PROPOSAL TO AMEND
THE LAND DEVELOPMENT ORDINANCE,
TOWN OF ROLESVILLE, NORTH CAROLINA
Case Number TA-26-0007 Land Development Ordinance (LDO) Text Amendments to Section 2 Review and Decision-Making Bodies and in Appendix A – LDO Handbook
Ordinance # ORD-2026- 27

WHEREAS, the Town of Rolesville seeks to amend the Land Development Ordinance Section 2 Review and Decision-Making Bodies and in Appendix A – LDO Handbook to correct technical errors related powers and duties of the Board of Commissioners, Planning Board, and Board of Adjustment.

WHEREAS, North Carolina General Statute Section NC Chapter § 160D-702. (Effective January 1, 2026) Grant of power; (a) A local government may adopt zoning regulations. Except as provided in subsections (b) and (c) of this section, a zoning regulation may regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lots that may be occupied; the size of yards, courts, and other open spaces; the density of population; the location and use of buildings, structures, and land.

WHEREAS, the Town of Rolesville Board of Commissioners firmly believes that it is in the public interest to amend the Town's Land Development Ordinance as described below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF COMMISSIONERS OF THE TOWN OF ROLESVILLE, NORTH CAROLINA:

SECTION 1. That Section 2 Review and Decision-Making Bodies be amended to read as follows:

✓ Addition (additions are **underlined**)
Deletion (deletions are ~~struck through~~)
Alteration (additions are **underlined** and deletions are ~~struck through~~)

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. Rezonings (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. ~~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 by 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).

SECTION 2. That Section 2 Review and Decision-Making Bodies be amended to read as follows:

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Deletion (deletions are ~~struck through~~)
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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 PROCESSESS 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		~~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				

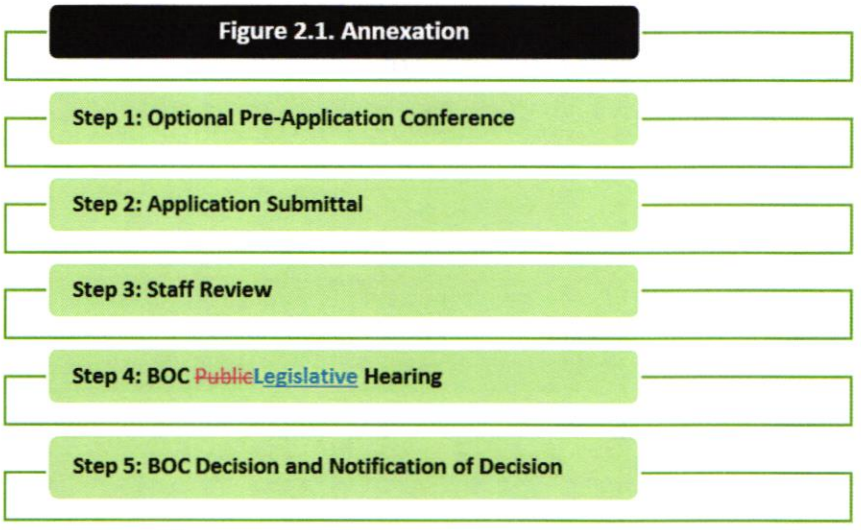
KEY: R = REVIEW, RR = REVIEW AND RECOMMEND, D = FINAL DECISION
LDA = LAND DEVELOPMENT ADMINISTRATOR
BOA = BOARD OF ADJUSTMENT
PB = PLANNING BOARD
BOC = BOARD OF COMMISSIONERS

2. LEGISLATIVE PROCESSES

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

2.1. ANNEXATION

Figure 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.

