved by a decision made by the LDA, Planning Department staff, Engineering staff, or other Town staff in administering the regulations of the LDO.
2. The appeal may be made within thirty (30) days after any decision is rendered by Town staff. The appeal shall be made to the Board of Adjustment.
3. This process is only to appeal administrative decisions.
4. Any decisions made by a Board relative to the LDO are to be made in accordance with state law.

B. Application.

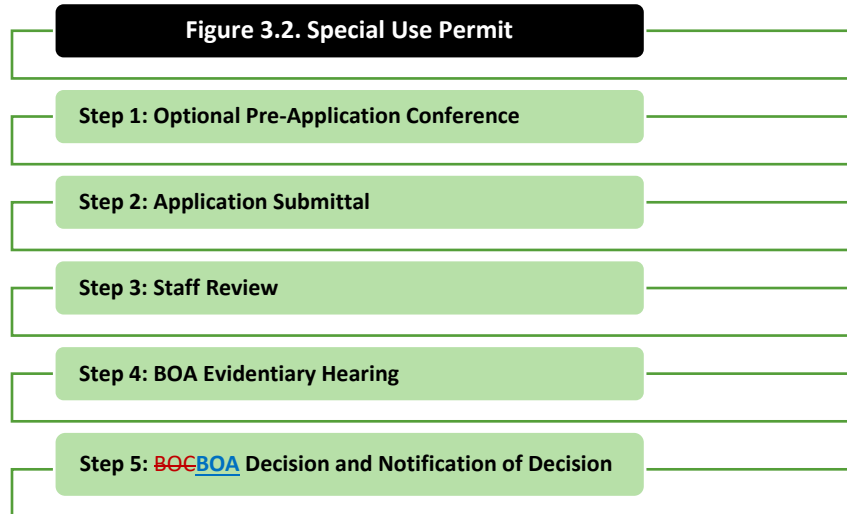
1. An appeal shall be submitted ~~on a form~~^{as} designated by the Planning Department and include the appropriate filing fee.
2. Clearly cite the provision of the LDO in question, the decision, interpretation, and which Town staff the decision was rendered by.
3. Include proof the applicant is a party aggrieved by the decision.
4. Identify facts and materials in support of the appeal.
5. Provide summary of the decision provided by Town staff.
6. Clearly state relief that the applicant seeks.

C. Review Process.

1. An appeal shall be reviewed by the LDA to ensure the appeal contains sufficient information to render a decision (see above).

2. The LDA shall forward the application to the Town staff whose decision is being appealed.
 3. The LDA shall form a report which summarizes the appeal.
 4. The report and application shall be forwarded to the BOA.
- D. **BOA ~~Public~~Evidentiary Hearing.** The BOA shall:
1. Review the proposed request under evidentiary discretion.
 2. Render a decision which affirms the decision being appealed, modifies the decision being appealed, or reverses the decision being appealed.
 3. In making its decision, the BOA shall have all the powers of the official who made the decision and shall make any order, requirement, decision, or determination that ought to be made.
- E. **Appeal Review Standards.** The BOA shall modify or reverse the decision rendered only if it finds, based upon competent, material, and substantial evidence in the record, that
1. Has been a clear and demonstrable error by the Town;
 2. Abuse of discretion; and/or
 3. Denial of procedural due process in the application of the facts in the record to the applicable standards of the LDO, or as otherwise provided by state law.

3.2. SPECIAL USE PERMIT



A. Purpose.

1. A use designated as a special use in a particular zoning district is a use that may be appropriate in the district, but because of its nature, extent, and external effects, requires special consideration by the Town.
2. Special consideration shall be given to location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings.
3. Special Use Permits shall be approved upon the presentation of competent, material, and substantial evidence.
4. The applicant must provide written consent to any conditions placed on the approval.
5. The purpose of this section is to establish a mechanism to review special uses to ensure they are appropriate as and where proposed.

B. Application.

1. A special use request shall be submitted ~~on a form~~as designated by the Planning Department and include the appropriate filing fee.
2. The request shall also include a development plan illustrating the proposed development, meeting all requirements of the application form.

C. Review Process.

1. Special use permits shall occur through an ~~public~~ **evidentiary** hearing process and shall be reviewed by the LDA and TRC for consistency with the regulations of the LDO and any other relevant Town ordinances and adopted plans.
2. A staff report (if applicable) by the Planning Department shall be provided to the ~~BOC~~ **BOA**.