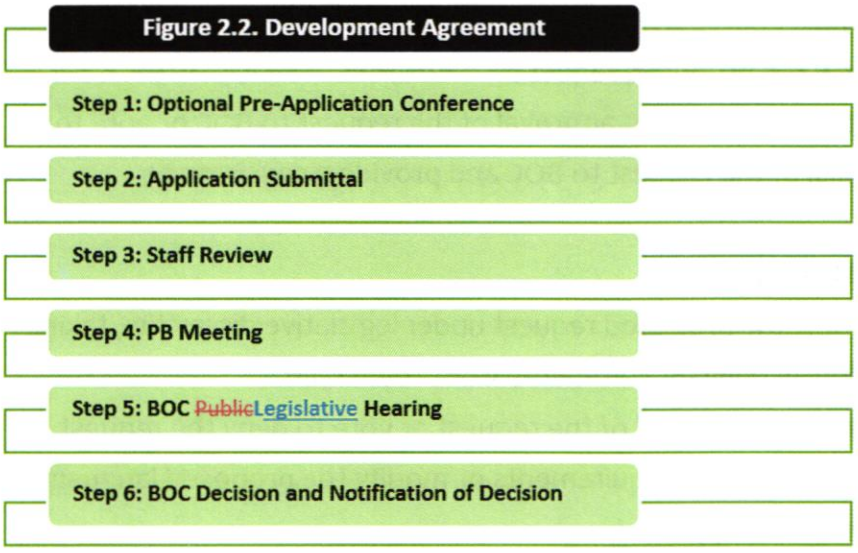
C. **Review Process.**

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.

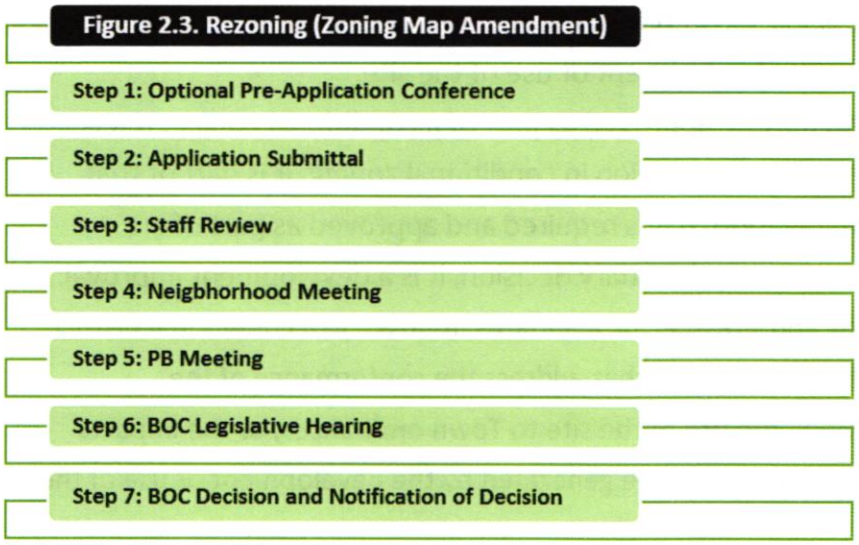
D. **Planning Board Meeting.**

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.**

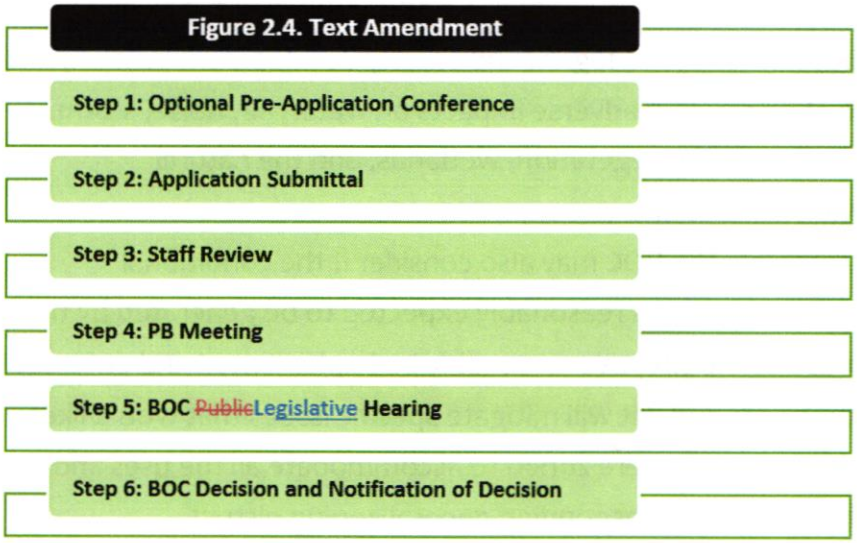
1. The BOC will review the proposed request under legislative discretion, taking into consideration all relevant comments from Town staff and the PB.
2. The owners of all property within five hundred (500) feet on all sides of the subject property (not to include street rights-of-way of less than one 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.