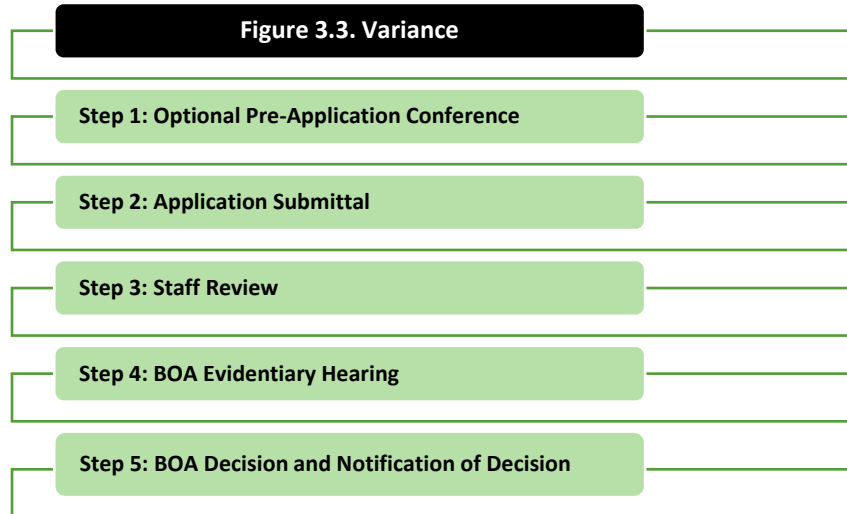
D. BOA Evidentiary Hearing

1. The BOA will review the proposed request under evidentiary discretion, taking into consideration all relevant comments.
2. The BOA shall vote for approval of the request or vote to deny the request.
3. The BOA may add additional requirements or modify the proposed language with the consent of the applicant.
4. The BOA will vote on a brief statement describing whether the action is consistent or inconsistent with approved plans.

E. Special Use Permit Review Standards.

1. The proposed special use will be in general conformance with the comprehensive plan and other relevant Town plans;
2. Demonstrated measures will be taken to provide ingress, egress, minimize traffic hazards, and minimize traffic congestion on the public roads;
3. The proposed use will not be dangerous or offensive by reason of vibration, noise, odor, dust, smoke, or gas;
4. The establishment of the proposed special use will not inhibit the orderly development of adjacent and surrounding property for uses permitted within the particular zoning district;
5. The proposed special use will not endanger the public health, safety, or general welfare; and
6. The proposed use complies with all applicable provisions of the LDO.

3.3. VARIANCE



A. Purpose.

1. The purpose of a zoning variance is to allow certain deviations from specified standards of the LDO, when the landowner demonstrates that, owing to special conditions beyond the control of a landowner (or where permitted explicitly in the LDO) a literal application of the standards of the LDO would result in undue and unique hardship. Variances shall comply with N.C. Gen. Stat. § Section 160D-705(d).
2. The special conditions may include but are not limited to topographical considerations, shape of lot, and similar conditions that are beyond the control of a landowner. Where the LDO permits an applicant to request a design alternative, the applicant shall demonstrate compliance with the review standards for the design alternative in the LDO.

B. Application.

1. A variance request shall be submitted ~~on a~~ **on a form** as designated by the Planning Department and include the appropriate filing fee.
2. The variance request shall include a detailed narrative explaining the unique circumstances in which a variance or design alternative is requested.
3. The request shall also include all standards of the LDO in which a variance is sought.

C. Review Process.

1. Requests shall be reviewed by the LDA and occur through an evidentiary hearing process.
2. A staff report (if applicable) by the Planning Department shall be provided to the BOA ~~for variances or to the BOC for a design alternative.~~

D. BOA Evidentiary Hearing.

1. The BOA will review the proposed request under evidentiary discretion, taking into consideration all relevant comments and in compliance with N.C. Gen. Stat. § Section 160D-705(d).
2. The BOA shall vote for approval of the request or vote to deny the request.
3. The BOA may add additional requirements or modify proposed language with consent of the applicant.
4. A brief statement describing whether the action is consistent or inconsistent with approved plans will be voted on by the BOA.
5. If approved, the variance shall run with the land.

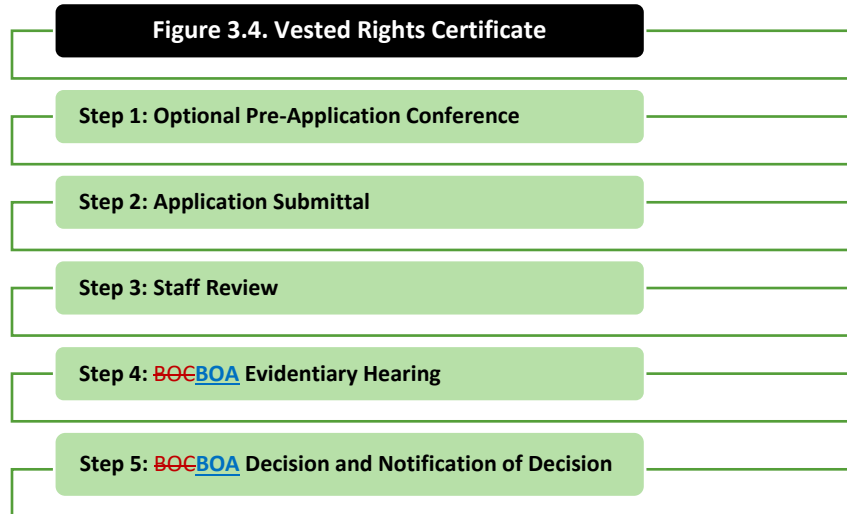
E. Review Standards. Variances and design alternatives shall use the same review standards (see below), except that additional review standards may be required for design alternatives and are included where the design alternative is permitted in the LDO. Review standards include:

1. Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. The hardship results from conditions that are peculiar to the property, such as location, size, or topography.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that

circumstances exist that may justify the granting of a variance is not a self-created hardship.

4. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved.

3.4. VESTED RIGHTS CERTIFICATE/DETERMINATION



A. Purpose. Nothing in the LDO nor LDO handbook is intended to repeal, supersede, annul, impair, or interfere with any vested rights under applicable laws, so long as the vested rights remain in effect. In accordance with N.C. Gen. Stat. § 160D-108.1, a landowner may establish a vested right that shall entitle the landowner to develop land in accordance with an approved site-specific development plan.

B. Application.

1. The application shall be submitted ~~on a form~~ as designated by the Town and include the appropriate filing fee.
2. The applicant for a vested rights certificate/determination shall provide the LDA with a completed application and copies of any documents on which the applicant is relying to establish vested rights.
3. The application shall be reviewed by the LDA and approved in an ~~public~~evidentiary hearing by the ~~BOC~~BOA and meet all applicable common application procedures.

C. Review Process.

1. Vested rights applications shall occur through an ~~public~~evidentiary hearing process and shall be reviewed by the LDA for consistency with the regulations of the LDO, comprehensive plan, and any other relevant Town ordinances and adopted plans.
2. A staff report (if applicable) by the Planning Department shall be provided to the ~~BOC~~BOA.

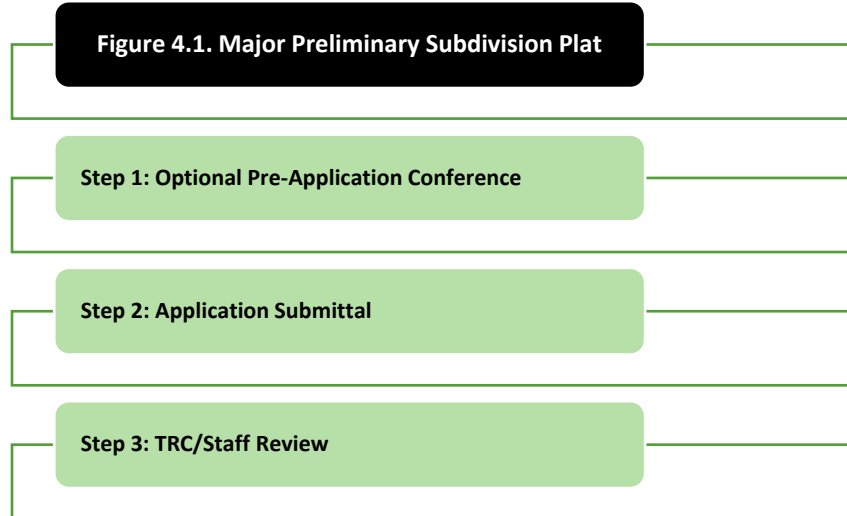
D. ~~BOC~~BOA Evidentiary Hearing.

1. The ~~BOC~~BOA will review the proposed request under evidentiary proceedings, taking into consideration all relevant comments from Town staff and the applicant.
2. Upon evidence submitted and review of the application, if the BOA finds that there is sufficient evidence to establish vested rights, it shall issue a certificate to the applicant recognizing vested rights for the project. The certificate shall set forth all terms and conditions required for the continuance of the vested rights being recognized.
3. The ~~BOC~~BOA shall vote for approval of the request or vote to deny the request.
4. The ~~BOC~~BOA may add additional requirements or modify the proposed language with the consent of the applicant.

4. ADMINISTRATIVE PROCESSES

Administrative Processes
Major Preliminary Subdivision Plat
Construction Infrastructure Drawings
Minor Subdivision Final Plat
Major Subdivision Final Plat
Site Development Plan
Zoning Permit

4.1. MAJOR PRELIMINARY SUBDIVISION PLAT



A. Purpose.

1. The purpose of this process is to establish procedures for the development and subdivision of land within the territorial jurisdiction of the Town of Rolesville that constitutes a major subdivision.
2. All subdivisions shall be considered major subdivisions except those defined as minor subdivisions.
3. Subdivision review, filing, and recording shall be in accordance with N.C. Gen. Stat. § 160D-803 and 804.

B. Application.

1. A request shall be submitted ~~on a form~~as designated by the Planning Department and include the appropriate filing fee.
2. The preliminary plat shall include all information required in N.C. Gen. Stat. § 47-30.