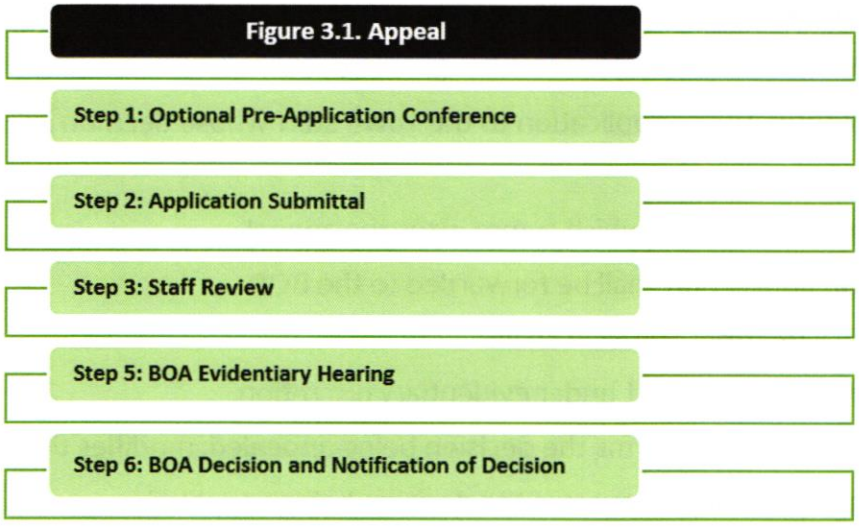
E. **BOC ~~Public~~Legislative Hearing.**
   1. The BOC will review the proposed request under legislative discretion, taking into consideration all relevant comments from Town staff and the PB.
   2. The BOC shall vote for approval of the request or vote to deny the request.
   3. The BOC may add additional 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.

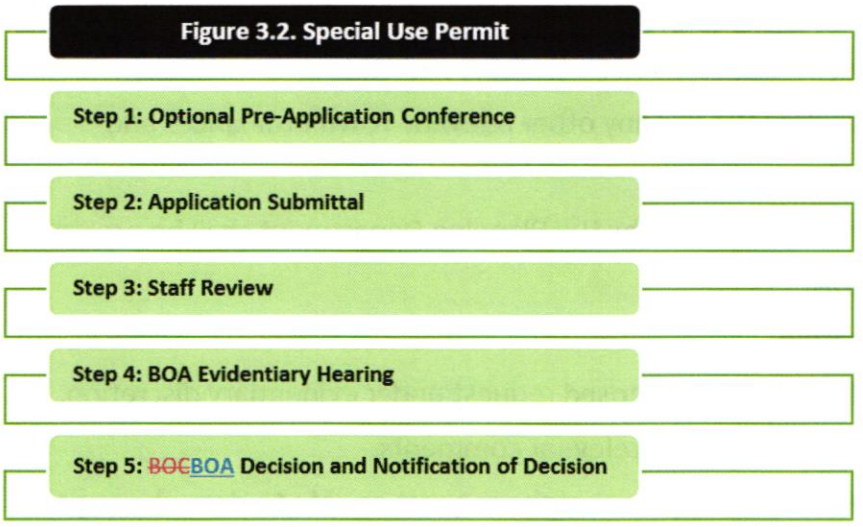
D. **BOA ~~Public~~Evidentiary Hearing.** The BOA shall:

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**.