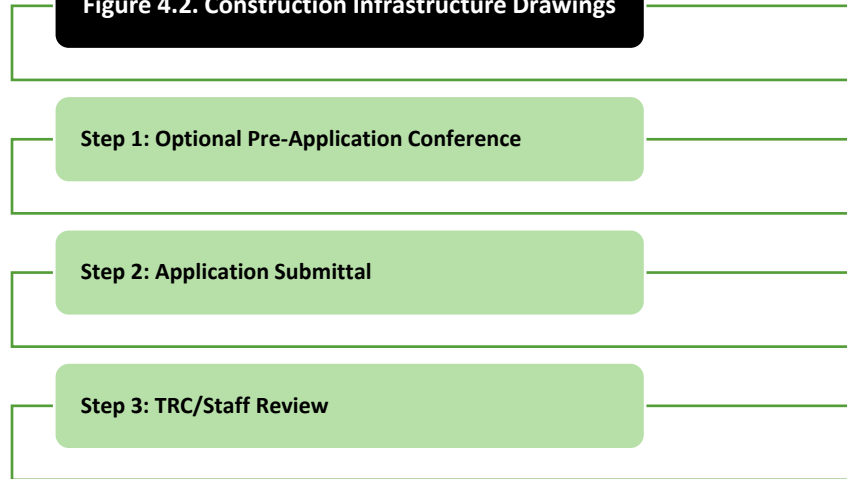
C. Review Process.

1. The TRC will review the preliminary plat, note any deficiencies, make technical recommendations, and decide whether the plat meets all specifications and is ready for approval.
2. Should the plat in any manner not meet all the requirements of the LDO, or should any other significant contingencies exist within the proposed development, the LDA will not approve the plat.

3. LDA approval shall be noted on the plat. A digital copy of the plat shall be retained by the Town of Rolesville.

4.2. CONSTRUCTION INFRASTRUCTURE DRAWINGS

Figure 4.2. Construction Infrastructure Drawings



A. **Purpose.** Review and approval of a construction plan is required for all development.

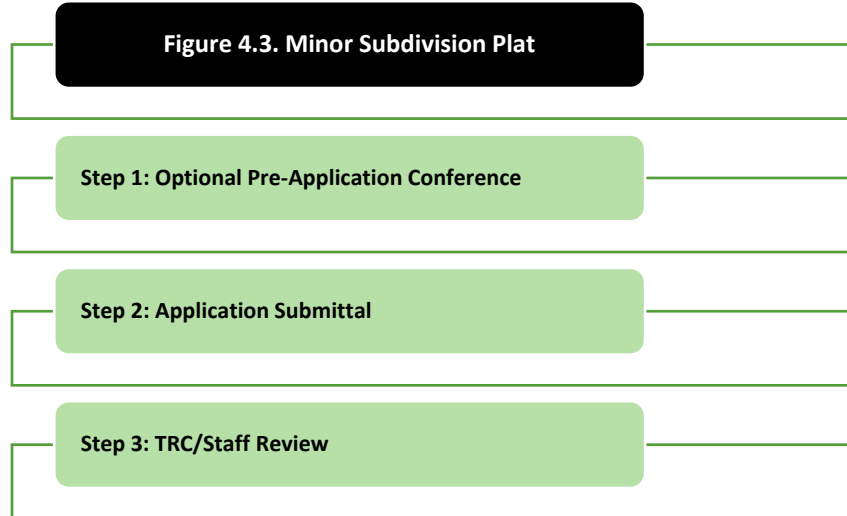
B. **Application.**

1. A request shall be submitted ~~on a form~~as designated by the Planning Department and include the appropriate filing fee.

C. **Review Process.**

1. The LDA and TRC will review the proposed request for compliance with the LDO.
2. The LDA shall approve the application as submitted, approve the application subject to conditions of approval, or deny the application as submitted.
3. A record of all construction plans shall be kept on file and open to the public, subject to State law.

4.3. MINOR SUBDIVISION FINAL PLAT



A. Purpose.

1. The purpose of this process is to establish procedures for the development and subdivision of land within the planning and development regulation jurisdiction of the Town of Rolesville that does not constitute a major subdivision.
2. Pursuant to N.C. Gen. Stat. § 160D-804, a final plat shall be prepared, approved, and recorded pursuant to the provisions of the LDO whenever any subdivision of land takes place.
3. Pursuant to N.C. Gen. Stat. § 160D-803, no final plat of a subdivision within the jurisdiction of the Town of Rolesville shall be recorded by the Register of Deeds of Wake County until it has been approved by the Town as provided herein.

B. A minor subdivision is defined as one involving no new public or private streets or roads, or right-of-way dedication, no easements, no utility extension, where the entire tract to be subdivided is greater than two (2) acres, and where no more than three (3) lots result after the subdivision is completed. A proposed subdivision must also conform to the following requirements to constitute a Minor Subdivision:

1. No part of the tract or parcel to be divided has been divided under this section of LDO Appendix A in the ten (10) years prior to division.
2. After division, all resultant lots comply with all the following:

- a. All lot dimension size requirements of the applicable land-use regulations, if any.
- b. The use of the lots is in conformity with the applicable zoning requirements, if any.
- c. A permanent means of ingress and egress is recorded for each lot.
- d. All lots shall comply with Section 9.2.1.A.1.

B. Application.

- 1. A request shall be submitted ~~on a form~~as designated by the Planning Department and include the appropriate filing fee.