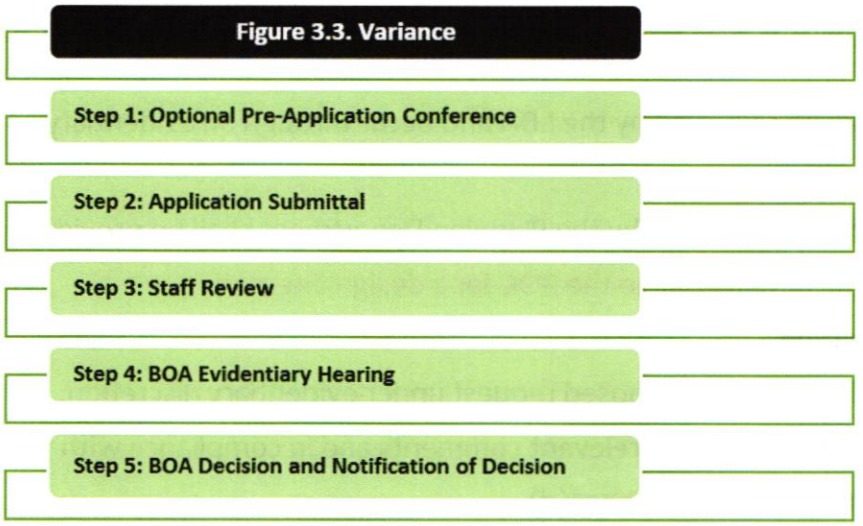
D. **BOA Evidentiary Hearing**

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 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.

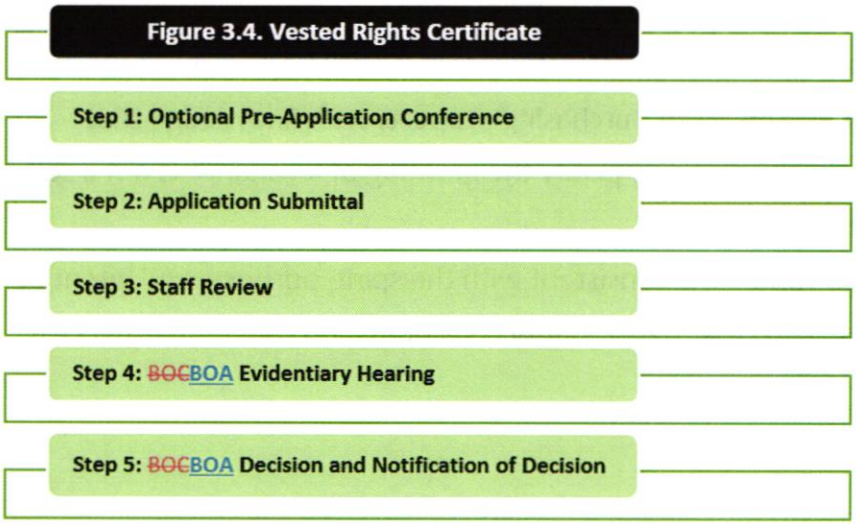
E. **Review Standards.** Variances and design alternatives shall use the same review standards (see below), except that additional review standards may be required for design alternatives and are included where the design alternative is permitted in the LDO. Review standards include:

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.

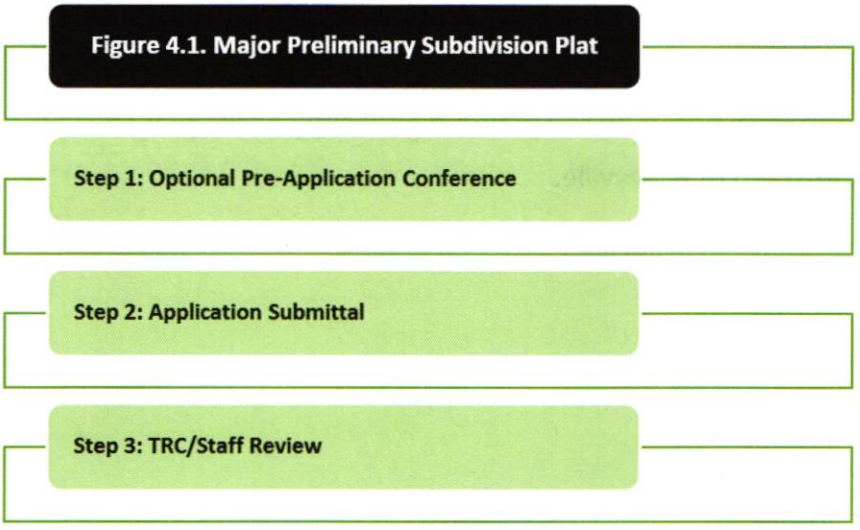
D. ~~BOC~~BOA Evidentiary Hearing.

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.**

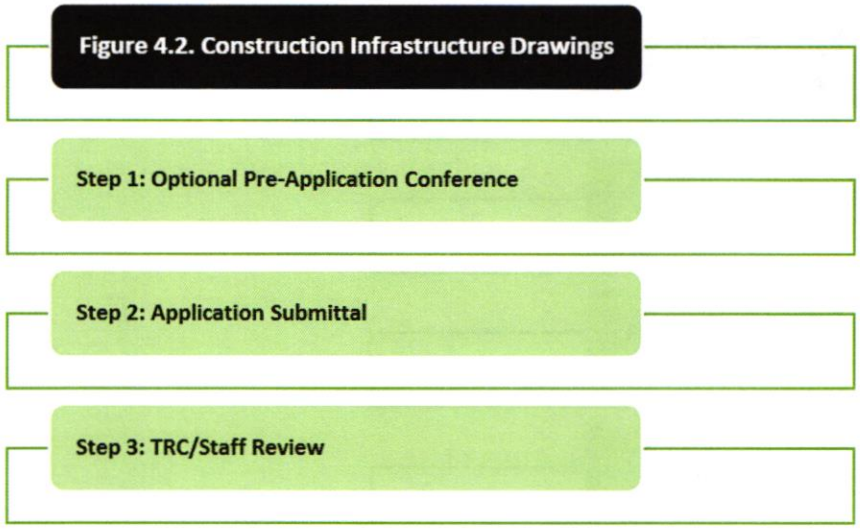
1. A request shall be submitted ~~on a form~~as designated by the Planning Department and include the appropriate filing fee.
2. ~~2.~~ The preliminary plat shall include all information required in N.C. Gen. Stat. § 47-30.