C. Review Process.

- 1. The LDA will review the proposed request for compliance with the LDO.
- 2. The LDA shall approve the application as submitted, approve the application subject to conditions of approval, or deny the application as submitted.
- 3. If the application is approved, the applicant shall submit a final plat in accordance with all standards of the LDO. The final plat shall be prepared by a Professional Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in N.C. Gen. Stat. § 47-30 and the Standards of Practice for Land Surveying in North Carolina.
- 4. One mylar copy of the plat and one digital copy shall be submitted. Material and drawing medium for the original shall be in accordance with the Standards of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Wake County Register of Deeds.
- 5. The final plat shall be of a size suitable for recording with the Wake County Register of Deeds and shall be at a scale of not less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than one (1) sheet with appropriate match lines.
- 6. Submission of the final plat shall be accompanied by a filing fee in accordance with the Town's fees schedule.
- 7. The following signed certificate shall appear on all copies of the final plat:

- a. Certificate of Ownership and Dedication. I hereby certify that I am the owner of the property shown and describe hereon, which is in the subdivision jurisdiction of the Town of Rolesville and that I hereby adopt this plan of subdivision with my free consent and establish minimum building setback lines as noted.

Owner

Date

- b. Certificate of Survey and Accuracy In accordance with N.C. Gen. Stat. § 47-30

8. The LDA shall review the final plat shall and shall approve, conditionally approve with modifications to bring the plat into compliance, or disapprove the final plat with reasons within forty-five (45) days of receiving the plat.
9. During their review of the final plat the LDA may appoint an engineer or surveyor to confirm the accuracy of the final plat with the permission of the Town Manager. If substantial errors are found, the costs shall be charged to the subdivider and the plat shall not be recommended for approval until such errors have been corrected.
10. If the LDA recommends approval of the final plat, they shall retain all copies of the plat and its written recommendations.
11. If the LDA recommends disapproval of the final plat, they shall instruct the subdivider concerning resubmission of a revised plat and the subdivider may make such changes as will bring the plat into compliance with the provisions of the LDO and resubmit same for reconsideration by the LDA or appeal the decision to the Board of Commissioners of the Town of Rolesville.
12. Failure of the LDA to make a written recommendation within forty-five (45) days after their first review shall constitute grounds for the subdivider to apply to the Board of Commissioners of the Town of Rolesville for approval.
13. If the LDA approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate:

"Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Rolesville, North Carolina and that this plat has been approved by the LDA of the Town of Rolesville for recording in the Office of the Register of Deeds of Wake County.

Date

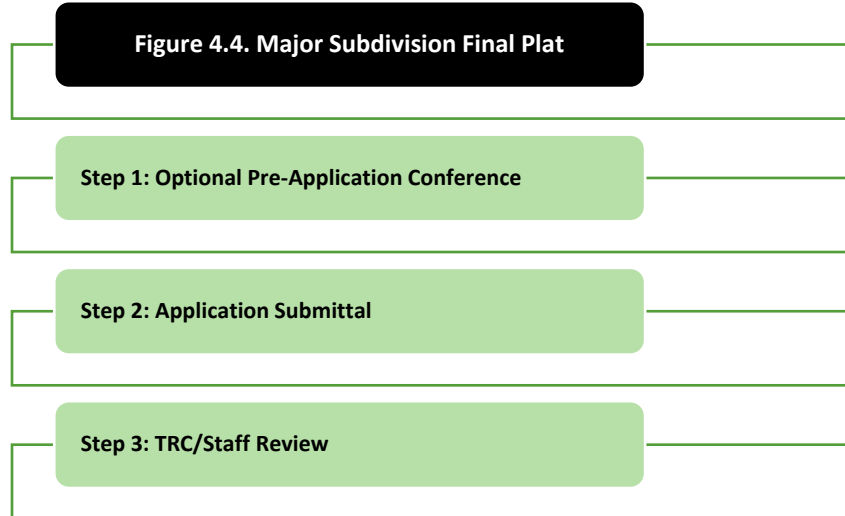
LDA, Town of Rolesville
Rolesville, North Carolina"

"I, _____, Review Officer of the Town of Rolesville, Wake County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer Date"

14. If the final plat is disapproved by the LDA of the Town of Rolesville the reasons for such disapproval shall be stated in writing, specifying the provisions of the LDO with which the final plat does not comply.
15. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by the LDA or an appeal can be filed to the Board of Adjustment.
16. If the final plat is approved by the LDA of the Town of Rolesville, the original tracing and one (1) print of the plat shall be retained by the subdivider, and one (1) digital copy shall be returned to the LDA for their records. The subdivider shall file the approved final plat with the Register of Deeds of Wake County within sixty (60) days of the LDA of the Town of Rolesville approval; otherwise, such approval shall be null and void.

4.4. MAJOR SUBDIVISION FINAL PLAT



A. Purpose.

1. The purpose of this process is to establish procedures for the development and subdivision of land within the territorial jurisdiction of the Town of Rolesville that constitutes a major subdivision. A major subdivision final plat can be submitted after approval of a major subdivision preliminary plat and construction drawings.
2. Pursuant to N.C. Gen. Stat. § 160D-804, a final plat shall be prepared, approved, and recorded pursuant to the provisions of the LDO whenever any subdivision of land takes place.
3. Pursuant to N.C. Gen. Stat. § 160D-803, no final plat of a subdivision within the jurisdiction of the Town of Rolesville shall be recorded by the Register of Deeds of Wake County until it has been approved by the Town herein.

B. Application.

1. A request shall be submitted ~~on a form~~ **as** designated by the Planning Department and include the appropriate filing fee.
2. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in the LDO or guaranteed their installation as provided herein.
3. No final plat will be accepted for review by the LDA unless accompanied by written notice by the Town Clerk acknowledging compliance with the improvement and guarantee standards of the LDO.

4. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time; such portion shall conform to all requirements of the LDO.
5. The final plat shall include all information required in N.C. Gen. Stat. § 47-30.

C. Review Process.

1. The final plat for the first stage of the subdivision shall be submitted not more than eighteen (18) months after the date on which the preliminary plat was approved; otherwise, such approval shall be null and void, unless a written extension of this limit is granted by the Board of Commissioners of the Town of Rolesville on or before the eighteen (18) month anniversary of the approval.
2. The final plat shall be prepared by a Professional Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in N.C. Gen. Stat. § 47-30 and the Standards of Practice for Land Surveying in North Carolina.
3. One (1) mylar copy and one (1) digital copy of the final plat shall be submitted. Material and drawing medium for the original shall be in accordance with the Standards of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Wake County Register of Deeds.
4. The final plat shall be of a size suitable for recording with the Wake County Register of Deeds and shall be at a scale of not less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than one (1) sheet with appropriate match lines.
5. Submission of the final plat shall be accompanied by a filing fee in accordance with the Town's fee schedule.
6. The final plat shall meet the requirements of N.C. Gen. Stat. § 47-30.
7. The following signed certificate shall appear on all copies of the final plat:
 - a. Certificate of Ownership and Dedication. I hereby certify that I am the owner of the property shown and describe hereon, which is in the subdivision jurisdiction of the Town of Rolesville and that I hereby

adopt this plan of subdivision with my free consent and establish minimum building setback lines as noted.

Owner

Date

b. Certificate of Survey and Accuracy In accordance with N.C. Gen. Stat. § 47-30

8. The LDA shall review the final plat shall and shall approve, conditionally approve with modifications to bring the plat into compliance, or disapprove the final plat with reasons within forty-five (45) days of receiving the plat.
9. During their review of the final plat the LDA may appoint an engineer or surveyor to confirm the accuracy of the final plat with the permission of the Town Manager. If substantial errors are found, the costs shall be charged to the subdivider and the plat shall not be recommended for approval until such errors have been corrected.
10. If the LDA recommends approval of the final plat, they shall retain all copies of the plat and its written recommendations.
11. If the LDA recommends disapproval of the final plat, they shall instruct the subdivider concerning resubmission of a revised plat and the subdivider may make such changes as will bring the plat into compliance with the provisions of the LDO and resubmit same for reconsideration by the LDA or appeal the decision to the Board of Commissioners of the Town of Rolesville.
12. Failure of the LDA to make a written recommendation within forty-five (45) days after their first review shall constitute grounds for the subdivider to apply to the Board of Commissioners of the Town of Rolesville for approval.
13. If the LDA approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate:

"Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Rolesville, North Carolina and that this plat has been approved by the LDA of the Town of Rolesville for recording in the Office of the Register of Deeds of Wake County.

Date

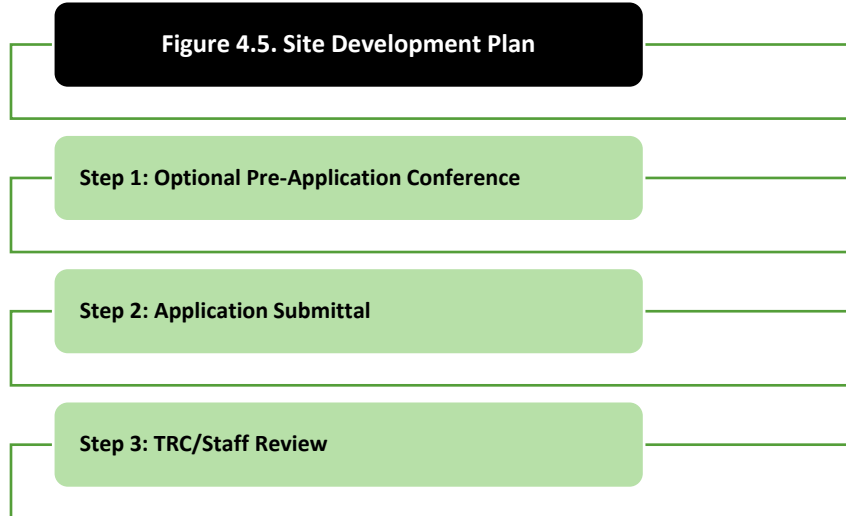
LDA, Town of Rolesville
Rolesville, North Carolina"

"I, _____, Review Officer of the Town of Rolesville, Wake County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer Date"

14. If the final plat is disapproved by the LDA of the Town of Rolesville the reasons for such disapproval shall be stated in writing, specifying the provisions of the LDO with which the final plat does not comply.
15. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by the LDA or an appeal can be filed to the Board of Adjustment.
16. If the final plat is approved by the LDA of the Town of Rolesville, the original tracing and one (1) print of the plat shall be retained by the subdivider, and one (1) digital copy shall be returned to the LDA for their records. The subdivider shall file the approved final plat with the Register of Deeds of Wake County within sixty (60) days of the LDA of the Town of Rolesville approval; otherwise, such approval shall be null and void.