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



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

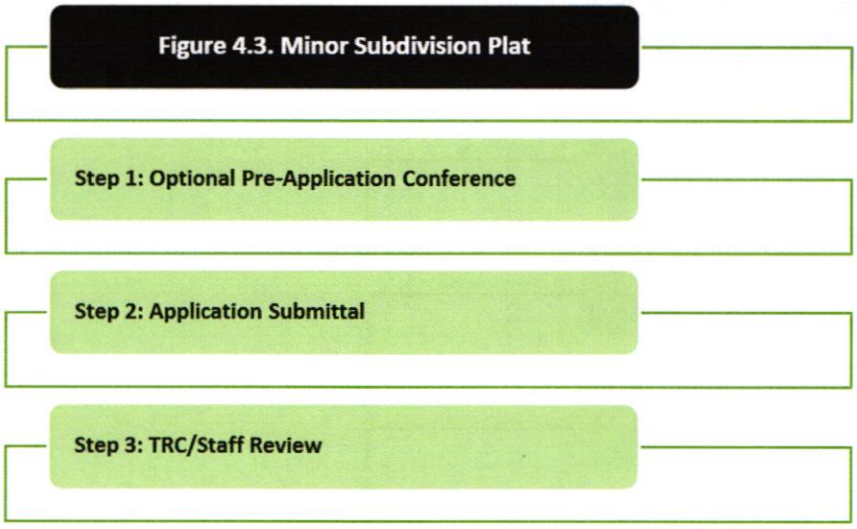
B. **Application.**

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

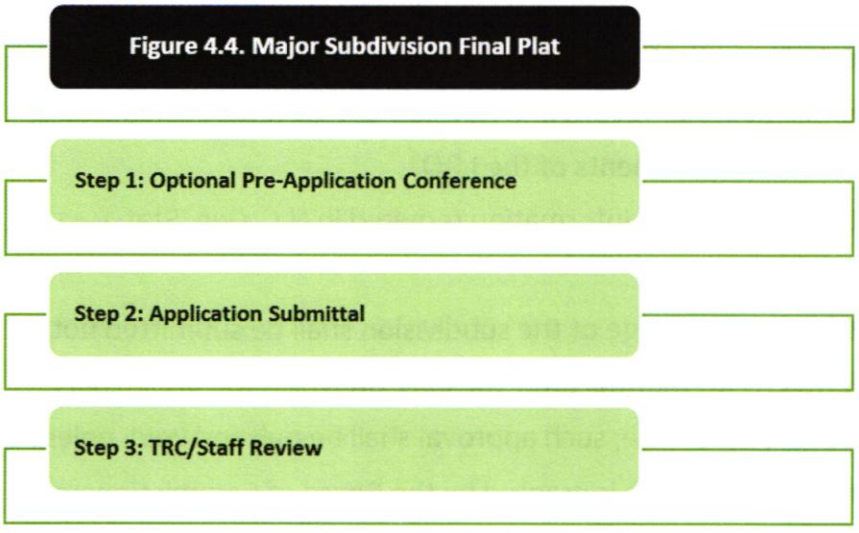
_____
LDA, Town of Rolesville
Rolesville, North Carolina"

"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"

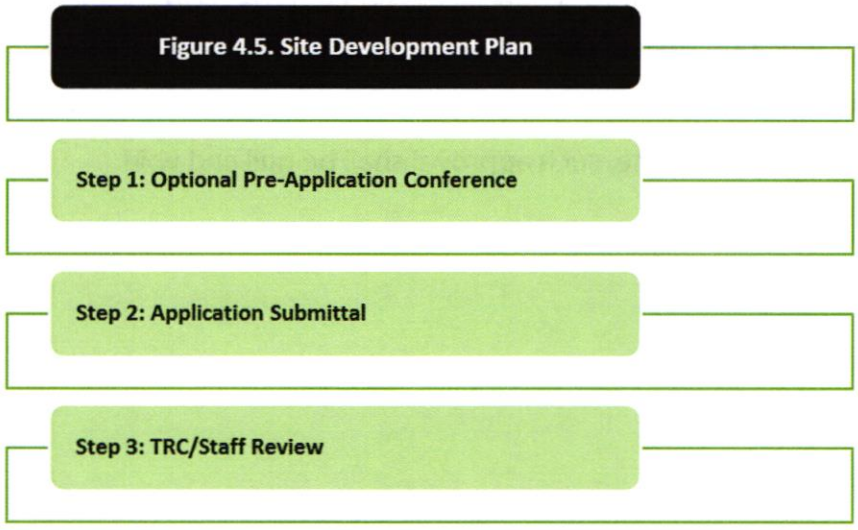
"I, _____, Review Officer of the Town of Rolesville, Wake County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

_____
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.

SECTION 3. That all laws and clauses of law in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 4. That if this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of this ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

SECTION 5. That this ordinance has been adopted following a duly advertised legislative hearing of the Town Council and following review and recommendation by the Planning Board.

SECTION 6. That this ordinance shall be enforced as provided in the Town of Rolesville's Land Development Ordinance.

SECTION 7. Effective Date. This ordinance shall become effective on the date of its adoption by the Board of Commissioners.

Adopted this 8th day of October 2026 by the Town of Rolesville Board of Commissioners.

Ronnie I. Currin
Town of Rolesville Mayor

CERTIFICATION

I, CHRISTINA FRAZIER, Town Clerk for the Town of Rolesville, North Carolina, do hereby certify the foregoing to be a true copy of an ordinance duly adopted at the meeting of the Town Board of Commissioners held on this 8 day of OCTOBER, 2026.

In witness whereof, I have hereunto set my hand and caused the seal of the Town of Rolesville to be affixed this 8 day of OCTOBER, 2026.

(seal)



Christina Frazier
Town Clerk