4.5. SITE DEVELOPMENT PLAN



- A. **Purpose.** Site Development Plan review is intended to ensure that the layout and general design of proposed development is compatible with surrounding uses and complies with all applicable standards in the LDO and all other applicable Town regulations. Site plans can be submitted after approval of a preliminary plat. Review and approval of a site plan is required for all development except:
1. Alterations of an existing structure limited to the interior of the structure that do not involve an increase in floor area, an increase in the density or intensity of use, or a change in parking requirements.
- B. **Application.**
1. A request shall be submitted ~~on a form~~as designated by the Planning Department and include the appropriate filing fee.
- C. **Review Process.**
1. The LDA will review the proposed request for compliance with the LDO.
 2. The LDA may, in writing, exempt the applicant from meeting any plan requirement which is clearly inapplicable to the proposed use.
 3. The LDA shall approve the application as submitted, approve the application subject to conditions of approval, or deny the application as submitted.
 4. A record of all Site Development Plans shall be kept on file and open to the public, subject to State law.

4.6. ZONING PERMIT

A. Purpose.

1. No building or structure or any part thereof shall be erected, extended, enlarged, or structurally altered or moved until a zoning permit has been issued by the LDA.
2. No change in use shall be approved until a zoning permit has been issued by the LDA.

B. Application.

1. A fee in accordance with the Town's fee schedule shall be charged for the issuance of each zoning permit.
2. The following items shall be included with any application, if applicable:
 - a. Name of applicant, address, and PIN.
 - b. The actual shape and dimensions of the lot to be built upon or used and total acreage in the lot.
 - c. The location of the proposed structure or use on the lot.
 - d. The exact location and size of existing structures and uses, including the square footage of each building.
 - e. The existing and intended use of each structure or part of structure.
 - f. The number of dwelling units the building is designed to accommodate, if applicable.
 - g. The height and number of stories of the structure.
 - h. The location and design of any off-street parking and/or loading, Town easements, and impervious surfaces.
 - i. The location and dimensions of driveways. Driveway approval procedures as required by the North Carolina Department of Transportation shall be initiated.
 - j. Date of plan preparation.
 - k. Location and descriptions of landscaping, buffering, and signs.
 - l. Clearly marked distance between structures existing and proposed.
 - m. Survey with stamp and signature by registered surveyor.
 - n. Such other LDO as may be necessary for determining whether the provisions of the LDO are being met.

3. If the proposed application includes a grouping of more than one (1) principal building or use on the same lot, the following application items shall also include:
 - a. A vicinity map showing the relationship of the proposed development to the surrounding area.
 - b. North arrow and declination.
 - c. Detailed layouts for all utilities, right-of-way, and roads and other improvements.
 - d. Railroads, bridges, culverts, storm drains, wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds, and any other similar features affecting the site.
 - e. A copy of any proposed deed restrictions or similar covenants.
 - f. For projects over an acre in size, or if otherwise required by the LDA, a topographic map showing vertical contours every two (2) feet.
 - g. The names, addresses, and telephone numbers of owners, mortgagees, professional surveyors, land planners, architects, landscape architects, and professional engineers responsible for the development.
4. Mobile home parks or mobile homes on single lots shall include the following items for any zoning permit:
 - a. Location of drives, walks, driveways, walkways, street lighting, water and sewer systems, mobile home plots;
 - b. Location and size of service buildings and areas, recreation buildings and areas;
 - c. Location and type of screening fences or hedges and storage area;
 - d. Location and number of parking spaces;
 - e. Location and description of any other structure or improvement of the land; and
 - f. Topographic features.

C. Review Process.

1. The LDA will review the proposed request for compliance with the LDO.
2. The LDA may, in writing, exempt the applicant from meeting any plan requirement which is clearly inapplicable to the proposed use.

3. The LDA shall approve the application as submitted, approve the application subject to conditions of approval, or deny the application as submitted.
4. Any permit issued shall become invalid unless the work authorized by it commenced within six (6) months of its date of issue, or if the work authorized by it is suspended or abandoned for a period more than one (1) year.
5. A record of all zoning permits shall be kept on file and open to the public, subject to State law.

Memo

To: The Planning Board
From: The Planning Department
Date: Meeting Held July 27, 2026
Re: TA-26-0009 – Minor Subdivision Lot Frontage Exception

Background

The Town of Rolesville Technical Review Committee (TRC) has received multiple requests over the last six months to create Minor Subdivisions without public street frontage. While Land Development Ordinance (LDO) Section 9.2.1.A.1. requires all subdivision lots shall abut, at least twenty (20) feet in width, on a public street, there may be some instances where an exception is reasonable. The proposed text amendment language below proposes how to define a reasonable Minor Subdivision lot frontage exception.

Proposed Text Amendment Language

The proposed text for LDO Section 9 Subdivision Regulations and Appendix A – LDO Handbook is shown in **bold blue and underlined**.

9.1.2. SUBDIVISION TYPES

- A. **Major Subdivision.** All subdivisions shall be considered major subdivisions except those defined as minor subdivisions in this section.
- B. **Minor Subdivision.** A minor subdivision is defined as one involving no new public or private streets or roads, or right-of-way dedication, no easements, no utility extension, where the entire tract to be subdivided is greater than two (2) acres, and where no more than three (3) lots result after the subdivision is completed. A proposed subdivision must also conform to the following requirements to constitute a Minor Subdivision:
 1. No part of the tract or parcel to be divided has been divided under Section 9 of the LDO in the ten (10) years prior to division.
 2. After division, all resultant lots comply with all the following:
 - a. All lot dimension size requirements of the applicable land-use regulations, if any.
 - b. The use of the lots is in conformity with the applicable zoning requirements, if any.
 - c. A permanent means of ingress and egress is recorded for each lot.
 - d. All lots shall comply with Section 9.2.1.A.1.
 3. **Exception to Lot Frontage Requirements. Resulting lots of a Minor Subdivision shall be deemed conforming for development despite a public street frontage deficiency as required by Section 9.2.1.A.1 where all the following are true:**

- a. Any private means of ingress or egress for a resulting lot is (i) situated entirely within the bounds of the tract or parcel to be divided; (ii) has been constructed to public street standards; or (iii) is subject to a private maintenance agreement providing for the perpetual maintenance of the street and the regulation of vehicular speeds along the same. In the event a subdivider elects option (iii), the Town shall be a named beneficiary of the maintenance agreement and no amendment to the maintenance agreement shall be effective without the approval of the same by the Town; and
- b. The private means of ingress or egress situated within the tract or parcel to be divided is not less than fifty (50) feet from any lot adjoining the bounds of the Minor Subdivision.
- c. The resulting lot fronting on a private means of ingress or egress is not more than five hundred (500) feet from an intersection with a publicly maintained street or highway at its closest point of frontage.

LDO APPENDIX A

4.3. MINOR SUBDIVISION FINAL PLAT

C. A minor subdivision is defined as one involving no new public or private streets or roads, or right-of-way dedication, no easements, no utility extension, where the entire tract to be subdivided is greater than two (2) acres, and where no more than three (3) lots result after the subdivision is completed. A proposed subdivision must also conform to the following requirements to constitute a Minor Subdivision:

- 1. No part of the tract or parcel to be divided has been divided under this section of LDO Appendix A in the ten (10) years prior to division.
- 2. After division, all resultant lots comply with all the following:
 - a. All lot dimension size requirements of the applicable land-use regulations, if any.
 - b. The use of the lots is in conformity with the applicable zoning requirements, if any.
 - c. A permanent means of ingress and egress is recorded for each lot.
 - d. All lots shall comply with Section 9.2.1.A.1.

3. Exception to Lot Frontage Requirements. Resulting lots of a Minor Subdivision shall be deemed conforming for development despite a public street frontage deficiency as required by Section 9.2.1.A.1 where all the following are true:

- a. Any private means of ingress or egress for a resulting lot is (i) situated entirely within the bounds of the tract or parcel to be divided; (ii) has been constructed to public street standards; or (iii) is subject to a private maintenance agreement providing for the perpetual maintenance of the street and the regulation of vehicular speeds along the same. In the event a subdivider elects option (iii), the Town shall be a named beneficiary of the maintenance

agreement and no amendment to the maintenance agreement shall be effective without the approval of the same by the Town; and

- b. The private means of ingress or egress situated within the tract or parcel to be divided is not less than fifty (50) feet from any lot adjoining the bounds of the Minor Subdivision.
- c. The resulting lot fronting on a private means of ingress or egress is not more than five hundred (500) feet from an intersection with a publicly maintained street or highway at its closest point of frontage.

Comprehensive Plan Consistency

The Rolesville 2050 Comprehensive Plan Focus Areas include looking at challenges and opportunities as they relate to:

- Transportation,
- Economic Development,
- Land Use & Housing, and
- Parks, Recreation, & Community Character.

Having clear and effective development regulations has the potential to support all the Focus Areas in Rolesville's Comprehensive Plan.

Proposed Motion

Motion to recommend (approval or denial) of **TA-26-0009 – Minor Subdivision Lot Frontage Exception**, to the Town Board of Commissioners, because it is (consistent or inconsistent) with the Comprehensive Plan. (Please include examples of consistency or inconsistency.)